



"good country for hardy people"

Minutes

Ordinary Meeting of Council

19 March

2020

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Della Bosca welcomed Grayson Hindmarsh the new Executive Manager Regulatory Services to the Council meeting.

3. ATTENDANCE

| | | |
|------------------|---|--|
| Presiding Member | Cr W Della Bosca | President |
| Members | Cr B Close Cr G Guerini Cr P Nolan Cr L Rose | Deputy President |
| Council Officers | P Clarke C Watson R Bosenberg G Hindmarsh Laura Della Bosca | Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Minute Taker |
| Apologies: | Nil | |
| Observers: | Nil | |

LEAVE OF ABSENCE:

The CEO advised that Cr Cobden and Cr Shaw had advised in writing that they would be an apology for the March meeting.

18/2020

Moved Cr Rose/Seconded Cr Nolan

That Cr Cobden and Cr Shaw be granted leave of absence from the March 2020 Ordinary meeting of Council.

CARRIED (5/0)

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 20 February 2020

19/2020

Moved Cr Nolan/Seconded Cr Guerini

That the minutes from the Ordinary Council Meeting held on 20 February 2020 be confirmed as a true record of proceedings.

CARRIED (5/0)

6.2 Audit Committee Meeting, Thursday 20 February 2020

20/2020

Moved Cr Rose/Seconded Cr Guerini

That the minutes from the Audit Committee meeting held on 19 February 2020 be confirmed as a true record of proceedings.

CARRIED (5/0)

6.3 Great Eastern Country Zone Meeting (GECZ), Wednesday 26 February 2020

6.4 Wheatbelt East Regional Organisation of Councils Board Meeting (WEROC), Wednesday, 26 February 2020

21/2020

Moved Cr Guerini/Seconded Cr Close

That the minutes from the GECZ meeting and the WEROC Board meeting held on the 26 February 2020 be received.

CARRIED (5/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

Nil

8. DELEGATES' REPORTS

The Shire President announced the following;

- Attended the GECZ meeting on the 26 February
- Attended the WE-ROC meeting on the 26 February
- Attended the DOAC meeting on the 9 March 2020

Cr Close announced the following;

- Attended the GECZ meeting on the 26 February 2020
- Attended the WE-ROC meeting on the 26 February 2020
- Attended the Regional Road Group meeting on the 3 March 2020

Cr Nolan announced the following;

- Attended the AgCare meeting on the 25 February 2020

9. OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Western Australian Local Government Association – Trust Deed Local Government House

| | |
|-------------------------------|---------------------------|
| File Reference | 1.6.21.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Deed of Variations |

Purpose of Report

To present to Council a proposal by the Western Australian Local Government Association (WALGA) for a variation to the Local Government House Trust Deed to assist the Trust's Board of Management with its income tax exempt status.

Background

The CEO of WALGA, Mr Nick Sloan, has written to Council seeking its consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust).

Shire of Yilgarn is a unit holder and beneficiary to the Local Government House Trust, holding 4 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

Mr Sloan advises that as a beneficiary, the Shire of Yilgarn is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to us in writing. Please note, we are requesting consent for the Trustee to formally execute the attached Deed of Variation – your Local Government is not required to sign the enclosed document.

Further details on the particular Deed Variations and objectives to be achieved by this variation are outlined below.

Background on the Local Government House Trust

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division IAB of the Income Tax Assessment Act 1936*.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust. **The Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.**
2. Variation 2.2 inserts two new clauses:
22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust;
and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Thank you for your consideration of the above amendments we look forward to receiving formal consent to execute these changes via resolution of Council.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

22/2020

Moved Cr Guerini/Seconded Cr Close

That Council advises the Western Australian Local Government Association and the Local Government House Trust's Board of Management that as a Unit holder and beneficiary to the Local Government House Trust, Council consents to the Deed of Variation as presented and endorses its formal execution.

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Local Government Professionals Australia – 2020 National Congress and Business Expo

| | |
|-------------------------------|------------------------|
| File Reference | 1.1.8.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To seek Council approval for the Chief Executive Officer to attend the Local Government Professionals Australia National Congress and Business Expo to be held on the Sunshine Coast in Queensland between 24 – 26 August 2020.

Background

The National Congress and Business Expo is an opportunity for leaders in Local Government from around Australia to network and to attend informative sessions on topics that are current and relevant to the Local Government industry. The 2020 Local Government Professionals National Congress and Business Expo is aimed at future casting global and national issues with local solutions, local knowledge and local leadership.

Comment

In 2019 the CEO was granted approval to attend the National Congress in Darwin however, due to work commitments he did not attend. The CEO has attended past National Congress' and has found them to be an excellent opportunity to meet with CEOs from around Australia and learn what is happening on the national front rather than just being aware of our own local issues. The National Congress is a major event on the Local Government Professionals calendar that is hosted in every State on an annual rotation basis.

The CEO is prepared to pay his own airfares to Queensland but seeks Council approval to pay for Conference registration fees and accommodation expenses.

Statutory Environment

Chief Executive Officer Contract of Employment

Clause 6.3 – Professional Development

- (a) In this clause, “**conference**” includes workshop, forum or similar event.
- (b) The Local Government

- (i) Supports, as part of the CEO's performance of the functions of the position, the membership of professional bodies and attendance at conferences; and
- (ii) Must pay costs associated with the CEO's membership of professional bodies; up to the maximum amount specified in item 9 of Schedule 2; and
- (iii) Subject to prior approval by the Council (or, if the Council so resolved, the President) and in accordance with the budget, must also pay the conference attendances by the CEO for professional development purposes relevant to the functions of the position.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Council's Annual Budget provides an allocation for Conference Registration Fees and Accommodation Expenses. As stated earlier in the Report, the CEO would cover airfares at his own cost.

Officer Recommendation and Council Decision

23/2020

Moved Cr Close/Seconded Cr Rose

That Council approves of the CEO attending the 2020 Local Government Professionals National Congress and Business Expo to be held in Queensland between 24 - 26 August and that registration fees and accommodation expenses associated with such attendance be authorised for payment in accordance with the CEO's Contract of Employment. In granting this approval, Council notes that the CEO will be covering his own airfares to Queensland and return.

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Appointment of Acting Chief Executive Officer - Annual Leave Chief Executive Officer

| | |
|-------------------------------|------------------------|
| File Reference | 1.1.1.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To advise Council that the CEO intends to take annual leave from Friday, 3 April to Wednesday, 15 April 2020 inclusive and for Council to approve of the Executive Manager Corporate Services being appointed as Acting CEO during the above period.

Background

In the absence of the CEO for a period greater than 3 working days, Council's Staff Policy No.7.5 requires a resolution of Council to appoint an Acting CEO during the requested leave period.

Section 5.36 of the *Local Government Act 1995* (the Act) requires that a local government is to employ a person to be the Chief Executive Officer of the local government.

Comment

Policy 7.5 states that:-

"In the absence of the Chief Executive Officer due to annual leave, long service leave or extended sick leave the Executive Manager Corporate Services will perform the role of Acting Chief Executive Officer during the CEO's absence by resolution of Council."

The amount of leave been sought by the CEO only amounts to 5 working days but takes in the Easter break which incorporates 2 Public Holidays.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Staff Policy No.7.5 relating to Acting CEO appointments.

Financial Implications

Nil

Officer Recommendation and Council Decision

24/2020

Moved Cr Rose/Seconded Cr Close

That Council approves of the CEO taking accrued annual leave from Friday, 3 April to Wednesday, 15 April 2020 inclusive and that in accordance with Council Staff Policy 7.5, the Executive Manager Corporate Services be appointed as Acting CEO during the above period.

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Department of Planning, Lands and Heritage -Proposed Prospecting Licence 77/4337

| | |
|-------------------------------|--|
| File Reference | 3.2.1.12 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Aerial and SmartPlan of Prospecting Licence 77/4337 |

Purpose of Report

For Council to consider whether it has any comments and/or objections to the proposed Prospecting Licence submitted to the Department of Mines, Industry Regulation and Safety that encroaches upon Unmanaged Reserves 9394 and 7837.

Background

The Department of Planning, Lands and Heritage (DPLH) has recently received a request from the Department of Mines, Industry Regulation and Safety (DMIRS) for consent to mine on Unmanaged Reserve 9394 and Unmanaged Reserve 7837.

Prospecting Licence 77/4337 has been requested by DMIRS for Surveyor Resources Pty Ltd.

DPLH advises that the portion of Reserve 9394 and Reserve 7837 that is the subject of Prospecting Licence 77/4337 is depicted on the attached SmartPlan and Aerial Map.

To facilitate this matter further, DPLH seeks any objections or comments that the Shire may have regarding DMIRS' request to mine on Reserve 9394 and Reserve 7837.

Comment

Reserve 9394 is an Unmanaged Reserve for the purpose of "Rifle Range", and has been since the original Gazettal; page 3447 on the 24/11/1905.

Reserve 7837 is an Unmanaged Reserve for the purpose of "Quarry", and has been since the original Gazettal; page 2796 on the 19/07/1901.

The Prospecting Licence does not impact upon any of Council's infrastructure.

Statutory Environment

Mining Act 1978

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

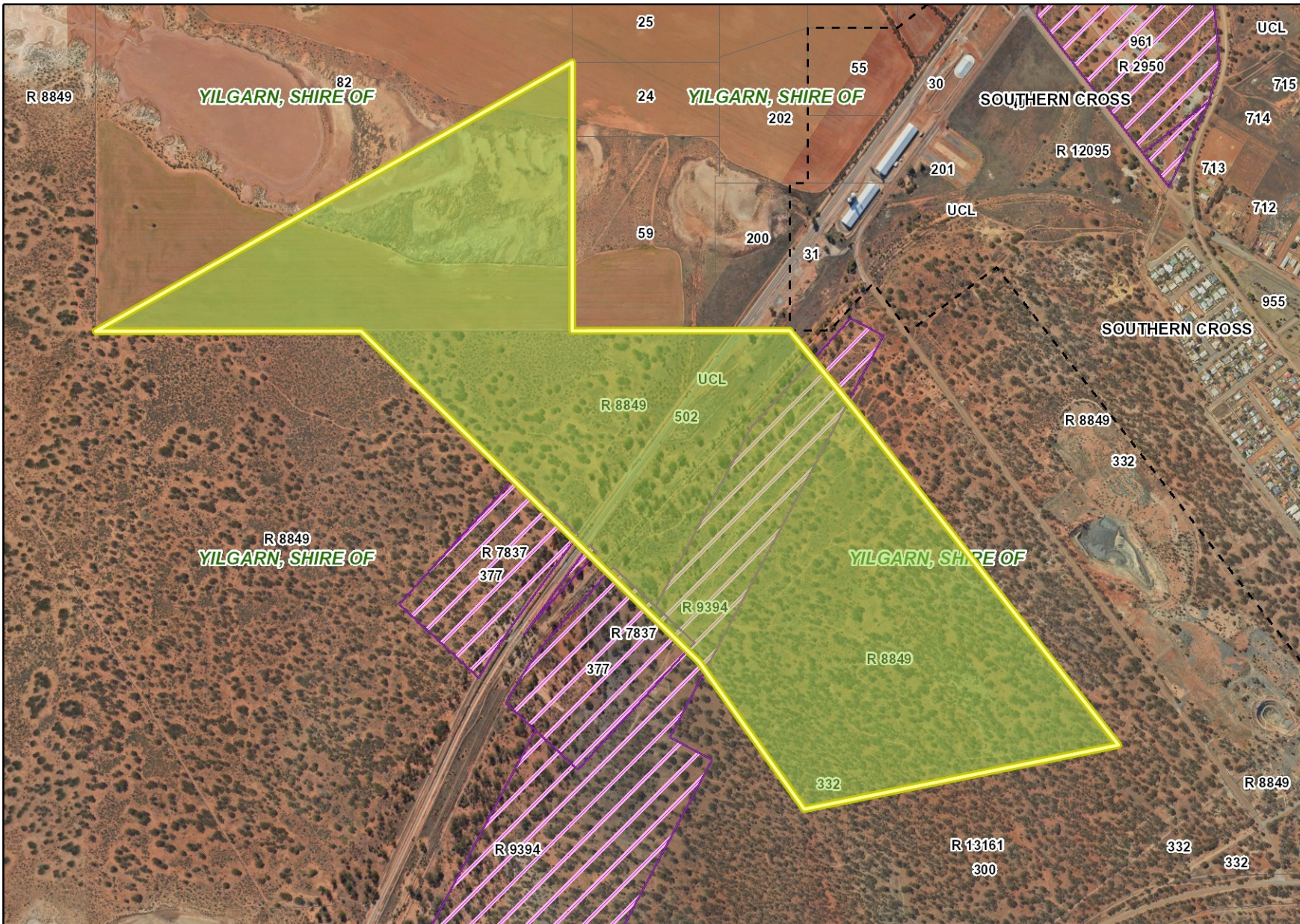
Officer Recommendation and Council Decision

25/2020

Moved Cr Guerini/Seconded Cr Close

That Council advises the Department of Planning, Lands and Heritage that it has no objections to the proposed Prospecting Licence 77/4337 where it encroaches on Unmanaged Reserves 9394 and 7837 as depicted in the Plans provided.

CARRIED (5/0)



Legend

- Local Government Area
- Townsites
- Cadastre (View 1)
- Unmanaged Reserves

Notes:

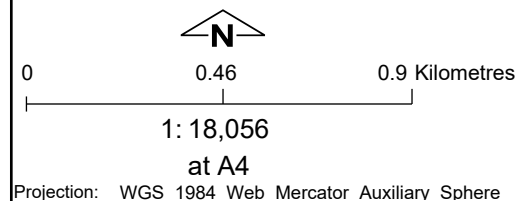
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuiry.

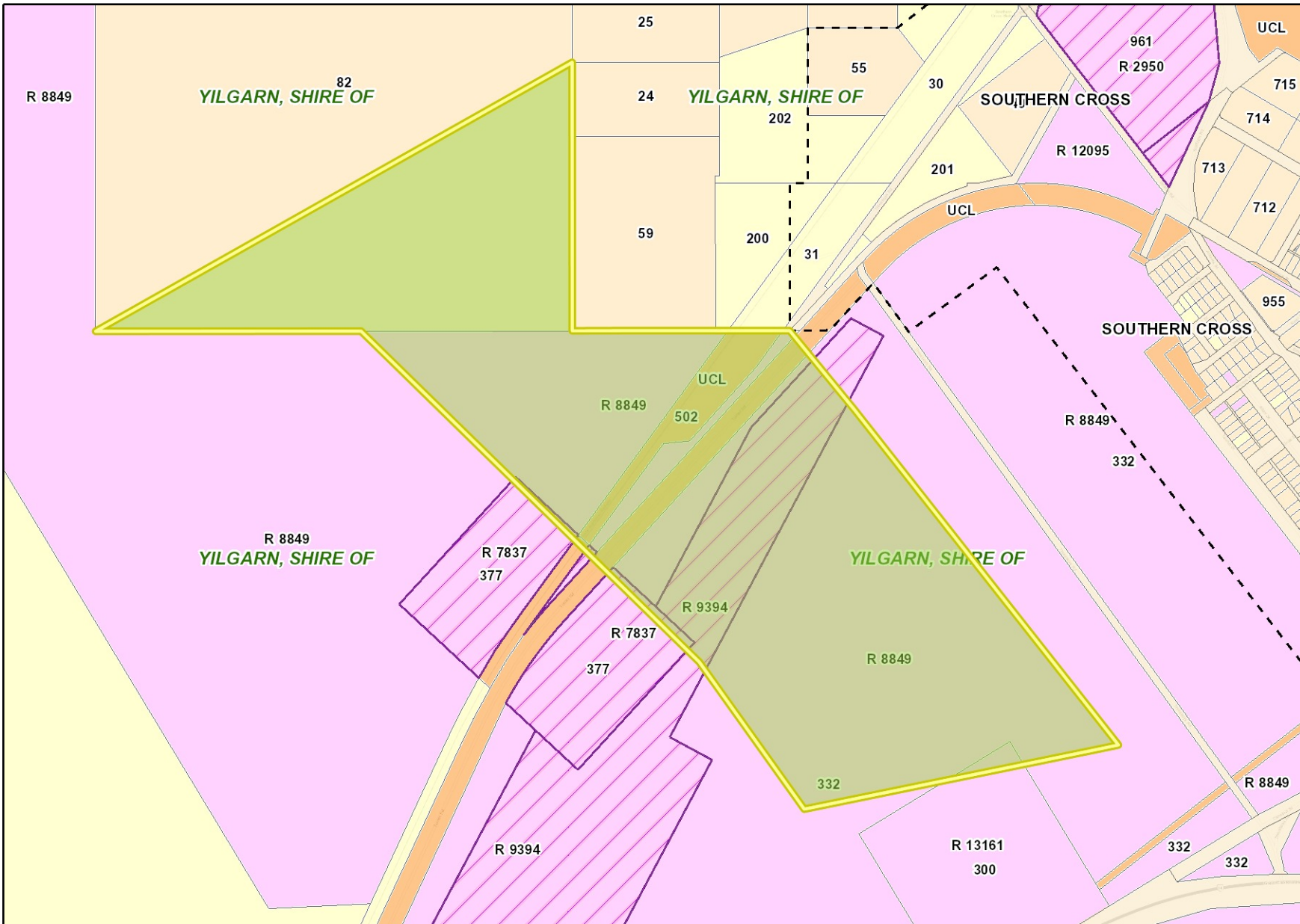
Aerial of Prospecting Licence 77/4337 encroaching R7837 & 9394

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 11-Mar-2020
15



Department of Planning,
Lands and Heritage

Legend

- Local Government Area
- Townsites
- Cadastre (View 1)
- Unmanaged Reserves
- Land Tenure Small Scale ALL**
 - Lot on Survey (Type 1)
 - Reserve
- Land Tenure Small Scale 256K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Unallocated Crown Land
 - Reserve
- Land Tenure Small Scale 64K**
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Railway
 - Public Road
 - Unallocated Crown Land
 - Reserve
- Land Tenure Small Scale 16K**
 - Closed Road
 - Crown Allotment (Type 2)
 - Lot on Survey (Type 1)
 - Public Road
 - Unallocated Crown Land

Notes:

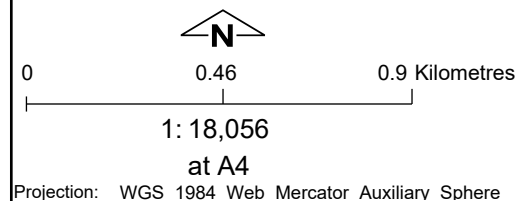
The data that appears on the map may be out of date, not intended to be used at the scale displayed, or subject to license agreements. The map should only be used in matters related to Department of Planning, Lands and Heritage business.

Map was produced using DPLH's InQuery.

SmartPlan of Prospecting Licence 77/4337 encroaching R7837 & 9394

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Date produced: 11-Mar-2020
16

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.1 Financial Reports

| | |
|-------------------------------|--------------------------|
| File Reference | 8.2.3.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| 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 29 February 2020.

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

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 Regulation 34(i)(a) and Regulation 17.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

26/2020

Moved Cr Close/Seconded Cr Guerini

That Council endorse the various Financial Reports as presented for the period ending 29 February 2020

CARRIED (5/0)

9.2 Reporting Officer– Executive Manager Corporate Services

9.2.4 Accounts for Payment

| | |
|-------------------------------|-----------------------------|
| File Reference | 8.2.1.2 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | See attachment 9.2.4 |

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40876 to 40882 totalling \$18,612.64, Municipal Fund-EFT Numbers 9747 to 9848 totalling \$649,349.98, Municipal Fund – Cheque Numbers 1589 1600 totalling \$194,233.91, Municipal Fund Direct Debit Numbers 1439.1 to 1439.11 totalling \$19,613.78 and 14427.1-14427.11 totalling \$20,160.05 , Trust Fund 402492 to 402497 totalling \$2757.95 and Trust Fund – Cheque Numbers 6216 to 6219 (DPI Licensing), totalling \$24,803.25 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13

Strategic Implications

Nil

Policy Implications

Council has provided delegation to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or another Fund.

Financial Implications

Drawdown of Bank funds

Officer Recommendation and Council Decision

27/2020

Moved Cr Rose/Seconded Cr Close

Municipal Fund – Cheque Numbers 40876 to 40882 totalling \$18,612.64, Municipal Fund-EFT Numbers 9747 to 9848 totalling \$649,349.98, Municipal Fund – Cheque Numbers 1589 1600 totalling \$194,233.91, Municipal Fund Direct Debit Numbers 1439.1 to 1439.11 totalling \$19,613.78 and 14427.1-14427.11 totalling \$20,160.05 , Trust Fund 402492 to 402497 totalling \$2757.95 and Trust Fund – Cheque Numbers 6216 to 6219 (DPI Licensing), totalling \$24,803.25 are presented for endorsement as per the submitted list.

CARRIED (5/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.1 2019/2020 Plant Replacement Program – Tender N° 10/2019-2020 4x4 Extra cab Tray Back Utility

| | |
|-------------------------------|-------------------------------|
| File Reference | 6.4.1.5 & 6.6.5.11 |
| Disclosure of Interest | Nil |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To consider the disposal of Council's existing 2016 Toyota Hilux Extra Cab 4x4 Tray back Utility and to a purchase new replacement 4x4 Extra Cab Tray-back Utility

Background

In accordance with Council's 2019/2020 Plant Replacement Program, tenders were invited to supply and deliver one only 4x4 Extra Cab Tray-back Utility and to trade or the outright purchase (Alternative Tender) of Councils current 2016 Toyota Hilux Extra Cab 4x4 Tray-back Utility.

The Toyota Hilux Extra Cab 4x4 Tray-back Utility offered for trade or outright purchase is currently being utilised for the transport of Council's parks gardens and asset manager personnel for transporting supplies and equipment to and from worksites.

This vehicle was purchased in 2016 and has speedometer reading of 37,500 as of March 2020. A monetary amount of \$52,600 has been allowed for in 2019/2020 financial Year Budget to purchase a replacement vehicle.

Comment

In accordance to Council's Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 10/2019-2020 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner with the closing date been 2nd March 2020. It was also advertised in the local Crosswords.

The following responses were received for the Outright Purchase of Council's current 2016 Toyota Hilux Extra Cab 4x4 Utility *GST inclusive*:

| | |
|------------------------|-----------------|
| Garry Stewart | \$12,000 |
| James G Maiklem | \$26,550 |

Please note that when the Regional Price Preference Policy is applied both the above applicants wishing to purchase the 2016 Toyota Hilux Extra Cab 4x4 Utility fall short of the trade price offered by Merredin Toyota of \$32,000

The following response was received for the trade-in of Council's current 2016 Toyota Hilux Extra Cab 4x4 Utility and to supply a new replacement vehicle *GST inclusive*:

Merredin Toyota

| | |
|---|--------------------|
| 2020 4x4 Toyota Hilux Extra Cab | \$42,990.00 |
| Less trade-in 2016 Toyota Hilux Extra Cab 4x4 Tray-back Utility | \$32,000.00 |
| Net change-over | \$10,990.00 |

Golden City Motors (*two quotes received from Golden City Motors - one for 2019 model and one for 2020 model*)

| | |
|---|--------------------|
| 2019 Mazda BT50 XT | \$45,870.00 |
| Less trade-in 2016 Toyota Hilux Extra Cab 4x4 Tray-back Utility | \$31,870.00 |
| Net change-over | \$14,000.00 |

Golden City Motors

| | |
|---|--------------------|
| 2020 Mazda BT50 XT | \$48,220.00 |
| Less trade-in 2016 Toyota Hilux Extra Cab 4x4 Tray-back Utility | \$31,870.00 |
| Net change-over | \$16,350.00 |

Statutory Environment

In accordance to the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and Section 3.58 Disposing of Property (3)

Strategic Implications

Council's Ten Year, Plant Replacement Program

Policy Implications

Finance Policy 3.5 Purchasing and Tendering
and
Regional Price Preference Policy 3.5(A)

OBJECTIVES

- To support local and regional businesses as much as possible
- To achieve value for money when purchasing goods and services

POLICY

The following price preference will be applied to regional tenders and is the percentage by which the regional price bid will be reduced for purpose of assessing the tender.

Goods and Services - up to a maximum price reduction of \$50,000 unless a lesser amount is stipulated in the tender document

Stipulated Area

10% to all suppliers located within the Shire of Yilgarn

5% to all suppliers located within the Wheatbelt region

2.5% to all suppliers located within the Goldfield region

Financial Implications

A monetary allocation of \$52,600 (GST inclusive) has been allowed for the purchase of a new 4x4 Extra Cab Tray Back Utility in Council's 2019-2020 Financial Year Budget

Officer Recommendation and Council Decision

28/2020

Moved Cr Guerini/Seconded Cr Close

That Council accepts the quote submitted by Merredin Toyota to purchase the 4x4 Toyota Hilux Extra Cab Tray-back Utility for the quoted purchase cost of \$42,990.00 (GST inclusive) and trade Council's existing 2016 Toyota Hilux Extra Cab 4x4 Tray-back Utility for the quoted trade price of \$32,000 (GST inclusive), resulting in a change-over cost of \$10,990.00 (GST inclusive).

CARRIED (5/0)

9.3 Reporting Officer– Executive Manager Infrastructure

9.3.2 Ten Year Plant Replacement Program

| | |
|--------------------------------|------------------------|
| File Reference | 6.4.1.5 |
| Disclosure of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Attachments | One |

Purpose of Report

Shire of Yilgarn Plant Replacement Program – 2020/2021 – 2029/2030

Background

A review of Councils plant replacement is carried out on an annual basis, with the attached Plant Replacement Program being for a ten year period. The proposed Plant Replacement Program is expected to provide council with a Strategic Plant Replacement Program that will result in optimum return on both operating and change over costs of Councils Plant and Equipment.

In the past Council has used the following life cycles for the replacement of equipment and plant. This has resulted in Council achieving minimal costly down time and optimum trade prices of the respected plant items.

| | |
|-------------------------------|-------------------------|
| Graders/ Construction Loader | 8 years or 9,000 hours |
| Multi Tyred/Drum Rollers | 8 years or 9,000 hours |
| Prime Movers/Tip Trucks | 8 years or 200,000km |
| Small Loader/Backhoe | 10 years or 9,000 hours |
| Light Trucks/Personal Carries | 5 years or 150,000kms |
| Utilities | 3-4 years or 100,000kms |
| Executive Type Vehicles | 2 years |
| Community Bus | 8 years or 80,000km |

Comment

In the 2020/2021 Financial Year Plant Replacement Program it is proposed to replace a John Deere Tractor, 2 x Side Tipping Trailers, 2 x Personnel Carries, 1 x Utility, 1 x Light Tip Truck and 3 x Executive Vehicles. A monetary amount of \$190,000 has also be included in the 2020/2021 Plant Replacement Program for the purchase of second-hand road sweeper. It is proposed that the road sweeper will be utilised for the sweeping of town streets located in Southern Cross, Bullfinch, Marvelloch, Moorine Rock and areas of Bodallin Townsite.

Included in the 2020/2021 Plant Replacement Program is the replacement of a John Deere Tractor which was purchased in 2010. This vehicle is utilised by council staff with a dual

purpose, coupled to a rotary slasher for slashing of road verges and reserves for weed growth control or coupled to a roadbroom for bitumen resealing and bitumen prime-seal programs.

Also included in the Plant Replacement Program is the replacement of councils two side tipping trailers. These trailers are utilised for gravel carting on council construction programs, they were purchased in 2010 and are starting to show fatigue cracking on the tip bodies.

It is proposed to replace one Landcruiser utility, which were purchased in 2017, two Personnel Carries purchased in 2016 and one light tip truck purchased in 2015. These vehicles are utilised by council staff to carry out maintenance works and for the transport of council personnel and fuel supplies to and from worksites.

Executive type vehicles that it is proposed to replace in the 2020/2021 Financial Year are the Chief Executive Officer, Executive Manager for Community Services and Executive Manager for Cooperative Services vehicles.

Statutory Environment

Nil

Strategic Implications

Ten-Year Plan will provide Council with a Strategic Plant Replacement Program that will result in optimum return on investment of Plant and Equipment.

Policy Implications

"Staff Policy N^o 7.12 Motor Vehicle Replacement and Vehicle Standard and Accessories"

Financial Implications

Ten Year Plant Replacement Programs will form the basis of Capital Plant Replacement Purchases in future Budgets. Initial indications show the Plant Replacement Programme for 2020/2021 Financial Year will cost (net) \$710,000

The monetary amount to replace these vehicles will be sourced from Council's Plant Replacement Reserve

Officer Recommendation

29/2020

Moved Cr Guerini/Seconded Cr Rose

That the Ten-Year Plant Replacement Program for the period 1st July 2020 to 30th June 2030 as attached, be adopted

And

That all vehicles listed for replacement in the 2020/2021 Plant Replacement Program be included in 2020/2021 Financial Year Budget deliberations.

CARRIED (5/0)

SHIRE OF YILGARN

10 YEAR PLAN REPLACEMENT PLAN

| Existing Plant | | | | | | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | | | | | | | | | | |
|----------------|---------|---------------------------------|-------------------------------|------|-----------|-----------|---------|-----------|---------|-----------|---------|-----------|---------|-----------|---------|-----------|---------|-----------|---------|-----------|----------|-----------|---------|-----------|-----|
| | | | | | | 2020/2021 | | 2021/2022 | | 2022/2023 | | 2023/2024 | | 2024/2025 | | 2025/2026 | | 2026/2027 | | 2027/2028 | | 2028/2029 | | 2029/2030 | |
| | | | | | | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net | Purchase | Net |
| Plant No | Rego | Item | Make | Year | Estd Life | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | Disposal | Impact | | |
| 2020 | YL542 | Construction Grader | 12m Caterpillar | 2017 | 8 | | | | | | | | | 402,000 | | | | | | | | | | | |
| | | | | | | | | | | | | | | (75,000) | 327,000 | | | | | | | | | | |
| 2026 | YL4201 | Grader | 12m Caterpillar | 2019 | 8 | | | | | | | | | | | 406,000 | | | | | | | | | |
| | | | | | | | | | | | | | | | | (75,000) | 331,000 | | | | | | | | |
| 1848 | YL087 | Grader | John Deere 670 | 2017 | 8 | | | | | | | | | 398,000 | | | | | | | | | | | |
| | | | | | | | | | | | | | | (70,000) | 328,000 | | | | | | | | | | |
| 1994 | YL 5199 | Grader | John Deere 670 | 2014 | 8 | | | | | | | 394,000 | | | | | | | | | | | | | |
| | | | | | | | | | | | | (70,000) | 324,000 | | | | | | | | | | | | |
| 1887 | YL 296 | Grader | John Deere 670 | 2013 | 8 | | | 386,300 | | | | | | | | | | | | | | | 411,000 | | |
| | | | | | | | | (70,000) | 316,300 | | | | | | | | | | | | | (70,000) | 341,000 | | |
| 2035 | YL595 | Roller - vib steel | Cat | 2019 | 8 | | | | | | | | | | | | | 170,000 | | | | | | | |
| | | | | | | | | | | | | | | | | | | (45,000) | 125,000 | | | | | | |
| 1992 | YL129 | Roller - multi tyre | Bomag | 2014 | 8 | | | | | 188,000 | | | | | | | | | | | | | | | |
| | | | | | | | | | | (35,000) | 153,000 | | | | | | | | | | | | | | |
| 2006 | YL 5248 | Roller - multi tyre | Dynapac | 2016 | 8 | | | | | | | | | 192,000 | | | | | | | | | | | |
| | | | | | | | | | | | | | | (35,000) | 157,000 | | | | | | | | | | |
| 1889 | YL324 | Loader | CAT 950H | 2014 | 8 | | | 335,000 | | | | | | | | | | | | | | | | | |
| | | | | | | | | (80,000) | 255,000 | | | | | | | | | | | | | | | | |
| 1850 | YL 5304 | Loader (landfill) | Cat 924H IT | 2009 | 8 | | | | | 268,000 | | | | | | | | | | | | | 310,500 | | |
| | | | | | | | | | | (45,000) | 223,000 | | | | | | | | | | | (50,000) | 260,500 | | |
| 1886 | YL330 | Backhoe | John Deere | 2013 | 10 | | | | | 185,000 | | | | | | | | | | | | | | | |
| | | | | | | | | | | (30,000) | 155,000 | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2024 | YL-651 | Loader | Cat 924K IT | 2016 | | | | | | | | | | | | | | 241,500 | | | | | | | |
| | | | | | | | | | | | | | | | | | | (45,000) | 196,500 | | | | | | |
| 1875 | YL122 | Tractor | JD | 2011 | 10 | 71,500 | | | | | | | | | | | | | | | | | | | |
| | | | | | | (25,000) | 46,500 | | | | | | | | | | | | | | | | | | |
| 2013 | YL 117 | Prime Mover | Freightliner | 2017 | 8 | | | | | | | | | 292,500 | | | | | | | | | | | |
| | | | | | | | | | | | | | | (50,000) | 242,500 | | | | | | | | | | |
| 1865 | YL 7059 | Semi trailer tipper | Durra Quip | 2010 | 10 | 120,000 | | | | | | | | | | | | | | | | | | | |
| | | | | | | (35,000) | 85,000 | | | | | | | | | | | | | | | | | | |
| 1866 | YL 7016 | Semi trailer tipper | Durra Quip | 2010 | 10 | 120,000 | | | | | | | | | | | | | | | | | | | |
| | | | | | | (35,000) | 85,000 | | | | | | | | | | | | | | | | | | |
| 1884 | YL 7432 | Float | Brucerock Engineering | 2013 | 10 | | | | | 120,000 | | | | | | | | | | | | | | | |
| | | | | | | | | | | (10,000) | 110,000 | | | | | | | | | | | | | | |
| 2022 | YL 469 | Truck - 8 Wheel | Mack | 2018 | 8 | | | | | | | | | | | 294,000 | | | | | | | | | |
| | | | | | | | | | | | | | | | | (70,000) | 224,000 | | | | | | | | |
| | YL 698 | Truck - 8 wheel | Mack | 2020 | 8 | | | | | | | | | | | | | | 300,000 | | | | | | |
| | | | | | | | | | | | | | | | | | | (70,000) | 230,000 | | | | | | |
| | | Street Sweeper | | | | 190,000 | | | | | | | | | | | | | | | | | | | |
| | | | | | | - | 190,000 | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | YL 414 | Community Bus | Coaster | 2018 | 8 | | | | | | | | | | | | | 163,500 | | | | | | | |
| | | | | | | | | | | | | | | | | | | (35,000) | 128,500 | | | | | | |
| 1507 | YL 345 | Slasher/Mower | Toro SP | 2012 | 10 | | | | | 35,000 | | | | | | | | | | | | | | | |
| | | | | | | | | | | (3,500) | 31,500 | | | | | | | | | | | | | | |
| 2019 | YL 298 | Ride-On Turf Mower | Toro SP | 2018 | 10 | | | | | | | | | | | | | | | 38,000 | | | | | |
| | | | | | | | | | | | | | | | | | | | (3,500) | 34,500 | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | YL 5302 | Skid Steere Loader | Cat | 2019 | 10 | | | | | | | | | | | | | | | | | 125,000 | | | |
| | | | | | | | | | | | | | | | | | | | | | (20,000) | 105,000 | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Upgrade Line Marker SP | | | 10 | | | | | | | | | | | | | | | | | 18,500 | | | |
| | | | | | | | | | | | | | | | | | | | | | | 18,500 | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Water Tank | | 2018 | 8 | | | | | | | | | | | | | | | 30,500 | | | | | |
| | | | | | | | | | | | | | | | | | | | | 30,500 | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Water Tank | | 2019 | | | | | | | | | | | | | | | | | | 31,500 | | | |
| | | | | | | | | | | | | | | | | | | | | | | 31,500 | | | |
| Light Vehicles | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2000 | YL311 | Truck Dual cab 4x2 (with crane) | Isuzu (personal carrier) | 2015 | 5 | 92,500 | | | | | | 95,000 | | | | | | 98,000 | | | | | 101,100 | | |
| | | | | | | (25,000) | 67,500 | | | | | (25,000) | 70,000 | | | | | (25,000) | 73,000 | | | (25,000) | 76,100 | | |
| 1998 | YL4949 | Truck Dual Cab 4x2 (with Crane) | Mitsubishi (personal carrier) | 2015 | 5 | 92,500 | | | | | | 95,000 | | | | | | 98,000 | | | | | 101,100 | | |
| | | | | | | (25,000) | 67,500 | | | | | (25,000) | 70,000 | | | | | (25,000) | 73,000 | | | (25,000) | 76,100 | | |
| 1999 | YL 046 | Light Tip Truck - Maintenace | Mitsubishi | 2015 | 5 | 87,500 | | | | | | | | | | | | 91,800 | | | | | | | |
| | | | | | | (25,000) | 62,500 | | | | | | | | | | | (25,000) | 66,800 | | | | | | |

| | | | | | | | | | | | | | | | | | |
|---|---------|---|-----------------------|------|---|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------|-----------------|
| 2012 | YL 5410 | Light Tip Truck - Parks & Gardens | Mitsubishi | 2017 | 5 | | 88,200 | | | | | 92,000 | | | | | |
| | | | | | | | (25,500) | 62,700 | | | | (25,500) | 66,500 | | | | |
| 2027 | YL329 | Truck - Maintenance - (flatdeck with crane) | Mitsubishi | 2018 | 5 | | | | | 102,000 | | | | | | 107,000 | |
| | | | | | | | | | | (35,500) | 66,500 | | | | | (35,500) | 71,500 |
| 1885 | YL121 | 4 x 4 Ute (P & G) | Hilux Ute | 2020 | 3 | | | 49,800 | | | | 51,900 | | | | 54,000 | |
| | | | | | | | | (30,000) | 19,800 | | | (30,000) | 21,900 | | | (30,000) | 24,000 |
| 2028 | YL 13 | 4 x 4 Ute (P&G) | Hilux Ute | 2019 | 3 | | 49,800 | | | | | | | | 53,900 | | |
| | | | | | | | (30,000) | 19,800 | | | | (30,000) | 21,400 | | (30,000) | 23,900 | |
| 1867 | YL 363 | 2 x 4 Ute (Handyman) | Mazda BT50 | 2019 | 4 | | | | | 39,500 | | | | | | 41,500 | |
| | | | | | | | | | | (15,000) | 24,500 | | | | | (15,000) | 26,500 |
| 2018 | YL 645 | 4 x 4 Ute (Mechanic) | Lnd Crs | 2017 | 3 | 65,500 | | | | 67,600 | | | | 70,300 | | | 72,300 |
| | | | | | | (38,000) | 27,500 | | | (38,000) | 29,600 | | | (35,000) | 35,300 | | (35,000) 37,300 |
| 2031 | YL 5067 | 4 x 4 Ute (Works) | Lnd Crs | 2019 | 3 | | 66,300 | | | | | 68,300 | | | 70,300 | | |
| | | | | | | | (35,000) | 31,300 | | | | (35,000) | 33,300 | | (35,000) | 35,300 | |
| 2030 | YL 38 | 4 x 4 Ute (Works) | Lnd Crs | 2019 | 3 | | 66,300 | | | | | 68,300 | | | 70,300 | | |
| | | | | | | | (35,000) | 31,300 | | | | (35,000) | 33,300 | | (35,000) | 35,300 | |
| 2034 | YL 150 | 4x4 Ute (MWS) | Toyota Hilux SR5 | 2020 | 2 | | 58,700 | | | 59,900 | | 61,200 | | | 62,400 | | 63,000 |
| | | | | | | | (35,000) | 23,700 | | (35,000) | 24,900 | (35,000) | 26,200 | | (35,000) | 27,400 | (35,000) 28,000 |
| 2009 | YL333 | 4 x 4 Ute (works) | Toyota Landcruiser | 2020 | 3 | | | | 66,900 | | | 69,600 | | | | 71,800 | |
| | | | | | | | | | (35,000) | 31,900 | | (35,000) | 34,600 | | | (35,000) | 36,800 |
| | | | | | | | | | | | | | | | | | |
| | YL 285 | Community Car | Toyota RAV | 2017 | 5 | | 39,500 | | | | | 41,500 | | | | | |
| | | | | | | | (12,000) | 27,500 | | | | (12,000) | 29,500 | | | | |
| | | | | | | | | | | | | | | | | | |
| | YL 50 | SUV (DCE) | Kluger KX-R (DCEO) | 2019 | 2 | 55,200 | | | 56,400 | | | 57,500 | | | 58,600 | | 58,600 |
| | | | | | | (30,000) | 25,200 | | (30,000) | 26,400 | | (30,000) | 27,500 | | (30,000) | 28,600 | (30,000) 28,600 |
| | | | | | | | | | | | | | | | | | |
| | YL 1 | Sedan (CEO) | Toyota Prado | 2019 | 2 | 66,300 | | | 67,600 | | | 69,000 | | | 70,300 | | 71,800 |
| | | | | | | (40,000) | 26,300 | | (40,000) | 27,600 | | (40,000) | 29,000 | | (40,000) | 30,300 | (40,000) 31,800 |
| | YL 252 | Dual Cab | Holden Colorado (EHO) | 2019 | 2 | 57,000 | | | 58,200 | | | 59,300 | | | 60,500 | | 61,700 |
| | | | | | | (30,000) | 27,000 | | (30,000) | 28,200 | | (30,000) | 29,300 | | (30,000) | 30,500 | (30,000) 31,700 |
| CAPITAL COST OR OUTRIGHT PURCHASE PRICE | | | | | | 1,018,000 | 1,090,100 | 1,136,400 | 920,600 | 1,256,300 | 970,500 | 1,158,700 | 1,036,900 | 641,400 | 1,059,000 | | |
| (ESTIMATED TRADE) NET REPLACEMENT COST | | | | | | (338,000) | (322,500) 767,600 | (303,500) 806,400 | (243,500) 609,500 | (355,000) 901,300 | (270,000) 700,500 | (332,500) 826,200 | (298,500) 738,400 | (235,500) 405,900 | (240,000) 819,000 | | |

10 APPLICATION 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

30/2020

Moved Cr Nolan/Seconded Cr Rose

That Council accepts the introduction of the Late Items of Business for consideration.

CARRIED (5/0)

12.1 Officers Report – Chief Executive Officer

12.1 Department of Planning, Lands and Heritage -Proposed Mining Lease 77/764

| | |
|-------------------------------|--|
| File Reference | 1.6.37.1, 3.2.1.4 & 9.1.1.1 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Aerial and SmartPlan of Mining Lease 77/764 |

Purpose of Report

For Council to consider whether it has any comments and/or objections to the proposed Mining Lease submitted to the Department of Mines, Industry Regulation and Safety for consent to mine on portions of Unmanaged Reserves 13208, 10552 and Marvel Loch-Forrestania Road.

Background

The Department of Planning, Lands and Heritage (DPLH) has recently received a request from the Department of Mines, Industry Regulation and Safety (DMIRS) for consent to mine on portion of:

- Unmanaged Reserve 13208 for the purpose of “Water”;
- Unmanaged Reserve 10552 for the purpose of “Common”; and
- Marvel Loch Forrestania Road located on Parcel identification number (PIN) 12034664

Mining Lease 77/764 has been requested by DMIRS for Cazaly Iron Pty Ltd.

The portion of Reserve 13208 and Reserve 10552 that is the subject of Mining Lease 77/764 is depicted on the attached SmartPlan and Aerial Map.

To facilitate this matter further, please provide me with any comments or objections that the Shire may have regarding DMIRS' request to mine on the above mentioned Reserves and Road.

Comment

As indicated above, Reserve 13208 is an Unmanaged Reserve for the purpose of "Water", and it appears that this may relate to "Dingo Tank" which is on the Parkers Range Road and listed within the Shire of Yilgarn's Municipal Heritage Inventory under *Water Supply Places 59.4*.

The Municipal Heritage Inventory states the following:-

Dingo Tank was built by miners. It is a small cutting which does not provide an all year water supply as it dries up in summer

Reserve 10552 is an Unmanaged Reserve for the purpose of "Common", and does not appear to have relevance for the Shire of Yilgarn.

The proposed Mining Lease however does traverse the Marvel Loch-Forrestania Road and therefore, Council should submit in its comments to DPLH that should mining proceed at some stage in the future, road deviations would need to be constructed to ensure that a trafficable road is maintained.

Statutory Environment

Mining Act 1978

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council advises the Department of Planning, Lands and Heritage that it has no objections to the proposed Mining Lease 77/764 where it encroaches on Unmanaged Reserves 13208 and 10552 as depicted in the Plans provided however, in respect to the proposed Lease where it traverses the Marvel Loch-Forrestania Road, the Shire of Yilgarn would expect road deviations to be constructed should future mining operations impact the current road alignment.

Council Decision

31/2020

Moved Cr Rose/Seconded Cr Nolan

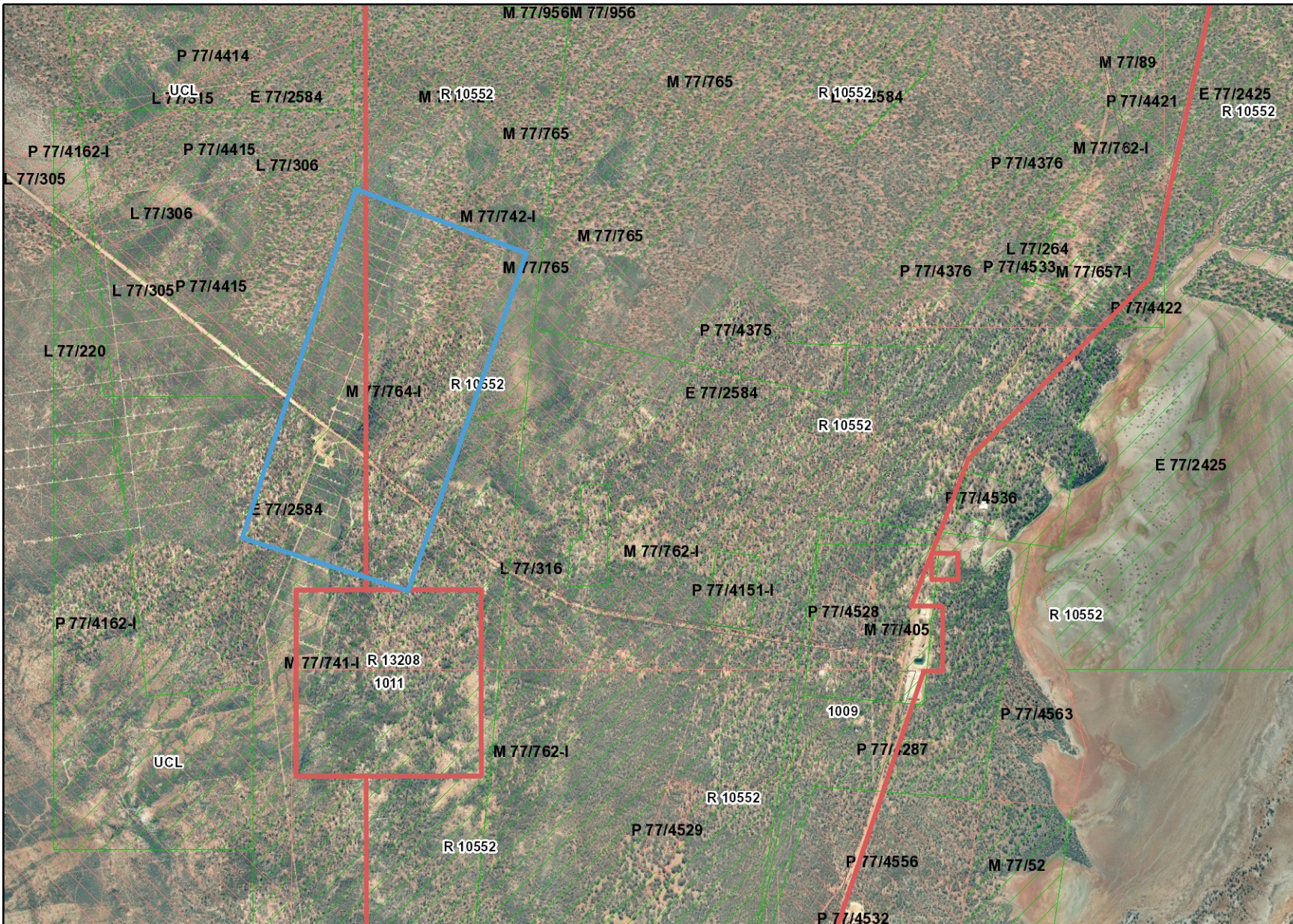
That Council advises the Department of Planning, Lands and Heritage that whilst it has no objections to the proposed Mining Lease 77/764 where it encroaches on Unmanaged Reserves 13208 and 10552, and where it traverses the Parkers Range Road as depicted in the Plans provided, the Shire of Yilgarn requests the following matters be addressed by DMIRS and the applicant:-

- 1. That DMIRS directs the Applicant to research and report to Council on the current significance and status of "Water" Reserve 13208 as it has been identified in Shire of Yilgarn's Municipal Heritage Inventory that there are two Water Supply Reserves in the vicinity of the Mining Lease; and***
- 2. That Council would require road deviations to be constructed on the Parkers Range Road should future mining operations impact the current road alignment***

CARRIED (5/0)

REASON FOR ALTERATION TO THE RECOMMENDATION

Council was of the opinion that the Department should be directing the Applicant to properly research and identify the location of the "Water Reserves" (Parkers Range Tanks and Dingo Tank) as indicated in the Shire of Yilgarn's Municipal Heritage Inventory to ensure that they will be protected should mining proceed within Mining Lease 77/764.

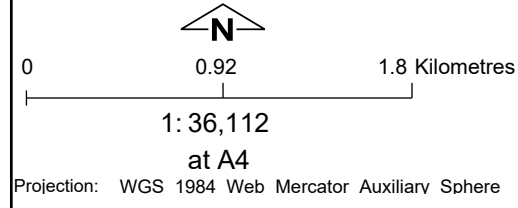


- Legend**
- ☐ Cadastre (View 2)
 - Mining Tenements - Status**
 - ☒ Live
 - ☐ Pending

Mining Lease 77/764 outlined in blue

DPLH BUSINESS USE ONLY

Internal Spatial Viewer



Notes:

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

Map was produced using DPLH's InQuery.

Date produced: 17-Dec-2019



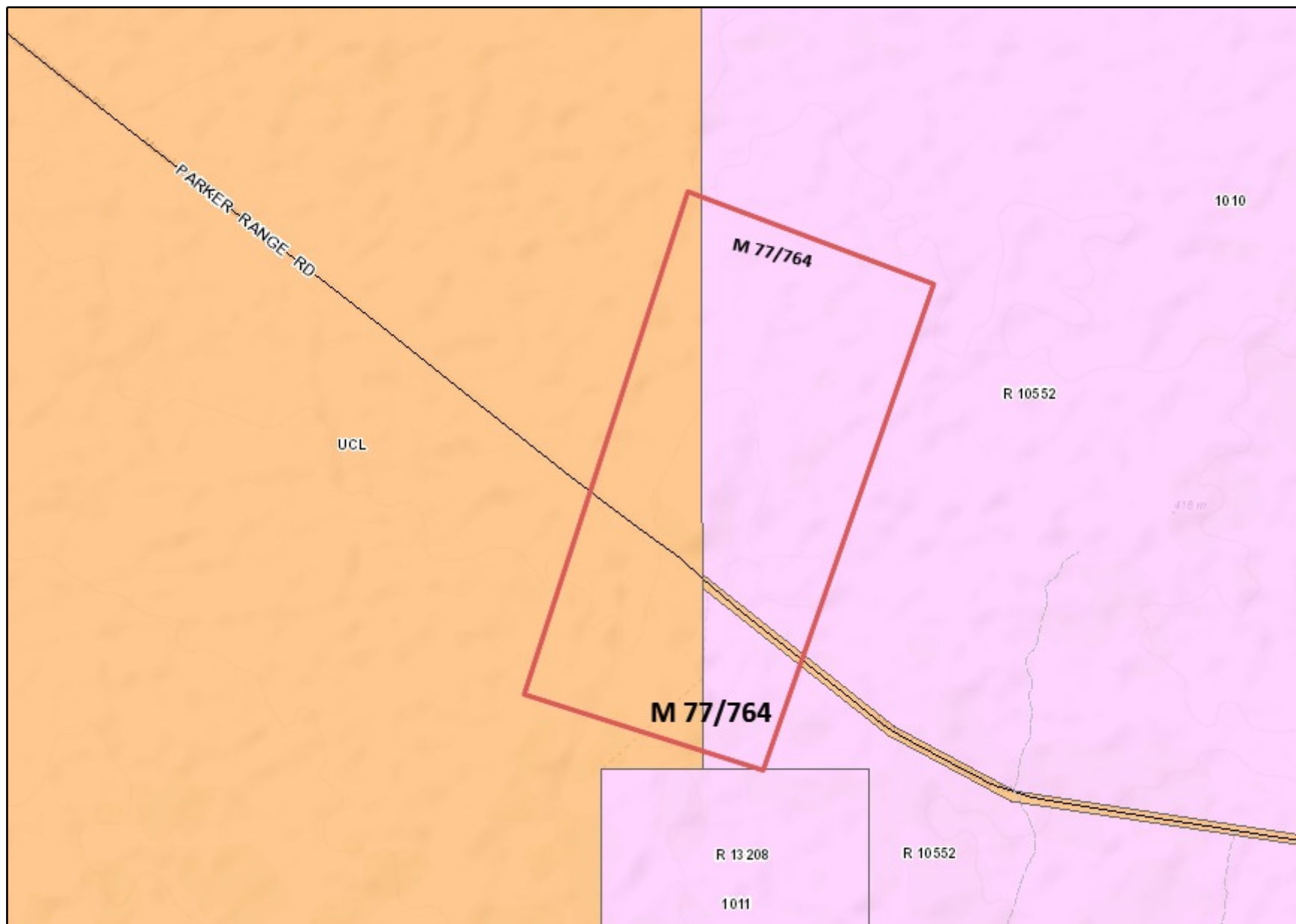
Legend

☐ Cadastre (View 1)

Roads

— Minor

— Track



Mining Lease M 77/764

DPLH BUSINESS USE ONLY

Internal Spatial Viewer

0 0.64 1.3 Kilometres
1: 25,000
at A4
Projection: WGS 1984 Web Mercator Auxiliary Sphere

Notes:

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

Map was produced using DPLH's InQuery.

Date produced: 06-Jan-2020

12 Officers Report – Chief Executive Officer

12.2 Department of Water and Environmental Regulation

| | |
|-------------------------------|---|
| File Reference | 1.6.26.3 & 3.2.1.22 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Excerpt of Application Submitted to DWER |

Purpose of Report

For Council to consider whether it has any comments to the Works Approval Amendment submitted by Habrok (Battler Pit) Pty Ltd under the *Environmental Protection Act 1986* relating to Mining tenement M77/1285.

Background

The Department of Water and Environmental Regulation (DWER) has recently received an application from Habrok (Battler Pit) Pty Ltd for an amendment to works approval W5995/2016/1 under Division 3 Part V of the *Environmental Protection Act 1986* (EP Act) at Battler Gold Project, part of Mining Tenement M77/1285, Shire of Yilgarn.

The application is in relation to Category 6 - To incorporate staged construction and operation of the evaporation pond into the existing works approval that was granted on 3 February 2020. Please note that the approved design and capacity of the evaporation pond remains unchanged from the works approval granted on 3 February 2020. The environmental risk profile therefore remains unchanged as there are no alterations to the emissions and discharges associated with the construction and operation of the evaporation pond.

In accordance with section 54 of the EP Act, the Chief Executive Officer (CEO) of DWER considers that Council may have a direct interest in the subject matter of the application, and invites comment on the proposal. The CEO of DWER will, after having taken into account any comments received and subject to section 60 of the EP Act, either amend the works approval or refuse the amendment.

Comment

An excerpt of the application form and supporting documentation is provided as an attachment to the Agenda Report.

DWER requests submission within 7 days from the date of their letter (16 March 2020).

As stated above, the Works Approval Amendment submitted by Habrok (Battler Pit) Pty Ltd relates to the staged construction of the evaporation ponds and that the previously approved design remains unchanged.

Statutory Environment

Environmental Protection Act 1986

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

That Council advises the Department of Water and Environmental Protection that it supports the Works Approval Amendment submitted by Habrok (Battler Pit) Pty Ltd for the staged construction of evaporation ponds at the Battler Gold Project Mining Tenement M77/1285.

Council Decision

32/2020

Moved Cr Nolan/Seconded Cr Close

That Council advises the Department of Water and Environmental Protection that Council provides in principle support for the Works Approval Amendment submitted by Habrok (Battler Pit) Pty Ltd for the staged construction of evaporation ponds at the Battler Gold Project Mining Tenement M77/1285 however, Council requests that the Applicant provides a Water Management Plan which details the likely flow/runoff of salt water within the whole mining tenement in the event that there is a failure/overflow of the evaporation ponds. Council indicates to DWER that it is concerned with the impact to surrounding bush and farm land should a failure/overflow of the evaporation ponds occurs and how this will be managed by the Applicant.

CARRIED (5/0)

REASON FOR ALTERATION TO THE RECOMMENDATION

Council considered that the Department should direct the Applicant to provide a Water Management Plan to identify the flow of water within the whole of the tenement in the event that there is a failure/overflow of the evaporation ponds and how this would be managed.

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

CONFIDENTIAL ITEM

INTO COMMITTEE

33/2020

Moved Cr Close/Seconded Cr Nolan

That the meeting be closed to members of the public in accordance section 5.23 (2) (a) of the Local Government Act 1995.

CARRIED (5/0)

13.1 Annual Performance Appraisal – Executive Manager Corporate Services

| | |
|-------------------------------|------------------------|
| File Reference | 1.1.10.119 |
| Disclosure of Interest | None |
| Voting Requirements | Simple Majority |
| Attachments | Nil |

Purpose of Report

To inform Council of the outcomes of Annual Performance Appraisal undertaken by the CEO for the Executive Manager Corporate Services.

Background

In accordance with Contract of Employment requirements and Section 5.38 of the *Local Government Act 1995*, Performance Appraisals were conducted for the above employees in the month of February 2019.

Comment

As the content of the reviews are confidential, the CEO will provide a verbal report to Council on the outcomes of the Annual Performance Appraisals of the above senior officers.

Statutory Environment

Local Government Act 1995

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

There will be financial implications in respect to the reviews and Council's annual Budget has provision for salary increases associated with Annual Performance Appraisals.

Officer Recommendation and Council Decision

34/2020

Moved Cr Close/Seconded Cr Rose

That Council endorses the actions of the CEO, as verbally reported, in respect to Annual Performance Appraisal for the Executive Manager Corporate Services.

CARRIED (5/0)

OUT OF COMMITTEE

35/2020

Moved Cr Close/Seconded Cr Rose

That the meeting be opened to the public

CARRIED (5/0)

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 5.00pm.

I, Wayne Della Bosca confirm the above Minutes of the Meeting held on Thursday, 19th March 2020, are confirmed on Thursday, 16th April 2020 as a true and correct record of the March Ordinary Meeting of Council.

Wayne Della Bosca
SHIRE PRESIDENT