



# UNCONFIRMED MINUTES

## Special Council Meeting

Held 19<sup>th</sup> October 2021 in the Yalgoo Council Chambers



**Ian Holland**

CHIEF EXECUTIVE OFFICER

15<sup>th</sup> October 2021

**Disclaimer:**

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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## 1 DECLARATION OF OPENING

The Chief Executive Officer welcomed those in attendance and declared the meeting open at 5:10pm.

### 1.1 SWEARING IN OF COUNCILLORS

In accordance with section 2.29 of the Local Government Act 1995 and Regulation 13 of the Local Government (Constitution) Regulations 1996 a person elected to the position of a council member must make a declaration of office prior to being able to act in that office.

The CEO conducted the swearing in of Councillors elected on Saturday the 16<sup>th</sup> of October 2021 being Cr Gail Trenfield, Cr Stanley Willock and Cr Tamisha Hodder.

#### Local Government (Constitution) Regulations 1996

#### 13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (1) For the purposes of sections 2.29 and 2.42 —
  - [(a), (b) *deleted*]
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president;  
or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

***authorised person*** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

### 1.2 ELECTION OF SHIRE PRESIDENT

The CEO called for nominations for the position of Shire President.

Cr Greg Payne nominated himself and after a second call for nominations was reelected unopposed.

### **1.3 ELECTION OF DEPUTYSHIRE PRESIDENT**

Cr Greg Payne called for nominations for the position of Deputy Shire President.

Cr Gail Trenfield nominated herself and Cr Raul Valenzuela nominated himself.

The CEO conducted a secret ballot resulting in 4 votes for Cr Trenfield and 2 votes for Cr Valenzuela.

Cr Gail Trenfield was reelected to the position of Deputy Shire President.

Cr Payne and Cr Trenfield were sworn in subsequently by the CEO.

### **2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Ian Holland CEO

Cr Greg Payne

Cr Gail Trenfield

Cr Raul Valenzuela

Cr Tamisha Hodder

Cr Gail Simpson

Cr Stanley Willock

#### **APOLOGIES**

NIL

#### **LEAVE OF ABSENCE**

NIL

### **3 DISCLOSURE OF INTERESTS**

Councilors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

### **4 PUBLIC QUESTION TIME**

NIL

#### **REPONSES TO QUESTIONS TAKEN ON NOTICE**

NIL

#### **QUESTIONS TAKEN WITHOUT NOTICE**

NIL

**5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

NIL

**6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS**

8.1 Lease of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

NIL

**8 BUSINESS AS NOTIFIED**

Purpose of Meeting – To consider for adoption

To Consider the disposal by lease of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA to APA Northern Goldfields Interconnect Pty Ltd and planning considerations.

It is proposed that the Meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider item 8.1 confidentially as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

**COUNCIL RESOLUTION – S2021-1001**

Moved Cr Valenzuela

Seconded Cr Trenfield

That Council proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider item 8.1 confidentially as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

CARRIED 6/0

**8.1 CONFIDENTIAL ITEM** Lease of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA

Applicant:	Shire of Yalgoo
Date:	16/10/2021
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Proposed Lease Valuation provided by Griffin Valuations Clause 18 Mapping and Pipe Set down Area

**OFFICERS RECOMMENDATION**

That Council:

1. Endorse the attached lease, subject to initial planning approval, between the Shire of Yalgoo and APA Northern Goldfields Interconnect Pty Ltd over portions of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA.
2. Authorise the Shire President and Chief Executive Officer to execute all necessary documents to enable this transaction to be finalized.
3. Amend the 2021/22 Municipal Budget to include the \$30,000 income and a new capital item \$30,000 SHERP Land acquisition, variation \$30,000.

Moved Cr Valenzuela

Seconded Cr Hodder

That Council:

1. Endorse the attached lease, subject to initial planning approval, between the Shire of Yalgoo and APA Northern Goldfields Interconnect Pty Ltd over portions of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA.
2. Authorise the Shire President and Chief Executive Officer to execute all necessary documents to enable this transaction to be finalized.
3. Amend the 2021/22 Municipal Budget to include the \$30,000 income and a new capital item \$30,000 SHERP Land acquisition, variation \$30,000.

#### AMENDMENT

Moved Cr Valenzuela

Seconded Cr Hodder

That Council:

1. Endorse the attached lease, subject to initial planning approval, between the Shire of Yalgoo and APA Northern Goldfields Interconnect Pty Ltd over portions of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA.
2. Authorise the Shire President and Chief Executive Officer to execute all necessary documents and minor variations to enable this transaction to be finalized.
3. Amend the 2021/22 Municipal Budget to include the \$30,000 income and a new capital item \$30,000 SHERP Land acquisition, variation \$30,000.

CARRIED 6/0

RESOLUTION – S2021 - 1002

Moved Cr Valenzuela

Seconded Cr Hodder

That Council:

1. Endorse the attached lease, subject to initial planning approval, between the Shire of Yalgoo and APA Northern Goldfields Interconnect Pty Ltd over portions of Lot 185 on P181557 and Lot 217 P034323 being 14 Shamrock Road and 27 Selwyn Street Yalgoo WA.
2. Authorise the Shire President and Chief Executive Officer to execute all necessary documents and minor variations to enable this transaction to be finalized.
3. Amend the 2021/22 Municipal Budget to include the \$30,000 income and a new capital item \$30,000 SHERP Land acquisition, variation \$30,000.

CARRIED 6/0

The meeting moved out from behind closed doors.

## 8.2 Temporary Pipe Lay Down Area

Applicant:	Shire of Yalgoo
Date:	16/10/2021
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Mapping and Pipe Set down Area

### SUMMARY

That Council consider the placement of a temporary pipe depot/set down area on Lot 217 P034323, 27 Selwyn Street Yalgoo WA and access track on Lot 185 on P181557, 14 Shamrock Road Yalgoo WA on land presumably leased (informed by the previous item) by APA Northern Goldfields Interconnect Pty Ltd.

### COMMENT

At present the request only details fencing and a stockpile site for pipe berms and pipe infrastructure. It should be noted that a temporary site office or containers have also been suggested. These will be considered at a later stage when their location is known and may require firebreak or setback conditions.

The lots would be used for the following:

1. Construction of access from Shamrock Road
2. Earthworks including grading and levelling.
3. Construction of pipe berms for pipe storage.
4. Storage of any items required for construction of the Northern Goldfields Interconnect Pipeline, including but not limited to plant, machinery and equipment, pipes and fittings.

5. Construction, use and removal of temporary storage and office facilities, including temporary buildings and ablution facilities.
6. On completion of project, removal of all material and equipment and reinstating the area to its natural profile.

Lot 217 Shamrock Street is zoned residential and at present will only be used for access. Lot 185 is currently zoned for Council Recreation and is not currently in use.

Considering the existence of operational mine sites and tenements in close proximity the proposal is consistent with other uses.

Under the Planning and Development (Local Planning Schemes) Regulations 2015 which is reflected in the Local Planning Scheme, Schedule 2, Part 7 Clause 61 states that development approval is not required for works if – under item 17 of the applicable table – the Works are “Temporary Works” and they follow the condition that “The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.

For this work to not require a development application the local government would be required to determine that 12 months is consistent with temporary works for the abovementioned project.

It should be noted that further checks such as building permits are not required as per the following extract from the Building Act 2011.

#### 70. Buildings incidental to infrastructure

(1) A permit is not required for a building or an incidental structure that is, or is proposed to be, used in the construction, operation or maintenance of road, rail, port, harbour, airport, water, sewerage, electricity, oil or gas supply infrastructure.

(2) However, the permit requirement provisions apply to a building or an incidental structure of a kind mentioned in subsection (1) — (a) that is, or is proposed to be, a residential facility or a recreational facility; or (b) that members of the public normally use; or (c) to which members of the public are permitted access.

Should Council determine in this instance that 12 months is a suitable amount of time for temporary works with respect to the type and location of the works, it is worthwhile considering the effects and safety implications of the request.

It is proposed that in this one instance, and with regard to the APA pipeline project, that Council consider pipe infrastructure, pipe berms and other portable equipment being placed on Lot 185 for twelve (12) months as temporary works and not requiring development approval.

Further details will be required by Council for the consideration of temporary storage and office facilities, including temporary buildings and ablution facilities.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995



Planning Development Act 2005  
Planning and Development (Local Planning Schemes) Regulations 2015  
Shire of Yalgoo Local Planning Scheme No. 2

## **POLICY/FINANCIAL IMPLCATIONS**

NIL

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICERS RECOMMENDATION**

That Council agrees to the temporary placement of the following structures on Lot 185 Plan 181557 for a 12 month period from a commencement date recorded by administration:

- Construction of pipe berms for pipe storage.
- Storage of any items required for construction of the Northern Goldfields Interconnect Pipeline, including but not limited to plant, machinery and equipment, pipes and fittings.

On the provision that the following is carried out as part of the site setup and placement.

1. Signage or a barrier is used to prevent access to the site by the public and dust suppression by water or another means is used to limit exposure to the townsite.
2. Regular checks are to be made of any containers left unattended if they are not fitted with a way to unlock them from the inside.
3. That APA assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.
4. Heavy vehicle movements through the Yalgoo townsite are not conducted during school bus times or more specifically for the 30min before and after the operating hours of the Yalgoo Primary School.

Moved Cr Valenzuela

Seconded Cr Trenfield

That Council agrees to the temporary placement of the following structures on Lot 185 Plan 181557 for a 12 month period from a commencement date recorded by administration:

Construction of pipe berms for pipe storage.

Storage of any items required for construction of the Northern Goldfields Interconnect Pipeline, including but not limited to plant, machinery and equipment, pipes and fittings.

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2. Regular checks are to be made of any containers left unattended if they are not fitted with a way to unlock them from the inside.
3. That APA assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.
4. Heavy vehicle movements through the Yalgoo townsite are not conducted during school bus times or more specifically for the 30min before and after the operating hours of the Yalgoo Primary School.

#### AMENDMENT

Moved Cr Valenzuela

Seconded Cr Trenfield

That Council agrees to the temporary placement of the following structures on Lot 185 Plan 181557 for a 12 month period from a commencement date recorded by administration:

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3. That APA assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.
4. Heavy vehicle movements through the Yalgoo townsite are not conducted during school bus times or more specifically for the 30min before and after the operating hours of the Yalgoo Primary School.
5. APA to provide a traffic management plan within the Yalgoo townsite and conduct an education exercise in conjunction with the Shire.

CARRIED 6/0

#### RESOLUTION – S2021 - 1003

Moved Cr Valenzuela

Seconded Cr Trenfield

That Council agrees to the temporary placement of the following structures on Lot 185 Plan 181557 for a 12 month period from a commencement date recorded by administration:

Construction of pipe berms for pipe storage.

Storage of any items required for construction of the Northern Goldfields Interconnect Pipeline, including but not limited to plant, machinery and equipment, pipes and fittings.

On the provision that the following is carried out as part of the site setup and placement.

1. Signage or a barrier is used to prevent access to the site by the public and dust suppression by water or another means is used to limit exposure to the townsite.
2. Regular checks are to be made of any containers left unattended if they are not fitted with a way to unlock them from the inside.
3. That APA assess the suitability of tie downs or ground support that would limit the structures movement in heavy rains.
4. Heavy vehicle movements through the Yalgoo townsite are not conducted during school bus times or more specifically for the 30min before and after the operating hours of the Yalgoo Primary School.
5. APA to provide a traffic management plan within the Yalgoo townsite and conduct an education exercise in conjunction with the Shire.

CARRIED 6/0

**9 NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Gibbons Street Yalgoo on Friday 29<sup>th</sup> of October commencing at 10.00am.

RESOLUTION – S2021 - 1004

Moved Cr Valenzuela

Seconded Cr Simpson

That Council defer committee appointments to the Ordinary October Council Meeting.

CARRIED 6/0

**10 MEETING CLOSURE**

There being no further business the Special meeting closed at 5:55pm.