

MINUTES
ORDINARY COUNCIL MEETING
Friday 18th January 2013

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 18th January 2013.

PRESENT

Cr P R Patroni, Shire President

Crs O Truran, W A Della Bosca, D Auld, G Guerini

Council Officers: V Piccoli, Chief Executive Officer
 M N Dohnt, Deputy Chief Executive Officer
 W J Dallywater, Manager Environmental Health & Building
 J F Guerini, Finance Manager

INFORMATION SESSION

Terry Brennan and Tim Shackleton spoke in regards to the future of Health Services in Southern Cross. Tim Shackleton talked about streams within the health service and the transition of the Hospital becoming a Primary Health Care Demonstration Site. He also advised that the Minister will be announcing in the upcoming week the two towns that have been selected to be Primary Demonstration sites. He expressed if the Yilgarn Council were still interested in the program they would need to re-submit an expression of interest.

Terry Brennan who has taken over from the previous WA Health, Wheatbelt District Manager, Terry Horne in Merredin, told Council that Primary Care is a good idea and looks at how WA Health can provide a better service through a different model. Primary Health aims are to provide more services to the community in their homes to then reduce the need for acute care in hospitals. He also emphasised that it is important that the Community understands the need for the change in model ie. From Hospital to Primary Health Centre and the transition is supported by Council.

The meeting was declared open for business at 2.25pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE – Cr Julie Della Bosca, Cr DJ Pasini, Robert Bosenberg

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

1/2013

Moved Cr W Della Bosca Seconded Cr Auld that the Minutes of the previous Meeting of Council held on Friday 21st December 2012, be confirmed as a true and correct record of that meeting.

CARRIED (4/0)

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Cr Truran was absent from the room at this time and was not present for this movement, she re entered at 2.30pm

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- He thanked everyone involved in the Council Christmas Dinner held on the 21st December, the food was excellent as usual and a good time was had by all who attended.
- He also advised that a clean-up is happening in Marvel Loch, and progressing well with St Barbara putting in a concerted effort to clean up all sites.
- He received an email from the Manager of St Barbara Mr Clive Jones in regards to the sale of the mine to Hanking Gold Mining Pty Ltd, a subsidiary of China Hanking Holdings Limited. Hanking Gold Mining Pty Ltd, who are connected to Cazaly Resources Ltd, take over will be the 6th February 2013.
- He advised that the Australia Day celebrations will be happening over the next weekend, and hopes that everyone can attend.

WA SALT KOOLYANOBING – HAULAGE OPTIONS

The CEO advised Council that she had met with representatives from WA Salt during the week to discuss Haulage options and the impact going to road would be on Koolyanobbing road. The Shire President requested that the Manager for Works to investigate how the transport campaign would impact the Koolyanobbing Road and formulate a plan and associated required budget should this option be pursued.

MEMORANDUM OF UNDERSTANDING 2013 BETWEEN KALGOORLIE BOULDER VISITORS CENTRE (Inc.) AND YILGARN SHIRE

The DCEO advised Council that correspondence had been received from the Kalgoorlie Boulder Visitors Centre in the form of a MOU requesting that both shires promote each other district to promote tourism in the area. Council endorsed the MOU in principal and requested that the DCEO table the MOU at the February Tourism Committee meeting for their recommendation to Council.

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Submission to:	Ordinary Meeting of Council – Friday 18 th January 2013
Agenda Reference:	7.1
Subject:	Department of Local Government – 2012 Compliance Audit Return
File Reference:	1.6.6.4
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	3 rd January 2013

Background

The Director General of the Department of Local Government and Regional Development has forwarded the 2012 Compliance Audit Return for completion. This process involves completing a checklist of requirements under the Act and regulations and comparing these to what the council has done over the past 12 months.

Comment

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2012 to 31 December 2012 against the requirements set out in the Compliance Audit Return.

Amending Regulations concerning the Annual Compliance Audit Return were gazetted on 30th December 2011 that included significant changes to the report, and a requirement that the compliance return be submitted to the Council's Audit Committee prior to adoption by the Council.

In accordance with the Local Government (Audit) Regulations 1996:

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

The return must be submitted prior to 31st March, 2013 and on that basis it would be in order to refer the completed return to a special meeting of the Audit committee which is proposed to be convened at 11.30am on the day of the February Council meeting.

Statutory Environment

Local Government (Audit) Regulations 1996 s14.3A

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council convene a meeting of the Audit Committee on Friday 15th February 2013 at 11.30am to review the 2012 Compliance Audit Return prior to consideration by Council on that day.

Information received

Submission to:	Ordinary Meeting of Council – Friday 18 th January 2013
Agenda Reference:	7.2
Subject:	REPORT TO DEPARTMENT OF LOCAL GOVERNMENT ON THE AMALGAMATION
File Reference:	2.5.1.3
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	3 rd January 2013

Comment

The attached report has been requested by the Department of Local Government (DLG) as an addendum to the Final Acquittal process, in relation to the Amalgamation between the Shires of Westonia and Yilgarn.

As you are aware, the Amalgamation between the two Councils did not proceed as thought, as the Westonia community made a submission to the Minister of Local Government requesting a poll; the poll was held in April 2012 where it was necessary for at least 50% of the electors of Westonia to vote and of those electors who voted a majority vote against the recommendation. Unfortunately, the Minister's recommendation for the amalgamation to proceed was overturned and both Councils remained as status quo.

The Department of Local Government will use this document as a learning tool for other Council looking at amalgamating, maybe they can learn from our successes and failures.

The CEO has attempted to answer DLG's questions as objectively as possible and is seeking Council's endorsement of the report prior to the report being sent off to the Department.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council endorses the Amalgamation Report - Shires of Westonia and Yilgarn and authorises the report to be forwarded to the Department of Local Government.

Voting Requirements

Simple Majority

2/2013

Moved Cr Truran Seconded Cr Auld that Council endorses the Amalgamation Report - Shires of Westonia and Yilgarn and authorises the report to be forwarded to the Department of Local Government.

CARRIED (5/0)

Amalgamation Report Shires of Westonia and Yilgarn

1. [Project Outcomes](#)

Please provide a description of the project and its outcomes and achievements (social, economic, environmental):

➤ [Project Planning \(pre-amalgamation\)](#)

- **Regional Council** - The Westonia Yilgarn Regional Council was formed, which qualified the Councils to draw on additional funding by way of 35% Regional component of Royalties for Regions.
- **Meetings** – Under the umbrella of Westonia Yilgarn Regional Council, both Councils met regularly to discuss relevant topics relating to the merger between March 2010 to November 2011.
- **Name of New Shire** - It was proposed that the new Shire be named the Shire of Westonia-Yilgarn in the first instance. This would ensure that the previous identity of both Shires was retained for historical purposes.
- **Amalgamation Funding** - was approved for \$1,159,800 + \$50,000 (for Project Officer) to be paid over the following years:

2009/2010	\$50,000 (received)
2010/2011	\$244,900 (received)
2011/2012	\$550,700 (223,385 received)
2012/2013	\$364,200 (not received)

Total Amalgamation expenditure: \$315,831 (including Project Officer expenditure of \$50K)
- **Vehicle Number Plates** – As the residents of both districts were keen to retain the existing vehicle number plates of WT and YL, the Joint Council approached the Department of Transport and retention of plates were approved.

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- **Ward Structure** - Proposed Ward Structure and Elected Member Representation was discussed in depth by both Councils, and submitted to the LGAB that the new Shire of Westonia-Yilgarn be comprised of two Wards being the West and East Wards of the new entity. The West Ward boundary would be positioned further east of the current Shire Westonia boundary to increase resident numbers for the West Ward. The below table shows the New Shire's proposed ward breakdown and ratio to elected members.

	Population	Elected Member Numbers	Elected Member/Elector Ratio	West Ward	East Ward
Westonia/ Yilgarn	1042	7	149	290 Electors 3 Members	752 Electors 4 Members

It was recommended to the Minister for Local Government and the Local Government Advisory Board that the above Ward structure would stay in place for a period of eight years.

- **Staffing Levels/Organisational Structure** – On several occasions, during change management session, Staff were advised that their employment with the New Shire would be guaranteed. The Organisational Structure for the new entity provided for the Offices and Depots to be retained in both Westonia and Southern Cross. In respect to the outside works crew operations, it was envisaged that the Works Supervisors would be stationed at both Westonia and Yilgarn Depots and existing employees, plant and equipment would all be maintained at current levels. The New Shire would be 33,988 sq kms in area and therefore, the retention of two Depots and works crews would be essential in maintaining the vast road network.
- **Communication Strategy** - was developed that outlined ways that the Councils could keep both communities informed through way of newsletters in the community papers, links on the website and public meetings. In hindsight, Communications with both the community through the pre-planning stage could have been done better, especially in the Westonia community, and will be discussed further in the report.
- **Community Consultation** – A Community Survey was performed in both shires to gauge community perceptions across a range of Council service areas as part of the integrated planning process and to determine a bench line of community satisfaction prior to the merger and identify areas where additional resources could be applied.
- **Rate Analysis Study** - was conducted by DL & DCA Consulting who identified the gap between the two rating methods (differential & uniform general rating systems) and presented the Joint council with possible scenarios. It was agreed that in order to harmonisation rates between the Shires of Westonia & Yilgarn, there would be a five year implementation and a quarantining of the additional revenue levied in the West Ward (Shire of Westonia) and would be spent back in the community.
- **Change Management** – Mr Alan Adams was appointed to provide presentations and develop training and organisation change management programs for the Council staff and Councillors.
- **Work Place Agreement** – Ms Anne Lake from WALGA has been working with an employee working group with representatives from both shires, with the objective of negotiating a new Work Place Agreement.

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- **Regional Business Plan** - has been developed by Morrison Low, this document identified where the two organisations are currently and what would be the future service delivery, governance structure, rating and financial structure for the new Council. The document was forwarded to the LGAB to assist in their inquiry.
- **Electoral Redistribution** – Councils’ request to have the electoral boundaries changed so that the Shires of Westonia and Yilgarn are in the same electoral district was approved.
- **Integration of Policy Manual and Delegated Authority** – for the New Shire was completed and was waiting adoption by the new Council.
- **Records Management** – a new electronic records management system was implemented at the Shire of Yilgarn, in preparation of the merger. It was intended that all correspondence for the new Council will be processed through this electronic format so that all staff at both office locations can access their correspondence and respond electronically.
- **Asset Management** – Amalgamation funding of \$147,000 was received to be spent on asset management. The method taken by the Management team towards effective Asset management in preparation for the new entity involved:
 - a) having both shires Land & Building assets revalued for Insurance and Financial purpose. Which ensured that assets were comprehensively protected and Council’s Balance Sheet will have a true reflection of Fair value of Land & Building assets at time of merger.
 - b) It was proposed to enlist Howson Engineering in consultation with Shire Management Team to develop a comprehensive Asset Management Plan. This document will be a feeder document to the Corporate Business Plan, and form the basis of capital expenditure in future Budgets.
 - c) It was intended that the Shire of Yilgarn implement the Synergy Asset Management Module for the new Council, which would involve having all Building Assets for both wards entered with the condition report for each building, so that maintenance can be scheduled and monitored, including total replacement if needed.

Both, B & C projects were not finalised during the pre-planning stage of the amalgamation, but with the retained monies from DLG the Shire of Yilgarn will complete these projects in 2013 in preparation for the Integration Planning requirements.
- **Development of New Chart of Accounts (COA)** – in preparation of merger the two financial systems needed to become one, a combined Chart of Accounts identifying accounts from both Councils at Program, sub program and function levels has been developed by Mr Waddell and the DCEO. The new chart has been designed in such a way that Integrated Strategic Planning and Asset Management reporting can occur. At this stage the Shire of Yilgarn have not gone any further with the implementation of the new COA, although the CEO can see the value in the change for reporting purposes.
- **Employment of Finance Manager** – Within the New Shires organisational Structure an allowance for a newly formed position of Finance Manager had been made, this employee will be responsible for the day-to-day finance operation of Council and their line Manager will be the DCEO. Even though the merger did not proceed the creation of this position for the Shire of Yilgarn, assisted Council in succession planning for a key role within the organisation, the DCEO position.

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- Post Amalgamation Entity
(Organisation structure and representation of the new entity)

As the amalgamation did not proceed, this question does not apply.

2. Processes Undertaken to Achieve Outcomes

Please provide details of the processes (planned and unplanned) undertaken to achieve both positive and negative outcomes

a. Outcome of milestone achievements

As stated in question 1.

b. Process and systems alignment

The following alignment of processes and systems were undertaken during the pre-planning stage.

- Human Resources – the development of new position descriptions for all roles, and updated Staff Performance Review forms. In addition, the development of a new Work Place Agreement for the new shire.
- Governance – the bringing together of the Policy Manual and Delegation Register.
- Systems – A presentation was organized for Westonia Staff from IT Vision on the Synergy financial system that is currently being used by the Shire of Yilgarn, to familiarise Westonia employees with the change in system. Westonia admin staff also spent a day with Yilgarn counterparts to explain how the system worked in a practical sense. In addition, a new Chart of Accounts combining both Council's revenue and expenditure accounts was being constructed and 80% complete.

c. Timeframe

Our shires had approximately two years to prepare for the amalgamation and perform all the preliminary functions. I believe a two year lead time is sufficient if:

- The Project Officer is enlisted as soon as possible.
- There is sufficient resources available (Consultants) to assist management with the preparations. As the amalgamation preparations took a big percentage of the CEO & DCEO time, whilst it was also necessary for them to undertake their day-to-day tasks, it is vital that consultants are available to assist with the preparations throughout the lead period to ensure a smooth transition is achieved.
- DLG are able to provide a list of preferred consultants that have provided support in the reform process before, so that LG can start the processes as soon as the funding is available.

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3. Stakeholder Engagement

Please provide details of the outcomes of stakeholder engagement undertaken as part of the project.

a. Was formal stakeholder engagement undertaken?

The following engagement with both communities was undertaken during the two year period:

1. Regular merger updates were made through the local community papers and also posted on both shire websites.
2. A community survey was mailed out to the two communities to ascertain a benchline of services and community priorities within the districts, >10% response was received.
3. Once the business plan was completed, the SP, Councillors, Joint CEO and a representative from Morrison Low conducted public meetings in each town on the 7th July 2011 to address any comments or questions relating to the Business Plan. The business plan was available on the Shires' websites and administration offices.
4. Public hearings were held in each town by the LGAB on the 6th & 7th September 2011, and the community were asked to make submissions to the board prior to that date or on the night. The turn out to these meetings were approximately 20 in Southern Cross and 40 in Westonia. The overall response in Southern Cross was that the community was supportive of the merger. In Westonia, there were more questions/comments relating to; the lack of communication on the merger, questions on why the shires needed to merge? And there was an overwhelming feeling of a loss of community identity with merging with Yilgarn.
5. Westonia / Yilgarn Regional Council which was made up of Councillors and Executive team from both shires met regularly usually on a bi-monthly basis, and at these meetings there was a representative from DLG and WALGA.

b. How important was stakeholder engagement to the success (or otherwise) of the project?

As can be seen there was considerable engagement with the community, but I believe that more should have been done, especially with the Westonia community. The feedback received from the LGAB hearing held in Westonia, was that several residents did not understand the reasons for the merger and the benefits that would be attained by reform.

I would suggest an independent Communication Officer be appointed by DLG that wholly focuses on getting the Councils' message out to the community on a constant and regular basis, this person would mix it up amongst the communities and answering questions that they may have in a less-formal setting e.g. visiting businesses, holding workshops etc to get the information across.

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"The single biggest problem in communication is the illusion that it has taken place." - George Bernard Shaw

I have no illusion that the lack of communication, especially from the Westonia Council was the downfall of the amalgamation. Once the decision went to a poll the Westonia community chose to leave things as status quo as the benefits were not promoted as they should have been.

- c. **What was stakeholder perception of the project prior to it starting and after its completion?**

Prior - I believe both communities had faith in their Councils, that they would investigate the pros and cons, and do what was in the best interest of their communities.

After - Obviously, the Westonia community and some Councillors were anti-reform at the end of the process, hence the required number of residence voting 'no' to the merger proceeding.

The Southern Cross community were a bit perplexed as to why the merger did not proceed as they could see the benefits that could have been achieved; e.g. economies of scale, improved systems and processes, more resources available, becoming a larger Council and being able to stand alone should force amalgamations come into play.

- d. **Based on stakeholder perceptions to date, how do you anticipate that this may change in the future?**

Uncertain.

- e. **Can you provide any advice to local governments going through a similar project in the future to assist with management of stakeholders' perceptions?**

I believe community engagement and Councils' support of the merger are the two main factors of a successful amalgamation, every other issue can be negotiated between the Councils. The Shire Presidents and Councillors as leaders of the community need to advocate their support for reform to build confidence within the community.

4. Change Management

- a. **What processes were undertaken to engage local government staff and to address their concerns?**

- The Joint CEO addressed staff during different tool box meetings and asked staff if they had any questions or concerns about employment with the transition to the new shire, he reiterated to the staff that their job were secure, and explained that normally when two Council's merge employee numbers increase not decrease because new positions are created.

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- A change management consultant was enlisted to hold different sessions with the employees, we conducted a whole of Council (two councils) session in Westonia and incorporated team building exercises. The outside staff didn't really take to this approach, and did not contribute much feedback.
 - A Human Resource Consultant was also enlisted to assist with the new workplace agreement, these sessions with the working group (employees from both councils) seemed to be successful and the group was close to achieving a final draft at the time of the poll.
- b. Was the duration of the Local Government Advisory Board Inquiry sufficient to establish change management protocols and policies to mitigate concerns staff may have had about a potential amalgamation?
- c. What are some of the key issues/considerations learnt related to change management that could be incorporated into future organizational or structural reforms of your local government?

I believed the staff in Yilgarn had confidence that their jobs would be secure, but possibly their roles may change. I could not say the same for the staff in Westonia, especially the indoor staff. There were undertones, that they were uncertain what roles they would be performing under the new Organisational Structure, what functions would be performed at the West Ward Office or even if they could still perform them there, or if they had to travel to Southern Cross for their work if the communication link between the two shires was not sufficient for remote access.

The new Organisational Structure and where each employee sits within the review needs to be addressed during the pre-planning and conveyed to the employees so they can feel secure of their place within the organisation.

5. Other matters

Are there any other matters about the amalgamation process that you would like to comment on?

APPOINTMENT OF COMMISSIONS

It was intended upon the commencement of the Westonia-Yilgarn Council on the 1st July 2012 that commissions would be appointed to handle the operations of the new Council until the elections would be held in October 2012 where a new Council would be formed made up of nine elected member from across the new shire.

Both Councils and Shire Presidents did not agree with this condition of amalgamation, and advocate that:

“the newly formed Council should be self-managed by the existing Council during the transition period and not managed by commissioners, as local members of Council are better equipped to respond to the community's needs.”

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JOINT CHIEF EXECUTIVE OFFICER

In 2010 both Councils appointed a Joint Chief Executive Officer whose primary responsibility was to:

“Progress the amalgamation of the Shires of Westonia and Yilgarn by 1 July 2012 which will entail developing statutory processes and procedures in line with the Department of Local Government’s “Amalgamation Guide” of February 2010.”

The creation of this position in theory made sense as both previous CEO’s were leaving their employ with Council within weeks of each other, and having one CEO who was based in Southern Cross but also performed governance duties for Westonia would mean a saving for the Councils, as both Councils would contribute to the cost of the position. The position of Director of Westonia was created to run the day-to-day functions within the community and the Joint CEO would visit regularly to address Council or attend necessary meetings (usually 2 -3 days per fortnight). The tension between the Joint CEO, Council and Staff at Westonia grew over the months where Council gave the directive that the Joint CEO give the Director of Westonia full delegated authority to deal with all operations in Westonia and the Joint CEO only contribute to monthly Council meetings and deal with the amalgamation proceedings.

In November 2011, the Westonia Council expressed that they could no longer work with the Joint CEO and wanted to be released from his employment contract. In good faith, the Yilgarn Council accepted their request and offered the Joint CEO an Acting CEO position with the Shire of Yilgarn until the 30th June 2012, and requested that the DCEO have any further dealings with the Westonia Council in relation to the amalgamation.

It is obvious from the chain of events leading to the release of the Joint CEO, that there was a lack of intent by the Westonia Shire President to work with the Joint CEO despite the contractual obligations which was signed off by both Shire Presidents in 2010.

Once again, I think the breakdown of communication may have been initially to blame here, ie. in regards to the Westonia Council communicating to the Joint CEO what their expectation of the position was, going into the future and then maybe the working relationship may not have been tainted from the start....

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Submission to:	Ordinary Meeting of Council –18 th January 2013
Agenda Reference:	7.3 – Late Item
Subject:	Council Policy - Employee Benefits - Child Care Allowance
File Reference:	2.3.3.2
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	16 th January 2013

Background

At the December Council meeting the CEO addressed a proposed amendment to Council Policy 7.2 - Employee Benefits which identified providing eligible employees with a Child Care Subsidy. Council requested:

“That the CEO meets with Cr Truran and Cr J Della Bosca to investigate further the practical operation, fairness and equity of the policy and that the matter be brought back to the January 2013 Council meeting.”

The CEO met with Cr Truran to discuss the broader reaching implications of the policy and to determine the parameters of the Child Care benefit.

Comment

It was proposed at the **December Council meeting** that an addendum to Council Policy 7.2 – Employee Benefits to include the following:

Child Care Subsidy

Council Child Care Subsidy helps families with the cost of child care.

In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

In the case, where no Centrelink rebate is offered, Council will cover 50% of out-of-pocket child care expenses.

The employee must meet certain requirements in order to be eligible for the Child Care Subsidy. You must have:

- used approved child care during the year
- worked for the Shire of Yilgarn during the period.
- provide Centrelink and / or Child care statements / receipts

After discussions with Cr Truran with consideration of fairness & equity of the policy the following addendum to Council Policy 7.2 – Employee Benefits is proposed:

Child Care Allowance

Council Child Care Allowance helps permanent employees of the Shire of Yilgarn with the cost of child care.

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Payments

In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

In the case, where no Centrelink rebate is offered, Council will cover 50% of out-of-pocket child care expenses.

The Child Care Allowance is capped at \$3,000 per financial year, per family. In the event that both parents are employed by the Shire of Yilgarn the allowance can be claimed by one employee only.

Eligibility

To be eligible for the Child Care Allowance:

- The employee must be a permanent employee who has been employed with the Shire of Yilgarn for a continuous period for more than 12 months.
- The employee must be using approved / registered Child Care providers, which includes; Long Day Care, Family Day Care, Outside Schools Hours Care, Occasional Day Care and Home Day Care.
- The employee must have worked for the Shire of Yilgarn during the period.
- The employee must provide Centrelink and / or Child care statements / receipts prior to reimbursement.

Statutory Environment

Nil

Policy Implications

Amendment to Council's Policy 7.2 - Employee Benefits

Financial Implications

Will depend on when the policy comes into effect, if the allowance is offered in 2012/13 these costs are unbudgeted and will need to be addressed in the budget review process, estimated costs would be approximately \$2,000. If the allowance is offered in 2013/14 the costs will need to be addressed through the budget process.

Voting Requirements

Absolute Majority

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Recommendation

That Council endorses the amendment to Council Policy 7.2 to include:

Child Care Allowance

Council Child Care Allowance helps permanent employees of the Shire of Yilgarn with the cost of child care.

Payments

In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

In the case, where no Centrelink rebate is offered, Council will cover 50% of out-of-pocket child care expenses.

The Child Care Allowance is capped at \$3,000 per financial year, per family. In the event that both parents are employed by the Shire of Yilgarn the allowance can be claimed by one employee only.

Eligibility

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- The employee must be a permanent employee who has been employed with the Shire of Yilgarn for a continuous period for more than 12 months.
- The employee must be using approved / registered Child Care providers, which includes; Long Day Care, Family Day Care, Outside Schools Hours Care, Occasional Day Care and Home Day Care.
- The employee must have worked for the Shire of Yilgarn during the period.
- The employee must provide Centrelink and / or Child care statements / receipts prior to reimbursement.

As Council did not have sufficient time to peruse the amended policy, they recommended that the item be tabled for the February meeting.

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Submission to:	Ordinary Meeting of Council –18 th January 2013
Agenda Reference:	7.4 – Late Item
Subject:	Workforce Planning FAA - Use of Common Seal
File Reference:	1.1.12.1, 1.1.11.2
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	16 th January 2013

Comment

The CEO received advice from the Department of Local Government (DLG) that the Shire of Yilgarn is eligible for reform funding to be spent on Workforce Planning to the value of \$25,000.

These funds can be used to enlist a consultant to prepare the Workforce Plan in consultation with the Executive team. The proposed schedule for the project is:

1. Enlist a Consultant from DLG approved list
2. Meet with employees / collection of data / enter data in Payroll module.
3. Consultant to liaise with Jo Folwood (Consultant developing Community Strategic Plan) and gain a good understanding of level of service and community aspirations for the Yilgarn.
4. Consultant to liaise with Executive Team
5. Consultant to prepare the Workforce Plan
6. Presentation to Council
7. Workforce Plan adopted by Council

Council is in receipt of the Financial Assistance Agreement and requires the signature of the Chief Executive Officer and Shire President and for Council's Common Seal to be placed on the document.

Statutory Environment:

Nil

Policy Implications:

Councils Policy 1.8 deals with the use of Council's Common Seal

Financial Implications:

Nil

Voting Requirements

Simple Majority

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Recommendation

That Council endorses the CEO signing and placing of the Shire of Yilgarn's Common Seal on the Workforce Planning Financial Assistance Agreement.

4/2013

Moved Cr W Della Bosca Seconded Cr Guerini that Council endorses the CEO signing and placing of the Shire of Yilgarn's Common Seal on the Workforce Planning Financial Assistance Agreement.

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council –18 th January 2013
Agenda Reference:	7.5 – Late Item
Subject:	Development Assessment Panels - Request Local Government Nominations
File Reference:	1.6.26.8
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	16 th January 2013

Comment

The Planning and Development (Development Assessment Panels) Regulations 2011 (the Regulations), which establish the operational framework for Development Assessment Panels (DAPs), were gazetted on 24th March 2011.

Council is being requested to nominate 4 elected members of Council to sit on the local DAP for our Region. Two of the 4 nominated members will be local members and two will be alternate local members. All nominated members are required to attend training sessions before they sit on a DAP. Nominated members are entitled to payment of sitting, training, and State Administrative Tribunal attendance fees unless they are a Federal, State, Local Government employee, an active or retired judicial officer, or an employee of a public institution.

In 2011, Crs Pasini and J Della Bosca were nominated to sit on the local DAP for our Region and Crs Patroni and Truran were nominated as the two alternate local members.

Nominations are to be received by 28th February 2013.

Statutory Environment

Compliance with the Planning and Development (Development Assessment Panels) Regulations 2011.

Policy Implications

Nil

Financial Implications

Unknown

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Recommendation

That Council nominates Crs Pasini and J Della Bosca to sit on the Local DAP for the region and Crs Patroni and Truran are nominated as the alternate elected members. These nominations are to be forwarded to the Minister for Planning for his consideration and appointment.

Voting Requirements

Simple Majority

5/2013

Moved Cr Auld Seconded Cr Guerini that Council nominates Crs Pasini and J Della Bosca to sit on the Local DAP for the region and Crs Patroni and Truran are nominated as the alternate elected members. These nominations are to be forwarded to the Minister for Planning for his consideration and appointment.

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council – Friday 18 th January 2013
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 th January 2013

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 enclosed and have been prepared as at the 31st December 2012:

- Rates Receipt Statement (prepared to 8th January 2013)
- Statement of Investments
- Monthly Statement of Financial Activity (to be tabled at meeting)

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.

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Policy Implications

None

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Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 31st December 2012 as presented be received.

6/2013

Moved Cr W Della Bosca Seconded Cr Truran that the various Financial Reports for the period ending 31st December 2012 as presented be received.

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council – Friday 18 th January 2013
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 th January 2013

Background

Municipal Fund – Cheque Numbers 38298 to 38348 totalling \$179,356.91, Municipal Fund EFT numbers 1020 to 1116 totalling \$650,290.58, Municipal Fund – Cheque Numbers 1078 to 1079 totalling \$138,759.00, Trust Fund – No Trust cheques were done in December, and Trust Fund – Cheque Numbers 5824 to 5826 (DPI Licensing), totalling \$60,013.60 are presented for endorsement as per the submitted list.

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.

Policy Implications / Delegation Register

Council has provided delegation to the Chief Executive Officer, Deputy Chief Executive Officer, Manager of Environmental Health and Building Services and/or Manager for Works to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil

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Voting Requirements
Simple Majority

Recommendation

Municipal Fund – Cheque Numbers 38298 to 38348 totalling \$179,356.91, Municipal Fund EFT numbers 1020 to 1116 totalling \$650,290.58, Municipal Fund – Cheque Numbers 1078 to 1079 totalling \$138,759.00, Trust Fund – No Trust cheques were done in December, and Trust Fund – Cheque Numbers 5824 to 5826 (DPI Licensing), totalling \$60,013.60 are presented for endorsement as per the submitted list.

7/2013

Moved Cr Auld Seconded Cr Guerin that Municipal Fund – Cheque Numbers 38298 to 38348 totalling \$179,356.91, Municipal Fund EFT numbers 1020 to 1116 totalling \$650,290.58, Municipal Fund – Cheque Numbers 1078 to 1079 totalling \$138,759.00, Trust Fund – No Trust cheques were done in December, and Trust Fund – Cheque Numbers 5824 to 5826 (DPI Licensing), totalling \$60,013.60 are presented for endorsement as per the submitted list.

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council – Friday 18 th January, 2013
Agenda Reference:	10.1
Subject:	CONFIDENTIAL ITEM - Possible Purchase of Commercial Property
Location/Address:	Lot 9 (H/No 8) Antares Street, Southern Cross
Name of Applicant:	Manager Environmental Health & Building Services
File Reference:	1.6.12.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th January, 2013

Background

At the October 2012 Council Meeting Council was verbally advised that Lot 9 Antares Street, Southern Cross was being considered as a suitable location for a Tourist Information Centre. For this reason Opteon (Goldfields WA) from Kalgoorlie was contracted to carry out a valuation of this property.

The Valuation Report was tabled at the December 2013 Council Meeting and the matter was asked to be raised at the January 2013 Council Meeting for discussion.

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Comment

Valuation

Opteon (Goldfield WA)'s valuation of Lot 9 Antares Street is \$60,000.00 excluding GST with the break-up of this figure being \$40,000 for land value and \$20,000 for the improvements/buildings on the property.

Unfortunately there have not been many or any recent sales of commercial properties in Southern Cross for Opteon to use as a comparison to determine the market value figure. Therefore it used the direct comparison approach based on the recent sale of 60 Antares Street for \$40,000 and the sale of 1D Spica Street for \$100,000, plus that the current owners of the property purchased this property in 2007 for \$55,000.

Possible Use of Premises

It has been identified for some time that a designated tourist information centre would be beneficial for tourist travelling to or through Southern Cross. Currently tourism information can be obtained from the:-

- ❖ Shire Office (which currently is the main tourist information centre) – open 8:00 a.m. – 5:00 p.m. Monday to Friday;
- ❖ Yilgarn History Museum – open 10:00 a.m. – 12 noon and 1:00 p.m. – 4:00 p.m. 7 days a week;
- ❖ Southern Cross Caravan Park and several other businesses in town hold copies of the various local pamphlets for tourists to access – open varying times and days.

If a suitable premises is found that is in or near the Great Eastern Highway or the main shopping area then this could become the main tourism information centre for Southern Cross, with the Shire office being a smaller information centre.

Staffing for this new tourist information centre would need to be considered. Whether it could be operated using existing Shire staff or new staff employed for this specific purpose will need to be considered.

Existing Building Condition & Works Required

The existing main building was built as 3 separate shops of double brick rendered front (east) wall and north wall otherwise timber framed, timber T&G floorboards, timber T&G dado bottom third and plasterboard top two-thirds internal walls, corrugated iron (south wall) / weatherboards (extension) bottom third and asbestos flat sheets top two-thirds or otherwise all asbestos external walls, suspended aluminium frame and plasterboard sheet ceiling, and corrugated iron roof sheeting. There is narrow timber framed building at the rear situated at right angles to the main building and is joined onto the main building. This building appears to consist of 3 or 4 rooms where the second room has an old wood stove and was probably a

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kitchen, while the other 2 or 3 rooms may have been single accommodation rooms. There are 2 single outside toilets back to back.

Internally the main building is 19.50m wide x 12.80m long (to the front doors) x 3.280m ceiling height. Shop A (corner shop is approximately 6.980m wide, Shop B is 6.235m wide, and Shop C is 6.270m wide. The front display wings extend towards the street a further 1.10m. The original ceiling which was plasterboard was a further 380mm higher than the suspended ceiling.

In terms of repairing or renovating the building, the brick walls and timber frame of the main building and the narrow extension appears to be in fairly good condition and would be worth renovating the building. The north brick wall is affected by rising damp. There is evidence that termites have been into the timber around the front display window of Shop C but at this time this believed to be an isolated area attack only.

In saying this, below is an overview with estimated costs of works that would need to be carried out before it could be occupied:-

- Re-stump / re-level the timber flooring - in the main there is a difference of 25mm over most of the floor but there are a few areas where the difference between the highest point (datum point near the north-west corner in Shop C) and the lowest points in Shop A is up to 150mm. Cost \$10,000 - 15,000
 - Re-wire throughout the whole building. Cost \$30,000
 - Re-roof whole building, install proper box gutters, and install new guttering and down pipes, and include Anticon under sheeting. Cost \$55,000
 - Remove suspended ceiling and reinstate original ceiling level with Gyprock sheets, new cornices, paint ceiling, and install fibreglass batt insulation. Cost \$35,000
 - Reinstall shop dividing walls and repair internal walls, including for rear extension building. Cost \$20,000
 - Repair brick wall (north wall) and repair hard wall render and plaster affected by rising damp, etc. Cost \$10,000
 - Re-paint internal walls throughout. Cost \$15,000
 - Re-paint external walls throughout. Cost \$15,000
 - Either build on-site or convert rear extension building for unisex disabled toilet(s) and kitchenette. Cost \$20,000
 - Floor covering after floor re-levelled. Cost \$11,300
 - Install reverse cycle split system air-conditioning units to main building only - allow 6 units. Cost \$42,000
- Estimated Total Cost \$268,300

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If you had a clear site and built a building the same size as this main building of 249.6 square metres, at an estimated cost of \$3,000 per square metre it would cost a total of \$750,000. (Note that this may be under estimated as the cost per square metre for the new Bowls and Tennis Clubhouse was a little over \$9,000/m²).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The cost to purchase this property would be un-budgeted in this financial year but the money could come from the Land Development Reserve which has \$180,108.93 currently in it.

<p>Recommendation</p>

<p>For Council's information.</p>

Voting Requirements

Simple Majority.

8/2013

Moved Cr Truran Seconded Cr W Della Bosca that Council offers the owners of 8 Antares Street \$50,000.00 for the purchase of the Land and Building.

CARRIED (5/0)

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Submission to:	Ordinary Meeting of Council - Friday 18 th January, 2013
Agenda Reference:	10.2
Subject:	CONFIDENTIAL ITEM - Possible Purchase of Commercial Property
Location/Address:	Lots 63 & 64 (H/No 37-39) Altair Street, Southern Cross
Name of Applicant:	Manager Environmental Health & Building Services
File Reference:	1.6.12.2
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th January, 2013

Background

During 2012 when Council considered the proposal of a Demonstration Health Care Site for Southern Cross it was suggested that the old Canopus Street Café site may be suitable for this development, as was the old Bowling Club site and the Uniting Church site. At the October 2012 Council Meeting Council was verbally advised that the owner of the old Canopus Street Café, Mr Graham Reside, was contacted regarding the possible sale of the property. Mr Reside confirmed that it was for sale and was agreeable for the property to be valued, so Opteon (Goldfields WA) from Kalgoorlie was contracted to carry out a valuation of this property of Lots 63 & 64 Altair Street, Southern Cross.

The Valuation Report was tabled at the December 2012 Council Meeting and the matter was asked to be raised at the January 2013 Council Meeting for discussion.

Comment

Valuation

Opteon (Goldfield WA)'s valuation of Lots 63 & 64 Altair Street is \$110,000.00 excluding GST with the break-up of this figure being \$30,000 for land value and \$80,000 for the improvements/buildings on the property. This valuation is subject to the vendor confirming that all fuel tanks have been decommissioned in accordance with all relevant legislation and also that the vendor is responsible for remediating and contamination on the site prior to settlement.

Unfortunately there have not been many or any recent sales of commercial properties in Southern Cross for Opteon to use as a comparison to determine the market value figure. Therefore it used the direct comparison approach based on recent sale of properties in Southern Cross. As the lots are currently zoned "Residential" with a density rating of R30/R10, and as there is caretaker's accommodation attached to the retail business, it is assumed that the property could be rented out straight away without having to do major

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works to the building, and the retail building could be renovated/altered to become part of the residence.

Proposal

Whether the site was used to develop as a Demonstration Medical Care Site or not, this property situated adjacent to the old Bowling Club land which the Shire is in the process of acquiring, could be worth purchasing as it would give greater scope for possible future development of these lots.

Existing Underground Fuel Tanks

Mr Reside has advised that in 2007 he had the remaining fuel pumped out of the 2 underground tanks, and had a soil contamination test completed. The soil contamination test was negative, however, as the tanks were unable to be completely pumped out there is a small amount of fuel remaining in the tanks. During the 5 years since the soil contamination test was carried out it is possible that one or both of these tanks could have started leaking and the test would need to be repeated again.

Due to the costs involved, Mr Reside would prefer to treat the underground fuel tanks as being abandoned tanks and wishes to fill them with a special cement mixture to stabilise the fuel remaining in the tanks rather than remove the tank and backfill the area with clean soil. The Department of Mines and Petroleum Dangerous Goods Section would prefer for underground fuel tanks to be removed in all instances but its legislation allows for the option of leaving them on-site and filling them with a concrete mixture. The filling of the tanks needs to be supervised and preformed by someone who is able to certify that the work has been carried out in accordance with the Department's criteria/standards.

If Council were to purchase the land and develop them, it would want the tanks and pipe work completely removed and the site assessed for possible contamination.

At this time costs to remove the tanks and backfill with clean sand plus to carry out soil analysis of the area for possible contamination have not been sought. If Council believes that this property is worth pursuing then quotes to carry out this work and to demolish the existing building will be obtained.

Statutory Environment

Nil

Policy Implications

Nil

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Financial Implications

The cost to purchase this property would be un-budgeted in this financial year but the money could come from the Land Development Reserve which has a total of \$180,108.93 currently in it.

Recommendation

For Council's information.

Information Received , no action to be taken at this time.

Submission to:	Ordinary Meeting of Council - Friday 18 th January, 2013
Agenda Reference:	10.3
Subject:	Application to Conduct Miscellaneous Activities and General Purpose Lease - Associated with Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	M & M Walter Consulting Mining Titles and Native Title Management on behalf of Southern Cross Goldfields Ltd x 5; and M & M Walter Consulting Mining Titles and Native Title Management on behalf of Richard Read & Associates Pty Ltd.
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th January, 2013

Background

- 1) M & M Walter Consulting Mining Titles and Native Title Management on behalf of Southern Cross Goldfields Ltd has submitted 4 applications for Miscellaneous Licences L77/258 - 261 for the purpose of communications facility, a pipeline, a power line, a road, and/or taking water, plus on L77/258 includes an aerodrome, and on L77/260 it includes a minesite accommodation facility, a minesite administration facility, a power generation and transmission facility, and a workshop and storage facility. Licence L77/259 adjoins the Mt Jackson Road, and L77/261 crosses over the Bullfinch-Evanston Road. While Licences L77/258, L77/260, and General Lease G77/120 do not directly affect either of these roads, there will be additional vehicle traffic on both of these roads relating to the proposed minesite, accommodation facilities, and aerodrome to be constructed on these sites. See attached application form, maps and aerial views.

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- 2) M & M Walter Consulting Mining Titles and Native Title Management on behalf of Richard Read & Associates Pty Ltd have submitted 1 application for Miscellaneous Licence L77/256 for the purpose of searching for ground water and taking water. Licence L77/256 does not adjoin or cross any Council controlled road. See attached maps and aerial views.

Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. In these instances, the proposed drilling operations will be well outside any designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

In line with similar applications previously received from other applicants, Council should grant approval to each applicant to carry out the proposed miscellaneous activities based on the following general conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected in particular those using public roads;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Through the practice of taking water, any ground water that escapes onto the ground around the bore site is to be bunded so that it does not spread;
- 4) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 5) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 6) A Road Traffic Management Plan for any works in and around a Council controlled road reserve must be forwarded to the Shire Manager of Works for his approval prior to any works being carried out;
- 7) Applicants and their contractors are to be aware of Council's Heavy Vehicle Haulage Road Impact Policy and discuss its likely impact on them with the Shire Manager of Works. (Note: No road trains or vehicles that require permits are permitted to use the Bullfinch - Evanston Road, and this also applies to parts of the Mt Jackson Road);
- 8) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and

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- 9) That the applicants are to discuss and obtain approval to access Private property prior to the company or it's contractors accessing this land.

Richard Read & Associates' Miscellaneous Licence development should also not alter or adversely affect any natural water course in any way, including underground water courses.

The Manager of Works is aware of these applications and has raised concerns in regards to the additional vehicle use of the Mt Jackson and Bullfinch – Evanston Roads and the possible restricted access of the public on these roads.

Statutory Environment

Compliance with the Environmental Protection (Noise) Regulations 1997, and the Environmental Protection Act 1986.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to M & M Walter Consulting Mining Title and Native Title Management on behalf of Southern Cross Goldfields Ltd (L77/258 - 261 and G77/120), and M & M Walter Consulting Mining Title and Native Title Management on behalf of Richard Read & Associates Pty Ltd (L77/256) to carry out miscellaneous activities as stated and shown on the maps provided on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected in particular those using public roads;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Through the practice of taking water, any ground water that escapes onto the ground around the bore site is to be banded so that it does not spread;
- 4) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 5) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 6) A Road Traffic Management Plan for any works in and around a Council controlled road reserve must be forwarded to the Shire Manager of Works for his approval prior to any works being carried out;

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- 7) Applicants and their contractors are to be aware of Council's Heavy Vehicle Haulage Road Impact Policy and discuss it's likely impact on them with the Shire Manager of Works. (Note: No road trains or vehicles that require permits are permitted to use the Bullfinch - Evanston Road, and this also applies to parts of the Mt Jackson Road);
- 8) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 9) That the applicants are to discuss and obtain approval to access Private property prior to the company or it's contractors accessing this land.

Voting Requirements

Simple Majority

9/2013

Moved Cr Auld Seconded Cr Truran that Council grants approval to M & M Walter Consulting Mining Title and Native Title Management on behalf of Southern Cross Goldfields Ltd (L77/258 - 261 and G77/120), and M & M Walter Consulting Mining Title and Native Title Management on behalf of Richard Read & Associates Pty Ltd (L77/256) to carry out miscellaneous activities as stated and shown on the maps provided on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected in particular those using public roads;*
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;*
- 3) Through the practice of taking water, any ground water that escapes onto the ground around the bore site is to be bunded so that it does not spread;*
- 4) All rubbish is to be disposed of at the local landfill site in the appropriate manner;*
- 5) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;*
- 6) A Road Traffic Management Plan for any works in and around a Council controlled road reserve must be forwarded to the Shire Manager of Works for his approval prior to any works being carried out;*
- 7) Applicants and their contractors are to be aware of Council's Heavy Vehicle Haulage Road Impact Policy and discuss its likely impact on them with the Shire Manager of Works. (Note: No road trains or vehicles that require permits are permitted to use the Bullfinch - Evanston Road, and this also applies to parts of the Mt Jackson Road);*

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- 8) *If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and*
- 9) *That the applicants are to discuss and obtain approval to access Private property prior to the company or it's contractors accessing this land.*

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th January, 2013
Agenda Reference:	10.4 Late Item
Subject:	Taking of Soil Samples for Mining Exploration
Location/Address:	Lake Polaris near Polaris Street and off Beaton Road, Southern Cross
Name of Applicant:	SGS Australia Pty Ltd of Newburn (Perth) - Mr Alec Davidson, Minerals Services
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	17 th January, 2013

Background

Mr Alec Davidson of SGS Australia Pty Ltd has written advising that SGS Australia is a scientific geochemical service provider in the Eastern Goldfields region with laboratories in the region and in Perth. They look for trace elements for mining exploration by analysing soil samples. Research has shown that there is suitable material for this purpose within Southern Cross, and so they are seeking approval to collect soil samples in the Polaris Lake creek bed near Polaris Street and off Beaton Road. Soil samples are collected within 30 centimetres of the surface within an area of five square metres. They will undertake to tidy any soil disturbance in order to retain the natural appearance of the sites. See a copy of this letter attached.

Comment

Mr Davidson has not advised as to what trace elements they would be looking for.

If SGS Australia is allowed to carry out the soil sampling as requested because it is seen as being unobtrusive as they will be only digging down a maximum of 30 centimetres from the ground surface within a 5 square metre area, if the sampling proves to be successful in finding good trace elements or minerals, then it is likely that a mining company will want to mine the area(s).

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Under the Mining Act 1978 any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. The taking of these soil samples does not constitute mining in terms of the Mining Act, however, SGS Australia wish to ask for approval.

Under the Shire of Yilgarn Town Planning Scheme No 2 the section of Lake Polaris near Polaris Street is reserve land classified as "Waterway" adjoining land classified as "Recreation". Reserve land is to be used for the designated purpose of that reserve. In this case the creek bed of Lake Polaris is classified as "Waterway".

As reserve land it is for public use. As a natural waterway it is controlled by the Waters and Rivers Commission of WA and the Waterways Conservation Act 1976.

Mining should not occur within a natural water way such a lake or river/creek as it will adversely affect the flow of the waterway.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, Waterways Conservation Act 1976, Mining Act 1978, and Environmental Protection Act 1986.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise SGS Australia Pty Ltd that it does not give permission for it to take soil samples in the creek bed of Lake Polaris near Polaris Street and off Beaton Road as this is a natural waterway which is Crown land and is for public use, not for mining or associated activities such as that proposed.

Voting Requirements

Simple Majority

AMENDMENT TO RECOMMENDATION

Council enquired what the purpose of conducting the soil samples was, and unfortunately SGS Australia's letter did not divulge this information. Council agreed that the soil sampling would be approved, although it would be unlikely for further mining activity would be granted to take place in this location.

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10/2013

Moved Cr Guerini Seconded Cr Patroni that Council give permission to SGS Australia Pty Ltd to take soil samples, and advise SGS Australia that it would be unlikely that Council would approve any mining activity or endorse any obstruction of waterways.

CARRIED (4/1)

Submission to:	Ordinary Meeting of Council - Friday 19 th January, 2013
Agenda Reference:	10.5 Late Item
Subject:	Planning Application - Home Occupation Application - Clerical Office
Location/Address:	Lot 931 (H/No 6) Libra Place, Southern Cross
Name of Applicant:	Mrs Sarah Dixon - Tenant of GROH, Department of Housing
File Reference:	3.1.3.3
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	17 th January, 2013

Background

Mrs Sarah Dixon who is married to the police officer who has recently moved into 6 Libra Place which the Shire leases to GROH Merredin (Department of Housing) for accommodating of police officers in Southern Cross. Mrs Dixon is the Administration Manager of Australian Hand Therapy Association Inc, working as a subcontractor. As such she needs to operate an office within the home to answer telephone calls, receive and send facsimiles, and operate her computer. Mrs Dixon will not have clients coming to the home, and she is not selling any goods. As Mrs Dixon is a tenant she is seeking approval to operate her business from this premise. See attached copy of the E-mail received.

Comment

Town Planning Issues

Under the Shire of Yilgarn's Town Planning Scheme No 2 clause 3.2 Zoning Table - Table 1, a Home Occupation on land zoned "Residential" has an 'AA' symbol. This means that the use is not permitted unless the Council has granted planning approval. Attached is a copy of the definition of a home occupation listed in the Shire's Town Planning Scheme No 2. Mrs Dixon's proposal meets with this definition.

The proposed administration office within the home will not affect neighbours in any way and will be unnoticeable.

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In this instance the property belongs to the Shire and Council should be aware of the business.

Statutory Environment

Compliance with the Shire of Yilgarn's Town Planning Scheme No 2, and the Health Act 1911 and relevant regulations or codes made under the Act.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Mrs Sarah Dixon to operate a clerical business as subcontractor to Australia Hand Therapy Association Inc as a Home Occupation business from the home she rents on Lot 931 Libra Place, Southern Cross.

Voting Requirements

Simple Majority

11/2013

Moved Cr Auld Seconded Cr Truran that Council grants approval to Mrs Sarah Dixon to operate a clerical business as subcontractor to Australia Hand Therapy Association Inc as a Home Occupation business from the home she rents on Lot 931 Libra Place, Southern Cross.

CARRIED (5/0)

As there was no further business to discuss, the Shire President declared the meeting closed at 4.23pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 18th January 2013, are confirmed on Friday the 15th February 2013 as a true and correct record of the January Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT