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SHIRE OF YILGARN
MINUTES – ORDINARY MEETING OF COUNCIL
FRIDAY, 21st August 2009

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 21st August 2009.

PRESENT

Cr P R Patroni, Shire President

Cr R R Della Bosca, Deputy Shire President

Crs G V Kenward, D J Pasini, K J Fairless and O T Truran

Council Officers: P R Clarke, Chief Executive Officer
A M Seiler, Deputy Chief Executive Officer
R J Bosenberg, Manager for Works

The Shire President officially opened the meeting at 2.00pm.

PUBLIC QUESTION TIME

There were no members of the public were in attendance for Public Question Time.

DISCLOSURE OF FINANCIAL INTEREST

Nil

APOLOGIES & LEAVE OF ABSENCE

Cr David Auld had previously tendered his apologies.

W J Dallywater, Manager of Environmental Health and Building Services

CONFIRMATION OF PREVIOUS MINUTES

178/2009

Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 17th July 2009, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

YILGARN YOUTH SPORT AND RECREATION ADVISORY MEETING

179/2009

Moved Cr Kenward Seconded Cr Truran that the minutes of the Yilgarn Youth Sport and Recreation Committee Meeting, held Monday 27th July 2009 be received.

CARRIED (6/0)

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**WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS (WE-ROC)
EXECUTIVE MEETING**

180/2009

Moved Cr Fairless Seconded Cr Pasini that the minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) Executive Meeting held Wednesday 29th July 2009 be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MINUTES

181/2009

Moved Cr Della Bosca Seconded Cr Truran that the minutes of the Tourism Advisory Committee Meeting held Monday 10th August 2009 be received.

CARRIED (6/0)

AUSTRALIA'S GOLDEN OUTBACK (AGO) – 2009/10 MEMBERSHIP

182/2009

Moved Cr Kenward Seconded Cr Truran that Council take out Gold Membership of Australia's Golden Outback for the annual fee of \$245.00.

CARRIED (6/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- Cr Patroni indicated that he would be attending a meeting of the Windarling and Mt Jackson Community Reference Group to be held at Windarling on Thursday 17th September 2009 in his capacity as independent Chair. Cr Patroni also indicated the importance of Council's appointed representatives also attending this meeting;
- Together with the Manager for Works, the President attended a Regional Road Group Meeting in Northam during August;
- The President attended a meeting of the Eastern Wheatbelt Declared Species Group recently and advised that a special meeting of the Group would be held in Southern Cross on Monday 31st August 2009; and
- Together with other Councillors and the CEO, Cr Patroni attended the WA Local Government Week Convention in Perth.

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CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.1
Subject:	Policy Manual Review
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 August 2009

Background

Each year a review of Council's Policy Manual is normally undertaken by a Committee appointed by Council. The appointed Committee is comprised of Crs Patroni, Pasini, Truran and Kenward.

Comment:

At the July 2009 Ordinary meeting the CEO indicated that the above Committee was required to meet to conduct its annual review of the Policy Manual. At the July meeting Council considered that as the Policy Manual had been refined over a number of years, it would be better suited if the Management team reviewed the Manual and presented it to Council for consideration.

A copy of the revised Policy Manual with the proposed alterations is attached as a separate document to the Agenda.

Statutory Environment

Nil

Policy Implications

Annual review

Financial Implications

Nil

Recommendation

That Council adopts the recommendations associated with the annual review of the Shire of Yilgarn Policy Manual for change to specific policies as submitted by Council's management team.

Voting Requirements

Simple Majority

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183/2009

Moved Cr Truran Seconded Cr Della Bosca that Council adopts the recommendations associated with the annual review of the Shire of Yilgarn Policy Manual for change to specific policies as submitted by Council's management team.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.2
Subject:	Local Government Structural Reform – Draft Submission to Minister for Local Government
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	12 August 2009

Background

As per the Minister for Local Government's Structural Reform process, all local government authorities in Western Australia are required to provide a submission stating their preferred method of undertaking reform.

Comment:

Council, in conjunction with the Shire of Westonia, engaged the services of Mr Gary Martin to develop a submission that reflected Council's position on structural reform from the beginning of the Systemic Sustainability Study (SSS) implementation to the developments that had taken place when the Minister announced in February 2009 of the need for Council's to progress reform in a more rapid timeframe.

At the Local Government Convention held in Perth between Thursday, 6 and Saturday, 8 August 2009, the picture and stance of the Government's position on structural reform became clearer than what had been enunciated in the past. It was clearly stated by the Premier, the Minister for Local Government and the Minister for Regional Development that the Government wants major reform and a significant reduction in the number of Councils in Western Australia and that the status quo in submissions was not an option. Further to these comments, a failure by local governments to embrace the reform process will see decisions made for them that may not be in their best interests.

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Council at its July 2009 August meeting resolved the following in respect to its position on structural reform:-

“Moved Cr Pasini Seconded Cr Kenward that following the conduct of Public Meetings and the responses received from the community survey on the Local Government Structural Reform process, Council acknowledges the Yilgarn residents views and concurs that the Shire of Yilgarn has no objections to the process of a voluntary merger with the Shire of Westonia however, the status quo would be the preferred option which includes the strong working relationship that has already been developed with the Westonia Shire on resource sharing initiatives and based on WALGA’s SSS recommendations. In reaching this decision, Council recognised that amalgamations with other adjoining neighbours was not considered appropriate due to geographical location and community of interest issues. Based on this decision, Council instructs its Consultant to prepare the Structural Reform submission to the Minister for Local Government to ensure that the residents of the Yilgarn district continue to receive good governance and services that they have come accustomed to over many years”.

From the statements by the Premier and Minister’s that the status quo will not be an option for local governments in their submissions, it will be necessary to review Council’s position.

One other issue that arose between Council meetings was the belated announcement of the Shire of Merredin’s position in the reform process. Whilst Merredin supported the status quo, it also indicated that it was inevitable that the future for the Wheatbelt was the creation of a regional sized local government that could seize the opportunities and develop the region. Merredin stated that a local government consisting of the Shire’s of Yilgarn, Bruce Rock, Westonia, Kellerberrin, Tammin, Nungarin, Narembeen and Merredin was an appropriate organisation for the Central and Eastern Wheatbelt.

The Shire of Merredin conducted a Public Forum on Thursday, 30 July which was supposed to be for the residents of Merredin however, representatives from the Shires of Yilgarn, Bruce Rock, Westonia, Kellerberrin and Narembeen attended to voice their disapproval at Merredin’s proposal and to raise their disappointment at the lack of consultation with the above Shires regarding their proposal. Merredin will now have to remove the status quo option and will most likely fully support the composite option in their submission to the Minister.

A draft Submission is attached to the Agenda document for Councillors perusal. The CEO has been liaising with the Consultant on a constant basis and the Submission has been prepared in light of the above comments.

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Council was advised by the Western Australian Local Government Association on Wednesday, 12 September 2009 that the Minister for Local Government had granted an extension of 1 month to 30 September for Local Governments to submit their reform submissions. This extension had been granted in light of the information that had been provided at the Local Government Convention and the fact that many of Local Governments were reconsidering their positions and would require more time to develop the reform proposals with their communities.

Whilst the Minister has granted the above extension, his office has stated that the Minister looks forward to receiving those submissions that are complete now. It is considered that it would be in Council's interest to forward its submission by the original 31 August deadline.

The Submission needs to be adopted at August 2009 Ordinary Meeting in order that it can be forwarded to the Minister by the deadline of Friday, 31 August 2009.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

That following the announcements by the Premier, Minister for Local Government and Minister for Regional Development at the Local Government Convention on the Government's position in the Structural Reform process, Council rejects its previous preference for the status quo and instead, Council positively states in its Submission its total support for a merge of the Shires of Yilgarn and Westonia to take effect by October 2011. Council also includes in its submission that it rejects the proposal put forward by the Shire of Merredin which is considered too large and would be unmanageable due to the area, distances and number of communities without community of interest.

Council in submitting the Reform Submission to the Minister for Local Government also forwards the document to the Hon. Graham Jacobs MLA in his capacity as the Local Member of Parliament seeking his support in Council's submission to Government.

Voting Requirements

Simple Majority

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184/2009

Moved Cr Kenward Seconded Cr Fairless that following the announcements by the Premier, Minister for Local Government and Minister for Regional Development at the Local Government Convention on the Government's position in the Structural Reform process, Council rejects its previous preference for the status quo and instead, Council positively states in its Submission its total support for a merge of the Shires of Yilgarn and Westonia to take effect within a four year time frame following the 2009 Council Elections. Council also includes in its submission that it rejects the proposal put forward by the Shire of Merredin which is considered too large and would be unmanageable due to the area, distances and number of communities without community of interest.

Council in submitting the Reform Submission to the Minister for Local Government also forwards the document to the Hon. Graham Jacobs MLA in his capacity as the Local Member of Parliament seeking his support in Council's submission to Government.

CARRIED (6/0)

Reason for Alteration to the Recommendation:

Council sought to extend the timeframe from two years to four years to enable adequate provisioning of the new merged Council which was in line with the Shire of Westonia's resolution and it was considered that both Shires should be in sync with their submission to the Minister.

USE OF COUNCIL'S COMMON SEAL

185/2009

Moved Cr Della Bosca Seconded Cr Fairless that Council authorise the Shire President and Chief Executive Officer to sign the Reform Submission and execute same through use of Council's Common Seal.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.3
Subject:	2009 Local Government Elections – Electoral Code of Conduct
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

The 2009 Local Government Elections are scheduled for **Saturday, 17 October 2009** and planning has already commenced including the statutory obligations associated with advertising for the Election.

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This year the following Councillor positions become vacant with the positions available being for a 4 year term:-

Cr PR Patroni
Cr RR Della Bosca
Cr DG Auld
Cr KJ Fairless

The following timetable is provided for Councillors information:-

August 8 – 28	State wide public notice of the time, date and close of enrolments
August 22 – Sept 2	Advertising begins for nominations
August 28	Close of Roll
September 3	Nominations Open
September 10	Nominations Close
September 11	Preparation of Owners and Occupiers Roll
October 13	Close of Absent Voting and close of postal vote applications
October 16	Early Voting closes
October 17	Election Day

Comment

The CEO has organised for an information evening to be conducted on the “Roles and Responsibilities of being a Councillor” with this evening to be held on **Wednesday, 2 September 2009**. Advertising has already begun notifying the community of this impending information evening.

It is also a requirement of Councils to adopt an “Electoral Code of Conduct” which employees associated with the conduct of the Elections are required to adhere to. Attached to this report is a copy of the proposed Code of Conduct for adoption by Council.

For Council information, the Proportional Preferential Voting legislation has been defeated in Parliament and Local Government Elections have been returned to the First-Past-the-Post system.

Statutory Environment

Part 4 of the *Local Government Act 1995*, and the *Local Government (Elections) Regulations 1997*

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council adopts “Electoral Code of Conduct” and notes the specific dates associated with the 2009 Local Government Elections.

Voting Requirements

Simple Majority

186/2009

Moved Cr Truran Seconded Cr Kenward that Council adopts “Electoral Code of Conduct” and notes the specific dates associated with the 2009 Local Government Elections.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.4
Subject:	Cliffs Asia Pacific Iron Ore Pty Ltd – Permit to Clear Native Vegetation
File Reference:	10306
Author:	Peter R Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

At the July 2009 Ordinary meeting of Council the Department of Mines and Petroleum advised Council that it had received an application from Cliffs Asia Pacific for the following application for a permit to clear native vegetation under the *Environmental Protection Act 1986* (the Act):-

Applicant Name:	Cliffs Asia Pacific Iron Ore Pty Ltd – Koolyanobbing Airstrip Upgrade Project
Permit Type:	Purpose Permit
Tenement:	Miscellaneous Licence 77/214
Purpose:	Airstrip Realignment and Upgrade
Area (ha):	13.54ha
Period Applied for:	1 July 2009 – 31 July 2014
Shire:	Shire of Yilgarn
Clearing Permit System No.	3170/1

The Department advised that in accordance with sub-section 51E(4) of the Act, the Director of the Environment Division advises that he considers the Council may have a direct interest in the subject matter of the application and invite Council to comment on the matter.

Submissions regarding the above had to be submitted by **Friday, 31 July 2009**.

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Council at July 2009 meeting resolved the following in respect to the application:-

“Moved Cr Kenward Seconded Cr Della Bosca that Council advises the Department of Mines and Petroleum that it does not support the application submitted by Cliffs Asia Pacific Iron Ore Pty Ltd to clear native vegetation for the realignment and upgrade of the airstrip at Koolyanobbing as Council believes that the proposal to upgrade the Southern Cross airstrip without any impact upon native vegetation would have been a preferred option and that it would have benefitted two mining companies and the community of the Yilgarn district rather than just the economic rationalisation of Cliffs Asia Pacific Pty Ltd”.

A copy of the correspondence forwarded to the Department as a result of the above resolution is attached to this report for Councillors information.

Comment

In adopting the above motion, Council also instructed the CEO to forward a copy of Council’s correspondence to the Hon. Graham Jacobs MLA seeking his support in respect to Council’s objections to the application.

The following response was received from Dr Jacobs:-

“I appreciate Council’s concerns regarding the upgrade of the Koolyanobbing Airstrip as outlined in your correspondence to the department of Mines and Petroleum.

It is important for the development of the state, that such processes achieve an environmental and economic balanced outcome.

I believe the ruling on the application for the upgrade and realignment of the Koolyanobbing Airstrip process is pending. I hope the result brings a satisfactory outcome for the community.

In the meantime I will raise your concerns for the clearing of native vegetation with the Minister for Minerals and Petroleum”.

In the “Western Australian” newspaper dated Monday, 10 August 2009 an advertisement was placed by the Department of Mines and Petroleum which indicated the following:-

Clearing permit granted

Cliffs Asia Pacific Iron Ore Pty Ltd – Koolyanobbing Airstrip Upgrade Project, Purpose Permit, Miscellaneous Licence 77/214, **Shire of Yilgarn**, Airstrip Realignment and Upgrade, 13.54ha, 5 September 2009 – 31 July 2014 (CPS 3170/1)

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The above advertisement indicated that appeals against the issue of the permit may be forwarded within 21 days of Thursday, 6 August 2009 (closing date 27 August 2009) to the Appeals Convenor (08) 6467 5190, Level 22, Forrest Centre, 221 St. Georges Tce, PERTH WA 6000 or for appeals against a refusal or permit conditions within 28 days of that day.

Statutory Environment

Environmental Protection Act 1986

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council submits an appeal against the decision to approve the application for a Clearing Permit to Cliffs Asia Pacific Iron Ore Pty Ltd for the Airstrip realignment and upgrade at Koolyanobbing to the Appeals Convenor at the Department of Mines and Petroleum prior to 27 August 2009.

Voting Requirements

Simple Majority

187/2009

Moved Cr Kenward Seconded Cr Fairless that Council submits an appeal against the decision to approve the application for a Clearing Permit to Cliffs Asia Pacific Iron Ore Pty Ltd for the Airstrip realignment and upgrade at Koolyanobbing to the Appeals Convenor at the Department of Mines and Petroleum prior to 27 August 2009.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.5
Subject:	Yilgarn Agricultural Society – Request to Purchase of Crockery and Cutlery
File Reference:	11403
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

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Background

The Secretary of the Yilgarn Agricultural Society, Cheryl Cox, has written to Council to advise that the Society is interested in purchasing the crockery and cutlery located in their new office and meeting room (previously CWA Rooms) in the Recreation Complex.

Ms Cox advises that the Society has a need to use this crockery on Show Day and various other functions when they are fundraising eg. Quiz Nights etc. Ms Cox advises that if the Society was successful in its application, it would make the crockery and cutlery available to other users when requested at no charge.

Comment

The crockery and cutlery in question used to be managed by Mrs Moira McNamara and when she left the district, she passed on the responsibility to Council. The crockery and cutlery is very outdated and rarely used by the community.

Rather than the Agricultural Society purchase the equipment, it would be more advantageous for Council better to donate it on the proviso that they do allow other groups to use it at no charge as they have indicated.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council donates the surplus crockery and cutlery to the Yilgarn Agricultural Society on the proviso that it allows other groups and individuals to use the equipment at no charge.

Voting Requirements

Simple Majority

188/2009

Moved Cr Truran Seconded Cr Kenward that Council donates the surplus crockery and cutlery to the Yilgarn Agricultural Society on the proviso that it allows other groups and individuals to use the equipment at no charge.

CARRIED (6/0)

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Note:

Council wished that it be recognised in the Minutes that the Carlson Family had originally donated the Crockery for use by the community and that it was managed by Mrs Moira McNamara, a family member, until she had left the district. In handing over responsibility of the crockery to the Agricultural Society, Council considered that acknowledgement of Carlson family's donation to the community should be recorded.

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.6
Subject:	Yilgarn Local Drug Action Group (YLDAG) – Youth Forum
File Reference:	7026
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 August 2009

Background

Correspondence has been received from 11 local school children that were associated with the recent Youth Forum that was conducted by YLDAG on Thursday, 23 July 2009. The above students advise that 40 local children attended the Forum which was facilitated by Lincoln George from the Drug and Alcohol Office and Jennifer Rogers from the Local Drug Action group Inc.

The correspondents advise that the aim of the Forum was to focus on youth issues within the Yilgarn district. At the Forum, all attendees looked at the positives of living within the Yilgarn Shire and what changes they would like to see happen. Some of the positives included the existing sporting clubs, Yilgarn Agricultural Society, King of the Cross, swimming pool, School and Blue Light Disco's to name a few.

Some of the changes mentioned included extending the swimming pool season, provision of a diving board, skate-park upgrade, improved BMX track, takeaway outlets (Hungary Jacks etc) and a Youth Centre. Of the changes, the provision of a Youth Centre was voted by the majority of the students as the most needed by the youth in the district.

The correspondents are seeking the support of Council and the local community in acquiring a suitable venue for a Youth Centre. It is anticipated that the venue will require toilet and kitchen facilities and preferably several rooms.

Comment

The children have enquired as to whether Council would have a building that would be suitable for a Youth Centre. They advise that they would like a facility at

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which they could "hang out" with their friends, perhaps play pool, video games, watch movies or just get together.

The children have also advised that they understand that they will need to raise additional funds and be involved in the Centre's general running. A notice is currently being drafted for "Crosswords" and the School Newsletters seeking support from parents and interested community members in their proposal.

Council does not have a facility that would be considered appropriate for a Youth Centre. There are however some empty shops in the main street and if there is going to be parent involvement in the supervision and running of the proposed Centre, it could be a possibility that an owner of one of the premises may be interested in renting the building for such a purpose.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Yilgarn Local Drug Action Group, and in particular the 11 children who put their name to the above correspondence, that Council does not have a building that would suit the purpose for a Youth Centre however, Council is supportive of an application to rent an empty building in the CBD for a Youth Centre. Council congratulates YLDAG and the youth of the district in the conduct of the Youth Forum.

Voting Requirements

Simple Majority

189/2009

Moved Cr Kenward Seconded Cr Truran that Council advises the Yilgarn Local Drug Action Group, and in particular the 11 children who put their name to the above correspondence, that Council does not have a building that would suit the purpose for a Youth Centre however, Council is supportive of an application to rent an empty building in the CBD for a Youth Centre. Council congratulates YLDAG and the youth of the district in the conduct of the Youth Forum.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.7
Subject:	Southern Cross Motor Cycle Club – Sponsorship Proposal for Two Day Enduro
File Reference:	204
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

The Vice President of the Southern Cross Motor Cycle Club and Chairman of the Enduro Committee, Mr James Panizza, has written to Council to advise that the Club will be conducting the annual Two Day Enduro on the 19th and 20th September 2009.

Mr Panizza has provided Council with a sponsorship proposal (see attached) which outlines the levels of sponsorship that the Club is endeavouring to secure.

Comment

Whilst the Club should be congratulated for its endeavours to present a professional prospectus for sponsorship, it is considered that Council's annual financial commitment to the "King of the Cross" event is significant and to sponsor two events annually from the one Club does seem inappropriate.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Southern Cross Motor Cycle Club that it acknowledges the sponsorship prospectus for the Two Day Enduro event however, Council advises the Club that it considers its annual financial commitment to the "King of the Cross" is significant and that it is not willing to sponsor two events annually from the one Club.

Voting Requirements

Simple Majority

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190/2009

Moved Cr Kenward Seconded Cr Pasini that Council advises the Southern Cross Motor Cycle Club that it acknowledges the sponsorship prospectus for the Two Day Enduro event however, Council advises the Club that it considers its annual financial commitment to the “King of the Cross” is significant and that it is not willing to sponsor two events annually from the one Club.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.8
Subject:	Local Government & Tourism Conference – 8 – 10 September 2009
File Reference:	4134
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

The CEO of the Local Government Managers Australia (LGMA) WA Division, Mr Stephen Cole, writes to advise that together with Conference Partner, Tourism Western Australia, he is pleased to extend an invitation to Council staff to attend the Inaugural Local Government and Tourism Conference, which is to be held at the Vines Resort from Tuesday, 8 September to Thursday, 10 September 2009.

The President of the LGMA and Tourism WA have identified the need for Local Governments to become better informed about how to promote and work within the tourism sector to make it a more vibrant industry in all, regions throughout the State. As a first step in this program LGMA is running this conference with the objectives being:-

- Inform and educate Local Government on tourism matters
- Seeks feedback from Local Government of tourism issues
- Promote a greater level of involvement of Local Government in the tourism industry
- Strengthen the partnership between tourism strategy, community development and Local Government
- Give tourism operators the opportunity to meet with Local Government representatives who are interested in tourism for the benefit of both parties, and
- Provide an opportunity to build relationships and greater understanding between Local Government, Tourism WA and significant contributors to the Western Australian tourism industry.

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Comment

The program for the Conference is a very interesting one with quality presenters as keynote speakers.

The program was presented to the Shire of Yilgarn Tourism Advisory Committee with little interest being expressed. The conference is primarily directed towards those in Local Government eg. Councillors and staff and therefore, Councillors interested in tourism may be interested in attending.

It is suggested that the Manager for Works and the CEO, who are both directly involved with Tourism in the Shire be granted approval to attend.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council authorises the Manager for Works and CEO and interested Councillors to attend the Inaugural Local Government and Tourism Conference to be held between 8 – 10 September 2009.

Voting Requirements

Simple Majority

191/2009

Moved Cr Fairless Seconded Cr Della Bosca that Council authorises the Manager for Works and CEO and interested Councillors to attend the Inaugural Local Government and Tourism Conference to be held between 8 – 10 September 2009.

CARRIED (6/0)

Note:

Following the Council meeting the CEO was advised that the above Conference was cancelled due to lack of registrations.

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Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.9
Subject:	Dr Edward Soloman, MBBS, FRACGP – Proposal to Establish Private General Practitioner Practice in Southern Cross
File Reference:	7008
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

Dr Soloman has written to Council to present a proposal to Council for him to establish a private GP Practice in Southern Cross for Council's consideration and approval.

Dr Soloman advises that it has been 3 years since he started practicing in Southern Cross under the sponsorship of Gemini Medical Services and that it has been a very rewarding and exciting 3 years in all aspects. Dr Soloman advises that he, his wife and six month daughter came from Egypt to Southern Cross and now they are four including his month old daughter Mary.

Dr Soloman advises that he wishes to offer Council a proposal to acquire the management rights of the Southern Cross General Practice, one that he thought he would never seek. Dr Soloman is proposing a 10 year commitment to the Southern Cross General Practice which he himself will initially work full-time but will employ a female Doctor for at least 25% of the time. As a result of engaging the additional part-time Doctor, Dr Soloman advises that he will not burn himself out and that he will maintain a better life style for he and his family. Dr Soloman also advises that he will also invite Dr Olga Ward to have regular visits to Southern Cross to continue her wonderful care that she has been rendering for many years.

Because of better working hours and the imminent opening of the Westonia Gold Mine, Dr Soloman advises that he will be able to offer one day every two weeks for the Shire of Westonia to work in their outpatient clinic. In the foreseeable future, Dr Soloman also advises that he will employ a GP Registrar to work in the Surgery as part of his or her training.

Dr Soloman advises that he would also employ a Registered Nurse in the Practice to help them and to reduce the waiting time and to provide a better service than the Practice is not currently rendering. Dr Soloman advises that the current management has denied hiring a part-time nurse for financial reasons.

Dr Soloman further advises that all current employees at the Surgery will retain their jobs as he has a wonderful rapport with them. Dr Soloman indicates that the

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Southern Cross General Practice will continue to be a free service "Bulk Billing" Practice for the community and will accept patients from all walks of life with no prejudice.

On the financial aspect, Dr Soloman advises that he condemns receiving management fees from small country communities however, in the proposal he would seek the continuation of the management fees for a period of 2 years after which he will be eager to reduce or abolish the fee completely depending upon the financial viability of the Practice. Dr Soloman advises that he will use the management fee to purchase new equipment eg. ECG machine, skin cancer screening machine and a slit Lamp.

Dr Soloman advises that in 2 years time after the establishment of the Practice, he will offer to buy the Council house that he currently lives in at an agreeable price. Dr Soloman indicates that if he is unable to fulfil the above obligations, he will be prepared to pay to Council the amount of \$30,000 as a forfeiture fee and will give a minimum of 20 weeks of advance notice to Council.

Comment

Dr Soloman has been considering this proposal for sometime and contacted the CEO on Wednesday, 5 August indicating his willingness to present a proposal to Council. The CEO met with Dr Soloman on Monday, 10 August to further discuss his proposal in more detail with the written proposal being presented on Thursday, 13 August 2009.

Council currently has a Contract with Gemini Medical Services for the continuous provision of a Medical Practitioner. The Agreement was re-negotiated on 17 August 2008 for a period of 36 months which requires a management fee of \$48,146.04 (plus GST) to be paid annually plus CPI escalations.

The above Contract has an "out clause" which states the following:-

"This Contract may be terminated by either party giving to the other three calendar months notice in writing of intention so to do. Should this agreement be terminated the following will apply:

(a) should the Provider terminate the contract, a pro rata refund will be payable to the Council as a reimbursement of any fees paid in advance by the Council as per clause 8(a)

(b) should the Council terminate the contract a pro rata refund for months paid will be paid to the Council by the Provider, however, should a Medical Practitioner recruited by the Provider remain in the post following the termination of the contract, a recruitment fee of \$10,000 will be payable to the Provider by the Council.

Dr Soloman's proposal as detailed in the above correspondence is as follows:-

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1. That a 10 Year commitment will be provided to Council but as time progresses, Dr Soloman will reduce his workload to 2-3 days per week but will ensure that a GP is in attendance at all times.
2. Additional medical services will be provided eg. Westonia clinic and the availability of Dr Olga Ward visiting Southern Cross. Also the engagement of an RN to work from the surgery.
3. The Medical Surgery would continue to be provided rent free. In the case of the Council residence, Dr Soloman proposes that the residence be provided rent free until purchase within 2 years.
4. Council to continue to pay the Management Fee (currently \$48,164.00) for a period of 2 years.
5. In respect to the vehicle provided to Dr Soloman, Council previously agreed that if he remained in the practice for a period of 5 years from April 2008, Council would grant him the vehicle free of charge.
6. Failure to meet the 10 Year obligation, a forfeiture fee of \$30,000 would be paid by Dr Soloman plus a minimum of 20 weeks notice to secure a new GP.

Whilst the proposal put forward by Dr Soloman seems positive, the major issue for Council to consider is that if Dr Soloman is unable to meet the 10 year commitment, Council will have to secure a GP without the services of an organisation like Gemini Medical. Some Councillors would be aware of the difficulties that Council had in securing GP's until Council was fortunate enough to engage the services of Gemini Medical.

It is apparent from the discussions with the Dr Soloman that at some stage within the 10 year timeframe, his family will shift to Perth. This is probably why Dr Soloman has indicated that he will be eventually scaling back his workload to 2-3 days per week.

Dr Soloman is an extremely sincere person who would do everything in his power to keep his word however, family commitments and associated pressures will often override the best laid plans.

It is likely that if Council does not agree to Dr Soloman's proposal he is likely to leave the Practice because of a number of reasons that the CEO will elaborate on at the Council meeting. Therefore, the proposal submitted would ensure that Dr Soloman's services are retained.

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Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should Council accept the proposal submitted by Dr Soloman, the recruitment fee of \$10,000 will need to be paid to Gemini Medical Services. Expenses will also need to be incurred for legal services in the preparation of a Contract between Council and Dr Soloman.

Recommendation

Submitted for Council discussion and consideration.

Voting Requirements

Simple Majority

192/2009

Moved Cr Pasini Seconded Cr Truran that Council acknowledge the proposal put forward by Dr Edward Soloman, and defer further consideration on the matter for a period of one month to enable the CEO to seek further information from Dr Soloman regarding his proposal and to obtain legal advice on the development of a binding Agreement between the parties if Council was to accept the proposal. This deferral would also Councilors the opportunity to consider the implications associated with a decision relating to the future provision of a Medical Practitioner to the Yilgarn community.

CARRIED (6/0)

Declaration of Interest:

Following Council's decision, Cr Kenward sought to remove himself from future involvement in the process of considering Dr Soloman's proposal. Cr Kenward advised that Dr Soloman often seeks his advice on a range of matters concerning the General Practice and that in the future developments of Dr Soloman's proposal, it could leave Cr Kenward in an awkward position when deliberating on the matter.

Therefore, it would be expected that Cr Kenward will declare an interest in all future matters relating to Dr Soloman and the Southern Cross General Practice proposal and that on each occasion, Council will determine whether or not Cr Kenward is to vacate the Chambers during discussions.

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Submission to:	Ordinary Meeting of Council – Friday, 21 August 2009
Agenda Reference:	7.10
Subject:	Mrs Donna Newbury, Home and Community Care Coordinator (HACC) – Men’s Shed Proposal
File Reference:	8003
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 August 2009

Background

Mrs Donna Newbury writes to Council as the HACC Coordinator in Southern Cross to advise that as part of her duties she is encouraged to provide community services to her target population. Mrs Newbury advises that a very noticeable need is social occasions for the older men in the district.

Mrs Newbury advises that many of her clients are socially isolated, as well as lacking family support. A very successful program called “Men’s Shed” has been running throughout Australia for many years which addresses these issues amongst others. Mrs Newbury advises that she has been working towards establishing such a group in our area, and she has a small core group who are interested in meeting twice a month.

Mrs Newbury advises that the above group has several propositions of how they would like to spend their time, and these activities do make using the Senior Citizens Centre unviable. Some of the suggestions have been to restore old mining and agricultural machinery, woodworking, and other male orientated activities. Mrs Newbury advises that what would make this possible is a suitable site and therefore she was hoping Council would be willing to allow the group to meet and the facilities at the Old Shire Depot.

Mrs Newbury advises that several of her male clients would not attend the Seniors Centre for a variety of reasons, but may find a place within the men’s group. These people are single, often without family and are not good mixers. Hopefully the men’s group would help them to have some social interaction.

Mrs Newbury advises that during September the Shire of Mukinbudin is holding the first Western Australian Men’s Shed Conference and three local men will be attending the Conference.

Comment:

The CEO contacted the current tenant of the Old Shire Depot (Mr Stan Gillman) to enquire as his plans on future tenure of the property. Mr Gillman advised that he was still interested in renting the property from Council and had no immediate plans to discontinue his annual rental arrangement with Council (current \$12,320.00 per annum)

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Men's Sheds have become very popular and are an excellent way in which men can interact however, the costs associated in their establishment can be considerable, especially in the way of providing tools and machinery to undertake projects.

Mrs Newbury has advised that she would be looking to source grant funds for the above purpose but cannot do so until the Men's Shed has been operational for at least 12 months.

With the Old Shire Depot being unavailable, staff are unaware of suitable buildings that could be utilised for the purpose of a Men's Shed.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises Mrs Newbury that it supports her endeavours to establish a Men's Shed in Southern Cross, or its nearby surrounds, but unfortunately the Old Shire Depot is not available for use at this stage as it has been tenanted out privately by Council. Mrs Newbury be advised that Council will continue to work with her in sourcing a suitable site.

Voting Requirements

Simple Majority

193/2009

Moved Cr Kenward Seconded Cr Fairless that Council advises Mrs Newbury that it supports her endeavours to establish a Men's Shed in Southern Cross, or its nearby surrounds, but unfortunately the Old Shire Depot is not available for use at this stage as it has been tenanted out privately by Council. Council advises Mrs Newbury that it will continue to work with her in sourcing a suitable site however in the interim, Council offers the use of the Community Bus free-of-charge 1 day per week to enable the interested persons in establishing the Men's Shed to travel to and from Mukinbudin to utilise their facilities.

CARRIED (6/0)

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Reason for Alteration to the Recommendation:

Whilst Council was unable to assist directly in the provision of a shed, it did seek to offer assistance in other forms as achievable.

Note:

Council requested the Chief Executive Officer liaise with the Principal of the Southern Cross District High School to ascertain the availability of the Southern Cross School's Manual Arts Room for use by the Men's Shed Group.

RESIGNATION OF DEPUTY CHIEF EXECUTIVE OFFICER

The Chief Executive Officer advised Council that the Deputy CEO, Mr Adam Seiler, had tendered his resignation with the CEO on Wednesday 19th August 2009 with a view to finishing work with Council on Friday 6th November 2009.

The CEO advised that Mr Seiler had been appointed to the position of Chief Executive Officer of the Shire of Sandstone and will commence duties in that capacity on Monday 9th November 2009.

The Shire President on behalf of Council congratulated Mr Seiler on his appointment and indicated that there will be future opportunities in which Mr Seiler will be thanked for his service however, the Shire President wished that it be recorded of Council's appreciation for the excellent way in which Mr Seiler had managed Council's finances during the past 7 years.

194/2009

Moved Cr Fairless Seconded Cr Kenward that Council accept with regret, the resignation from Mr Adam Seiler from the position of Deputy CEO.

195/2009

Moved Cr Pasini Seconded Cr Truran that the Chief Executive Officer be authorised to immediately commence the recruitment process of securing the services of a suitably qualified person to take up the position of Deputy Chief Executive Officer with the Shire of Yilgarn, with this process to involve representation from the Shire of Westonia.

Council adjourned for afternoon tea at 4.13pm and returned at 4.21pm.

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 21 st August 2009
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	4144
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 th August 2009

Background

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

These reports, prepared to the 31st July 2009, are enclosed as follows:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Rates Receipt Statement (prepared to 13th August 2009)

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

Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 31st July 2009, as presented, be received.

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196/2009

Moved Cr Kenward Seconded Cr Pasini that the Various Financial Reports for the period ending 31st July 2009, as presented, be received.

CARRIED (6/0)

The Chief Executive Officer, Mr Peter Clarke, vacated the Chambers at 4.23pm.

Submission to:	Ordinary Meeting of Council – Friday 21 st August 2009
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	4132
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 th August 2009

Background

Municipal Fund – Cheque Numbers 33754 to 33881, totalling \$482,859.97, Municipal Fund – Cheque Numbers 889 to 896, totalling \$178,560.52, Trust Fund – Cheque Number 401827, totalling \$1,000.00 and Trust Fund – Cheque Numbers 5626 to 5629 (DPI Licensing), totalling \$55,016.80 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.

Voting Requirements

Simple majority.

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Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33754 to 33881 totalling \$482,859.97, Municipal Fund – Cheque Numbers 889 to 896, totalling \$178,560.52, Trust Fund – Cheque Number 401827, totalling \$1,000.00 and Trust Fund – Cheque Numbers 5626 to 5629 (DPI Licensing), totalling, \$55,016.80 as per the submitted list.

197/2009

Moved Cr Della Bosca Seconded Cr Pasini that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33754 to 33881 totalling \$482,859.97, Municipal Fund – Cheque Numbers 889 to 896, totalling \$178,560.52, Trust Fund – Cheque Number 401827, totalling \$1,000.00 and Trust Fund – Cheque Numbers 5626 to 5629 (DPI Licensing), totalling, \$55,016.80 as per the submitted list.

CARRIED (6/0)

Mr Clarke, returned at 4.25pm.

Submission to:	Ordinary Meeting of Council – Friday 21 st August 2009
Agenda Reference:	8.3
Subject:	Civil Aviation Safety Authority (CASA) - Availability of approach procedures at Southern Cross Aerodrome
File Reference:	
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not Applicable
Date of Report:	13 th August 2009

Background

At the July Ordinary Meeting, Council resolved the following in relation to approach procedures at the Southern Cross Airport:

169/2009

Moved Cr Pasini Seconded Cr Auld that Council advise the Civil Aviation Safety Authority that it expresses its concerns with regards to the requirement for Council to Register or Certify the Southern Cross Aerodrome based upon perceived costs and that further investigations be undertaken as to availability of funding opportunities from CASA and other bodies for such upgrades before Council considers this matter further.

CARRIED (5/0)

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Mr Bill Duker from CASA has been in contact with Council, in an effort to explain to situation, and the Deputy CEO provided Council with partially incorrect information at the last meeting.

Comment

The regulations surrounding Airports has changed since 2003 when the Deputy CEO, Works Supervisor and Depot Supervisor undertook the Airport Reporting Officers course in Laverton, and aerodromes are now classified as Certified, Registered or Non-Registered.

The strict requirements the Deputy CEO was concerned with, relate to the Certification of the Southern Cross Airport, which would enable RPT Aircraft with 30 or more passengers to land at Council's facility.

The requirements associated with Registration of the Southern Cross Airport are substantially less involved, and Council is almost already undertaking same, with small changes required in relation to Airport Plans.

At the request of the Deputy CEO, Mr Duker has agreed to travel to Southern Cross in September 2009 to meet with the CEO, Deputy CEO and Manager for Works, to inspect Council's Aerodrome and make himself aware of the works proposed, and additional works required.

Following Mr Duker's visit, a further report will be prepared for the October 2009 Ordinary Meeting.

Based on Mr Duker's comment's, the author expects Council will travel down the path of Registration of the Southern Cross Aerodrome.

Statutory Environment

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions and Provisions.

Policy Implications

Not Applicable

Financial Implications

Strategic Implications

Not Applicable

Voting Requirements

Simple Majority required

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Recommendation

That Council endorse the actions of the Deputy CEO to date, and acknowledge the site visit by Mr Bill Duker of the Civil Aviation Safety Authority, scheduled for September 2009, to undertake preliminary inspection works associated with the Registration of the Southern Cross Aerodrome.

198/2009

Moved Cr Truran Seconded Cr Kenward that Council endorse the actions of the Deputy CEO to date, and acknowledge the site visit by Mr Bill Duker of the Civil Aviation Safety Authority, scheduled for September 2009, to undertake preliminary inspection works associated with the Registration of the Southern Cross Aerodrome.

CARRIED (6/0)

Council's Chief Bush Fire Control Officer, Mr Wayne Della Bosca, entered the Chambers at 4.30pm

MANAGER OF WORKS REPORTS

Cr Fairless declared an interest as the applicant and affect landholder associated with Item 9.1 Dedication of Fairless Road

199/2009

Moved Cr Kenward Seconded Cr Pasini that Cr Fairless be permitted to remain in the Chambers during discussions, however be prohibited from voting on the recommendation contained within Item 9.1 Dedication of Fairless Road.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council Friday, 21st August 2009
Agenda Reference:	Works 9.1
Subject:	Dedication of Fairless Road
Location/Address:	Koolyanobbing Road
File Reference:	12801
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	Not Applicable
Date of Report:	4th August 2009

Background

Correspondence has been received from Mr. Ken and Mrs. Kerry Fairless formally requesting the access road leading to their property (*block location N^o77*) be gazetted.

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The gravel road Mr. and Mrs. Fairless are referring to is located approximately 1km north of Southern Cross on the Koolyanobbing Road. This road is the only access road to block N^o77 where the Fairless family resides and is regularly utilised by visiting family members and associates. *(please refer to attached plan)*

Comment

The access road in question starts at the Koolyanobbing Road heading west with the end terminus at block location No 77. The road is 200 metres in length and has a pavement width of seven metres. The pavement surface is a mixture of imported gravel and in-situ clay materials.

The road is not formally dedicated as a road reserve, but is recorded in council's road inventory as "*Fairless Road*". Council carries out periodic maintenance grading on this road when required.

At a previous council meeting (*June 2009*) a similar issue was dealt with in relation to Nunn Road where Council resolved to "*request the Department of Planning and Infrastructure to investigate whether the three kilometre section of road that adjoins Nunn Road Reserve is a dedicated road, and if such a investigation reveals it not to be, then cost associated with dedication be ascertained before Council officially resolve to dedicate the road in accordance with the Land Administration Act 1997*".

It can be argued that as council carries out periodic maintenance on the 200 metre length of access road leading into the Fairless property and in doing so encourages members of the public to utilize this road then consideration should be given to formally have this road gazetted as a road reserve.

The difference between the two roads is the three kilometre section of "*Nunn Road extension*" is utilised by the farming community as a connecting road to the Ghooli Koolyanobbing Road gaining access to farming land located in the Ghooli area, whereas 200 metre section of "*Fairless Road*" terminates at block location N^o 77 and is mostly utilised by the Fairless family members to gain access to dwellings located on block location N^o 77.

As mentioned in Mr. & Mrs. Fairless correspondence public utilities have their address listed as 77 Great Eastern Highway (*Synergy – Western Power*), 77 Cameron Road, Southern Cross (*Telstra*) and 77 Unknown, Southern Cross (*Water Corporation*).

It does not seem logical to go through a lengthy statutory process for the gazettal of a 200 metre section of road when other avenues can possibly be explored.

In the first instance and as a measure of support to Mr. & Mrs. Fairless, it is suggested that Council writes to the public utilities (*Telstra, Synergy-Western Power and Water Corporation*), requesting that they alter/change the address to reflect a consistent address for the Fairless Family. Should this be unsuccessful, Council should then consider the possibility of the Fairless family purchasing the land the access road is situated on (*there will be a requirement for a caveat to be included over public utility property e.g. Telstra, if this option was preferred*). Failing the above mentioned options Council should then give consideration to formally have this road gazetted. The above two options will involve cost associated with surveying and native title implications.

Statutory Environment: *If Council wish's to pursue in having this road dedicated as a road reserve they can do so via the "Land Administration Act 1997*

Section 56 Dedication of Roads

(1) If in the district of a local government:

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;

Section 56

(2) If a local government resolves to make a request under subsection (1), it must:

(a) in accordance with the regulations prepare and deliver the request to the Minister and

(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road."

Financial Implications: *If Council formally resolve to have this road dedicated as a road reserve then it will incur surveying and native title cost of which a monetary allocation will have to be allowed for in Councils 2009-2010 Financial Year Budget allocations for this to progress*

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Recommendation

In the first instance, and as measure of support to Mr. & Mrs. Fairless, Council writes to the public utilities (*Telstra, Synergy-Western Power and Water Corporation*), requesting that they alter/change the address to reflect a consistent address for the Fairless family. Should this be unsuccessful, Council would then support Mr. & Mrs. Fairless in an application to the Department for Planning & Infrastructure to purchase the access road, or alternatively, Council has the access road dedicated formally as “*Fairless Road Reserve*”.

Voting Requirements

Simple Majority

200/2009

Moved Cr Truran Seconded Cr Pasini that in the first instance, and as measure of support to Mr. & Mrs. Fairless, Council writes to the public utilities (Telstra, Synergy-Western Power and Water Corporation), requesting that they alter/change the address to reflect a consistent address for the Fairless family. Should this be unsuccessful, Council would then support Mr. & Mrs. Fairless in an application to the Department for Planning & Infrastructure to purchase the access road, or alternatively, Council has the access road dedicated formally as “Fairless Road Reserve”.

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council – Friday 21st August 2009
Agenda Reference:	9.2
Subject:	Building Maintenance Personnel Vehicle
File Reference:	12301
Author:	Robert Bosenberg
Disclosure of Interest:	Not Applicable
Date of Report:	12 th August 2009

Background

In accordance to Councils 2009/2010 Plant Replacement Program, quotations were invited to supply and deliver a one tonne utility. The one tonne utility is to be utilised by Councils Building Maintenance Personal to services councils building infrastructure located within the Shire of Yilgarn. The position of a Building Maintenance Personal is a new position included in the 2009/2010 Financial Year Budget. A budget estimate of \$34,100 (GST Inclusive) has been allowed for in the 2009/2010 Financial Budget for this vehicle.

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Comment

The new vehicle council's staff have sought quotations on has been specified with drop sided tray, air conditioning, towbar and builders rack with a one tonne load capacity. As this vehicle will be used predominately as a building maintenance vehicle servicing councils building infrastructure in town sites located within the Shire of Yilgarn of which are accessible by bitumen roads it was felt that a four wheel drive vehicle was not warranted.

Quotations were sought for the one tonne utility from Donovan Ford and Golden City Motors Kalgoorlie.

The vehicles quoted on as follows are GST inclusive:

Donovan Ford

2009 FG R6 Ford Falcon (*as specified*), at a cost of \$33,078.10

Golden City Motors Kalgoorlie

2009 Mazda BT-50 3.0 litre turbo diesel (*as specified*), at a cost of \$32,831.00

A budget estimate of \$34,100 (GST Inclusive) has been allowed for in the 2009/2010 Financial Budget for this vehicle.

Policy Implications:

Councils Finance Policy 4.5 Purchasing-Quotes and Tenders

Financial Implications:

Monetary allocation of \$34,100 (GST inclusive) identified via Council's Plant Replacement Programme.

Strategic Implications:

Plant Replacement Program

Recommendation

That Council purchase the 2009 Mazda BT-50 3.0 litre turbo diesel utility from Golden City Motors, for the quoted purchase price of \$32,831.00 (*GST inclusive*)

Voting Requirements

Simple Majority required

201/2009

Moved Cr Kenward Seconded Cr Pasini that Council purchase the 2009 Mazda BT-50 3.0 litre turbo diesel utility from Golden City Motors, for the quoted purchase price of \$32,831.00 (GST inclusive).

CARRIED (6/0)

MARVEL LOCH-FORRESTONIA ROAD – HEAVY HAULAGE PERMIT APPLICATION

The Manager for Works advised an application had been received from BIS Logistics to cart bulk materials on the Marvel Loch-Forrestonia Road and Emu Fence Road to enable access to Great Eastern Highway into Kambalda.

Mr Bosenberg advised he did not favour the application based on the unsuitability of both roads to handle the significant traffic proposed by BIS Logistics, without significant reconstruction occurring, which would cost in excess of \$2 million.

202/2009

Moved Cr Della Bosca Seconded Cr Kenward that the Chief Executive Officer and Manager for Works be authorised to commence negotiations with BIS Logistics as the applicant, with a view to securing funding for upgrading the Marvel Loch-Forrestonia Road and Emu Fence Road prior to consideration further of a heavy-haulage authorisation.

CARRIED (6/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

As the Manager of Environmental Health and Building Services was absent, the Chief Executive Officer presented the reports on her behalf.

Submission to:	Ordinary Meeting of Council – Friday 21 st August, 2009
Agenda Reference:	10.1
Subject:	Planning Application – Two Second-hand Transportable Accommodation Units at Bodallin CBH Site
Location/Address:	Location 51 Lot 1 Bodallin Bin Road, Bodallin
Name of Applicant:	BulkWest Engineering Pty Ltd – Mr Tim Dolling, Planning Superintendent
File Reference:	10303 & 13018
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th August, 2009

Background

BulkWest Engineering Pty Ltd in Perth has submitted a Development Application on behalf of Co-Operative Bulk Handling Ltd (CBH) in Perth for the relocation of two second-hand transportable accommodation units next to the existing accommodation unit on Location 51 Lot 1 Bodallin Bin Road, Bodallin. Western Portables of Perth originally constructed the two accommodation units for Western Mining in Leinster in 1995. The buildings will be used for additional accommodation of CBH staff during the harvest period.

They are constructed of steel bearers with compressed timber particle sheets, sandwich panel walls, and skillion Zincalume roof sheeting above plywood ceiling with only a small ceiling space between the roof and ceiling. While the building construction complied with the standards in 1995, they do not meet the energy efficiency requirements of part 3.12 of the Building Code of Australia 2009 Volume Two (BCA). BulkWest Engineering Pty Ltd, which is part of the CBH Group, is aware of the issues and is seeking approval from Council to relocate the buildings to the Bodallin CBH site and the waiver of the requirement to fully comply with the BCA in regards to the energy efficiency requirements. BulkWest Engineering is seeking this waiver based on the intermittent occupancy of the buildings, and that the cost of retrofitting the building with insulation is likely to make it an un-worthwhile investment.

See attached copy of the Development Application, site plans, floor plan layout, and report from Jade Products Australia Pty Ltd of Perth regarding the compliance and non-compliance of the buildings with the BCA part 3.12.

Comment

Town Planning Issues

a) Application to have additional accommodation units on this land

Location 51 Lot 1 is zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme No 2. At the August 2005 Ordinary Council Meeting Council approved the development of a 35,000 tonne open storage bin on the land. This type of development is only an approval land use if approval is granted by the Council. A single dwelling is an approval land use for this land zoning, however, in this instance the transportable accommodation units are not a single dwelling but are better described as a "motel" or "boarding-house". The proposed units will be used for the temporary accommodation of CBH staff. While these land uses are not permitted under the Town Planning Scheme for this land zoning, the fact that Council has given prior approval for the CBH development and for the existing accommodation unit, a precedent has already been set for this location, and therefore Council should grant planning approval for the additional accommodation units.

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b) Application to have second-hand transportable units

Under the Shire’s Town Planning Scheme approval needs to be obtained from Council prior to a relocatable building being placed on a lot in the District. In particular this application is for 2 second-hand accommodation units that are 14 years old. I understand that the buildings are in relatively good condition.

There is currently a transportable accommodation unit on the site. Therefore Council should grant approval for these 2 transportable buildings to be relocated onto Location 51 Lot 1.

Building Code of Australia 2009

The Building Code of Australia (BCA) is an Australia-wide building standard which is adopted under regulation 5 (1) of the Building Regulations 1989 and applies to building classes 1 – 10. The proposed accommodation units are a class 1B building.

Under regulation 5 (2) of the Building Regulations 1989 if the local government believes that any alteration, addition, restoration, or repair to a building is considered minor and does not adversely affect the safety of persons accommodated in or resorting to a building or property in or in the vicinity of the building then the local government may determine that the BCA does not apply in relation to such work and that the work shall conform to only such of the provisions of the Building Code as are specified by the local government. See attached copy of regulation 5 of the Building Regulations 1989.

In this instance the structure of the buildings complies with the BCA and the building are suitable for relocation. The building does not comply with part 3.12 of the BCA which deals with energy efficiency requirements. The thermal rating of different parts of the building does not comply with the standards under part 3.12, which are outlined below:-

Climate Zone 4

Specification Structure	Required BCA Thermal R Rating	Current Material Thermal R Rating	Required Added Thermal R Rating
Roof – flat Zinalume roof + plywood ceiling	R3.5	R1.5	R2.0
Walls External – sandwich panels 75mm thick	R2.2	R1.97	R0.23
Floor Unenclosed – steel frame with particle board sheets	R2.0	R0.7	R1.3
Exhaust fans	To be self	Not self closing	To be self closing

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Ideally the 2 second-hand transportable accommodation units should be renovated to comply with the required BCA Thermal R Ratings listed above. To achieve this you would need to –

- For the Roof - take off the roof and install thermal batts of R2.0 in the ceiling cavity, or fix sisalation or Air-cell sheets R1.5 to the underside of the ceiling and then fix Gyprock sheeting and cornices to the ceiling frame.
- For the Walls (external) – fix Hardiflex or similar sheeting with sheet and corner joiners to the exterior of the walls from eaves to bottom of walls, or fix sisalation sheets to the external walls and then sheets of Colorbond from eaves to the bottom of the walls.
- For the Floor (suspended) – enclose around the frame of the floor from the bottom of the walls to the ground level with a solid material such as Hardiflex, Hardiplank, bricks, etc which would then have a required BCA thermal R rating of R1.0. The particle board sheets are covered with sheet vinyl which would have a thermal rating of approximately R0.2-0.3 which added to the structure's thermal rating of R0.7 basically achieves the required R1.0.
- For the Exhaust Fans – change the exhaust fans to ones that are self-closing when not in use.

I acknowledge that the accommodation units will be occupied intermittently, and that to carry out the abovementioned renovation work would be expensive. Council could grant approval for the units to remain as is based on the fact that they will only be used for temporary accommodation and not permanent accommodation, or it could grant approval on the condition that some renovation work is carried out. I would highly recommend that the enclosure of the suspended timber floor should be carried out as it is fairly simple and not an expensive job. I would also highly recommend that the exhaust fans in the bathrooms are changed to being ones that are self-closing when not in use as this is a simple and inexpensive job. I would recommend that the insulation of the ceiling cavity be carried out but acknowledge that this will be a relatively expensive job. The external walls could be left as they are without any additions done.

It should be acknowledged that the glazing factor complies with the BCA, and that the hot water unit with lagged water pipes and the reverse cycle air-conditioner units comply with the BCA and the Australian Standards.

Advice was received on 14th August from BulkWest Engineering that it would be installing thermal insulation in the ceiling cavity and would be enclosing the suspended floor. Thus the non-compliance being applied for now is for the walls only.

Policy Implications Nil

Statutory Requirements

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Building Regulations 1989 and the Building Code of Australia 2009 Volume 2.

Financial Implications Nil

Recommendation

- 1) That Council grants planning approval to BulkWest Engineering Pty Ltd to relocate 2 second-hand transportable accommodation units onto Location 51 Lot 1 Bodallin Bin Road, Bodallin next to the existing accommodation unit as per the submitted site plan to provide temporary accommodation for CBH staff; and
- 2) That Council grants approval for the proposed second-hand accommodation units to not comply fully with part 3.12 of the Building Code of Australia 2009 Volume 2, as the non-compliance is not structural and will not affect the safety of the building, on the condition that the accommodation units are only to be used for temporary staff accommodation and not permanent accommodation, and on condition that the exhaust fans are changed to units that are self-closing when not in use.

Voting Requirements

Simple Majority.

203/2009

Moved Cr Fairless Seconded Cr Kenward that Council grants planning approval to BulkWest Engineering Pty Ltd to relocate 2 second-hand transportable accommodation units onto Location 51 Lot 1 Bodallin Bin Road, Bodallin next to the existing accommodation unit as per the submitted site plan to provide temporary accommodation for CBH staff; and

That Council grants approval for the proposed second-hand accommodation units to not comply fully with part 3.12 of the Building Code of Australia 2009 Volume 2, as the non-compliance is not structural and will not affect the safety of the building, on the condition that the accommodation units are only to be used for temporary staff accommodation and not permanent accommodation, and on condition that the exhaust fans are changed to units that are self-closing when not in use.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 21 st August, 2009
Agenda Reference:	10.2
Subject:	Proposed Heritage Listing on State Register of Heritage Places - Our Lady of Montserrat St Mary's Church on Altair Street, Old Primary School on Antares Street, and Palace Hotel on Antares Street
Location/Address:	Lots 438 & 439 Altair Street, Reserve 3191 Lot 971 Antares Street, and Lot 501 Antares Street, Southern Cross respectively
Name of Applicant:	Heritage Council of Western Australia – Ms Helena Waldmann, A/Manager Assessment & Registration
File Reference:	11410
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th August, 2009

Background

The Heritage Council of Western Australia has written to Council advising that following a previous preliminary review for possible entry in the State Register of Heritage Places, the Catholic Church – Our Lady of Montserrat St Mary's Church; the Forrester Resource Centre – Old Primary School on Antares Street; and the Palace Hotel will be part of the Heritage Council's 2009/10 Assessment and Registration Program. To assist the Heritage Council in this process it is seeking any information Council has on each place as well as Council's views regarding the cultural heritage significance of the place and registration.

Comment

The 3 places are listed on the Shire of Yilgarn Municipal Heritage Inventory. Both the Forrester Resource Centre and the Palace Hotel are a Category A, and the Catholic Church is a Category B under the Inventory classification.

Category A is for places that have a great deal of significance and should have the highest level of protection and recommended for entry into the State Register of Heritage Places. Provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be considered.

Category B is high level of protection appropriate. Provide maximum encouragement to the owner under the Shire of Yilgarn Town Planning Scheme to conserve the significance of the place. A more detailed heritage assessment is to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.

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The benefits of being listed on the State Heritage Register are that owners can access grant funding from the Heritage Council for renovation work to preserve the character and nature of the place, and for providing interpretation works in and around the place. Registration adds value to the heritage value of the place and improves its tourism appeal.

The disadvantages of being listed on the State Heritage Register is that the owner must apply to the Heritage Council to carry out any works, including re-painting, and ensure that the works are in line with the conservation plan for the place.

Being listed on the State Heritage Register does not prevent the owner carrying out additions to the place or renovations using modern materials, however, such work must be designed by a registered heritage architect and supervised by that person to ensure it is done so as not to destroy the heritage value.

The Heritage Council has a copy of the Shire's Municipal Heritage Inventory and the significant details for each of these places. Attached is a copy of the entries for each place for Council's information.

What is Council's view on the possible entry of these places on the State Register of Heritage Places?

Does Council have any additional information on each place that it would like to forward to the Heritage Council?

Policy Implications

Nil

Statutory Requirements

Nil

Financial Implications

Nil

Recommendation

That Council supports the possible entry of Our Lady of Montserrat St Mary's Church, the Forrester Resource Centre, and the Palace Hotel in the State Register of Heritage Places and forwards any additional information known on each place to the Heritage Council of Western Australia if its consideration.

Voting Requirements

Simple Majority.

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204/2009

Moved Cr Kenward Seconded Cr Truran that as a matter of courtesy Council writes to the owners of these buildings seeking their comments regarding proposed heritage listing of their premises.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 21 st August, 2009
Agenda Reference:	10.3
Subject:	Building Licenses Issued Between 9/7/09 and 13/8/09
File Reference:	13201
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th August, 2009

Background

For Council's information, below is a summary of the Building Licenses issued for the Shire of Yilgarn between 9/7/09 and 13/8/09.

Licence No	Owner	Address	Builder	Description of Building Work	Area m2
1/0910	Mr Jason Guerini PO Box 106 SOUTHERN CROSS	Lot 134 (H/No 60) Spica Street, SOUTHERN CROSS	Quality Builders Pty Ltd PO Box 303 KALAMUND A WA 6926	New Transportable Dwelling with alfresco area plus rear and ½ side verandah attached	245.16
2/0910	Craig Lawson & Frances Maslin PO Box 134 SOUTHERN CROSS	Lot 167 (H/No 76) Antares St, SOUTHERN CROSS	Ms Frances Maslin – Owner/Builder (OB/1874/09)	New Transportable Dwelling with front porch & rear double carport attached	128.00

No Demolition Licenses were issued during this same period.

Statutory Requirements

Compliance with the Building Regulations, Building Code of Australia as amended from time to time, and the Shire of Yilgarn Town Planning Scheme No 2.

Council's information only.

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Submission to:	Ordinary Meeting of Council – Friday 21 st August, 2009
Agenda Reference:	10.4
Subject:	Proposed Name for Road Leading from Karalee Rocks Road to the Rocks and Campsite
Location/Address:	Reserve 3531 Location 3017 off Great Eastern Highway, Yellowdine
Name of Applicant:	Department of Regional Development and Lands – Mr Henty Farrar, Manager Wheatbelt Region
File Reference:	10331 & 12819
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th August, 2009

Background

The Department of Regional Development and Lands has written to the Shire seeking a name for the access road off the Karalee Rocks Road that goes to the Rocks/dam and campsite area. See attached letter and map.

At the January 2006 Ordinary Council Meeting Council passed the recommendation to nominate “Karalee Rocks Road” as a suitable name for the road that runs north off the Great Eastern Highway to Location 1522 which was leased by Messes Roberto & Valentino Gianoncelli. At the time it was not considered necessary to name the section of road that extends west of the Karalee Rocks Road to the campsite.

The Department is suggesting that the section of road from the Great Eastern Highway to the campsite should be known as Karalee Rocks Road, and that a new name be suggested for the section of the road that continues northward from the turn-off to the campsite to Location 1522.

Comment

From the January 2006 Council Meeting it was indicated that Council did not wish to have the section of road past the gateway across Karalee Rocks Road north to Location 1522 designated as a public road due to the gateway and because the road only serviced one property, that being Location 1522.

I believe to have a different name for the section of road north of the turn-off to the Karalee Rocks campsite to Location 1522 would be confusing and difficult to signpost on the Great Eastern Highway.

A better alternative would be to name the section of road from the turn-off to the campsite. A possible suggestion for a name is Karalee Rocks West Road. The reasons for the name are that reflects the name of Karalee Rocks Road so there is no confusion for tourists/visitors, and it is to the west side of Karalee Rocks Road thereby confirming its location.

Policy Implications

Council Policy 2.12 Reserves – Notification to Surrounding Land Owners states –

“That when notice is received concerning any proposed changes in status of land (other than ownership) to Reserves, Council as a matter of courtesy notifies all adjoining landowners of the proposed changes for their information and/or comment.”

Letters have not been sent to nearby landowners in this instance as this section of road is from the turn-off to the campsite is unlikely to be called after anything other than the rocks, the dam, the flume, or the campsite and therefore there is not likely to be a lot of interest in the naming of the road.

Statutory Requirements

Compliance with Section 56 Dedication of Roads of the Land Administration Act 1977.

Financial Implications

Nil

Recommendation

That Council writes to the Department of Regional Development and Lands advising that –

- i) it prefers that the section of road from the Great Eastern Highway to where there are private gates across the road slightly north of the turn-off to the Karalee Rocks campsite should remain known as “Karalee Rocks Road”;
- ii) the section of road from the private gates across Karalee Rocks Road north to Location 1522 is not dedicated as a public road as it is a private road leading to one property and therefore does not need to be named; and
- iii) Council nominates “Karalee Rocks West Road” for the section of road to the west of Karalee Rocks Road from the turn-off to the campsite.

Voting Requirements

Simple Majority.

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205/2009

Moved Cr Della Bosca Seconded Cr Kenward that Council writes to the Department of Regional Development and Lands advising that – it prefers that the section of road from the Great Eastern Highway to where there are private gates across the road slightly north of the turn-off to the Karalee Rocks campsite should remain known as “Karalee Rocks Road”;

the section of road from the private gates across Karalee Rocks Road north to Location 1522 is not dedicated as a public road as it is a private road leading to one property and therefore does not need to be named; and

Council nominates “Karalee Rocks West Road” for the section of road to the west of Karalee Rocks Road from the turn-off to the campsite.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 21 st August, 2009
Agenda Reference:	Late Item 10.5
Subject:	Planning Application – Re-development of Yellowdine Roadhouse & Service Station Motel Site
Location/Address:	Lot 27 Great Eastern Highway, Yellowdine
Name of Applicant:	Ms Zandra Welham
File Reference:	10303
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	17 th August, 2009

Background

I refer to Agenda Item 10.2 for the Ordinary Meeting of Council held on 20th March 2009 where Council considered and granted approval for Mr Grant Hislop to relocate a second-hand transportable 4 bedroom with Ensuites accommodation unit onto Lot 27 Great Eastern Highway, Yellowdine for staff accommodation. Further to this application, Ms Zandra Welham, Manager of the Yellowdine Roadhouse & Service Station, and the owner of the premises, Mr Grant Hislop, have applied for permission to relocate another 3 second-hand transportable accommodation units with Ensuites onto Lot 27 Great Eastern Highway, Yellowdine for the development of a motel site.

The three units each have a different floor plan layout, with one unit comprising 1 bedroom, another comprising two accommodation units, and the last unit comprising 4 accommodation rooms. They will be used to accommodate travellers, as well as staff for contractors working further along the Great Eastern Highway and/or Cliffs Asia Pacific Iron Ore Pty Ltd staff from the Koolyanobbing mine site.

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See attached letters, site plans, floor plans, a copy of the coloured photographs of the second-hand transportable accommodation units, and a location map.

Comment

Lot 27 is located within the Yellowdine Townsite and is zoned “Townsite” under the Shire of Yilgarn Town Planning Scheme No 2 and therefore requires Council approval for any proposed development work.

As these are second-hand transportable units/buildings, Council permission is required for them to be relocated permanently in the District.

The units are in reasonably good condition, are well constructed as purpose built transportable buildings, and there is no problem with them travelling well to their new location. The three units are already on-site. The outside of the units have already been re-painted, the units connected to power and a new septic tank system, and the interior cleaned with new beds installed. New verandahs will be constructed along the front of each unit out of patio tubing and Zinalume roof sheeting and extend over the existing concrete footpaths.

Policy Implications

Nil

Statutory Requirements

Compliance with the Shire of Yilgarn Town Planning Scheme No 2.

Financial Implications

Nil

Recommendation

That Council grants planning approval to Ms Zandra Welham & Mr Grant Hislop to relocate the three second-hand transportable accommodation units with Ensuities comprising of a total of 8 accommodation rooms onto Lot 27 Great Eastern Highway, Yellowdine for motel accommodation.

Voting Requirements

Simple Majority.

206/2009

Moved Cr Kenward Seconded Cr Fairless that Council grants planning approval to Ms Zandra Welham & Mr Grant Hislop to relocate the three second-hand transportable accommodation units with Ensuities comprising of a total of 8 accommodation rooms onto Lot 27 Great Eastern Highway, Yellowdine for motel accommodation.

CARRIED (6/0)

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DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

Mr Wayne Della Bosca in his capacity as CBFCO sought an audience with Council and advised that he was undergoing surgery on Monday 24th August 2009 that would see him incapacitated for a period of two months.

Concerned regarding his responsibilities, Mr Della Bosca sought consideration from Council for the appointment of DCBFCO's during the interim period, until such time as two new DCBFCO's would be elected at the October 2009 Annual General Bush Fire Officer's meeting.

207/2009

Moved Cr Fairless Seconded Kenward that Council appoints Mr Alan Nicholson and Mr Peter Goodhill as interim Deputy Chief Bush Fire Control Officer's until the October 2009 Annual General Bush Fire Officers Meeting.

CARRIED (6/0)

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.00pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 21st August 2009 are confirmed as a true and correct record of that meeting on Friday, 18th September 2009.

Cr Romolo Patroni
SHIRE PRESIDENT