



Minutes

Ordinary Meeting of Council

17th April

2019

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Shire President advised that the Shire had been presented with a Certificate of Appreciation from the Yilgarn Mixed Basketball Association for its ongoing support throughout their 2018/2019 season.

3. ATTENDANCE

Presiding Member	Cr O Truran	Shire President
Members	Cr W Della Bosca Cr B Close Cr G Guerini Cr P Nolan Cr D Pasini	Deputy Shire President
Council Officers	P Clarke C Watson R Bosenberg N Warren J Gemund	Chief Executive Officer Executive Manager Corporate Services Executive Manager Infrastructure Executive Manager Regulatory Services Manager Community Services
Apologies:	Cr S Shaw	
Observers:	Nil	
Leave of Absence:	Nil	

4. DECLARATION OF INTEREST

Nil

5. PUBLIC QUESTION TIME

Nil

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council, Thursday 21st March 2019

39/2019

Moved Cr Guerini / Seconded Cr Close

That the minutes from the Ordinary Council Meeting held on the 21st March 2019 be confirmed as a true record of proceedings.

CARRIED (6/0)

6.2 Annual Electors Meeting Minutes, Thursday 21st March 2019

40/2019

Moved Cr Close / Seconded Cr Della Bosca

That the minutes from the Annual Electors Meeting held on the 21st March 2019 be confirmed as a true record of proceedings.

CARRIED (6/0)

The CEO advised that in respect to the questions raised at the above meeting, the following actions had been taken:-

Vision Statement

Mrs Crafter was advised that when the public consultation process commenced for the review of the Community Strategic Plan, consideration would be given to updating the Vision Statement for the Shire of Yilgarn.

Insurance Matters pertaining to use of Council Facilities

Resulting from the enquiry from Mrs Della Bosca regarding insurance of users of Council facilities, staff had contacted Council's Insurers regarding options for ongoing users in the event of the groups/clubs folding their associations. Staff had commenced discussions with such users and will continue to keep them informed of developments.

6.3 Great Eastern Country Zone (GECZ) Meeting Minutes-Monday, 18th March 2019

6.4 Yilgarn History Museum Advisory Committee Minutes-Wednesday 3rd April 2019

41/2019

Moved Cr Della Bosca / Seconded Cr Guerini

That the minutes from the Great Eastern Country Zone and the Yilgarn History Advisory Committee meeting be received.

CARRIED (6/0)

7. PRESENTATIONS, PETITIONS, DEPUTATIONS

The Shire President introduced Mr Drew Bradshaw, General Manger Mining, with Adaman Resources who had been invited to present to Council on the dewatering issues associated with Cornishman and Pilot Pits and also to give an overview of their mining operations into the future.

Mr Bradshaw advised that the Cornishman Operations was planned as a 4 stage process and currently the operations were at Stage 1. Adaman Resources are currently 6 months behind their original schedule due to water inundation at the underground operations and because of this, mining was suspended for 2 months for safety reasons. Operations re-commenced in March 2019.

Mr Bradshaw advised that Adaman Resources had sought dewatering Licences from DWER to pump from the Cornishman Pit to Pilot Pit to alleviate the water inundation and this application had resulted in Council having some concerns regarding water levels at the Pilot Pit and potential effect on surrounding flora. Mr Bradshaw provided Council with assurances that the Pilot Pit would not rise above the 10 metre level set to avoid damaging flora and at the request of a meeting held between Council representatives, monitoring bores had been established to monitor such levels.

Mr Bradshaw advised that the Pilot Pit had now stabilised and water levels were actually decreasing. Adaman Resources will only pump into the Pilot Pit during heavy rain events and all other water will be contained with the Cornishman Operations.

At the conclusion of Mr Bradshaw's presentation, the Shire President invited questions from Councillors.

Cr Nolan questioned the suitability of the monitoring bores for their ongoing monitoring to which Mr Bradshaw assured Council that their Consultants had confidence that these were appropriate for such monitoring.

The Shire President thanked Mr Bradshaw for his presentation and indicated he was welcome back to present further as the Cornishman Operations proceeded into the future.

Cr Della Bosca retired from the meeting at this stage, being 4.26pm, advising that he had other commitments and would not be returning to the meeting.

8. DELEGATES' REPORTS

The Shire President advised that she had attended the following meetings:-

- 27/2 – Together with CEO attended WEROC and WCI Meetings
- 1/3 – YSSA Swimming Carnival
- 7/3 – GECZ Executive Teleconference
- 7/3 – LEMC Meeting
- 19/3 – Together with CEO met SXDHS Student Council
- 26/3 - Together with CEO met Mia Davies MLA and Martin Aldridge MLC
- 26/3 - Together with CEO met with Sean Conlan, Regional Director WACHS
- 2/4 - Together with MCS attended Paint Australian Read Program at SXDHS
- 9/4 - Attended DHAC meeting in Merredin

Cr Guerini advised that he had attended the following meetings:-

- 28/3 - Attended BFAC meeting
- 16/4 - Attended Skeleton Weed Committee Meeting

Cr Close advised that he had attended the following meeting:-

- 8/4 - Together with CEO, EMI and Cr Della Bosca attend the Wheatbelt North Sub-Regional Road Group via Teleconference

9 OFFICERS REPORTS

9.1 Officers Report – Chief Executive Officer

9.1.1 Resignation/Appointment of Central East Aged Care Alliance (CEACA) Representative

File Reference	1.3.3.18
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To advise Council of the resignation of Cr Truran as Council's representative on CEACA and the requirement to appoint a new representative of the Shire of Yilgarn.

Background

The Shire President has advised the CEO in writing that she has made the decision to resign as one of the Shire of Yilgarn's representatives on CEACA as she is unable to fully commit to this position due to unforeseen circumstances.

Comment

Council is currently represented on CEACA by Crs Truran, with Cr Della Bosca as its Deputy Member. Both Crs Truran and Della Bosca, together with the CEO as an observer, attend all CEACA meetings however, Cr Truran is the only voting delegate in accordance with CEACA's Constitution when the above Council delegates attend meetings.

With Cr Truran resigning from her position, Council now needs to nominate Cr Della Bosca as its Member on CEACA, if he wishes to undertake this role, and appoint a new Deputy Member. The Deputy Member position could come from another Councillor interested in this role or alternatively, the CEO could be appointed to the position in acknowledgment of the CEO's participation and knowledge of the CEACA project to date.

Whilst the CEACA Housing project is nearing completion, the ongoing role of CEACA will continue as it will be the liaison organisation with the Property Managers charged to tenant the housing. Since CEACA's establishment it has always been premised on actioning as many of the Verso Report's recommendations as possible with the Report detailing all the areas in which CEACA could assist in making each of its communities more age friendly.

Statutory Environment

CEACA Constitution relating to appointment of Members.

Strategic Implications

Shire of Yilgarn Strategic Plan 2016-2026 – Social – High Quality and well maintained Aged Care facilities.

Policy Implications

Nil

Financial Implications

Nil.

Officer Recommendation and Council Decision.

42/2019

Moved Cr Close / Seconded Cr Guerini

That Council: -

- 1. Acknowledges with regret, Cr Truran's resignation as the Shire of Yilgarn's Member on CEACA and that as a replacement Member for Cr Truran's position, Cr Della Bosca be appointed as the Shire of Yilgarn's voting Member on CEACA.***
- 2. That the CEO be appointed as the Shire of Yilgarn's Deputy Member on CEACA.***

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.2 Blue Tree Project

File Reference	1.3.5.3
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Location Map and Photographs of the tree earmarked for painting

Purpose of Report

To advise Council of the proposal by the South Moorine Rock community to “paint a tree blue” to raise awareness of mental health and suicide.

Background

Ms Linda Warren, on behalf of the Moorine Rock community, has written to Council seeking approval to “paint a tree blue” that has been identified on the west side of Moorine South Road, approximately 200 metres north of the Frog Rock-Marvel Loch Road turnoff.

Ms Warren advises that there has been discussion within the community and families of South Moorine Rock which has revealed much enthusiasm and support for such a project and as a result, the above dead tree has been chosen for a “blue lease on life”.

Comment

The “Blue Tree” project was first started in Mukinbudin following the tragic death of a young man by a suicide after struggling with mental health issues. Through social media, the “Blue Tree” went viral and since that time it has grown into a movement with people in WA, Queensland, NSW and UK painting trees blue in the name of mental health.

The tree identified by Ms Warren, (see attached location map and photos) is located within the Moorine South Rd road reserve and is situated on a relatively straight section of that road.

Whilst staff can see no major problems with the tree being painted “Blue”, it should be noted that Main Roads WA have some concerns regarding these proposals on its own road reserves which relate to the trees causing a distraction to motorists and environmental issues.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Plan 2016-2026 – Social – Continue to implement and support community programs.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

43/2019

Moved Cr Guerini / Seconded Cr Pasini

That Council approves the painting of a dead tree "blue" located on the west side of Moorine South Road, approximately 200 metres north of the Frog Rock-Marvel Loch Road turnoff by the South Moorine community, to promote mental health issues on the proviso that the proponents prepare a Traffic Management Plan to the satisfaction of the Executive Manager Infrastructure to ensure the safety of all motorists when the painting is being undertaken.

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.3 Minjar Gold/Hampton Transport – Copperhead Ore Haulage Proposal

File Reference	3.2.1.24, 6.1.1.086 & 6.1.1.201
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To inform Council of the ongoing discussions/negotiations relating to Minjar Gold/Hampton Transport's proposal to utilise the Southern Cross-Bullfinch Road, Southern Cross CBH Bin Road, Three Boys Road, Great Eastern Highway and Marvel Loch/Southern Cross Road for the haulage of ore from the Copperhead Mine in Bullfinch.

Background

At the February 2019 Ordinary meeting of Council, Minjar Gold and Hampton Transport presented the proposal to haul stockpiled ore from the Copperhead Mine in Bullfinch utilising the Southern Cross-Bullfinch Road, Southern Cross CBH Bin Road, Three Boys Road, Great Eastern Highway and the Southern Cross South Road.

In respect to the above request, Council resolved the following at the February meeting:-

6/2019

Move Cr Close/Seconded Cr Della Bosca

That Council grants approval for Minjar Gold to utilise the following Council Controlled Roads associated with its haulage of ore from their Copperhead Bullfinch Mine Site to the Marvel Loch Mill subject to the following conditions: -

- 1. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);***
- 2. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);***
- 3. That a 50 metre Asphalt seal be prepared and laid on Three Boys Road prior to the intersection with the Great Eastern Highway;***
- 4. That a 50 metre Asphalt seal be prepared and laid on Southern Cross South Road prior to the intersection with the Great Eastern Highway;***

5. *That a financial contribution for future maintenance and construction costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross South Road to the exiting Haul Road (0.0 – 3.00SLK);*
6. *That a 50 metre Asphalt seal be prepared and laid on Minjar Gold's Haul Road as it approaches Southern Cross South Road west and widening of the Southern Cross South Road to 10.7m to accommodate turning vehicles into the Haul Road;*
7. *That Minjar Gold be advised that a 1hr curfew on haulage will apply in the morning and afternoon to coincide with school bus times on the Southern Cross South Road.*
8. *That Minjar Gold liaises with Main Roads WA regarding improvements to the Great Eastern Highway, Three Boys Road and Southern Cross South Road intersection to accommodate truck configurations entering and exiting the Highway; and*
9. *That a formal agreement relating to the above approvals and conditions be prepared for signing by Minjar Gold and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer and Executive Manager Infrastructure.*

CARRIED (6/0)

Comment

Following the above resolution and their investigations into costs associated with road upgrades, in particular the upgrade requirements set by Main Roads WA on the Great Eastern Highway, Minjar Gold and Hampton Transport considered that it was financially unviable for them to proceed with the haulage operations.

Minjar Gold and Hampton Transport representatives then contacted Shire staff to ascertain whether there were other options or routes in relation to the transportation of ore from Minjar's Copperhead operations in Bullfinch to their Mill at Marvel Loch.

Following the above discussions, staff indicated that there was the possibility of transporting the ore via the same route to which Adaman Resources operates, that being turning left onto GEH and entering the Southern Cross town site and then turning right at the Palace Hotel, using the Southern Cross/Marvel Loch Road until they then accessed their own Haul Road. In applying for this route, Minjar Gold and Hampton Transport were advised that they would have to reduce their road train configuration to 27.5 metres and working a day shift only operation.

Based on the above discussions, Minjar Gold and Hampton Transport have re-submitted their application as detailed below:-

"Hampton Transport Services in conjunction with Minjar Gold seek Council approval to haul a 20,000 tonne parcel of gold ore from Bullfinch to Marvel Loch.

The route we are seeking to haul on involves the following roads:-

- *Bullfinch – Three Boys intersection*
- *Three Boys bypass – Great Eastern Highway*
- *Great eastern Highway to Marvel Loch Road turning at the Palace Hotel*
- *Marvel Loch Road from Great Eastern Highway to Cornishman intersection.*

Planned schedule is to operate 2 x double trailer configured road train's 27.5 metre long working day shift only, 4 trips per unit per day".

The Southern Cross-Bullfinch Road, Great Eastern Highway and Marvel Loch-Southern Cross Road are MRWA controlled roads and therefore, Minjar Gold and Hampton Transport, will have to again negotiate with MRWA Northam staff regarding the use of these roads.

In respect to the Southern Cross CBH Bin Road and Three Boys Road being part of the proposed haulage route, these are Council controlled roads and necessary upgrading/treatment works and financial contributions under Council Policy 5.2 relating to "Heavy Haulage on Local Roads" will apply.

Statutory Environment

Nil

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Economic – A Prosperous Future for Our Community – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Council Policy No.5.2 – "Heavy Haulage on Local Roads"

Heavy Vehicle Cost Recovery

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

Financial Implications

Nil

Officer Recommendation and Council Decision

44/2019

Moved Cr Pasini / Seconded Cr Close

That Council grants approval for Minjar Gold/Hampton Transport to utilise Council controlled roads being, the Southern Cross CBH Bin Road and Three Boys Road for the haulage of a 20,000 tonne parcel of gold ore from the Copperhead Bullfinch Mine Site to the Marvel Loch Mill subject to the following conditions: -

- 1. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);***
- 2. That a financial contribution for future maintenance costs be applied to Minjar Gold in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);***
- 3. That a 50 metre Asphalt seal be prepared and laid on Three Boys Road prior to the intersection with the Great Eastern Highway at Minjar Gold/Hampton Transport's expense;***
- 4. That Minjar Gold/Hampton Transport liaises with Main Roads WA regarding the revised route to seek the necessary approvals; and***
- 5. That a formal agreement relating to the above approvals and conditions be prepared for signing by Minjar Gold/Hampton Transport and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer, Executive Manager Infrastructure and Main Roads WA.***

CARRIED (4/1)

Cr Nolan voted against the motion

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.1 Financial Reports

File Reference	8.2.3.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Financial Reports

Purpose of Report

To consider the Financial Reports

Background

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

The following reports are attached and have been prepared as at the 31st March 2019.

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

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

45/2019

Moved Cr Nolan / Seconded Cr Close

That Council endorse the various Financial Reports as presented for the period ending 31st March 2019

CARRIED (5/0)

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.2 Accounts for Payment

File Reference	8.2.1.2
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Accounts for Payment

Purpose of Report

To consider the Accounts for Payment

Background

Municipal Fund – Cheque Numbers 40760 to 40770 totalling \$6,590.62, Municipal Fund-EFT Numbers 8586 to 8678 totalling \$375,809.11, Municipal Fund – Cheque Numbers 1495 to 1503 totalling \$196,176.61, Municipal Fund Direct Debit Numbers 13524.1 to 13524.11 totalling \$21,132.23, Trust Fund 402411 to 402417 totalling \$3,646.41 and Trust Fund – Cheque Numbers 6166 to 6169 (DPI Licensing), totalling \$45,171.50 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

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

Strategic Implications

Nil

Policy Implications

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

Financial Implications

Drawdown of Bank funds

Officer Recommendation and Council Decision

46/2019

Moved Cr Close / Seconded Cr Pasini

Municipal Fund – Cheque Numbers 40760 to 40770 totalling \$6,590.62, Municipal Fund-EFT Numbers 8586 to 8678 totalling \$375,809.11, Municipal Fund – Cheque Numbers 1495 to 1503 totalling \$196,176.61, Municipal Fund Direct Debit Numbers 13524.1 to 13524.11 totalling \$21,132.23, Trust Fund 402411 to 402417 totalling \$3,646.41 and Trust Fund – Cheque Numbers 6166 to 6169 (DPI Licensing), totalling \$45,171.50 are presented for endorsement as per the submitted list.

CARRIED (5/0)

9.2 Reporting Officer – Executive Manager Corporate Services

9.2.3 Audit Committee – Audit Entrance Meeting with Auditors

File Reference	2.1.2.9
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Office of the Auditor General, Audit Practice Statement

Purpose of Report

To convene Councils Audit Committee to hold a formal audit entrance meeting with Councils Auditors.

Background

Recent amendments to the Local Government Act 1995 and relevant associated Regulations require Local Governments in Western Australia to be audited by the State Governments Office of the Auditor General (OAG).

The Auditor General will begin local government financial audits in a staged approach, as existing audit contracts expire. The Shire of Yilgarn's first audit by the OAG will be at the completion of the 2020/21 financial year.

Comment

Even though Council has two more audits with its current auditors, Moore Stephen's, a familiarisation process has been implemented by Moore Stephens to pave the way for a smooth transition to audits being undertaken by the OAG. Part of this is the holding audit entrance meetings (as indicated in the OAG's "*Audit Practice Statement, Page 13*") with Councils auditors.

Statutory Environment

Local Government Act 1995 –

s5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

.

- (g) the giving of public notice of the date and agenda for council or committee meetings; and

.

Local Government (Administration) Regulations 1996 –

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

A cost of approximately \$550 will be incurred by having Councils auditor attend via teleconference.

Officer Recommendation and Council Decision

47/2019

Moved Cr Pasini / Seconded Guerini

That Council approves the holding of an Audit Committee meeting on Thursday 2nd May 2019 commencing at 5:00pm for the purpose of having an audit entrance meeting as per the Office of the Auditor General's Audit Practice Statement.

CARRIED (5/0)

9.3 Reporting Officer – Executive Manager for Infrastructure

9.3.1 - 2018/2019 Plant Replacement Program – Tender N° 11/2018-2019

File Reference	6.4.1.5 & 6.6.1.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Councils existing 2016 Toyota Kluger Grande Sedan (YL-1) currently utilised by Chief Executive Office and to a purchase new replacement vehicle

Background

The changeover of Councils current Toyota Kluger Sedan is included in Councils 2018/2019 Plant Replacement Program with a monetary allocation been allowed for in 2018/2019 Financial Year Budget to purchase a new vehicle. The replacement vehicle is to be a similar type executive class vehicle.

Tenders were invited to supply and deliver one only executive type vehicle and to trade or the outright purchase (Alternative Tender) of Councils current Toyota Kluger Sedan.

The current Kluger sedan was purchased in 2016 has speedometer reading of 77,500 as of March 2019.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 11/2018-2019 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date been 5th April 2019.

The following response was received for the Outright Purchase of Councils current 2016 Toyota Kluger Grande Sedan AWD *GST inclusive*:

Dutton Garage	\$36,000
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The following responses were received for the trade-in of Councils current 2016 Toyota Kluger Grande (AWD) sedan and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

Toyota Kluger Grande (all-wheel drive) V6 Wagon	\$ 63,375.00
Less trade-in 2016 Kluger Sedan	\$ 35,000.00
Net change-over	\$ 28,375.00

Merredin Toyota

Toyota VX Prado	\$ 64,990.02
Less trade-in 2016 Kluger Sedan	\$ 35,000.00
Net change-over	\$ 29,990.02

Golden City Motors

Holden Acadia LTZV AWD (all-wheel drive)	\$ 53,834.85
Less trade-in 2016 Kluger Grande Sedan	\$ 35,234.85
Net change-over	\$ 18,600.00

Golden City Motors

Holden Acadia LTZV RWD (front wheel drive)	\$ 50,960.80
Less trade-in 2016 Kluger Grande Sedan	\$ 35,160.80
Net change-over	\$ 15,800.00

As it can be seen from the above, the tendered prices submitted by Golden City Motors are considerably cheaper than that submitted by Merredin Toyota for the changeover of council's 2016 Kluger Grande Sedan. It is considered that it would be preferable to maintain a like for like vehicle.

Council's Chief Executive Officer, preference is for a vehicle very similar to the Toyota Kluger that is currently being utilised, therefore it will be proposed that council consider the offer from Merredin Toyota for the Toyota Kluger Grande (AWD)

Councils Regional Price Preference Policy No 3.5 (A) as stated below provides a 10% preference to local suppliers and a 5% preference to suppliers within the Wheatbelt area, therefore the tender for the trade of councils 2016 Toyota Kluger Grande of \$35,000 meets the requirements of the policy against the outright purchase price of \$36,000 offered by Dutton Garage for this vehicle

Statutory Environment

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

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"

"Regional Price Preference Policy 3.5(A)"

OBJECTIVES

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

POLICY

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

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

Stipulated Area

10% to all suppliers located within the Shire of Yilgarn

5% to all suppliers located within the Wheatbelt region

2.5% to all suppliers located within the Goldfield region

Financial Implications

A monetary allocation of \$63,000 has been allowed for the purchase of a new executive class vehicle in Council's 2018-2019 Financial Year Budget and an estimated monetary trade income of \$32,000 allowed for in Councils Ten Year Plant Replacement Program for Councils current 2016 Toyota Kluger Grande

Officer Recommendation

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota Kluger Grande (AWD) for the quoted purchase cost of \$63,375 (GST inclusive) and trade Council's existing 2016 Toyota Kluger sedan for the quoted trade price of \$35,000 (GST inclusive), resulting in a change-over cost of \$28,375 (GST inclusive).

Council Resolution

48/2019

Moved Cr Truran / Seconded Cr Nolan

That Council accepts the tender submitted by Merredin Toyota to purchase the Toyota VX Prado for the quoted purchase cost of \$64,990.02 (GST inclusive) and trade Council's existing 2016 Toyota Kluger sedan for the quoted trade price of \$35,000 (GST inclusive), resulting in a change-over cost of \$29,990.02 (GST inclusive).

CARRIED (4/1)

Cr Guerini voted against the Motion

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the difference in the purchase price of the Prado and Kluger was minimal and that the running costs of the Prado would far outweigh the Kluger and also future changeover costs would be more beneficial with a Toyota Prado.

9.3 Reporting Officer – Executive Manager for Infrastructure

9.3.2 - 2018/2019 Plant Replacement Program – Tender N° 12/2018-2019

File Reference	6.4.1.5 & 6.6.1.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Councils existing 2016 4x4 Ford Ranger Dual Cab (YL-252) currently utilised by Executive Manager Regulatory Services and to a purchase new replacement vehicle

Background

The changeover of Councils current 4x4 Ford Ranger Dual Cab Utility is included in Councils 2018/2019 Plant Replacement Program with a monetary allocation been allowed for in 2018/2019 Financial Year Budget to purchase a new vehicle. The replacement vehicle is to be a similar type vehicle.

Tenders were invited to supply and deliver one only 4x4 Dual Cab Utility and to trade or the outright purchase (Alternative Tender) of Councils current 4x4 Ford Ranger Dual Cab.

The current 4x4 Ford Ranger Dual Cab Utility was purchased in 2016 has speedometer reading of 61,500 as of March 2019.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 12/2018-2019 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date been 5th April 2019.

The following response was received for the Outright Purchase of Councils current 2016 4x4 Ford Ranger Dual Cab Utility *GST inclusive*:

Dutton Garage	\$27,000.00
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The following response was received for the trade-in of Councils current 2016 4x4 Ford Ranger Dual Cab Utility and to supply a new replacement vehicle *GST Inclusive*:

Merredin Toyota

Toyota Hilux 4x4 Dual Cab SR (SAT NAV upgrade)	\$ 47,633.98
Less trade-in 2016 4x4 Ford Ranger Dual Cab Utility	\$ 30,000.00
Net change-over	\$ 17,633.98

Merredin Toyota

Toyota Hilux SR 4x4 Dual Cab (SAT NAV and Alloy Wheel upgrade)	\$ 48,150.00
Less trade-in 2016 4x4 Ford Ranger Dual Cab Utility	\$ 30,000.00
Net change-over	\$ 18,150.00

Golden City Kalgoorlie

Holden Colorado LTZ 4x4 Dual Cab	\$ 44,036.30
Less trade-in 2016 4x4 Ford Ranger Dual Cab	\$ 33,036.30
Net change-over	\$ 11,000.00

Statutory Environment

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

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"

Financial Implications

A monetary allocation of \$53,000 has been allowed for the purchase of a new vehicle in Council's 2018-2019 Financial Year Budget and an estimated monetary trade income of \$25,000 allowed for in Councils Ten Year Plant Replacement Program for Councils current 2016 Ford Ranger Dual Cab Utility

Officer Recommendation and Council Decision

49/2019

Moved Cr Nolan / Seconded Cr Guerini

That Council accepts the tender submitted by Golden City Motors to purchase the Holden Colorado LTZ 4x4 Dual Cab for the quoted purchase cost of \$44,036.30 (GST inclusive) and trade Council's existing 2016 4x4 Ford Ranger Dual Cab Utility for the quoted trade price of \$33,036.30 (GST inclusive), resulting in a change-over cost of \$11,000.00 (GST inclusive).

CARRIED (5/0)

9.3 Reporting Officer – Executive Manager for Infrastructure

9.3.3 - 2018/2019 Plant Replacement Program – Tender N° 13/2018-2019

File Reference	6.4.1.5 & 6.6.5.10
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To consider the disposal of Councils existing 2013 4x2 Mazda Tray Top Utility (YL-363) currently utilised by Councils Building Maintenance Staff and to purchase new replacement vehicle

Background

The changeover of Councils current 4x2 Mazda Tray Top Utility is included in Councils 2018/2019 Plant Replacement Program, with a monetary allocation been allowed for in 2018/2019 Financial Year Budget to purchase a new vehicle. The replacement vehicle is to be a similar type vehicle.

Tenders were invited to supply and deliver one only 4x2 Tray Top Utility and to trade or the outright purchase (Alternative Tender) of Councils current 4x2 Mazda Tray Top Utility.

The current 4x2 Mazda Tray Top Utility was purchased in 2013 has speedometer reading of 55,500km's as of March 2019.

Comment

In accordance to Councils Finance Policy 3.5 Purchasing and Tendering and the Local Government Act 1995 Section 3.57 Tenders for Providing Goods and Services (1) and 3.58 Disposing of Property (3), Tender N° 13/2018-2019 was advertised for a period of not less than fourteen days in the Kalgoorlie Miner and local Crosswords with the closing date been 5th April 2019.

The following response was received for the Outright Purchase of Councils current 2013 4x2 Mazda Tray Top Utility *GST inclusive*:

Dutton Garage	\$9,000
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The following response was received for the trade-in of Councils current 2013 4x2 Mazda Tray Top Utility and to supply a new replacement vehicle *GST Inclusive*:

Northam Autos

Supply new BT50 4x2 Space Cab XT	\$ 37,606.00
Less trade-in 2013 4x2 Mazda Tray Top Utility	\$ 12,000.00
Net change-over	\$ 25,606.00

Northam Autos

Supply new Colorado Space Cab LS 4x4	\$ 38,194.00
Less trade-in 2013 4x2 Mazda Tray Top Utility	\$ 12,000.00
Net change-over	\$ 26,194.00

Golden City Motors

Supply new BT50 4x2 Space Cab XT	\$ 38,800.00
Less trade-in 2013 4x2 Mazda Tray Top Utility	\$ 17,800.00
Net change-over	\$ 21,000.00

Statutory Environment

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

Strategic Implications

Councils Ten Year, Plant Replacement Program

Policy Implications

"Finance Policy 3.5 Purchasing and Tendering"

Financial Implications

A monetary allocation of \$49,500 has been allowed for the purchase of a new vehicle in Council's 2018-2019 Financial Year Budget and an estimated monetary trade income of \$18,000 allowed for in Councils Ten Year Plant Replacement Program for Councils current 2013 Mazda Tray Top Utility

Officer Recommendation and Council Decision

50/2019

Moved Nolan / Seconded Cr Close

That Council accepts the Tender submitted from Golden City Motors to purchase the BT50 4x2 Space Cab XT for the quoted purchase cost of \$38,800.00 (GST inclusive) and trade Council's existing 2013 4x2 Mazda Tray Top Utility for the quoted trade price of \$17,800.00 (GST inclusive), resulting in a change-over cost of \$21,000.00 (GST inclusive).

CARRIED (5/0)

9.3 Reporting Officer – Executive Manager for Infrastructure

9.3.4 – Gold Fields Technical Services – Marvel Loch Forrestania Road Re-Alignment

File Reference	6.1.1.004
Disclosure of Interest	N/A
Voting Requirements	Simple Majority
Attachments	Two Map Attachments

Purpose of Report

To consider proposed Marvel Loch Forrestania Road re-alignment to accommodate the expansion of the Centenary and Buffalo/Spring Hill Gold Mines.

Background

Correspondence has been received from Goldfields Technical Services seeking Council's support to re-align two sections of the Marvel Loch Forrestania Road in the vicinity of Parker Range and Marvel Loch Forrestania Roads intersection approximately 20 kilometres south of Marvel Loch town site.

The road re-alignments are to accommodate the proposed expansion of the Centenary and Buffalo/Spring Hill Mines. These mining tenements previously belonged to Gondwana Resources but have recently changed ownership with the new owners being AURENNE mining which have appointed Goldfields Technical Services to project manage both the Centenary Buffalo/Spring Hill mining projects going forward.

The Centenary mine is located approximately 2.4 kilometres north of Marvel Loch Forrestania and Parker Range Road intersection. The approximate shift of this re-alignment will be 200 metres to the west of the existing Marvel Loch Forrestania Road and approximately 1.5 kilometres in length.

The Buffalo/Spring Hill mine is located approximately 2.8 kilometres south of the Marvel Loch Forrestania and Parker Range Road intersection. The approximate shift of this re-alignment will be 200 metres to the west of the existing Marvel Loch Forrestania Road and approximately 1.8 kilometres in length.

Comment

Approval has previously been granted for road re-alignments around both the Buffalo/Spring Hill mine and Centenary mine when in February 2013 Gondwana Resources (the previous mining tenement owners of the Buffalo/Spring Hill mine) applied to Council to have the Marvel Loch Forrestania Road re-aligned to accommodate the expansion of Buffalo/Spring Hill mines. A report was put to Council's February 2013 Meeting in relation to this resulting in the following resolution:

29/2013

Moved Cr W Della Bosca /Seconded Cr Guerini.

That Council grants approval for the re-alignment of the Marvel Loch Forrestania Road subject to the following:

- 1) The road re-alignment is constructed to a suitable standard acceptable to council***
- 2) All heritage and native title studies along with clearing permits and surveying are too be carried out by the applicant Gondwana Resources along with any cost associated with the above mentioned***
- 3) All construction cost associated with the proposed re-alignment are to be met by the applicant Gondwana Resources.***

CARRIED (7/0)

and in May 2013 Gondwana Resources (the previous mining tenement owners of the Centenary mine) applied to Council to have the Marvel Loch Forrestania Road re-aligned to accommodate the expansion of Centenary mine. A report was put to Council's May 2013 Meeting in relation to this resulting in the following resolution:

97/2013

Moved Cr Pasini / Seconded Cr Guerini.

That Council grants approval for the re-alignment of the Marvel Loch Forrestania Road subject to the following:

- 1) The road re-alignment is constructed to a suitable standard acceptable to council.***
- 2) All heritage and native title studies, clearing permits and surveying are to be carried out by the applicant Gondwana Resources.***
- 3) All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Gondwana Resources.***

CARRIED (7/0)

Both projects did not proceed at the time due to economic climate and other market factors.

Although the latest proposed road re-alignments are in the same location (Buffalo/Spring Hill and Centenary mine sites) as the previous ones applied for by Gondwana Resources in 2013, the latest application has been made by a different company who has recently purchase Buffalo/Spring Hill and Centenary mining tenements, therefore an up to date resolution is required.

If Council was to give approval for the re-alignment all heritage and native title studies along with clearing permit's and surveying are to be carried out by the applicant Goldfields Technical Services.

All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Goldfields Technical Services.

The proposed road re-alignment is to be constructed to a suitable standard acceptable by Council which includes:

- 1) *The re-alignment is to have the gazetted road surveyed width of 20 metres*
- 2) *Subgrade road pavement has a water-bound (fresh water only, salt water is not to be used) compacted finished width of 10 metres*
- 3) *Subgrade road pavement cross fall from the road centre line is no less than 4% and no greater than 5%.*
- 4) *Road pavement is to have a finished water-bound (fresh water only, salt water is not to be used), compacted gravel overlay with a minimum 250mm in thickness, ten metres in width and a cross fall from the road centre line no less than 4% and no greater than 5%.*
- 5) *Finished road re-alignment is to have storm water run-off drainage and suitable sized culverts installed at creek crossings or other locations as required and identified by council staff*

It is proposed by Goldfields Technical Services to transport 420,000 tonne of ore from Buffalo/Spring Hill and Centenary mine over a 12-18 month period by roadtrain via the Marvel Loch Forrestania Road or Parker Range Road to a mill to be processed.

Goldfields Technical Services are currently exploring two mill processing option, first being to Marvel Loch and the second is to Edna May mill located in Westonia.

A decision is yet to be made by Goldfields Technical Services to which mill processing plant they intend to utilise.

Currently the Marvel Loch Forrestania Road has a RAV 4 rating. Goldfields Technical Services have indicated that they would like to have the 21 kilometre section of Marvel Loch Forrestania Road they propose to cart over upgraded from its current RAV 4 rating to a RAV 7 rating.

In November 2017 council engaged the services of WML Consultants to undertake a RAV assessment in accordance's with MRWA guidelines to see if the Marvel Loch Forrestania Road was suitable for RAV 7.

The report found that the Marvel Loch Forrestania Road is geometrically suitable for RAV 7 use. The report also identified that the road pavement area of unsealed section of this road was found to be insufficient and required imported gravel overlay to suit continuous RAV 4 and RAV 7 road train activity.

Goldfields Technical Services have engaged Mr Tony Chisholm WML Consultants to carry out further testing and an update assessment of the existing pavement and subgrade materials to determine the current condition of the road. Council are currently waiting for the report so as to identify the extent of any works required to bring this road up to a RAV 7 standard.

Statutory Environment

Subject to Road Gazettals

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Economic – A Prosperous Future for Our Community – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Council Policy No.5.2 – “Heavy Haulage on Local Roads”

Heavy Vehicle Cost Recovery

If any party plans to run a defined vehicle freight task that is deemed an extraordinary load that is likely to cause damage resulting in extraordinary expenses to the Shire, the Shire may negotiate a relevant charge in accordance with the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads or enter into an Agreement (if unsealed) in accordance with the Road Traffic (Administration) Act.

Financial Implications

All cost associated with heritage and native title studies, clearing permits, surveying and construction of the proposed re-alignment are met by the applicant Goldfields Technical Services.

Officer Recommendation and Council Decision

51/2019

Moved Cr Nolan / Seconded Cr Pasini

That Council grants in-principle approval to Goldfields Technical Services to re-align the Marvel Loch Forrestania Road at the Buffalo/Spring Hill and Centenary Mine sites subject to the following conditions:-

- 1) The road re-alignment is constructed to a suitable standard acceptable to Council***
- 2) All heritage and native title studies along with clearing permits and surveying are to be carried out by the applicant Goldfields Technical Services along with any costs associated with the above mentioned***
- 3) Following survey works, Goldfields Technical Services undertakes the appropriate application for survey and gazettal approvals to the relevant State Government Department for action; and***
- 4) All construction cost associated with the proposed re-alignments are to be met by the applicant Goldfields Technical Services.***

CARRIED (5/0)

9.4 Officers Report – Executive Manager Regulatory Services

9.4.1 Application for Dewatering – Corinthia Minesite

File Reference	3.2.1.17
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To consider a proposal by Adaman Resources Pty Ltd to dewater Corinthia Pit on tenement M77/534 to Pilot Pit on tenement M77/1049.

Background

At the March 2019 Council meeting, a referral from the Department of Water and Environmental Regulation (DWER) was tabled, relating to a proposal from Adaman Resources Pty Ltd (Adaman) to dewater Corinthia Pit on tenement M77/534 to Pilot Pit on tenement M77/1049. The mine location is approximately 15 kilometres North/West of Southern Cross townsite.

At the Council meeting, a motion moved by Cr Nolan to amend the officer's recommendation to the following was carried:

That Council, prior to considering Adaman Resources dewatering licence application, requests the DWER to insist that Adaman Resources undertakes a thorough community consultation process, on the dewatering proposal, and further, that DWER instructs Adaman Resources, to prepare a hydrological assessment, based on the current water level of the Pilot Pit.

The response was forwarded to DWER, who responded, noting the response and advising the matter would be discussed with Management in due course, however no further correspondence has been received.

In the interim, a meeting was arranged between Adaman's Drew Bradshaw, General Manager Mining and Craig Bradshaw, Chief Executive Officer and the Shire of Yilgarn's Phil Nolan, Councillor, Peter Clarke, Chief Executive Officer and Nic Warren, Executive Manager Regulatory Services, to discuss the dewatering proposal. The meeting took place on the 4th April 2019.

The key points from the meeting were:

- Dewatering of Corinthia Pit was proposed to cease within 10 days;
- Adaman, through their environmental and hydrological consultants, had set a minimum freeboard of ten metres. This level was based on local flora having a root depth of up to 6 metres, a 1/100 rainfall event accounting for around two to three metres and a buffer of around one metre;

- Adaman's critical control point risk analysis identified the biggest risk of environmental harm was from failure of the transfer pipeline, not the water level in the pit. This had been addressed through relevant telemetry to identify leaks and piping housed in containment bunds, and as such was deemed by Adaman to be adequately controlled.

Council's postponement of providing a response to DWER from the March 2019 council meeting was also raised, with Adaman agreeing to attend the April 2019 Council meeting and present to Council, with the desire to allay Councillors concerns and allowing the re-consideration of the original recommendation.

The Shire representatives at the meeting held on the 4th April 2019 agreed that; based on the information provided at the meeting, they were sufficed that the dewatering program would not pose an unacceptable risk, and as such, indicated they would be supportive of DWER issuing the licence.

Comment

Pending Adaman's presentation to Council, it is thought Councillors will be in a position to make an informed decision regarding the DWER referral, relating to the dewatering of Corinthia Pit.

Statutory Environment

Nil

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Businesses in the Shire remain competitive and viable.

STRATEGY: Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation

THAT COUNCIL

Having considered Adaman Resources Pty Ltd's presentation, Council reconsider the original motion to delay a determination until such time as community consultation and a hydrological assessment is undertaken, siting that sufficient investigation and controls are already in place and future community consultation is proposed.

And

In reconsidering the referral from the Department of Water and Environmental Regulation, relating to the dewatering of Corinthia Pit by Adaman Resources Pty Ltd, endorse the following response:

The Shire of Yilgarn is sufficed that adequate investigation has been undertaken and controls implemented by Adaman Resources Pty Ltd, in relation to the dewatering proposal for Corinthia Pit, and as such, Council are now in favour of a licence being issued by the Department of Water and Environmental Regulation for the dewatering of Corinthia Pit, however, the Shire requests conditions relating to monitoring of the transfer pipeline, monitoring of environmental damage, if any, monitoring of the minimum freeboard and ongoing community consultation are included in the licence, if issued.

Council Resolution

52/2019

Moved Nolan / Seconded Guerini

THAT COUNCIL

Having considered Adaman Resources Pty Ltd's presentation, Council reconsider the original motion to delay a determination until such time as community consultation and a hydrological assessment is undertaken, siting that sufficient investigation and controls are already in place and future community consultation is proposed.

And

In reconsidering the referral from the Department of Water and Environmental Regulation, relating to the dewatering of Corinthia Pit by Adaman Resources Pty Ltd, endorse the following response:

The Shire of Yilgarn is sufficed that adequate investigation has been undertaken and controls implemented by Adaman Resources Pty Ltd, in relation to the dewatering proposal for Corinthia Pit, and as such, Council are now in favour of a licence being issued by the Department of Water and Environmental Regulation for the dewatering of Corinthia Pit, however, the Shire requests conditions relating to monitoring of the transfer pipeline, monitoring of environmental damage, if any, monitoring of the minimum freeboard and ongoing community consultation are included in the licence, if issued, on the proviso that Adaman Resources conveys to the Department of Water and Environmental Regulation and the Department of Water that the monitoring bores installed are functioning and recording appropriate water levels of the Pilot Pit to ensure that surrounding flora is not damaged.

CARRIED (5/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that the Department of Water and Environmental Regulation and the Department of Water should be aware of the processes that Adaman Resources is undertaking in respect to its monitoring bores and that the bores achieve the desired results.

9.4 Officers Report – Executive Manager Regulatory Services

9.4.2 Home Occupation – Massage – 3 Omega Street, Southern Cross

File Reference	3.1.3.3
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Nil

Purpose of Report

To determine a development application for a home occupation at 3 Omega Street, Southern Cross.

Background

The Shire has received a development application, proposing to operate a massage business from 3 Omega Street, Southern Cross.

The application proposes:

- Massage therapies, however does not include skin penetration procedures;
- One client at a time, with one-hour bookings commencing from 11:00am with last appointment at 7:00pm;
- Adequate onsite parking for proprietor and client; and
- Signage proposed for front gate.

The subject property is zoned residential, with the residential zoning defined in the Shire of Yilgarn Town Planning Scheme 2 (TPS2) as:

The Residential Zone is to be used primarily for single houses on separate lots. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the residential environment and where Council is satisfied that they will benefit the community and not result in being a nuisance

The proposal is deemed compatible with the “home occupation” use, as per the TPS2, which is defined as:

Home Occupation: means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- (a) entails the conduct of a business, office, a workshop only, and does not entail the frequent retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;

- (d) does not entail employment of any person not a member of the occupier's household;*
- (e) does not occupy an area greater than 20 m²;*
- (f) does not display a sign exceeding 0.2 m² in area.*
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;*
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight;*

It should be noted, whilst the operator may not be permanently residing in the premises, it is still reasonable to consider the proposal as a home occupation, given the applicant has a residential tenancy agreement for the premise, has the owners consent to operate, complies with all other home occupation criteria, and, most importantly, it is considered that the proposal "will not cause injury to or prejudicially affect the amenity of the neighbourhood", which is the main aim for development assessment.

The TPS2 defines "Home Occupation" as an "AA" use within the residential zone. This means the use is not permitted unless the Council has granted planning approval.

Section 5.2 of the TPS2 details the requirements for advertising signs to be approved by Council, however Schedule 8 details the relevant exempt signs. For a home occupation, Council approval is not required for one advertisement describing the nature of the home occupation, being no larger than 0.2m².

Comment

Being an AA use, Council have the ability to either approve or reject the application.

Whilst a period of public notice is not applicable under the TPS2 for AA uses, owners and occupiers of properties which may be affected by the proposed activities were contacted in writing, detailing the proposal and encouraged to submit comments. One submission was received, which stated they held no objections, on the proviso the noise and traffic controls, being the booking times, were adhered to.

It is the reporting officers opinion the proposed home occupation will have minimal risk of creating a nuisance. Vehicle noise and additional traffic may be experienced; however, it is not thought to be of a level that would create a nuisance to neighbouring properties.

Given the low risk of nuisance, and no objectionable submissions received from neighbouring properties, it is recommended to approve the proposed massage business as a home occupation.

Statutory Environment

Planning and Development Act 2005
Shire of Yilgarn Town Planning Scheme 2

Strategic Implications

GOAL: A prosperous future for our community.

OUTCOME: Businesses in the Shire remain competitive and viable.

STRATEGY: Continue to provide an efficient and effective approval process.

Policy Implications

Nil

Financial Implications

Development Application fee.

Officer Recommendation and Council Decision

53/2019

Moved Cr Pasini / Seconded Cr Close

THAT COUNCIL

Approve the use of 3 Omega Street, Southern Cross as a home occupation for the undertaking of massage therapies on the following conditions:

- ***No more than one operator permitted;***
- ***Only one client to be booked at the one time;***
- ***No bookings to commence prior to 11:00am and/or after 7:00pm;***
- ***Proprietor to request clients park within the property boundary, and avoid verge parking; and***
- ***Signage to be no larger in area than 0.2m².***

CARRIED (4/1)

Cr Nolan voted against the motion

9.4 Officers Report – Executive Manager Regulatory Services

9.4.3 Mt Hampton Progress Association

File Reference	1.3.3.6
Disclosure of Interest	Nil
Voting Requirements	Simple majority
Attachments	Mt Hampton Association Correspondence

Purpose of Report

To note correspondence sent from the Mt Hampton Progress Association and endorse actions raised by the association.

Background

Through ongoing discussions between members of the Mt Hampton Progress Association (the Association) and the Shire's Executive Manager Regulatory Services, the Association tabled a number of items at their most recent meeting, held on the 4th April 2019.

The items discussed which are relevant to the Shire are:

- Demolition and removal of Mt Hampton School buildings and fencing containing asbestos materials;
- Proposed Mt Hampton Fire Brigade Shed location; and
- Dulyalbin tank and Mt Hampton dam water rates.

Attached is the Associations correspondence detailing their decisions.

Mt Hampton School Buildings

The Mt Hampton School buildings and fencing is made from Asbestos Containing Material (ACM), and due to neglect over time, the structures and fencing has started to deteriorate, creating a risk of release of asbestos fibres.

It was discussed with the Association that it may be the time now to remediate the ACM before it creates a significant hazard.

As per correspondence, the Association voted to remove all buildings on the site, with the exception of a monument rock, memorial structure, in ground water tanks and the netball/basketball court and oval to remain.

It was also raised if the Shire could assist with removing the asbestos tennis club storage shed, and replace with a new shed with more storage capacity.

Bush Fire Brigade Appliance Shed

At the April 2018 Council meeting, the Bush Fire Advisory Committees motion to apply for an appliance shed at Mt Hampton was carried, subsequently, an application in the 2019/2020 Emergency Services Levy capital grants was lodged, and is pending consideration by the Department of Fire and Emergency Services (DFES).

The final location was raised with the Association, who indicated they would prefer the location to be on the hall site, situated near to or behind the existing hall. Pending approval from DFES, the location indicated by the Association will be considered and the final location determined in consultation.

Mt Hampton Dam and Dulyalbin Tank Water Costs

The Association also stated their desire for the Mt Hampton dam and Dulyalbin tank water costs to remain at the current rates, being \$0.67/Kilolitre and \$1.30/Kilolitre respectively.

The water charges from these outlets is placed in trust, to be used when maintenance is required.

Comment

Mt Hampton School Site

Inspections of the Mt Hampton school buildings indicate they are deteriorating and the risk of asbestos fibre release is increasing, and as such, it is an opportune time to have the ACM removed whilst reasonably stable.

The site is an Unvested Crown Reserve, with the school site vesting revoked in 1997. As such, the Department of Planning, Lands and Heritage are the responsible agency. Pending Council's determination, discussions will be commenced with the Department regarding the site and the need for the structures and fencing to be removed due to the presence of ACM.

A demolition company has already been engaged to provide a quotation, with the costs intended to be passed onto the Department. It should be noted that in the event the Department are not willing to undertake the works, it is not envisaged that the Shire would cover the costs, and that some form of containment or isolation will be requested from the Department to ensure the site is safe until they are in a position to remediate the asbestos.

In relation to the tennis club shed, that is a cost that would need to be covered by either the Tennis Club and/or Shire.

Pending Council's determination, these items may be included for Council's consideration in the 2019/2020 draft budget.

Bush Fire Brigade Appliance Shed

Council are asked to note the Associations preferred location, and will allow the Executive Manager Regulatory Services to discuss the final location with the association should a grant be successful.

Mt Hampton Dam and Dulyalbin Tank Water Charges

Council are asked to note the Associations preference and will take into consideration during determinations for the fees and charges for 2019/2020.

Statutory Environment

Nil

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Possible considerations in the 2019/2020 draft budget

Officer Recommendation and Council Decision

54/2019

Moved Nolan / Seconded Cr Close

THAT COUNCIL:

Note correspondence from the Mt Hampton Progress Association.

THAT COUNCIL:

Endorse the removal of buildings and fences from the Mt Hampton School site, due to the presence of Asbestos Containing Materials and a deteriorating condition, with the exception of a monument rock, memorial structure, in ground water tanks and the netball/basketball court and oval.

And

Endorse, the Executive Manager Regulatory Services communicating and using the legislation available to request the Department of Planning, Lands and

Heritage to undertake the works, with the Shire overseeing the operation and disposal.

And

In the event the Department of Planning, Lands and Heritage are not in a position to remove the buildings and fencing, request the Department to undertake some form of containment of the asbestos containing material.

THAT COUNCIL:

Note the Mt Hampton Progress Associations request to have the existing asbestos tennis shed removed and replaced with a new shed with additional storage.

And

Endorse Shire staff to enter into discussions with the Mt Hampton Progress Association, in relation to the works required and the costs included, in order to explore funding arrangements, with any Shire contributions to be included in the 2019/2020 draft budget for Council consideration.

THAT COUNCIL:

Note the Mt Hamptons Progress Association's request to locate the proposed Bush Fire Brigade appliance shed on the Mt Hampton Hall site, with the structure to be located near or behind the Hall, and endorse the Executive Manager Regulatory Services to liaise with the Association, should a grant for the shed be successful, in relation to the final position.

THAT COUNCIL:

Note the Mt Hampton Progress Association's preference to keep the water charges for Mt Hampton Dam and Dulyalbin Tank water costs at the current rates, being \$0.67/Kilolitre and \$1.30/Kilolitre respectively, and to take into consideration during determinations for the fees and charges for 2019/2020.

CARRIED (5/0)

9.5 Reporting Officer – Manager Community Services

9.5.1 Southern Cross Swimming Pool

File Reference	4.1.7.12
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To endorse the timeline of the pool development project.

Background

Council has been granted \$700,000 from the Department of Local Government, Sport and Cultural Industries (DLGSC), towards the build of a new swimming pool in Southern Cross and the CSRFF grant agreement with DLGC has been signed.

The design tender has been formalised and advertised on 12 April 2019 with closing date of Tue 7 May 2019.

Comment

The CSRFF application contained the following timeline, which is condition of the grant and cannot be changed as the grant has to be acquitted by 15 June 2020.

13 April 2019	Advertise Design Tender
7 May	Close Design Tender
16 May 2019	Present AND award design tender to Council
17 May - 7 June 2019	Community Consultation / Information
7 June 2019	Advertise Construction Tender
27 June 2019	Close Design Tender
18 July 2019	Present AND award Construction Tender to Council
22 July 2019	Signing of contract
28 August 2019	Commencement of site works
05 September 2019	Construction of project starts
30 March 2020	Anticipated completion date
1 April – 1 May 2020	Project hand over and acquittal
1 Nov 2020	Pool reopens

It is noted that Council is concerned about the circumstance of not having a swimming pool for a season and the effect it may have on the community. Unfortunately, this will be a necessary evil in order to construct a new facility for the community to be utilised many years thereafter.

It is proposed to inform the community of the project and its timeline via Crosswords and invite anyone to come to the Shire administration to view the plans, have input and express any concerns relating to the project.

The Manager Community Services will endeavour to find solutions to issues this may have on the community, e.g. such as swimming lessons.

Statutory Environment

Nil

Strategic Implications

Strategic Community Plan 2018-2028

Aligns with Strategic Community Plan to *"continue to provide and maintain high quality community infrastructure (recreation centre, oval, lawn bowls, tennis facilities, swimming pool, library, community centre, public halls).*

Corporate Business Plan 2018/19 to 2022/23

"10 Year Strategic Priorities - New Public Swimming Pool"

Schedule 11 – Recreation and Culture – Swimming Pool – Service Level - *"We will improve the Service Level by: Working towards a complete refurbishment of the pool and new built infrastructure"*

Policy Implications

Council Policy Manual, Policy 3.5 Purchasing and tendering

Financial Implications

Within 2018/19 budget allocations.

Officer Recommendation and Council Decision

55/2019

Moved Cr Close / Seconded Cr Guerini

That Council:

- ***Endorses the timeline for the construction of the new pool as follows:***

<i>13 April 2019</i>	<i>Advertise Design Tender</i>
<i>7 May</i>	<i>Close Design Tender</i>
<i>16 May 2019</i>	<i>Present AND award design tender to Council</i>
<i>17 May - 7 June 2019</i>	<i>Community Consultation / Information</i>
<i>7 June 2019</i>	<i>Advertise Construction Tender</i>
<i>27 June 2019</i>	<i>Close Design Tender</i>
<i>18 July 2019</i>	<i>Present AND award Construction Tender to Council</i>
<i>22 July 2019</i>	<i>Signing of contract</i>
<i>28 August 2019</i>	<i>Commencement of site works</i>
<i>05 September 2019</i>	<i>Construction of project starts</i>
<i>30 March 2020</i>	<i>Anticipated completion date</i>
<i>1 April – 1 May 2020</i>	<i>Project hand over and acquittal</i>
<i>1 Nov 2020</i>	<i>Pool reopens</i>

CARRIED (5/0)

10 APPLICATION FOR LEAVE OF ABSENCE

Nil

11 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

56/2019

Moved Cr Close / Seconded Cr Guerini

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

CARRIED (5/0)

9.1 Officers Report – Chief Executive Officer

9.1.4 Road Dedication – Bullfinch-Evanston Road

File Reference	6.1.1.016
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Nil

Purpose of Report

To seek Council resolution to the dedication of land as a road in accordance with Section 56 of the *Land Administration Act 1997*.

Background

At the February 2019 Ordinary meeting, Council granted approval for Ramelius Resources to use the Bullfinch-Evanston Road for the transportation of ore from their Marda Gold Mine project on the proviso that certain upgrades were undertaken as follows:-

5/2019

Moved Cr Pasini/Seconded Cr Della Bosca

That Council grants approval for Ramelius Resources to utilise the following Council Controlled Roads associated with its haulage of ore from their Marda Mine Site subject to the following conditions:-

- 1. That the use of salt water be approved on the unformed section (flat bladed track) section of the Bullfinch-Evanston Road (22.02 - 103.77SLK) provided that the TDS of the water utilised is $\leq 30,000\text{mg/L}$;*

2. ***That the use of salt water be prohibited on the formed gravel section of the Bullfinch-Evanston Road (0.92 – 22.2SLK) however, the use of polymers and/or a two coat primer seal be approved subject to Ramelius Resources liaising with Council's Executive Manager Infrastructure on intended sealing works and/or polymers to be utilised;***
3. ***That the sealed section of the Bullfinch-Evanston Road (0.0 – 0.92SLK) be reconstructed and sealed;***
4. ***That the sealed section of Manxman Road in the Bullfinch Town Site (0.0 – 0.93SLK) be reconstructed and sealed;***
5. ***That a financial contribution for future maintenance costs be applied to Ramelius Resources in accordance with Council Policy 5.2 on the sealed section of the Southern Cross CBH Bin Road (0.0 – 0.52SLK);***
6. ***That a financial contribution for future maintenance costs be applied to Ramelius Resources in accordance with Council Policy 5.2 on the sealed section of the Three Boys Road (0.0 – 2.91SLK);***
7. ***That a 50 metre Asphalt seal be prepared and laid on the Three Boys Road approach to the Great Eastern Highway to protect the road surface from heavy vehicles turning right onto the Highway;***
8. ***That Ramelius Resources liaises with Main Roads WA regarding improvements to the Great Eastern Highway and Three Boys Road intersection to accommodate truck configurations entering and exiting the Highway; and***
9. ***That a formal agreement relating to the above approvals and conditions be prepared for signing by Ramelius Resources and Council with the added condition that haulage operations do not commence until the upgrading and treatment works have been completed to the satisfaction of Council's Chief Executive Officer and Executive Manager Infrastructure and necessary MRWA and Shire of Yilgarn approvals for RAV Access being provided.***

CARRIED (6/0)

Comment

Ramelius Resources have commenced planning for the works to be undertaken on the proposed haulage route in accordance with the above resolution and the Road Condition Report prepared by Rod Munns Engineering Consulting Services (RMECS) on behalf of Council.

Part of the above Report detailed upgrades to the flat bladed track section of the Bullfinch-Evanston Road, 22.02 – 103.77 SLK (81.75km), which commenced beyond the agricultural area. This work entailed road widening and clearing to accommodate a RAV 7 Rating and Ramelius Resources had contacted the Department of Planning, Lands and Heritage (DPLH) to seek the appropriate clearing and road widening approvals.

In discussion with DPLH, Ramelius Resources were advised that the 81.75km section of Bullfinch-Evanston Road was not dedicated and passes through parcels of Vacant Crown Land and proposed Conservation and Mining Reserve managed by the Department of Biodiversity, Conservation and Attractions. DPLH informed Ramelius Resources that the Shire of Yilgarn would have to formally apply to the Minister for Lands seeking dedication of the road in accordance with Section 56 of the *Land Administration Act 1997* and Section 8 of the *Land Administration Regulations 1998* to enable Ramelius Resources to continue with their clearing and road widening approvals.

The advice received above was news to Council's Executive Manager Infrastructure, having always assumed that the total length of the Bullfinch-Evanston Road was officially dedicated. Whether the Ramelius Resources project was proceeding or not, the dedication of the Bullfinch-Evanston Road from 22.02km to the Shire of Yilgarn's northern boundary needs to be formally dedicated. This would enable Council to undertake any upgrades without having to seek approvals from various Government departments.

Statutory Environment

Land Administration Act 1997

56. Dedication of land as road

- (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; or
 - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
 - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
 - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;or
 - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (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.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —

- (a) subject to subsection (5), by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
 - (a) unallocated Crown land or, in the case of a private road, alienated land; and
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

Land Administration Regulations 1998

Local government request to dedicate land as a road (Act s. 56), requirements for

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) if an application has been made to the local government under section 56(1)(b)(ii) of the Act, a copy of the application and details of the rateable value of all the rateable land relevant to the application; and
- (c) if the request is made in respect of a private road referred to in section 56(1)(c) of the Act —
 - (i) written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years; and
 - (ii) a description of the section or sections of the public who have had that use; and
 - (iii) a description of how the private road is constructed;and
- (d) copies of any submissions relating to the request that the local government has received, and the local government's comments on those submissions; and

- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 56(2) of the Act.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Economic – A Prosperous Future for Our Community – Safety and Quality of Transport Networks are Maintained and Improved.

Policy Implications

Nil

Financial Implications

Nil

Officer Recommendation and Council Decision

57/2019

Moved Cr Nolan / Seconded Cr Close

That in accordance with Section 56 of the Land Administration Act 1997, Council makes application to the Minister for Lands for the Bullfinch-Evanston Road, from 22.02SLK to the Shire of Yilgarn's northern boundary, to be formally dedicated. In seeking the Minister's approval, indemnifies the Minister against any claim for compensation

CARRIED (5/0)

13 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

Nil

14 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at 4.52pm.

I, Onida T Truran confirm the above Minutes of the Meeting held on Wednesday, 17th April 2019, are confirmed on Thursday, 16th May 2019 as a true and correct record of the April Ordinary Meeting of Council.

Cr Onida T Truran
SHIRE PRESIDENT