

Shire of Yilgarn
Minutes- Ordinary Meeting Of Council
Friday 21st January 2011

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 21st January 2011.

PRESENT

Cr P R Patroni, Shire President

Crs G V Kenward, W A Della Bosca, O T Truran, J Della Bosca, D J Pasini

Council Officers: J Sowiak, Chief Executive Officer
V Murty, Deputy Chief Executive Officer
R J Bosenberg, Manager for Works
W J Dallywater, Manager Environmental Health & Building

The meeting was declared open for business at 2.00 pm.

PUBLIC QUESTION TIME

None

DISCLOSURE OF INTEREST

Cr W Della Bosca declared an interest in item 10.2 - Application to Clear Native Vegetation Apiary Site being an owner/leaseholder of adjoining property.

APOLOGIES & LEAVE OF ABSENCE

1/2011

Moved Cr Kenward Seconded Cr Truran that the apology of Cr D Auld be accepted and that he be granted leave of absence.

CARRIED (6/0)

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

2/2011

Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 17th December 2010, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

ANNUAL ELECTORS MEETING

3/2011

Moved Cr Truran Seconded Cr W Della Bosca that the Minutes of the Audit Committee Meeting held Friday 10th December 2010 be received.

CARRIED (6/0)

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ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- On the 12th January 2011, he along with the CEO and the Executive Team met with the Shire of Coolgardie CEO Mr Matthew Scott and Shire President Mr Malcolm Cullen, where we discussed shire procedures and issues that Coolgardie are currently experiencing. Mr Scott expressed his appreciation to the Yilgarn Officers for their time and shared information.
- That he along with the CEO and Cr Truran met with representatives from the Health Department in Merredin to discuss the direction of Health Services in the region.
- That he along with the Executive Team had met with representatives from the Department of Agriculture and Food to discuss the Dog Fence submission and the progress of the approval of associated funding.
- That he had received a letter from Hon John Castrilli advising that funding of \$1,159,800 to be paid over three years has been approved towards the amalgamation of the Shire of Westonia and Shire of Yilgarn.
- That he had received a letter from Mr Wayne Salvage from WA Country Health Services requesting feedback regarding services available in the Wheatbelt and what is needed to improve services. He requested that the CEO write back to Mr Salvage and explain the issue of the Doctor call out fee that Council is paying, for days when the Doctor services the hospital, which should be covered by the Health Department not Local Governments.
- That he had received a letter from Cliffs Resources in regards to a Community Funding program that they are offering, and requested the CEO to advertise the program in Crosswords.

Cr W Della Bosca advised that he had a meeting with representatives from FESA to discuss the new Radio Communication System due to be installed in the vehicles in the upcoming months. In addition, he had spoken to OH&S representatives at Carina Mining Company in regards to safety procedures.

Cr Kenward advised that the Aero Club has commenced construction of the Hangers at the Aerodrome, they are waiting for good weather to complete erecting the hanger.

Cr J Della Bosca advised that she had spoken to local residence in regards to the Murray Road Standpipe, and was told that they had not noticed a change in usage since the changes were made to the Standpipe.

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CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday, 21 st January 2010
Agenda Reference:	7.1
Subject:	Department of Local Government – 2010 Compliance Audit Return
File Reference:	1.6.6.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	4 January 2011

Background

The Director General of the Department of Local Government and Regional Development has forwarded the 2010 Compliance Audit Return for completion. This process involves completing a checklist of requirements under the Act and regulations and comparing these to what the council has done over the past 12 months.

Comment

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2010 to 31 December 2010 against the requirements set out in the Compliance Audit Return.

I am pleased to report that in most aspects, “business as usual” is taken to include compliance with the regulations and the legislation that govern Local government.

There are a number of examples where information for compliance might not be in one document or in a format that is readily identified as being a compliant register. In some cases technology and electronic records management systems have made paper registers of the type that may have been kept in the past redundant.

As you read through some of the responses you will note a comment or two about the manner in which the information is kept, for example an email is not a written document. The agenda for Council meetings is not written nor is it distributed in that form.

The exercise in completing the return was time consuming and the online completion of the return also had its challenges with delays in input and difficulties to overcome in terms of printing the return.

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The audit return has been completed online and distributed to Councillors and staff via email prior to inclusion in the agenda for this meeting. There have been some minor changes to the draft following feedback from others.

There are only a number of minor issues which are noted in the return where strict compliance with the regulation is impractical and two areas where compliance was possible however, circumstances where such that compliance was not achieved.

The first of these was in relation to the annual report, where an inadvertent omission of salary details has resulted in non-compliance. In this case there was a provision in the previous pro-forma annual accounts for the publication a statement concerning employee remuneration. Unfortunately that particular clause was deleted from the pro-forma statements when distributed to staff and the change was not detected in order to include the required information in the body of the reports.

This is a non-compliant aspect of the annual report that cannot be corrected for the past, I have therefore included the required return information as an addendum to the report shown below.

The second area of non-compliance was with respect to a requirement to conduct an annual inspection of private swimming pools. It is proposed that this inspection be conducted during this year.

On balance there are no major areas of non-compliance.

On completion of the Return it is to be:-

- Presented to Council at a meeting of the Council;
- Adopted by the Council; and
- The adoption recorded in the Minutes of the meeting at which it is adopted.

The Return is to be forwarded to the Director General of the Department for Local Government and Regional Development by 31 March 2010.

Councillors are welcome to question staff on the comments made and the overall content of the Return.

The Return is attached to this Report for Councillors perusal and comment.

Statutory Environment
Local Government Act 1995

Policy Implications

Nil

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Financial Implications

Nil

Recommendation

That Council in adopting the 2010 Compliance Audit Return notes that there has been no major non-compliance and authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government and Regional Development.

Voting Requirements

Absolute Majority

SHIRE OF YILGARN

ADDENDUM TO THE ANNUAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2010

EMPLOYEES' RENUMERATION

Set out below, in bands of \$10,000, is the number of employees of the Shire entitled to an annual salary, comprising cash salary and superannuation benefits of \$100,000 or more.

Salary Range	2010	2009
110,000 - 119,999	1	1
140,000 - 149,999	1	1

4/2011

Moved Cr Kenward Seconded Cr Truran that Council adopts the 2010 Compliance Audit Return noting that there was no major non-compliance issues and authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government and Regional Development.

CARRIED BY ABSOLUTE MAJORITY (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 21 st January, 2011
Agenda Reference:	7.2
Subject:	Proposal to Conduct March Ordinary Meeting of Council at Mt. Hampton
File Reference:	2.1.2.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	5 January 2011

Background

Council has previously decided to hold a biennial Ordinary meeting of Council at the Mt. Hampton Hall to afford residents in the southern area of the Shire the opportunity of attending a Council meeting.

Comment:

The conduct of the above meetings is an excellent public relations exercise and at the conclusion of the meeting, a barbecue is planned affording Councillors the opportunity of mixing socially with the residents in the area

Accordingly it is proposed that the Council's ordinary meeting in March meeting be held at the Mt Hampton Hall

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council conducts its March 2011 Ordinary Meeting at the Mt. Hampton Hall.

Voting Requirements

Simple Majority

5/2011

*Moved Cr Truran Seconded Cr Kenward that Council agrees to conduct its
March 2011 Ordinary Meeting at the Mt. Hampton Hall.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 21 st January, 2011
Agenda Reference:	7.3
Subject:	Recreation Precinct Redevelopment
File Reference:	1.3.8.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	5 January 2011

Background

The report details the progress that has been made to complete this project within the allocated funds that are available and within the time lines allowed. Council has authorised the CEO to call tenders for this project.

Comment

Council advertised for expressions of interest in the West Australian, Merredin and Kalgoorlie papers, as well as on the Council's web page and the local crosswords newsletter.

Unfortunately, not all Companies who sought copies of the documentation submitted Expressions of Interest. When questioned, at least one company said that they would not be tendering and others simply failed to follow through with an expression of interest, most probably because of other building works that they are involved with.

EOI Closed on Wednesday 22nd December and only two EOI were received for building works from:

- Gavin Construction
- Firm Construction

Council also received an EOI from a playground supplier who was only interested in supplying playground equipment relative to the project.

There was no specific EOI for the Bowling green or other ancillary works.

The CEO, Manager Environmental Health & Building Services and Architects have reviewed the EOI received and are satisfied that both EOI are acceptable and that both companies have the capacity to complete the project.

The Council has two options at this stage.

The first would be to proceed with the acceptance of the EOI as received.

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In that case, only Gavin Industries and Firm Constructions would be invited to submit tenders. Council would not have to re-advertise the project externally or go through a full public tender process.

The second option is to reject both EOI received and go back to a public tender process. In which case both Gavin and Firm would be invited to submit tenders and these would be considered and evaluated along with any other tenders received.

In discussing this option with the architects the view was expressed that Council would be unlikely to receive more than three tenders if it were to go to a public tender process.

The question for Council to consider is what advantage would there be to call for open tenders as opposed to simply pursuing the EOI process.

The Architects have advised that they can work with either methodology and it is anticipated that Council may be able to decide on a final tender by the March Council meeting. The only difference between the two strategies is that re-advertising both tenders would add approximately \$2,000 in advertising costs (Larger advert) and involve the architects in more work dealing with tender inquiries.

It is likely that the two companies who expressed an interest would submit tenders in either strategy, the question is whether Council would receive any more tenders for the added cost.

Given that the advertising process for the EOI was fairly extensive it is questionable as to whether fresh advertisements would produce a better result. However, given that Council did not receive any EOI for the bowling green it will be necessary to have this aspect of the project re-advertised anyway.

Whilst the advert will be more costly it may be desirable to include both aspects of the project in the one public advertisement.

Scope of Works:

The scope of works for the two tenders would now be :

1. Design, supply and erect a club house building for Tennis and Bowls in accordance with all aspects of the current BCA edition & overall schematic plan as available from the Architects. (Contractor must be a registered Builder) including landscaping etc.

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2. Design, supply and Construct an 8 rink artificial surface bowling green including fencing, shade, lighting and boundary works.

A copy of the specification for the bowling greens and the building works is currently being finalised and will be circulated to Councillors when available.

Statutory Environment

Local Government (Functions and General) Regulations 1996 tendering provisions clause 21 with respect to EOI.

Policy Implications

Nil

Financial Implications

Council has allocated funds towards the project.

Recommendation

That Council not proceed with selective tenders based on the expressions of interest received in preference to proceeding with public advertising of tenders for the construction of the Club house and the construction of the bowling green independently, and invite Gavin Construction and Firm Construction to submit tenders which will be considered, along with any others received.

Voting Requirements

Absolute Majority

6/2011

Moved Cr J Della Bosca Seconded Cr Truran that Council approves not to proceed with selective tenders based on the expressions of interest received in preference to proceeding with public advertising of tenders for the construction of the Club house and the construction of the bowling green independently, and invite Gavin Construction and Firm Construction to submit tenders which will be considered, along with any others received.

CARRIED by ABSOLUTE MAJORITY (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 21 st January, 2011
Agenda Reference:	7.4
Subject:	WALGA Structure Review
File Reference:	1.6.21.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Friday, 7 January 2011

Background

The West Australian Local Government Association (WALGA) seeks Council submissions with respect to a review of the structures and effectiveness of the State Council and Zone structure.

Comment:

The association has invited Council to comment on a review of its structures and governance arrangements and a position paper with respect to this issue has been prepared and circulated to Councilors with the info bulletin.

In terms of the position paper the following observations are noted;

Reduction in size of State Council:

The State Council currently comprises 12 Metropolitan and 12 non-metropolitan representatives and the WALGA President giving a total of 25 with the addition of an ex-officio representation from the President of Local Government Managers Australia (LGMA).

It is suggested that this is too many to function effectively and options for reducing the number include:

- Changing the representation base; Metropolitan groups have two or three representatives whereas non-metro groups have one per zone.

Representation has been based on traditional grounds and this option would change the traditional power balance between Metro and non-metro Council representation. The change would require an amendment to the Constitution and a 75% majority support for the change. Given that metro Councils have 50% of the voting rights it is unlikely that any move to reduce the entitlement of this group would be unlikely to succeed.

- Forming a smaller Executive Committee

This proposal would involve the election of a second tier within the structure to provide policy direction between the twice monthly State Council meetings. The executive committee would have delegated authority to

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address urgent or emerging issues that do not fit into the State Council meeting cycle.

- Combining Zones thereby reducing the number of representatives.

This proposal would involve an increase in the number of Council's per zone and a consequential reduction in the number of Zone representatives. As per the comments made earlier , given the traditional representation of the State Council such a proposal would only be likely to have 75% support if the balance between the metro/non-metro representation was maintained.

- Reduction in the number of State Council meetings.

The current requirement is to hold six meetings per year, of which one is held in conjunction with the annual conference and the proposal is to reduce this to five meetings per annum.

The current constitution requires that the State Council meet at least 4 times per annum and so no changes to constitution are required for this change to be effective.

The Change would have a flow on effect to Zone meetings.

- Empowerment of Zones

There is a concern that some Zones are ineffectual in terms of advocacy and representation and do not have executive support outside of WALGA. The metropolitan zones and Gascoyne Country Zone use WALGA executive support to administer their zones.

There is a suggestion that WALGA make a greater contribution to the Zones either financially or with staff resources.

There is also a suggestion that the role of Zone Chairman could be enhanced by making the Zone Chair also the Zone State Councillor and increasing the allowance for Zone Chair sitting fees etc.

Summary:

None of the changes discussed or proposed would radically change the nature or function of the State Council and if the changes are adopted they are unlikely to impact on the Council's input into the State Agenda.

Proposals to change the structure of Zones and representation are likely to cause division within the State Council that would not be in the best interest

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of Local Government at a time when the Local Government Reform agenda likely to step up a gear.

Proposals for the establishment of an executive Council would improve the responsiveness of WALGA to respond to issues as would actions that would strengthen the Zone structures role in advocacy.

Councillors may wish to consider a formal response to the inquiry or a watching brief with the Council's representatives on WALA Zone empowered to consider and respond to issues as they arise.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises WALGA that it support proposals for the establishment of an executive Council and other actions that would strengthen the capacity of Zones to be effective advocates for their Zone.

Voting Requirements

Simple Majority

REASON FOR AMENDMENT

The Councillors expressed the view that this matter should be debated at the Zone meetings and had other concerns with respect to a number of the matters in the discussion paper.

AMENDMENT TO RECOMMENDATION

7/2011

Moved Cr Kenward and seconded Cr W Della Bosca, that Council advises WALGA that it does not agree with the current Zone Boundaries, or with the proposal to establish a new Board that would have non-elected members representation. It also does not agree with reducing the number of State Councillors and that the Zone Committee should have the time and opportunity to respond to WALGA's questions.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 21 st January 2011
Agenda Reference:	7.5
Subject:	LGMA National Congress
File Reference:	1.6.13.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Thursday, 13 January 2011

Background

The National Congress of the Local Government Managers' is to be held in Cairns from 22nd to the 25th May 20 and this report seeks endorsement of the CEO's attendance in accordance with Council policy.

Comment:

The National Congress is an opportunity for leaders in Local Government from around Australia to network and to attend informative sessions on topics that are current and relevant to the Local Government industry.

The theme for this years congress is "Best practice to Next Practice "and the congress will explore how local government leaders in Australia have developed innovative and cutting edge solutions to some of the sector's most pressing issues, whilst still navigating restraint in their communities. A bulging list of keynote speakers will present their innovative case studies under three central themes:

- Attraction and retention of a new generation of local government employees
- Financial sustainability and infrastructure, and
- Population growth and community.

The CEO has attended the past National Congress' and has found them to be an excellent opportunity to meet with CEO's from around Australia and learn what is happening on the national front rather than just being aware of our local issues. The National Congress is a major event on the LGMA calendar that is hosted in every State on an annual rotation basis. There will be a significant representation of CEO's from Western Australia attending the congress.

The Congress provides an opportunity to learn from industry professionals with speakers addressing topics such as staff attraction and retention, financial sustainability and integrated approaches to planning, accountants and engineers speaking the same language and good governance from public companies to Local Government.

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This conference whilst primarily directed to the management teams of Local Government authorities, is increasingly popular with elected members due to the quality and content of speakers and presentations.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is an annual allocation for conference and seminar expenses.

Recommendation

That Council approves the CEO attending the 2011 LGMA National Congress to be held in Cairns between 22 May and 25th May 2011, on the understanding that the cost of attendance will be salary sacrificed by the CEO.

Voting Requirements

Simple Majority

8/2011

Moved Cr Kenward Seconded Cr W Della Bosca that Council approves the CEO attending the 2011 LGMA National Congress to be held in Cairns between 22 May and 25th May 201, on the understanding that the cost of attendance will be salary sacrificed by the CEO.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 st January, 2011
Agenda Reference:	7.6
Subject:	PIPELINE GOLF LINKS PROJECT
File Reference:	1.3.8.8 & 1.3.10.4
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 January 2011

Background

Kellerberrin Shire have approached Council for a contribution towards the establishment of a pipeline golf links project similar to the Nullarbor Links golf project and are seeking a contribution from Council towards a feasibility study.

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Comment:

The Shire of Kellerberrin is coordinating the development of a project that will see the linking of Golf Courses from Mundaring to Coolgardie in a similar fashion to the Nullarbor links project.

The project would complement the Nullarbor links golf route which commences in Kalgoorlie and is signposted across the Nullarbor as an added tourist attraction for those who are keen on golf.

The request is for the nine Council's along the proposed route which incorporates 12 golf courses, to contribute between \$500 and \$2,000 each to meet the cost of a feasibility study expected to cost between \$8,000 to \$10,000.

The Kellerberrin Shire has offered to co-ordinate and auspice the project.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has made provision for Tourism and Area promotion (E13220)

Recommendation

That Council contributes \$1,000 to the Pipeline Golf Links Project endorsed/organised by the Shire of Kellerberrin.

Voting Requirements

Simple Majority

9/2011

Moved Cr Truran Seconded Cr Pasini that Council contributes \$1,000 to the Pipeline Golf Links Project endorsed/organised by the Shire of Kellerberrin and that the CEO also advise the Southern Cross Golf Club of its decision to support the proposal.

CARRIED (6 /0)

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Submission to:	Ordinary Meeting of Council – Friday, 21 st January, 2011
Agenda Reference:	7.7
Subject:	Project Officer Monthly Update
File Reference:	2.5.2.3
Author:	John Merrick Project Officer
Disclosure of Interest:	Nil
Date of Report:	10 th . January 2011

Background:

This activity report is submitted to provide Council with an overview of meetings attended, the status of reports and progress being made towards the completion of the various components required for the integration of systems and process's for the merger of Yilgarn and Westonia.

Comment:

The overview of services provided by both the Shires of Yilgarn and Westonia has been completed and is to be circulated to all Councillors as an agenda item for the joint meeting on the 28th. January 2011. It is anticipated that the respective Councils will review and amend those documents as required and to then combine the two into one document.

A preliminary review of the two Policy Manuals and Registers of Delegation has been undertaken and a report and recommendation for merging the two will be presented to the February or March meetings of both Councils. This report will also include additional policies for Council consideration.

Meetings have been attended as follows:

Ross Earnshaw – Department of Local Government – Ross is Manager Reform Implementation, and our discussions related to the role of the Advisory Board in the amalgamation process, his previous dealings with other Councils working towards mergers with neighbours, implications for staff in the event of redundancies, and the role of the Steering Committee.

Tim Fowler – Department of Local Government – Tim is Special Advisor Reform Legislation, where we discussed aspects of the Yilgarn/Westonia merger and, in particular, the need to have access to funds to allow for the timely purchase of IT hardware and software and to connect the Westonia office to the ADSL. Tim understands the situation and has offered to assist in any way he is able. He and another Department staff member will be in attendance at the joint meeting on the 28th. January in Westonia.

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Darryl Scorer - Principal Legal Officer with the Department of Local Government where we discussed compliance and procedures throughout the amalgamation process and the legal implications and advertising obligations to be undertaken.

Angelo Nardi - Marketing Manager - IT Vision, advising him of the desire to have the Westonia office connected to the broadband using the Synergy package at the earliest possible time. Angelo returns from leave on 17th. January and will arrange a site meeting with Westonia staff with the Deputy CEO also in attendance. Ideally, we would like the Westonia operations converted for July 2011, and we are hopeful that the new system can be purchased in cooperation with IT Vision and Tim Fowler.

Dominic Carbonne - Local Government Consultant and former CEO of the City of Canning - negotiating his undertaking of the rates modelling for the merged Shire. Dominic is preparing a formal proposal for the CEO's consideration, however he has already developed a formula through his experience with Geraldton/Mullewa and Coorow/Carnamah. It is likely that his report and recommendations could be completed in time for the February meetings depending on the outcome of the analysis.

Statutory Environment:

Local Government Act 1995 and guidelines published by the Department for Local Government.

Policy Implications:

Nil in the current environment however policy may impact on future operational aspects of the new single Shire.

Financial Implications:

Some creative management of timing may be required in the lead up to July 2011 if we are to install Synergy and connect to broadband in Westonia.

Recommendation

That Council considers the information provided and advises the Project Officer of any priority requests.

Information Received

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Submission to:	Ordinary Meeting of Council – Friday, 21 st January, 2011
Agenda Reference:	7.8
Subject:	Cazaly Resources Radio - Mt Cauden
File Reference:	3.2.1.4
Author:	Jeff Sowiak – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 th . January 2011

Background:

Council has been asked to approve of the sharing of the current radio tower on Mt Cauden with Cazaly Resources.

Comment:

Cazaly resources wish to establish a radio network to accommodate their operations and are seeking Council's consent to place an additional aerial and radio equipment at the Mt Cauden radio facility.

This facility will not interfere with existing Council or bushfire use and will need to be approved by a consultant radio engineer at Cazaly's cost.

It is recommended that Council advise Cazaly that it has no objections to the co-location of radio equipment at the Mt Cauden repeater station on the following Conditions:

- The equipment will be installed by a licensed operator in such a way as to not interfere with existing transmission facilities.
- Council will not be responsible for any equipment operated by Cazaly
- The Radios equipment will have own source for power and can be located in the existing facilities if practical
- Cazaly to pay an annual rental of \$290.00 per year for use of the facility.

Statutory Environment:

Local Government Act 1995 and guidelines published by the Department for Local Government.

Policy Implications:

Nil

Financial Implications:

Nil

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Recommendation:

Moved Cr W Della Bosca Seconded Cr Truran that Council advises Cazaly Resources that it has no objections to the co-location of radio equipment at the Mt Cauden repeater station on the following Conditions:

- Priority of Installation of equipment will go to FESA, Cazaly need to communicate with FESA to ensure that location will not interfere with their proposed transmitting tower sites.
- The equipment will be installed by a licensed operator in such a way as to not interfere with exiting transmission facilities.
- Council will not be responsible for any equipment operated by Cazaly
- The Radio equipment will have own source for power and can be located in the existing facilities if practical.
- Cazaly to pay an annual rental of \$290 per year for use of the facility.

Voting Requirements

Simple Majority

10/2011

Moved Cr W Della Bosca Seconded Cr Truran that Council advises Cazaly Resources that it has no objections to the co-location of radio equipment at the Mt Cauden repeater station on the following Conditions:

- *Priority of Installation of equipment will go to FESA, Cazaly need to communicate with FESA to ensure that location will not interfere with their proposed transmitting tower sites.*
- *The equipment will be installed by a licensed operator in such a way as to not interfere with exiting transmission facilities.*
- *Council will not be responsible for any equipment operated by Cazaly*
- *The Radio equipment will have own source for power and can be located in the existing facilities if practical.*
- *Cazaly to pay an annual rental of \$290 per year for use of the facility.*

CARRIED (6 /0)

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Submission to:	Ordinary Meeting of Council - Friday, 21 st January, 2011
Agenda Reference:	7.9
Subject:	Regional Development Commission review
File Reference:	1.6.17.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Thursday, 13 January 2011

Background

The Hon Wendy Duncan has released a position paper on the 14th December, 2010 concerning a review of regional development commissions and is seeking submissions in relation to the discussion paper.

Comment:

The annual report for the Wheatbelt Development Commission states :

“The Wheatbelt Development Commission is a statutory authority charged with the role of representing the Wheatbelt’s interests to State Government and encouraging regional development initiatives within the region. It is guided by its Act and the State’s Regional Development Policy. This role incorporates project management and program delivery, coordination of community dialogue, strategic planning, promotion of investment opportunities and partnerships with local government. The Commission focuses primarily on regional perspectives, encouraging a collaborative attitude within, and a sense of ownership of, the region.”

The current structure of the regional development commissions is that they are corporate entities in their own right, governed by a Ministerial appointed board in nine Development Commission Regions. They work collaboratively ,but are independent of each other and report to the Minister. There is a high level Regional Development Council that is separately constituted with a role to advise the Minister on Development Issues.

The changes proposed by the review relate to structural reform. It is proposed that there be a new statutory authority called the Western Australian Regional Development Commission (WARDC) which will have overall control of all regional development activities. The existing regional development authorities will become regional offices of the Commission and not independent statutory authorities in their own right as currently exists.

Each of the regional offices will have a regional office board which will have responsibility for the development of a regional plan and addressing regional priorities through the WARDC. It would appear that all decisions concerning

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staffing will be under the direction of a Chief Executive Officer who reports to the WARDC board.

One of the responsibilities of the WARDC will be to recommend to the Minister the prioritisation of Royalties for Regions grant allocation for disbursement by the regional offices of the WARDC.

In summary, the independent commissions will be absorbed into a new centralised corporate structure under the management and direction of a central Board reporting to the Minister.

The new model will have clear lines of authority but will lack the independence that has existed in the past with independent Regional Development Commissions. This could be a concern in terms of representation.

However, as the Minister in both the old and the new structure has ultimate responsibility for appointing members to the commission/ board the issue is somewhat diffused.

The local members of the new regional boards will have less authority than they did in the past and would not have the independence to make decisions as they may have had in the past. This would be a concern.

The allocation of priorities for Royalties for Regions (R4R) is still based on recommendations to the Minister, however there is a concern that the funding from R4R might be used to fund the WARDC. This would be an issue.

Similarly the new WARDC will have a service level agreement with the Department of Regional development and Lands for the provision of corporate services, grant administration, strategic advice etc. One might be concerned if the service level agreement was seen as a mechanism to reduce staff representation in regional areas.

On that basis Council might wish to raise these issues with the review committee.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council advise the committee undertaking the review of the functions and responsibilities of regional development commission of its concerns in the following areas; Local representation and independence, possible use of royalties for regions funding to fund new structures, and local staffing levels.

Voting Requirements

Simple Majority

11/2011

Moved Cr Truran Seconded Cr Kenward that Council advises the committee undertaking the review of the functions and responsibilities of regional development commission of its concerns in the following areas; Local representation and independence, possible use of royalties for regions funding to fund new structures, and local staffing levels.

CARRIED (6/0)

12/2011

Moved Cr Truran Seconded Cr Kenward that Council requests that a decision on the functions and responsibilities of Regional Development Commission be deferred so that the Zones have an opportunity to discuss and formulate a more united response.

CARRIED (6/0)

DEPUTY CHIEF EXECUTIVE OFFICER'S REPORTS

Submission to:	Ordinary Meeting of Council – Friday 21 January 2010
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Disclosure of Interest:	Not Applicable
Date of Report:	14 th January 2011

Background

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

The following reports are enclosed and have been prepared as at the 30th November 2010:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity
- Rates Receipt Statement (prepared to 12th January 2011)

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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 December 2011 as presented, be received.

13/2011

Moved Cr Kenward Seconded Cr Pasini that the Various Financial Reports for the period ending 31st December 2011 as presented, be received.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 21 January 2011
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th January 2011

Background

Municipal Fund – Cheque Numbers 35965 to 36077 totaling \$490,382.49, Municipal Fund – Cheque Numbers 971 to 973 totaling \$118,301.67, Trust Fund – Cheque Number 401903 to 401905, totaling \$2,126.80 and Trust Fund – Cheque Numbers 5708 to 5711 (DPI Licensing), totaling \$84,002.65 are presented for endorsement as per the submitted list.

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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.

Recommendation

That Council endorse the accounts covered by Municipal Fund - Cheque Numbers 35965 to 36077 totaling \$490,382.49, Municipal Fund - Cheque Numbers 971 to 973 totaling \$118,301.67, Trust Fund - Cheque Number 401903 to 401905, totaling \$2,126.80 and Trust Fund - Cheque Numbers 5708 to 5711 (DPI Licensing), totaling \$84,002.65 are presented for endorsement as per the submitted list.

14/2011

Moved Cr Truran Seconded Cr Pasini that Council endorses the accounts covered by Municipal Fund - Cheque Numbers 35965 to 36077 totaling \$490,382.49, Municipal Fund - Cheque Numbers 971 to 973 totaling \$118,301.67, Trust Fund - Cheque Number 401903 to 401905, totaling \$2,126.80 and Trust Fund - Cheque Numbers 5708 to 5711 (DPI Licensing), totaling \$84,002.65 are presented for endorsement as per the submitted list.

CARRIED (6/0)

Adjourned for afternoon tea at 3.40pm and returned to Chambers at 3.50pm

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MANAGER FOR WORKS' REPORTS

Submission to:	Ordinary Meeting of Council January 21st 2010
Agenda Reference:	Works 9:1
Subject:	Driver Reviver Caravan
Location/Address:	N/A
Name of Applicant:	N/A
File reference:	6.3.1.2
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N/A
Date of Report:	7th January 2011

Comments

A successful Driver Reviver campaign was once again run in Southern Cross over the 2010 Christmas and 2011 New Year holiday periods. The Driver Reviver campaign was run in conjunction with the Health Agencies of the Yilgarn (HAY committee), Road Wise committee and Shire of Yilgarn on Sunday 19th, Thursday 23rd, Friday 24th, Tuesday 28th, Friday 31st December 2010 and Monday 3rd January 2011. The Driver Reviver Caravan was manned for 56 hours over this period.

This was the first official outing for the new Driver Reviver Caravan and comments received from the majority of volunteers manning the van have indicated that although there were a couple of minor teething issues with the new caravan, overall they are happy with the comforts the caravan has to offer.

The minor teething issues with the new van brought to council staff attention are the lack of a step located outside the van at the service window and a raised edge on the counter of the service top. Council staff will endeavor to get these rectified before the next Driver Reviver Campaign.

The Driver Reviver Caravan was located on the premises of Bernie's Mobile Mechanic Services. Mr. Bernie Dorazio, the proprietor of Bernie's Mobile Mechanic Services also made available at no cost, power to run the fridge/hot water urn and amenity rooms for traveling public taking advantage of the Driver Reviver campaign.

The Health Agencies of the Yilgarn (HAY committee) through Mrs. Pat Dal Busco organized volunteers and rosters for the running of the Driver Reviver campaign.

Thirty three members of the Yilgarn district generously gave up their valuable time to assist with the running of this campaign: Albert & Pauline Williams, Greta & Margaret Harrison, Carla Della Bosca, Del Van Mielo, Amanda Coutis, Margaret Arnold, Jane & Romolo Patroni, Pauline Eiffler,

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Josie Pollard, Pat Dal Busco, Lisa Granich, Laurita Symes, Wilma Della Bosca, Garry Kenward, Lance Dixon, Jason & Kirsty Mara, Jeff & Jeanette Sowiak, Kaye Crafter, Olwen Beaton, Rolly & Brock Blair, Lisa Boso, Dave Jackson, Wayne & Dianne Della Bosca, Floss Giblet, Onida Truran and Bernie Dorazio.

Over the 56 hour period the Driver Reviver campaign was running, a total of 79 vehicles stopped with 173 drivers and passengers taking advantage of refreshments and hospitality offered by volunteers manning the van and the amenity rooms made available by Mr. Bernie Dorazio.

Correspondence has been forward to Mr. Bernie Dorazio (Bernie's Mobile Mechanic Services) and Mrs. Pat Dal Busco (Health Agencies of the Yilgarn) thanking them for their much appreciated involvement in the Driver Reviver campaign both through the organizing of volunteers and the use of amenity rooms and area for the set up of the Driver Reviver Van.

Submitted for Council Information only

Submission to:	Ordinary Meeting of Council - Friday 21st January 2010
Agenda Reference:	Works 9:2
Subject:	Australian Railway Group (ARG) Koolyanobbing Road - Heavy Vehicle Cost Recovery Policy - Additional Funding
Location/Address:	N/A
Name of Applicant:	N/A
Author:	Robert Bosenberg - Manager for Works
File reference:	6.3.2.2
Disclosure of Interest:	N/A
Date of Report:	11th January 2011

Background

Approval has been given to Australian Railway Group (ARG) to haul 24,000 tonne of salt product on the Koolyanobbing Road over a three month period utilising Restricted Access Vehicle (27.5 metre roadtrain). This exposes ARG to Councils Policy 6:2 Heavy Haulage on Local Roads - Cost Recovery relating to Mining and Extractive Industries which was adopted by Council in September 2010.

This policy was introduced so as Council has some leverage to recover cost for damages occurring on Council controlled roads as a result of continuous heavy haulage movements requiring Restricted Access Vehicle (RAV) approvals generated by Mining or Extractive Industries.

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The cost recovery policy has resulted in an additional amount of \$88,923 to be included in the current 2010/2011 Financial Year Budget for expenditure. This amount is to be paid by ARG of which Council will receive late January 2011.

Monetary amounts recovered under the Heavy Haulage Cost Recovery Policy can only be utilised on roads listed for RAV approvals (in this case the Koolyanobbing Road)

Comments

Council staff has carried out an assessment of the Koolyanobbing Road and have identified six kilometres of road bitumen pavement area starting to fail and will require reconstruction and three kilometres of gravel shoulders requiring refurbishment.

Cost to reconstruct the six kilometres of existing failing bitumen section, are estimated at \$696,000.

Cost to carry out the three kilometres of gravel shoulder refurbishment is estimated at being \$88,960

At this time it has been considered that the six kilometres of bitumen pavement requiring reconstruction can be deferred and included in 2011/2012 Financial Year Budget to commence these works and to be completed progressively over the next three to four years.

The gravel shoulder refurbishment is considered to have a higher priority at this time as safety issues have been identified when vehicles are passing as there is limit road pavement width to execute this safely.

It is proposed to utilise this additional funding to carry out gravel shoulder refurbishment works at SLK 2.5km through to SLK 3.5km and SLK 6.5km through to SLK 8.5km at a total cost of \$88,960.

Policy Implications: "Policy 6:2 Heavy Haulage on Local Roads - Cost Recovery relating to Mining and Extractive Industries"

Recommendation

That Council allocates an additional \$88,923 in the revised budget for 2010/11 for shoulder refurbishment works on Koolyanobbing road with funding from the Heavy Vehicle Road Improvement Contributions (HVRIC) received.

Voting Requirements

Simple Majority

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15/2011

Moved Cr Pasini Seconded Cr Kenward that Council allocates an additional \$88,923 in the revised budget for 2010/11 for shoulder refurbishment works on Koolyanobbing road with funding from the Heavy Vehicle Road Improvement Contributions (HVRIC) received.

CARRIED (6/0)

MANAGER OF ENVIRONMENTAL HEALTH & BUILDING SERVICES

Submission to:	Ordinary Meeting of Council – Friday 21 st January, 2011
Agenda Reference:	10.1
Subject:	Proposed Management Plan and Change of Vesting
Location/Address:	Reserve 20911 & Reserve 27422 Location 823 Great Eastern Highway, Moorine Rock
Name of Applicant:	Department of Regional Development and Lands – Ms Kerrie Bridger, State Land Officer State Land Services
File Reference:	1.6.17.2 & 4.1.9.8
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th January, 2011

Background

The Department of Regional Development and Lands (DRDL) has written to Council advising that after conducting an inspection of unmanaged Reserve 27422 Location 823 purpose for 'Public Utility' which is situated south of the Great Eastern Highway a short distance west of the Moorine Rock townsite found that there is a rubbish disposal site located on this land. Reserve 20911 purpose for 'Sanitary and Rubbish Disposal Site' is located in the south-east corner of Reserve 27422 has only a small portion of the rubbish disposal site located on it. See attached letter, an aerial photograph of the area concerned, and two Smart Plans, plus a location map.

The DRDL is proposing to excise some land from Reserve 27422 Location 823 and amalgamate it with Reserve 20911, thereby ensuring that the rubbish disposal site is located on land designated for this purpose. See the attached aerial photograph of the area and the land east of the broken line between A & B will be excised and amalgamated with Reserve 20911.

The DRDL has asked if Council would consider accepting a Management Order over the enlarged Reserve 20911?

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The DRDL has also asked if Council will accept a Management Order over Reserve 27422 for the amended purpose of 'Protection and Natural Landscapes'?

Comment

Proposed Management Order

A search of the Shire's records found no mention of Reserve 27422 being vested in the name of the Shire of Yilgarn. Likewise no Vesting Order could be found for Reserve 20911, however, there is a historical record of the Shire nominating this as the location of the Moorine Rock rubbish disposal site.

A Management Order is the current version of a "Vesting Order" and would give authority or control of use of the land to the Shire of Yilgarn. The Shire has numerous Vesting Orders for reserves that are vested in the name of the Shire.

Council should advise the DRDL that it would be prepared to accept a Management Order for the enlarged area of land of Reserve 20911 for the purpose of 'Sanitary and Rubbish Disposal Site', and a Management Order for remaining area of Reserve 27422 Location 823 for the purpose of 'Protection and Natural Landscapes'.

Appropriate Approvals for the Rubbish Site

Reserve 20911 is shown on the land map titled "Moorine Rock" produced by the Department of Land Administration in Perth. Unfortunately there is no date of production marked on the map, however, data used in the drawing of the map date between 1966 and 1971. Reserve 20911 is 7.7040 hectares in area with the purpose stated as 'Sanitary and Rubbish Disposal Site'. For the Reserve to be so marked on a public document would indicate that vesting had been granted to the Shire at some time in the past.

Reserve 20911 is the stated location of the Moorine Rock Waste Management Facility and was previously listed on the licence and is listed on the current registration of the site received from the Department of Environment and Conservation.

Excising of the Area Used for Rubbish Disposal Site

Unfortunately it appears from the aerial photograph that the rubbish site is mainly located on Reserve 27422, with only a small section location on Reserve 20911. Therefore the proposed excising of the portion of Reserve 27422 east of the broken line between A & B marked on the aerial photograph and amalgamating it with Reserve 20911 will ensure that the land use fits the land purpose and the stated location of the rubbish site will be correct.

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The Shire may be asked to carry out a heritage survey of the land to be excised.

Statutory Environment

Compliance with Section 49 of the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

If a Heritage Survey or other survey is required by the Department of Regional Development and Lands there will be a cost involved but the cost is unknown at present.

Recommendation

That Council advises the Department of Regional Development and Lands that

- 1) it commends and supports the proposal to excise a portion of land from Reserve 27422 Location 823 that is occupied by the Moorine Rock rubbish disposal site as indicated on the aerial photograph received with its letter and then amalgamate it with Reserve 20911;
- 2) it would be prepared to accept a Management Order over the enlarged area of Reserve 20911 for the purpose of 'Sanitary and Rubbish Disposal Site'; and
- 3) it would be prepared to accept a Management Order over the remaining area of Reserve 27422 Location 823 for the amended purpose of 'Protection and Natural Landscapes' on the condition that it agrees with the wording and conditions of the Management Order.

Voting Requirements

Simple Majority.

16/2011

Moved Cr Pasini Seconded Cr Kenward that Council advises the Department of Regional Development and Lands that:

- 1) it commends and supports the proposal to excise a portion of land from Reserve 27422 Location 823 that is occupied by the Moorine Rock rubbish disposal site as indicated on the aerial photograph received with its letter and then amalgamate it with Reserve 20911;*
- 2) it would be prepared to accept a Management Order over the enlarged area of Reserve 20911 for the purpose of 'Sanitary and Rubbish Disposal Site'; and*

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- 3) *it would be prepared to accept a Management Order over the remaining area of Reserve 27422 Location 823 for the amended purpose of 'Protection and Natural Landscapes' on the condition that it agrees with the wording and conditions of the Management Order.*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 21 st January, 2011
Agenda Reference:	10.2
Subject:	Application to Clear Native Vegetation - Apiary Site Maintenance - CPS 4105/1
Location/Address:	Location 1542 "Brontie" Off Lake Seabrook Road, east of the Emu Fence Road Intersection, Koolyanobbing area
Name of Applicant:	Department of Environment and Conservation - Ms Jane Clarkson, Environmental Officer
File Reference:	7.2.1.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th January, 2011

Background

The Department of Environment and Conservation (DEC) has received an application from Mr Rupert Phillips to clear approximately 1 hectare of native vegetation across 20 sites within Crown lands for the purpose of apiary site maintenance, of which 2 sites (450 & 451) are located within the Shire of Yilgarn. The apiary sites are located on Location 1542 "Brontie" off the Lake Seabrook Road east of the Emu Fence intersection in the Koolyanobbing area.

The DEC is seeking Council's comments on the proposal, whether there are any environmental issues, and whether this proposal is consistent with the Shire of Yilgarn Town Planning Scheme and if any planning approvals are required? Comments are to be received with 21 days from the date of the letter (20th December 2010) which was 10th January, 2011. The Shire received the letter on 5th January.

See attached copy of the letter, and a location map of the area.

Comment

The area indicated on the location map is Location 1542 "Brontie" which is zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme No 2. The land use for apiary sites is not specifically mentioned in the Town

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Planning Scheme text, however, it is an agricultural activity and therefore is a rural type activity.

While it seems at odds to clear native vegetation around the apiary sites where some of the plants to be cleared will produce flowers for the bees to feed on, it is understood that the clearing is required so that the hives can be accessed readily by both bees and Mr Phillips, there is good ventilation around the hives, and provides some protection in case of a bush fire. The likely impact of the proposed clearing on the native vegetation will be minimal in this case.

It should be noted that the Yilgarn Vermin Proof Fence follows the Lake Seabrook Road, located a short distance off the southern side of the road.

Due to the holiday season and not being able to meet the required deadline for comments I have requested an extension of time to allow the matter to be considered by Council.

Statutory Environment

Compliance with the Environmental Protection Act 1986, and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Department of Environment and Conservation that it has no objections to Mr Rupert Phillips being granted permission to clear sections of native vegetation around his two apiary sites located on Location 1542 "Brontie" off the Lake Seabrook Road, Koolyanobbing area.

Voting Requirements

Simple Majority.

DECLARATION OF INTEREST

Cr W Della Bosca declared an interest in item 10.2 Application to Clear Native Vegetation Apiary Site being an owner/leaseholder of adjoining property.

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17/2011

Moved Cr Kenward Seconded Cr Truran that Cr W Della Bosca remains in Council Chambers and share his comments / knowledge towards the topic of discussion but restrains from voting.

REASON FOR AMENDMENT

Council questioned the reason for clearing any vegetation in this instance as Mr Phillips would be able to find existing clear areas in which to place the hives and therefore no clearing would be necessary. Council does not wish to see any trees removed as part of this clearing of land. Council also believes that the land owner(s) including lessees should be approached seeking their permission to be able to clear vegetation from their property. Council is aware that the land owners/lessees in this instance have not been approached regarding this application.

AMENDMENT TO RECOMMENDATION

18/2011

Moved Cr Truran Seconded Cr Kenward that Council advises the Department of Environment and Conservation that it has concerns with this application and will only agree to it provided there is only minimal clearing carried out with no trees removed, and that permission is also obtained from the land owner(s)/lessee(s).

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council - Friday 21 st January, 2011
Agenda Reference:	10.3
Subject:	Application to Clear Native Vegetation - Off Granite Rock for Proposed Extraction Industry - CPS 4128/1
Location/Address:	Location 779 Corner Nulla Nulla South Road & Sandalwood Rock Road, Mt Hampton
Name of Applicant:	Department of Environment and Conservation - Ms Jane Clarkson, Environmental Officer
File Reference:	7.2.1.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th January, 2010

Background

The Department of Environment and Conservation (DEC) has received an application from Mr John Peter Rose, owner of Location 799 corner Nulla Nulla South Road and Sandalwood Rock Road, Mt Hampton, to clear 0.14

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hectares of native vegetation within the property for the purpose of gaining access to granite rock for blue metal extraction.

The DEC is seeking Council's comments on this application prior to making a decision to grant a clearing permit or not. The DEC is also seeking advice on whether the proposal is consistent with the Shire's Town Planning Scheme and whether any planning approvals are required? Comments are to be received within 10 days from the date of the letter (6th January 2011) which means by 16th January 2011.

Comment

I refer Council to Item 10.4 of the December 2010 Ordinary Council Meeting where Council considered a planning application received from Mr Steven Rose to establish an "extractive industry" for the mining of blue metal from rock on Location 799 which is owned by Steven's father, Mr John Peter Rose. At this Meeting Council passed the following motion:-

"That Council grants planning approval to Mr Steven Rose to establish an "extractive industry" for the mining of blue metal from a rock outcrop on Location 779 corner Nulla Nulla South & Sandalwood Rock Roads, Mt Hampton on the condition that he obtains all necessary licenses and permits for this proposed business, and that he is made aware of Council's Heavy Vehicle Haulage Road Impact Charge Policy."

The letter was received following a telephone conversation I had with Mr Jeremy Quartermaine of the DEC regarding this application when he asked whether planning approval would be required for this application, and/or whether an extractive industry licence was required? I advised Mr Quartermaine of Mr Steve Rose's application that was considered at the December 2010 Council Meeting and Council's decision.

Due to the short response time and the fact that Council is already aware of the proposal, a letter has been forwarded to the DEC on behalf of Council in response to the abovementioned questions. See attached copy of this letter.

Statutory Environment

Compliance with the Environmental Protection Act 1986 and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council endorse the Manager of Environmental Health & Building Services' actions in forwarding the attached letter on behalf of Council.

Voting Requirements

Simple Majority.

19/2011

Moved Cr Pasini Seconded Cr Kenward that Council endorses the Manager of Environmental Health & Building Services' actions in forwarding the attached letter on behalf of Council.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 21 st January, 2011
Agenda Reference:	10.4
Subject:	Applications to Conduct Exploration Drilling
Location/Address:	Yilgarn Shire
Name of Applicant:	Condor Nickel Ltd; McMahon Mining Title Services Pty Ltd for Talga Gold Pty Ltd; Advanced Tenement Services Pty Ltd for Jaguar Resources Pty Ltd; Atlas Partners Pty Ltd for Mamba Goldfields Pty Ltd (“Mamba Gold”); and Austwide Mining Title Management Pty Ltd for Iron Wheel Pty Ltd
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th January, 2010

Background

- 1) Condor Nickel Ltd has submitted a copy of it's Application for Mining Tenement form for Exploration Licence E77/1898 which extends south of Southern Cross in a south-east direction towards Marvel Loch. The Exploration Licence starts a short distance south of the Southern Cross townsite and includes Reserve 38802 Location 1521 “Recreation”, includes a portion of the Forrestania Southern Cross Road, the Ghooli Greenmount Road, the Ghooli South Road, Ben Road, and the Old Marvel Loch Road. See attached form and location map.
- 2) McMahon Mining Title Services Pty Ltd has submitted an application on behalf of Talga Gold Pty Ltd for Exploration Licence E77/1908

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which extends from the Standard Gauge Railway approximately 10.5 Kms north of Southern Cross south-east to 3.5 Kms north of the Great Eastern Highway and approximately 7.0 Kms north-west of Yellowdine townsite. Also for Exploration Licence E77/1910 which almost lies directly north of the area of E77/1908. Included in these exploration area are the following Council controlled roads - Koolyanobbing-Southern Cross Road, Corinthia East Road, Guerini Road, Ghooli-Koolyanobbing Road, Ghooli North Road, and the Emu Fence Road. See attached forms and location maps.

- 3) Advanced Tenement Services Pty Ltd has submitted an application for Jaguar Resources Pty Ltd for Exploration Licence E77/1903 which extends over Mt Rankin south of the Great Eastern Highway and west of Garrett Road and Nicholson Road, west of Southern Cross townsite. No Council controlled roads are within this exploration area. See attached form and location map.
- 4) Atlas Partners Pty Ltd has submitted an application on behalf of Mama Goldfields Pty Ltd ("Mamba Gold") for Exploration Licence E77/4039 which is west of the Forrestania Southern Cross Road and north of the Ghooli South Road, north of Marvel Loch townsite. For Exploration Licence E77/4040 which is west of the Forrestania Southern Cross Road and south of the Ghooli South Road, north of Marvel Loch. Finally for Exploration Licence E77/4041 which is west of Mt Holland and the Forrestania Southern Cross Road, Mt Holland area. Included in the Exploration Licence E77/4041 area are two unnamed roads, and there are no roads included in the other two exploration areas. See attached forms and location maps.
- 5) Austwide Mining Title Management Pty Ltd has submitted an application for Iron Wheel Pty Ltd for Exploration Licence E77/1912 which is north-east of Mt Jackson townsite and just north of Windarling Peak and extends north over the boundary into the Shire of Menzies. It does not appear that there are any Council controlled roads within this area. See attached form and location map.

Comment

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

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Of the abovementioned applications there are 3 companies with exploration licenses over land where there are Council controlled roads within these areas.

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

- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

The other 2 exploration companies will be carrying out drilling work where there are no Council controlled roads. These applications are also presented to Council for information on the various exploration activity proposed within the Shire.

The Manager of Works is aware of these applications and has no additional concerns.

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Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Condor Nickel Ltd (E77/1898), McMahon Mining Title Services Pty Ltd for Talga Gold Pty Ltd (E77/1908 & E77/1910), and Atlas Partners Pty Ltd for Mamba Goldfields Pty Ltd (E77/4041) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Leases as shown on the attached maps on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/ visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and

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- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

Voting Requirements

Simple Majority.

20/2011

Moved Cr Pasini Seconded Cr W Della Bosca that Council grants approval to Condor Nickel Ltd (E77/1898), McMahon Mining Title Services Pty Ltd for Talga Gold Pty Ltd (E77/1908 & E77/1910), and Atlas Partners Pty Ltd for Mamba Goldfields Pty Ltd (E77/4041) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Leases as shown on the attached maps on the following conditions:-

- 1. That dust suppression is carried out so that others are not adversely affected;*
- 2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;*
- 3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;*
- 4. All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;*
- 5. All rubbish is to be disposed of at the local landfill site in the appropriate manner;*
- 6. A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;*
- 7. No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;*
- 8. Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/visitors;*
- 9. All drill holes are to be capped as soon as possible/practical after drilling;*
- 10. If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and*
- 11. That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday 21 st January, 2011
Agenda Reference:	10.5
Subject:	Planning Application - Install Temporary Signs - Extension of Time to Display Signs
Location/Address:	Southern Cross and Koolyanobbing
Name of Applicant:	Onyx Projects - Mr Chris Jacobs, Senior HSE Advisor
File Reference:	4.2.2.3
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th January, 2011

Background

I refer to Item 10.3 for the December 2010 Ordinary Meeting of Council where Council considered an application received from Mr Chris Jacobs of Onyx Projects on behalf of Cliffs Asia Pacific Iron Ore seeking approval to erect three temporary roadside signs to direct transport vehicles to the upgrade project at the Koolyanobbing Mine Processing Plan which is scheduled to commence early in the New Year 2011. In the report to Council I advised that the signs would be required from January - April and thus Council passed a recommendation for the signs to be erected "for a period of approximately 4 months from January to April 2011".

Upon receiving the letter advising Mr Jacobs of Council's decision, Mr Jacobs contacted me to advise that Onyx Projects require the signs for a longer period as stated in his letter dated 6th December 2010, that being from mid-January to June 2011. Unfortunately I missed this fact when writing the agenda item for the December 2010 Council Meeting and apologise for this oversight and the fact that Council needs to deal with this matter again.

Comment

As Council passed a motion granting Onyx Projects approval to display the three temporary directional signs from January to April 2011, another motion is required to extend this approval up to and including June 2011 or until all the heavy structure has been transported to site.

Statutory Environment

Nil

Policy Implications

Council Policy 5.4 Advertising and Directional Signs.

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Financial Implications

Nil

Recommendation

That Council grants approval to Onyx Projects for the erecting of three temporary directional signs from January to June 2011 as stated in this application or until all the heavy structure has been transported to site, on the condition that the signs meet the Australian Standards for roadside signs, the distances stated on the signs do not conflict with any existing Shire signs, and that Onyx Projects consult with the Manager of Works on the exact positioning of the signs.

Voting Requirements

Simple Majority.

21/2011

Moved Cr Kenward Seconded Cr W Della Bosca that Council grants approval to Onyx Projects for the erecting of three temporary directional signs from January to June 2011 as stated in this application or until all the heavy structure has been transported to site, on the condition that the signs meet the Australian Standards for roadside signs, the distances stated on the signs do not conflict with any existing Shire signs, and that Onyx Projects consult with the Manager of Works on the exact positioning of the signs.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 21 st January, 2011
Agenda Reference:	Late Item 10.6
Subject:	Liquor Licence - Special Facilities Licence for Polaris Metals' Carina Temporary Camp Wet Mess - Section 39 & 40 Certificates
Location/Address:	Exploration Lease E77/1492 believed to be on Location 1541 "Timberfield", west off the Mt Walton Access Road
Name of Applicant:	Process Minerals International - Mr Bhupesh Billimoria, Site Services Coordinator
File Reference:	4.1.5.5 & 3.1.3.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	19 th January, 2011

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Background

Mr Bhupesh Billimoria of Process Minerals International on behalf of Polaris Metals is seeking a Section 39 & 40 Certificate from the Shire to forward to the Department of Racing Gaming and Liquor to accompany the application for a Special Facilities Licence - Works Canteen Licence for the West Mess at the Carina Temporary Camp on Exploration Lease E77/1492. A Special Facilities Licence is being sought so that packaged alcohol can be sold from the Wet Mess in limited range and quantity, but also to sell other items such as food, drinks (soft), toiletries, tobacco, and basic medical supplies.

As there are two shifts at the exploration site, the wet mess will be open for two periods each day of the week - from 6:00 a.m. to 7:00 a.m. and from 5:30 p.m. to 9:00 p.m., and will include Christmas Day, Good Friday, and ANZAC Day. See attached letter, copy of the application form to the Department of Racing, Gaming, & Liquor with support information, and a camp layout plan showing the location of the Wet Mess.

Comment

The Carina temporary camp was originally set up for the exploration phase which is nearly completed which was expected to be for up to 12 months. I inspected the camp in July & August 2010 for the installation of a septic tank and leach drain system for the temporary camp. On my last visit while the kitchen/dining room was still being installed on the site, there was a building designated to be the wet mess already installed and connected to the septic tank system. This building and others were not included on the plans provided with the septic tank application.

The temporary exploration camp will in the near future be occupied by staff who will be building the mine facility itself, which is expected to take up to 6 months. For this reason Polaris Metals is providing limited alcohol on the site.

Section 39 Certificate

A Section 39 Certificate issued under the Liquor Control Act 1988 is where the Local Government states whether the building complies with the relevant requirements under the Health Act 1911, the Food Act 2008, legislation relating to sewerage and drainage of the premises, the Local Government Act 1995, and the Local Government (Miscellaneous Provisions) Act 1960, and if not to state whether it could be made to comply with the requirements.

In this instance the building is a transportable building, either new or in good condition, which has a small wet area room for the bar, otherwise it is an open room. The sinks in the building were connected to the septic tank system, there is adequate drainage on the site but as the building is transportable the floor level is at least 1 to 2 steps above the ground level and therefore

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stormwater should not adversely affect the building. Only pre-packaged foods (including drinks – alcoholic and non-alcoholic) will be sold from the building. While the building was empty at the time I was there I feel sure there will be adequate refrigeration provided in which the food that needs to be kept cold will be.

Section 40 Certificate

A section 40 Certificate issued under the Liquor Control Act 1988 is where the Local Government states whether the proposed land use complies with its town planning scheme.

The Exploration Lease E77/1492 is located on land zoned “State Forrest” or “Rural/Mining”. As Polaris Metals has already been granted an Exploration Lease it would appear that if the site is within the State Forrest that there are no specific issues with mining activities taking place. Under the zone of “Rural/Mining” mining activities are a permitted land use. Accommodation camps, especially for such remote mining sites, are generally within a reasonable distance from the mine site. There has been mine accommodation camps established outside townsites with the Shire over the years, so this will not set a precedent.

Previously the issuing of Section 39 & 40 Certificates has been dealt with by the authorised officer without them coming to Council. In this instance I am bringing the matter to Council for its information plus formal planning approval which Polaris Metals then has for future reference.

I would recommend that Council grant planning approval for the temporary accommodation camp being located on E77/1492 and for the issuing of the Section 40 Certificate.

Statutory Environment

Compliance with the Liquor Control Act 1988, the Health Act 1911 and any legislation made under the Act relating to sewerage and drainage, the Food Act 2008, the Local Government Act 1995, and the Local Government (Miscellaneous Provisions) Act 1960.

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council grants planning approval to Polaris Metals to establish a temporary accommodation camp being located on Exploration Lease E77/1492, and supports the issuing of a Section 40 Certificate in relation to a Special Facility - Works Canteen Licence Liquor Licence for the Wet Mess at the accommodation camp site.

Voting Requirements

Simple Majority.

22/2011

Moved Cr Kenward Seconded Cr W Della Bosca that Council grants planning approval to Polaris Metals to establish a temporary accommodation camp being located on Exploration Lease E77/1492, and supports the issuing of a Section 40 Certificate in relation to a Special Facility - Works Canteen Licence Liquor Licence for the Wet Mess at the accommodation camp site.

CARRIED (6/0)

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 4.43pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 17th December 2010 are confirmed as a true and correct record of that meeting on Friday, 21st January 2011.

Cr Romolo Patroni
SHIRE PRESIDENT