

MINUTES
ORDINARY COUNCIL MEETING
Friday 15th July 2011

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 15th July, 2011.

PRESENT

Cr P R Patroni, Shire President

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

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

The meeting was declared open for business at 2.00 pm.

PUBLIC QUESTION TIME

None

APOLOGIES AND LEAVE OF ABSENCE

Nil

DISCLOSURES OF INTEREST

Cr G Kenward – Agenda Item 7.7 Self Supporting Loan – Aero Club

PRESENTATIONS

CLIFFS RESOURCES - LINDA BATEMAN, SENIOR MGR RESOURCE DEVP.

Ms Bateman outlined Cliffs Resources operations on a global scale and then focused on the Yilgarn operations at Koolyanobbing, Mt Jackson and Windarling. She advised that Cliffs Resources will be expanding their operations north of the current mine at Windarling and be looking at a further 8.5M to 11M worth of iron ore to be extracted from area. The mine is due to open in approximately 18 months.

WA HEALTH, MERREDIN - TERRY HORNE, OPERATIONS MGR

The Shire President introduced Mr Horne and Mr Stones from WA Health in Merredin and Ms Lucy Reed the Health Service Manager at Southern Cross District Hospital. Mr Horne explained that WA Health have received a one off \$586M to be spent over five years towards Health Initiatives in WA. He encouraged the DHAC committee and other stakeholders (Hospital, Doctor, St John's etc) in the Yilgarn to evaluate current health services and infrastructure and identify the Health needs of the community. He emphasised that we should not leave the decisions up to the bureaucrats, instead consult with the local communities and ascertain what services are needed in the Yilgarn and use DHAC committee to relay this information to WA Health.

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CONFIRMATION OF PREVIOUS COUNCIL MINUTES

141/2011

Moved Cr Kenward Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 17th June 2011, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

SPECIAL MEETING OF COUNCIL - DRAFT BUDGET MEETING

142/2011

Moved Cr Truran Seconded Cr Pasini that the Minutes of the Special Meeting of Council to discuss the Draft Budget, held on Tuesday 28th June 2011, be received.

CARRIED (7/0)

WEROC COUNCIL MEETING

143/2011

Moved Cr Kenward Seconded Cr W Della Bosca that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held Wednesday 29th June 2011 be received.

CARRIED (7/0)

CENTRAL WHEATBELT VISITORS CENTRE MINUTES

144/2011

Moved Cr J Della Bosca Seconded Cr Pasini that the Minutes of the Central Wheatbelt Visitor Centre held Monday 27th June 2011 be received.

CARRIED (7/0)

TOURISM ADVISORY COMMITTEE MEETING

145/2011

Moved Cr Kenward Seconded Cr Pasini that the minutes of the Tourism Advisory Committee on the 11th July 2011 be received.

CARRIED (7/0)

Recommended

That Council consider designing and constructing a sign or iron cut out of an 'old fashioned dunny' to be placed in the medium strip in front of the CBD toilets.

CARRIED

146/2011

Moved Cr Kenward Seconded Cr Pasini that the Tourism Committee can source costs for the design and construction of the sign for the CBD toilets and can re-submit to Council for their deliberation.

CARRIED (7/0)

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YILGARN YOUTH SPORT AND RECREATION ADVISORY COMMITTEE MEETING MINUTES

147/2011

Moved Cr W Della Bosca Seconded Cr J Della Bosca that the Minutes of the Yilgarn Youth Sport and Recreation Advisory Committee Meeting held Monday 20th June 2011 be received.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- That he and the CEO had attended an evening with Mr Rob Delane and his executive staff at the Department of Agriculture.
- That he and the Manager for Works would be attending the Regional Road Group meeting in Northam on the 18th July.
- That he and the Deputy President and Cr J Della Bosca were involved in the CEO's appraisal on the 27 June.

Cr Kenward advised that he had attended a Western Woodlands meeting on the 29th June in Kalgoorlie.

Cr Truran advised that she had attended a DHAC/LHAC conference in Northam during the month.

Submission to:	Ordinary Meeting of Council – 15 th July 2011
Agenda Reference:	7.1
Subject:	Adoption of Budget for 2011/2012
File Reference:	8.2.5.3
Author:	Jeff Sowiak
Disclosure of Interest:	Nil
Date of Report:	7 th July 2011

Background

The budget reports together with the minutes of the special meeting are included in a separate agenda report document for Council consideration. I would ask that Councillors refer to that document and the matters referred therein at this time.

Council deferred their comments until the DCEO's report on the Adopted Budget

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Submission to:	Ordinary Meeting of Council – 15 th July 2011
Agenda Reference:	7.2
Subject:	Performance Review Joint CEO
File Reference:	1.1.10.1
Author:	Jeff Sowiak
Disclosure of Interest:	Nil
Date of Report:	7 th July 2011

Background

The Shire of Westonia and the Shire of Yilgarn have entered into a contract for the appointment of a Joint Chief Executive Officer and part of that Contract of employment is a requirement to undertake a formal performance and remuneration review on an annual basis.

Comment:

Mr John Phillips from WALGA has prepared his report concerning the conduct of the CEO's annual appraisal undertaken on June 27th and this together with recommendations contained therein are submitted to Council.

Recommendations

That Council:

- 7.1 Receives this Performance Review report and endorses the overall performance rating for the Chief Executive Officer, for the review period August 2010 to June 2011, of 'Satisfactory'.**
- 7.2 Reviews the draft Key Result Areas and indicators for 2011/12.**
- 7.3 Schedules the next review of performance to be commenced by 30th April 2012 and completed by 30th June 2012**

Council Discussion

The CEO explained that he had requested at his Performance Appraisal and formally in writing to the Shire President that his contract of employment be varied to increase the number of weeks annual leave from five weeks to six weeks per annum with effect from 1st July 2011. At the meeting he further explained that he had worked in the industry for over 34 years and due to having moved from State to State he had not accrued Long service leave nor likely to. The additional week of annual leave requested will compensate for that entitlement others in his position may have received. He indicated that he will not request to take leave in one break of longer than 5 weeks.

AMENDMENT TO RECOMMENDATION

- 7.4 That the CEO's contract be amended as at the 1st of July 2011 to show that he is entitled to six weeks annual leave.**

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Voting Requirement

Simple Majority

148/2011

Moved Cr J Della Bosca seconded Cr Truran that Council:

- 7.1 Receives this Performance Review report and endorses the overall performance rating for the Chief Executive Officer, for the review period August 2010 to June 2011, of 'Satisfactory'.*
- 7.2 Reviews the draft Key Result Areas and indicators for 2011/12.*
- 7.3 Schedules the next review of performance to be commenced by 30th April 2012 and completed by 30th June 2012*
- 7.4 That the CEO's contract be amended as at the 1st of July 2011 to show that he is entitled to six weeks annual leave.*

CARRIED (7/0)

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ANNUAL APPRAISAL
of
CHIEF EXECUTIVE OFFICER
Mr Jeff Sowiak

REPORT to COUNCIL

27 June 2011

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The review of Mr Sowiak's performance as the Chief Executive Officer of the Shire of Yilgarn has been carried out in accordance with Council's statutory and contractual obligations and the terms of Mr Sowiak's contract with the Shire. Council appointed Mr John Phillips, Executive Manager 'Local Government Workplace Solutions' (Western Australian Local Government Association) to facilitate the Shires' performance review process.

The Review has been conducted in accordance with sections 5.38 and 5.39(3)(b) and Regulation 18D of the Local Government Act 1995, which requires that:

The performance of the CEO be reviewed at least once a year;

The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review;

and,

A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

The period of the review was August 2010 to June 2011.

Elected members were provided with a questionnaire utilising the agreed Performance Criteria. Members were also encouraged to provide their views on any remuneration increase to be considered by the Councils.

All of the Shire's Elected Members availed of the opportunity to provide written feedback. This feedback was provided to the facilitator who utilised them to compile this feedback report.

A joint appraisal meeting (Shires of Yilgarn and Westonia) was held with Mr Sowiak on Monday 27th June 2011.

Overall, Mr Sowiak's performance was considered to generally meet the performance requirements for the position of Chief Executive Officer during the review period.

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Submission to:	Ordinary Meeting of Council - Friday, 15 th July 2011
Agenda Reference:	7.3
Subject:	<i>SPORTS PRECINCT</i>
File Reference:	1.3.8.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 th July 2011

Background

This report outlines the progress to date in relation to the contract with Midland Constructions and Berry Bowling Systems for the construction of the Southern Cross Bowling and Tennis Clubhouse and Bowling Green.

Comment:

The design stage has now been completed and building plans are with the Manager Environmental Health and Building for review and as required the issue of building approvals.

The plans will be tabled for Council information. The builders have also been asked to supply a current building program and this will be circulated to Councillors upon receipt.

In terms of the 2008/2009 CLGF grant, this acquittal is now with the Council's auditors in preparation for submission to the Department.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The allocation for this item is included in the 2011/2012 Budget.

Recommendation

That Council note the report concerning progress with the sports precinct development and the proposed completion date to be April 2012.

Voting Requirement

Simple Majority

Council Discussion

The Shire President requested that the CEO writes to the SX Tennis Club and the SX Bowling Club and advise them that the Clubrooms will not be completed for the Summer Season, and if there was any way that Council can assist with providing temporary facilities.

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149/2011

Moved Cr Truran seconded Cr Kenward that Council note the report concerning progress with the sports precinct development and the proposed completion date to be April 2012. In addition, Council write to the SX Tennis and SX Bowls Club and advised them that the new clubrooms will not be completed for the summer season, and if there was any way that Council can assist with providing temporary facilities.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 15 th July 2011
Agenda Reference:	7.4
Subject:	Merger Update
File Reference:	2.5.2.3
Author:	Jeff Sowiak – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 May 2011

Background:

This report is to provide Council and members of the community with an overview of the current status of the merger discussions with the Shire of Westonia and the activities that have been undertaken to date.

Comment:

The Draft Business plan and summary document have been completed and community meetings were held in Southern Cross on Wednesday 6th July and in Westonia on Thursday 7th July.

The Consultants are now preparing a final draft document for submission to a special meeting of the WYRC on Monday August 1st in Westonia.

Mr Ross Earnshaw from the Local Government Board has advised that the public submission process for the Board review will commence around 17th of August and will run for a period of six weeks. In the week commencing September 5th the Board will formally meet with both Councils and will conduct public hearings.

The Board will then make recommendations to the Minister and those recommendations will also be subject to a public submission process.

At this stage it is likely that the process of consultation and review will take its course and be completed early in the new year.

Statutory Environment:

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

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Policy Implications:

Nil

Financial Implications:

Funding for the Merger has been provided by the Department of Local Government.

Recommendation:

That the report be received.

Received

Council adjourned at 3.20pm and returned to chambers at 3.30pm

Submission to:	Ordinary Meeting of Council – Friday, 15 th July 2011
Agenda Reference:	7.5
Subject:	WA Health - Teleconference
File Reference:	1.6.28.1
Author:	Jeff Sowiak – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 th July 2011

Background:

Council has written to Mr Tim Free Regional Director WA Health Wheatbelt expressing concern that proposals discussed at meetings with him do not appear to have been identified in the State Budget and that the new Wheatbelt Health Initiative appears to be almost entirely focused on areas to the West.

Mr Free was asked to respond in writing to the following issues for submission to the meeting today:

- Are there any plans for the upgrade of services or facilities in Southern Cross?
- Is the imbalance between what Council pays the doctor to be on-call as to what WA Health reimburses going to be addressed? If so on what basis?

Mr Free has indicated that he would prefer to meet with Council via teleconference and this has been arranged for 3.30pm on meeting day.

Statutory Environment:

Nil

Policy Implications:

Nil

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Financial Implications:

Nil

Recommendation:

That Council receive the report from Mr Tim Free Regional Director WA Health Wheatbelt.

Comments from Mr T Free:

- His comments mainly focused on the WA Health Initiative funding that WA will receive over the upcoming 5 years. WA Health has recently interviewed for a Project Director who will develop a team that will deal with funding requests for Health Services.
- He advised that there are two towns that will get priority attention; which include Southern Cross and Lake Grace. The provision of Doctors and the telehealth program in both these areas is seen as a priority.
- In addition, WA Health will be working in conjunction with Wheatbelt GP towards providing health services in regional WA.
- He emphasised the importance of community consultation in identifying the necessary health services and infrastructure needed in Southern Cross, and information to be fed back to the DHAC Committee.

Received

Submission to:	Ordinary Meeting of Council – Friday, 15 th July 2011
Agenda Reference:	7.6
Subject:	Provision of Medical Services Southern Cross
File Reference:	1.3.12.1
Author:	Jeff Sowiak – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Friday, 16 January 2015

Background:

Council has been approached by Dr Edmond Solomon to provide a medical practice in Southern Cross and as the matters to be discussed may be commercial in confidence or relate to the business, professional, commercial or financial affairs of a person it is recommended that the Council deal with this matter in committee.

Comment:

The CEO will provide information received from Dr Solomon concerning his proposal to operate a practice in Southern Cross.

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Statutory Environment:

Local Government Act 1995 Section 5.23 (2) meetings closed to the public to consider matters relating to the business, professional , commercial of financial affairs of any person.

Policy Implications:

Nil

Financial Implications:

Nil

Recommendation:

That Council resolve to move into committee to receive information concerning the proposal from Dr Solomon with respect to the operation of a medical practice in Southern Cross.

Voting Requirement

Simple Majority

REASON FOR AMENDMENT TO MOTION

Council decided not to go into committee, instead they discussed how Council currently has commitments with the Wheatbelt Division of General Practice that are not easily dismantled. In addition, the synergy with Wheatbelt GP and WA Health in sourcing funds from the Eastern Wheatbelt Health Initiative can be very beneficial for the Yilgarn community. In particular the connectivity between the GP practice, WA Health, Council and the hospital will be crucial to ensure the future provision of medical services. The Shire President expressed that Council has an obligation to address the needs of the community now and into the future and whilst Dr Solomon's offer was an attractive alternative to the model that is currently in place , that model is working and those relationships, so critical to future success of health planning for the community, are in place. He requested that the CEO write to Dr Solomon and thank him for his offer of providing a Medical Service in Southern Cross, but at this time Council is not in a position to accept.

150/2011

Moved Cr Pasini seconded Cr Truran that Council has resolved to retain the services of Wheatbelt GP as the Shire of Yilgarn's medical services model.

CARRIED (7/0)

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Cr Kenward declared an impartiality interest in Item 7.7 of the CEO's Reports and did not take part in discussion or vote on this matter.

Submission to:	Ordinary Meeting of Council - Friday, 15 th July 2011
Agenda Reference:	7.7
Subject:	Self Supporting Loan - Aero Club
File Reference:	8.2.8.1, 1.3.9.18
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	15 th June 2011

Background:

Council has provided a self-supporting loan to the Southern Cross Aero Club relating to the construction of hangars at the aerodrome and the loan agreement provides for an interest charge which the Club is now seeking to have set aside.

Comment:

The construction of the hangars at the Aerodrome were approved by Council on the understanding that the Club would meet the cost. The Club did not have funds to meet the anticipated cost and therefore the Council agreed to establish a self-supporting loan of \$60,000 for this purpose.

It is not certain why the loan agreement provided for interest to be charged on the loan as the building is an asset of the Council and the Club had agreed to contribute to the cost. The only cost to Council would be an opportunity cost relative to the interest that such a fund might attract if invested.

The Club have approached Council to ask if the obligation to pay interest on the loan would be waived. It is expected that the funds that might otherwise be used to pay interest would assist with other works required to be undertaken.

I am of the view that given that the building is an asset of the Council and the Club are meeting their commitments in relation to the loan that the request is fair and reasonable.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

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Recommendation:

That Council waive the interest charged on the self-supporting loan to the Southern Cross Aero Club for the construction of hangers at the Southern Cross Aerodrome.

Voting Requirement

Simple Majority

151/2011

Moved Cr Auld Seconded Cr Pasini that Council waives the interest charged on the self-supporting loan to the Southern Cross Aero Club for the construction of hangers at the Southern Cross Aerodrome.

CARRIED (6/0)

Note : Cr Kenward did not take part in discussion or vote on the matter.

DIRECTOR OF WESTONIA OPERATIONS' RESIGNATION

The CEO advised that he had accepted the resignation of Mr Kim Hastie Director Westonia Operations.

152/2011

Moved Cr Patroni Seconded Cr J Della Bosca that Council extends their appreciation to Mr Kim Hastie for all the work he has done with the Yilgarn Council and wishes him well in his future endeavours.

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Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	8.1
Subject:	2011-2012 Budget Adoption
File Reference:	8.2.5.3
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th July 2011

Background

Further to the Special meeting of Council held on Friday 28th June 2011, the Draft Budget for 2011/2012 has been reviewed and adjusted as instructed, and is now ready to present to Council for adoption.

In accordance with Section 6.2 (2) of the Local Government Act 1995, Council has had regard for the contents of its Plan for the Future ‘2010 and into the Future’ and the ‘Forward Capital Works Plan’.

Comment

As resolved at the Special Meeting of Council the DCEO has transferred the 2010/2011 Surplus funds generated from the Sewerage Schemes into the Sewerage Reserve in accordance with S6.37 subsection (1) & (2) in the Local Government Act 1995.

As of Monday 5th July 2011, the surplus carried forward from 2010/2011 was \$1,419,817 compared with the estimate included in the Draft Budget of \$1,733,823. The adjustments discussed by the elected members at the Special Meeting of Council have been included in the final budget, these changes include

- A reduction in rate revenue for UV rural of \$28,404
- Inclusion of the priority list to the value of \$102,820
- Reduction to the budget for Stage II of the Sporting Precinct from \$350,000 to \$86,717.

The inclusion of the above changes has now brought about a balance budget of \$16,775,221 with a surplus brought forward at time of adoption of \$1,419,817.

Statutory Environment

Section 6.2 of the Local Government Act 1995 relating to the Annual Budget.

Policy Implications

None.

Financial Implications

Will form the basis for Income and Expenditure for the period 1 July 2011 to 30 June 2012

Strategic Implications

None.

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RECOMMENDATIONS TO COUNCIL

Relating to the adoption of the 2011/2012 Budget:

Recommendation

That Council adopts the 2011-2012 Shire of Yilgarn Schedule of Fees and Charges, presented and reviewed at the Special meeting of Council on the 28th June 2011

Voting Requirements

Absolute Majority Required

153/2011

Moved Cr Kenward seconded Cr Truran that Council adopts the 2011-2012 Shire of Yilgarn Schedule of Fees and Charges, presented and reviewed at the Special meeting of Council on the 28th June 2011.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Recommendation

That Council propose the following Differential General Rates for the year ending 30 June 2012:

Land Category	Proposed Rate in \$	Proposed Minimum
GRV – Residential	0.0935	\$350
GRV – Commercial	0.0640	\$350
GRV – Improved Mining Tenement	0.3376	\$350
GRV – Single Person Quarters	0.3376	\$350
UV – Rural	0.0157	\$350
UV – Unimproved Mining Tenement	0.1688	\$350

Voting Requirements

Absolute Majority Required

154/2011

Moved Cr W Della Bosca seconded Cr Pasini that Council accepts the proposed Differential General Rates for the year ending 30 June 2012:

<i>Land Category</i>	<i>Proposed Rate in \$</i>	<i>Proposed Minimum</i>
<i>GRV – Residential</i>	<i>0.0935</i>	<i>\$350</i>
<i>GRV – Commercial</i>	<i>0.0640</i>	<i>\$350</i>
<i>GRV – Improved Mining Tenement</i>	<i>0.3376</i>	<i>\$350</i>
<i>GRV – Single Person Quarters</i>	<i>0.3376</i>	<i>\$350</i>
<i>UV – Rural</i>	<i>0.0157</i>	<i>\$350</i>
<i>UV – Unimproved Mining Tenement</i>	<i>0.1688</i>	<i>\$350</i>

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Recommendation

Specified Area Rates relating to Sewerage service

That Council impose the following Sewerage Rates and Charges on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

6.9 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Townsite

Minimum Charge per vacant land	\$200.00
Minimum Charge per residential property	\$260.00
Non-Rated Class 1st Fixture	\$160.00
Non-Rated Class Additional Fixtures	\$80.00
Non-Rates Class 2 and 3 Fixture	\$850.00

Southern Cross Sewerage Scheme Charge (Commercial):

4.6 cents in the dollar on GRV (Commercial) properties within the Southern Cross Townsite

Minimum Charge per commercial property	\$550.00
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Marvel Loch Sewerage Scheme Maintenance Charges:

6.4 cents in the dollar on GRV properties within the Marvel Loch Townsite

Minimum Charge per property	\$100.00
Non-Rated Class 1st Fixture	\$100.00
Non-Rated Class Additional Fixtures	\$45.00

Voting Requirements

Absolute Majority Required

155/2011

Moved Cr Kenward seconded Cr W Della Bosca that Council imposes the following Sewerage Rates and Charges on a per annum basis to cover the cost of the sewerage service in Southern Cross and Marvel Loch:

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

6.9 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Townsite

<i>Minimum Charge per vacant land</i>	<i>\$200.00</i>
<i>Minimum Charge per residential property</i>	<i>\$260.00</i>
<i>Non-Rated Class 1st Fixture</i>	<i>\$160.00</i>
<i>Non-Rated Class Additional Fixtures</i>	<i>\$80.00</i>
<i>Non-Rates Class 2 and 3 Fixture</i>	<i>\$850.00</i>

Southern Cross Sewerage Scheme Charge (Commercial):

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4.6 cents in the dollar on GRV (Commercial) properties within the Southern Cross Townsite

Minimum Charge per commercial property **\$550.00**

Marvel Loch Sewerage Scheme Maintenance Charges:

6.4 cents in the dollar on GRV properties within the Marvel Loch Townsite

Minimum Charge per property **\$100.00**

Non-Rated Class 1st Fixture **\$100.00**

Non-Rated Class Additional Fixtures **\$45.00**

CARRIED BY ABSOLUTE MAJORITY (7/0)

Recommendation

Sanitation Household Refuse - Rates and Charges

That Council impose the following Sanitation Rates and Charges on a per annum basis:

Domestic Collection per bin, per service	\$220.00
Additional Service	\$240.00
Commercial Collection per bin, per service	\$240.00
Additional Service	\$265.00
Non-Rateable Collection per bin, per service	\$370.00
Additional Service	\$412.00

Voting Requirements

Absolute Majority Required

156/2011

Moved Cr Pasini seconded Cr Truran that Council imposes the following Sanitation Rates and Charges on a per annum basis:

<i>Domestic Collection per bin, per service</i>	\$220.00
<i>Additional Service</i>	\$240.00
<i>Commercial Collection per bin, per service</i>	\$240.00
<i>Additional Service</i>	\$265.00
<i>Non-Rateable Collection per bin, per service</i>	\$370.00
<i>Additional Service</i>	\$412.00

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Recommendation

Discount, Interest and Penalties

- Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge a \$10.00 Administration Fee per remittance notice, per installment, for rates levied in the 2011/2012 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.5% interest charge per annum, calculated by simple interest on installment payments for rates levied in the 2011/2012 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2011 in accordance with the requirements stipulated by the Office of State Revenue.

Voting Requirements

Absolute Major Required

157/2011

Moved Cr Auld seconded Cr Kenward that Discount, Interest and Penalties

- *Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*
- *Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*
- *Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2011/2012 financial year in accordance with the Local Government Act 1995.*
- *Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2011/2012 financial year in accordance with the Local Government Act 1995.*
- *Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2011 in accordance with the requirements stipulated by the Office of State Revenue.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

Recommendation

That it be recommended to Council that the recognised surplus be exhausted by way of:

1. Reducing the rate in the \$ for UV Rural to 0.0157.
2. Funds transferred to the Sewerage Reserve in 2010/2011, hence reducing the “surplus carried forward”.
3. and applying the remaining surplus to the below mentioned items.

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Item	Description	Estimated Cost
Men's / Youth Development Program	GL expenditure account E10623 account established to support the Men's Club or Youth projects in the Yilgarn	10,000
3 Libra Place	Replace carpets throughout (3b/rooms & passageway)	5,260
Senior Citizen Centre	2 x Solar powered lights positioned along footpath at front of centre	12,000
Medical Centre Maintenance	Replace scratched ceramic floor tiles in toilets with new tiles	3,000
SX Community Centre Mtce	Repair and re-paint walls in meeting room	960
SX Community Centre Capital	Purchase mobile lifting platform for maintenance work	36,000
Masonic Lodge Maintenance	Address moisture ingress through walls of entry/kitchenette	3,500
SX Sporting Complex	Complete Upgrade of Power outlets around the Complex Grounds	5,000
Caravan Park	Construct steel & Colorbond patios to protect laundry access	1,750
Caravan Park – Capital	Patio over entries to ablutions	1,850
SX Community Centre – Capital	Build storeroom onto south side of building in steel frame & colorbond walls	23,500
	TOTAL	102,820

Voting Requirements

Absolute Majority Required

158/2011

Moved Cr J Della Bosca seconded Cr Pasini that it be recommended to Council that the recognised surplus be exhausted by way of:

- 1. Reducing the rate in the \$ for UV Rural to 0.0157.*
- 2. Funds transferred to the Sewerage Reserve in 2010/2011, hence reducing the "surplus carried forward".*
- 3. and applying the remaining surplus to the below mentioned items:*

Item	Description	Estimated Cost
<i>Men's / Youth Development Program</i>	<i>GL expenditure account E10623 account established to support the Men's Club or Youth projects in the Yilgarn</i>	<i>10,000</i>
<i>3 Libra Place</i>	<i>Replace carpets throughout (3b/rooms & passageway)</i>	<i>5,260</i>
<i>Senior Citizen Centre</i>	<i>2 x Solar powered lights positioned along footpath at front of centre</i>	<i>12,000</i>
<i>Medical Centre Maintenance</i>	<i>Replace scratched ceramic floor tiles in toilets with new tiles</i>	<i>3,000</i>
<i>SX Community Centre Mtce</i>	<i>Repair and re-paint walls in meeting room</i>	<i>960</i>
<i>SX Community Centre Capital</i>	<i>Purchase mobile lifting platform for maintenance work</i>	<i>36,000</i>
<i>Masonic Lodge Maintenance</i>	<i>Address moisture ingress through walls of entry/kitchenette</i>	<i>3,500</i>
<i>SX Sporting Complex</i>	<i>Complete Upgrade of Power outlets around the Complex Grounds</i>	<i>5,000</i>
<i>Caravan Park</i>	<i>Construct steel & Colorbond patios to protect laundry access</i>	<i>1,750</i>
<i>Caravan Park – Capital</i>	<i>Patio over entries to ablutions</i>	<i>1,850</i>
<i>SX Community Centre – Capital</i>	<i>Build storeroom onto south side of building in steel frame & colorbond walls</i>	<i>23,500</i>
	<i>TOTAL</i>	<i>102,820</i>

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Recommendation

That Council adopts the 2011-2012 Shire of Yilgarn Budget as presented, which incorporates a surplus brought forward of \$1,419,817 and resulting in a balance budget of \$16,775,221.

Voting Requirements

Absolute Majority Required

159/2011

Moved Cr Kenward seconded Cr Truran that Council adopts the 2011-2012 Shire of Yilgarn Budget as presented, which incorporates a surplus brought forward of \$1,419,817 and resulting in a balance budget of \$16,775,221.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Recommendation

Statutory Compliance

That Council confirms it is well satisfied the services and facilities it provides: -

- a) Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;
- b) Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and;
- c) Are managed efficiently and effectively.

In accordance with Section 3.18 (3) of the Local Government Act 1995.

Voting Requirements

Absolute Majority Required

160/2011

Moved Cr Pasini seconded Cr Auld that Council confirms it is well satisfied the services and facilities it provides: -

- a) *Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;*
- b) *Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and;*
- c) *Are managed efficiently and effectively.*

In accordance with Section 3.18 (3) of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	8.2
Subject:	Rating Timetable for 2011/2012
File Reference:	8.2.5.3
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th July 2011

Comment

A Rating Timetable is necessary to ascertain when revenue will be received to cover Council's outgoing recurring expenses and to cover the costs of larger capital projects. In the past Council has not levied rates until late in August which leaves payment due on the 1st of October, it was decided last year that in 2011/12 Council would bring the timeline earlier for payment of rates. Refer Below for proposed Rating Timetable:

RATING TIMETABLE 2011/2012	
Council Meeting	Friday 15 th July 2011
Run off rate notices	Monday 1 st August 2011
Issue Date	Wednesday 3 rd August 2011
1 Payment Only / Payment in Full	
Last Day for Discount	Wednesday 7 th September 2011
1 st Instalment Due	Wednesday 7 th September 2011
Penalty Commences	Thursday 8 th September 2011
Final Notices (First Round)	Wednesday 22 nd September 2011
Final Notices (Second Round)	Wednesday 6 th October 2011
Recovery Letters	Wednesday 20 th October 2011
Load with Recovery Agents	
2 nd Instalment	
Run Off	Monday 3 rd October 2011
Post	Wednesday 5 th October 2011
Issue Date	Wednesday 5 th October 2011
Due Date	Wednesday 9 th November 2011
3 rd Instalment	
Run Off	Monday 5 th December 2011
Post	Wednesday 7 th December 2011

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Issue Date	Wednesday 7 th December 2011
Due Date	Wednesday 11 th January 2012
4 th Instalment	
Run Off	Monday 6 th February 2012
Post	Wednesday 8 th February 2012
Issue Date	Wednesday 8 th February 2012
Due Date	Wednesday 14 th March 2012

Statutory Environment

Proposed dates have been included in 2011/2012 Statutory Budget under note 13.

Policy Implications

None.

Financial Implications

Rating revenue will be received earlier

Strategic Implications

None.

Recommendation

That Council receives the proposed Rating Timetable for 2011/2012

Received

Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	8.3
Subject:	Reserve Accounts
File Reference:	8.2.4.7
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th July 2011

Comment

During 2010/2011 Council resolved to create three new special purpose Reserve Accounts; Unspent Grants, HRVIC (Heavy Road Vehicle Improvement Contribution), and Health Services Reserve.

I ask Council to affirm the creation of the Reserves and their purpose to be included in the 2011/2012 Municipal Budget and the 2010/2011 Financial Statements that form part of the Shire of Yilgarn Annual Report.

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New Reserves

Health Services Reserve

Purpose: Special Purpose

- To be used to fund and maintain the Health Service GP practice and associated assets in Southern Cross.

Unspent Grant Reserve

Purpose: Special Purpose

- To provide adequate record keeping and disclosure of tied grants received, the source of funds and related expenditure.

-

HVRIC Reserve

Purpose: Special Purpose

- To provide adequate disclosure of funds received under the HVRIC and the relevant roads that funds are to be expended on.

Statutory Environment

S6.11 – Reserve Accounts subsection (1)

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Recommendation

That Council endorses the creation and purpose of three new Reserves:

Health Services Reserve

Purpose: Special Purpose

- To be used to fund and maintain the Health Service GP practice and associated assets in Southern Cross.

Unspent Grant Reserve

Purpose: Special Purpose

- To provide adequate record keeping and disclosure of tied grants received, the source of funds and related expenditure.

-

HVRIC Reserve

Purpose: Special Purpose

- To provide adequate disclosure of funds received under the HVRIC and the relevant road that funds are to be expended on.

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Voting Requirements

Absolute Majority

161/2011

Moved Cr Pasini seconded Cr Kenward that Council endorses the creation and purpose of three new Reserves:

Health Services Reserve

Purpose: Special Purpose

- *To be used to fund and maintain the Health Service GP practice and associated assets in Southern Cross.*

Unspent Grant Reserve

Purpose: Special Purpose

- *To provide adequate record keeping and disclosure of tied grants received, the source of funds and related expenditure.*

HVRIC Reserve

Purpose: Special Purpose

- *To provide adequate disclosure of funds received under the HVRIC and the relevant road that funds are to be expended on.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	8.4
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th July 2011

Comment

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 June 2011:

- Rates Receipt Statement (prepared to 30th June 2011)
- Statement of Investments,
- Amalgamation Financial Summary
- Monthly Statement of Financial Activity

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.

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Statutory Environment

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

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Recommendation

That the Various Financial Reports for the period ending 30th June 2011 as presented, be received.

Voting Requirements

Simple majority required

162/2011

Moved Cr Kenward seconded Cr J Della Bosca that the Various Financial Reports for the period ending 30th June 2011 as presented, were received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	8.5
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:	6 th July 2011

Background

Municipal Fund – Cheque Numbers 36735 to 36883 totalling \$751,391.94 Municipal Fund – Cheque Numbers 995 to 997 totalling \$62,050.00, Trust Fund – Cheque Number 401931 to 401937, totalling \$5,332.77 and Trust Fund – Cheque Numbers 5736 to 5739 (DPI Licensing), totalling \$99,477.05 are presented for endorsement as per the submitted list.

Statutory Environment

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

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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

Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 36735 to 36883 totalling \$751,391.94 Municipal Fund – Cheque Numbers 995 to 997 totalling \$62,050.00, Trust Fund – Cheque Number 401931 to 401937, totalling \$5,332.77 and Trust Fund – Cheque Numbers 5736 to 5739 (DPI Licensing), totalling \$99,477.05 are presented for endorsement as per the submitted list.

Voting Requirements

Simple majority.

163/2011

Moved Cr W Della Bosca seconded Cr Auld that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 36735 to 36883 totalling \$751,391.94 Municipal Fund – Cheque Numbers 995 to 997 totalling \$62,050.00, Trust Fund – Cheque Number 401931 to 401937, totalling \$5,332.77 and Trust Fund – Cheque Numbers 5736 to 5739 (DPI Licensing), totalling \$99,477.05 are presented for endorsement as per the submitted list.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council, Friday 15th July 2011
Agenda Reference:	Works 9:1
Subject:	Council Road Inspection
Location/Address:	N/A
Name of Applicant:	N/A
File reference:	12809
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	7 th July 2011

Background

Approximately every two years a road inspection of the Yilgarn Shire District is carried out by Council (the last road inspection was in 2008). The road inspection will give Councillors the opportunity to generate discussion in relation to heavy haulage routes, visit specific problem areas of which are included in the 20011/2012 Draft Budget consideration and re-visit road construction works from previous years.

The following council staff will be participating in the road inspection to answer any questions generated from the road inspection:

Jeff Sowiak	Chief Executive Officer
Vivienne Murty	Deputy Chief Executive Officer
Wendy Dallywater	Manager of Environmental Health & Building Services
Robert Bosenberg	Manager of Works

Comment

The road inspection will go for approximately six hours traveling some 350 kilometres. It is proposed to have lunch en-route (possibly Moorine Rock).

Appendix 1 shows the proposed route. Councillors are asked to have input into date of the road inspection and the route if they require to, visit problem areas not covered in the proposed route. The itinerary will be finalised following Council discussion on the proposed road inspection.

Submitted for Council Information

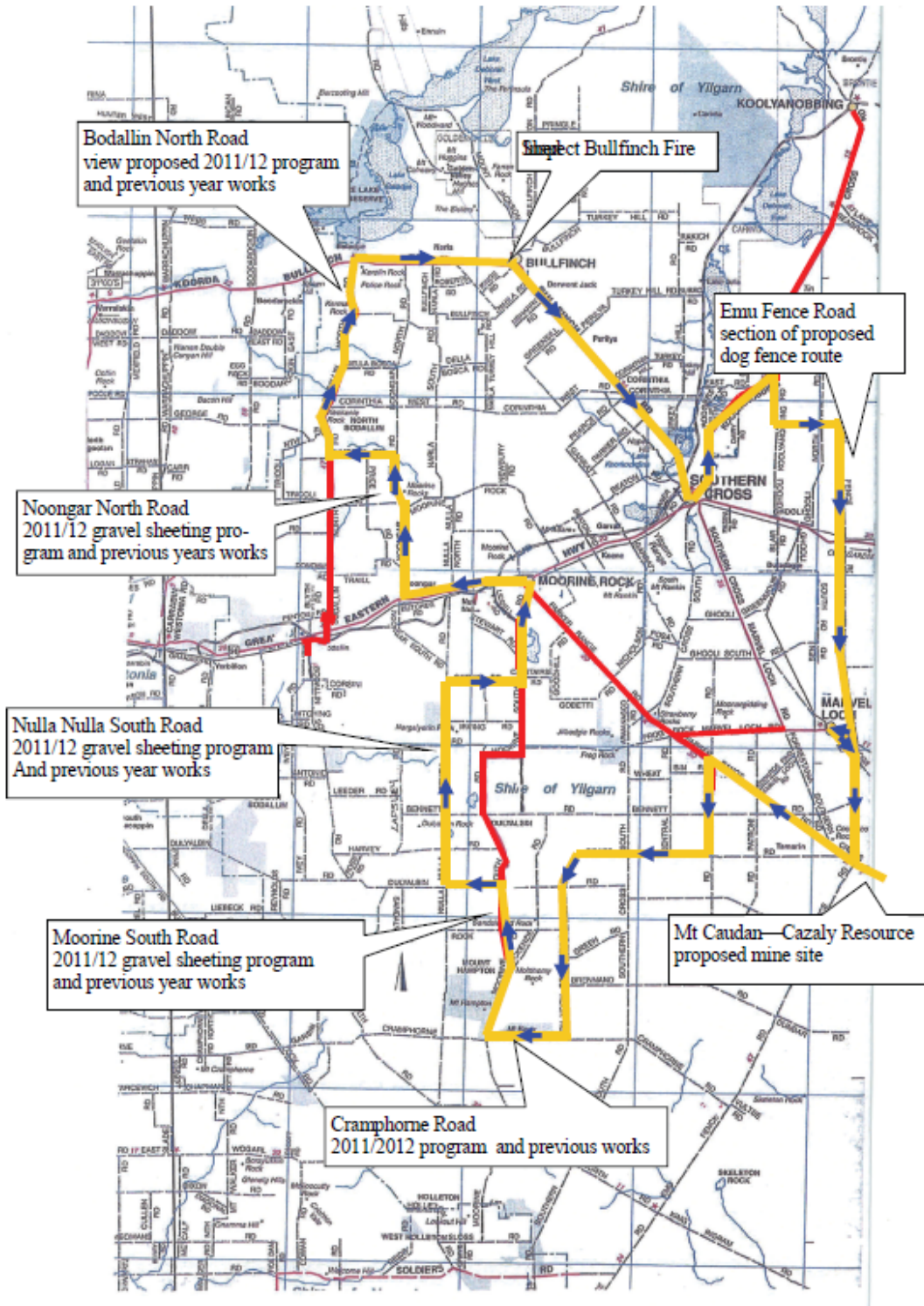
164/2011

Moved Cr W Della Bosca seconded Cr Kenward that Council accepts the proposed Road Inspection Route in principle and will defer decision of the date for the District Inspection to the next Council meeting.

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“APPENDIX 1”

(Proposed Road Inspection Route)



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Submission to:	Ordinary Meeting of Council – Friday 15 th July, 2011
Agenda Reference:	10.1
Subject:	Planning Application – Install Second-hand Transportable Unit as Caretaker’s Accommodation Dwelling
Location/Address:	Lot 860 Corner Procyon & Regulus Streets, Southern Cross
Name of Applicant:	Mr Ray J Nunn
File Reference:	4.2.1.1
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	5 th July, 2011

Background

Mr Ray J Nunn has written to Council seeking approval to locate a second-hand transportable unit from a caravan park on his son’s (Mr Brendan Robert Nunn) property of Lot 860 corner Procyon & Regulus Streets, Southern Cross. The unit is to accommodate Mr Ray Nunn and he will act as caretaker for his son’s property. See attached Mr Ray Nunn’s letter with mud-map showing a rough indication of where he would like to site the proposed caretaker’s dwelling.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 Lot 860 Procyon Street is zoned “Industrial”. Clause 5.3 of the Town Planning Scheme states that Council approval is required for the use of all second-hand buildings. Under Clause 3.2.2 and Table 1 - Zoning Table a Caretaker’s Dwelling on land zoned “Industrial” has an ‘AA’ symbol which “means that the use is not permitted unless the Council has granted planning approval.” The application does not require public comment.

Clause 5.4 Caretakers’ Dwelling in the Southern Cross townsite states:-

“This clause applies only to land in the Industrial zone within the Southern Cross townsite.

- (a) a caretakers’ dwelling is not to be developed and/or occupied on a lot unless that lot is used and developed with an industry, business, or office in accordance with the provisions of the Scheme;
- (b) only one caretakers’ dwelling is to be permitted on a lot; for the purpose of this clause “lot” excludes a strata lot or survey-strata lot created under the *Strata Titles Act 1985*;
- (c) a caravan or park home is not to be used as a caretakers’ dwelling for either permanent or temporary occupation;
- (d) a caretakers’ dwelling is to be screened and/or fenced from the street frontage of the lot to the satisfaction of the Council and

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- wherever possible is to be sited at the rear of other buildings on the lot; and
- (e) a caretakers' dwelling is to have a maximum floor area of 100m²."

Under the Town Planning Scheme definitions a "caretakers' dwelling: means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site."

In this instance Lot 860 is only used for the storage of various items and the value of these is uncertain, and there is no office or workshop on the site. It is therefore difficult to realistically state that this proposed dwelling or unit would be a caretaker's dwelling but would be only a residential development for the benefit of Mr Ray Nunn.

Proposed Caretakers' Accommodation Unit

The proposed caretakers' accommodation unit is a second-hand purpose built transportable unit that is or has come from a caravan park, possibly in Perth. It could be a small chalet type that is regularly seen at caravan parks for permanent tenants. These buildings are not "park homes" which can readily be moved by towing, but would be the same as a standard transportable home only smaller. Unfortunately I do not have any other information on the proposed dwelling. As Mr Ray Nunn wants a decision sooner rather than later on the matter I am bringing it to Council for its consideration now.

In the "Industrial" area there are 5 existing caretakers' dwellings/units:-

- Lot 711 Arcturus Street owned by K & R Crafter - caretakers' unit is part of the office building at the front of the lot which Mr Neil Hassett occupies as he operates his transport business from the property;
- Lot 299 Arcturus Street owned by Forman Brothers - caretakers' dwelling is at the front of the property and is occupied by an employee of the company;
- Lot 864 Arcturus Street owned by JBW Nominees - there is a caretakers' dwelling that faces onto Regulus Street (centre of lot) which is occupied by an employee of the company;
- Lot 101 Arcturus Street owned by Mr Vernon Strange - there is a caretakers' dwelling at the front (eastern side) of the lot which is privately rented to young men who are not employed by the company;
- Lot 950 Arcturus Street owned by Mr Leon Marsh - there is a caretakers' unit situated next to the large metal workshop and is occupied by an employee of the company.

General Development Issues

- a) Minimum Setbacks from Boundaries

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Under the Shire's Town Planning Scheme Mr B Nunn's land use is best described as "Industry General" as the property is used to store various items of plant and equipment. Table 2 - Development Table states that the minimum setbacks for buildings from boundaries is -

Front boundary - 7.5m

Rear boundary - 7.5 m

Side boundaries - as per Council's determination.

I would recommend that for the minimum side boundary setback that it should be 4.0m for the east boundary fronting onto Regulus Street, and a minimum of 3.0m for the west boundary.

Mr Nunn will need to meet the above minimum setbacks for the proposed caretaker's dwelling.

b) Minimum Landscaping Area

Table 2 of the Scheme states that for Industry General there should be a minimum of 15 per cent of the lot should be landscaped to Council's requirements.

- *Council may wish to reduce the amount of landscaping required in this instance as Procyon Street is not a main street.*

c) Minimum Car Parking Bays

Table 2 of the Scheme states that for Industry General that for every 2 employees there shall be 1 car parking bay provided on the site.

In this instance there are no employees, only Mr Ray Nunn and sometimes Mr Brendan Nunn.

The Manager Environmental Health & Building Services believes that this will not be a caretaker's dwelling as there are no current plans by Mr Brendan Nunn to build on the site. Mr Ray Nunn suggested when I spoke to him that apart from the items already stored on the site, he would be caretaking his son's truck when it is in Southern Cross, and also that his son may put in a crop on the land (not an industrial activity). It would appear that Mr Ray Nunn is attempting to find somewhere in town to live without having to purchase land or to rent a property.

Mr Ray Nunn has advised that he is willing or has sold his property in Perth and wants to move back to Southern Cross where he wishes to live out his last days. To quote Mr Ray Nunn - "I was born on Southern Cross and I want to die in Southern Cross."

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Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council not grant planning approval to Mr Ray J Nunn to locate a transportable dwelling or unit on Lot 860 corner Procyon & Regulus Streets, Southern Cross for the purpose of a caretaker's accommodation dwelling as there is no industrial office or workshop located on the site and Mr Nunn is encouraged to find a lot zoned "Residential" for the purpose of building or locating the proposed dwelling/unit.

Voting Requirements

Simple Majority.

165/2011

Moved Cr Kenward seconded Cr Truran that Council does not grant planning approval to Mr Ray J Nunn to locate a transportable dwelling or unit on Lot 860 corner Procyon & Regulus Streets, Southern Cross for the purpose of a caretaker's accommodation dwelling as there is no industrial office or workshop located on the site and Mr Nunn is encouraged to find a lot zoned "Residential" for the purpose of building or locating the proposed dwelling/unit.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th July, 2011
Agenda Reference:	10.2
Subject:	Planning Application – Advertising Road Sign
Location/Address:	Lot 4 McInnes Street, Moorine Rock
Name of Applicant:	Greg Rowe & Associates – Mr Ben Carter, Town Planner
File Reference:	4.2.1.1
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	5 th July, 2011

Background

The Shire has received a planning or development application from Greg Rowe & Associates who are acting on behalf of their client Paramount Outdoor of Perth. The application is to erect one advertising sign 8.3 metres wide x 2.2 metres high sign board which will be fixed to 2 steel posts with the distance from the ground to the bottom edge of the sign board being 2.0 metres. The sign will have static advertising on both sides of the sign board with one side advertising the Office of Road Safety's road safety messages for whichever campaign is relevant at the time, and the other side of the sign board will advertise rural type businesses.

The proposed sign is to be erected in the south-east corner of Lot 4 McInnes Street, Moorine Rock. It is proposed that the edge of the sign will be 2.0 metres from the front north boundary and 2.0 metres from the east boundary. Mr & Mrs Gary & Karen Webb are the owners of Lot 4, they are aware of the application and have signed a consent form agreeing to the sign being erected on their land.

See attached copy of the application and location map.

Comment

Town Planning Scheme – Advertising Signs Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 clause 5.2 advertising signs require prior approval from Council. Under the Shire's Town Planning Scheme the definition of –

an advertisement

“means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or

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direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements."

a sign

"means a notice, message or display by means of a freestanding or fixed sign or hoarding."

Town Planning Scheme – Zoning Issues

Under the Shire's Town Planning Scheme No 2 Lot 4 McInnes Street, Moorine Rock is currently zoned "Townsite". While the Webbs own the Moorine Rock Store situated on Lot 5, it is not expected that there will be advertising on the proposed sign for the Moorine Rock Store. This is not the primary reason for installing the sign. There is no restriction on the zoning of land where signs can be erected.

The Proposed Advertising Sign

The proposed sign being 8.3m wide x 2.2m high on 2 posts with a head clearance of 2.0m above the ground is the same as the sign recently erected on Lot 32 corner Corboy & Chadwick Streets, Bodallin.

I have telephoned the Department of Main Roads in Northam and Perth with regards to this application and have been advised that the previous Minister for Roads amended legislation governing this type of advertising signs and the role that Main Roads had in controlling them. Main Roads is aware of this application.

In regards to the proposed position of the advertising sign on Lot 4 it will not interfere with visibility of drivers of vehicles on either the Great Eastern Highway, McInnes Street, or turning out of Driver Street. Two or three trees may need to be removed in order to allow for the structure to be built and for the signs to be visible to passing motorists.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Main Roads (Control of Signs) Regulations 1983, and the Main Roads' Guide to the Management of Roadside Advertising.

Policy Implications

Council Policy 5.4 Advertising Signs states –

"The erection of any signs, whether on public or private land, requires the approval of Council, under clause 5.2 Control of Advertisements of the Shire of Yilgarn Town Planning Scheme No 2 (or as amended) and Main Roads WA Advertising Sign Guidelines.

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Generally, the application needs to consist of a letter to Council detailing the reason for the sign, where it is proposed to be located, what it is made of, and the design/wording/colour scheme on the sign. Signs are to be professionally made and painted. They are to be erected in accordance with best practice, the Building Code of Australia, or as directed by the Shire."

The Policy also covers Sponsor's Signs for community and sporting events, which is not applicable in this case.

Financial Implications

Nil

Recommendation

That Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 4 McInnes Street, Moorine Rock with a setback of 2.0m from the front (north) boundary and east side boundary for the purpose of advertising the Office of Road Safety road safety messages, plus advertising various rural type business to passing travellers on the condition that:-

- 1) that approval is obtained from Main Roads WA for the sign,
- 2) the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,
- 3) the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,
- 4) the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, is to include the sign on its' Public Indemnity Insurance Cover, and a copy of the cover note confirming this is to be forwarded to the Shire for its records.

Voting Requirements

Simple Majority.

166/2011

Moved Cr Pasini seconded Cr Truran that Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 4 McInnes Street, Moorine Rock with a setback of 2.0m from the front (north) boundary and east side boundary for the purpose of advertising the Office of Road Safety road safety messages, plus advertising various rural type business to passing travellers on the condition that:-

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- 1) *that approval is obtained from Main Roads WA for the sign,*
- 2) *the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,*
- 3) *the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,*
- 4) *the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, is to include the sign on its' Public Indemnity Insurance Cover, and a copy of the cover note confirming this is to be forwarded to the Shire for its records.*

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 15 th July 2011
Agenda Reference:	10.3
Subject:	Application to Clear Native Vegetation
Location/Address:	Exploration Lease E77/1362 both sides of section of the Banker Mount Day Road, Parker Range - CPS 4423/1
Name of Applicant:	Department of Mines and Petroleum, Native Vegetation Assessment Branch - Mr Ryan Mincham
File Reference:	7.2.1.20
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th July, 2011

Background

The Department of Mines and Petroleum (DOMAP) has received an application from Gondwana Resources Ltd - Parker Range Project to clear 1.42 hectares of native vegetation under the Environmental Protection Act 1986. The reason for the clearing is to allow for mineral exploration work to be carried out over this area.

DOMAP is seeking Council's comments on this application prior to making a decision whether to issue a permit or not. Comments are to be received within 21 days from the date of the letter which is the same day as this Council Meeting. See attached letter, aerial photograph, and map.

Comment

The proposal is to provide clear areas within Exploration Licence E77/1362 to allow for drilling machinery to access the required areas to carry out exploration drilling. According to the maps provided there is an access track and two lines where exploration drilling will occur. The majority of the

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native vegetation in this area will be untouched. If further drilling or mining activity does not occur, the native vegetation will readily regenerate over the proposed cleared areas.

Statutory Environment

Compliance with the Environmental Protection Act 1986.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Department of Mines and Petroleum that it has no objections to Gondwana Resources Ltd clearing 1.42 hectares of native vegetation to allow for mineral exploration activities off the Banker Mount Day Road, Parker Range as indicated on the map provided.

Voting Requirements

Simple Majority.

167/2011

Moved Cr W Della Bosca seconded Cr Kenward that Council advise the Department of Mines and Petroleum that it has no objections to Gondwana Resources Ltd clearing 1.42 hectares of native vegetation to allow for mineral exploration activities off the Banker Mount Day Road, Parker Range as indicated on the map provided.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	10.4
Subject:	Applications to Conduct Exploration Drilling – Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	Tenement Administration Services on behalf of Musketeer Minerals Pty Ltd; McMahon Mining Title Services Pty Ltd on behalf of HR Forrestania Pty Ltd (2 Applications); M&M Walter Consulting Tenement & Native Title Management on behalf of Formula Resources Pty Ltd; Austwide Mining Title Management Pty Ltd on behalf of Kagara Nickel Pty Ltd; Austwide Mining Title Management Pty Ltd on behalf of WA Salt Koolyanobbing Pty Ltd; and Austwide Mining Title Management Pty Ltd on behalf of AFL Resources Pty Ltd (3 Applications)
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th July, 2011

Background

- 1) Tenement Administration Services (TAS) has submitted an application on behalf of Musketeer Minerals Pty Ltd for Exploration Licence E77/1956 which extends north and east of the Marvel Loch townsite. Within this exploration area are the following Council roads – Emu Fence Road, Marvel Loch – Yellowdine Road, Unnamed Road No 4835, and Unnamed Road No 6168. There are four areas of concern – firstly the Marvel Loch Landfill Site looks to be within E77/1956, as is the Marvel Loch Airstrip, a gravel pit, and the Emu Fence Road is the proposed route for the new Dog Fence which will possibly have no provision for any gateways. See attached letter, application and map.
- 2) McMahon Mining Title Services Pty Ltd has submitted two applications on behalf of HR Forrestania Pty Ltd for –
 - a) Exploration Licence E77/1959 which extends to the east of the old Holleton townsite. Within this exploration area are the following Council roads – Meranda North Road, Moorine South Road, and

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Southern Cross South Road. E77/1959 also extends into parts of Reserve 34776 Neendojer Rock Nature Reserve and Reserve 30305 Welsh Nature Reserve. Both of these Reserves are for the purpose of Conservation of Flora & Fauna. There are a number of gravel pits within this area that will need to be preserved.

- b) Exploration Licence E77/1960 which extends west of Mount Holland and within this exploration area are 2 unnamed roads west off the Forrestania Southern Cross Road, Mount Holland. See attached letter, applications and maps.

- 3) M & M Walter has submitted an application on behalf of Formula Resources Pty Ltd for Exploration Licence E77/1964 which is north of the old Mt Colreavy townsite. Within this exploration area are the following Council roads - Mount Jackson Road, and a road that forks off the Mount Jackson Road and lies west of the Mount Jackson Road. See attached letter, application and map.

- 4) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Kagara Nickel Pty Ltd for Exploration Licence E77/4067 which lies within Reserve 24049 Jilbadji Nature Reserve for the purpose of Conservation of Flora & Fauna. Within this exploration area are the following Council roads - none. See attached letter, application and map.

- 5) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of WA Salt Koolyanobbing Pty Ltd for Exploration Licence 77/1968 which extends to the west and north of its existing mining operation on Lake Deborah East, Koolyanobbing. Within this exploration area are the following Council roads - none. See attached letter, application and map.

- 6) Austwide Mining Title Management Pty Ltd has submitted 3 applications on behalf of AFL Resources Pty Ltd for -
 - a) Exploration Licences E77/1974 which lies to the north-east of Mt Holland and within this exploration area are the following Council roads - an unnamed road that extends east of the Forrestania Southern Cross Road.
 - b) Exploration Licence E77/1975 which lies to the south of Mt Holland and within this exploration area are the following Council roads - Forrestania Southern Cross Road.
 - c) Prospecting Licence P77/4068 which lies east of Mt Holland and within this prospecting area are the following Council roads - an

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unnamed road that extends east of the Forrestania Southern Cross Road. The location of the Holland Track is in the vicinity of this licence area. See attached letters, applications and maps.

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.

Of the abovementioned applications there are 4 companies with exploration and prospecting 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;

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- 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 provided comments on each, and has advised that there have been several reports of drilling companies having total disregard for farm fencing and water piping - being cut and run over, and do not report any damage or carry out any repairs.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council grants approval to Tenement Administration Services for Musketeer Minerals Pty Ltd (E77/1956), McMahon Mining Title Services Pty Ltd for HR Forrestania Pty Ltd (E77/1959 & E77/1960), M & M Walter Consulting Tenement & Native Title Management for Formula Resources Pty Ltd (E77/1964), and Austwide Mining Title Management Pty Ltd E77/1974, E77/1975, & P77/4068) to carry out drilling along sections of Council controlled road reserves with their respective Exploration/Prospecting 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 banded 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.;
- 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;
- 12) That no drilling is to occur within Shire landfill sites, gravel pits, airstrip property, or affect any state vermin proof fence in any way.

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Voting Requirements

Simple Majority.

168/2011

Moved Cr Pasini seconded Cr Auld that Council grants approval to Tenement Administration Services for Musketeer Minerals Pty Ltd (E77/1956), McMahon Mining Title Services Pty Ltd for HR Forrestania Pty Ltd (E77/1959 & E77/1960), M & M Walter Consulting Tenement & Native Title Management for Formula Resources Pty Ltd (E77/1964), and Austwide Mining Title Management Pty Ltd E77/1974, E77/1975, & P77/4068) to carry out drilling along sections of Council controlled road reserves with their respective Exploration/Prospecting 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 banded 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.;*
- 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;*
- 12) That no drilling is to occur within Shire landfill sites, gravel pits, airstrip property, or affect any state vermin proof fence in any way.*

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th July 2011
Agenda Reference:	10.5
Subject:	Draft Model Waste Local Law
Location/Address:	Western Australia
Name of Applicant:	West Australian Local Government Association (WALGA)
File Reference:	1.6.21.1
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th July, 2011

Background

The West Australian Local Government Association (WALGA) in conjunction with the Department of Environment and Conservation (DEC) has developed a proforma Draft Waste Local Law for inclusion in the WALGA Local Laws Manual which individual local governments can adopt and amend slightly to reflect local circumstances under the Waste Avoidance and Resource Recovery (WARR) Act on the condition that the Director General of DEC approves the amendments.

WALGA is circulating the Draft Waste Local Law seeking local government comment by 22nd July 2011. See attached copy of the document.

Comment

Local government is encouraged to adopt its own local law relating to waste and this may be a suitable model to use for the Shire.

The Draft Model Waste Local Law is a good basic format that will allow local governments to amend sections to reflect the local situation.

Sections 39 to 48 of Division 2 – Disposal of Refuse in the Shire of Yilgarn Health Local Laws 1997 will need to be repealed if Council wishes to adopt or use the Model and develop its own Waste Local Laws.

Statutory Environment

Compliance with the Waste Avoidance and Resource Recovery Act 2007.

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

For Council's information and comment.

Received

Submission to:	Ordinary Meeting of Council – Friday 15 th July, 2011
Agenda Reference:	10.6
Subject:	Prostitution Bill 2011 – Public Comment Period
Location/Address:	Western Australia
Name of Applicant:	Treasurer; Attorney General – Hon C Christian Porter MLA
File Reference:	2.3.2.12
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th July, 2011

Background

The Hon Christian Porter has written to all local governments advising them of the State Government's position and its intent to pass new legislation governing prostitution in Western Australia. The Prostitution Bill 2011 is currently open for public comment which finishes on 29th July 2011. Attached is a copy of the cover letter and a Summary of Key Clauses of the Prostitution Bill 2011.

Comment

The following are the main points of the Draft Prostitution Bill 2011:-

- ❖ All premises, managers, operators, and prostitutes of brothels will need to be licensed with the Department of Racing, Gaming & Liquor;
- ❖ A licence for a brothel will not be issued without evidence of local government planning approval for the premises;
- ❖ Police will have the power to enter a brothel other than a residence if a complaint has been received from the public or local government;
 - The police are the right people to handle most complaints whether from the public or local government. In terms of a town planning issue the police may wish take a local government members with them which would be appropriate.

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- ❖ Licenses must be displayed;
- ❖ Operators, managers and prostitutes must be at least 18 years or age, an Australian citizen or permanent resident, ordinarily resident in Western Australia; have no relevant criminal offences and otherwise be of good standing;
- ❖ Stringent probity checks may occur where considered reasonably necessary and will apply include palm prints and fingerprints;
- ❖ Police can issue “closure notices” restricting persons other than the owner or occupier of the premises from entering or remaining on the premises which is believed to be an unlawful prostitution premises.
 - Effectively this closes the premises immediately while the prosecution process to convict the owner or manager or operator or all three of an offence under the legislation will take some time. This would be seen as a positive step.
- ❖ No premises to be used for prostitution will be permitted on land in a residential area or special use area;
 - Special use areas are schools, playgroups, child care facilities, hospitals, nursing care homes, churches, and the like.
- ❖ Local government may grant planning approval for a brothel on land other than residential or special use areas;
 - Generally brothels are encouraged to be located in commercial or industrial areas.
- ❖ Local governments can not amend town planning schemes to prevent premises from being prohibited in other areas.
 - The legislation is saying that it accepts that brothels are part of the community and therefore there needs to be somewhere for them to go.
- ❖ A brothel outside of the City of Perth area can not be within 100m of a residence or 200m of a protected place;
 - There are no brothels that I am aware of within the Yilgarn area, however, there are individuals that may participate or engage in prostitution within their or others’ homes. This is hard to establish evidence of the fact and to police.
- ❖ Existing brothels situated in inappropriate locations may be permitted to continue to operate for up to 18 months if the Department is satisfied that the business is not cause a distance or affecting the amenity of the area.
 - This will affect the three Hay Street brothels in Kalgoorlie which is why the City of Kalgoorlie-Boulder has lodged comment with the Minister this week.
- ❖ A person who engages in an act of prostitution with a person they know or believe is coerced commits an offence punishable by up to 14 years

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- imprisonment, or if the prostitute is a child or an incapable person then the punishment is up to 20 years;
- ❖ A person who causes, permits or induces a child to act as a prostitute commits a crime which is punishable by imprisonment of up to 14 years.
 - This punishment should be at least the same as for a person who engages in the act with a child - that is imprisonment up to 20 years if not more.
 - ❖ Children are not to work within the prostitution business or be permitted to be on the premises of the business;
 - ❖ It is an offence for a person to engage in an act of prostitution without using a condom or other appropriate barrier to STIs.
 - This is a start but there should also be a requirement for prostitutes to have monthly medical checkups which should be paid for by the business - this protects the prostitutes and the business.
 - There should also be some guidelines set down by the Health Department on who the brothel should be operated in order to reduce the risk of catching/picking up a contactable or infectious disease.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

<p>Recommendation</p>

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

Received

There being no further business to discuss, the Shire President declared the meeting closed at 4.45pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 15th July 2011, are confirmed on Friday the 19th August 2011 as a true and correct record of the July Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT