

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 16<sup>th</sup> December 2011.

**PRESENT**

Cr P Patroni, Shire President  
Crs W Della Bosca, D Auld, J Della Bosca, D Pasini, O Truran

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

The meeting was declared open for business at 2.05 pm.

**PUBLIC QUESTION TIME**

The Shire President observed that there was a deputation of 6 members of the public present in the chamber supporting a petition that had been circulated to Councillors with respect to item 10.1 Application for Change of Zoning Commercial Property at Bullfinch. He invited representatives to speak to the issue. Mr Ken Taylor and Ms Wendy Carol spoke in support of the petition to maintain the current Zoning for the hotel and their desire for the Hotel to be re-opened. The deputation was advised that this matter was on the agenda for the Council meeting and that the recommendation was that there is no change to the current zoning.

**APOLOGIES AND LEAVE OF ABSENCE**

None

**DISCLOSURES OF INTEREST**

None

**CONFIRMATION OF PREVIOUS COUNCIL MINUTES**

**249/2011**

*Moved Cr W Della Bosca Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 18<sup>th</sup> November 2011, be confirmed as a true and correct record of that meeting.*

**CARRIED (6/0)**

**WESTONIA YILGARN REGIONAL COUNCIL MEETING MINUTES**

**250/2011**

*Moved Cr Truran Seconded Cr Pasini that the minutes of the Westonia Yilgarn Regional Council Meeting held on the 14<sup>th</sup> November 2011 be received.*

**CARRIED (6/0)**

**AUDIT COMMITTEE MEETING MINUTES**

**251/2011**

*Moved Cr Truran Seconded Cr J Della Bosca that the minutes of the Audit Committee Meeting, held on 18<sup>th</sup> November 2011, be received.*     **CARRIED (6/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**SHIRE OF YILGARN ANNUAL ELECTORS MEETING MINUTES**  
**252/2011**

*Moved Cr Auld Seconded Cr J Della Bosca that the minutes of the Shire of Yilgarn Annual Electors Meeting, held on 18<sup>th</sup> November 2011, be received.*

**CARRIED (6/0)**

**YILGARN YOUTH, SPORT AND RECREATION ADVISORY COMMITTEE**  
**MEETING MINUTES**

Cr Truran advised that the subcommittee looking at the new playground for the Recreation Precinct had met earlier in the day and are close to making a recommendation to Council concerning the contract. Also the committee is very happy with progress on the building works.

**253/2011**

*Moved Cr Truran Seconded Cr J Della Bosca that the minutes of the Yilgarn Youth, Sport and Recreation Advisory Committee Meeting, held on the 21<sup>st</sup> November 2011, be received.*

**CARRIED (6/0)**

**WEROC EXECUTIVE MEETING MINUTES**

**254/2011**

*Moved Cr W Della Bosca Seconded Cr Auld that the minutes of the WEROC Executive Meeting, held on the 23<sup>rd</sup> November 2011, be received.*

**CARRIED (6/0)**

**GECZ WALGA MEETING MINUTES**

**255/2011**

*Moved Cr Truran Seconded Cr Pasini that the minutes of the GECZ WALGA Meeting, held on the 24<sup>th</sup> November 2011, be received.*

**CARRIED (6/0)**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:**

The Shire President advised the following:-

- Banners in the terrace, Stacey will communicate with the schools and organise to participate.
- WALGA reform bill – Reforms have largely gone through Parliament and that the Minister is keen to have the provisions for a poll repealed.
- Strategic Planning workshop in Merredin on the 7<sup>th</sup> February, suggested that it is important for Councillors to learn about the integrated strategic planning. The SP indicated that he would be attending.
- Regional Road Grants – reminder to MW that all records need to be submitted.
- State Road Forum - 4<sup>th</sup> May 2012 in Burswood, SP & MW to attend.
- Attended the District school end of year graduation.
- Attended St Barbara Mines Xmas function

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

- Attended the Shire of Westonia Xmas function, there was a good atmosphere, the three new Councillors have fitted in well and the merger seems far more positive now than for some time.
- Senior Citizen Dinner – was well attended (105) and enjoyed by all.
- Great Western Woodlands ; Referred to article in Kalgoorlie Miner concerning an application by the Humane Society International to have this area included in the World Heritage List. Concerned that this group is based in Sydney and there was no discussion or notification to Council or opportunity for Council to make comment on the proposal. He asked the CEO to follow up this matter and write to request that before the WW tenure is changed that Council needs to be consulted.
- Health Advice Line: Noted that the Commonwealth Government has established a 24 hour health advice line and asked if the information can be advertised locally as it can be very helpful resource.

Cr Truran;

- Meeting with Dr Graham Jacobs to accept the presentation of the Lotterywest cheque for the Recreation precinct playground.
- Raised with Dr Jacobs the Primary Health Care initiative and asked him to follow up on this.
- Attended the Wheatbelt Development Commission CLGF review. Has been nominated for a Health working group to examine opportunities for aged care in the Wheatbelt. Ms Linda Leonard, Manager of the CLGF program indentified the Council's submission on the dog fence as being a good example of an application.

Cr Auld:

- Attended the Moorine Rock Primary School end of year graduation night which was well attended and Noah Della Bosca won the Yilgarn Shire Book Award.
- Skeleton Weed State Committee : Indicated that there has been a substantial find in the Geraldton area. The issue of bed straw is being discussed at the State level.

Cr W Della Bosca:

- FESA Radio network: The new FESA radio system is working well.
- Skeleton Weed monitoring: Mr Robbie Della Bosca who indicated new pockets are being found around our district.

<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	7.1
<b>Subject:</b>	<b>Pest Plants Local Laws</b>
<b>File Reference:</b>	7.1.1.1
<b>Author:</b>	Jeff Sowiak - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 <sup>th</sup> November 2011

**Background**

There has been some discussion about the possibility of passing a Local Law to deal with the enforcement of control measures with respect to Caltrop, within town areas and Skeleton weed control within the Shire.

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

**Comment:**

Council has the power under the Agriculture and Related Resources Protection Act to prescribe any plant, other than a Declared Plant, to be a Pest Plant in order to compel landowners to take action to control or eradicate such plants, within a particular township or area or across the whole Shire.

There are a number of Local Governments across the State who has used this power to control particular pest plants including Caltrop, on both public and private lands, within certain areas, as a community service.

The effect of such a Local Law would be to empower Authorised Officers to serve notices on landowners to spray or remove such pest plants from their land and if they do not do so , to empower the Council to enter upon the land and carry out such destruction at the land owners expense.

The Council can only pass a Local Law with respect to plants that are not “Declared species” under the Agriculture and Related Resources Protection Act 1976.

In this regard Skeleton Weed (*Chondrilla juncea*) is a “Declared Species” within the Shire of Yilgarn. The method of control prescribed for this plant is referred to in the Declared Species list as being P1 & P3, which means that the control method adopted is to prohibit its movement and to control it by reducing the number, or distribution of the plant or both. The Department of Agriculture and Food WA, have officers who are authorised to serve notices on landowners to take action to report and spray Skeleton weed. Council has a local committee that administer funds for this on behalf of the DAFWA and the operations are directed through that process.

If there are issues about the effectiveness or efficiency of the processes established by DAFWA for dealing with the control of Skeleton Weed then that organisation, is the only organisation with legislative power to resolve those issues.

It is however possible for the Council to adopt a Pest Plant Local Law with respect to the control of Caltrop (*Tribulus terrestris*). Before doing so, it is necessary to identify the area to which the Local Law will apply and the nature and purpose of the local law. Having done this, there is a requirement to advertise the proposal and seek public comment and then to prepare a submission to DAFWA for approval to the draft Local Law prior to adoption and publication.

It is suggested that the Pest Local Law could be prepared to address the following:

**Purpose:** To provide for the destruction, eradication or control of pest plant species within the Shire of Yilgarn.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Effect:** To establish requirements to enforce the destruction, eradication or control of pest plants within the Shire.

**Pest Plant Species:** Caltrop (*Tribulus terrestris*)

**Area of control :** Town areas within the Shire of Yilgarn as determined by Council.

**Statutory Environment**

Local Government Act Part 3.

**Section 109 the *Agriculture and Related Resources Protection Act 1976***

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendations**

That Council receive the report and authorise the processes for the proclamation of a Pest Plant Local Law within the Shire of Yilgarn.

**Voting Requirements**

Simple Majority

The report was noted and Council asked if some information on the control of Caltrop could be placed in crossword and notice boards etc.

**256/2011**

*Moved Cr W Della Bosca Seconded Cr Truran that Council prepare an information sheet on the control of Caltrop and advertise through Crosswords etc.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council - 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	7.2
<b>Subject:</b>	<b>Emergency Management Arrangements</b>
<b>File Reference:</b>	5.1.4.1
<b>Author:</b>	Jeff Sowiak - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 <sup>th</sup> November 2011

**Background**

The Shires of Westonia and Yilgarn have formed a combined Local Emergency Management Committee that has prepared an Emergency Management Plan and Recovery Plan that have been approved by the District Emergency Management Committee for adoption by the two Local Governments.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Comment:**

Local Governments are required to have in place Emergency Management Arrangements for their district in accordance with the provisions of the Emergency Management Act 2005. (EM)

The purpose of the Emergency Management Arrangements are to set out:

- a) the local government's policies for emergency management;
- b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
- c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph b);
- d) a description of emergencies that are likely to occur in the local government district;
- e) strategies and priorities for emergency management in the local government district;
- f) other matters about emergency management in the local government district prescribed by the regulations; and
- g) Other matters about emergency management in the local government district the local government considers appropriate". (s. 41(2) of the Act).

The Emergency Management Arrangements (i.e Plan) have been developed over the past 12 months and comply with the current guidelines as required under the EM Legislation. They have also been approved by the District Emergency Management Committee for endorsement by Council. The structure of the plan is such that changes to contact personnel or facilities can be updated to the schedules as required from time to time.

**Statutory Environment**

Emergency Management Act 2005

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation:**

That Council under authority of S41(1) of the Emergency Management Act 2005 formally endorses the Emergency Management Arrangements for the Shires of Westonia and Yilgarn as tabled.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Voting Requirements**

Simple Majority

**257/2011**

*Moved Cr Truran Seconded W Della Bosca that Council under authority of S41(1) of the Emergency Management Act 2005 formally endorses the Emergency Management Arrangements for the Shires of Westonia and Yilgarn as tabled.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	7.3
<b>Subject:</b>	<b>Emergency Management Recovery Plan</b>
<b>File Reference:</b>	5.1.4.1
<b>Author:</b>	Jeff Sowiak - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	17 <sup>th</sup> November 2011

**Background**

The Shires of Westonia and Yilgarn have formed a combined Local Emergency Management Committee that has prepared a Recovery Plan that has been approved by the District Emergency Management Committee for adoption by the two Local Governments.

**Comment:**

Local Governments are required to have in place Emergency Management Arrangements and Recovery Plan for their district in accordance with the provisions of the Emergency Management Act 2005. (EM)

The objectives of the Recovery Plan are to:

- a. prescribe the organisation, concepts, responsibilities and procedures for the effective management of recovery operations following the impact of an emergency;
- b. establish a basis for coordination between agencies that may become involved in the recovery effort;
- c. provide a framework for recovery operation; and
- d. provide guidelines for the operation of the recovery management arrangements.

This Recovery Plan has been developed over the past 12 months and complies with the current guidelines as required under the EM Legislation. The Plan has been approved by the District Emergency Management Committee for endorsement by Council. The structure of the plan is such that changes to contact personnel or facilities can be updated to the schedules as required from time to time.

**Statutory Environment**

Emergency Management Act 2005

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation:**

That Council under authority of S41(1) of the Emergency Management ACT 2005 formally endorse the Emergency Management Recovery Plan for the Shires of Westonia and Yilgarn as tabled.

**Voting Requirements**

Simple Majority

258/2011

*Moved Cr J Della Bosca Seconded Cr Auld that Council under authority of S41(1) of the Emergency Management Act 2005 formally endorses the Emergency Management Arrangements for the Shires of Westonia and Yilgarn as tabled.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council -16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	7.4
<b>Subject:</b>	<b>Premier's Australia Day Active Citizenship Awards - Nominations</b>
<b>File Reference:</b>	1.3.6.2
<b>Author:</b>	Vivienne Murty - Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	25 <sup>th</sup> November 2011

**Background**

Nominations for the following categories in the Premier's Australia Day Active Citizenship closed on Friday, 25<sup>th</sup> November 2011:-

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award for a person under 25 years; and
- Premier's Australia day Active Citizenship Award for a community group or event.

At the close of nominations two nominations were received for the Premier's Australia Day Active Citizenship Award. There were no nominations for a person under 25 years or for the community group or event.



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Comment:**

The nominees for the above Award have been circulated to Councillors via confidential email and a decision needs to be made which will then allow staff to request the Australia Day Council to prepare the Certificates prior to presentation on 26 January 2010.

Council may wish to resolve in closed committee to discuss and decide upon nominations for the awards or, as has happened in the past, establish a committee comprising the Shire President, Deputy Shire President and CEO to consider and decide upon nominations for Australia Day Awards.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council authorise the Shire President, Deputy Shire President and Chief Executive to meet and decide on nominations for the Premier's Australia Day Active Citizenship Award.

**Voting Requirements**

Simple Majority

The Council received and discussed two nominations for Australia Day awards and determined an award to a community Group the details of which are to be announced on Australia Day.

259/2011

*Moved Cr Truran Seconded Cr J Della Bosca that Council accept one nomination for the Premiers Australia Day award, one nomination for Australia Day Medallion and one nomination for Community Group.*

**CARRIED (6 /0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**LATE ITEM FOR DISCUSSION:**

**Community Funding Application: H.A.Y Committee**

The CEO referred to previous discussions with Council and the H.A.Y committee concerning the Leeuwin Ocean Adventure and the desire to sponsor a local person. Council received a letter from the H.A.Y Committee concerning a nomination and seeking funding for the cost of a registering a local person for the Leeuwin Ocean Adventure. The Letter stated that the cost of registration was \$1,800 and the CEO indicated that funds were available in the Community Grant Program to cover this.

**260/2011**

*Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council accept a late item concerning community funding for the H.A .Y Committee.*

**CARRIED (6/0)**

**261/2011**

*Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council donate \$1,800 to the H.A.Y Committee to enable the Committee to register a local person for the Leeuwin Ocean Adventure.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	8.1
<b>Subject:</b>	<b>Regional Recreation Facility Plan</b>
<b>File Reference:</b>	1.6.9.3
<b>Author:</b>	Vivienne Murty – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	5 <sup>th</sup> December 2011

**Background**

The allocation CSRFF grant funding through the Department of Sports and Recreation (DSR) has been the topic of discussion at many meetings at a local and regional level i.e. Be-active, WEROC and Council.

The former CEO Mr Peter Clarke applied for funding through DSR back in 2009/2010 for the co-location of lawn bowls and tennis to Spica Street. The funding sought at the time was \$1,567,192 to complete stage one of the project which involved the construction of the co-located Clubhouse, Bowling Green/Tennis Courts and floodlighting of the facilities.

Council's application for funding from the CSRFF was successful and a grant was approved for \$500,000 to assist with this project to be claimed in the 2011/2012 financial year. The funding sought was only one third of the grant sought through the CSRFF program and meant that Council needed to review Stage I of the Sporting Precinct Development project due to lack of funding. The Shire of Kellerberrin at the time had also applied for funding and only received one third of what they had asked for, leaving them in the same position as Yilgarn where we had a Recreation project that was only partly funded. At a Be-Active meeting in 2010 these grant funding

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

issues were addressed with Jennifer Collins from DSR and she advised if the Wheatbelt Councils were able to provide DSR with a Regional Recreation Facility Plan then DSR would consider the priority listing for future rounds of funding.

**Comment**

The benefit of having a Regional Recreation Facility Plan developed was discussed at WE-ROC and a quote was sourced through Solum Wheatbelt Business Solutions who was able to develop the plan for \$30,000. WE-ROC applied for \$30,000 in funding through DSR for the Recreation facility study to be conducted with partial success, with a grant of \$10,000 being offered.

At WE-ROC meeting on the 23<sup>rd</sup> November 2011 it was resolved:

**RESOLUTION:**                    **Moved: Darren Mollenoyux    Seconded: Greg Powell**

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**That:**

- 1. the grant of \$10,000 for a Regional Facilities Plan be accepted;**
- 2. the Executive Officer contact Solum to confirm their previous quotation;  
and**
- 3. the Executive Officer write to the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin Westonia and Yilgarn advising of the successful application and indicating that the project requires additional funding from each member Council and seeking confirmation of the continuing support.**

**CARRIED**

Through this proactive process towards planning WE-ROC is hopeful that DSR will fund recreation projects on a priority basis as shown in the Regional Recreation Facility Plan which is based on a needs analysis, instead of giving a little to a lot of Councils, which has been the case in the past, leaving a funding gap.

**Statutory Environment**

None

**Policy Implications**

None

**Financial Implications**

Budget Variation will need to be factored into the Budget review process.

**Strategic Implications**

None

**Voting Requirements**

Simple majority required

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**Recommendation**

That Council endorses the development of the Regional Recreation Facilities Plan through WE-ROC and agrees to assist in funding the gap between the funds provided by the Department of Sport and Recreation (\$10,000) and the cost of preparing the Plan (\$20,000) to the value of \$3,333.00 per Council.

**262/2011**

*Moved Cr W Della Bosca Seconded Cr Auld that Council endorses the development of the Regional Recreation Facilities Plan through WE-ROC and agrees to assist in funding the gap between the funds provided by the Department of Sport and Recreation (\$10,000) and the cost of preparing the Plan (\$20,000) to the value of \$3,333.00 per Council.*

**CARRIED (6 /0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	8.2
<b>Subject:</b>	<b>Shire of Yilgarn &amp; Westonia Land &amp; Building Revaluation</b>
<b>File Reference:</b>	8.2.7.12 & 8.2.3.6
<b>Author:</b>	Vivienne Murty – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	5 <sup>th</sup> December 2011

**Comment**

Over the past few months the Shires of Yilgarn and Westonia have undergone a land and building revaluation through an independent valuation company AVP Valuers and Council is now in receipt of the report (several copies will be tabled at the meeting).

This agenda item will be tabled at both Councils' December Ordinary meetings for approval, as the Regional Council is not scheduled to meet in December, hence slowing down the processing of the report if we wait until January.

This agenda item analyses AVP Valuers' findings and identifies the impact that the information will have on each council relating to insurance premiums and a change from 'Cost' to 'Fair Value' accounting in relation to the Councils' fixed Land and Building assets.

There were several reasons why a land and building asset revaluation was seen as a necessary process leading up to the amalgamation of the two shires. The reasons are as follows:

- ✓ The merged Council's Financial Statements will show a true reflection of the Council worth, in respect to land and buildings as the purpose of a revaluation is to bring into the books a fair market value of Council's fixed assets.
- ✓ The merged Council's building assets will be comprehensively insured at replacement cost and not undervalued, which can be financially crippling in the event of full loss of a building due to fire.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

- ✓ Councillors and staff will have peace of mind that Council's building assets are comprehensively insured.
- ✓ The valuation identified any buildings or improvements that were missed from the insurance schedule.
- ✓ The information collected on the buildings' condition (Good, fair plus, fair, fair minus & poor) will be used as the foundation for the Asset Management module, which will assist in scheduling required building maintenance and prioritising projects, and generally managing Council owned properties better.
- ✓ The information collected from the valuation will form the basis of the land and building section of the Asset Management Plan, which is an informing strategy to the Corporate Business plan. These integrated strategic plans will be a statutory requirement going into 2013.
- ✓ The information received through the valuation is a good tool for Councillors and staff to refer to when identifying buildings and their locations throughout the Shires.

Identified in AVP Valuers Executive Summary they mentioned that the valuation was completed on the 31<sup>st</sup> October 2011 on land, building and improvement assets located throughout the Shire of Westonia & Shire of Yilgarn and the values are as follows:

Reinstatement with New Value (Buildings & Improvements for insurance purposes)	\$62,544,000
Fair Value (Land & Buildings for financial record purposes)	\$25,647,900

\*Note the above figures are total valuation for both Councils.

My analysis shows the breakdown for each individual Council and the impact the application of the land and Building revaluation will have on insurance premiums and assets being recorded as fair value in Council's financial records.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

As shown in the above tables both Councils' property insurance will increase, the Shire of Yilgarn's by 25% and the Shire of Westonia's by 144% once the LGIS insurance schedules are updated with the revalued sum insured for the properties. The increased premiums accrued (Nov 2011– June 2012) per council will be *approximately*:

Shire of Yilgarn	8,332
Shire of Westonia	<u>7,918</u>
Total	\$16,250
LGIS rebate	<u>(11,369)</u>
Amount owing	\$ 4,881

LGIS offers Councils that have their buildings revalued at replacement costs a 40% rebate for the insurance component of the valuers fee, the Shire of Yilgarn has invoiced LGIS for \$11,369. The remaining premium amount will need to be worn by the individual councils as an Insurance property adjustment, as determined by LGIS at time of processing the revaluation. The rebate will be divided equally between the Shire of Westonia and Shire of Yilgarn.

In relation to the impact of the Land and Building fixed asset being valued at 'Fair Value' instead of 'Cost' in the Financial Statements, the data shows that both Councils property worth has increase; the Shire of Yilgarn by 117% and the Shire of Westonia by 24%, these adjusted figures will be taken up in the 2011/12 financial year and be the basis of the opening balances for the new entity on the 1<sup>st</sup> July 2012.

**Statutory Environment**

None

**Policy Implications**

None

**Financial Implications**

A reduction in municipal funds due to an adjustment in property insurance premiums in 2011/12, the budget variation will need to be captured during the budget review process.

**Strategic Implications**

None

**Voting Requirements**

Simple majority required

**Recommendation**

That Council receives the independent Land and Building revaluation report developed by AVP Valuers and authorises the DCEO to process the report through Local Government Insurance Services (LGIS) and apply for the 40% rebate. To also adjust Council's financial records accordingly from Cost to Fair Value Accounting relevant to Land and Building fixed assets.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**263/2011**

***Moved Cr Pasini Seconded Cr J Della Bosca that Council receives the independent Land and Building revaluation report developed by AVP Valuers and authorises the DCEO to process the report through Local Government Insurance Services (LGIS) and apply for the 40% rebate. To also adjust Council's financial records accordingly from Cost to Fair Value Accounting relevant to Land and Building fixed assets.***

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	8.3
<b>Subject:</b>	<b>Financial Reports</b>
<b>File Reference:</b>	8.2.3.2
<b>Author:</b>	Vivienne Murty – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December 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 30<sup>th</sup> November 2011:

- Rates Receipt Statement (prepared to 8<sup>th</sup> December 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.

**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

**Recommendation**

That the Various Financial Reports for the period ending 30<sup>th</sup> November 2011 as presented, be received.

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

264/2011

*Moved Cr Truran Seconded Cr Auld that the Various Financial Reports for the period ending 30th November 2011 as presented, be received.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council –16 <sup>th</sup> December 2011
<b>Agenda Reference:</b>	8.4
<b>Subject:</b>	<b>Accounts for Payment</b>
<b>File Reference:</b>	8.2.1.2
<b>Author:</b>	Vivienne Murty – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	5 <sup>th</sup> December 2011

**Background**

Municipal Fund – Cheque Numbers 37358 to 37425 totalling \$322,041.87, Municipal Fund EFT numbers 73 to 159 totalling \$461,258.10, Municipal Fund – Cheque Numbers 1017 to 1018 totalling \$68,824.63, Trust Fund – no trust fund cheques issued in this period and Trust Fund – Cheque Numbers 5760 to 5764 (DPI Licensing), totalling \$70,918.90 are presented for endorsement as per the submitted list.

**Statutory Environment**

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

**Policy Implications / Delegation Register**

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

**Financial Implications**

Reduction to Bank Accounts balances

**Strategic Implications**

Nil

**Voting Requirements**

Simple Majority

**Recommendation**

Municipal Fund – Cheque Numbers 37358 to 37425 totalling \$322,041.87, Municipal Fund EFT numbers 73 to 159 totalling \$461,258.10, Municipal Fund – Cheque Numbers 1017 to 1018 totalling \$68,824.63, Trust Fund – no trust fund cheques issued in this period and Trust Fund – Cheque Numbers 5760 to 5764 (DPI Licensing), totalling \$70,918.90 are presented for endorsement as per the submitted list.



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

**265/ 2011**

**Moved Cr Auld Seconded Cr J Della Bosca *Municipal Fund - Cheque Numbers 37358 to 37425 totalling \$322,041.87, Municipal Fund EFT numbers 73 to 159 totalling \$461,258.10, Municipal Fund - Cheque Numbers 1017 to 1018 totalling \$68,824.63, Trust Fund - no trust fund cheques issued in this period and Trust Fund - Cheque Numbers 5760 to 5764 (DPI Licensing), totalling \$70,918.90 are presented for endorsement as per the submitted list.***

**CARRIED (6/0)**

Council Adjourned for afternoon tea at 3.50pm and returned to chambers at 4.05pm

<b>Submission to:</b>	Ordinary Meeting of Council - 16th December 2011
<b>Agenda Reference:</b>	Works 9:1
<b>Subject:</b>	Upgrade Works Program Southern Cross Airstrip
<b>Location/Address:</b>	Southern Cross Airstrip
<b>Name of Applicant:</b>	N/A
<b>File reference:</b>	2.4.1.1
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	5 <sup>th</sup> December 2011

**Background**

At Council's November 2011 Meeting future upgrades of the Southern Cross Airstrip were discussed. The topic of discussions was as a result of the correspondence received from Mr. Pownall on behalf of St John Ambulance (*Southern Cross Sub Centre*), advising council that funding is available from the Commonwealth Department of Infrastructure and Remote Aerodrome Upgrade Grants Program. Mr. Pownall further goes on to say in his letter that funding available can be utilised to improve the safety of the strip and make it an all weather strip. As a result of this the following resolution was passed

*"242/2011*

*Moved Cr Truran Seconded Cr J Della Bosca that Council requests that the Manager for Works develop a plan with costings related to staging the proposed upgrade to the runways and landing lights to be reviewed at the December Council meeting.*

*In addition, the Manager for Works contact Mr. Pownall and advise him of the procedure to follow if the airstrip is required for emergency landing by RFDS, in the event that the airstrip is closed due to bad weather. Furthermore, advise him that Council is considering options in relation to upgrading the runway."*

As Councillors would be aware in 2009/2010 – 2010/2011 financial years there were some major improvements to the Southern Cross Airstrip by the way of upgrade to runway 14/32, upgrades to taxiway and apron area, installation of a passenger terminal, construction of a Ambulance/RFDS shed, installation of rainwater tanks, installation of security fencing and sealing of carpark area fronting the terminal.

Funding for the above works was via Royalty for Regions, Remote Aerodrome Safety Program (*RASP*), Regional Airports Development Scheme (*RADS*), and Shire of Yilgarn (*refer to table 1 for breakdown of funding source amounts*).

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
 Friday 16<sup>th</sup> December 2011

When receiving funding grants through Remote Aerodrome Safety Program or Regional Airports Development Schemes, generally recipients of such grants are required to match the amount dollar for dollar.

Council has an airport reserve fund, of which by the end of the 2011/2012 financial year is budgeted to have approximately \$115,000. In the past funding from this reserve has been utilised as council's contribution to carry out upgrade works at the Southern Cross Airstrip when required.

The annual income for this reserve is approximately \$50,000 per year. This income is generated by councils landing fee charges collected throughout the year. If there was to be a down turn in mining operations throughout the Yilgarn District in future years then this income could be seriously compromised.

*Table 1 (operating and maintenance costs not included)*

Year	Works	Council Funding	Royalty to Region	RADS Funding	RASP Funding	Total
2009/2010	new terminal, erecting rear veranda and ancillary works	\$21,265	\$100,000	\$43,000		\$164,265
2009/2010	Gravel sheeting runway 14/32	\$51,972			\$48,250	\$100,222
2009/2010	Upgrade to apron and taxiway, turning node	\$85,130			\$76,000	\$161,130
2009/2010	Security fence and lighting				\$30,044	\$30,044
2009/2010	Carpark, replacing UPS computer and connecting power/water	\$35,941				\$35,941
2009/2010	RFDS/Ambulance Shed	\$39,436				\$39,436
2010/2011	Erecting front veranda and replacement of UPS batteries	\$13,450				\$13,450
2010/2011	Rainwater tanks (3)	\$7,500				\$7,500
2010/2011	Resealing runway approach 32	\$30,032				\$30,032
<b>Total</b>		<b>\$284,726</b>	<b>\$100,000</b>	<b>\$43,000</b>	<b>\$154,294</b>	<b>\$582,020</b>

As can be seen from the above table a considerable amount of funding (\$284,726 council funding and \$297,294 grant funding) has been injected into the development of the Southern Cross Airstrip over the past two financial years (2009/2010-2010/2011).

In addition to the above, a further \$36,000 annually is expended on maintenance and operating cost at the Southern Cross Airstrip.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
 Friday 16<sup>th</sup> December 2011

**Comment**

Proposed works at the Southern Cross Airstrip over the next three years for annual budget considerations, will consist of upgrading of runway 09/27 from existing clay surface to a gravel surface (*priority one*), asphalt overlay to the apron (*priority two*), widening of runway 14/32 to thirty metres of which will include lighting upgrade and the possibility of bituminizing (*priority three*).

**Table Two** (*three year proposed upgrade works*)

Year	Proposed Works	Grant Funding (RADS)	Council Funding	Total
2012/2013 ( <i>priority one</i> )	Gravel overlay runway 09/27	\$91,240	\$91,240	\$182,480
2013/2014 ( <i>priority two</i> )	Asphalt apron area	\$105,000	\$105,000	\$210,000
2014/2015 ( <i>priority three</i> )	Widening and bituminizing runway 14/32 to 30 metres, upgrading lights	\$371,213	\$371,213	\$742,426
Total		\$567,453	\$567,453	\$1,134,906

*(please note cost to upgrade runway lighting is not included in 2014/2015 priority three estimates)*

To assist with the funding amounts to carry out these works, council will be applying for grants through Regional Airports Development Scheme. Applications for the 2012/2013 Regional Airports Development Scheme will be opening on Wednesday December 14<sup>th</sup> 2011 and closing on Friday 27<sup>th</sup> January 2012.

**Financial Implications:**

*To be included in Councils 2012/2013 Budget Deliberations with funding coming from Regional Airports Development Scheme and Councils Aerodrome Reserve*

**Recommendation**

That Councils endorses the proposed upgrade works at the Southern Cross Airstrip as prioritized in table two and the gravel overlay of runway 09/27 be included in Councils 2012/2013 Budget Deliberations with funding to carry out these works to be sourced from Regional Airports Development Scheme and Councils Aerodrome Reserve

**Voting Requirements:**

Simple Majority

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

266/2011

*Moved Cr Truran Seconded Cr Auld that Councils endorses the proposed upgrade works at the Southern Cross Airstrip as prioritised in table two and the gravel overlay of runway 09/27 be included in Councils 2012/2013 Budget Deliberations with funding to carry out these works to be sourced from Regional Airports Development Scheme and Councils Aerodrome Reserve. In addition , Council to undertake a review of the Forward Capital works plan to incorporate airport upgrade in 2012/2013.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council - 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.1
<b>Subject:</b>	<b>Application to Change Zoning of Commercial Property in Bullfinch</b>
<b>Location/Address:</b>	Bullfinch Exchange Hotel - Lots 119 & 120 (H/No 32-34) Doolette Street, Bullfinch
<b>Name of Applicant:</b>	Mrs Tamara Gladish (Frewen)
<b>File Reference:</b>	3.1.1.7
<b>Author:</b>	Manager Environmental Health & Building Services - W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	6 <sup>th</sup> December, 2011

**Background**

I refer to Agenda Item 10.1 of the November 2011 Ordinary Council Meeting where Council considered a request from Mrs Tamara Gladish (Frewen) that as the Bullfinch Exchange Hotel has been closed since 23<sup>rd</sup> May 2011, she and her husband Wayne do not intend to operate the business again and only want to use the building as a dwelling for her and her immediate family, and therefore have asked for the property to be re-zoned or re-classified from "Commercial" to "Residential". At this Meeting Council passed the following motion:-

*"That Council agrees that the re-zoning proposal for the Bullfinch Exchange Hotel is to be advertised in Crosswords for a minimum of two editions for public comment and then to be reviewed at the December Council meeting."*

**Comment**

A letter of reply was forwarded to Mrs Gladish advising her of Council's decision. See attached copy of this letter.

In accordance with Council's decision, a notice was published in the local "Crosswords" newsletter on 24<sup>th</sup> November and 8<sup>th</sup> December 2011 outlining this proposal and seeking written public comments. The public comment period closes at 12:00 noon on Thursday 15<sup>th</sup> December 2011. See attached copy of this notice.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

The Manager Environmental Health & Building Services telephoned Mr Ken Taylor, a member of the Bullfinch Country Club, to enquire whether he was aware of the notice in "Crosswords" and whether he had any comments on the matter. Mr Taylor advised that he was aware of the notice, he believed there were a few letters being written regarding this proposal, and he advised that there was petition being circulated in Bullfinch regarding this proposal. Mr Taylor confirmed that these comments would be received by the closing date.

A summary of the written comments received will be tabled at the Meeting.

**Statutory Environment**

Shire of Yilgarn Town Planning Scheme No 2, and the Liquor Licensing Regulations 1989.

**Policy Implications**

Nil

**Financial Implications**

It is expected that the change of zoning classification and the re-valuation of the property would see less rates coming into the Shire.

**Recommendation**

That Council, after considering the written comments received from the public on this matter, does not agree to the re-zoning or re-classification of Lots 119 & 120 Doolette Street, Bullfinch.

**Voting Requirements**

Simple Majority.

**267/2011**

*Moved Cr Auld Seconded Cr Pasini that Council, after considering the written comments received from the public on this matter, does not agree to the re-zoning or re-classification of Lots 119 & 120 Doolette Street, Bullfinch.*

**CARRIED (6/0)**

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

<b>Submission to:</b>	Ordinary Meeting of Council - Friday 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.2
<b>Subject:</b>	<b>Planning Application - Reduced Setback for Proposed Patio attached to Side of Dwelling</b>
<b>Location/Address:</b>	Lot 179 (H/No 92) Corner Spica & Hydra Streets, Southern Cross
<b>Name of Applicant:</b>	Mr & Mrs G & K Holdem
<b>File Reference:</b>	3.1.3.6
<b>Author:</b>	Manager Environmental Health & Building Services - W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	6 <sup>th</sup> December, 2011

**Background**

Mr & Mrs Garth & Kerry Holdem who own and reside at Lot 179 corner Spica & Hydra Streets, Southern Cross have submitted plans for a proposed patio to be attached to the north side of their existing dwelling. The proposed patio will be 13.60 metres long x 3.130 and 4.70 metres wide x 2.30 to 1.80 metres in height. It will also be setback 500mm from the side boundary fence. See attached copy of the plans submitted.

**Comment**

Town Planning Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 Lot 179 Spica Street is zoned "Residential" with a density rating of R30.

The proposed patio will be attached to the side of the existing dwelling, Mr Holdem intends to build a barbeque at one end of the patio, and it will be readily accessible from the dwelling. The total floor area of the proposed patio is 53.244 square metres. This fits the definition of an "Outdoor Living Area" from the Residential Design Codes of Western Australia (R Codes).

Under Table 1 - General Site Requirements of the R Codes, a residential development on a lot with a density rating of R30 is required to have a minimum setback from a secondary street of 1.5m.

In many instance a verandah and a patio are interchangeable terms. A verandah is considered part of the dwelling and needs to meet the setback requirements under the R Codes. In this instance the proposed structure could easily be consider a side verandah.

If the proposed structure is consider only as a standard patio or even a carport or garage, the normal setback from a side boundary is 750mm. The upright posts may be positioned next to the boundary line but the roofing material

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

must be setback 750mm to ensure that stormwater does not run off the roof onto the adjoining property, in this case a public thoroughfare or road reserve.

Council may exercise its discretion under clause 2.3.4 of the R Codes and grant approval to a development application –

(2) Discretion shall be exercised having regard to the following considerations:

- i. the stated purpose and aims of the Scheme (the Shire of Yilgarn Town Planning Scheme No 2);
- ii. the provisions of Part 2, 3 and 4 of the Codes, as appropriate;
- iii. the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;
- iv. the explanatory text of the Codes that corresponds to the relevant provision;
- v. any Local Planning Strategy incorporated into the Scheme;
- vi. a provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and
- vii. orderly and proper planning.

(3) A Council shall not vary the minimum or average site area per dwelling requirements set out in Table 1 except as provided in the Codes or in the Scheme.

(4) A Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant Acceptable Development provision, Local Planning Policy and relevant provisions of the Scheme.

Other Issues

In this instance the adjoining property is a road reserve. Any private activity carried out in and around the proposed patio/verandah will have very limited impact on people walking or driving past the property. If a similar development were to be considered for a lot other than a corner lot, then the likely impact on the closest adjoining property from noise emanating from the patio could be quiet pronounced, depending on the occupiers of the patio.

Road Vision Issues

The proposed patio/verandah will be setback 10.50 metres from the front boundary. There is a "Give Way" road advisory sign on the corner of Spica & Hydra Street, facing the traffic on Hydra Street. Therefore there should be no obstruction of view caused by the proposed patio/verandah for vehicle traffic so road safety should not be compromised.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

As a reasonable compromise between what the minimum setback should be (1.5m) and what the applicants are asking for (0.5m) would be to require a setback of 1.0m from the secondary street boundary. This change in setback would mean that the width of the proposed patio/verandah would be 2.630m to 4.20m, which would still make it a very usable structure for the proposed purpose.

**Statutory Environment**

Compliance with the Shire of Yilgarn Town Planning Scheme No 2 and the Residential Design Codes of Western Australia.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council grants planning approval to Mr & Mrs Garth & Kerry Holdem to construct a new patio/verandah attached to the north side of the existing dwelling as proposed on the condition that the setback from the secondary street is 1.0 metres and that the structure is not to be permanently enclosed in any way without obtaining Council approval.

**Voting Requirements**

Simple Majority

**268/2011**

*Moved Cr Pasini Seconded Cr W Della Bosca that Council grants planning approval to Mr & Mrs Garth & Kerry Holdem to construct a new patio/verandah attached to the north side of the existing dwelling as proposed on the condition that the setback from the secondary street is 1.0 metres and that the structure is not to be permanently enclosed in any way without obtaining Council approval.*

**CARRIED (5/1)**



**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.3
<b>Subject:</b>	<b>Proposed Lease of Crown Land</b>
<b>Location/Address:</b>	Locations 36 & 44 Great Eastern Highway, Southern Cross
<b>Name of Applicant:</b>	Department of Regional Development & Lands – Ms Kerrie Bridger, State Land Officer
<b>File Reference:</b>	1.6.17.4
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December, 2011

**Background**

I refer to Agenda Item 10.4 of the August 2011 Ordinary Council Meeting where the Department of Regional Development & Lands (DRDL) wrote to Council asking if it would be interested in taking up a lease on Locations 36 & 44 Great Eastern Highway, Southern Cross if the previous lessees, Mr & Mrs Noel & Karen Teale, relinquished the lease and did not wish to purchase the land. If Council was interested in taking up a lease, the DRDL would offer the lease at 25% of the rental value (expected that the annual lease fee would be \$750.00 plus GST), as per current policy so that the Shire could then on lease the property to local sporting clubs to crop to raise funds.

At the Meeting Council passed the following motion:-

*“That if Mr & Mrs Teale do not proceed with the purchase of Locations 36 & 44 Great Eastern Highway, Southern Cross then it would like to take up the offer to lease the lots at 25% of the rental value and be able to sublease the lots to local sporting or community clubs for the purpose of cropping as a fund raising activity or otherwise purchase the lots freehold in order to lease the land to local sporting or community clubs for the purpose of cropping the land for a fund raising activity.”*

**Comment**

A letter stating Council’s decision was forwarded to the DRDL.

The DRDL has now written to Council stating that a lease over Lots 36 & 44 is available to Council for the purpose of “Cropping and Grazing” and is for a 10 year period commencing from 1<sup>st</sup> January 2012. The rental fee will be \$750.00 per annum, being 25% of the market rental value.

Two copies of the Lease Agreement were included with the letter for the Shire’s execution of the Chief Executive Officer signing each copy. This is the DRDL’s standard lease agreement.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

Once the Lease Agreements are returned to the DRDL the documents will be submitted to the Manager State Lands, Lands Division to sign on behalf of the Minister for Lands. The Lease will then be registered on the Crown Land Titles, and a copy returned to Council. See attached copy of the covering letter and the Lease Agreement.

Prior to the Lease Agreement being signed Council is being asked if it wishes to continue with this proposal and take up the option to lease Lots 36 & 44 for the purpose of "Cropping and Grazing"?

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

There is potential for Council to sublease the lots to local sporting and community clubs for a reasonable fee so that there is no cost to Council.

**Recommendation**

That Council agrees to take up the option to lease Lots 36 & 44 Great Eastern Highway, Southern Cross for the purpose of "Cropping and Grazing" for a 10 year period, agrees to paying an annual rental fee of \$750.00 which will be reviewed 3 times during the lease period, and authorises the Chief Executive Officer to sign the Lease Agreement on its behalf.

**Voting Requirements**

Simple Majority.

**269/2011**

*Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council agrees to take up the option to lease Lots 36 & 44 Great Eastern Highway, Southern Cross for the purpose of "Cropping and Grazing" for a 10 year period, agrees to paying an annual rental fee of \$750.00 which will be reviewed 3 times during the lease period, and authorises the Chief Executive Officer to sign the Lease Agreement on its behalf. Further that Council advertise for expressions of interest for cropping of the area by community groups.*

**CARRIED (6/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

<b>Submission to:</b>	Ordinary Meeting of Council - 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.4
<b>Subject:</b>	<b>Application to Clear Native Vegetation - Windarling Range Airstrip Project - Turnaround Bay - CPS 4691</b>
<b>Location/Address:</b>	Miscellaneous Licence L77/195 east off Bullfinch - Evanston Road, Windarling
<b>Name of Applicant:</b>	Department of Mines and Petroleum - Lesley Polomka, Manager Native Vegetation Assessment Branch
<b>File Reference:</b>	7.2.1.21
<b>Author:</b>	Manager Environmental Health & Building Services - W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December, 2011

**Background**

At the July 2009 Ordinary Council Meeting the CEO, Mr Peter Clarke, advised that the Department of Mines and Petroleum (DoMP) has received an application from Cliffs Asia Pacific Iron Ore Pty Ltd for approval to clear 13.54ha of native vegetation for the purpose of carrying out realignment and upgrading works to its Windarling Airstrip - Agenda Item 7.9. Council did not support the application at the time due to discussions being held between the local mining companies and Shire Administration staff in regards to the upgrade of the Southern Cross Airstrip and which was believed to have more benefit to the Yilgarn district.

DoMP has received an application from Cliffs Asia Pacific Iron Ore Pty Ltd to clear 0.12ha (0.2965 acres) of native vegetation for the purpose of constructing a turnaround bay for the Windarling Airstrip on Miscellaneous Licence L77/195 east off the Bullfinch - Evanston Road, Windarling. See attached letter, aerial photograph, and location map.

**Comment**

The land covered by Miscellaneous Licence L77/195 is zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme No 2. Council has previously given support for the mining activity at Windarling and Mt Jackson, plus the establishment of a mine accommodation camp in the Windarling area. The Windarling Airstrip services the accommodation camp and mining activities in the region.

The proposed area to be cleared to construct the turnaround bay is 0.12ha or 0.2965 acres or 1,199.99m<sup>2</sup>. This area is quite small in comparison to the area of native vegetation already cleared for the Airstrip.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

Cliffs Asia Pacific Iron Ore Pty Ltd will have carried out a flora and fauna survey of the area to be cleared and will have noted any species that are declared rare or priority. If there are any such species Cliffs will be required to advise on how it will accommodate the species so as to preserve its existence.

There is no reason to withhold support for this application.

**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 Cliffs Asia Pacific Iron Ore Pty Ltd clearing 0.12 hectares of native vegetation for the purpose of constructing a turnaround bay for the Windarling Airstrip located on Miscellaneous Licence L77/195 east off Bullfinch - Evanston Road, Windarling as shown on the aerial photograph and location map provided.

**Voting Requirements**

Simple Majority.

**270/2011**

*Moved Cr Pasini Seconded Cr W Della Bosca that Council advises the Department of Mines and Petroleum that it has no objections to Cliffs Asia Pacific Iron Ore Pty Ltd clearing 0.12 hectares of native vegetation for the purpose of constructing a turnaround bay for the Windarling Airstrip located on Miscellaneous Licence L77/195 east off Bullfinch - Evanston Road, Windarling as shown on the aerial photograph and location map provided.*

**CARRIED (6/0)**

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

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<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.5
<b>Subject:</b>	<b>Moorine Rock Hotel – Advertising Signs</b>
<b>Location/Address:</b>	Great Eastern Highway, Entrances to Moorine Rock Townsite
<b>Name of Applicant:</b>	Mr & Mrs Bob & Jan Stanton, Moorine Rock Hotel, Moorine Rock
<b>File Reference:</b>	4.2.2.1
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December, 2011

**Background**

Mr & Mrs Bob & Jan Stanton, proprietors of the Moorine Rock Hotel, have previously advised that they intent to replace the existing roadside advertising signs located at the west and east entrances to the Moorine Rock townsite with new adverting sign boards as the existing sign boards are old and are in need of upgrading.

The Stantons have submitted the proposed artwork for the new signs - see attached.

**Comment**

The proposed new sign boards will each be 1.740m wide x 1.000m high (1.740 m<sup>2</sup> in area) and are proposed to be fixed to the existing signs' framework in the same location as the current signs. The sign colour scheme will be white or cream background with black or brown depiction and writing. The depiction is a sketch of the Moorine Rock Hotel.

Under clause 5.2 *Control of Advertisements* of the Shire of Yilgarn Town Planning Scheme No 2 "the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of Council". In assessing an application, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including it's historic or landscape significance and traffic safety, and the amenity of adjacent areas which maybe affected.

The signs will also need to comply with Council Policy 5.4 Advertising & Directional Signs.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

Shire's Manager of Works, Mr Robert Bosenberg, is aware of this application and has no objections but has advised that the posts/framework will need to also need to be straightened or replaced as at least one sign has a lean to it.

**Statutory Environment**

Nil

**Policy Implications**

Council Policy 5.4 Advertising and Directional Signs.

**Financial Implications**

Nil

**Recommendation**

That Council grants approval to Mr & Mrs Bob & Jan Stanton to install the proposed new roadside advertising signs for the Moorine Rock Hotel on the condition that:-

- 1) the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,
- 2) the sign boards are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,
- 3) the posts/frames for the existing roadside advertising signs if reused for the new signs are to be straightened or replaced to meet the current standards, and
- 4) the owner of the Moorine Rock Hotel is responsible for the ongoing maintenance of the signs, is to include the signs on their 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.

**271/2011**

*Moved Cr J Della Bosca Seconded Cr Truran that Council grants approval to Mr & Mrs Bob & Jan Stanton to install the proposed new roadside advertising signs for the Moorine Rock Hotel on the condition that:-*

- 5) *the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,*
- 6) *the sign boards are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,*
- 7) *the posts/frames for the existing roadside advertising signs if reused for the new signs are to be straightened or replaced to meet the current standards, and*
- 8) *the owner of the Moorine Rock Hotel is responsible for the ongoing maintenance of the signs, is to include the signs on their Public Indemnity Insurance Cover, and a copy of the cover note confirming this is to be forwarded to the Shire for its records.*

**CARRIED (6/0)**

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

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<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.6
<b>Subject:</b>	<b>Planning Application – Advertising Road Sign</b>
<b>Location/Address:</b>	Location 616 Great Eastern Highway, east of Southern Cross townsite
<b>Name of Applicant:</b>	Greg Rowe & Associates – Mr Alex Vanderplas
<b>File Reference:</b>	4.2.2.1
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December, 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 Pty Ltd of Perth. The application is to erect one double-sided advertising sign 8.3 metres wide x 2.2 metres high sign board which is 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 on Mr Roland Blair's property of Location 616 on the south side of the Great Eastern Highway and west of the Blair Road intersection. It is proposed that the edge of the sign will be 2.0 metres from the front north boundary and approximately 535.0 metres from the west boundary. Mr Blair is aware of the application and has signed a consent form agreeing to the sign being erected on his 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 direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.”*

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

---

**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 Location 616 is currently zoned "Rural/Mining". 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, and the sign currently under construction on Lot 4 McInnes Street, Moorine Rock.

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 Location 616 it will not interfere with visibility of drivers of vehicles on either the Great Eastern Highway, or turning onto or from Blair Road or Ghooli - Koolyanobbing Road.

**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.*

*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."*



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

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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 Pty Ltd 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 Location 616 Great Eastern Highway east of Southern Cross townsite with a setback of 2.0m from the front (north) boundary and approximately 535.0 metres from the west 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.

**272/2011**

*Moved Cr Auld Seconded Cr W Della Bosca that Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor Pty Ltd 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 Location 616 Great Eastern Highway east of Southern Cross townsite with a setback of 2.0m from the front (north) boundary and approximately 535.0 metres from the west 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,*

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

- 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 (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – 16 <sup>th</sup> December, 2011
<b>Agenda Reference:</b>	10.7
<b>Subject:</b>	<b>Planning Application – Commercial Extraction of Sand &amp; Gravel from Private Property</b>
<b>Location/Address:</b>	Location 231 Blair & Ghooli South Roads and Location 616 Great Eastern Highway & Blair Road, east of Southern Cross townsite
<b>Name of Applicant:</b>	Mr Roland Blair
<b>File Reference:</b>	3.1.3.2
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> December, 2011

**Background**

Mr Roland Blair has written applying for an Extractive Industry Permit for the purpose of selling sand and gravel to commercial companies from his properties Location 231 Blair & Ghooli South Road, and Location 616 Great Eastern Highway & Blair Road, east of Southern Cross townsite. See attached letter and location map.

Mr Blair currently has both a sand and a gravel pit on Location 231 which he has been extracting material from. Mr Blair wishes to advertise these materials for sale to commercial companies. If successful, the commercial company or a contractor would be responsible for the collection of the sand and/or gravel from the property. Entrance to the pits is accessed by turning off the Great Eastern Highway onto Ghooli South Road and onto the property.

If required, Mr Blair also has a gravel pit on Location 616 which is accessed by turning off the Great Eastern Highway onto Blair Road and then onto the property.

Mr Blair expects the annual extraction to be approximately 1,500 tonne of both sand and gravel. Previously the Shire of Yilgarn did have a one-off contract with Mr Blair for the supply of 10,000 cubic metres of material.

**MINUTES**  
ORDINARY COUNCIL MEETING  
Friday 16<sup>th</sup> December 2011

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**Comment**

Town Planning Issues

Location 231 Blair & Ghooli South Roads and Location 616 Great Eastern Highway & Blair Road are zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme No 2. The proposed land use of "extractive industry" is a permitted use under the Scheme.

The Scheme text also indicates that planning approval is required for mining activity, and this has been interpreted to mean those extractive industries that do not fall under the Mining Act. The reason for this is that large volume extractive industries or mining operations that are governed under the Mining Act have various conditions of approval placed on them which include noise, dust, waste material, fumes, etc, while small extractive industries would have no conditions placed on them regarding these issues unless they were brought to Council. Some local governments have their own local laws governing extractive industries for this reason. The Shire of Yilgarn has no such local laws.

It is noted that Mr Blair currently has pits on Location 231. If the demand for gravel continues into the future has a suitable area on Location 616 to develop.

Environmental Issues

Mr Blair has advised that the areas where the sand and gravels are located are already cleared of native vegetation.

Dust and noise are produced through the excavation process. I am not aware of any complaints being received by the Shire in relation to any previous extraction work on these lots. However, Mr Blair will need to be mindful of the creation of dust and take practicable steps to reduce airborne dust creating problems for neighbouring land owners and travellers on Ghooli South Road and Blair Road.

Other Issues

There is also the issue of commercial trucks/vehicles entering and exiting from Mr Blair's properties onto Council controlled roads, as well as trucks/vehicles entering and exiting onto and off the Great Eastern Highway. There may be a need for warning signs to be installed to advise other road users of the possibility of trucks turning onto and off a road.

The Manager of Works, Mr Robert Bosenberg, is aware of Mr Blair's activities and this application. Mr Blair will need to liaise with him to ensure that exits onto Council controlled roads and any signage required and installed complies with the Australian Standards and meet the Shire's requirements.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

---

Mr Blair is already aware of Council's Heavy Vehicle Haulage Road Impact Policy and its possible impact on this business.

**Statutory Environment**

Shire of Yilgarn Town Planning Scheme No 2.

**Policy Implications**

Council Policy 6.5 "Traffic Intersection Management Plan (Private Haul roads intersecting with roads under Council control)".

**Financial Implications**

Nil

**Recommendation**

That Council grants planning approval to Mr Roland Blair to establish an "extractive industry" for the mining of sand and/or gravel from Location 231 Blair & Ghooli South Road, and Location 616 Great Eastern Highway & Blair Road, east of Southern Cross townsite on the condition that he obtains all necessary licenses and permits for this business, and he complies with Council's Heavy Vehicle Haulage Road Impact Charge Policy.

**Voting Requirements**

Simple Majority.

**273/2011**

*Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council grants planning approval to Mr Roland Blair to establish an "extractive industry" for the mining of sand and/or gravel from Location 231 Blair & Ghooli South Road, and Location 616 Great Eastern Highway & Blair Road, east of Southern Cross townsite on the condition that he obtains all necessary licenses and permits for this business, and he complies with Council's Heavy Vehicle Haulage Road Impact Charge Policy.*

**CARRIED (6/0)**

**LATE ITEM CANOPUS ST CAFÉ**

**Comment**

The MEHB advised the Council that the lessee of the Canopus Street Café had asked if Council would allow them to resume operating from that site despite a period of just over 6 months since the Café closed down. The MEHB advised that the business in operating in a non-commercial zone and had been allowed to operate in the past based on existing use rights, which may have been extinguished due to the passage of time. Council could however resolve to permit an exemption from the 6 month and permit the resumption of the café operation should it choose to do so.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Friday 16<sup>th</sup> December 2011

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**274/2011**

*Moved Cr Auld Seconded Cr Truran that Council accepts a late item concerning the operation of the Canopus Street Café.*

**CARRIED (6/0)**

**275/2011**

*Moved Cr Auld Seconded Cr Truran that Council gives Canopus Street Cafe an exemption of the six months rule concerning Town Planning existing "land use rights" and allows this or another similar business to continue operating from this premises/ site.*

**CARRIED (6/0)**

There being no further business to discuss, the Shire President declared the meeting closed at 5.12 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 16<sup>th</sup> December 2011 confirmed on Friday the 20<sup>th</sup> January 2012 as a true and correct record of the December Ordinary Meeting of Council.

Cr Romolo Patroni  
SHIRE PRESIDENT