## ORDINARY COUNCIL MEETING

Friday 20th January 2012

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 20<sup>th</sup> January 2012.

#### **PRESENT**

Cr P R Patroni, Shire President

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

Council Officers: J Sowiak, Chief Executive Officer

R J Bosenberg, Manager for Works

W J Dallywater, Manager Environmental Health & Building

The meeting was declared open for business at 2 pm.

#### DECLARATION OF OFFICE CR G GUERINI

The Shire President welcomed to the Council Meeting newly elected Councillor Cr Gary Guerini and invited him to take the declaration of office. Cr Guerini made his declaration of office and the Council meeting resumed.

## **PUBLIC QUESTION TIME**

Nil

## APOLOGIES AND LEAVE OF ABSENCE

Ms V Murty – Deputy Chief Executive Officer

## DISCLOSURES OF INTEREST

None

# CONFIRMATION OF PREVIOUS COUNCIL MINUTES

Moved Cr W Della Bosca Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 16<sup>th</sup> December 2011, be confirmed as a true and correct record of that meeting.

**CARRIED** (7/0)

## ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

#### • Road Group:

SP and Manager for Works would be attending the Subregional Roads Group meeting scheduled for 6<sup>th</sup> Feb followed by Regional Group Road Meeting on 27<sup>th</sup> Feb. SP indicated that Cr Graham Cooper from Cunderdin would be nominated as Chairman.

#### • Merger:

Advised that there were no surprises in the report and that the conclusions were consistent with management report from advisory group. The Board recommendations are to be advertised next week. Submissions to Minister to conduct poll close around 24<sup>th</sup> February. He is Concerned that the right information is distributed to community. SP asked if the CEO would advertise a public forum for the next Council meeting so that people could ask questions. He will be meeting with John Merrick and Cr Louis Geier on 31<sup>st</sup> at 2pm to discuss and decide if need a joint

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meeting. Has been advised that Westonia intend to advertise for CEO on three year contract and do not accept the Board report. He suggested that they can appoint Acting CEO for period of up to twelve months.

# Action; CEO to advertise public forum in conjunction with next Council meeting.

## • Health Services Governing Council:

Referred to letter from Health Minister inviting nominations for Health Service Governing Council's and it was suggested to Cr Truran that Council would support her nomination.

## • Merredin Hospital;

Concerned that Merredin hospital is not appearing to operate as a District hospital with ramping up of Ambulance services and too many fly-outs. Also concerns that there is no-one available to use Tele-health facility. Wanted to organise a meeting with Council today but due to holidays will now organise meeting for February.

#### Cr W Della Bosca:

## • Fire incidents:

Since last meeting there have been fires near Marvel Loch, Moorine Rock and South Bodallin. The Marvel Loch fire was inspected and permitted to burn for a number of days and burnt out. The Brigade responded to and extinguished a fire at Moorine Rock fire and a fire at South Bodallin was extinguished by rain. There were problems with pump on Moorine Rock truck that have now been rectified.

#### • Skeleton Weed:

Noted a number of instances of skeleton weed around district and is concerned that areas previously cleared and cultivated on some pastoral properties has been allowed to regrow thereby making it difficult to identify and treat Skeleton weed. Cr Auld to raise issues at State meeting.

#### Cr Auld:

## • Mt Hampton Function.

Attended the Mt Hampton new years eve function funded through dry lands assistance funding and commented on how well the event was organised by Lara Kent and others.

## • Storm Damage – assistance with road clearing:

Noted the significant amount of trees on road following recent storm and asked if a letter of thanks could go to those farmers who assisted with cleanup works.

## Action; MW to send letter of thanks.

## Cr Truran;

## • Aged Care Accommodation;

Advised that will be attending a forum in Kellerberrin to discuss aged care accommodation needs in Feb.

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**Submission to:** Ordinary Meeting of Council – Friday, 20 January 2012

Agenda Reference: 7.1

Subject: DEPARTMENT OF LOCAL GOVERNMENT - 2011

**COMPLIANCE AUDIT RETURN** 

File Reference: 1.6.6.4

Author: Jeff Sowiak - Chief Executive Officer

**Disclosure of Interest:** Not applicable **Date of Report:** 4 January 2012

## **Background**

The Director General of the Department of Local Government and Regional Development has forwarded the 2011 Compliance Audit Return for completion. This process involves completing a checklist of requirements under the Act and regulations and comparing these to what the council has done over the past 12 months.

#### Comment

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2011 to 31 December 2011 against the requirements set out in the Compliance Audit Return.

Amending Regulations concerning the Annual Compliance Audit Return were gazetted on 30th December, 2011 that included significant changes to the report. In particular the documentation required to be completed has been reduced from 27 pages to 9, however there is now a requirement that the compliance return be submitted to the Council's Audit Committee prior to adoption by the Council. This is a new function for the Audit Committee.

The return must be submitted prior to 31<sup>st</sup> March, 2012 and on that basis it would be in order to refer the completed return to a special meeting of the Audit committee which is proposed to be convened at 11.30am on the day of the February Council meeting.

The Director General of the Department, in his letter of advice concerning the changes dated 31<sup>st</sup> December, has also foreshadowed other changes to regulations to impose additional obligations on the audit committee to review areas such as risk management, internal control and legislative compliance. He has advised that information is to be circulated concerning these requirements.

## **Statutory Environment**

Local Government Act 1995

## **Policy Implications**

Nil

## **Financial Implications**

Nil

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#### Recommendation

That Council convene a meeting of the Audit Committee on Friday 17<sup>th</sup> February to review the 2011 Compliance Audit Return prior to consideration by Council on that day.

## **Voting Requirements**

**Absolute Majority** 

#### 2/2012

Moved Cr Truran Seconded Cr Auld that Council convene a meeting of the Audit Committee on Friday 17th February to review the 2011 Compliance Audit Return prior to consideration by Council on that day.

CARRIED BY ABSOLUTE MAJORITY (7 /0 )

**Submission to:** Ordinary Meeting of Council – Friday, 20 January 2012

Agenda Reference: 7.2

Subject: EXTRAORDINARY ELECTIONS

File Reference: 2.2.1.3

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

An extraordinary election has been scheduled to be held on Saturday 25<sup>th</sup> February, 2012 to fill the vacancy left following the resignation of Cr Kenward.

The nominations for the extraordinary vacancy closed on Thursday 19<sup>th</sup> January and details concerning the nominations will be available for the meeting.

## **Statutory Environment**

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

## **Policy Implications**

Nil

## **Financial Implications**

Council has made provision in the budget for an election.

## Recommendation

For Council information

#### **Comment:**

The CEO confirmed that only one nomination was received for the position of Councillor and that Cr Guerini had been elected unopposed. The Shire President asked Councillor Guerini to consider the committee nominations and the following suggestions were put forward for Council to endorse.:

- Tourism Advisory Committee
- Local Action Group Skeleton Weed Committee
- Yilgarn Youth Sport & Recreation Advisory Council

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#### 3/2012

Moved Cr J Della Bosca Seconded Cr Truran that Cr Guerini be appointed as delegate to the following committees:

- Tourism Advisory Committee
- Local Action Group Skeleton Weed Committee
- Yilgarn Youth Sport & Recreation Advisory Council

CARRIED (7/0)

**Submission to:** Ordinary Meeting of Council – Friday, 20th January 2012

**Agenda Reference:** 7.3

Subject: CEO ANNUAL LEAVE

File Reference: 1.1.1.1

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Staff Matter

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

Council endorsement is sought to the CEO taking annual leave from 6<sup>th</sup> March till 14<sup>th</sup> March, 2012.

#### Comment

In accordance with Council policy the DCEO will be acting as CEO whilst the CEO is on leave.

## **Statutory Environment**

The CEO is entitled to leave in accordance with the terms of his employment with Council.

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## Recommendation

That Council endorse the CEO's application for annual leave from 6<sup>th</sup> March till 14<sup>th</sup> March.

## **Voting Requirements**

Simple Majority

#### 4/2012

Moved Cr J Della Bosca Seconded Cr Pasini that Council endorse the CEO's application for annual leave from 6th March till 14th March.

**CARRIED** (7 /0)

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**Submission to:** Ordinary Meeting of Council – Friday 20<sup>th</sup> January, 2012

Agenda Reference: 7.4

Subject: DIGITAL TV SERVICES

**File Reference:** 1.6.19.2 – Record # ICR112405 **Author:** Jeff Sowiak – Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## Background:

Council is required to advise the Department of Broadband, Communications and the Digital Economy (DBCDE) of its intentions with respect to the upgrade or otherwise of the Marvel Loch self help analogue TV transmission service before 15<sup>th</sup> February.

## Comment:

The DBCDE has advised Council that it must discontinue the analogue retransmission service it provides in the community of Marvel Loch or upgrade the service to digital.

Council has been advised that the estimated cost of upgrading the service to digital is in the order of \$75,000 to \$100,000 and there is no Government funding available to undertake this upgrade or to maintain the service into the future. To quote from the letter:

"It is the Government's view that digital retransmission towers are unlikely to represent a viable, long-term option for remote communities. This is because the digital retransmission can impose significant and unpredictable costs for licensees and the community."

Once Council makes a decision not to upgrade the facility, community members will be eligible to seek a subsidy from the Department to install a satellite service to their homes, prior to the discountenance of the current service.

In any case Council must discontinue its analogue broadcast and re-transmission service towards the end of 2012.

## **Statutory Environment:**

Nil

## **Policy Implications:**

Nil

## **Financial Implications:**

There will be a minor saving on budget with the disconnection of the existing analogue TV Re-transmission service.

## Recommendation

That Council advise the Department of Broadband, Communications and the Digital Economy that it wishes to opt-into the Satellite Subsidy Scheme with respect to the Marvel Loch self help retransmission service.

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## **Voting Requirements**

Simple Majority

#### 5/2012

Moved Cr Pasini Seconded Cr W Della Bosca that:

- Council advise the Department of Broadband, Communications and the Digital Economy that it wishes to opt-into the Satellite Subsidy Scheme with respect to the Marvel Loch self help retransmission service.
- Council communicate the decision to the Marvel Loch Progress Association in crosswords and on notice board for the people of Marvel Loch.

**CARRIED** (7/0)

Submission to: Ordinary Meeting of Council – Friday, 20<sup>th</sup> January 2012

Agenda Reference: 7.5

Subject: RESERVE FOR BOWLING CLUB

File Reference: 1.3.9.4

**Author:** Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

Council is being asked to decide on the future of Reserves 23715 (Bowling Club and 31288 Recreation located in Antares Street, Southern Cross.

## Comment:

Council is aware that the old Bowling Club is located on a reserve for Bowling Club and that in that same area another block (Lot 54) is also a reserve for recreation. At some time in the future, Council may wish to use this land and the interceding freehold land for purposes other than recreation.

After discussions with officers from State Lands the CEO has been advised that the Government's Land Policy requires the Council to seek to have this land converted to fee-simple if it intends to use the land for Municipal Purposes, as such use is inconsistent with the current reserve status.

This will require the State Land Office to obtain a valuation of the unimproved Capital Value of the land and for Council to pay this amount to the State Government. Whilst this will involve a cost to Council, in terms of compensation, the conversion of the land from a reserve status to fee-simple will enable the Council to consolidate the land with the remaining freehold lots and deal with the land without restrictions

## **Statutory Environment**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

Council will need to fund the compensation from the Land Development Reserve or other identified funds when required.

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Recommendation

That Council advise the State Lands Office that it wishes to seek the conversion of Reserve 23715 and 31288 in Southern Cross to a land title in fee-simple to the Shire of Yilgarn.

## **Voting Requirements**

Simple Majority

6/2012

Moved Cr Pasini Seconded Cr W Della Bosca that That Council advise the State Lands Office that it wishes to seek the conversion of Reserve 23715 and 31288 in Southern Cross to a land title in fee-simple to the Shire of Yilgarn.

**CARRIED** (7 /0)

**Submission to:** Ordinary Meeting of Council – Friday, 20<sup>th</sup> January 2012

Agenda Reference: 7.6

Subject: MERGER UPDATE

File Reference: 2.5.1.3

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

The Local Government Advisory Board has released their report concerning the merger of the Shires of Westonia and Yilgarn.

## **Comment:**

The LGAB have recommended that:

## **RECOMMENDATION 1:**

In accordance with clauses 6 and 10A of Schedule 2.1 of the Local Government Act 1995, the Local Government Advisory Board recommends to the Minister for Local Government that orders be made to:

- Abolish the Shire of Westonia and the Shire of Yilgarn on 30 June 2012 and create a new local government from the amalgamation of the former Shires on 1 July 2012.
- Name the district Westonia-Yilgarn.
- Designate the district as a Shire.
- Create two wards as illustrated on the map at Appendix 3
- Name the wards East Ward and West Ward.
- Specify that the West Ward have three councillors and the East Ward four councillors.

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#### **RECOMMENDATION 2:**

That the Minister for Local Government consider appointing the current Shire Presidents of the Shire of Westonia and the Shire of Yilgarn as Commissioners of the new local government.

## **RECOMMENDATION 3:**

That the Minister for Local Government consider the appointment of an independent Chair of Commissioners.

#### **RECOMMENDATION 4:**

That the Minister for Local Government consider the inaugural election for the new council be held on the third Saturday of October 2012.

The recommendations of the LGAB are consistent with the agreed position of the Westonia Yilgarn Regional Council group. The Minister for Local Government is required to advertise the recommendations of the LGAB prior to taking any further action.

Council may wish to consider a motion of support for the Board recommendations.

## **Statutory Environment**

Local Government Act

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## Recommendations

That the report be received and that Council resolve to support the recommendations of the Local Government Advisory Board.

## **Voting Requirements**

Simple Majority

## **Discussion:**

The Shire President tabled a draft letter to the Minister concerning the poll provisions of the Act and sought Council endorsement to issue the letter if and when appropriate to do so.

#### 7/2012

Moved Cr W Della Bosca Seconded Cr J Della Bosca that the report be received and that Council resolve to support the recommendations of the Local Government Advisory Board and endorse the draft letter to the Minister as tabled, to be submitted to the Minister if and when the Shire President deems appropriate.

**CARRIED** (7 /0)

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**Submission to:** Ordinary Meeting of Council – Friday, 20<sup>th</sup> January 2012

Agenda Reference: 7.7

Subject: COMMUNITY CROPPING LOTS 36&44 GREAT

**EASTERN HIGHWAY** 

File Reference: 1.6.17.4

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

Council has advertised for expressions of interest for cropping of Lots 36 & 44 Great Eastern Highway from community groups.

## **Comment:**

The lease of Lots 36 and 44 Great Eastern Highway is in the process of being finalised and in anticipation of this, Council advertised for expressions of interest from community groups that may be interested in cropping this area of land which is located approximately 3.5klm West of Southern Cross ,for the 2012 season.

Applications were invited to indicate the capacity of the association to undertake the cropping and the purpose for which any surplus will be used. Council would assess applications based on community benefit.

The area available for cropping is approximately 66 hectares and Community Groups must be not-for-profit associations located within the Shire of Yilgarn. The Council also required the association to undertake minimal till cultivating and weed control.

Expressions of interest closed on Thursday 19th January at 4.00pm at the Shire Administration Office Antares Street Southern Cross WA 6426.

Details concerning any EOI's received will be tabled at the Council meeting.

## **Statutory Environment**

Local Government Act

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Recommendations:**

To be discussed at January Council Meeting

## **Voting Requirements**

Simple Majority

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## **Discussion:**

The CEO tabled a letter from the Southern Cross Football Club concerning leasing of this land for the current season. The MW indicated that the land had been inspected for skeleton weed and any other issues. An area suitable for saltbush plantation was identified and would be excluded from cropping. Once Council had approved of the lease he would meet with Club to identify any issues.

## 8/2012

Moved Cr Guerini Seconded CR Auld that Council grant cropping rights for lots 36 & 44 Great Eastern Highway to the Southern Cross Football Club for the 2012 season under terms agreed with Manager for Works.

**CARRIED** (7 /0)

Submission to: Ordinary Meeting of Council – Friday, 20<sup>th</sup> January 2012

Agenda Reference: 7.8

Subject: COUNTRY LOCAL GOVERNMENT FUND 2011/2012

File Reference: 1.6.6.8

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

Council is required to approve agreements for the 2010/2011, 2011/2012 CLGF individual and regional allocations from the Department of Regional Development that requires execution under Council seal.

## **Comment:**

Under the Country Local Government Fund the Council has been allocated and is required to execute under seal, Financial Assistance Agreements with respect to:

- A grant of \$392,361 under the CLGF 2011/2012 Recreation Precinct
- A grant of \$441,386 on behalf of the WYRC for the State Barrier Fence

In relation to the regional component both Councils have agreed to the allocation for funding for this purpose.

## **Statutory Environment**

Local Government Act

## **Policy Implications**

Nil

## **Financial Implications**

Nil

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## Recommendations

That Council execute the Financial Assistance Agreements for the CLGF individual and regional grants under Council seal.

## **Voting Requirements**

Simple Majority

9/2012

Moved Cr Truran Seconded Cr W Della Bosca that Council execute the Financial Assistance Agreements for the CLGF individual and regional grants under Council seal.

**CARRIED** (7 /0)

**Submission to:** Ordinary Meeting of Council – Friday, 20<sup>th</sup> January 2012

**Agenda Reference:** 7.9

Subject: FUNDING EMERGENCY MANAGEMENT

File Reference: 5.1.6.8

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Nil

**Date of Report:** 13<sup>th</sup> January 2012

## **Background**

Council has received a copy of a submission from the South West Local Government Emergency Management Alliance seeking changes to funding from the Emergency Services Levy and the matter is referred to Council for a considered response.

#### Comment

The South West Local Government Emergency Management Alliance (SWLGEMA) is a group of 12 local governments who provide a forum for the coordination, promotion, enhancement and sharing of comprehensive emergency management strategies within the South West of Western Australia. Membership includes the City of Bunbury, Margaret River and surrounding Shires.

The report was commissioned by the group and addresses what is perceived as shortcomings in the way in which FESA manages the Emergency Services Levy (ESL) program and allocates funds across the State. The report questions the distribution of funds and seeks to reinstate the powers of Local Government to retain and use part of the ESL for local purposes.

In the report the amount collected from Local Government ESL levies over the past 7 years is quoted as being over \$1.1b with only \$143m of this amount being invested into Bush Fire Brigade capital and operating expenses. An additional \$27m has been allocated to SES units meaning that almost 90% of the funding collected has been allocated to the operations of FESA. The ESL levy represents over 80% of the funding to FESA.

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The issue is that Local Government through the ESL levy is contributing 93% of the budget for FESA and is required to allocate funds in their budget each year to fund local emergency planning, hazard mitigation and "unfunded " expenditure relative to Bushfire and emergency services operations.

The report recommendations are that:

A percentage of the Emergency Services Levy be retained within each local government authority to:

- 1. Employ staff to action the substantial responsibilities of the Bush Fires Act (1954) and the Emergency Management Act (2005);
- 2. Enable continuous emergency risk management planning within the LG area and implement projects to mitigate identified threats; and,
- 3. Retain an annual budget to ensure that all EM responsibilities are met in a meaningful way on an annual basis, as core business of the local government authority.

In the report mention is also made of the spread of funds from the ESL and in particular the disproportionate allocation of ESL funding for FESA state initiatives as opposed to allocations to Local Government.

This Council has been well provided for in terms of FESA contributions to operating and capital expenditure and despite a hiccup with insurances in past years the balance sheet significantly favours Council in this case.

#### **ESL Comparison**

	2009/2010	2010/2011
ESL Levied through Rates	60,367.08	70,094.28
ESL Income	64,710.00	93,179.00
ESL Expenditure	77,369.29	70,407.38
Variance	- 12,659.29	22,771.62
Capital Expenditure Purchase of Fire Units EMA-VHF Radio	-	652,309.06
Expansion	6,176.10	
Bullfinch Fire Shed	-	52,369.32
	6,176.10	704,678.38
Shortfall/(Surplus)		
After Capital	6,483.19	727,763.10

The table shown above shows the difference between the ESL levy paid to Treasury, the actual amount allocated to Council, the expenditure on operations and the value of capital purchase received.

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Obviously the amount of capital expenditure varies from year to year, however it would appear that in the case of this Council, the amount contributed is well below the amount expended on bushfire operations and capital purchases. It is therefore a mute point to argue that ratepayers are not receiving value for money especially given that capital works grants are likely to continue into the foreseeable future.

Council has been asked to comment on the report proposal to retain part of the ESL levy in this community and given the fact that the ESL levy is only \$70k it is unlikely that any significant funds would be generated through the proposed action.

Rather than support or object to the proposal it might be acceptable to advise the SWLGEMA that because the levy is less then the annual allocation for Bushfire operating and capital expenditure reimbursements, the matter is not of concern to Council.

## **Statutory Environment**

Local Government Act

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## Recommendations

That Council advise the SWLGEMA that because the ESL levy is less than the annual allocation for Bushfire operating and capital expenditure reimbursements, the matter is not of concern to Council.

## **Voting Requirements**

Simple Majority

## 10/2012

Moved Cr Pasini Seconded Cr W Della Bosca that Council advise the SWLGEMA that because the ESL levy is less than the annual allocation for Bushfire operating and capital expenditure reimbursements, the matter is not of concern to Council.

**CARRIED** (7 /0)

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Ordinary Meeting of Council – Friday, 20th Jan 2012 **Submission to:** 

Agenda Reference: 7.10

**MIDLAND CONSTRUCTIONS** Subject:

File Reference: 1.3.8.14

Author: Jeff Sowiak - Chief Executive Officer

Disclosure of Interest: Not applicable

**Date of Report:** Friday, 16 January 2015

## **Background**

Council was advised on Thursday 19th January that the Company contracted to undertake the construction of the Southern Cross Bowling and Tennis Club Pavilion/Clubhouse Midland Constructions Pty Ltd, was likely to place itself into voluntary administration and this report details the impact of that action for Council.

#### Comment:

The CEO was contacted by Mr David Affleck the Managing Director of the company to advise that due to circumstances relating to short payment and disputes with other contracts, it was unlikely that the company would be able to continue to trade out of its current financial difficulties. He indicated that he would be meeting with the Administrator's next week to place his company into receivership.

He indicated that he was most grateful for the support, commitment and assistance that Council had provided to date, whilst the company has been operating under a deed of arrangements with creditors and apologized that he could not see a way to continue. He indicated that he would cooperate with Council to provide all details of contractors details including quotes and payments for work done to date and had advised that his project site manager would be looking for work and may be available to assist with the project.

The amount paid to MIDCON for work to date is \$1.3m with \$71,000 in retention funds. The building is at lock up stage and the total value of the contract with Midcon is \$1.9m including provisional sums. Therefore, on face value, there is about \$600,000 worth of work to do. However, the exact amount would need to be determined by an architect and agreed with the receiver.

At this stage there are a number of options available to Council;

1. The Receiver (if appointed) may decide to take responsibility for the project and complete the job for the price.

There would be a short delay as the arrangements are sorted out but ultimately Council would have a building completed under the terms and price of the current contract possibly, by another builder engaged by the receiver.

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# 2. The Receiver (if appointed) may decide that he does not wish to proceed with the contract.

In which case the Council will be left with a partially completed building and would have to determine how best to complete the project. This would have the same effect as if Council terminated the contract, the only difference is timing.

## 3. The Council may terminate the contract.

As with option 2, the Council would assume responsibility for the contract and would need to either appoint a project supervisor and deal with tradesmen direct as sub-contractors (under arrangement as "owner builder") or arrange to appoint another builder to complete the works.

## **Evaluation of options:**

Because the value of the work to be done is in excess of \$100,000, Council cannot appoint another builder to complete the project without having first called tenders. The calling of tenders would delay the project several months and add substantially to the final cost. Council would have to engage a consultant to specify what is needed to complete the project and builders would then pick up on work in progress, apply their profit margin and risk associated for work to be done.

Given that Council had a poor response to the initial tender, it is unlikely that there would be great interest in a contract to finish off what has been done and it is likely that the cost would be substantial and could involve considerable ongoing conflict in terms of what was specified, what was done by whom and what was need to be done.

Therefore, the option of 'Owner Builder" is the preferred option, given the current state of the project and that it is unlikely that any single tradesman would have a contract in excess of \$100,000 requiring the calling of tenders. Under this scenario Council would engage a project supervisor, either as an employee or as a consultant and then pay tradesmen direct for work done under supervision.

If as Mr Affleck has stated he would be able to provide details of contractors who had submitted proposals for the work and his project supervisor is also available to assist then this would certainly make the transition to an "Owner Builder' scenario much easier.

Council's legal advice is that we should not terminate the contract until the company is placed in receivership and option 1 has been explored through negotiations with the Receiver.

Also, that it would be prudent to obtain Council approval for a course of action if the contract is terminated, and authorize the CEO to serve notices as required to terminate the contract and negotiate the best possible outcome for the Council.

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**Statutory Environment** 

Nil

**Policy Implications** 

Nil

**Financial Implications** 

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Recommendation; That in the event that Midland Constructions goes into receivership that Council delegate to the Chief Executive Officer the authority to take appropriate action to negotiate with the receiver and/or terminate the contract with Midland Constructions and undertake the project as 'Owner Builder" utilising a project supervisor and tradesmen/sub-contractors to complete the building of the sports clubhouse as is required.

## **Discussion:**

Whilst the item was listed in the agenda by the CEO as confidential, Council asked that the matter be dealt with in open Council.

## 11/2012

Moved Cr Truran Seconded Cr Guerini that in the event that Midland Constructions goes into receivership that Council delegate to the Chief Executive Officer the authority to take appropriate action to negotiate with the receiver and/or terminate the contract with Midland Constructions and undertake the project as 'Owner Builder" utilising a project supervisor and tradesmen/sub-contractors to complete the building of the sports clubhouse as is required. Further that the CEO write to the Tennis and Bowling Clubs to advise them that despite the setback the project is still proceeding.

**CARRIED** (7/0)

**Submission to:** Ordinary Meeting of Council – Friday 20<sup>th</sup> January 2012

**Agenda Reference:** 8.1

**Subject:** Financial Reports

File Reference: 8.2.3.2

**Author:** Vivienne Murty – Deputy Chief Executive Officer

**Disclosure of Interest:** Not applicable **Date of Report:** 13<sup>th</sup> January 2012

#### 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 31<sup>st</sup> December 2011:

- Rates Receipt Statement (prepared to 31st December 2011)
- Statement of Investments,

## ORDINARY COUNCIL MEETING

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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 31<sup>st</sup> December 2011 as presented, be received.

#### 12/2012

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

**CARRIED** (7 /0)

**Submission to:** Ordinary Meeting of Council –20<sup>th</sup> January 2012

**Agenda Reference:** 8.2

**Subject:** Accounts for Payment

File Reference: 8.2.1.2

**Author:** Vivienne Murty – Deputy Chief Executive Officer

**Disclosure of Interest:** Not applicable **Date of Report:** 11<sup>th</sup> January 2012

## Background

Municipal Fund – Cheque Numbers 37426 to 37480 totalling \$242,855.64, Municipal Fund EFT numbers 161 to 209 totalling \$619,690.09, Municipal Fund – Cheque Numbers 1019 to 1024 totalling \$203,788.76, Trust Fund – 401958 to 401961 totalling \$2,045.58 and Trust Fund – Cheque Numbers 5765 to 5768 (DPI Licensing), totalling \$81,196.40 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.

## ORDINARY COUNCIL MEETING

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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

## **Voting Requirements**

Simple Majority

## Recommendation

Municipal Fund – Cheque Numbers 37426 to 37480 totalling \$242,855.64, Municipal Fund EFT numbers 161 to 209 totalling \$619,690.09, Municipal Fund – Cheque Numbers 1019 to 1024 totalling \$203,788.76, Trust Fund – 401958 to 401961 totalling \$2,045.58 and Trust Fund – Cheque Numbers 5765 to 5768 (DPI Licensing), totalling \$81,196.40 are presented for endorsement as per the submitted list.

#### 13/2012

Moved Cr W Della Bosca Seconded Cr Auld that Municipal Fund – Cheque Numbers 37426 to 37480 totalling \$242,855.64, Municipal Fund EFT numbers 161 to 209 totalling \$619,690.09, Municipal Fund – Cheque Numbers 1019 to 1024 totalling \$203,788.76, Trust Fund – 401958 to 401961 totalling \$2,045.58 and Trust Fund – Cheque Numbers 5765 to 5768 (DPI Licensing), totalling \$81,196.40 are presented for endorsement as per the submitted list.

(7/0)

## LATE ITEM: YILGARN OCCASIONAL CHILD CARE

## **Comment:**

The CEO tabled a request from the Yilgarn Occasional Child Care Centre Committee seeking a waiver of the annual rental invoice of \$550. Whilst this waiver would be in addition to the financial support that Council provides to the Centre administration it has been waived in the past.

#### 14/2012

Moved Cr Pasini Seconded Cr j Della Bosca that a late item relating to the waiver of fess to the Yilgarn Occasional Child Care be accepted.

**CARRIED** (7 /0)

## 15/2012

Moved Cr Pasini Seconded Cr j Della Bosca that Council waive the hire charges of \$550 due to the Yilgarn Occasional Child Care and ask that the committee consider future applications from the community fund.

**CARRIED** (7 /0)

Council adjourned for afternoon Tea at 3.10pm and returned to chambers at 3.25pm.

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

**Submission to:** Ordinary Meeting of Council – Friday 20th January,

2012

Agenda Reference: 10.1

Subject: Cat Act 2011 Location/Address: State Wide

Name of Applicant: Manager Environmental Health & Building Services

File Reference:

**Author:** Manager Environmental Health & Building Services –

W J Dallywater

**Disclosure of Interest:** Not applicable **Date of Report:** 11<sup>th</sup> January, 2012

## Background

I refer to agenda Item 10.5 of the July 2010 Council Meeting where Council was advised of the proposed State Cat Control Legislation that was open for public consultation. Council forwarded its comments on the proposed legislation which stated it did not support this legislation and did not believe that the elements of the legislation would achieve the proposed outcomes.

The State Government has continued on developing this legislation and the Cat Act 2011 was passed by Parliament on 2<sup>nd</sup> November 2011 and was assented to on 9<sup>th</sup> November 2011.

The key features of the Cat Act 2011 are:-

- Providing for all cats that have reached 6 months of age to be microchipped, sterilised and registered with the local government where they are usually kept;
- Providing for all cats to also be microchipped and sterilised prior to transfer or sale;
- Providing for local governments to administer and enforce the provisions of the Act;
- Providing for local governments to be able to seize cats; and
- Providing for local governments to create local laws for the control of cats within their district.

To reduce the impact and burden on cat owners they have two years in which to comply with the legislation which does not come into full effect until 1st November 2013.

#### Comment

At the July 2010 Council Meeting I advised Council that I did not believe that the then proposed legislation would achieve the specified outcomes. I am aware that several local governments made comment in July 2010 not supporting the proposed legislation, and it appears that to satisfy some of the community the whole community needs to be regulated.

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

There will always be people who decide to not conform to the regulations and will not sterilise their cat(s), will breed their cats but not register themselves as breeders, and then sell or give kittens away that are not sterilised or microchipped due to the cost involved.

The Shire of Yilgarn currently employs a local lady as the Dog Catcher who deals basically with dog complaints, but occasionally deals with complaints regarding other animals. The Dog Catcher is employed for 25 hours per fortnight and she uses her own vehicle for the work. Cat traps (cages) are used to help control stray cat numbers and to deal with unwanted cats in peoples' yards.

The Shire Administration staff could set up a computer program similar to the dog register for the registration of cats at a cost, plus there are the additional costs of supplying the registration tags, sending out renewal notices each year, administration staff dealing with cat registrations. The Shire would need to purchase a scanner to read the microchips.

I recommend that Council not implement or enforce the new Cat Act 2011 at this time.

## **Statutory Environment**

Cat Act 2011.

## **Policy Implications**

Nil

## **Financial Implications**

For Council to implement the new Cat Act 2011 and employ a Ranger or authorised person to administer the Act will be an additional burden on Council. The expected cost to Council is unknown at this time.

## Recommendation

For Council's consideration.

## **Voting Requirements**

Simple Majority.

#### 16/2012

Moved Cr Pasini Seconded Cr W Della Bosca that Council not implement or enforce the new Cat Act 2011 at this time.

CARRIED (7/0)

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

**Submission to:** Ordinary Meeting of Council – Friday 20<sup>th</sup> January,

2012

**Agenda Reference:** 10.2

Subject: Application to Conduct Exploration Drilling &

**Prospecting Activities - Mineral Deposits** 

**Location/Address:** Yilgarn Shire

Name of Applicant: Advanced Tenement Services Pty Ltd on behalf of

Broadwater Resources Pty Ltd;

Hetherington Exploration & Mining Title Services Pty Ltd on behalf of Australia Kimberly Gold Pty Ltd;

M & M Walter Consulting Tenement & Native Title

Management on behalf of Mr Stephen Legrastic

Management on behalf of Mr Stephen Lopresti;

M & M Walter Consulting Tenement & Native Title Management on behalf of Southern Cross Goldfields

Ltd;

Austwide Mining Title Management Pty Ltd on behalf

of Talga Gold Limited; and

Red Field Pty Ltd

File Reference: 3.2.1.6

**Author:** Manager Environmental Health & Building Services -

W J Dallywater

**Disclosure of Interest:** Not applicable **Date of Report:** 12<sup>th</sup> January, 2012

## **Background**

1) Advanced Tenement Services Pty Ltd on behalf of Broadwater Resources Pty Ltd has submitted an application for Exploration Licence E77/2020 which extends from east of the Southern Cross South Road, crosses over the Meranda North Road, crosses over the Emu Fence Road north just south of the Crampthorne Road, and extends east into the Crown reserve land and crosses the King Ingram Road three times. See attached letter, application and map.

- 2) Hetherington Exploration & Mining Title Services Pty Ltd on behalf of Australia Kimberly Gold Pty Ltd has submitted an application for Exploration Licence E70/4259 which lies between Calzoni Road and the Emu Fence Road and crosses over the Vermin Proof Fence into the Shire of Narembeen. See attached letter, application and map.
- 3) M & M Walter Consulting Tenement & Native Title Management on behalf of Mr Stephen Lopresti has submitted an application for Prospecting Licences P77/4112 & 4113 which join each other and lie south of the Ghooli Greenmount Road and west off the Southern Cross-Forrestania Road mid-way between Southern Cross and Marvel Loch. Neither Licence extends over a Council controlled road. See attached letter, application and maps.

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

4) M & M Walter Consulting Tenement & Native Title Management on behalf of Southern Cross Goldfields Ltd has submitted an application for Mining Lease M77/1264 which lies north of Mt Jackson, south of Olby Rock and the border with the Shire of Menzies, and is east of the Bullfinch-Evanston Road. There are no Council controlled roads within this Licence and I am not aware of any places of significance that are within this Licence. See attached letter, application and maps.

- 5) Austwide Mining Title Management Pty Ltd on behalf of Talga Gold Limited has submitted an application for Exploration Licences E77/2037 & 2038. See attached letter, application and maps.
  - a) Exploration Licence E77/2037 extends just east of the Ghooli North Road to approximately 3.5Kms east of Yellowdine extending north and south of the Great Eastern Highway, and includes the Emu Fence Road, the Great Eastern Highway, and the Western Power Transmission Line.
  - b) Exploration Licence E77/2038 lies north of Southern Cross between the railway line on the west and the Southern Cross-Koolyanobbing Road on the east, and includes Rogers North Road.
- 6) Red Field Pty Ltd has submitted an application for Prospecting Licences P77/4116 & 4117 which lie south-east of Bullfinch townsite, east of and includes part of the Koorda-Southern Cross Road. See attached letter, application and maps.

It is unknown whether drilling is expected to occur on any Council controlled roads, therefore the applications are being treated as if drilling may occur along the roadways.

#### 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 designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

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;

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

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

The Manager of Works is aware of these applications and has raised no issues in regards to the possibility of any drilling along these Council roads.

## **Statutory Environment**

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

**Policy Implications** Nil

**Financial Implications** 

Nil

## ORDINARY COUNCIL MEETING

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## Recommendation

## That Council

a) has no objections to M & M Walter Consulting Tenement & Native Title Management for Mr Stephen Lopresti (P77/4112 & 4113); M & M Walter Consulting Tenement & Native Title Management for Southern Cross Goldfields Ltd (M77/1264) applications as outlined;

and

- b) grants approval to Advanced Tenement Services Pty for Broadwater Resources Pty Ltd (E77/2020); Hetherington Exploration & Mining Title Services Pty Ltd for Australia Kimberly Gold Pty Ltd (E70/4259); Austwide Mining Title Management Pty Ltd for Talga Gold Limited (E77/2037 & 2038); and Red Field Pty Ltd (P77/4116 & 4117) to carry out drilling along sections of Council controlled road reserves with their respective Exploration and Prospecting Licences as shown on the attached maps on the following conditions:-
- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner:
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, and the public/ visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

# ORDINARY COUNCIL MEETING

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**Voting Requirements** 

Simple Majority.

## 17/2012

Moved Cr Pasini Seconded Cr Auld that Council:

- a) has no objections to M & M Walter Consulting Tenement & Native Title Management for Mr Stephen Lopresti (P77/4112 & 4113); M & M Walter Consulting Tenement & Native Title Management for Southern Cross Goldfields Ltd (M77/1264) applications as outlined; and
- b) grants approval to Advanced Tenement Services Pty for Broadwater Resources Pty Ltd (E77/2020); Hetherington Exploration & Mining Title Services Pty Ltd for Australia Kimberly Gold Pty Ltd (E70/4259); Austwide Mining Title Management Pty Ltd for Talga Gold Limited (E77/2037 & 2038); and Red Field Pty Ltd (P77/4116 & 4117) to carry out drilling along sections of Council controlled road reserves with their respective Exploration and Prospecting Licences as shown on the attached maps on the following conditions:-
- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, and the public/visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

CARRIED (7/0)

## ORDINARY COUNCIL MEETING

Friday 20th January 2012

**Submission to:** Ordinary Meeting of Council – Friday 20<sup>th</sup> January,

2012

**Agenda Reference:** 10.3

Subject: Draft Mining Proposal - Exploration Infrastructure

**Location/Address:** Mining Leases M77/1096 & M77/1095

Name of Applicant: Polaris Metals Pty Ltd - Mr Paul Rokich,

Environmental Manager

File Reference: 3.2.1.7

**Author:** Manager Environmental Health & Building Services -

W J Dallywater

**Disclosure of Interest:** Not applicable **Date of Report:** 11<sup>th</sup> January, 2012

## Background

Polaris Metals Pty Ltd is shortly to submit a formal mining application to the Department of Mines & Petroleum (DMP) and has forwarded a draft of the mining proposal for Council's comment.

## Proposal Outline:-

- 1) The Exploration Infrastructure project is located within the Yilgarn Shire, approximately 50Km north of Koolyanobbing and 100Km north-northeast of Southern Cross, and is located on Mining lease M77/1096.
- 2) This lease lies within the Helena and Aurora Conservation Park, Crown Reserve 48470 (identified as an Environmentally Sensitive Area (ESA) or Schedule 1 Area in Regulation 6 and Schedule 1, clause 4 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, however is not show as an ESA on the Department of Environment and Conservation (DEC) native vegetation map viewer or the SMP ESA and Schedule 1 map. Notwithstanding this, a clearing permit will be prepared and submitted as part of the mining proposal.
- 3) The Crown Reserve is part of existing and proposed reserves known as the Mount Manning Area (MMA).
- 4) The project site is located on flat woodland plan west of the Helena and Aurora range.
- 5) There is evidence of a historical exploration camp near the project site, plus drill lines, pads, and un-rehabilitated drilling (holes not capped and old samples bags present). There is also more recent public use of the old camp site.
- 6) The project will disturb up to a maximum of 2 hectares, however, there may also be smaller but more environmentally significant disturbances outside this main area.
- 7) The scope of this mining proposal is for infrastructure to support mineral exploration programs in the region, not an exploration drilling program itself, and includes:
  - i) Accommodation and mess facilities for up to 32 people.
  - ii) On-site wastewater treatment and disposal.
  - iii) Power and communication infrastructure.

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- iv) Fuel storage for power generator and exploration machinery.
- v) Vehicle washdown pad and sump.
- vi) Bores to supply water for the accommodation facility and use by drill rigs.
- vii) Laydown / storage area for supplies, geological samples and cores.

See attached information taken from the submitted proposal.

#### Comment

This is the initial step in seeking approval to carry out mining activity within this area.

Mr Rokich has advised that it is not Polaris Metals' intent to carry out any mining of the Mount Helena and Aurora hills but there will be exploration/mining activity on the flat ground at the base of these hills. The proposed camp facility and other infrastructure is required to service people working in and around Polaris Metals various leases within the area, and due to the distance for them to travel back to the Carina main camp located just inside the Shire of Coolgardie. At this time the camp is expected to be temporary but this will be dependant on what the drilling exploration work finds in this area.

While Polaris Metals has submitted this draft mining proposal for comment, it is aware that if the DEC and DMP give it approval to proceed it will need to apply to Council for development approval, as well submit building applications and a wastewater treatment application prior to work commencing.

Previously Council has supported mining activity throughout the Shire, including within the Mount Manning Area, however, I believe that Council was not very supportive of mining activity within the Mount Helena and Aurora reserve.

## **Statutory Environment**

Nil

## **Policy Implications**

Nil

## **Financial Implications**

If this project proceeds then Council will receive rates for the camp site and the mining leases.

## Recommendation

That Council advise Polis Metals Pty Ltd that it does / does not support its proposed draft Mining Proposal of Exploration Infrastructure M77/1096 and M77/1095 as submitted.

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## **Voting Requirements**

Simple Majority.

#### 18/2012

Moved Cr Pasini Seconded Cr Auld that Council advise Polis Metals Pty Ltd that it supports its proposed draft Mining Proposal of Exploration Infrastructure M77/1096 and M77/1095 as submitted.

**CARRIED** (7/0)

**Submission to:** Ordinary Meeting of Council -January 20th 2012

Agenda Reference: Works 9:1

**Subject:** Proposed Dog Fence Alignment

Location/Address: Emu Fence Road Reserve Name of Applicant: Department of Agriculture

File reference: 7.2.4.1

Author: Robert Bosenberg - Manager of Works

**Disclosure of Interest:** N.A.

**Date of Report:** 18<sup>th</sup> January 2012

## **Background**

At Council's December 2011 Meeting the Manager for Works verbally reported to council, results of an inspection carried out in late November 2011 of the proposed Dog Fence alignment. The inspection was carried out by Craig Robins from the Department of Agriculture, and council senior staff in Noel Teale and Robert Bosenberg.

The purpose of the inspection was to identify Rare Flora and Heritage Sites locations as well as grid and gateway locations for through traffic access on council roads, fire access, private property access and council gravel pits access.

As Councilors are aware the location of the proposed Dog Fence alignment is east of the formed Emu Fence Road located within the Emu Fence Road Reserve.

The length of the proposed fence alignment is approximately one hundred and seventy five (175) kilometres running from the Koolyanobbing Road through to the Rabbit Proof Fence located at the southern shire boundary (refer to attached map). Too accommodate the proposed Dog Fence there will be a requirement to clear one hundred and seventy five (175) kilometres of bush to a twenty metre width.

## Comment

Previous to the inspection carried in November 2011 by Craig Robins and Council senior staff, the Department of Agriculture carried out a Rare Flora and Heritage survey on the proposed fence alignment. During the course of the survey carried out by the Department of Agriculture two Rare Flora areas were identified along with one Aboriginal Heritage Site.

The first Rare Flora location is south of Great Eastern Highway and Emu Fence Road intersection extending for approximately 5 kilometres with priority one plants found in this area. The second Rare Flora location is at the intersection of

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the Marvelloch Forrestania and Emu Fence Roads extending for approximately 500 metres either side of the intersection with priority three plants found at this location. The Aboriginal Heritage Site is located approximately 500–800 metres south of Bennett and Emu Fence Roads intersection.

As identified on the inspection, council roads that will require grids are Mount Palmer Road, Marvel Loch Forrestania Road, Parker Range Road, Dunbar Road, Vultee Road and King Ingram Road. Approximately 18 gateways will be required for private property access, mining access, gravel pit access and fire access roads.

At the time of the inspection discussions were still in progress between Main Roads Western Australia and Department of Agriculture as to what type of crossing would be suitable where the fence crosses over the Great Eastern Highway.

The Dog Fence alignment is approximately one hundred and seventy five (175) kilometres in length. One hundred and twenty two (122) kilometres (70%) of the proposed fence will be located within the Emu Fence Road Reserve. The remaining fifty two (52) kilometres (30%) will be located in vacant crown land.

The first twenty five (25) kilometres of the Emu Fence Road starting from the Koolyanobbing Road through to Wheatley Road Intersection is graded once a year for the purpose of a fire break access track and is only utilised by land owners in the area and Department of Agriculture Wild Dog Control Officers to carry out boundary fence inspections and monitor wild dog activity. It is approximately ten metres in width.

A request has been received from the Department of Agriculture inquiring if Council would consider formally closing this twenty five (25) kilometre section of road reserve so as the existing fire break could be utilised as part of the new fence alignment. This would minimize clearing and also give Department of Agriculture greater control over this section of the dog fence by the way of installing gates either end to keep members of the public out of this area.

If council were to consider closing this twenty five (25) kilometre section of the Emu Fence Road Reserve, then a very clear and precise agreement would have to be negotiated between Department of Agriculture and Council so as the land owners in the area and council staff would not be restricted in anyway to have continuous access to the fire break.

With the remaining hundred and fifty (150) kilometres of Dog Fence alignment the Department of Agriculture will be required to apply for an easement to accommodate the fence alignment where it is within the Emu Fence Road Reserve.

**Statutory Environment:** Land Administration Act 1997

## Recommendation

Council resolves to close the twenty five (25) kilometre section of the Emu Fence Road Reserve from the Koolyanobbing Road through to Wheatley Road Intersection, and in accordance to Land Administration Government Act 1997, council commences the statutory advertising period calling for comments in relation to the proposed road closure

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## **Voting Requirements**

Simple Majority

19/2012

Moved Cr Pasini Seconded Cr Truran that Council resolves to close the twenty five (25) kilometre section of the Emu Fence Road Reserve from the Koolyanobbing Road through to Wheatley Road Intersection, and in accordance to Land Administration Government Act 1997, council commences the statutory advertising period calling for comments in relation to the proposed road closure

**CARRIED** (7/0)

**Submission to:** Ordinary Meeting of Council January 20th 2011

**Agenda Reference:** Works 9:2

**Subject:** Driver Reviver Caravan

Location/Address: N.A.
Name of Applicant: N.A.
File reference: 6.3.1.2

**Author:** Robert Bosenberg - Manager of Works

**Disclosure of Interest:** N.A.

**Date of Report:** 18th January 2012

#### **Comment**

A successful Driver Reviver campaign was once again run in Southern Cross over the 2011 Christmas and 2012 New Year holiday periods. The Driver Reviver campaign was run in conjunction with the Health Agencies of the Yilgarn (HAY committee), Road Wise committee and Shire of Yilgarn on Thursday 22<sup>nd</sup>, Friday 23<sup>rd</sup>, Saturday 24<sup>th</sup>, Tuesday 27<sup>th</sup>, December 2011 and Monday 1<sup>st</sup> January 2012. The Driver Reviver Caravan was manned for 40 hours over this period.

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

Councils newly acquired Speed Alert Mobile Trailer (SAM) was used in conjunction with the Driver Reviver Campaign. The message on the display screen alerted motorist to their speed and advertising the Driver Reviver campaign.

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

Nineteen members (as listed below) of the Yilgarn district generously gave up there valuable time to assist with the running of this campaign:

Margaret Harrison, Carla Della Bosca, Pauline Eiffler, Josie Pollard, Pat Dal Busco, Lisa Granich, Olwen Beaton, Rolly & Shelley Blair, Lisa Boso, Pat Boso,

## ORDINARY COUNCIL MEETING

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Elson Boso, Dianne Della Bosca, Christy Galbraith, Onida Truran, Carol and Bill Truran, Danica Dorazio and Bernie Dorazio.

Over the 40 hour period the Driver Reviver campaign was running, a total of 85 vehicles stopped with 112 drivers and passengers taking advantage of refreshments and hospitality offered by volunteers manning the van and the amenity rooms made available by Mr. Bernie Dorazio. Motorist and passengers passing through made favorable comments on how the driver reviver was set up and how this was one of the only few Driver Reviver Campaigns still operating through out the state during holiday periods.

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

## **Submitted for Councils information**

Council noted the report.

#### LATE ITEM PERMIT TO BURN

Cr W Della Bosca advised that with the recent storms a large amount of dry radish and turnip had been blown along the fence in the South Moorine Area that has now been cleared and stockpiled. It was asked if Council would give special dispensation to allow for the issue of selective permits to burn this in February. If approved by Council there is a requirement to advertise the issue of a special permit.

#### 20/2012

Moved Cr W Della Bosca Seconded Cr Auld that a late item relating to the issue of permits to burn be dealt with at this time.

**CARRIED** (7/0)

## 21/2012

Moved Cr W Della Bosca Seconded Cr Auld that Council authorise the advertising and issue of a special permit to burn for specific properties in the South Moorine area to clear debris from fences.

**CARRIED** (7 /0)

There being no further business to discuss, the Shire President declared the meeting closed at 4.15 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 20<sup>th</sup> January 2012 confirmed on Friday the 17<sup>th</sup> February 2012 as a true and correct record of the January Ordinary Meeting of Council.

Cr Romolo Patroni SHIRE PRESIDENT