

MINUTES
ORDINARY COUNCIL MEETING
Friday 18th May 2012

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 18th May 2012.

PRESENT

Cr P R Patroni, Shire President
Cr W A Della Bosca, D Auld, D J Pasini, O Truran, G Guerini

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

The meeting was declared open for business at 2.06pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

Cr J Della Bosca

DISCLOSURES OF INTEREST

Item 7.5 – Mr J Sowiak

**CONFIRMATION OF PREVIOUS COUNCIL MINUTES
90/2012**

Moved Cr G Guerini Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 20th April 2012, be confirmed as a true and correct record of that meeting, inclusive of the below amendments:

AMENDMENTS TO THE MINUTES FROM THE 20TH APRIL 2012

Under Announcements by Cr J Della Bosca and Cr Truran the following changes are required:

- Cr J Della Bosca report on the Bodallin Catchment Group should read “Diane Della Bosca” not Dianne Maddock.
- Cr Truran’s report should read “DHAC” not DEHAC”.

CARRIED (6/0)

**YILGARN YOUTH SPORT AND RECREATION MEETING MINUTES
91/2012**

Moved Cr G Guerini Seconded Cr W Della Bosca that the minutes of the Yilgarn Youth Sport and Recreation Meeting held on the 23rd April 2012 be received.

CARRIED (6/0)

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GECZ WALGA MEETING MINUTES

92/2012

Moved Cr Truran Seconded Cr Auld that the minutes of the GECZ WALGA Meeting, held on the 26th April 2012, be received.

CARRIED (6/0)

WEROC EXECUTIVE MEETING MINUTES

93/2012

Moved Cr Truran Seconded Cr Auld that the minutes of the WEROC Executive Meeting, held on the 2nd May 2012, be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MEETING

94/2012

Moved Cr G Guerin Seconded Cr Pasini that the minutes of the Tourism Advisory Committee held on the 14th May 2012 be received, and below recommendations endorsed by Council.

CARRIED (6/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- That he had a number of press interviews relating to the FIFO enquiry held in Kalgoorlie.
- The SP thanked Cr Truran for filling in for him over the past month, whilst he has been busy seeding.
- That he would like to thank the CEO and staff for a well organised ANZAC day ceremony and the light lunch at the Senior Centre.
- Offered his and Council's condolences to the DCEO on the passing of her father

Cr W Della Bosca advised that DEC will be doing burning off in the Yilgarn Shire in the upcoming weeks.

Cr D Auld attended a SIHI meeting held by Ms Laura Black on the 2nd May 2012 – the benefits from the meeting is that we may get some extra people attending the HAY meetings; including Jessie Della Bosca (child health care nurse) and Laura Black (Nurse Practitioner).

Cr Auld advised that he had attended the Hay, Seeds and Grain Committee meeting on the 28th April and that the future of the skeleton weed program was discussed. Contractor prices were going to decrease to \$6 per hectare and they no longer need to

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provide GPS coordinates. This will put added pressure on Robbie Della Bosca (skeleton weed co-ordinator), as funding for additional employees has been cut.

It was decided that the price of surveying was going to decrease from \$11 per hectare to \$6 per hectare and that contractors would not have to provide a GPS co-ordinate if skeleton weed is located. Instead, Robbie Della Bosca would have to go out to every location and mark it and get the co-ordinates. As the skeleton weed funding was cut this would be near on impossible.

Cr Truran advised that she had attended the WEROC and WALGA Zone meeting, Anzac Ceremonies, DHAC meetings, and the informal interim audit meeting with Council Auditors – UHY Haines Norton on the 16th May 2012.

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|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council – Friday 18 th May 2012 |
| Agenda Reference: | 7.1 |
| Subject: | Western Australian Local Government Association – Local Government Convention and Notice of Annual General Meeting |
| File Reference: | 1.6.13.2 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | Tuesday, 3 May 2012 |

Background

WALGA have forwarded Notice of the Annual General Meeting of the Association and Local Government Week Conference which are to be held at the Perth Convention Exhibition Centre from Wednesday, 1st August 2012. The Association also provides information on procedural information for submission of motions.

WALGA invites Member Local Governments to submit motions for inclusion on the Agenda for consideration at the 2012AGM. The closing date for submission of motions is **Monday, 4th June 2012.**

Comment:

The Local Government Week Convention will be held between Wednesday 1st August and Saturday 4th August 2011 and this is different from past years, as the AGM is now being held on Wednesday rather than Saturday. The schedule for the Convention is as follows:-

Wednesday, 1 August

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|---|-----------------|
| Special State and Local Government Forum | 9.00am- 12 noon |
| Annual General Meeting | 1.30pm – 5.30pm |
| Convention & Trade Exhibition Welcome Reception | 5.30pm – 7.00pm |

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Thursday, 2 August

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| Convention Opening & Sessions | 9.00am – 5.00pm |
| Mayors & Presidents Reception (Council House) | 5.30pm – 6.30pm |

Friday, 3 August

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| Convention Sessions | 9.00am – 4.30pm |
| Convention Gala Dinner | 7.00pm – 11.00pm |

Saturday 4th August: Optional extension of program.

Optional function; All day Tour to Rottnest Island 8.45am- 5.15pm.

A partners program is also available for accompanying partners who wish to participate.

Councillors may wish to consider whether they will be attending Local Government Week, as at this stage 4 rooms have been booked with the Novotel Perth from the evening of Tuesday 31st with check out on the morning of Saturday 4 August. If anyone wishes to stay the extra night for the study tour of Rottnest Island, Council will need to change the booking for accommodation.

Council is entitled to have two voting delegates and two proxy delegates and on this basis the usual nominees are the Shire President and Deputy President as voting delegates and others who are attending as proxies.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That should Council wish to submit motions for inclusion on the Agenda for consideration at the Association's AGM, they be provided to the CEO for forwarding to WALGA prior to 4th June 2012. Council in submitting motions must adhere to the guidelines in the formulation of motions.

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Recommendation

That Councillors indicate their interest in attending Local Government Week 2012 which will allow the CEO to liaise with those Councillors when registrations are required to be submitted to WALGA.

Voting Requirements

Simple Majority

DISCUSSION

Cr Patroni, Cr Truran and Cr Auld expressed interest in attending. Cr Patroni and Cr Auld suggested that they may only need council funded accommodation for the Wednesday night, while Cr Truran was unsure at this time in regards to accommodation.

Council Information only

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|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.2 |
| Subject: | Sports Club house and Green Official Opening |
| File Reference: | 1.3.8.14 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 4 th May 2012 |

Background

As building works are to be completed in the next month Council is required to consider and decide on a date for the official opening.

Comment:

Council's Tourism Committee had recommended and Council has accepted a proposal to hold the 120 years of Local Government celebrations on the same day as the official opening of the Bowling Green and Club house with a proposal for the opening to be held on a Saturday in August September.

On that basis contact was made with Minister Waldron, as the Minister for Sport who advised that he was not available and he nominated Wendy Duncan MLC as being available for the opening on Saturday August 11th.

Council needs to consider and decide:

- The name of the new building; i.e. is it to be called the Southern Cross Sports Club????
- Who will officiate at the opening and the Local Government 120 years celebrations? Does Council want to have the Building opened by Wendy

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Duncan MLC, invite another Minister / Premier, Shire President or some prominent sporting identity?

- Budget and format for official opening. Depends on format and number of people, based on numbers of people, seating, food preparation and space will be a premium. Bowling and Tennis Clubs could be asked to do catering, format of BBQ? Games after?
- Any Special Invitations / Suggest Matter left with Shire president.
- If date is acceptable. Saturday August 11 is also home game for football.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

DISCUSSION

A committee is to be formed made up of representatives from the Yilgarn Bowls and Tennis Club and CEO, and it will be left to the discretion of the committee to decide the time and format of the official opening.

95/2012

Moved Cr Auld Seconded Cr W Della Bosca that official opening to be the 6th October 2012 for the Sporting Club and that the committee register the building in the name of Yilgarn Bowls and Tennis Club.

CARRIED (6/0)

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| Submission to: | Ordinary Meeting of Council – Friday 18 th May 2012 |
| Agenda Reference: | 7.3 |
| Subject: | Provision of External Audit Services |
| File Reference: | 8.2.2.2 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Not Applicable |
| Date of Report: | Thursday, 3 May 2012 |

Background

Audit services provided by UHY Haines Norton expired on 30th June 2012, and Council is required to seek quotations for the appointment of an Engagement Partner to undertake this function.

Comment

Whilst the term of appointment of the Auditor cannot be for more than 5 years, an auditor is eligible for re-appointment. On that basis a quotation was sought from the current audit company, UHY Haines Norton in Perth and the proposed fee structure is considered reasonable for the service provided.

The fees quoted for the provision of audit services to the Shire of Yilgarn are as follows, with all prices inclusive of GST and travel costs:

| | | |
|--------------|--------------|----------|
| Year ended - | 30 June 2013 | \$20,020 |
| | 30 June 2014 | \$21,175 |
| | 30 June 2015 | \$22,230 |

Council's has had a long working relationship with Mr David Tomasi of Haines Norton and has no basis for not renewing this contract. The principal partners engaged in the performance of the audit will be Mr D Tomasi and Mr G Godwin, both of whom have the requisite qualifications.

The Local Government Act section 7.3 (1), requires Council to consider the recommendation of the Audit Committee prior to the appointment of the Auditor and on that basis Council should convene a meeting of the Audit Committee to discuss the appointment and make a recommendation to Council.

Statutory Environment

Section 7.8 'Terms of appointment of auditors' of the Local Government Act 1995

Policy Implications

Not Applicable

Financial Implications

Provision is made annually for the engagement of external auditors

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Strategic Implications

Not Applicable

Recommendation

That Council convene a meeting of the Audit Committee on Friday June 15th at 11.30am for the purpose of considering a recommendation to Council to reappoint UHY Haines Norton, Perth as the audit firm for the period from 1st July 2013 to 30th June, 2015.

Voting Requirements

Absolute Majority required

96/2012

Moved Cr Truran Seconded Cr W Della Bosca that Council convene a meeting of the Audit Committee on Friday June 15th at 11.30am for the purpose of considering a recommendation to Council to reappoint UHY Haines Norton, Perth as the audit firm for the period from 1st July 2013 to 30th June, 2015.

CARRIED BY ABSOLUTE MARJORITY (6/0)

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| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.4 |
| Subject: | Wheatbelt Catchment Alliance |
| File Reference: | 7.2.1.11 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 10 th May 2012 |

Background

Council has received a request from the Wheatbelt Catchment Alliance (WCA) of WA, to support a Business Case for a drainage proposal costing \$27.5m from Royalties for Regions over a period of 5-6 years.

Comment:

A letter from the Wheatbelt Catchment Alliance is attached which details a proposal to establish a network of drains across approximately 9,000,000Ha of land stretching from Yarra Yarra to Katanning and across to Yilgarn and Northam. The purpose of the drain would be to establish a network of 1,000 km of deep drains to target salinity within the WCA area.

The Council is asked to provide a letter of support and make an annual contribution of up to \$4,000 to cover administration of the project. If the proposal is successful there would be funding for the construction of deep drains in areas of the Yilgarn as indicated in the plan.

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Despite the apparent benefits the Council's Environmental Officer has discussed the proposal with her peers in the local NRM group and there appears to be little interest in the proposal. There are also concerns with respect to the management of the network and the impact that saline water might have on the lower reaches of the drainage basin. In particular once the drains are established there is no ongoing funding to maintain the drains or the evaporation ponds into which the saline water drains and this may become an issue in the future.

The current approach by the NRM group is to manage high recharge areas by regeneration and manage the effects of salinity with surface water drains and dams.

The approach is therefore not supported.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation:

That Council not support the Wheatbelt Catchment alliance proposal to establish a network of deep drains to target salinity.

Voting Requirements

Simple Majority

97/2012

Moved Cr Pasini Seconded Cr Truran that Council does not support the Wheatbelt Catchment alliance proposal to establish a network of deep drains to target salinity.

CARRIED (6/0)

CEO declared an Interested in the following Item.

CEO left Council chambers at 2.50pm

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| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.5 |
| Subject: | Acting Chief Executive Officer |
| File Reference: | 1.1.1.1 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Yes by J Sowiak - CEO |
| Date of Report: | Friday, 16 January 2015 17 May 2012 |

Background

The Council has been advised that Mr Adam Seiler who was appointed as Acting CEO after the contract with the CEO Jeff Sowiak finishes on 30th June, 2012 has indicated he has found alternative work and will not be commencing with Council. The Council is therefore required to appoint an Acting Chief Executive pending the recruitment of a new permanent CEO.

Comment:

In view of the advice from Mr Seiler the Shire President has approached the current Acting CEO Mr Sowiak, who has indicated his willingness to vary his current contract to permit the Council sufficient time to recruit a new Chief Executive Officer.

Mr Sowiak accepted his current role with effect from 8th December, 2011 so it is possible for the Council to appoint him as Acting Chief Executive up until the 7th December, 2012. Mr Sowiak has indicated he intends to retire after that date and would therefore not be an applicant for the permanent role.

At the moment there are a large number of CEO vacancies and the current debate about the new role of the Salary Tribunal in limiting CEO salaries is causing some concern. Therefore, it is suggested that the recruitment of a new CEO commence with advertising in August and be finalised with a new CEO taking up appointment late in 2012.

The Shire President will speak to this matter.

Statutory Environment

Sect 5.36 & 5.39 Relating to the Employment of the CEO and contracts for Senior Staff.

Policy Implications

Nil

Financial Implications

Nil

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Voting Requirements

Absolute Majority

98/2012

Moved Cr Truran Seconded Cr G Guerini that we offer the present CEO an extension of his contract to the 28th September 2012 based on the negotiations on the 18th May 2012.

CARRIED BY ABSOLUTE MAJORITY (6/0)

CEO returned to Chambers at 3.00pm

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| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.6 |
| Subject: | CLGF REGIONAL APPLICATION |
| File Reference: | 1.6.17.3 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | Friday, 16 January 2015 10 th May 2012 |

Background

The Shire of Yilgarn has joined with the Shire of Westonia in the preparation of a joint proposal addressing housing needs in the towns of Southern Cross and Westonia.

Comment:

The Shires of Westonia and Yilgarn are entitled to an allocation of \$720,573 under the Country Local Government Fund 2011-2012 regional allocation and have agreed in November, 2011 that this funding should be allocated to Multi Purpose Housing.

A budget for the proposal has been established as follows:

Budget for CLGF Multipurpose Housing project Stage 1

| Stage 1 : Professional Housing. | Item | Cost | Extension |
|--|-------------|-------------|------------------|
| Southern Cross: | | | |
| Purchase two pre-fabricated Units | 2 | 236,000 | 472,000 |
| Audit | 1 | 750 | 750 |
| Preparation and advertising tenders | 1 | 1,250 | 1,250 |
| Land for Buildings | 2 | 30,000 | 60,000 |
| Building fees & Inspection | 1 | 1,500 | 1,500 |
| Site Preparation | 2 | 8,000 | 16,000 |
| Water, Power and Sewer | 2 | 15,000 | 30,000 |

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| Connection | | | |
| Driveway | 2 | 7,000 | 14,000 |
| Fencing , clothes line pathway | 2 | 16,000 | 32,000 |
| Landscaping | 2 | 5,000 | 10,000 |
| Furniture & Fittings | 2 | 12,000 | 24,000 |
| Carport/ Garden Shed | 2 | 12,000 | 24,000 |
| Sub Total Southern Cross | | | 685,500 |
| Westonia | | | |
| Purchase 3 BR House | 1 | 365,000 | 365,000 |
| Audit | 1 | 750 | 750 |
| Preparation and advertising tenders | 1 | 1,250 | 1,250 |
| Land for Building | 1 | 15,000 | 15,000 |
| Building fees & Inspection | 1 | 1,500 | 1,500 |
| Site Preparation | 1 | 8,000 | 8,000 |
| Water, Power and Septic tank | 1 | 20,000 | 20,000 |
| Driveway | 1 | 8,000 | 8,000 |
| Fencing , clothes line pathway | 1 | 18,000 | 18,000 |
| Landscaping | 1 | 5,000 | 5,000 |
| Furniture | 1 | 12,000 | 12,000 |
| Carport/ Garden Shed | 1 | 12,000 | 12,000 |
| Sub Total Westonia | | | 466,500 |
| Sub Total Prime Costs | | | 1,152,000 |
| Administration and supervision | 10% | | 115,200 |
| Total Cost | | | 1,267,200 |
| Funding for project | | | |
| CLGF Regional Component | | | |
| Shire of Yilgarn | | 392,361 | |
| Shire of Westonia | | 328,212 | 720,573 |
| Balance to be funded: | | | |
| In Kind Contributions : | | | |
| Land Southern Cross | | 60,000 | |
| Land Westonia | | 15,000 | 75,000 |
| Cash Contribution | | | |
| Shire of Westonia | | 169,938 | |
| Shire of Yilgarn | | 301,689 | 471,627 |
| | Total | | |
| | Funding | | 1,267,200 |

Due to the lead time necessary to complete the business case, the CEO of Westonia has confirmed the Shire of Westonia's commitment to the proposal and to undertake the construction of Multi Purpose housing across the two Shires and the CEO of Yilgarn has engaged Jo Fulwood to undertake the preparation of the preliminary work on the business case for submission by 30th May as is required.

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The Business case will be emailed to Councillors and tabled at the meeting for endorsement

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council will need to make provision in the budget for the contributions as indicated in the business case.

Recommendation

That Council endorse the business case for the construction of multipurpose housing for submission to the Country Local Government Regional fund 2011 -2012.

Voting Requirements

Simple Majority

99/2012

Moved Cr Patroni Seconded Cr Truran that Council endorses the business case for the construction of multipurpose housing for submission to the Country Local Government Regional fund 2011 -2012, and expressions of thanks to Mrs Jo Fulwood for the well presented Business Case within the limited timeline.

CARRIED (6/0)

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|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.7 |
| Subject: | SPORT AND RECREATION GRANT PRIORITIES |
| File Reference: | 1.6.17.3 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | Friday, 16 January 2015 10 th May 2012 |

Background

Council is involved with a regional sports facility plan and in doing so has to identify projects for priority funding form Sport and recreation in the future.

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Comment:

Council has previously identified the following projects as priority for future funding proposals under the Sports Facilities plan and in the future capital works Plan:

Stage 1: Bowling Green and Club House.

Completion of club house and bowling green. Current project estimated cost \$2.7m

(This project is now nearing completion and attracted \$500,000 in sports facilities funding.)

Stage 2: Outdoor Tennis/netball/Basketball Courts

It is not proposed to upgrade the current outdoor netball courts in their current location as the players have started to use the existing indoor recreation complex.

However, it is possible that for a reasonable cost the refurbishment of the tennis courts could involve multi-purpose line marking and hoops to accommodate netball and basketball.

As netball tend to play in the off tennis season, or at different times, it would seem practical to look at establishing an outdoor multipurpose surface for tennis and netball when refurbishing the remaining three tennis courts. The additional cost for line marking and the provision for retractable/removable hoops, would be a wise investment particularly if this increases the capacity for multisport use of the facility.

Project Summary:

Refurbishment of tennis courts and resurfacing with line marking, fencing and retractable hoops for netball/basketball as well as suitable lighting etc.

Rough Estimate \$350K

Stage 3: Pool Amenities

The amenities at the pool are long overdue for replacement and the pool itself is close to 45 years old. Assuming that there are no major issues, work that would need to be done would include the construction of new change rooms, kiosk, disabled access to pool and new change room, showers etc.

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Project Summary:

Refurbishment of Pool amenities construction of disabled access to existing pool and change rooms etc. Rough Estimate \$1.5m

Stage 4: New addition to pool complex - Hydrotherapy

This project could eventually be accommodated on the Northern end of the existing pool grounds and incorporated in the new layout for the change room's kiosk etc.

Heated hydrotherapy Pool Rough Estimate \$1.5m.

It is an opportune time to review this listing and identify any other projects that should have a priority prior to finalising the regional sports facilities plan.

Suggested inclusions may be:

Redevelopment of the Netball Courts and amenities; this project was deferred pending a decision on the recreation precinct funding and the desire to better utilise the tennis courts as a multipurpose playing surface.

Skate Park: there has been recent discussion concerning the skate park.

Solar Heating of Swimming pool: Proposals to provide solar heating and blanket for maintaining water temperature in pool.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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| <p>Recommendation</p> <p>That Council give consideration to the priority projects for inclusion in the regional facilities plan and forward capital works plan</p> |
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Voting Requirements

Simple Majority

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DISCUSSION

A number of ideas were mentioned regarding the priority of projects, including bowling green shade, lights for the tennis courts and a clubhouse and camping grounds at the Southern Cross Motor Cross track.

100/2012

Moved Cr Auld Seconded Cr W Della Bosca that the CEO prepare a priority list and present the list to YYSRAC for consideration and then bring recommendation back to Council for endorsement.

CARRIED (6/0)

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| Submission to: | Ordinary Meeting of Council – Friday, 18 th May 2012 |
| Agenda Reference: | 7.8 |
| Subject: | LEASE OF NEW CLUB HOUSE |
| File Reference: | 1.3.9.10 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 10 th May 2012 |

Background

Council is required to give consideration to the conditions applicable to the use of the new Club house and the necessity to have a lease with the newly established Yilgarn Bowls and Tennis Clubs incorporated with respect to issues concerning liquor license, electricity, phone etc.

Comment:

The new sporting club house is nearing completion and it is therefore an appropriate time to consider conditions applicable to any lease or license relative to the new building and bowling courts.

Some issues for consideration are:

- Lease, license or right to occupy with annual fee.
- If the lease fee includes building and facilities maintenance.
- Electricity connection who is responsible for account?
- Water changes who is responsible.
- What access to the building will the lease fee cover i.e. what access will Council and public have for other functions?
- What about school sports?
- Will the building have security patrols if so who will cover that cost?

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

Nil

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| <p>Recommendation:</p> |
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| <p>That Council provide direction concerning lease/license issues.</p> |
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Voting Requirements

Simple Majority

DISCUSSION

Cr Auld stated that there is already an understanding between Council and the sporting clubs in relationship to responsibilities, and it was assumed that this would continue. Cr Auld informed Council that the sporting clubs were responsible for the liquor licence, power and the water. The school has access to the buildings free of charge.

101/2012

Moved Cr W Della Bosca Seconded Cr Truran that CEO is to meet with representatives from the Yilgarn Bowls and Tennis Club Committee and discuss:

- *Lease, license or right to occupy with annual fee.*
- *If the lease fee includes building and facilities maintenance.*
- *Electricity connection who is responsible for account?*
- *Water charges who is responsible.*
- *What access to the building will the lease fee cover i.e. what access will Council and public have for other functions?*
- *What about school sports?*
- *Will the building have security patrols if so who will cover that cost?*

and MOU (Memorandum of Understanding) developed and brought back to Council for endorsement.

CARRIED (6/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday, 18 th May |
| Agenda Reference: | 7.9 |
| Subject: | Primary Health Care Demonstration Site |
| File Reference: | 1.6.28.1 ICR123190 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 10 th May 2012 |

Background

Council expressed an interest in being considered as a Primary Health Care demonstration Site and after waiting patiently for over six months, the Council has received a reply suggesting that Council express an interest to be considered as a Primary Health Care Demonstration Site.

Comment:

The letter from David Naughton, Project Director Southern Inland Health Initiative, copy attached, is most frustrating as it suggest that despite having expressed an interest in response to the invitation the Department will again be seeking expressions of interest.

The CEO has emailed the Project Director, reiterating Council's previous representations (Copy attached) on this issue and seeking a meeting to discuss the proposal for Southern Cross to be a Primary Health Care Demonstration Site.

It is hopeful that there will be a response prior to the meeting.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council receive the report.

Voting Requirements

Simple Majority



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inland health initiative



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inland health initiative

Information Received by Council

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| Submission to: | Ordinary Meeting of Council – Friday, 18 th May |
| Agenda Reference: | 7.10 |
| Subject: | Railway Retention Alliance |
| File Reference: | 6.3.2.3 |
| Author: | Jeff Sowiak - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | Friday, 16 January 2015 |

Background

Council is a member of the Railway Retention Alliance and has been approached to fund a study into the impact on roads through the closure of the tier three railway lines.

Comment:

The study to be commissioned by the Alliance is to be undertaken by Cardno Eppell Olsen Consultants and is estimated to cost of up to \$250,000 of which member Council's have been asked to contribute \$5,000 each with the balance to be sourced from unspecified sources.

Council has been advised that the purpose of the study would be to demonstrate that the Strategic Grain Network report, which was a desktop exercise, was a flawed report and the consequential decision by the Government to close the Tier 3 network was flawed.

The study was discussed, but not formally endorsed by the Network Alliance meeting in York on March 30th and both Phillip Garner MLC and Max Trenorden MLC have asked members of the alliance to support the proposal as a matter of urgency.

Council is a member of the alliance and should therefore consider if this proposal is worthy of consideration.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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DISCUSSION

As there have already been three external reports conducted on this matter it was suggested that council peruse the reports further before making a decision.

This Agenda items is to be tabled until June 2012 Council meeting to determine if there is general support from other Councils.

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday 18 th May 2012 |
| Agenda Reference: | 8.1 |
| Subject: | Proposed Draft Budget Timetable – 2012/2013 |
| File Reference: | 8.2.5.5 |
| Author: | Vivienne Murty – Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 9 th May 2012 |

Background

Work has commenced in preparation of Council's 2012/2013 Annual Budget. A timetable has been established, with key milestones identified as follows:

- *Fri 20th April 2012 Ten-Year Strategic Plant Replacement Programme presented by Manager for Works to Council for consideration and adoption.
- Mon 7th May 2012 Preparations to be well under way on the budget in terms of obtaining quotations for products and estimates of Capital Works Projects.
- Mon 14th May 2012 Road Construction, Road Maintenance and Townscape Budgets to be completed by the Manager for Works and forwarded to Deputy CEO for inclusion in the Draft Budget.
- Mon 14th May 2012 Staff Housing Budget to be completed by the Manager Environmental Health and Building Services and forwarded to Deputy CEO for inclusion in the Draft Budget.
- Wed 16th May 2012 Senior Management to hold their first budget deliberation meeting.
- Fri 18th May 2012 Estimate of Rates Income to be determined with different scenarios established displaying increases / decreases applicable.
- * Fri 18th May 2012 Council endorses application by Deputy CEO to advertise Differential Rates and make application to the Minister for Local Government.
- Wed 23rd May 2012 Advertising for Council's Proposed Differential Rates commences for the required period of 21 days, closing for public comment on Wednesday 13th June 2012 at 4pm.

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- Thur 31st May 2012 Further deliberation meeting to be held, identifying major projects to be included and a list of excluded items prepared and updated.
- Wed 13th June 2012 Final Draft Budget deliberation meeting with Team Executive. All expenditure accounted and Rating Scenarios finalised with the preferred option considered by the Deputy CEO included in the Draft Budget.
- Wed 13th June 2012 Period for submissions on Differential Rates is exhausted.
- Wed 13th June 2012 List of Priority Items is finalised by Executive Management Team.
- *Fri 22nd June 2012 Circulate final Draft Budget to Councillors and Executive Team.
- *Fri 29th June 2012 Draft Budget Workshop - Committee meeting with Councillors to be held at 5.30pm in Council Chambers. Recommendations to be brought to the Council meeting on the 20th July 2012.
- *Fri 20th July 2012 Council adopts the 2012/2013 Annual Budget at the Ordinary Meeting of Council to be held on this day.

Items marked with an (*) indicate matters which are specific to Council.

Comment

As can be seen from the above timetable, there is a requirement to hold a committee meeting to discuss the Draft Budget on Friday 29th June 2012. This meeting will commence at 5.30pm in Council Chambers, with dinner provided afterwards.

Statutory Environment

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions and provisions

Policy Implications

None

Financial Implications

Will see the completion of Councils 2012/2013 Budget

Strategic Implications

None

Voting Requirements

Simple Majority Required

Recommendation

That the proposed Draft Budget Timetable is noted, and Council hold a committee meeting to review the 2012/2013 Draft Budget on Friday 29th June 2012, commencing at 5.30pm in council chambers.

Noted by Council

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| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday 18th May 2012 |
| Agenda Reference: | 8.2 |
| Subject: | Proposal to impose Differential Rates for the year ending 30th June 2013 |
| File Reference: | 8.1.1.5 |
| Author: | Vivienne Murty – Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 9 th May 2012 |

Background

It is proposed to impose Differential Rates for the year ending 30th June 2013 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates proposed in the 2012/2013 Budget, as has been the practice in previous years, Council falls under the umbrella of this section of the Act. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days.

Proposed Differential Rates

Initial estimates have indicated the following proposed Differential Rates for the year ended 30th June 2013 would be appropriate:

| <i>Land Category</i> | <i>Proposed Rate</i> | <i>Last Years Rate</i> | <i>% inc</i> |
|-------------------------------|-----------------------------|-------------------------------|---------------------|
| GRV – Residential | 9.82 | 9.35 | 4.96% |
| GRV – Commercial | 6.72 | 6.40 | 5.00% |
| GRV – Minesites | 35.95 | 33.76 | 6.49% |
| GRV – Single Persons Quarters | 35.95 | 33.76 | 6.49% |
| UV – Rural | 1.65 | 1.57 | 4.68% |
| UV – Mining Tenement | 19.00 | 16.88 | 17.28% |

You will notice that there is a substantial increase in the Rate in the Dollar for UV - Mining Tenements, the reason being is that the Local Government Act states under S6.35 (2) (3):

- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

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- (3) The Local Government is to ensure the general minimum is imposed on not less than-
- a) 50% of the total number of separately rated properties in the district
 - b) 50% of the number of properties in each category

On which a minimum payment is imposed.

Council's total number of UV Mining Tenements is 814 of that 393 are minimum rated, keeping within the confines of S6.36 (2) (3) of the Local Government Act. The overall additional rates revenue that will be levied for 2012/2013 should these rates be adopted is \$341,422, an overall increase of 6.9%.

There were several factors taken into consideration when setting the proposed Differential Rates for 2012/2013:

1. Ensuring that Council Rates are kept in line with the Local Government Cost index which has been forecast to increase by 3.5% through 2012/13, including the estimated 0.7% increase associated with the introduction of the Carbon Tax in July 2012.
2. Ensuring that the scheduled 10% increase in premiums relating to property and motor vehicle insurances are factored into revenue collection to cover this type of recurring costs.
3. Ensuring increases in future wages and construction costs are considered. When hiring employees, Local Governments compete not only with each other but other sectors in particular the booming mining industry in Western Australia, it is essential that we have competitive salary packages to offer. The wage index is anticipated to increase by 4.5% in 2012/13 as light labour market conditions continue.
4. Ensuring that Council builds reserve funds, in particular for Asset Management. The Department of Local Government are insisting that Councils develop Integrated Financial Plans, which will be a statutory requirement by July 2013. Part of this plan involves asset management of Buildings, Infrastructure & Plant and funding the gap between existing maintenance and renewal and what is required to effectively maintain Shire assets.
5. Ensuring that necessary revenue to fund proposed capital expenditure for 2012/13 highlighted in the Forward Capital works plan and Plan for the future are considered.

Summary

The advertising requirement for the proposal to impose Differential Rates will be carried out on Wednesday 23rd May 2012, with submissions to be received by 4pm on Wednesday 13th June 2012.

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The final determination of Rates in the Dollar will not be made until the Draft Budget committee meeting on Friday the 29th June 2012.

Statutory Environment

Section 6.33 of the Local Government Act 1995 relating to levying Differential General Rates

Policy Implications

None

Financial Implications

Will form the basis of the Rate in the Dollar for Council's 2012/2013 Rating Year

Strategic Implications

None

Voting Requirements

Simple Majority Required

Recommendation

That Council propose the following Differential General Rates for the year ending 30 June 2013:

| Land Category | Proposed Rate | Proposed Minimum |
|-------------------------------|----------------------|-------------------------|
| GRV - Residential | 9.82 | \$355 |
| GRV - Commercial | 6.72 | \$355 |
| GRV - Minesites | 35.95 | \$355 |
| GRV - Single Persons Quarters | 35.95 | \$355 |
| UV - Rural | 1.65 | \$355 |
| UV - Mining Tenement | 19.00 | \$355 |

102/2012

Moved Cr Pasini Seconded Cr Truran that Council proposes the following Differential General Rates for the year ending 30 June 2013:

| <i>Land Category</i> | <i>Proposed Rate</i> | <i>Proposed Minimum</i> |
|--------------------------------------|----------------------|-------------------------|
| <i>GRV - Residential</i> | <i>9.82</i> | <i>\$355</i> |
| <i>GRV - Commercial</i> | <i>6.72</i> | <i>\$355</i> |
| <i>GRV - Minesites</i> | <i>35.95</i> | <i>\$355</i> |
| <i>GRV - Single Persons Quarters</i> | <i>35.95</i> | <i>\$355</i> |
| <i>UV - Rural</i> | <i>1.65</i> | <i>\$355</i> |
| <i>UV - Mining Tenement</i> | <i>19.00</i> | <i>\$355</i> |

CARRIED (6/0)

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102/2012

Moved Cr G Guerini Seconded Cr Pasini that Council writes to the Minister of Local Government and requests approval of the imposing of Differential Rates for 2012/2013.

CARRIED (6/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18th May 2012 |
| Reference: | 8.3 |
| Subject: | LGIS Insurance Declaration for 2012/2013 Renewals |
| File reference: | 8.2.7.10 |
| Author: | Vivienne Murty - Deputy Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 9 th May 2012 |

Background

The Shire of Yilgarn's insurance policies are due to expire on the 30th June 2012, in April the Insurance Declaration and associated schedules were received from LGIS outlining the Council's current insurance cover and itemised asset listings including sum insured.

The DCEO in consultation with the executive team is currently reviewing the Council's assets and insurance needs to ensure that the Council is adequately covered.

Comment

The Insurance Declaration for 2012/2013 from LGIS requires the signature of the Chief Executive Officer and for Council's Common Seal to be placed on the document.

Statutory Environment:

Nil

Policy Implications:

Councils Policy 1.8 deals with the use of Council's Common Seal

Financial Implications:

Nil

Voting Requirements

Simple Majority

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Recommendation

That Council endorses the CEO signing and placing of the Shire of Yilgarn's Common Seal on LGIS Insurance Declaration for 2012/13, authorising the upcoming year's insurance requirements for the Shire of Yilgarn.

103/2012

Moved Cr W Della Bosca Seconded Cr Pasini that Council endorses the CEO signing and placing of the Shire of Yilgarn's Common Seal on LGIS Insurance Declaration for 2012/13, authorising the upcoming year's insurance requirements for the Shire of Yilgarn.

CARRIED (6/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18 th May 2012 |
| Agenda Reference: | 8.4 |
| Subject: | 2012/2013 Schedule of Fees and Charges |
| File Reference: | 8.2.5.5 |
| Author: | Vivienne Murty - Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May 2012 |

Purpose of Report

Request that Council adopts the 2012/2013 Schedule of Fees and Charges, commencing from 1 July 2012.

Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year be adopted with the annual Budget. However as the Budget will not be adopted until 20th July 2012 and the majority of fees and charges will be applied from 1 July 2012 this report has been brought forward for Council's consideration.

Section 6.16 of the Local Government Act 1995 states:

"Fees and charges are to be imposed when adopting the annual budget but may be -

- (a) imposed during a financial year; and
- (b) amended from time to time during a financial year."

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Discussion

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:

- (a) The cost to the local government of providing the service or goods.
- (b) The importance of the service or goods to the community.
- (c) The price at which the service or goods could be provided by an alternative provider.

All fees and charges have been reviewed and the 2012/2013 Schedule of Fees and Charges are stated in Appendix 8.4.1A

Statutory Environment

Section 6.16 of the Local Government Act 1995.

Financial Implications

As specified in Appendix 8.4.1A attached.

Voting Requirements

Absolute majority required.

Recommendation

That Council adopts the 2012/2013 Schedule of Fees and Charges as per appendix 8.4.1A.

104/2012

Moved Cr Truran Seconded Cr Auld that Council adopts the 2012/2013 Schedule of Fees and Charges as per appendix 8.4.1A, with the amendment relating to "EHO Services hourly rate to be maintained at \$95.00 per hour"

CARRIED BY ABSOLUTE MAJORITY (6/0)

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| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday 18 th May 2012 |
| Agenda Reference: | 8.5 |
| Subject: | Financial Reports |
| File Reference: | 8.2.3.2 |
| Author: | Vivienne Murty – Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May 2012 |

Background

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

The following reports are enclosed and have been prepared as at the 30th April 2012:

- Rates Receipt Statement (prepared to 9th May 2012)
- Statement of Investments,
- 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 required

Recommendation

That the Various Financial Reports for the period ending 30th April 2012 as presented, be received.

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105/2012

Moved Cr Truran Seconded Cr Guerini that the Various Financial Reports for the period ending 30th April 2012 as presented, be received and that at the next council meeting council receive a cost comparison report for the Yilgarn Bowls and Tennis Club construction.

CARRIED (6/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday 18 th May 2012 |
| Agenda Reference: | 8.6 |
| 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: | 9 th May 2012 |

Background

Municipal Fund – Cheque Numbers 37695 to 37768 totalling \$235,041.62, Municipal Fund EFT numbers 425 to 499 totalling \$544,517.09 Municipal Fund – Cheque Numbers 1038 to 1040 totalling \$68,901.55, Trust Fund – 401971 to 401972 totalling \$2,639.10 and Trust Fund – Cheque Numbers 5784 to 5789 (DPI Licensing), totalling \$45,369.40 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.

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

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Recommendation

Municipal Fund - Cheque Numbers 37695 to 37768 totalling \$235,041.62, Municipal Fund EFT numbers 425 to 499 totalling \$544,517.09 Municipal Fund - Cheque Numbers 1038 to 1040 totalling \$68,901.55, Trust Fund - 401971 to 401972 totalling \$2,639.10 and Trust Fund - Cheque Numbers 5784 to 5789 (DPI Licensing), totalling \$45,369.40 are presented for endorsement as per the submitted list.

106/2012

Moved Cr Auld Seconded Cr W Della Bosca Municipal Fund - Cheque Numbers 37695 to 37768 totalling \$235,041.62, Municipal Fund EFT numbers 425 to 499 totalling \$544,517.09 Municipal Fund - Cheque Numbers 1038 to 1040 totalling \$68,901.55, Trust Fund - 401971 to 401972 totalling \$2,639.10 and Trust Fund - Cheque Numbers 5784 to 5789 (DPI Licensing), totalling \$45,369.40 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 4.00pm

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council May 18 th 2012 |
| Agenda Reference: | Works 9:1 |
| Subject: | Elevated Working Platform |
| Location/Address: | N.A. |
| Name of Applicant: | N.A. |
| File reference: | 6.6.7.2 |
| Author: | Robert Bosenberg - Manager of Works |
| Disclosure of Interest: | N.A. |
| Date of Report: | 9th May 2012 |

Background

In councils 2011/2012 Plant Replacement program a monetary allocation of \$35,000 has been allowed for to purchase an Elevated Working Platform.

The purpose of purchasing an Elevated Working Platform (EWP) is to assist council staff to carry out maintenance on internal/external lighting, servicing of internal/external air-conditioning and maintenance required on high ceilings on council owned buildings of which can not be reached by ladder. It will also be utilised by council staff for cleaning roof gutters as well as tree pruning around council buildings, tree pruning on road verges and recreational parks and under power lines as required.

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Council in the past have hire a EWP from a local hire company and on numerous occasions there has been lengthy waiting periods as the vehicle has not been available due to mechanical problems or it has been hired out to mining companies.

If the proposed EWP is to be used to carry out maintenance on council buildings internally, then consideration will have to be given to the weight and height of the vehicle.

As some council buildings have wooden floor boards and will be subject to weight restrictions, it is suggested that the proposed EWP does not exceed 1.8 tonne.

The extended height of the boom is another area that will require considerations as the complex basketball court playing area has a ceiling height of approximately ten metres, therefore the working platform height of the proposed EWP would have to exceed this height by a couple of metres to allow to reach the ceiling with comfort. It is recommended that the proposed EWP has a working platform height of not less than twelve metres.

Comment

Comments and specifications received from various companies which deal in EWP have indicated that the best suited vehicle for council's purpose would be a trailer mounted boom type EWP with a working height of 12-13 metres which would have an approximate gross weight of up to 1.5 tonnes.

Quotations received from Access Rentals Australia and Snorkel Australia for a trailer mounted boom type EWP are as follows:

Access Rentals

| | |
|-------------------|-----------------------------------|
| Genie TZ-34/20 | |
| Power Source | 24V Electric |
| Weight | 1450kg |
| Working Height | 12.36 metres |
| Outright purchase | \$36,000 (<i>GST exclusive</i>) |

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Snorkel Australia

| | |
|---|--------------------|
| Snorkel MHP 14AT | |
| Power Source | Honda Petrol Motor |
| Weight | 1460kg |
| Working Height | 13.5 metres |
| Outright purchase \$49,775 (<i>GST inclusive</i>) | |

The quote submitted by Access Rentals for a Genie TZ-34/20 (\$36,000) is \$13,170 less than the quote submitted by Snorkel Australia for the Snorkel MHP 14AT (\$49,170). There is some concern that the Genie TZ-34/20 is reliant on a 24 volt battery power source which requires mains power for recharging of the batteries every 24 hours. This will cause issue when the EWP is been utilised by council staff in areas that has no access to mains power to recharge the batteries.

The Snorkel MHP 14AT is powered by a Honda Petrol Motor and would be more suited for council's purpose as it is not reliant on mains power. This vehicle also has a working height of 13.5 metres whereas the Genie TZ-34/20 has a working height of 12.3 metres a difference of 1.2 metres.

The preferred optioned would be to purchase the Snorkel MHP 14AT as this vehicle is powered by a petrol motor and not reliant on mains power to charge batteries. It also has an additional 1.2 metre reach above that of the Genie TZ-34/20.

The MHP14AT has a 1 year parts and labour warranty and a 5 year structural warranty

Statutory Environment: *In accordance to Councils "Finance Policy 3.5 Purchasing and Tendering"*

Financial Implications: *In Council's 2011/2012 Plant Replacement Program an allocation of \$35,000 has been allowed for to purchase an Elevated Work Platform. The preferred optioned would be to purchase the Snorkel MHP 14AT as this vehicle is most suited for councils purpose for the quoted cost of \$49,170. This would result in an over expenditure of \$14,170. There is sufficient funding in Council's Plant Replacement Reserve to meet this over expenditure.*

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Strategic Implications: *Ten Year, Plant Replacement Program*

Recommendation

Council accepts the quote submitted by Snorkel Australia to purchase the Snorkel MHP 14AT Elevated Work Platform for the quoted cost of \$49,170 (GST exclusive).

Voting Requirements

Simple Majority

107/2012

Moved Cr Pasini Seconded Cr Truran that Council accepts the quote submitted by Snorkel Australia to purchase the Snorkel MHP 14AT Elevated Work Platform for the quoted cost of \$49,170 (GST exclusive).

CARRIED (6/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18 th May, 2012 |
| Agenda Reference: | 10.1 |
| Subject: | Proposed Management of Reserve 17381 as an A Class Nature Reserve Transferred to the Conservation Commission of Western Australia |
| Location/Address: | Reserve 17381 Mount Jackson Road, Lake Deborah West |
| Name of Applicant: | Department of Environment and Conservation - Ms Nicola Mincham |
| File Reference: | 9.1.1.1 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May, 2012 |

Background

I refer to agenda item 10.2 of the April 2012 Council Meeting where Council was advised that the Department of Environment and Conservation (DEC) has written seeking Council's support for:-

- 1) the vesting of Reserve 17381 as an A Class nature reserve for two main reasons -
 - the vegetation in the Reserve is part of the Beard Vegetation type 535 (Rough Fruited Mallee on Greenstone Hills) and this vegetation type is not currently presented in Western Australia's conservation estate; and

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- Reserve 17381 is located in the Highclear Hills area which is a priority acquisition region for the DEC;
- 2) excising the section of Mount Jackson Road that extends through Reserve 17381 from the Reserve and placed on its own road reserve;
- 3) the unconstructed road reserve to the east of the current Mount Jackson Road that is within the Reserve would need to be closed by the Shire and this land be added to the Reserve; and
- 4) the transferring of the management of Reserve 17381 to the Conservation Commission of Western Australia.

See attached copy of the letter and location map/aerial views of the Reserve.

Comment

At the April Council Meeting Council requested that further information was obtained regarding this proposal. The attached letter was sent to the DEC asking a number of questions to obtain further information regarding this proposal.

A letter of reply from the DEC has been received and is also attached for Council's information. This additional information should answer most if not all of Council's concerns regarding this proposal.

The Manager of Works has advised that the Shire will require the excised width of the Mount Jackson Road reserve to be at least 100 metres.

Statutory Environment

Compliance with Section 58 of the Land Administration Act for the closure of a road.

Policy Implications

Nil

Financial Implications

There will be the cost of advertising the proposal closure of the unconstructed section of road reserve within the Reserve 17381 plus administration staff's time in carrying out the required work.

Recommendation

That Council advise the Department of Environment and Conservation that:-

- 1) it does not oppose the vesting of Reserve 17381 as an A Class nature reserve provided that the DEC consults with and an agreement with the adjoining pastoralists is achieved prior to changing the vesting;

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- 2) it supports the excising of the section of Mount Jackson Road reserve within the Reserve from Reserve 17381 on the condition that it is a minimum of 100 metres wide;
- 3) it supports the formal closure of the section of unconstructed road with Reserve 17381 and for the land to be amalgamated into the Reserve; and
- 4) the management of Reserve 17381 to be transferred to the Conservation Commission of Western Australia.

Voting Requirements

Simple Majority.

108/2012

Moved Cr Auld Seconded Cr Pasini that Council advises the Department of Environment and Conservation that:-

- 1) *it does not oppose the vesting of Reserve 17381 as an A Class nature reserve provided that the DEC consults with and an agreement with the adjoining pastoralists is achieved prior to changing the vesting;*
- 1) *it supports the excising of the section of Mount Jackson Road reserve within the Reserve from Reserve 17381 on the condition that it is a minimum of 100 metres wide;*
- 2) *it supports the formal closure of the section of unconstructed road with Reserve 17381 and for the land to be amalgamated into the Reserve; and*
- 3) *the management of Reserve 17381 to be transferred to the Conservation Commission of Western Australia.*

CARRIED (6/0)

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| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18 th May, 2012 |
| Agenda Reference: | 10.2 |
| Subject: | Proposed Additions of Crown Reserves to Yellowdine Nature Reserve |
| Location/Address: | Reserve 3113 Weowanie Nature Reserve, 18966 "Timber Goldfields Water Supply", Reserve 2179 and 3112 Duladgin Nature Reserve, and Reserve 29823 Condarnin Rock Nature Reserve, Yellowdine |
| Name of Applicant: | Department of Environment and Conservation - Ms Nicola Mincham |
| File Reference: | 9.1.1.1 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May, 2012 |

Background

I refer to agenda item 10.3 of the April 2012 Council Meeting where Council was advised that the Department of Environment and Conservation (DEC) has written seeking Council's support for the addition of several Crown Reserves to the existing Yellowdine Nature Reserve of Class C Reserve 41936 Location 1569 "Conservation of Flora and Fauna".

The reserves to be added to Reserve 41936 Yellowdine Nature Reserve are:-

- 1) Crown Reserve 3113 Weowanie Nature Reserve - currently managed by the Water & Rivers Commission;
- 2) Crown Reserve 18966 "Timber Goldfields Water Supply" - unvested reserve;
- 3) Crown Reserve 2179 Duladgin Nature Reserve - currently managed by the DEC;
- 4) Crown Reserve 3112 Duladgin Nature Reserve - currently managed by the DEC;
- 5) Crown Reserve 29823 Condarnin Rock Nature Reserve - currently managed by the DEC; and
- 6) The unmade road reserves within the section of the Yellowdine Nature Reserve south of the Great Eastern Highway are proposed to be closed and amalgamated into the Reserve.

The Department of Mines and Petroleum is not very supportive of this proposal, however, the DEC is approaching the Department again and is hopeful to receive its support.

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See attached copy of letter and location maps.

Comment

At the April Council Meeting Council requested that further information was obtained regarding this proposal. The attached letter was sent to the DEC asking a number of questions to obtain further information regarding this proposal.

A letter of reply from the DEC has been received and is also attached for Council's information. This additional information should answer most if not all of Council's concerns regarding this proposal.

In my comments presented to the April Meeting I suggested that the DEC may be looking to change the Yellowdine Nature Reserve from a Class C or Nature Reserve to a Class A Reserve. In DEC's reply letter (see section e) it states that the DEC is not seeking to make the Yellowdine Nature Reserve a Class A Reserve. I apologise for misleading Council on this matter.

The Manager of Works has indicated that he does not support the proposed closure of any roads as these roads are used for accessing the area for bushfire control and as firebreaks, but they would also be used by weekend prospectors and miners accessing Heaneys Find minesite situated north-east of Mt Palmer townsite. The Marvel Loch-Yellowdine Road which runs through Reserve 41936 must be retained for public use.

In response (see section g) the DEC state that closure of the unmade road reserves will not change access to any part of the nature reserve, and that the unmade road reserves contain no current access tracks.

Looking at Google Maps of the area it appears as if there is a track extending south of the Yellowdine townsite that crosses over the Yellowdine-Mt Palmer Road and heads east but it is unclear as to whether it extends as far east as shown on the map from the DEC. The unmade road south of the Great Eastern Highway located east of the Yellowdine townsite does not exist although there is a shorter track a short distance east of this unmade road. Likewise the unmade road runs on an angle from the Yellowdine-Marvel Loch Road and crosses the Yellowdine-Mt Palmer Road does not exist but there is a track slightly north of it. See attached copies of Google Maps aerial views of these roads/tracks.

The Manager of Works advised that there are at least 2 gravel pits within this area which the Shire wish to continue to use and will require access to in the future. In the response letter (see section d) the DEC while not being aware of the existence of any gravel pits is willing to work with the Shire to allow

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continued access to the sites and has asked for their locations to be forwarded to the DEC.

Statutory Environment

Nil

Policy Implications

Council Policy 2.17 Reserves – Notification to Surrounding Land Owners.

“That when notice is received concerning any proposed changes in status of land (other than ownership) to Reserves, Council as a matter of courtesy notifies all adjoining landowners of the proposed changes for their information and/or comment.”

There are only 2 landowners in the Yellowdine area plus 1 other landowner in the Yellowdine townsite. As the proposal will not significantly or effectively change the current status of the Reserves proposed to be included in the Yellowdine Nature Reserve, these people have not been written to to advise them of the proposal or to seek their comments.

The landowners are:

- G & G Nicoletti (Bacopak) – Location 708 & 709 south of Great Eastern Highway;
- Messrs Roberto & Valentino Gianoncelli – Lease for Location 1522 north off Great Eastern Highway;
- Mr Grant Hislop – town Lots 22, 24, 25, and lease for 27 Great Eastern Highway, Yellowdine.

Financial Implications

Nil

Recommendation

That Council advise the Department of Environment and Conservation that:-

- 1) it has no objections to Crown Reserves 3113, 18966, 2179, 3112, and 29823 being included in the Yellowdine Nature Reserve on the condition that the Shire and its contractors are able to access its gravel pits located within this area; the Department as the manager of the area will actively work to control vermin and in particular wild dogs within the Nature Reserve; plus recreational prospecting is allowed within the Nature Reserve; and
- 2) it will support the closure of any unmade roadways within this area on the condition that all current tracks are dedicated as road reserves as these tracks have been in use for many years and Council wishes to maintain current local access rights.

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Voting Requirements

Simple Majority.

109/2012

Moved Cr W Della Bosca Seconded Truran that Council advises the Department of Environment and Conservation that:-

- 1) *it has no objections to Crown Reserves 3113, 18966, 2179, 3112, and 29823 being included in the Yellowdine Nature Reserve on the condition that the Shire and its contractors are able to access its gravel pits located within this area; the Department as the manager of the area will actively work to control vermin and in particular wild dogs within the Nature Reserve; plus recreational prospecting is allowed within the Nature Reserve; and*
- 2) *it will support the closure of any unmade roadways within this area on the condition that all current tracks are dedicated as road reserves as these tracks have been in use for many years and Council wishes to maintain current local access rights.*

CARRIED (5/1)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18 th May, 2012 |
| Agenda Reference: | 10.3 |
| Subject: | Proposed Lease of Crown Lots to All Mine Maintenance Services Pty Ltd |
| Location/Address: | Lots 645 & 646 Procyon Street, and Lot 996 Arcturus Street, Southern Cross (on Deposited Plan 22130) |
| Name of Applicant: | All Mine Maintenance Services Pty Ltd (AMMS Group) - Mr Sean Bilich, Managing Director |
| File Reference: | 1.6.17.4 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May, 2012 |

Background

I refer to agenda item 10.2 of the February 2012 Council Meeting where Council was advised that the Department of Regional Development and Lands (DRDL) had written to the Shire advising that it has received a request from All Mine Maintenance Services Pty Ltd (AMMS Group) to lease Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross. All Mine Maintenance Services currently leases Lots 643 & 644 Procyon Street, plus

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Sean Bilich (owner of All Mine Maintenance Services) owns Lot 916 Arcturus Street, Southern Cross. The reason for wanting to lease the additional 3 lots is that the business is expanding and needs more land to store machinery/plant/equipment/ items/materials.

DRDL has no objection in principle to the request to lease the additional land and amalgamate the lots into Lease J120997 under section 87 of the Land Administration Act; however, it is seeking Council's comments on the proposal before proceeding.

At this Meeting Council passed the following motion:-

"That Council advise the Department of Regional Development and Lands that it has no objections to it leasing land to All Mine Maintenance Services Pty Ltd, however, it will only support the leasing of Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross on the following conditions:-

- 1) *that road access onto the lots is as per the current situation and if the lessee requires Procyon Street to be extended then the cost of the extension will need to be negotiated between the lessee and the Shire with the lessee being required to pay an agreed portion of the cost;*
- 2) *that the lessee is not to carry out any work that will adversely impact on the stormwater drain culvert near the dividing boundary of Lots 996 & 997 Arcturus Street;*
- 3) *that the lessee is required to provide at its own cost any fill necessary for access onto the lots, for levelling of the lot(s), and to ensure that the lots are accessible in wet weather plus during and after heavy rains; and*
- 4) *that a solid screen fence and gates are installed along the perimeter of the lots to screen what is being stored on the lots from general view from the near and adjoining roadways."*

The attached letter was forwarded to the DRDL advising it of Council's decision.

Comment

An E-mail was received from Mr Sean Bilich, Managing Director of AMMS Group, after receiving a letter from the DRDL and in viewing a copy of the Minutes on Shire's website has made the following comments:-

- 1) Objects to the insinuation that AMMS Group's Southern Cross properties have, do, or will look an "eye sore"; and
- 2) Asks Council to withdraw the requirement to fence the perimeter of the lots with a solid fence and gates which will cost approximately \$20,000.00, and allow him to fence the lots in a standard industrial chain mesh which will cost him approximately \$7,500.00.

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I have telephoned and spoken to Mr Bilich regarding this matter and stating that Council did not intend to imply that AMMS Group's properties do or were likely to become an "eye sore", but that the decision was made to have some consistency in standard of fencing in the industrial area.

Mr Bilich is happy with the other three conditions from Council, and has verbally confirmed that AMMS Group will use the current entrance off Procyon Street to access the new leased lots, and does not intend to ask for Procyon Street to be extended further eastwards.

The AMMS Group has installed galvanized chain mesh fencing around its currently leased lots. This is a standard fence material in industrial areas. While it would be nice to have all industrial lots fenced in a solid screen fence like a Colorbond sheeting fence, there is no legal requirement for this at present and the cost difference between the two different types of fencing material cannot be justified in this instance.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

The Shire will receive rates from the lease of these three lots which currently it receives no rates.

Recommendation

That Council agrees to amend or delete part 4) of motion 37/2012 and requests that a solid screen fence is installed along the front and eastern side of Lot 916 Arcturus Street and the rest of the leased lots may be fenced using industrial chain mesh material as per AMMS Group's choice, and that Council advise the Department of Regional Development and Lands of this new decision.

Voting Requirements

Simple Majority.

110/2012

Moved Cr Patroni Seconded Cr W Della Bosca that Council agrees to amend or delete part 4) of motion 37/2012 and requests that a solid screen fence is installed along the front and eastern side of Lot 916 Arcturus Street and the rest of the leased lots may be fenced using industrial chain mesh material as per AMMS Group's choice, and that Council advise the Department of Regional Development and Lands of this new decision.

CARRIED (6/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 18 th May, 2012 |
| Agenda Reference: | 10.4 |
| Subject: | Application to Conduct Exploration Drilling & Miscellaneous Activities - Minerals Deposits |
| Location/Address: | Yilgarn Shire |
| Name of Applicant: | Tenement Administration Services on behalf of FMG Pilbara Pty Ltd; M & M Walter Consulting Tenement & Native Title Management on behalf of Yilgarn Iron Ore Pty Ltd; M & M Walter Consulting Tenement & Native Title Management on behalf of Southern Cross Goldfields Ltd |
| File Reference: | 3.2.1.6 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 10 th May, 2012 |

Background

- 1) Tenement Administration Services on behalf of FMG Pilbara Pty Ltd has submitted an application for Exploration Licence E77/2054 which is located south of Mt Holland townsite, lying parallel to and crosses over the Forrestania - Southern Cross Road, and is half within the Yilgarn Shire and half within the Kondinin Shire. See attached letter, application and map.
- 2) M & M Walter Consulting Tenement & Native Title Management on behalf of Yilgarn Iron Pty Ltd has submitted an application for Exploration Licence E77/2055 which west of Koolyanobbing townsite south to Lake Julia. Council controlled roads within this Licence are the Koolyanobbing-Southern Cross Road, and the eastern section of Burro Road. It includes part of the Perth to Kalgoorlie Railway Line, Lake Julia and Lake Deborah East, and covers part of "Bronte" and "Carinta" stations, as well A Class Reserve 36918 Location 1513 Conservation of Flora & Fauna. See attached letter, application, maps and aerial photographs.
- 3) M & M Walter Consulting Tenement & Native Title Management on behalf of Southern Cross Goldfields Ltd has submitted applications for Miscellaneous Licences
 - i) L77/238 which is an uncleared rectangle area north of the Mt Jackson Road, north of Marda Dam, and west of the Mt Jackson Road and Bullfinch-Evanston Road intersection;

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- ii) L77/239 which is an uncleared rectangle area with a straight line strip intersection the Bullfinch-Evanston Road, east of the Golden Orb minesite, and west of Mt Jackson;
- iii) L77/240 which is an uncleared strip of land extending from north of the King Brown minesite and Jackson townsite, heading south and east crossing over the Mt Jackson Road to old mining area west of the Bullfinch-Evanston Road and Marda Dam; and
- iv) L77/241 which is an uncleared strip of land extending from the south boundary of L77/238 south-south-west crossing over the Mt Jackson Road to the old minesite area west of the Bullfinch-Evanston Road and Marda Dam.

See attached letter, applications, and maps of these areas.

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 Council controlled 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;
- 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;

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- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.;
- 11) That the proposed drilling work is advertised in the local newsletter “Crosswords” prior to any work commencing to notify the general public of this work; and
- 12) That the applicants are to discuss and obtain approval to access private property prior to the company or its contractors access this land.

The Manager of Works is aware of these applications. The only issue will be possible roads or other infrastructure intersecting with or crossing the Mt Jackson Road and the Bullfinch-Evanston Road. A road traffic management plan will need to be forwarded to the Manager of Works for approval prior to any works on the approaches to these roads occurs.

Statutory Environment

Compliance with the Environmental Protection (Noise) Regulations 1997, the Environmental Protection Act 1986, and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council

a) has no objections to Southern Cross Goldfields Ltd's (L77/238, 77/239, 77/240, &77/241) applicants as outlined on the condition that it submit a Road Traffic Management Plan to the Shire's Manager of Works for approval to cover where new access roadways or other infrastructures cross or intersect with the Mt Jackson Road and the Bullfinch-Evanston Road;

and

b) grants approval to Tenement Administration Services on behalf of FMG Pilbara Pty Ltd (E77/2054) and M & M Walter Consulting Tenement & Native Title Management on behalf of Yilgarn Iron Pty Ltd (E77/2055) to carry out drilling along sections of Council controlled road reserves within their respective Exploration Licenses 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.;

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- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work; and
- 12) That the applicants are to discuss and obtain approval to access private property prior to the company or its contractors access this land.

Voting Requirements

Simple Majority.

111/2012

Moved Cr Truran Seconded Cr Auld that Council:

- a) *has no objections to Southern Cross Goldfields Ltd's (L77/238, 77/239, 77/240, & 77/241) applicants as outlined on the condition that it submit a Road Traffic Management Plan to the Shire's Manager of Works for approval to cover where new access roadways or other infrastructures cross or intersect with the My Jackson Road and the Bullfinch-Evanston Road;*

and

- b) *grants approval to Tenement Administration Services on behalf of FMG Pilbara Pty Ltd (E77/2054) and M & M Walter Consulting Tenement & Native Title Management on behalf of Yilgarn Iron Pty Ltd (E77/2055) to carry out drilling along sections of Council controlled road reserves within their respective Exploration Licenses 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;*

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- 8) *Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/visitors;*
- 9) *All drill holes are to be capped as soon as possible/practical after drilling;*
- 10) *If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.;*
- 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; and*
- 12) *That the applicants are to discuss and obtain approval to access private property prior to the company or its contractors access this land.*

CARRIED (6/0)

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| Submission to: | Ordinary Meeting of Council - Friday 18 th May, 2012 |
| Agenda Reference: | 10.5 Late Item |
| Subject: | Planning Application - Construction of Carport into Front Setback of Residential Lot |
| Location/Address: | Lot 525 (H/No 91) Altair Street, Southern Cross |
| Name of Applicant: | Mr Malcolm Barrass |
| File Reference: | 1.9.6 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 16 th May, 2012 |

Background

Mr Malcolm Barrass, owner and resident of Lot 525 Altair Street, Southern Cross has submitted an application to remove the existing carport at the front of the dwelling and replace it with a new larger carport at the front of the dwelling. The proposed new carport will be 6.0 metres wide by 9.0 metres long, and will have a setback of 3.7 metres from the front lot boundary and 1.0 metre from the south side boundary. See attached copy of the proposed site plan.

Comment

The existing carport is a steel frame and Zinacalume sheet clad roof structure measuring 4.0 metres wide by 6.0 metres long, and is setback 7.0 metres from the front boundary and 1.0 metre from the south side boundary. There is also a shed located in the rear of the property.

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Mr Barrass has advised that he needs additional space for the accommodation of all his vehicles parked on-site. The shed at the rear of the lot is used for storage of household items and as a workshop.

Town Planning Issues

The land is zoned "Residential" with a density rating of R10. Under the Residential Design Codes (R Codes) called up under the Shire of Yilgarn Town Planning Scheme No 2, a carport is termed an "outbuilding", and should have a maximum area of 60 square metres. Generally carports, sheds and free standing garages should be in-line with or behind the front of the dwelling to provide an open aspect for the front of the lot, and to not adversely impact on neighbouring properties views of the street, or the general streetscape. However, in older developments where there is no access to the rear of the lot from the front street or a rear lane-way, *it is accepted that where no feasible alternative exists, the street setback area may be utilised for carports and unroofed parking spaces.* For "Residential" land with a density rating of R10 the front setback is 7.5 metres from the front boundary. See attached extracts from the R-Codes - clause 3.10.1 Outbuildings, Part 3.2 element 2 - Frontage Streets, and Carports and Garages, clause 3.2.3 Set Back of Garages and Carports, and Table 1 - General Site Requirements.

The R-Codes do allow Council to grant approval for carports with no walls/doors to be located forward of the front of the dwelling (see Part 3.2 element 2 - Carports and Garages, and clause 3.2.3) provided the width of the carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right-of-way or equivalent.

In this instance -

- there is access to the rear of the lot via the rear laneway;
- the proposed carport will have no walls or door added to it;
- the view of the front yard will be impeded only marginally if at all;
- the width of the proposed new carport will not exceed 50% of the frontage of the lot.

If Council is satisfied that the proposed carport will not adversely affect the neighbourhood after considering the abovementioned points, then approval could be granted.

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Similar applications have been approved in the past –

- ❖ Mr & Mrs Andrew & Donna Crafter were granted approval in April 2007 to construct a 53.6m² carport with a nil setback from the secondary street boundary.
- ❖ Mr & Mrs Shaun & Kim Chrisp were granted approval in January 2007 to erect a 3.5m wide x 6.5m long carport within the front setback of Lot 194 Sirius Street, Southern Cross with a setback of 1.0m from the front boundary and 1.2m from the side boundary.
- ❖ Mr & Mrs Topliss were granted approval in November 2005 to construct a new 5.5m long x 4.1m wide carport within the front setback of Lot 856 Scorpio Street, Southern Cross with a setback of 2.9 metres from the front boundary.

Regardless of the previous approvals granted, each application should be considered on its merits.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Mr Malcolm Barrass to remove the existing carport and construct a new 6.0m wide x 9.0m long carport within the front setback with a reduced setback from the front boundary of 3.7m on Lot 525 Altair Street, Southern Cross on the condition that the front and sides are not enclosed with solid material to ensure there is an “open streetscape” aspect to the front yard.

Voting Requirements

Simple Majority.

112/2012

Moved Cr Pasini Seconded Cr W Della Bosca that Council grants approval to Mr Malcolm Barrass to remove the existing carport and construct a new 6.0m wide x 9.0m long carport within the front setback with a reduced setback from the front boundary of 3.7m on Lot 525 Altair Street, Southern Cross on the condition that the front and sides are not enclosed with solid material to ensure there is an “open streetscape” aspect to the front yard.

CARRIED (6/0)

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YOUTH CENTRE / PROGRAM

Miss Dallywater advised that she had received a letter from Ms Debbie Hodge expressing that the Youth in the Yilgarn would benefit from having a Youth Centre where they can meet socially in a safe and secure environment.

In addition, Ms Murty advised that the CRC Co-ordinator has been investigating an activity that the youth can participate in Southern Cross and has suggested "Lazer Tag" an active game played outdoors, where children have laser guns and players attempt to score points by tagging targets.

Council considered both requests and resolved that they would like council funds to be put towards a program that will benefit a lot of youth in the Yilgarn, not just a handful of children doing one activity.

113/2012

Moved Cr Guerini Seconded Cr W Della Bosca that Council transfers the \$5,000 that was allocated to Youth Development in the 2011/12 budget into a Youth Development Reserve to be used on a project for 2012/2013.

CARRIED (6/0)

As there was no further business to discuss, the Shire President declared the meeting closed at 4.47 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 18th May 2012, are confirmed on Friday the 15th June 2012 as a true and correct record of the May Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT