

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 20th July 2012.

PRESENT

Cr P R Patroni, Shire President

Crs W A Della Bosca, D Auld, J Della Bosca, D J Pasini, 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

INFORMATION SESSION

ALICE HURLBATT – ENVIRONMENT SUPERINTENDENT– ST BARBARA MINES
Ms Hurlbatt advised Council of the St Barbara's operations, including the mine closure in December 2012 of the underground mine in Marvel Loch, and then explained the proposed haulage of stock pile from the Edwards Find Mine in the upcoming months. Mr Bosenberg explained an alternative route that will reduce the HVRIC cost to St Barbara as well as the upgrade works costs.

The meeting was declared open for business at 2.00pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

Cr Truran - Council acknowledges Cr Truran's apology due to illness and grants Leave of Absence.

DISCLOSURES OF INTEREST

Cr Auld – Liquor Licence – Club Restricted Licence for the Yilgarn Bowls & Tennis Club (Inc)

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

134/2012

Moved Cr Guerini Seconded Cr Auld that the Minutes of the previous Meeting of Council held on Friday 15th June 2012, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

135/2012

Moved Cr Auld Seconded Cr J Della Bosca that the minutes for the Yilgarn Youth Sport and Recreation Meeting held on Monday 18th June 2012, be endorsed.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

136/2012

Moved Cr W Della Bosca Seconded Cr Pasini that the minutes for the WALGA Zone Meeting held on Thursday 28th June 2012, be endorsed.

CARRIED (6/0)

137/2012

Moved Cr Guerini Seconded Cr J Della Bosca that the minutes for the Special Meeting for the Draft Budget held on Friday 29th June, be endorsed.

CARRIED (6/0)

138/2012

Moved Cr Guerini Seconded Cr Pasini that the minutes for Tourism Advisory Committee held Monday 9th July 2012, be endorsed, and accepts the below recommendations to Council.

CARRIED (6/0)

Recommendation to Council

Moved R Blair Seconded K Crafter that the Tourism Committee recommends to Council that the AGO Gold Membership be renewed for 2012/2013.

CARRIED

Recommendation to Council

Moved Cr Patroni Seconded K Crafter that the Three Boys Road location is not a suitable site for the D5 Rock Feature, as it is located too far out of town, and a closer location to town would attract tourist to come and use the local services.

In addition, the Manager for Works and MEHBS to liaise with Mr A Miller from Cliffs Resources and consults with a Structural Engineer to discuss the necessary foundations needed for the D5 Rock Feature and develop a plan for the pull in bay/ tourist area for the South side of Great Eastern Highway.

CARRIED

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- That he had met with other Councillors on the 18th July, to shortlist applicants for the CEO position, there were six applicants and three were shortlisted. Council conducted interviews on the 20th July prior to the Council Meeting and the successful applicant was Ms Vivienne Murty the current DCEO.
- That he and the Manager for works went to Mukinbudin to attend a Subgroup Road meeting, and the Shire of Yilgarn was able to negotiate an additional \$15,000 in funding.
- That he attended the meeting with DAFWA on the 13th July, to discuss the State Barrier Fence “Yilgarn Gap Project” and discussed Council’s responsibility in relation to the Management & Supervision, which has now changed to only advisory.
- He and his wife attended the Bruce Rock Recreation Centre on the 7th July, and he explained that it is a beautiful centre. There were about 30 official guests for lunch and community recreation activities were organised for afterwards.
- He and the Manager of Works will be attending a Regional Road Group Meeting on Monday 23rd July.

YILGARN TENNIS CLUB – MULTIPURPOSE COURTS

The CEO received an email from Mrs Pauline Eiffler advising that the Tennis Club members have discussed the possibility of the new courts being designed as multi-purpose courts, and they are of the opinion that they want the three courts to remain as is and are prepared to wait until they can assist with the cost of resurfacing, hopefully obtaining a grant and going thirds.

Council discussed the implications of the courts only being designed for Tennis and believed that as they would not be available for multiple sports, Council would not be eligible for funding through Department of Sport and Recreation.

139/2012

Moved Cr Patroni Seconded Cr Auld that Council feels that it is in the best interest of the sport that the facility is used by multi-users and that the Yilgarn Tennis Club needs to re-consider their position in relation to multi-purpose courts.

CARRIED (6/0)

RAILWAY RETENTION ALLIANCE

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.

The study to be commissioned by the Alliance is to be undertaken at an estimated 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.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

At the May meeting Council deferred their decision until it could be determined if there was general support from other Councils.

140/2012

Moved D Pasini Seconded G Guerini that whilst Council is supportive of retaining rail networks for bulk haulage in preference to road, and is a member of the alliance, Council was unwilling to provide additional funding for the proposed study.

CARRIED (6/0)

Cr Wayne attended a FESA meeting, discussed was Insurance costs and land caveats when fire sheds are built on private land.

Cr Auld attended the Aged care meeting held in the Senior Citizen Centre, and would like if Laura Black would able to meet with Council to discuss her involvement in the SIHI program. Cr Patroni advised that Laura has been invited to the August Meeting.

Submission to:	Ordinary Meeting of Council - 20 th July 2012
Agenda Reference:	7.1
Subject:	POLICY REVIEW
File Reference:	2.3.3.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	29 th June 2012

Background

The Council is required to review the formal policies of the Council on an annual basis and this report details the latest revision.

Comment:

The policy register is in two parts, the first contains policies of the Council that relate to matters other than staff issues and the second document relates specifically to staff employment and conditions.

The reason for the separation is to clearly identify policies that relate to Staff conditions of employment so that at the time of staff induction new staff can be given a copy of the Staff Policy Manual to sign as an acknowledgement of receipt and to ensure that they comply with the policies as they impact specifically on their employment.

As new Staff policies are approved these will be added to that section of the Council policy manual.

Whilst the responsibility for staff employment conditions is under the role and function of the Chief Executive it is essential that the Council are aware of

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

these policies to ensure that the CEO is complying with his obligations in relation to fair and equitable employment practices.

In particular section 5.40 of the Act which makes reference to the principles affecting employment in local governments:

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

In reviewing the policy register there have been only minor changes from the previous version and these are detailed as follows:

Council Policy 5.2 Heavy Haulage on Local Roads

The Policies have been amended to permit the Council to vary the actual cost recover amount on an annual basis.

Cost Recovery relating to Mining and Extractive Industries

On receipt of a 'Heavy Haulage Approval' application for the use of heavy or oversized vehicles, on **any sealed roads within the Shire** all roads within the shire that Council are responsible for, the Shire will claim a non-returnable capital damage payment calculated **as \$0.013 per Equivalent Standard Axle** in accordance with the adopted charge as determined by Council based on a cost per Equivalent Standard Axle. The cost recovery unit rate shall be for all heavy vehicle movements over the full term of the carting campaign as listed on the application.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Council Policy 7.17 Drug and Alcohol Testing

This policy which was adopted by Council in March 2012 has now been included in part 2 of the register under Staff policies.

Council Policy 5.6 Swimming Pool Usage

See below copy of policy including changes in blue text.

Statutory Environment

Various provisions of the Local Government Act and Regulations.

Policy Implications

This report is a revised policy.

Financial Implications

Nil.

<p>Recommendation</p>

<p>That the amendments to the policy register as proposed, be endorsed and that the policies as present be adopted.</p>

Voting Requirements

Absolute Majority

141/2012

Moved Cr Auld Seconded Cr Guerini that the amendments to the policy register as proposed, be endorsed and that the policies as present be adopted.

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

POLICY:	SWIMMING POOL USAGE
POLICY NO:	5.6
SECTION:	COUNCIL
COUNCIL MEETING HELD:	OCTOBER 2010
DATE TO BE REVIEWED:	AUGUST 2011

To ensure that Council, staff and patrons of the Southern Cross Swimming Pool are familiar with the Pool opening hours and general operational usage, Council at its December 2009 Ordinary resolved to adopt a Policy that would document operational management of the Pool:-

Swimming Pool Season:-

The Swimming Pool Season will generally commence on the first Monday in November and close of the last day in March of each year. These dates can be adjusted by the Manager of Environmental Health and Building Services in consultation with the Swimming Pool Manager or Managers to suit seasonal conditions.

The Swimming Pool Manager will commence work one month prior to the official opening of the Pool to have the Pool and grounds ready for use.

Normal Hours of Operation:-

Normal hours of operation are from 11.00/11:30 a.m. to 6.30 p.m. throughout the whole of the swimming pool season.

On a very warm/hot summer evening the Swimming Pool Manager may wish to keep the premises open until 8:00 p.m..

In the event of inclement weather, the Swimming Pool Manager has the discretion to close and open the pool for safety reasons.

Likewise if the weather is not favourable for swimming, being cold and/or raining, and there have been few or no patrons during the day, then in consultation with the Manager of Environmental Health and Building Services the Pool Manager may close the facility earlier than 6:30 p.m. after placing a sign at the gate advising patrons that the facility is closed and the reason for the closure.

Other Users:-

Yilgarn Amateur Swimming Club:

The Yilgarn Amateur Swimming Club at this time has been allocated Monday and Wednesday as its two training days at the Pool, subject to change. On these training days between 3:30 p.m. and 6:00 p.m. the Club will have the use of 1 lane of the Main Pool for its training purposes and swimming laps. If there is minimal patronage at the pool, at the discretion of the Swimming Pool Manager on duty, an additional lane may be utilised by the Club for its training session.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

The Yilgarn Amateur Swimming Club has been allocated Sunday between 11.00am and 12.30pm for carrying out time trials and may use 4 lanes in the Main Pool. If there is minimal patronage at the pool, at the discretion of the Swimming Pool Manager on duty, the additional 5th lane can be utilised by the Club.

Please note that as the Club is holding training sessions and time trials during normal pool operating hours there needs to be a responsible adult in attendance for children aged under 10 years of age while at the Pool. This may be the Club members conducting the training and time trial sessions, otherwise there needs to be someone else nominated for this purpose. Likewise if other children come to the Pool with brothers and sisters but are not taking part in the Club activities, then a responsible adult must accompany the child.

Southern Cross Swim School & Squad Training:

The Shire of Yilgarn allows the Swimming Pool Manager to conduct a private swim school called the Southern Cross Swim School.

Swim School

- is generally one-on-one training or in small groups and occurs every weekday (Monday to Friday) from 3:30 p.m. – 6:00 p.m.. Swim School lessons will not interfere with activities of the Yilgarn Amateur Swimming Club or other patrons using the Pool.

Squad Training

- is held on Monday and Wednesday from 6:30 p.m. – 7:30 p.m..

Aquatic Aerobic Sessions:

The Shire of Yilgarn allows the Swimming Pool Manager and Shire Volunteer(s) to conduct Aquatic Aerobic Sessions at the Pool after hours on nominated days. This is a private activity separate from the normal duties as Pool Manager and the registration fee paid by each attendee is the property of the Pool Manager, except for a cost of pool admission tickets for each person. Season tickets do not include private activities such as these sessions.

For 45 year olds and over

- Sessions are held on Monday and Wednesday from 5:30 p.m. – 6:30 p.m..

For 18 year olds and over

- Sessions are held on Tuesday from 6:45 p.m. – 7:45 p.m., and either on Thursday from the same times as on Tuesday or on Saturday from 9:45 a.m. – 10:45 a.m..

Early Morning Swimming:

In the event that there is sufficient interest (up to 4/5 regular swimmers), the Swimming Pool Manager can open the Pool between 6.00 a.m. and 7.00 a.m. on nominated days for early morning swimming.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

VACSwim Lessons:

For 2 weeks (not including weekends) after school has finished for the year VACSwim Lessons will be held at the Pool. The exact dates are determined each year by VACSwim in Perth and the Shire and Swimming Pool Manager are advised of these dates. Lessons commence generally at 9:00 a.m. and conclude generally at 1:00 p.m.. During this period the Pool is not open to the public, and this fact is advertised in Crosswords to advise patrons. People attending VACSwim Lessons must make registration payments directly to VACSwim WA, however, attendees (including parents watching their children) will still need to purchase a day ticket to enter the Pool facility.

School Swimming Lessons:

In November and February each year, for 2 weeks each month, there are swimming lessons held at the Pool conducted through the local Schools and the Department of Education WA. Lessons commence generally at 9:00 a.m. and conclude at 2:30 p.m.. During this period the Pool is open to the public although patrons need to be mindful of the lessons in progress, and this fact is advertised in Crosswords to advise patrons.

Admission Tickets:-

The various charges or fees for admission tickets are reviewed annually as part of the Council's Fees and Charges Schedule. These charges are to be advertised separately in Crosswords prior to the commencement of the new swimming season each year, regardless of whether there has been any change or not.

The following outlines the difference between the daily admission ticket and the season admission ticket.

Admission Tickets:

These tickets will admit the person into the facility, whether for swimming or to watch, for the one period during that day. There is no time limit outside of the operating hours. People wanting to attend the Pool but leave for a period and then return to the Pool within the one day will need to purchase a second ticket for when they return to the Pool.

Season Tickets:

These tickets will admit the person or persons into the facility, whether for swimming or to watch, for multiple times during a day, and for every day the Pool is open to the public.

For a Family Season Ticket members of the immediate family living under the one roof can be nominated to use the ticket with no limit on the number, but this does not extend to grandparents, aunts/uncles, nieces/nephews, etc, or to children or young adults that are working full-time.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Attendance to Yilgarn Amateur Swimming Club Training Sessions, Southern Cross Swim Club Training Sessions, and Early Morning Swimming require either a day ticket to be purchased or show a season ticket.

Attendance to Aquatic Aerobic Sessions requires a day ticket to be purchased by each person as season tickets do not include these sessions.

Attendance to School Swimming Lessons and School Swimming Carnivals require either a day ticket to be purchased or show a season ticket.

Attendance to the VACSwim Lessons requires a registration fee to be paid. Each person attending these lessons will still need to purchase a day ticket to enter the Pool facility. A season ticket is not able to be used for VACSwim lessons.

General Use:-

General Rules and Warnings of the Swimming Pool Facility

- Pool patrons are required to conduct themselves in an appropriate manner and to comply with the general rules and warning signs that are placed around the facility.

Children Under 10 Years of Age

- All children under 10 years of age attending the Pool for any activity must be accompanied by a responsible adult otherwise they will not be allowed entry. A responsible adult is considered a person 16 years old or older who is either related to the child or has been designated by the child's parent or guardian for this purpose. This requirement is a statutory requirement introduced by the WA State Government in 2008 with the adoption of the *Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities*, which is administered by the Shire.

Child Supervision

- While the Swimming Pool Manager are responsible for looking out for all swimmers at the facility, they are not responsible for watching young children in and around the water as this takes their attention off other swimmers.
- The Pool Facility should not be used as a pseudo-child minding centre.
- Parents who bring very young children to the Pool must attend to and be in arms reach of their child/children at all times. Parents must take notice of any directions given to them by the Pool Manager to watch or control their child/children when in or near the water.
- If these directions are ignored then the Pool Manager can ban parents and children from entry to the Pool Facility.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Resolution of Disputes:-

The Swimming Pool Manager will run and manager the Swimming Pool Facility in accordance with the Health (Aquatic Facilities) Regulations 2007, the Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities

May 2007, and this Council Policy. Requirements set out in the abovementioned Regulations and Code of Practice cannot be changed as these are both State legislation and can not be changed by local government or the public.

In regards to the Council Policy, this Policy will be reviewed in August each year as part of the Council Policy annual review. Changes to the abovementioned use of the Pool will be incorporated into the Policy at that time.

In the case of a Pool patron or a group that uses the Pool facility having a dispute with the Pool Manager, the following procedures should be taken:-

- 1) The patron or executive representative of the group should speak to the Pool Manager regarding their dispute and try to resolve the matter to the agreement of both parties.
- 2) If a resolution cannot be achieved following the actions as stated in item 1) above, then the patron or executive representative of the group should discuss the matter with the Manager of Environmental Health & Building Services. Alternatively, the Pool Manager can agree to discuss the matter with the Manager of Environmental Health & Building Services on the patron's or group's behalf and advise them of the decision.
- 3) If the patron or group are not satisfied with the decision from the Manager of Environmental Health & Building Services, then they are to put their grievance in writing addressed to the Chief Executive Officer who will respond to the author accordingly stating his/her decision on the matter.
- 4) If the person or group are still not happy with the outcome from the abovementioned dispute resolution process and believe that all previous decisions to be wrong or inadequate or unjust, then they may write to Council and seek a decision from Council. Any decision made by Council is final and negotiations will not be entered into. The only time Council may re-visit an issue is if new information that was not previously available is brought forward to support their grievance. Note, new information is defined as information that is different, and therefore information that is a repetition or similar to the original information will not be considered again.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – 20 th July 2012
Agenda Reference:	7.2
Subject:	YILGARN BOWLS AND TENNIS CLUB
File Reference:	1.3.9.19
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	29 th June 2012

Background

This report provides an update to Council on negotiations with the Yilgarn Bowls and Tennis Club Committee concerning management of the new facility.

Comment:

The CEO and MEHB met with representatives of the Yilgarn Bowls and Tennis Club to discuss arrangements for the future use of this facility. The attached letter outlines the main issues discussed and once adopted by Council will become the agreement for use of the facility.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the letter to the Yilgarn Bowls and Tennis Club Incorporated concerning future use and management of the Yilgarn Bowls and Tennis Club Facility.

Voting Requirements

Simple Majority

142/2012

Moved Cr Guerini Seconded Cr Pasini that Council endorses the letter to the Yilgarn Bowls and Tennis Club Incorporated concerning future use and management of the Yilgarn Bowls and Tennis Club Facility.

In addition council acknowledges that the \$1,500 annual fee is to be set for 2012/13 and is to be reviewed annually. The YYSR Committee is to be advised of the reasons for the reduced fee, which relate to the club being responsible for:

- *Rubbish Charges*
- *Cleaning Charges*
- *Electricity, Insurance and Maintenance costs*
- *Initial Fit out costs*

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Mrs Maureen Beaton
President
Yilgarn Bowls and Tennis Club
P.O Box 21
Southern Cross WA 6426

Dear Maureen,

RE: Management of new Bowls and Tennis Club Facility

I refer to discussions with members of your committee and confirm the suggested management arrangements for the new Bowls and Tennis Club Facility as follows:

Overall Management of Building:

Council would grant the Yilgarn Bowls and Tennis Club Incorporated (YBTCI) an exclusive right to occupy the buildings, courts bowling green and surrounds known as the Yilgarn Bowls and Tennis Club (YBTC) subject to the playground and the unisex toilet in the breezeway, being available for members of the public without charge.

The YBTCI to have overall responsibility for the management of the premises including the ability to charge other users for use of the facility or parts thereof, to liaise with schools concerning sports carnivals and to approve use for private functions. The YBTCI will have the right to advertise and impose fees for use of the YBTC including court hire charges and function charges.

Responsibility for Outgoings:

- Electricity, water, telephone: Council to arrange for these to be installed to the YBSC and then transferred to YSBCI who will be responsible for all ongoing costs.
- Garbage Charges: Council to arrange for the supply and delivery of wheelie bins and the YBSCI will be responsible for the cost of collection as charged by Avon Waste to Council. This way the YSBC can arrange to return bins when not required and minimise annual charges.
- Security Patrols: the building has wiring to enable a security system to be installed however it is preferable at this stage not to install a system.
- Insurance: Council will be responsible for the building insurance and will arrange for public liability and contents insurance for Council's liability and property. The YBTCI will need to have public liability insurance and can, if the YBTCI wish, include contents in Council's policy provided however, that the contents are 'donated' to the Council, as Council can only insure property that belongs to the Council.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

- Building Maintenance: The YBTCI will be responsible for minor building maintenance, whilst Council will be responsible for major maintenance or structural work.
- Grounds Maintenance: Council will be responsible for maintaining the garden areas and playground. YBTCI will be responsible for all other areas.
- Cleaning: The YBTCI will be responsible for cleaning of all buildings and surrounds. The toilet located in the breezeway will be required to be accessible for people using the playground and in the first instance the YBTCI will be responsible for cleaning, however this will be monitored and if necessary responsibility for cleaning of this “public toilet” may be transferred to Council at some time in the future.

Management Issues:

- Smoking: The building, playing fields and areas surrounding the building and playground are non-smoking areas. It is suggested that a smoking area may be permitted to the rear of the building and this will be a matter for the YBTC to police.
- School Sports: The playing fields will be available for School sports, as in the past with the old facilities, by arrangement with YBTCI.
- Functions: The building and outdoor areas will be available for private functions by arrangement and payment of fees to the YBTCI.
- Hire of Courts: This will be a matter for the YBTCI to manage and to set fees as appropriate.
- Signage: The Council will arrange for a sign to be placed at the front of the building and any directional road signage required. No other permanent signage for sponsors etc is allowed without Council permission. Council permission is not required for temporary event signage provided that this is removed after the event. i.e. hanging sponsor banners for tournaments.
- Opening: The official opening will be undertaken by Cr Romolo Patroni on the afternoon of Sunday 30th September, 2012 at approximately 2pm. It is requested that the YBTCI work with the organising committee to coordinate an afternoon tea and necessary invitations or events for the day.
- Liquor License: The YBTCI will hold the Liquor License for the premises and will be responsible for this.
- Telephone: The telephone will be located in the bar area. It will be a matter for the YBTCI to arrange for a cordless phone if required.
- Lighting: Council is arranging for the lights to be reinstated at the Tennis Courts and is investigating the ability to have coin operated “pay as you go” lighting circuits.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Annual Leasing fee:

- The YBTCI will pay to the Council an annual license fee of \$1,500 plus GST for the year ended 30th June 2013. This fee will be reviewed by Council on an annual basis as part of the normal budget process.

Yours sincerely,

Jeff Sowiak
Acting Chief Executive Officer

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – 20 th July 2012
Agenda Reference:	7.3
Subject:	Antares St Reserves – Old Bowling Club
File Reference:	10.2.1.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	29 th June 2012

Background

Council has approached the Department of Lands to have the two reserves located in Antares Street converted to freehold title.

Comment:

The old bowls club is located on Reserve 23715 (Old Bowls Club) and a nearby reserve for recreation 31288 is in same area. As the reserve status is no longer required Council had asked the Dept for the cost to convert the Reserves to freehold or conditional free hold i.e. restricted to municipal services.

The Department of lands initially advised that the cost to convert the reserves to freehold title would be \$61,000 and on appeal by the CEO this cost has been reduced to \$38,000 as follows:

Reserve 23715 Restricted Title	\$20,000 or \$27,000 as freehold
Reserve 31288 Restricted Title	\$9,000 or \$11,000 as freehold

These revised valuations more accurately reflect what is seen to be a reasonable approximation of market valuation, although given the current market it is doubtful that the properties would attract a keen purchaser.

The alternative from freehold is the option to put a restricted covenant on the title to restrict its future use to municipal services. This was considered a possibility to reduce the initial outlay, however such a restriction would impact on the ability of Council to consolidate the two reserves with adjacent freehold land, as might be required for construction of future buildings.

Council has made provision in the Budget for the payment of compensation to the Dept of Lands and it is recommended that Council accept the valuation and authorise the necessary execution of documents to facilitate the conversion and transfer of title.

Statutory Environment

Nil

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Policy Implications

Nil

Financial Implications

Nil

Recommendation :

That Council advise the Department of Regional Development and Lands that it accepts the valuation of \$27,000 for Reserve 23715 and \$11,000 for reserve 23715 and authorise the execution of necessary documents to facilitate the conversion and transfer of title to the Shire of Yilgarn.

Voting Requirements

Simple Majority

143/2012

Moved Cr Pasini Seconded Cr J Della Bosca that Council advises the Department of Regional Development and Lands that it accepts the valuation of \$27,000 for Reserve 23715 and \$11,000 for reserve 23715 and authorises the execution of necessary documents to facilitate the conversion and transfer of title to the Shire of Yilgarn.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – 20 th July 2012
Agenda Reference:	7.4
Subject:	Recruitment of Chief Executive Officer
File Reference:	1.1.1.1
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	29 th July 2012

Background

Council is required to appoint a Chief Executive Officer upon termination of the current contract with the Acting Chief Executive Officer. The recruitment process has been completed with interviews proposed to be concluded by meeting day.

Comment

In accordance with the Council's decision at its last meeting advertisements inviting applications for the position of Chief Executive Officer were inserted in the West Australian on Saturday 23rd July and the Local Government Job Directory on Monday 2nd July. The position was also advertised in the Crosswords and on Council's website.

The applications closed at 4pm on Wednesday 18th July and interviews by the interview committee are to be completed prior to the commencement of the Council meeting. The Shire President will report on the outcomes of the interviews and on the candidate recommended for appointment to the position of Chief Executive Officer.

It is then in order for Council to adopt by absolute majority a recommendation from the interview committee to:

- Formally appoint the Person to be Chief Executive Officer,
- The remuneration package and contract term
- Authorise the execution of the Contract under Council Seal

Statutory Environment

Section 5.36 of Act concerning appointment of CEO, Section 5.39 concerning contract and Clause 18 of the Local Government (Administration) regulations

Policy Implications

Nil

Financial Implications

Council will be required to make provision in the 2012-13 budget relative to the cost of recruitment.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Recommendation

That Council Appoints Ms Vivienne Murty to the position of Chief Executive Officer with effect from 1st October 2012 at a remuneration total package of approximately \$190,000 for a period of 3 Years and authorise the execution of the employment contract under Council Seal.

Voting Requirements

Absolute Majority

144/2012

Moved Cr Pasini Seconded Cr Guerini that Council Appoints Ms Vivienne Murty to the position of Chief Executive Officer with effect from 1st October 2012 at a remuneration package of approximately \$190,000.00 for a period of 3 Years and authorises the execution of the employment contract under Council Seal.

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – 20 th July 2012
Agenda Reference:	7.5
Subject:	Annual Charge to Tennis Club
File Reference:	1.3.9.10
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	29 th June 2012

Background

The Southern Cross Tennis Club has requested a reduction in the annual charge for 2011/2012 for use of the Tennis Courts and grounds from \$1,000 to \$600 as in previous years.

Comment

Council received a letter from the Southern Cross Tennis Club, dated 22nd June, 2012 seeking a reduction in the annual charge for the 2011/2012 season from \$1,000 to \$600. The letter highlights the difficulties encountered by the Club in operating with temporary facilities and the fact that the charge had been increased from \$600 in the previous financial year.

As Councillors are aware the charge had been increased for 2011/2012 on the expectation that the Club Building would be completed in time for the new season. Clearly this was not the case and in similar circumstances the Council had approved a similar write down in the annual charge for the Yilgarn Bowling Club (Feb 2012). Whilst it was not recorded in the minutes there was an expectation at the time of making this decision that a similar application for a reduction in fee form the Tennis Club would be treated favourably.

That application has now been received and with the need to finalise the end of year debtors the CEO, after consultation with the Shire President, has written to the Tennis Club approving of a reduction to their annual charge for 2011-2012 from \$1,000 to \$600 and that action requires endorsement from Council.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Recommendation

That Council endorse the action of the CEO in reducing the annual fee for the Southern Cross Tennis Club from \$1,000 to \$600 for the 2011-2012 season.

Voting Requirements

Simple Majority

145/2012

Moved Cr Pasini Seconded Cr Guerini that Council endorses the action of the CEO in reducing the annual fee for the Southern Cross Tennis Club from \$1,000 to \$600 for the 2011-2012 season.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July 2012
Agenda Reference:	8.1
Subject:	2012-2013 Budget Adoption
File Reference:	8.2.5.3
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	12 th July 2012

Background

Further to the Special meeting of Council held on Friday 29th June 2012, the Draft Budget for 2012/2013 has been reviewed and adjusted as instructed, and is now ready to present to Council for adoption.

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

Comment

As resolved at the Special Meeting of Council the DCEO has transferred the 2012/2012 Surplus funds generated from the Sewerage Schemes into the Sewerage Reserve in accordance with S6.37 subsection (1) & (2) in the Local Government Act 1995.

As of Thursday 12th July 2012, the surplus carried forward from 2011/2012 was \$1,794,424 compared with the estimate included in the Draft Budget of \$2,991,904. The substantial reduction in the surplus carried forward is mainly due to; EOY transfers to and from Reserves, EOY Provision adjustments, a change in methodology for the calculation of opening/closing balance and the final creditor runs to the value of \$650,000.

The DCEO has also received correspondence from the Department of Local Government in relation to the estimates for the FAG’s grants and it appears that the amount has been increased by \$384,415, which has also had an effect on the Budget’s bottom line. In order to balance the budget the DCEO has made adjustments to the transfer to Reserves for 2012/13. The revised balanced budget of \$16,981,733 and stated surplus carried forward now shows a more realistic representation of Council’s position.

The adjustments discussed by the elected members at the Special Meeting of Council have been included in the final budget, these changes include

- A reduction in rate revenue by \$64,628
- Inclusion of the priority list to the value of \$55,000
- An increase in Southern Cross Sewerage Charges to the value of \$33,809

The inclusion of the above changes has now brought about a balance budget of \$16,981,733 with a surplus brought forward at time of adoption of \$1,794,424.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Statutory Environment

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

Policy Implications

None

Financial Implications

Will form the basis for Income and Expenditure for the period 1 July 2012 to 30 June 2013

Strategic Implications

None

RECOMMENDATIONS TO COUNCIL

Relating to the adoption of the 2012/2013 Budget:

Recommendation

That Council adopts the 2012-2013 Shire of Yilgarn Schedule of Fees and Charges presented and reviewed at the Special meeting of Council on the 29th June 2012.

Voting Requirements

Absolute Majority Required

146/2012

Moved Cr Auld Seconded Cr W Della Bosca that Council adopts the 2012-2013 Shire of Yilgarn Schedule of Fees and Charges, presented and reviewed at the Special meeting of Council on the 29th June 2012.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

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

<u>Land Category</u>	<u>Proposed</u> <u>Cents in \$</u>	<u>Proposed</u> <u>Minimum</u>
GRV – Residential	9.72	\$355
GRV – Commercial	6.65	\$355
GRV – Improved Mining Tenement	35.10	\$355
GRV – Single Person Quarters	35.10	\$355
UV – Rural	1.64	\$355
UV – Unimproved Mining Tenement	19.00	\$355

Voting Requirements

Absolute Majority Required

MINUTES
ORDINARY COUNCIL MEETING
 Friday 20th July 2012

147/2012

Moved Cr Guerini Seconded Cr J Della Bosca that Council proposes the following Differential General Rates for the year ending 30 June 2013:

<u><i>Land Category</i></u>	<u><i>Proposed Cents in \$</i></u>	<u><i>Proposed Minimum</i></u>
<i>GRV – Residential</i>	<i>9.72</i>	<i>\$355</i>
<i>GRV – Commercial</i>	<i>6.65</i>	<i>\$355</i>
<i>GRV – Improved Mining Tenement</i>	<i>35.10</i>	<i>\$355</i>
<i>GRV – Single Person Quarters</i>	<i>35.10</i>	<i>\$355</i>
<i>UV – Rural</i>	<i>1.64</i>	<i>\$355</i>
<i>UV – Unimproved Mining Tenement</i>	<i>19.00</i>	<i>\$355</i>

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

Sewerage Rates & Charges

That Council impose the following Sewerage Rates and Charges under s41 of the Health Act 1911, on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

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

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

Southern Cross Sewerage Scheme Charge (Commercial):

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

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

Marvel Loch Sewerage Scheme Charges:

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

Minimum Charge per property	\$ 95.00
Non-Rated Class 1st Fixture	\$130.00
Non-Rated Class Additional Fixtures	\$58.00

Voting Requirements

Absolute Majority Required

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

148/2012

Moved Cr Auld Seconded Cr W Della Bosca that Council imposes the following Sewerage Rates and Charges under s41 of the Health Act 1911, on a per annum basis to cover the cost of the service in Southern Cross and Marvel Loch:

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

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

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

Southern Cross Sewerage Scheme Charge (Commercial):

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

<i>Minimum Charge per commercial property</i>	<i>\$550.00</i>
---	-----------------

Marvel Loch Sewerage Scheme Charges:

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

<i>Minimum Charge per property</i>	<i>\$ 95.00</i>
<i>Non-Rated Class 1st Fixture</i>	<i>\$130.00</i>
<i>Non-Rated Class Additional Fixtures</i>	<i>\$58.00</i>

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

Sanitation Household Refuse - Rates and Charges

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

Domestic Collection per bin, per service	\$286.00
Additional Service	\$312.00
Commercial Collection per bin, per service	\$312.00
Additional Service	\$345.00
Non-Rateable Collection per bin, per service	\$480.00
Additional Service	\$535.00

Voting Requirements

Absolute Majority Required

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

149/2012

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

<i>Domestic Collection per bin, per service</i>	<i>\$286.00</i>
<i>Additional Service</i>	<i>\$312.00</i>
<i>Commercial Collection per bin, per service</i>	<i>\$312.00</i>
<i>Additional Service</i>	<i>\$345.00</i>
<i>Non-Rateable Collection per bin, per service</i>	<i>\$480.00</i>
<i>Additional Service</i>	<i>\$535.00</i>

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

Discount, Interest and Penalties

- Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2012/2013 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2012/2013 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2012 in accordance with the requirements stipulated by the Office of State Revenue.

Voting Requirements

Absolute Major Required

150/2012

Moved Cr Guerini Seconded Cr J Della Bosca that Council adopt the Discount, Interest and Penalties in relation to 2012/2013 Council Rates:

- *Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*
- *Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*
- *Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2012/2013 financial year in accordance with the Local Government Act 1995.*
- *Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2012/2013 financial year in accordance with the Local Government Act 1995.*

MINUTES
ORDINARY COUNCIL MEETING
 Friday 20th July 2012

- *Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2012 in accordance with the requirements stipulated by the Office of State Revenue.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

That Council assign the recognised surplus indicated in the Draft Budget to the following budgetary items:

- A reduction in rate revenue by \$64,628
- An increase in Southern Cross Sewerage Charges to the value of \$33,809
- Inclusion of the priority list to the value of \$55,000 (shown below)

PRIORITY JOBS TO BE INCLUDED IN 2012/13 BUDGET			
ITEM	Account No.	DESCRIPTION	ESTIMATED COST
Cemeteries/Crematoriums	E10710	Upgrade to grave sites	10,000
SX Sporting Complex	E11355	Complete Upgrade of Power outlets around the Complex Grounds	5,000
SX Sporting Complex	E11355	Replacing railing around football oval	30,000
Townscape Projects	E13250	Development of Campsite at Mt Palmer	5,000
Playground Equipment	E11352	Purchase seating for Constellation Park, to be installed near play equipment	5,000
			55,000

Voting Requirements

Absolute Majority Required

151/2012

Moved Cr W Della Bosca Seconded Cr Auld that Council assigns the recognised surplus indicated in the Draft Budget to the following budgetary items:

- *A reduction in rate revenue by \$64,628*
- *An increase in Southern Cross Sewerage Charges to the value of \$33,809*
- *Inclusion of the priority list to the value of \$55,000 (shown below)*

PRIORITY JOBS TO BE INCLUDED IN 2012/13 BUDGET			
ITEM	Account No.	DESCRIPTION	ESTIMATED COST
Cemeteries/Crematoriums	E10710	Upgrade to grave sites	10,000
SX Sporting Complex	E11355	Complete Upgrade of Power outlets around the Complex Grounds	5,000
SX Sporting Complex	E11355	Replacing railing around football oval	30,000
Townscape Projects	E13250	Development of Campsite at Mt Palmer	5,000
Playground Equipment	E11352	Purchase seating for Constellation Park, to be installed near play equipment	5,000
			55,000

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Recommendation

That Council adopts the 2012-2013 Shire of Yilgarn Budget Document as presented, which incorporates a surplus brought forward of \$1,794,424 and resulting in a balance budget of \$16,981,733.

Voting Requirements

Absolute Majority Required

152/2012

Moved Cr J Della Bosca Seconded Cr Pasini that Council adopts the 2012-2013 Shire of Yilgarn Budget Document as presented, which incorporates a surplus brought forward of \$1,794,424 and resulting in a balance budget of \$16,981,733.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Recommendation

Statutory Compliance

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

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

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

Voting Requirements

Absolute Majority Required

153/2012

Moved Cr Patroni Seconded Cr Pasini that Council confirms it is well satisfied with the services and facilities it provides: -

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

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

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

INSTALMENTS PAYMENT ARRANGEMENTS

Recommendation

Pursuant to section 6.45 of the Local Government Act 1995 and regulations 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments: -

- | | |
|---|---------------------------------|
| • Full payment and 1 st instalment due date | 05 th September 2012 |
| • 2 nd half instalment due date | 11 th January 2013 |
| • 2 nd quarterly instalment due date | 07 th November 2012 |
| • 3 rd quarterly instalment due date | 11 th January 2013 |
| • 4 th and final quarterly instalment due date | 15 th March 2013 |

Voting Requirements

Absolute Majority Required

154/2012

Moved Cr Auld Seconded Cr W Della Bosca that pursuant to section 6.45 of the Local Government Act 1995 and regulations 64(2) of the Local Government (Financial Management) Regulations 1996, council nominates the following due dates for the payment in full by instalments: -

- | | |
|---|---------------------------------------|
| • <i>Full payment and 1st instalment due date</i> | <i>05th September 2012</i> |
| • <i>2nd half instalment due date</i> | <i>11th January 2013</i> |
| • <i>2nd quarterly instalment due date</i> | <i>07th November 2012</i> |
| • <i>3rd quarterly instalment due date</i> | <i>11th January 2013</i> |
| • <i>4th and final quarterly instalment due date</i> | <i>15th March 2013</i> |

CARRIED BY ABSOLUTE MAJORITY (6/0)

RESERVE FUNDS – NEW RESERVE ESTABLISHED

Recommendation

Pursuant to section 6.11 of the Local Government Act 1995 a Youth Development Reserve be established:

Youth Development Reserve

Purpose: Special Purpose

- To be used to fund the development of Youth in the Yilgarn District.

Voting Requirements

Absolute Majority Required

155/2012

Moved Cr Guerini Seconded Cr J Della Bosca that pursuant to section 6.11 of the Local Government Act 1995 a Youth Development Reserve be established:

Youth Development Reserve

Purpose: Special Purpose

- To be used to fund the development of Youth in the Yilgarn District.

CARRIED BY ABSOLUTE MAJORITY (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2012/2013

Reommendation

- 1) Pursuant to section 5.99 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996 , council adopts the following annual sitting fees for individual meeting attendance:

Shire President (\$290)	\$ 4,000
Councillors (\$146)	\$12,000

- 2) Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

Travel Allowance (0.74ckm)	\$5,500
----------------------------	---------

- 3) Pursuant to section 5.98(5) of the Local Government Act 1995 and regulations 33 of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Shire President	\$6,490
-----------------	---------

- 4) Pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy Shire President	\$1,625
------------------------	---------

156/2012

Moved Cr Auld seconded Cr J Della Bosca that Council endorse the following elected member fees and allowances for 2012/2013

- 1) Pursuant to section 5.99 of the Local Government Act 1995 and regulations 34 of the Local Government (Administration) Regulations 1996 , council adopts the following annual sitting fees for individual meeting attendance:*

<i>Shire President (\$290)</i>	<i>\$ 4,000</i>
<i>Councillors (\$146)</i>	<i>\$12,000</i>

- 2) Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:*

<i>Travel Allowance (0.74ckm)</i>	<i>\$5,500</i>
-----------------------------------	----------------

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July 2012
Agenda Reference:	8.2
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	12 th July 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 June 2012:

- Rates Receipt Statement (prepared to 30th June 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 June 2012 as presented, be received.

158/2012

Moved Cr Auld Seconded Cr W Della Bosca that the various Financial Reports for the period ending 30th June 2012 as presented, be received.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July 2012
Agenda Reference:	8.3
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:	10 th July 2012

Background

Municipal Fund – Cheque Numbers 37831 to 37915 totalling \$459,446.29, Municipal Fund EFT numbers 568 to 646 totalling \$479,754.60, Municipal Fund – Cheque Numbers 1044 to 1054 totalling \$130,890.89, Trust Fund – 401977 to 401979 totalling \$2,759.15 and Trust Fund – Cheque Numbers 5795 to 5798 (DPI Licensing), totalling \$76,384.65 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

Recommendation

Municipal Fund – Cheque Numbers 37831 to 37915 totalling \$459,446.29, Municipal Fund EFT numbers 568 to 646 totalling \$479,754.60, Municipal Fund – Cheque Numbers 1044 to 1054 totalling \$130,890.89, Trust Fund – 401977 to 401979 totalling \$2,759.15 and Trust Fund – Cheque Numbers 5795 to 5798 (DPI Licensing), totalling \$76,384.65 are presented for endorsement as per the submitted list.

Voting Requirements

Simple Majority

159/2012

Moved Cr W Della Bosca Seconded Cr J Della Bosca Municipal Fund – Cheque Numbers 37831 to 37915 totalling \$459,446.29, Municipal Fund EFT numbers 568 to 646 totalling \$479,754.60, Municipal Fund – Cheque Numbers 1044 to 1054 totalling \$130,890.89, Trust Fund – 401977 to 401979 totalling \$2,759.15 and Trust Fund – Cheque Numbers 5795 to 5798 (DPI Licensing), totalling \$76,384.65 are presented for endorsement as per the submitted list.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July 2012
Agenda Reference:	8.4
Subject:	State Barrier Fence – MOU with DAFWA
File Reference:	8.2.6.18, 1.6.2.3
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	20 th July 2012

Background

The Council has been asked by the Department of Agriculture & Food (DAFWA) to enter into a Memorandum of Understanding (MOU) between Shire of Yilgarn, Shire of Westonia and DAFWA in relation to the construction of the ‘Yilgarn Gap’ section of the State Barrier Fence.

Comment

Council’s application for funding under the Country Local Government Fund regional allocation for 10/11 was with the understanding that DAFWA would provide materials and undertake the necessary survey and design work necessary and the Shire of Yilgarn would Manage and Supervise the project.

At a meeting on the 13th July 2012, between Shire and DAFWA representatives it was determined that DAFWA will take over the Management and Supervision of the project as they had a suitable contractor and resources available to perform the necessary duties. Both Shires agreed to this change in responsibilities and will only now be taking an advisory role in the project as well as having the opportunity to apply for tenders relating to the project.

It is necessary for Council to peruse the MOU and endorse the signing of the document.

Policy Implications

Nil

Financial Implications

In the 2012/2013 budget there is an income and expenditure allocation of \$400,000 in relation to the Management and Supervision of the State Barrier Fence project. There will be a nil effect on the bottom line of the budget.

Recommendation

That Council authorise the execution of the MOU with DAFWA .

Voting Requirements

Simple Majority

160/2012

Moved Cr Guerini seconded Cr J Della Bosca that council authorises the execution of the MOU with DAFWA. **CARRIED (6/0)**

MINUTES
ORDINARY COUNCIL MEETING
 Friday 20th July 2012

Submission to:	Ordinary Meeting of Council - Friday 20th July 2012
Agenda Reference:	9.1
Subject:	Regional Road Group Five-Year Road Construction Program - 2013/2014 - 2017/2018
Name of Applicant:	N.A.
File reference:	1.6.14.5
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	5th July 2012

Background

Annually Council is required to review its Road Construction Program and submit the program to the Regional Road Group if Council is to be successful in receiving road-funding grants.

Roads included in the Five Year Road Works Program, are roads identified by council and Roads 2025 Regional Road Group Development Strategy as Strategic Routes within the Shire of Yilgarn. These roads are categorized as Regional Distributors Roads category "A", Local Distributor Roads category "B" and Local Access Roads category "C".

All roads nominated as Strategic Routes by Councils within the Regional Road Groups are subjected to a Multi Criteria Assessments with points scored on different characteristics of road treatment types i.e. preservation or new construction, intending road type, drainage, safety, school bus routes, heavy haulage routes, alignments and traffic data. The higher the score the better the chances are of achieving maximum funding.

Traffic data is an important component of the Multi Criteria Assessment scoring system as it justifies the type of road to be constructed. Traffic data picked up by Traffic Classifiers must include Vehicle Class, Average Daily Traffic and Estimated Standard Axels.

Average Daily Traffic (ADT) is the average daily traffic in both directions determined by dividing total traffic count by duration i.e. $ADT = 540$ (total vehicles) divided by 30 (total days) = 18 vehicles/day.

Estimated Standard Axel category is an important element of the Multi Criteria Assessment. The break down of AUSTRROADS Vehicle Classes data collected during traffic counts not only identifies heavy haulage routes but also calculates the axel loading on road pavement which assists with road type and pavement designs.

As shown in the table below, Regional Road Groups have adopted road standards that are appropriate for roads of regional significance, based on traffic volumes and estimated axel loadings.

Road Type	2	3	4	5	6	7
Description	Formed	Gravel	6 metre Seal	7 metre Seal	8 - 9 metre Seal	Sealed With passing lanes
ADT range	0 - 30	31 - 50	51 - 100	101 - 500	501 - 1000	> 1000
ESA range	0 - 5	6 - 20	21 - 40	41 - 60	> 60	> 60

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

If the Average Daily Traffic (ADT) and average daily Estimated Standard Axle (ESA) values apply to different road types, then the higher standard of road is adopted i.e. if a road has an ADT count of 33 and an ESA count of 22 then a road type 4 would be appropriate.

To achieve maximum value from traffic counts, traffic counts are carried out from October through to February (Peak Season) during the grain harvesting season when the movement of heavy vehicles is at a high.

Comments

Councillors should be aware that the funding figures which are shown in the Five Year Construction Program (Appendix 1) are subject to change. If funding figures are reduced or increased then the percent amount that the funding figures are reduced or increased will reflect on each construction program both through the cost estimated figure and distance.

In the Five Year Construction Program funding allocation received, there is a requirement by councils to allocate a percentage of funding to preservation works (bitumen reseals, reconstruction to same standard, unsealed shoulder refurbishment) and a percentage of funding to new construction works (upgrading existing gravel roads to a sealed standard).

In the attached Five Year Program presented on average over the five year period 33% has been allocated to preservation works and the remaining 67% has been allocated to new construction works.

Following is an overview of roads identified under the Roads 2025 Regional Road Group Development Strategy as strategic routes which have been included in the updated Regional Road Group Five Year Construction Program.

Moorine Rock South Road (*Local Distributor Category B*)

Included in the Five Construction Program is the continuation of construction works on the Moorine Rock South from SLK 57km – 71km to upgrade from existing gravel standard type 3 road to a sealed standard type 5 road. Works on the Moorine South Road will also include 14mm first coat bitumen seal (*preservation works*) on previous prime seal construction works.

Traffic counts on the Moorine Rock South Road in November 2011 through to January 2012 have shown an Average Daily Traffic Count (ADT) of 33 and an Estimated Daily Standard Axle Loading (ESA) of 53.

Bodallin North Road (*Local Distributor Category B*)

Works on the Bodallin North Road include both the continuation of 10mm first coat bitumen seal (*preservation works*) on previous prime seal construction works and the commencement of a second coat bitumen reseal (*preservation works*) starting at SLK 0.0km through to 15km. The second coat bitumen reseal is programmed to commence in 2013/2014 Financial Year.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Traffic counts on the Bodallin North Road taken in November 2011 through to January 2012 has shown an Average Daily Traffic Count of 35 and an Estimated Daily Axle Loading of 103

Cramphorne Road (*Local Distributor Category B*)

Construction works on the Cramphorne Road is programmed to start in 2016/2017 Financial Year. This works will involve upgrading the existing standard type three (*gravel road*) to a standard type five road (*seven metre bitumen standard*).

Strategic Implications

Regional Road Group Five Year Road Construction Program

Recommendation

That Council adopts the extended 5 Year Road Works Program attached as per Appendix 1

Voting Requirements

Simple Majority

161/2012

Moved Cr Auld Seconded Cr W Della Bosca that Council adopts the extended 5 Year Road Works Program attached as per Appendix 1

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
 Friday 20th July 2012

SHIRE OF YILGARN								
2013/14 - 2017/18 Regional Road Group Five Year Roadworks Program								
Road Name	Year	SLK Start	SLK End	Length km	Work	Funding		
						Grants	Shire	Total
2013/2014		1						
Moorine South Rd		57.5	61.5	4.0	Construct & prime	\$ 392,290.00	\$ 196,145.00	\$ 588,435.00
Moorine Sth Rd		50.4	53.4	3.0	14mm Reseal	\$ 71,283.00	\$ 35,641.50	\$ 106,924.50
Bodallin North RD		41.5	43.6	2.1	10mm Reseal	\$ 41,509.00	\$ 20,754.50	\$ 62,263.50
Bodallin North Rd		-	3.0	3.0	10mm Reseal	\$ 59,095.00	\$ 29,547.50	\$ 88,642.50
Annual Total						\$ 564,177.00	\$ 282,088.50	\$ 846,265.50
2014/2015		2						
Moorine Rock Sth Rd		61.5	65.5	4.0	Construct & Prime	\$ 406,020.00	\$ 203,010.00	\$ 609,030.00
Moorine Sth Rd		53.4	57.4	4.0	14mm Reseal	\$ 98,370.00	\$ 49,185.00	\$ 147,555.00
Bodallin North Rd		3.0	7.0	4.0	10mm Reseal	\$ 81,832.00	\$ 40,916.00	\$ 122,748.00
Annual Total						\$ 586,222.00	\$ 293,111.00	\$ 879,333.00
2015/2016		3						
Moorine Rock Sth Rd		65.5	69.0	3.5	Construct & prime	\$ 371,702.00	\$ 185,851.00	\$ 557,553.00
Moorine Rock Sth Rd		57.4	61.4	4.0	14mm Reseal	\$ 101,813.00	\$ 50,906.50	\$ 152,719.50
Bodallin North Rd		7.0	12.0	5.0	10mm Reseal	\$ 105,868.00	\$ 52,934.00	\$ 158,802.00
Annual Total						\$ 579,383.00	\$ 289,691.50	\$ 869,074.50
2016/2017		4						
Moorine Rock Sth Rd		69.0	71.0	2.0	Construct & prime	\$ 217,470.00	\$ 108,735.00	\$ 326,205.00
Moorine Rock Sth Rd		61.4	65.4	4.0	14mm Reseal	\$ 105,373.00	\$ 52,686.50	\$ 158,059.50
Bodallin North Rd		12.0	15.0	3.0	10mm Reseal	\$ 65,744.00	\$ 32,872.00	\$ 98,616.00
Cramphorne Rd		-	2.0	2.0	Construct & prime	\$ 199,380.00	\$ 99,690.00	\$ 299,070.00
Annual Total						\$ 587,967.00	\$ 293,983.50	\$ 881,950.50
2017/2018		5						
Moorine Rock Sth Rd		65.4	71.0	5.6	14mm Reseal	\$ 152,692.00	\$ 76,346.00	\$ 229,038.00
Bodallin North Rd		15.0	20.0	5.0	10mm Reseal	\$ 113,408.00	\$ 56,704.00	\$ 170,112.00
Cramphorne Rd		2.0	5.0	3.0	Construct & prime	\$ 309,536.00	\$ 154,768.00	\$ 464,304.00
Annual Total						\$ 575,636.00	\$ 287,818.00	\$ 863,454.00
Total						\$ 2,893,385.00	\$ 1,446,692.50	\$ 4,340,077.50

Council adjourned for Afternoon Tea at 3.50pm, and resumed the meeting at 4.00pm

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July, 2012
Agenda Reference:	10.1
Subject:	Proposed Change to Restrictions on Ancillary Accommodation Provisions under the Residential Design Codes of WA (R Codes)
Location/Address:	State Wide
Name of Applicant:	Department of Planning WA – Mr Eric Lumsden PSM, Director General
File Reference:	3.1.3.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th July, 2012

Background

The State Government has two major strategies in place to address particular issues - *Directions 2031 and Beyond* and *Opening Doors: Affordable Housing Strategy 2010-2020* - both of which intend to allow more diversity in housing types. A Ministerial Roundtable on Affordable Housing met in late April 2012 and one of the top three priorities identified to address the rental housing shortage was to promote the use of ancillary accommodation for non-family members in association with single houses on their own lots. A review of the *State Planning Policy 3.1 Residential Design Codes* is currently being finalised and expected to become effective in mid to late 2012.

To assist the Ministerial Roundtable, a survey of local governments' current restrictions to ancillary accommodation is being sought to identify any additional impediments other than the current R Codes family member restrictions. The completed survey form is to be returned by 20th July 2012.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 the only reference to ancillary accommodation is under Table 1 – Zoning Table where the symbols 'AA' are used for land zoned "Residential", "Townsite", and "Rural/Mining".

All other references are found in the R Codes under part 4.1 Special Purpose Dwellings where it states the following:-

"Ancillary Accommodation

To encourage diversity in accommodation types, and to provide a means for extended families to live in proximity but with autonomy, the Codes provide for "Ancillary Accommodation", sometimes referred to as a "granny flay". This is essentially an independent

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

additional dwelling, which may or may not be physically attached, on the same lot as a Single House.

Such dwellings are limited in size to 60sqm and are required to meet the normal Codes requirements, such as provision for open space.”

See attached copy of part 4.1 of the R Codes.

The Ancillary Accommodation Survey form has been basically completed except for the last section titled Comments where Council may wish to add its own comments regarding the proposed change to the requirements for ancillary accommodation.

Statutory Environment

State Planning Policy 3.1 Residential Design Codes and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the advice/comments on the survey form prepared by the Manager Environmental Health & Building Services and forward it to the Department of Planning.

Voting Requirements

Simple Majority.

162/2012

Moved Cr Pasini Seconded Cr Guerini that Council endorses the advice/comments on the survey form prepared by the Manager Environmental Health & Building Services and forward it to the Department of Planning.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July, 2012
Agenda Reference:	10.2
Subject:	Replacement Lease – “Grazing”
Location/Address:	Pt Reserve 13730 Location 1555 east off Mt Jackson Road, Jackson Area (Lease No K273486)
Name of Applicant:	Department of Regional Development and Lands – Ms Kerrie Bridger, State Land Officer
File Reference:	1.6.17.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th July, 2012

Background

The Department of Regional Development and Lands (DRDL) has advised that the current Lease No K273486 for Pt Reserve 13730 Location 1555 on Deposited Plan 240317 (CLT 3136/966) for the purpose of “Grazing” will expire on 30th June 2012. The DRDL is proposing to issue a new lease for the same purpose but for a term of three years. The DRDL is seeking comments from Council regarding this proposal. See attached map and aerial view showing the location of this land.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 this land is zoned “Rural/Mining”. The land use of grazing is a permitted rural use and complies with the Town Planning Scheme.

The Shire has received no complaints regarding the use of this land. Therefore it is recommended that Council support the issuing of a new 3 year lease over the land for the purpose of gazing. The current lessee is the Star of Ennuin Pastoral Company.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

The Shire receives rates for this land.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to it issuing a new 3 year lease for Pt Reserve 13730 Location 1555 situated east off the Mt Jackson Road, Jackson area for the purpose of grazing.

Voting Requirements

Simple Majority.

163/2012

Moved Cr Auld Seconded Cr W Della Bosca that Council advises the Department of Regional Development and Lands that it has no objections to it issuing a new 3 year lease for Pt Reserve 13730 Location 1555 situated east off the Mt Jackson Road, Jackson area for the purpose of grazing.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July, 2012
Agenda Reference:	10.3
Subject:	Proposed Enlargement of Bullfinch Sanitary Landfill Site
Location/Address:	Reserve 23149 Location 1380 east off the Koorda-Southern Cross Road, Bullfinch
Name of Applicant:	Manager Environmental Health & Building Services
File Reference:	4.1.9.3
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th July, 2012

Background

In March 2012 Mrs Mary Hockley contacted the Shire office advising that she and her husband, Neville, had received a letter from the Department of Regional Development and Lands (DRDL) advising that their lease of Lot 1380 on Deposited Plan 162225 and Lot 1562 on Deposited Plan 240389 (Lease I478996 for the purpose of “Grazing” was due to expire on 30th June 2012. A recent inspection of Lot 1562 by the DRDL found that rubbish had been dumped on the lot and they were asked to remove it. The Hockleys were unaware of any rubbish being dumped and asked the Shire for assistance.

On investigation it was found that the establishment of the Bullfinch Sanitary Landfill Site has not occurred on Reserve 23149 Location 1380 which is vested in the name of the Shire of Yilgarn for the purpose of a Sanitary Site, but has been established closer to the Koorda-Southern Cross Road on Reserve 13731 Lot 1562 “Common”. See attached aerial view of this area with the Landfill Site Reserve outlined in yellow, and the location of the landfill site clearly visible.

The Koorda-Southern Cross Road has been realigned at some time in the past, being moved further west to its current position, and it may be that this has affected Shire staff identifying the correct site for the Bullfinch Sanitary Landfill Site.

Comment

The DRDL has been made aware of this situation and that the Hockleys are not responsible for the rubbish being on their leased land. A verbal suggestion to enlarge the area of Reserve 23149 to include the actual landfill area has been raised with the DRDL and appears to be considered in a favourable light.

With this in mind I recommend that Council request the DRDL to either change the location of or enlarge Reserve 23149 Location 1380 as per the attached plans of the area.

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

If this proposal is accepted by Council and the DRDL then Council will be asked to accept a Management Order over the new site of Reserve 23149.

Statutory Environment

Compliance with Section 49 of the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

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

Recommendation

That Council write to the Department of Regional Development and Lands and formally request that Reserve 23149 Location 1380 is enlarged to include the current landfill area as per aerial view option 1.

Voting Requirements

Simple Majority.

164/2012

Moved Cr Pasini Seconded Cr Auld that Council writes to the Department of Regional Development and Lands and formally request that Reserve 23149 Location 1380 is enlarged to include the current landfill area as per aerial view option 1.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Cr Auld declared an Impartiality Interest in Item 10.4

Submission to:	Ordinary Meeting of Council – Friday 20 th July, 2012
Agenda Reference:	10.4
Subject:	Liquor Licence – Club Restricted Licence for the Yilgarn Bowls & Tennis Club (Inc) – Section 39 & 40 Certificates
Location/Address:	New Yilgarn Bowls & Tennis Clubhouse - Pt Lot 101 Corner Spica & Canopus Streets, Southern Cross
Name of Applicant:	Yilgarn Bowls & Tennis Club – Mr David Auld
File Reference:	4.1.5.5 & 3.1.3.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th July, 2012

Background

Mr David Auld on behalf of the Yilgarn Bowls & Tennis Club (Inc) is seeking a Section 39 & 40 Certificate from the Shire of Yilgarn to forward to the Department of Racing Gaming and Liquor to accompany the application for a Club Restricted Licence for the new Yilgarn Bowls and Tennis Clubhouse situated on Pt Lot 101 corner Spica & Canopus Streets, Southern Cross. The Yilgarn Bowling Club previously held a Club Restricted Licence for its old clubhouse, but this licence was not able to be transferred to the new clubhouse and therefore a new application needs to be submitted. In the main packaged alcohol in 375ml glass or aluminium vessels will be sold over the bar, however, there may be times when glasses of wine are also sold to club members and guests. The Club may at its discretion also allow private functions to be held in the Clubhouse where alcohol is sold through the bar.

Trading times will be Monday to Friday from 10:00 a.m. to 12:00 p.m.; Saturday from 10:00 a.m. to 1:00 a.m.; and Sunday from 10:00 a.m. to 10:00 p.m.. However, alcohol will not be sold on Christmas Day, Good Friday, or ANZAC Day. All alcohol is to be consumed within the licensed premises and is not to be taken away from the site.

Comment

Section 39 Certificate

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

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

In this instance the building is a new steel framed building constructed on-site, it is nearing completion, and has an enclosed function room with separate kitchen and bar, plus both male and female ablutions. All sinks in the building are now connected to the wastewater drainage and to the reticulated deep sewer system, along with the glass washer and ice making machine. The refrigerator with freezer compartment for the kitchen is on site as are two double glass door refrigerators for the bar. Unfortunately power to the site is still approximately 2-3 weeks away but the building will not be handed over to the Club until the building is complete, including the provisions of mains power.

Section 40 Certificate

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

Pt Lot 101 is owned by the Shire of Yilgarn for municipal purposes. A recreation facility is considered a municipal purpose. The land is zoned "Public Purposes - Local Government" under the Shire's Town Planning Scheme No 2. Therefore the proposed land use complies with the Shire's Town Planning Scheme.

Previously the issuing of Section 39 & 40 Certificates has been dealt with by the authorised officer without them coming to Council. In this instance I am bringing the matter to Council for its information as the facility is owned by Council but will not be operated by Council.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Recommendation

That Council supports the issuing of a Section 39 & 40 Certificates in relation to a Club Restricted License for the new Yilgarn Bowls and Tennis Clubhouse situated on Pt Lot 101 corner Spica & Canopus Streets, Southern Cross.

Voting Requirements

Simple Majority.

165/2012

Moved Cr Guerini Seconded Cr W Della Bosca that Council supports the issuing of a Section 39 & 40 Certificates in relation to a Club Restricted License for the new Yilgarn Bowls and Tennis Clubhouse situated on Pt Lot 101 corner Spica & Canopus Streets, Southern Cross.

CARRIED (6/0)

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

Submission to:	Ordinary Meeting of Council – Friday 20 th July, 2012
Agenda Reference:	10.5
Subject:	Application to Conduct Exploration Drilling and Prospecting Activities – Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	Global Exploration Pty Ltd and Quarry Park Pty Ltd; McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd; Peter Romeo Gianni of Kalgoorlie x 3; and M & M Water Consulting Tenement & Native Title Management on behalf of Jayvee Resources Pty Ltd.
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th July, 2012

Background

- 1) Global Exploration Pty Ltd and Quarry Park Pty Ltd have submitted an application for Mining Lease M77/1265 which is located on the Evanston Road south of Lake Deborah East and Lake Deborah West. See attached map and aerial view.
- 2) McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd has submitted an application for Exploration Licence E77/2068 which lies to the west and south of Marvel Loch townsite, extending west of Patroni Road to just east of the Emu Fence Road, and north of Frog Rock Marvel Loch Road to just north of Bennett Road. Council controlled roads which run through this Licence include Patroni Road, Edwards Find – Marvel Loch Road, Forrestania – Southern Cross Road, Emu Fence Road, Frog Rock Marvel Loch Road, Parker Range Road, and the section of Bennett Road east of the Forrestania – Southern Cross Road. See attached map and aerial view.
- 3) Peter Romeo Gianni of Kalgoorlie has submitted an application for Exploration Licence E77/2070 which extends over the old Hopes Hill townsite and includes two small sections of the Koorda – Southern Cross Road and Beaton Road, is just on the edge of an old gravel pit, there is a section of the water supply pipeline, a small section of Reserve 25801 Location 1090 “Conservation of Flora & Fauna”, and the first part of Lake Koorkoordine within this Licence. See attached aerial view.
- 4) Peter Romeo Gianni of Kalgoorlie has submitted an application for Exploration Licence E77/2071 extends over the majority of and extends further east of E77/2070 (see above). This Licence includes the old gravel pit, and a larger section of Lake Koorkoordine, plus Reserve 18250 Lot 483 “Water” on the west of the Koorda – Southern Cross Road, most of the Southern Cross Golf Course

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

(not including the clubhouse), and a section of the Turkey Hill Road . See attached map.

- 5) Peter Romeo Gianni of Kalgoorlie has submitted an application for Prospecting Licence P77/4158 which extends to the north and over the old Hopes Hill townsite, but does not include any Council controlled roads. See attached map.
- 6) M & M Walter Consulting Tenement & Native Title Management has submitted an application on behalf of Jayvee Resources Pty Ltd for Exploration Licence E77/2069 which lies to the west of Hopes Hill and includes Beaton Road. See attached aerial view.

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

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

- 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 accessing this land.

The Manager of Works is aware of these applications and has raised no issues in regards to the possibility of any drilling along these Council roads, however, has advised that there the gravel pit within the abovementioned license is no longer accessible as it is covered by a tailings dam.

The Manager of Works believes that private landowners are not being notified of possible access to their land by mining or drilling companies and therefore it is recommended that a new condition is added to Council's standard conditions requiring the company to contact and discuss future access onto the land.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Global Exploration Pty Ltd and Quarry Park Pty Ltd (M77/1265), McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd (E77/2068), P R Gianni (E77/2070, E77/2071, and P77/4158), and M & M Walter Consulting on behalf of Jayvee Resources Pty Ltd (E77/2069) to carry out drilling along sections of Council controlled road reserves with their respective Exploration and Prospecting Licences as shown on the attached maps and aerial views 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;

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

- 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 accessing this land.

Voting Requirements

Simple Majority.

166/2012

Moved Cr Guerini Seconded Cr W Della Bosca that Council grants approval to Global Exploration Pty Ltd and Quarry Park Pty Ltd (M77/1265), McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd (E77/2068), P R Gianni (E77/2070, E77/2071, and P77/4158), and M & M Walter Consulting on behalf of Jayvee Resources Pty Ltd (E77/2069) to carry out drilling along sections of Council controlled road reserves with their respective Exploration and Prospecting Licences as shown on the attached maps and aerial views on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;*
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;*
- 3) Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;*
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;*
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;*
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;*
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;*

MINUTES
ORDINARY COUNCIL MEETING
Friday 20th July 2012

- 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 accessing this land.*

CARRIED (6/0)

As there was no further business to discuss, the Shire President declared the meeting closed at 4.20 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 20th July 2012, are confirmed on Friday the 17th August 2012 as a true and correct record of the July Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT