

MINUTES
ORDINARY COUNCIL MEETING
Friday, 15th February 2013

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 15th February 2013.

PRESENT

Cr P R Patroni, Shire President

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

Council Officers: V Piccoli, Chief Executive Officer
M N Dohnt, Deputy Chief Executive Officer
W J Dallywater, Manager Environmental Health & Building
R J Bosenberg, Manager of Works

INFORMATION SESSION

Jeanette Began – District HACC Co-ordinator, Donna Newbury – Yilgarn HACC Officer and Stephanie Oetiker – Wheatbelt GP Practice Manager, spoke in regards to the provision for medical services in Southern Cross.

Cr Patroni asked the following;

What do you see as the most pressing issues?

Donna Newbury responded by saying in her opinion it was not having the services available in Southern Cross such as dialysis, specialist transport is a major issue to various sites especially when they need to travel outside of the Yilgarn district.

Stephanie Oetiker agreed that patient transport was a major priority for the aged. She also thought Allied Health Services were also lacking

How do you see that you can cope with living in your own home or independent living?

Donna responded that HACC's mandate is to try and prevent premature admission into aged care. She commented that if HACC was able to assist the families that were assisting the aged the aged stay in their homes longer it would be easier for it to happen.

Stephanie also added that it would assist in keeping the aged in their homes longer if there was in home care after people had come out of hospital.

The meeting was declared open for business at 2.05pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

J Guerini – Finance Manager

DISCLOSURES OF INTEREST

Nil

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CONFIRMATION OF PREVIOUS COUNCIL MINUTES

12/2013

Moved Cr Guerini Seconded Cr Auld. That the Minutes of the previous Meeting of Council held on Friday 18th January 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

13/2013

Moved Cr Pasini Seconded Cr Auld. That the minutes from the WEROC Meeting held on Wednesday, 6th February 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

14/2013

Moved Cr Pasini Seconded Cr Auld. That the minutes from the Great Eastern Country Zone Meeting held on Thursday, 7th February 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

15/2013

Moved Cr Guerini Seconded Cr Auld. That the minutes from the Tourism Advisory Committee Meeting held on Monday, 11th February 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

RECOMMENDATION TO COUNCIL

Moved: K Crafter seconded: R Blair that Southern Cross would not enter the tidy towns' competition for 2013.

CARRIED

16/2013

Moved Cr Pasini Seconded Cr Guerini. That Southern Cross would not enter the Tidy Towns competition for 2013.

RECOMMENDATION TO COUNCIL

Moved: K Crafter seconded: M Goodhill that the DCEO should investigate hosting another Valuing Visitors Presentation – Capacity Building workshop.

CARRIED

17/2013

Moved Cr Truran Seconded Cr W Della Bosca. That the DCEO should investigate hosting another Valuing Visitors Presentation – Capacity Building Workshop.

CARRIED (7/0)

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RECOMMENDATION TO COUNCIL

Moved: C Della Bosca Seconded: Cr G Guerini that the Tourism Advisory committee recommend that the Shire enter into the Memorandum of Understanding with the Kalgoorlie Boulder Visitor Centre.

CARRIED

18/2013

Moved Cr J Della Bosca Seconded Cr Auld. That the Shire of Yilgarn enters into the Memorandum of Understanding with the Kalgoorlie Boulder Visitor Centre.

CARRIED (7/0)

19/2013

Moved Cr Guerini Seconded Cr Truran. That the minutes from the Audit Committee Meeting held on Friday, 15th February 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- He has spoken with the Minister of Agriculture and Food regarding the process of the Wild Dog Fence. The Minister noted it had been a slow process and there had been an additional hurdle of having to resurvey the land adjoining the fence. Cr Patroni suggested that the Shire of Yilgarn write to the Minister and request information on the progress of the State Barrier Fence project as the Shire of Yilgarn has made its contribution of \$400,000 and needs to substantiate and acquit it.
- That he had a meeting with Clive Jones from Cazaly Resources to discuss moving ore. They discussed the possibility of moving the ore through Albany Port. It was noted that the Minister for Infrastructure and Transport has earmarked \$200 million for Brookfield to upgrade Esperance Port.
- That he and the Manager for Works attended a Regional Road Group meeting in Mukinbudin to discuss future road funding for the Shire.
- That he participated in the Australia Day Celebrations and found them to be very successful and the afternoon was well patronised.
- That he advised that the community consultation that forms part of the Integrated Strategic Planning Framework has commenced. Caroline Robinson was going to give a brief of the outcomes at this Council Meeting however, Cr Patroni thought it would be best if it was held over to the next meeting so that all sessions will be finished and the information collated correctly.

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EMERGENCY SERVICES REVIEW OF ACTS

Cr Patroni the CBFCO (Cr W Della Bosca) and senior members of the Volunteer Bushfire brigade and representatives from DFES met on the 31st January to discuss formulating a response to the Emergency Services Review of Acts. The questions that were address included:

What issues are there with the current Acts and Regulations?

What would you like to see Kept?

What do you think is missing?

General comments or issues?

20/2013

Moved Cr W Della Bosca Seconded Cr Auld. That Council endorses the submission to DFES prepared by the Shire of Yilgarn in relation to the Emergency Services Review of the Acts. **CARRIED (7/0)**

Cr W Della Bosca advised that Cliffs Resources had contacted him to advise they will be doing fire training in March on top of the ROM pad where they had cleared one hectare. He advised they must have a fire permit to be able to undertake the training.

Cr W Della Bosca noted that the Fire Control Officers will need to undertake training on structural fires as there was an incident and there was some confusion on the processes and protocols.

Cr Auld advised there will be a skeleton weed committee meeting on the 11th March which he will be attending.

Cr Truran advised that she had attended the first DHAC meeting for the year.

The CEO and DCEO attended a meeting with Paula Joyce from Enirgi. She advised that Enirgi would be moving lead on rail through the Shire of Yilgarn from Rosslyn Hill. She noted that an emergency plan would be forwarded to the Shire LEMC Committee.

The CEO advised that a letter had been received from WA Salt, advising that their company would contribute \$15,000 toward medical services for the 2012/13 financial year.

The CEO also mentioned the community consultation had started and advised that Caroline Robinson from Solum had been to the school to hold the first of the community workshops, to gather information about how Council can retain youth in the district.

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PROHIBITED BURNING PERIOD

The Chief Bush Fire Officer, Cr W Della Bosca explained that the below Prohibited & Restricted Burning periods were set by Council at the September meeting, and due to the extreme weather conditions, he requested that Council endorse extending the prohibited Burning period to the 1st March 2013.

Recommendation

Moved R Burro, Seconded Dennis Jackson that Council endorses the following Restricted / Prohibited Burning periods for the Shire of Yilgarn:

Restricted Burning Period	15/9/12 to 30/10/12
Prohibited Burning Period	1/11/12 to 14/2/13
Restricted Burning Period	15/2/13 to 30/3/13

21/2013

Moved Cr W Della Bosca Seconded Cr Auld. That the 2012/2013 prohibited burning period be extended until 1st March 2013 due to the extreme weather conditions that have been experienced.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th February 2013
Agenda Reference:	7.1
Subject:	Department of Local Government – 2012 Compliance Audit Return
File Reference:	1.6.6.4
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	4 th February 2013

Background

The Director General of the Department of Local Government and Regional Development has forwarded the 2012 Compliance Audit Return for completion. This process involves completing a checklist of requirements under the Act and regulations and comparing these to what the council has done over the past 12 months.

Comment

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2012 to 31 December 2012 against the requirements set out in the Compliance Audit Return.

Amending Regulations concerning the Annual Compliance Audit Return were gazetted on 30th December 2011 that included significant changes to the report, and a requirement that the compliance return be submitted to the Council's Audit Committee prior to adoption by the Council.

The Audit Committee are scheduled to meet earlier on Council meeting day and will make a recommendation to Council concerning the Compliance Return.

Statutory Environment

Local Government (Audit) Regulations 1996 s14.3A

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council having considered the report from the Audit Committee endorse the Compliance Audit return for submission to the Director General at the Department of Local Government.

Voting Requirements

Absolute Majority

22/2013

Moved Cr Truran Seconded Cr Auld. That Council having considered the report from the Audit Committee endorse the Compliance Audit return for submission to the Director General at the Department of Local Government.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council –15 th February 2013
Agenda Reference:	7.2
Subject:	Council Policy - Employee Benefits - Child Care Allowance
File Reference:	2.3.3.2
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	4 th February 2013

Background

At the December Council meeting the CEO addressed a proposed amendment to Council Policy 7.2 - Employee Benefits which identified providing eligible employees with a Child Care Subsidy. Council requested:

“That the CEO meets with Cr Truran and Cr J Della Bosca to investigate further the practical operation, fairness and equity of the policy and that the matter is brought back to the January 2013 Council meeting.”

The CEO met with Cr Truran to discuss the broader reaching implications of the policy and to determine the parameters of the Child Care benefit.

Comment

It was proposed at the December Council meeting that an addendum to Council Policy 7.2 – Employee Benefits to include the following:

Child Care Subsidy

Council Child Care Subsidy helps families with the cost of child care.

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In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

In the case, where no Centrelink rebate is offered, Council will cover 50% of out-of-pocket child care expenses.

The employee must meet certain requirements in order to be eligible for the Child Care Subsidy. You must have:

- used approved child care during the year
- Worked for the Shire of Yilgarn during the period.
- provide Centrelink and / or Child care statements / receipts

After discussions with Cr Truran with consideration of fairness & equity of the policy the following addendum to Council Policy 7.2 – Employee Benefits is proposed:

Child Care Allowance

Council Child Care Allowance helps permanent employees of the Shire of Yilgarn with the cost of child care.

Payments

In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

In the case, where no Centrelink rebate is offered, Council will cover 50% of out-of-pocket child care expenses.

The Child Care Allowance is capped at \$3,000 per financial year, per family. In the event that both parents are employed by the Shire of Yilgarn the allowance can be claimed by one employee only.

Eligibility

To be eligible for the Child Care Allowance:

- The employee must be a permanent employee or has been employed with the Shire of Yilgarn for a minimum of three months (probation period).
- The employee must be using approved / registered Child Care providers, which includes; Long Day Care, Family Day Care, Outside Schools Hours Care, Occasional Day Care and Home Day Care.
- The employee must provide Centrelink and / or Child care statements / receipts prior to reimbursement.

Statutory Environment

Nil

Policy Implications

Amendment to Council's Policy 7.2 – Employee Benefits

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Financial Implications

Will depend on when the policy comes into effect, if the allowance is offered in 2012/13 these costs are unbudgeted and will need to be addressed in the budget review process, estimated costs would be approximately \$2,000. If the allowance is offered in 2013/14 the costs will need to be addressed through the budget process.

Recommendation

That Council endorses the amendment to Council Policy 7.2 to include:

Child Care Allowance

Council Child Care Allowance helps permanent employees of the Shire of Yilgarn with the cost of child care.

Payments

In the case where a Centrelink rebate is offered, Council will cover 50 per cent of out-of-pocket child care expenses, after the 50% Child Care Rebate has been removed and any other subsidies that the employee receives for Child Care.

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- The employee must be using approved / registered Child Care providers, which includes; Long Day Care, Family Day Care, Outside Schools Hours Care, Occasional Day Care and Home Day Care.
- The employee must provide Centrelink and / or Child care statements / receipts prior to reimbursement.

To be tabled until the next meeting

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Submission to:	Ordinary Meeting of Council –15 th February 2013
Agenda Reference:	7.3
Subject:	Farmers' Forum
File Reference:	7.1.1.4
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	5 th February 2013

Background

In November 2012, Renee Manning the Area Manager from DAFWA based in Merredin contacted the Shire President enquiring how the Farmers in the Yilgarn district were coping with the below average season that most farmers have just been through. The Shire President expressed that our Farmers could do with some support through these hard times. Renee Manning suggested that DAFWA was willing to support the Farmers in the Yilgarn by holding a Farmers' Forum in Southern Cross to assist Farmers in "Getting through season 2013". Over the past months the CEO has been working with Ms Manning to organise presenters for the event who could add value to farmers' business and home life.

Comment

The Farmers' Forum has been organised for Wednesday the 27th February 2013 to be held at the Southern Cross Sporting Complex starting at 5.30pm.

The topics for discussion include:

- Planning for Profit in 2013
- Climate trends and forecasts
- Communicating with your bank
- Government Financial Options
- Beyond Farming – What are your options?
- Regional Men's Health Pit Stop

The format for the evening is as follows:

- 5.30pm - people arrive, welcome by Romolo Patroni, Shire President Shire of Yilgarn
- 5.40pm - Guest Speaker – Clint Della Bosca, local grower, speaking on farming in the Yilgarn area, challenges, hopes for the future, his involvement in GRDC cropping solutions group.
- 6.00pm - Break for dinner (dinner and drinks sponsored by CBH)
- 6.30pm - Guest Speaker – Peter Rowe, agribusiness consultant, speaking on communication with banks, likely options for finance, what to do if you don't get finance.
- 7.00pm - Poster "stations" – each presenter to have a station with a poster and handouts/material; station "stops" will be 10 minutes long, with attendees rotating through the different stations
- Finish about 8-8.30pm

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Topics for "poster stations"

1. Rural Business Development Corporation (Nancye Gannaway/Lewis Mavrantonis) – info on training available including DAFWA workshops, could also collaborate with TAFE; Rural Land Sale Liaison Committee – no current external committee, may have more info on that closer to the event.
2. Beyond Farming (Gaynor Mitchell plus mentor) – brief introduction to the program, with mentor to speak on their experience.
3. Regional Mens Health (Terry Melrose plus local health professional) – do a pit stop on “shockies” – provide a list for people to take away.
4. DAFWA Climate forecasts and trends (Tim Scanlon) – poster on climate trends, and forecasts into the future, link with what farming system changes have been made to cope; for this season – what, if anything, does the summer rain mean for 2013; link to Yield Prophet program.
5. DAFWA Planning for Profit (Vanessa Stewart) – key messages will include importance of sticking to a plan when under stress, knowing your numbers and having scenarios to test against and re-evaluate throughout season; know yield and profit; looking for savings esp fertiliser and pesticides; summer weed control vital.
6. Rural Financial Counselling Service (Chris Wyhoon) – speak on service, including Centrelink Transitional Farm Family Payment.

In addition to this event which has been organised through a partnership between DAFWA and the Shire of Yilgarn, DAFWA are also offering a free one day “Planning for Profit Workshop” (see attached flyer) that can provide participants with the skills to strategically assess their businesses and identify opportunities to reduce losses in challenging years and increase profits in good years. This workshop is being offered as part of a suite of rural business capacity building workshops being offered throughout the State.

Currently the workshops are being offered in; Brookton, Goomalling, Nungarin, Ravensthorpe, Hyden, Three Springs, Moora, Gnowangerup, Wagin & Newdegate (see attached Media Statement).

If Council sees the value in this workshop, the CEO can request that one be held in Southern Cross or Merredin to accommodate for the Eastern Wheatbelt farming community.

For Council Information

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Submission to:	Ordinary Meeting of Council –15 th February 2013
Agenda Reference:	7.4
Subject:	Chief Executive Officer – Annual Leave
File Reference:	1.1.1.1
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	5 th February 2013

Comment

Council endorsement is sought for the Chief Executive Officer to take annual leave from the 28th March 2013 until the 5th April 2013 this period is from the Thursday prior to Easter to the following Friday.

In accordance with Council policy the Deputy Chief Executive Officer will be acting as CEO whilst the CEO is on leave.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the Chief Executive Officer's application for annual leave from the 28th March 2013 to the 5th April 2013.

Voting Requirements

Simple Majority

23/2013

Moved Cr Pasini Seconded Cr Auld. That Council endorses the Chief Executive Officer's application for annual leave from the 28th March 2013 to the 5th April 2013.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council –15 th February 2013
Agenda Reference:	7.5 – Late Item
Subject:	Central East Aged Care Alliance – Final Report
File Reference:	1.3.5.2
Author:	Vivienne Piccoli – Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 th February 2013

Background

A copy of the final CEACA Report was included in the December 2012 information booklet for Councillors to review, and a summary of the “Central East Aged Care Regional Solution was also provided. At the time the Shire President requested that more details be included in the Solution Report identifying actions to be taken on a regional and individual basis.

In response to that request the following actions have been developed by VERSO;

Recommendation 1: Accept the findings and implications of this report

It is recommended that:

- CEACA and the local councils that make up the CEACA LGAs review the needs study and the Aged Care solution report and substantially accept the findings and implications; [Dec 2012]
- CEACA and the local Governments that make up the CEACA LGAs consider the proposed actions and allocate resources to support progress toward the actions including grant applications; [Feb 2013]
- CEACA develop an implementation plan (based on the report and its recommendations) and continue to meet as a group to deliver the outcomes.
- Important roles will include advocacy, leadership and facilitation; [Feb, March 2013]
- RDA and WDC review the needs study and the Aged Care solution report and substantially accept the findings and implications; [Dec 2012]
- RDA and WDC support the leadership and role of CEACA in implementing the strategy including support to access grants; [Ongoing]
- RDA and WDC support CEACA by facilitating connections and relationships with DoHA, WA Health, the Department of Housing, Department of Transport, WACHS and other Key external Stakeholders as required (particularly as it is imagined that similar themes will emerge from other studies being undertaken in the Wheatbelt; [In accordance with implementation plan March 2013 onwards]
- WACHS and DoHA review the needs study and the Aged Care solution report and substantially accept the findings and implications paying particular attention to the issues that are within their purview (Chap 3). [Jan, Feb 2013]
- Local governments establish a community reference group for the ongoing implementation of the plan in its entirety [May 2013]

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Recommendation 2: Implement an Age Friendly Community Strategy

It is recommended that:

- Each Local Government audit all elements of age friendly community within each LGA (in collaboration with stakeholders) using a common tool agreed to by CEACA [March, Apr 2013]
- Each Local Government Develop plans or refine existing plans that respond to deficiencies identified through the audit process including cost estimates. As CEACA, consider what common elements would benefit from a shared approach to grant applications, advocacy etc. [March, June 2013]
- Development of governance arrangements at each Local Government level for planning and then operating shared facilities, equipment and/or services using common tools sourced/agreed to by CEACA [July onwards 2013]
- Each Local Government Implement plans facilitated by grant funds and community actions CEACA continues to meet to provide peer review and support of the plans
- Each Local Government monitor the implementation of Age Friendly Community Plan and improve and redevelop plan as required Develop a CEACA integrated community transport plan focused on older persons that includes; all transport option required to facilitate the goals of an aged friendly community and is responsive to the particular needs of older people in regard to their care – CEACA in collaboration with RDA and WDC [Feb to Aug 2013]
- CEACA and its local government members jointly and severally implement, monitor and improve the transport plan [Sept 2013 onward]

Recommendation 3: Realise an Older Persons Housing Strategy

It is recommended that:

- Each Local Government audit the current housing stock and the degree to which it aligns to the aspiration and needs of current and future residents based on the findings of the report. Other audit considerations should include, current rental arrangements, wait lists and turnover of residents and the current and future planning of the existing housing providers [March 2013];
- CEACA to develop a common community survey building on surveys already undertaken, to determine immediate demand for housing to be actioned by each local government [Feb to March 2013];
- Create a consolidated plan for the development of housing stock including allocations for a social housing component across CEACA. The common plan will need to consider how existing stock and providers fit into the plan and how the services will be integrated into a plan [May to June 2013];
- Develop a shared plan to engage a housing provider(s) and or forming an entity to deliver housing in the manner described in this report through CEACA. The common approach will deliver ageing in place, quality as per the findings, ownership options and integration with the overall aged care solution. The plan will consider the principles and innovation detailed in the [July to Aug 2013]:
 - Need Study 6.4.13 Dutch Alternate Housing and Care Options
 - Needs Study 6.4.14 Dutch Aged Care Housing Options
 - Needs Study 6.4.12 Humanitas - Apartments for Life
 - Needs Study 6.4.9 Tasmanian Residential Aged Care Collective related model innovations
 - Needs Study 6.4.3 Balladong Lodge

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- The housing provider(s) develop a business plan that identifies the support required at each local government level that may include land and capital funding and processes be established to facilitate the support required [Sept to Oct 2013];
- Local Government and or CEACA apply for capital funding and manage and or support arrangements to deliver the social component with the Department of Housing (WDC and RDA will support this process) [Nov to Dec 2013];
- The housing provider engage a builder/developer to construct housing in a modest and on a needs basis across the CEACA maximising efficiencies through common design and geographically scattered construction plan that is part of a higher volume proposition achieved through a CEACA wide and demand approach [Feb to March 2014], Operationalise [March 2015>];
- Ongoing staged development be managed as detailed based on demand [April 2015>];
- CEACA and its local government members jointly and severally monitor and improve the plan in conjunction with all key stakeholders including the community reference group [Dec 2015>].

Recommendation 4: Realise the Community Aged Care strategy

It is recommended that:

- CEACA facilitate a joint working party with the support and engagement of RDA and WDC with WACHS, DoHA, WA HACC and Baptist Care to put a process in place the ensures that program and policy approaches are in place and are effective in:
 - Ensuring the Home Support Program is delivered according to the Living Longer Living Better architecture and consistent with benchmarks levels applicable to the CEACA sub region.
 - Ensuring the Community Packaged Care Program is delivered according to the Living Longer Living Better architecture and consistent with benchmarks levels applicable to the CEACA sub region.
 - Ensuring the that the Community Aged Care Strategy is integrated with health services particularly maximizing the benefits of reforms initiated through SIHI
 - Ensuring flexible, integrated and creative options are developed to respond to the needs even the smallest communities e.g. Needs study 6.4.1 Yetman Community Service Model
 - Ensuring workforce development strategies are implemented that are consistent with:
 - Needs Study 6.4.4 Mallee Track
 - Needs Study 6.4.16 Tasmanian Workforce Development [Feb 2013 to Feb 2015]
- CEACA ensure that the policy and program responses and protocols are developed in a manner that, aligns with, and makes optimal use of, the housing and age friendly strategies detailed in this plan [March 2013>]
- CEACA support a process that results in the development of local boards for each MPS to:
 - to increase involvement of community and key stakeholders in the planning and performance assessment of the MPS
 - establish a clearer separation of roles and responsibilities for the planning and delivery of health services
 - align with reforms negotiated between the States and the Commonwealth Government under the National Health Reform Agreement [April 2013]

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Recommendation 5: Realise the Residential Aged Care strategy

It is recommended that:

- CEACA facilitate a joint working party with the support and engagement of RDA and WDC with WACHS, DoHA, WA HACC and Dryandra Lodge to put a process in place that ensures that program and policy approaches are in place and are effective in:
 - Ensuring that Residential Aged Care is delivered according to the Living Longer Living Better structure and the benchmark levels are delivered in the CEACA sub region.
 - Planning for and making decisions related to the impact on MPS (health services and community aged care services) of alternate arrangements and the options that respond to quality of care issues, dementia care and the redundancy of the hostels. This approach will jointly consider strategies and actions that align with SIHI initiatives
 - Enables alternate options to be developed such as:
 - Needs study 6.4.3 Balladong Lodge
 - Need study 6.4.9 Tasmanian Residential Aged Care Collective Related Model Innovations
 - Needs study 6.4.13 Dutch Alternate Housing and Care Options particularly with reference to dementia care
 - Ensuring workforce development strategies are implemented that are consistent with:
 - Needs Study 6.4.4 Mallee Track
 - Needs Study 6.4.16 Tasmanian Workforce Development
 - Supporting approaches that contribute to Dryandra Lodge's viability and capacity to respond to a portion of the identified need for additional residential aged care and dementia care
 - CEACA ensures that the policy and program responses and protocols are developed in a manner that, aligns with, and makes optimal use of, the housing, community aged care and age friendly strategies detailed in this plan
 - Ensuring the that the Residential Aged Care Strategy is integrated with health services particularly maximizing the benefits of reforms initiated through SIHI including the capacity to make best use of telehealth and increased primary health care [Feb 2013 to Feb 2015]
- CEACA support a process that results in the development of local boards for each MPS
 - to:
 - to increase involvement of community and key stakeholders in the planning and performance assessment of the MPS
 - establish a clearer separation of roles and responsibilities for the planning and delivery of health services
 - align with reforms negotiated between the States and the Commonwealth Government under the National Health Reform Agreement [April 2013]

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Comment

As a first step in the process CEACA have requested that the individual Councils consider and endorse the below recommendations.

RECOMMENDATIONS FOR LOCAL GOVERNMENTS

1. That the six steps for adoption and implementation of the two CEACA Reports be endorsed; and specifically:
2. That Council adopt the CEAC Needs Study and Central East Wheatbelt Aged Support and Care Regional Solution/s Reports.
3. Each of the CEACA Councils make provision of up to \$5000 in their 2013/14 budgets to fund ongoing advocacy and research in order to implement the recommendations of the CEACRS Report.
4. That endorsement of the Report is sought from the respective ROC's with a view to seeking funding to implement the recommendations of the CEACS Report on a regional basis.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

\$5,000 to be included in the 2013/14 budget, towards an Age Care Solution.

Recommendation

In relation to the Central East Wheatbelt Aged Care Needs Study and the Central East Aged Care Regional Solution/s report that Council endorse the following recommendations:

1. That the six steps for adoption and implementation of the two CEACA Reports be endorsed; and specifically:
2. That Council adopt the CEAC Needs Study and Central East Wheatbelt Aged Support and Care Regional Solution/s Report.
3. Each of the CEACA Councils make a provision of up to \$5,000 in their 2013/14 budgets to fund ongoing advocacy and research in order to implement the recommendations of the CEACRS Report.
4. That endorsement of the Report is sought from the respective ROC'S with a view to seeking funding to implement the recommendations of the CEACS Report on a regional basis.

Voting Requirements

Simple Majority

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24/2013

Moved Cr W Della Bosca Seconded Cr Guerini. That In relation to the Central East Wheatbelt Aged Care Needs Study and the Central East Aged Care Regional Solution/s report that Council endorse the following recommendations:

- 1. That the six steps for adoption and implementation of the two CEACA Reports be endorsed; and specifically:*
- 2. That Council adopt the CEAC Needs Study and Central East Wheatbelt Aged Support and Care Regional Solution/s Report.*
- 3. Each of the CEACA Councils make a provision of up to \$5,000 in their 2013/14 budgets to fund ongoing advocacy and research in order to implement the recommendations of the CEACRS Report.*
- 4. That endorsement of the Report is sought from the respective ROC'S with a view to seeking funding to implement the recommendations of the CEACS Report on a regional basis.*

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th February 2013
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	7 th February 2013

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 31st January 2013:

- Rates Receipt Statement (prepared to 7th February 2013)
- Statement of Investments
- Monthly Statement of Financial Activity (to be tabled at meeting)

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

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Strategic Implications

None

Voting Requirements

Simple majority

Recommendation

That the Various Financial Reports for the period ending 31st January 2013 as presented be received.

25/2013

Moved Cr Pasini Seconded Cr Truran. That the Various Financial Reports for the period ending 31st January 2013 as presented be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th February 2013
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	06 th February 2013

Background

Municipal Fund – Cheque Numbers 38349 to 38393 totalling \$154,110.05, Municipal Fund EFT numbers 1117 to 1142 totalling \$92,157.53, Municipal Fund – Cheque Numbers 1080 to 1083 totalling \$149,214.58, Trust Fund – 402005 to 402008 totalling \$3,183.19, and Trust Fund – Cheque Numbers 5827 to 5830 (DPI Licensing), totalling \$70,918.60 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

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Voting Requirements

Simple Majority

Recommendation

Municipal Fund – Cheque Numbers 38349 to 38393 totalling \$154,110.05, Municipal Fund EFT numbers 1117 to 1142 totalling \$92,157.53, Municipal Fund – Cheque Numbers 1080 to 1083 totalling \$149,214.58, Trust Fund – 402005 to 402008 totalling \$3,183.19, and Trust Fund – Cheque Numbers 5827 to 5830 (DPI Licensing), totalling \$70,918.60 are presented for endorsement as per the submitted list.

26/2013

Moved Cr W Della Bosca Seconded Cr Guerini. That Municipal Fund – Cheque Numbers 38349 to 38393 totalling \$154,110.05, Municipal Fund EFT numbers 1117 to 1142 totalling \$92,157.53, Municipal Fund – Cheque Numbers 1080 to 1083 totalling \$149,214.58, Trust Fund – 402005 to 402008 totalling \$3,183.19, and Trust Fund – Cheque Numbers 5827 to 5830 (DPI Licensing), totalling \$70,918.60 are presented for endorsement as per the submitted list.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th February 2013
Agenda Reference:	8.3
Subject:	Authorisation to hold event
File Reference:	1.3.6.7
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	7 th February 2013

Background

The Climbing Vine Theatre Company contacted the Shire Office to enquire as to whether Council was interested in hosting “Arrr! The Pirate Musical!” on Saturday 20th April 2013 at the Southern Cross Swimming Pool.

Arrr! The Pirate Musical! Features a unique pirate ship called the Drunken Sailor. Captain Gallant and his crew of misfits search for the legendary Golden Flipper, a sea creature with the power to make the ship the fastest vessel the waves have ever seen.

As the performance date will be outside of the normal operational period of the Southern Cross swimming pool it is requested that Council authorise the use of the swimming pool to host the event.

There is a budget allocation of \$5,000 towards Community performances in the 2012/2013, and estimated costs for performing the show are within this budget. In addition, I would like to propose that \$1,000 of the Dry Season Assistance Funding (E10622) be used to provide a free sausage sizzle and drinks to the community that attend the event.

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The event will be offered FREE to the community.

Statutory Environment

Nil

Policy Implications / Delegation Register

Nil

Financial Implications

Budgeted allocation relating to E10620 and E10622

Strategic Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That Council authorise the use of the Southern Cross Swimming pool to host the “Arrr! The Pirate Musical!” and the expenses to be paid from the budget allocations as detailed in the body of this report.

27/2013

Moved Cr Truran Seconded Cr Auld. That Council authorises the use of the Southern Cross Swimming pool to host the “Arrr! The Pirate Musical!” and the expenses to be paid from the budget allocations as detailed in the body of this report.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th February 2013
Agenda Reference:	Works 9:1
Subject:	Upgrade Works Program Southern Cross Airstrip
Location/Address:	Southern Cross Airstrip
Name of Applicant:	N/A
File reference:	2.4.1.1
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	5 th February 2013

Background

At Councils December 2011 meeting the Manager for Works presented a report in relation to proposed upgrades at the Southern Cross Airstrip. In the report a three year works program was also presented as tabled below.

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

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

Following discussion on the report the following recommendation was adopted:

“266/2011

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

CARRIED (7/0)”

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The gravel overlay of runway 09/27 as listed priority one in the above table has been included in this years (2012/2013) works program. Fifty percent of funding to carry out these works is from Royalty for Regions, Remote Aerodrome Safety Program (RASP) and Regional Airports Development Scheme (RADS), and the remaining fifty percent is from councils *Airport Reserve Fund*. These works are programmed to commence in March 2013 and completed in late April 2013.

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

Comment

Priority two works programmed for the 2013/2014 is a 25mm-30mm asphalt overlay of the apron area. The apron area covers approximately 7,400m². Cost to carry out theses works is estimated at \$207,423.

Council has applied for a \$104,000 grant through the Regional Airports Development Scheme (RADS) with the remaining amount coming from council's *Airport Reserve Fund* which is budgeted to have a balance of \$106,500 at the end of June 2013.

Councils has received letters of support for the asphalt overlay of the apron area from the Royal Flying Doctor Service and St John Ambulance Southern Cross

Financial Implications: *to be included in Councils 2013/2014 Budget Deliberations with funding coming from Regional Airports Development Scheme and Councils Airport Reserve*

Recommendation

The asphalt overlay to the apron area at the Southern Cross Airport be included in Councils 2013/2014 Budget Deliberations with funding to carry out these works to be sourced from Regional Airports Development Scheme and Councils Airport Reserve

Voting Requirements: Simple Majority

28/2013

Moved Cr Truran Seconded Cr J Della Bosca. That the asphalt overlay to the apron area at the Southern Cross Airport be included in Councils 2013/2014 Budget Deliberations with funding to carry out these works to be sourced from Regional Airports Development Scheme and Councils Airport Reserve

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council Friday 15th February 2013
Agenda Reference:	Works 9:2
Subject:	Re-Alignment of Marvel Loch /Forrestania Road
Location/Address:	Buffalo/Spring Hill Mines
Name of Applicant:	Gondwana Resources
File reference:	6.1.1.004
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	7 th February 2013

Background

Correspondence has been received from Mr. Greg Robinson Mining Project Manager for Gondwana Resources requesting council to look at the possibility of re-aligning a portion of Marvelloch Forrestania Road.

The location of the proposed road re-alignment is approximately 28 kilometres south of Marvelloch Townsite adjacent to the Buffalo mine and Spring Hill mine of which Gondwana Resources are the mining tenants (*refer to attached map*).

The request for the road re-alignment is to accommodate the expansion of the Buffalo gold mine and Spring Hill gold mine. It is proposed by Gondwana Resources to extract approximately 450,000 tonne of gold ore from Buffalo mine and Spring Hill mine over an eighteen month period.

Following the completion of the mining operations at Buffalo gold mine and Spring Hill mine, Gondwana Resources then intend to further develop the Centenary gold mine (*Ladders Lease*) located approximately 20 kilometres south of Marvelloch.

The expected life of the Centenary gold mine development is similar to that of the Buffalo and Spring Hill gold mines (*eighteen months*) with approximately 400,000 tonne of gold ore been extracted. At this time it is expected that there will not be any need to alter the Marvelloch Forrestania Road alignment adjacent to the Centenary gold mine.

Comments

As mentioned in the above background comments the proposed re-alignment is approximately 28 kilometres south of Marvelloch on the Marvelloch Forrestania Road. It is proposed to move the road approximately 100 metres to the west of the existing Marvelloch Forrestania Road alignment. The proposed re-alignment is approximately 1.8 kilometres in length, road pavement area 10 metres in width and a gazetted road surveyed width of 20 metres.

If council gives approval for the re-alignment all heritage and native title studies along with clearing permits and surveying are to be carried out by the applicant Gondwana Resources along with any cost associated with the above mentioned.

The proposed road re-alignment is to be constructed to a suitable standard acceptable by councils which include:

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- 1) Subgrade pavement is to be water bound and compacted to suitable standard
- 2) Subgrade pavement has a finished width of 10 metres
- 3) Road pavement area is to have a 200mm water bound compacted gravel overlay

All construction cost associated with the proposed re-alignment are also to be met by the applicant.

The gold ore will be transported to the Marvelloch Treatment Mill previously owned by St Barbara via the Marvelloch Forrester Road using roadtrains.

Council has a Heavy Haulage Cost Recovery Policy (*Policy No 5.2*) of which Gondwana Resources have been advised of. Under this policy council will claim a non-returnable capital damage payment calculated at .019 cents per equivalent standard axle. The cost recovery rate shall be for all heavy vehicle movements over the full term of the carting campaign.

The monetary amount raised through the cost recovery policy is for remedial works required to the Marvelloch Forrester Road on completion of the carting campaign, not for upgrading roads in the first instance to a roadtrain standard or maintenance required during the carting period.

There is concern that sections of the Marvelloch Forrester Road will not stand up to the proposed continuous heavy vehicle movement required to shift the 850,000 tonnes of gold ore. If council was to give approval to Gondwana Resources utilise this road, then negotiation will have to be entered into with Gondwana Resources in the first instance, to address these areas of concern.

During the carting campaign, Gondwana Resources will be required to keep the trafficable area of the Marvelloch Forrester Road to a safe and acceptable standard and carry out maintenance on the road as instructed by council staff. This will also be at the cost to Gondwana Resources.

There will also be a requirement for Gondwana Resources to install suitable roadtrain crossing ahead, warning signage (*MR-WM-4*) on all intersection approaches entailed in the proposed haulage route. Purchasing, installation and ongoing maintenance of such signage will be at the cost of the applicant (Gondwana Resources). The installation of the signage is to be carried out under the supervision of council staff.

In the past council has granted approval to mining companies to re-align council roads for mining activity expansion (*Sons of Gwalia with Bullfinch Evanston Road, PGM Exploration with the Marvel Loch Forrester Road*).

Policy Implications: *"Policy No 5:2 Heavy Haulage on Local Roads"*

Strategic Implications: *N.A.*

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Financial Implications:

All heritage and native title studies along with clearing permits and surveying are too be carried out by the applicant Gondwana Resources along with any cost associated with the above mentioned. All construction cost associated with the proposed re-alignment are also to be met by the applicant.

Recommendation

That Council grants approval for the re-alignment of the Marvel Loch Forrestania Road subject to the following:

- 1) The road re-alignment is constructed to a suitable standard acceptable to council
- 2) All heritage and native title studies along with clearing permits and surveying are too be carried out by the applicant Gondwana Resources along with any cost associated with the above mentioned
- 3) All construction cost associated with the proposed re-alignment are to be met by the applicant Gondwana Resources.

Voting Requirements

Simple Majority

29/2013

Moved Cr W Della Bosca Seconded Cr Guerini. That Council grants approval for the re-alignment of the Marvel Loch Forrestania Road subject to the following:

- 1) *The road re-alignment is constructed to a suitable standard acceptable to council*
- 2) *All heritage and native title studies along with clearing permits and surveying are too be carried out by the applicant Gondwana Resources along with any cost associated with the above mentioned*
- 3) *All construction cost associated with the proposed re-alignment are to be met by the applicant Gondwana Resources.*

CARRIED (7/0)

WHEATBELT NORTH EAST – SUBREGIONAL ROAD GROUP

At the WNE SRRG meeting on the 8th October 2012 the committee discussed the issue that some RRG Council were not managing to spend their funding allocations through-out the year and a process needed to be implemented to ensure that funding was spent or allocated accordingly to eligible Councils, and as a result the following recommendation was endorsed at the SRRG meeting and requested that all members Councils also endorse the recommendation.

30/2013

Moved Cr J Della Bosca Seconded Cr D Pasini that Council endorses the following:

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- 1) Any member Council that has at the EOFY (30th June) any RRG Project/s where the funding is to be carried into the following financial year, will have an equivalent amount of funding taken off their next financial year's Road Program, and this funding is to be returned to the WNE SRRG in that following years program for reallocating to worthwhile projects submitted by member Councils other than those being penalised.*
- 2) RRG Projects means either Road Project Grants or Direct Grants.*
- 3) Carryover funding can be as a result of not completing the project/s, or completing the project and either not recouping the funding or letting the secretary of the WN RRG know in writing prior to the 30th June the approximate final recoup amount to be accrued.*
- 4) If extraordinary circumstances such as a declared natural disaster has caused the project/s delays and subsequent carryover funding will result, then this may be allowed at the discretion of the Group. In this case, a request in the form of a written letter with back up evidence is to be submitted to the Group and received before the 30th June for consideration of acceptance for funding to be carried into the next financial year.*

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th February, 2013
Agenda Reference:	10.1
Subject:	Proposed Day Stop Development at Mt Palmer Townsite
Location/Address:	Mt Palmer Townsite
Name of Applicant:	Department of Environment and Conservation Great Western Woodlands – Ms Aminya Ennis
File Reference:	7.2.1.19 & 1.3.10.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	2 nd February, 2013

Background

The Chief Executive Officer, Ms Vivienne Piccoli, verbally reported at the November 2012 Council Meeting that she and the Manager Environmental Health & Building Services meet with representatives of the Department of Environment and Conservation Great Western Woodlands Project on-site at Mt Palmer on 6th November 2012 to discuss their proposal to spend additional funds of up to \$20,000 in each of three local government areas, with Mt Palmer being the proposed site within the Yilgarn Shire. The condition is that this money has to be spent by 30th June 2013.

From the Department's investigations it was felt that Mt Palmer would be a good site to develop in some manner. After I outlined what the Shire Tourism Committee Mt Palmer Working Group was working on in terms of identifying the streets by installing signs in the form of painted plough discs at intersections plus identifying significant sites in the same manner and producing a new townsite interpretative sign, it was felt that their plans would complement this work.

During the on-site meeting it was felt that some form of "Day Stop" could be developed so that tourists/travellers could visit Mt Palmer for the day but not specifically to camp over night. A Department Landscape Architect would draw-up a plan and submit it to Council for its consideration.

Comment

Ms Aminya Ennis of the Great Western Woodlands Project has forwarded a draft concept plan for consideration (see attached copy of the draft concept plan). The proposal is to bring tourists from the Emu Fence Road to Mt Palmer and to turn left (north) just past the Mt Palmer Hotel Arch and to travel to the second cross road and then turn right (east) to where designated vehicle parking bays would be established similar to that used at the Golden Pipeline road tour sites of Ghooli and Karalee Rocks. It is also proposed that

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a walk trail is developed along the outside of the vehicle parking area to just west of this corner where picnic tables and seats can be installed for people to use. This will allow for a future interpretative visitor information and orientation sign to be installed.

The Shire Management team have met to discuss this proposal, with the initial thoughts being that the proposal is good but there a reasonable amount of work involved. Costs to carry out this work are being sort at present. The Manager of Works has advised that the Works Construction Crew have too much work at present and therefore we should look at getting a contractor in to construct the access road, vehicle parking area, and walk trail as proposed.

This proposal will be presented to the Tourism Committee Meeting which will be held on Monday 11th February 2013 for comment/recommendation which will be reported on at this Council Meeting.

Unfortunately, due to the time restraints of the funds needing to be spent by 30th June 2013 Council will need to make a discussion at this Meeting as to whether it wishes to accept the funding or not. If Council does not accept the funding then it may be offered to another local government.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

If the cost to construct or clear the access road and vehicle parking plus construct the short walk trail from the parking bays to the picnic table area exceeds \$20,000 then any additional funds used will be un-budgeted funds.

<p>Recommendation</p>

<p>That Council support the development if works can be carried out in time.</p>
--

Voting Requirements

Simple Majority.

31/2013

Moved Cr Auld Seconded Cr J Della Bosca. That council supports the development of the Mt Palmer Day Use area, if works can be carried out by the 30th June 2013.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th February, 2013
Agenda Reference:	10.2
Subject:	Planning Application – Proposed Subdivision and Amalgamation – Application 147323
Location/Address:	Lot 916 & Lot 3 Ghooli South Road, Ghooli
Name of Applicant:	Western Australian Planning Commission – Ms Rosa Rigali
File Reference:	3.1.4.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	2 nd February, 2013

Background

The Western Australian Planning Commission (WAPC) has received an application for the subdivision of part of Lot 916 Ghooli South Road and amalgamating it with Lot 3 Ghooli South Road, Ghooli. Mr Giuseppe Divitini is the owner of Lot 3 which is 1,154 m² or 0.1154 ha in area. Messrs Mario & Shaun Pedrin who own Lot 916 are willing to subdivide 9.8846 ha of land from Lot 916 and sell this land to Mr Divitini who will amalgamate it with Lot 3 to form the new which will be a total of 10.0 ha in area. This will mean that Lot 916 will be 80.5791 ha in area after the subdivision.

The WAPC is seeking Council's comments on this proposal. See attached application form and map.

Comment

Lot 3 and Lot 916 are both zoned "Rural/Mining" under the Shire of Yilgarn Town Planning Scheme No 2.

Lot 3 is currently has a dwelling plus a couple of associated outbuildings on it so the main purpose of the property is residential. Lot 916 is currently used for cropping purposes and has 5 farm sheds and various silos on it. After the subdivision Lot 916 will have no buildings on it. I do not know the reason for Mr Divitini seeking additional land, and especially land with the various buildings on it.

A residential dwelling is a permitted land use for this zoning, as the use of the land for cereal cropping.

The proposed subdivision/amalgamation will not alter the two properties greatly. Lot 3 will have more land but will only be a "hobby farm" due to its area, and Lot 916 will still be viable farming land.

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The WAPC has asked that Council, a referral agency, to use the Model Subdivision Conditions Schedule October 2012 in providing a recommendation to Council. See attached reference and responses to this Schedule.

Statutory Environment

Compliance with the Town Planning and Development Act 1928 and the WAPC Model Subdivision Conditions Schedule October 2012.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise the Western Australian Planning Commission that it approves and supports the proposed subdivision of approximately 9.8846 Ha from Lot 916 for amalgamation with Lot 3 so that Lot 3 is then 10.0 Ha in area and will still be used for residential purposes, and that there are no conditions to this approval.

Voting Requirements

Simple Majority.

32/2013

Moved Cr Pasini Seconded Cr Guerini. That Council advises the Western Australian Planning Commission that it approves and supports the proposed subdivision of approximately 9.8846 Ha from Lot 916 for amalgamation with Lot 3 so that Lot 3 is then 10.0 Ha in area and will still be used for residential purposes, and that there are no conditions to this approval.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th February, 2013
Agenda Reference:	10.4
Subject:	Application to Conduct Exploration Drilling Activities – Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	Austwide Mining Title Management Pty Ltd on behalf of Montague Resources Australia Pty Ltd; M & M Walter Consulting Mining Titles and Native Title Management on behalf of Greenwood Resources Pty Ltd; Ferrowest Limited in conjunction with Hamlet Minerals Pty Ltd; and McMahan Mining Titles Services Pty Ltd on behalf of Cazaly Iron 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:	5 th February, 2013

Background

- 1) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Montague Resources Australia Pty Ltd for Exploration Licence E77/2098 which lies north of Marvel Loch townsite. The Council controlled roads that run through this Licence are the Old Marvel Loch Road plus an un-named road a little to the east of the Old Marvel Loch Road. See attached map.
- 2) M & M Walter Consulting has submitted an application on behalf of Greenwood Resources Pty Ltd for Exploration Licence E77/2096 which lies to the north and east of Mt Colreavy and the Golden Valley and includes part of Lake Deborah West. No Council controlled roads run through this Licence. See attached map.
- 3) Ferrowest Limited in conjunction with Hamlet Minerals Pty Ltd has submitted an application for Exploration Licence E77/2108 which lies west of Edwards Find and south of the Parker Range Road. Council controlled roads that run through this Licence are Panizza Road, Bennett Road, and Grace Road. See attached map.
- 4) McMahan Mining Title Services Pty Ltd has submitted an application on behalf of Cazaly Iron Pty Ltd for Exploration Licence E77/2115 which lies south of the Great Eastern Highway, west of the Southern Cross South Road and east of Mt Rankin. It appears that Mt Rankin South is included within this Licence area. Council controlled roads that run through this Licence are Garrett Road and Nicholson Road. See attached aerial view map.

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Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. In these instances, the proposed drilling operations will be well outside any designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

In line with similar applications previously received from other applicants, Council should grant approval to each applicant to carry out any roadside drilling based on the following general conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 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.

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Greenwood Resources Pty Ltd's Licence should also not alter or adversely affect any natural water course in any way.

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

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Austwide Mining Title Management Pty Ltd on behalf of Montague Resources Australia Pty Ltd (E77/2098), Ferrowest Limited and Hamlet Minerals Pty Ltd (E77/2108), and McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd (E77/2115) to carry out drilling along sections of Council controlled road reserves with their respective Exploration 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;
- 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;

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| <ol style="list-style-type: none">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; and12) That the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land. |
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Voting Requirements

Simple Majority.

33/2013

Moved Cr Pasini Seconded Cr Guerini. That Council grants approval to Austwide Mining Title Management Pty Ltd on behalf of Montague Resources Australia Pty Ltd (E77/2098), Ferrowest Limited and Hamlet Minerals Pty Ltd (E77/2108), and McMahon Mining Title Services Pty Ltd on behalf of Cazaly Iron Pty Ltd (E77/2115) to carry out drilling along sections of Council controlled road reserves with their respective Exploration 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;*
- 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;*

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- 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 (7/0)

Submission to:	Ordinary Meeting of Council - Friday 15 th February, 2013
Agenda Reference:	10.4 Late Item
Subject:	Planning Application - Re-Open Old Service Station and Roadhouse Premises
Location/Address:	Lots 63 & 64 Cnr Altair & Canopus Streets, Southern Cross
Name of Applicant:	Messrs Mark & Glen Cullen
File Reference:	3.1.3.1
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	4 th February, 2013

Background

Messrs Mark & Glen Cullen of Southern Cross have written to Council seeking approval to re-open the old service station and roadhouse, previously the Gull Service Station and Roadhouse and more recently the Canopus Street Café, situated on Lots 63 & 64 corner Altair & Canopus Streets, Southern Cross. Primarily they wish to use the premises as a food outlet but may also sell fuel as well, depending on the condition of the underground fuel tanks. See attached letter and location map.

Comment

Town Planning Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 Lot 63 & 64 Altair Street are zoned "Residential" with a density rating of R10 & R30 respectively. Due to the fact that the commercial premise was already established prior to the adoption of the Town Planning Scheme, the commercial premise was granted a "Non-Conforming Land Use Right" for the term of the activity.

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Under clause 7.3 Change of Non-Conforming Use of the Town Planning Scheme -

“7.3.1 Notwithstanding anything contained in the Zoning Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another use if the proposed use is, in the option of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.”

This effectively occurred when the service station part of the commercial activity ceased and the premises was only used as a food premises. Initially this occurred when the current owner of the property operated the business, and then subsequently when the business part was sold twice to two other operators.

The premise has been closed since about October 2011 with no commercial activity being undertaken from this premise.

Under clause 7.4 Discontinuance of Non-Conforming Use of the Town Planning Scheme -

“7.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.”

- Basically if the non-conforming use ceases for more than 6 months then the land use should then only comply with the land zoning in the Town Planning Scheme. In this case Lot 63 & 64 are zoned “Residential”.

“7.4.2 The Council may affect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.”

- This clause allows for Council to stop that non-conforming use while the use is still active and indicates how that can be achieved.
- In this instance because the non-conforming use is no longer occurring there is no obligation on Council to purchase the land or pay any compensation to the owner.

Referring to the Town Planning Scheme Table 1 Zoning Table for advice on what land uses are permitted in what zones and noting that

‘P’ means that the use is permitted by the Scheme.

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'AA' means that the use is not permitted unless the Council has granted planning approval.

'SA' means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 6.3 by advertising the application for public comment.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

(see copy attached) -

- A use class of Restaurant, Shop, or Fast Food Outlet (all of which are similar to a café or food shop) are permitted on land zoned "Commercial" but are not permitted on land zoned "Residential". A Fast Food Outlet may be approved by Council on land zoned "Industrial" after the application has been advertised for public comment and Council has granted approval.

- A use class of service station or petrol filling station are permit uses on land zoned "Industrial" and only permitted on land zoned "Commercial" with Council approval, but are not permitted on land zoned "Residential".

While the owner has not been advised in writing that the non-conforming land use right has ceased, I did verbally advise him while the land valuation inspection was being conducted that the use of service station and roadhouse or café had operated under a "Non-Conforming Land Use Right" under the Shire Town Planning Scheme because it already existed prior to the Scheme being adopted and due to there being no such activity on the property for more than 6 months that this Right has technically lapsed.

Other Issues

If approved, this would be another business in Southern Cross. Commercial competition is good and Council encourages new businesses within the Shire.

Currently there are 2 service stations with roadhouse restaurants in Southern Cross that are located on land zoned "Commercial". In terms of ready to eat food outlets in Southern Cross there are currently 3 hotels and 1 motel situated on land zoned "Special Use Hotel/Motel" with 2 hotels and the motel situated on land that would otherwise be zoned "Commercial", and 1 café situated on land zoned "Commercial".

When Mr Mark Cullen spoke to me regarding this proposal I advised him on the "Non-Conforming Land Use Right" and that as the business has been closed for more than 6 months that this Right technically no longer existed.

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Mr Cullen asked that his application is presented to Council to see if Council would consider allowing the Right to continue.

Council should not ignore its Town Planning Scheme which was adopted to provide good planning control for future development of Southern Cross and the Shire, and therefore should advise the applicants that approval to re-open the commercial premises is not granted as the "Non-Conforming Land Use Right" is now cancelled.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council, in consideration only of the Shire of Yilgarn Town Planning Scheme No 2, advise Messrs Mark & Glen Cullen that their application to re-open a commercial business from Lots 63 & 64 Altair Street, Southern Cross is denied as it would be a contradiction of the Shire of Yilgarn Town Planning Scheme as the "Non-Conforming Land Use Right", that previously existed for the service station and roadhouse business that was in operation prior to the Town Planning Scheme being adopted and which is now closed and has been for more than 6 months, is now cancelled.

Voting Requirements

Simple Majority

AMENDMENT TO RECOMMENDATION

There was lengthy discussion by Council in relation to the Town Planning Scheme No2 and also supporting businesses to operate in the Yilgarn. Council decided that additional information was required by the applicants in order for Council to make an informed decision in relation to the property.

34/2013

Moved Cr W Della Bosca Seconded Cr Guerini. That Council write to Messrs Mark & Glen Cullen and request that additional information in the form of a Business Plan be forwarded to Council in order for a decision to be made.

CARRIED (7/0)

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As there was no further business to discuss, the Shire President declared the meeting closed at 4.15pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 15th February 2013, are confirmed on Friday the 15th March 2013 as a true and correct record of the February Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT