

MINUTES
ORDINARY COUNCIL MEETING
Friday, 17th May 2013

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 17th May 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
 J F Guerini, Finance Manager

INFORMATION SESSION – Ingrid Bishop from Alchemy Corporate Consulting Services reported on the Shire of Yilgarn Integrated Workplace Plan 2013 – 2017 that she has been developing as part of the new Strategic Integrated Plan for Council. She was very happy with the results of the staff surveys and informed council that she thinks Yilgarn will achieve intermediate status with the integrated planning requirements.

The meeting was declared open for business at 2.00pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE - NIL

DISCLOSURES OF INTEREST

Proximity Declaration of Interest – Cr J Della Bosca – ITEM 10.4

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

84/2013

Moved Cr Guerini Seconded Cr Pasini. That the Minutes of the previous Meeting of Council held on Friday 19th April 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

85/2013

Moved Cr W Della Bosca Seconded Cr Truran. That the minutes from the Great Eastern Country Zone Meeting held on Monday, 22nd April 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

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86/2013

Moved Cr Pasini Seconded Cr Truran. That the minutes from the WEROC Meeting held on Wednesday, 24th April 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

87/2013

Moved Cr Pasini Seconded Cr Auld. That the minutes from the Tourism Advisory Committee Meeting held on Monday, 13th May 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

RECOMMENDATION

Moved R Blair Seconded K Crafter that council allow the CWA to erect a seat with a plaque in the Rotary Park near the site of the old CWA rooms in memory of Mrs Forrester.

Carried

88/2013

Moved Cr Truran Seconded Cr W Della Bosca. That council allow the CWA to erect a seat with a plaque in the Rotary Park near the site of the old CWA rooms in memory of Mrs Forrester.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- That he attended the 11.00am ANZAC Day service and said that it went off very well with good attendance, he also mentioned that the dawn service was also well attended with the mining companies bringing in a bus of workers to attend the service.
- That he attended the Hanking Gold public meeting with over 50 people in attendance, they had two speakers who informed everyone there that they should be starting production very soon with drilling starting first and that they are hoping a lot of the recruitment of new employees will be locals. All information given was well received by the community.
- That funding has been received from Department of Food and Agriculture WA (DAFWA), to go towards supporting growers in the district.

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ANZAC CENTENARY YEAR 2015 FUNDING

The Federal Member Tony Crooks MLA has made some funds available for 2015 for Local Governments to apply for grant funding to organise special events for the Centenary year of the ANZAC in 2015.

89/2013

Moved Cr Truran Seconded Cr Auld. That Council apply for grant funding to organise a special event for the Centenary Year of the ANZAC in 2015.

CARRIED (7/0)

CENTRAL WHEATBELT AGCARE GROUP

Cr Patroni spoke to Maxine Cornish from the Central Wheatbelt Agcare Group who advised that there is no representative from Yilgarn and asked if anyone might be interested in being on the committee. Cr J Della Bosca informed Council that she would be interested in taking on that role.

90/2013

Moved Cr Truran Seconded Cr Auld. That Cr J Della Bosca becomes the Yilgarn representative with the Central Wheatbelt Agcare.

CARRIED (7/0)

Cr D Auld advised Council that he attended the Industry Management Committee Meeting for Skeleton Weed on the 24th April, and they were organising to run a survey to try and get more landholders to contribute to funding or for landholders to search for their own skeleton weed.

Cr W Della Bosca advised Council that Department of Environment and Conservation had been in contact with him to inform him that they were doing mosaic burning around the area and that if anyone reports smoke that is the reason why.

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Submission to:	Ordinary Meeting of Council – Friday 17 th May 2013
Agenda Reference:	7.1
Subject:	Western Australian Local Government Association – Local Government Convention and Notice of Annual General Meeting
File Reference:	1.6.21.12
Author:	Vivienne Piccoli - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th May 2013

Background

WALGA have forwarded Notice of the Annual General Meeting of the Association and Local Government Week Conference which are to be held at the Perth Convention Exhibition Centre from Wednesday, 7th August 2013. The Association also provides information on procedural information for submission of motions.

WALGA invites Member Local Governments to submit motions for inclusion on the Agenda for consideration at the 2013AGM. The closing date for submission of motions is **Monday, 10th June 2013.**

Comment

The Local Government Week Convention will be held between Wednesday 7th August and Friday 9th August 2013. The schedule for the Convention is as follows:-

Wednesday, 7th August

	START	FINISH
Special State and Local Government Forum	9.00 am	12 noon
Collection of Voting Keypads	10.00 am	1.30 pm
Honour Recipients Luncheon	12 noon	1.00 pm
WALGA AGM Opening (including Honours Awards)	1.30 pm	5.30 pm
Convention & Trade Exhibition Welcome Reception	5.30 pm	7.00 pm

Thursday, 8th August

ALGWA Breakfast	7.00 am	8.30 am
Opening and Convention Sessions	9.00 am	5.15 pm
Sundowner	5.15 pm	6.30 pm
Mayors & President Reception – Council House (by invitation)	5.30 pm	7.00 pm

Friday, 9th August

Convention Breakfast	7.00 am	8.45 am
Convention Sessions	9.00 am	4.30 pm
Convention Gala Dinner	7.00 pm	12.00 am

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

Councillors may wish to consider whether they will be attending Local Government Week, as at this stage 4 rooms have been booked at the Adina Apartment Hotel (33 Mount Bay Road) from the evening of Tuesday 6th August with check out on the morning of Friday 9th August.

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

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is a budget allocation under E04112 for Councillor Conferences.

Recommendation

For Council Information only.

Information Received

Submission to:	Ordinary Meeting of Council – Friday 17 th May 2013
Agenda Reference:	7.2
Subject:	Central Wheatbelt Visitor Centre
File Reference:	1.3.10.2
Author:	Vivienne Piccoli - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th May 2013

Background

The Shire of Yilgarn as part of WEROC, along with NEWROC, and ROE ROC signed an MOU with the Shire of Merredin for the Central Wheatbelt Visitor Centre (CWVC) on the 1st July 2010 which is due to terminate on the 30th June 2013.

Under Schedule 1 of the (CWVC) MOU it identifies the Aim and Role of the Visitor Centre to be:

Aim: To be a sustainable high quality Visitor Centre delivering exceptional service to visitors and the regional partners. This will be accomplished with the advice, support and financial contributions from the MOU members.

A. Role of the Visitor Centre:

1. Provide premises that are neat and tidy in a central easily accessible location at Merredin. The premises will conform to Level 1 Visitor Centre criteria.

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2. Provide a professional, accredited Level 2 “tourism” dedicated service delivered a minimum of 38 hours per week for “walk in” customers.
3. Provide a facility that has the primary role of servicing the visitor and whose “core” business is Wheatbelt Tourism.
4. Provide brochure racking space for regional and local tourist information.
5. Provide display space to showcase sub-regional attractions and facilities.
6. Provide a professional service delivered 24 hrs for email customers and phone customers through computer and answering services.
7. Maintain the regional web site www.wheatbelttourism.com
8. Provide a 1300 number for visitor servicing
9. Maintain, through the web site, a data base on attractions, accommodation and events in the region.
10. Encourage and support integrated sub regional promotions as able.
11. Attend as many sub regional tourism association meetings as possible.

B. Additional Activities relating to promotional campaigns

These activities will be undertaken by the CWVC on a cost recovery basis after negotiation with sub regional groups.

1. Provide a “call for action” response for sub regional promotions. The cost of this service to be considered in the cost of the promotional campaign by the organisation and tourism organisation or ROC’s will be charged for this service.
2. Provide a service for the distribution of sub regional brochures and visitor guides as requested.
3. Assist or arrange a sub-regional display at the CWVC with display materials provided by the sub region or the cost borne by the sub region.

Council regularly contributes \$10,000 towards the CWVC through subscriptions paid to WEROC (see below):

Date	Inv No.	Payment to	Amt
7/07/2012	1957	Shire of Kellerberrin	10,000
2/12/2011	1696	Shire of Kellerberrin	10,000

The CEO has been advised through WEROC that the \$10,000 shire contribution covers:

- \$3,000 contribution to the operations of the Central Wheatbelt Visitor Centre
- \$7,000 contribution to the promotion of the regional tourism

The CEO accompanied the 2011 payment for the visitor centre with a letter to the Shire of Kellerberrin requesting that Councils are advised of the tourism promotions projects planned by the Wheatbelt Visitor Centre for the upcoming year which include promoting the Shire of Yilgarn. No response was received.

Comment

As you are aware, our Council is planning on developing our own Visitor Centre in Southern Cross so that we can promote tourism on a local level. The property at 8 Antares Street was recently purchased and investigations are underway in co-locating the CRC and public library in the same building with the Visitor Centre. In the upcoming year Council will need to quarantine monies into this project to then leverage grant funding to be able to progress the project further.

Possible savings can be seen in reducing the regional promotions which are currently provided by the CWVC to the value of \$7,500 and pay the same contribution that

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NEWROC and ROE ROC Shire Councils pay which is \$2,500 who are receiving the minimum services shown in section A. It is recommended when Shire Councils are asked to re-sign the MOU, the Shire of Yilgarn will request service suitable for the \$2,500 contribution.

Council has indicated in the past that they want to promote our district more on a local level and the development of a Visitor Centre will enable the Council to do this.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

A reduction in CWVC contribution to \$2,500

Recommendation

That Council advises WEROC that the Yilgarn Shire's Contribution towards the Central Wheatbelt Visitor Centre for the 2013/14 financial year will be reduced to \$2,500 which is consistent with the NEWROC & ROE ROC shire councils, and the level of service from the CWVC is to be similar to the level of service that NEWROC & ROE ROC shires receive.

Voting Requirements

Simple Majority

91/2013

Moved Cr Truran Seconded Cr W Della Bosca. That Council advises WEROC that the Yilgarn Shire's Contribution towards the Central Wheatbelt Visitor Centre for the 2013/14 financial year will be reduced to \$2,500 which is consistent with the NEWROC & ROE ROC shire councils, and the level of service from the CWVC is to be similar to the level of service that NEWROC & ROE ROC shires receive.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th May 2013
Agenda Reference:	7.3
Subject:	Community Engagement Policy
File Reference:	2.3.3.2
Author:	Vivienne Piccoli - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th May 2013

Comment

As part of the integrated planning guidelines, all Shires need to have a Community Engagement Policy in place by the 30th June 2013.

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Councillors are requested to review the below Policy which is to be included in the Policy Manual when the document is reviewed in July 2013.

POLICY:	COMMUNITY ENGAGEMENT POLICY
POLICY NO:	6.9
SECTION:	GENERAL ADMINISTRATION
ORIGINALLY ADOPTED:	MAY 2013
DUE FOR REVISION:	JULY 2013

DEFINITIONS

Community – those who live, work or recreate in the Shire of Yilgarn.

Community engagement – is any process “that involves the public in problem solving or decision-making and uses public input to make decisions”. (IAP2)

Community engagement may refer to a range of interactions of differing levels of engagement between the Shire and the community, including;

- Information sharing processes, to keep the community informed and promotes understanding.
- Consultation processes, to obtain feedback.
- Involving community members consistently throughout the process to ensure community concerns and aspirations are understood and considered.
- Collaborating with community members in each aspect of the decision making process.
- Empowering the community.

The Shire of Yilgarn is committed to strengthening the Shire through effective community engagement to share information, gather views and opinions, develop options, build consensus and make decisions.

Community engagement assists the Shire of Yilgarn to provide good governance and strong leadership, delivering better decisions to guide the Shire’s priorities into the future.

This policy does not negate the requirement of the Shire to comply with statutory obligations.

The following principles apply to community engagement undertaken by the Shire of Yilgarn;

Focus and commitment	<ol style="list-style-type: none">1. The purpose of each community engagement will be clearly scoped to determine how the engagement will add value to the Shire’s decision-making process.2. Each community engagement will be planned to clarify the level of influence the participants will have over the decision they are being invited to comment on or
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	<p>participate in. The person or body who is responsible for the final decision will be notified.</p> <p>3. The Shire is genuinely open to engaging with the community and committed to using a range of appropriate engagement methods.</p>
Transparency and openness	<p>4. All community engagement processes will be open and transparent.</p> <p>5. Comment will be documented and analysed.</p> <p>6. The Shire will seek to understand the concerns and interests of all stakeholders and provide opportunities for participants to appreciate each other's perspectives.</p>
Responsiveness and feedback	<p>7. The Shire will advise participants of progress on issues of concern and provide feedback in a timely manner on the decision made and the rationale for the decision will be communicated where necessary.</p> <p>8. The best interest of the community will prevail over the individual or vested interests.</p>
Inclusiveness, accessibility and diversity	<p>9. Persons or organisations affected by or who have an interest in a decision will have an opportunity to participate in the community engagement process.</p> <p>10. Community engagement process will be open to all those who wish to participate.</p>
Accountability	<p>11. The Shire will seek community engagement to enhance its decision-making, however, where the Shire is responsible and accountable for a given matter, it will accept its responsibility to make the final decision and provide leadership.</p>
Information	<p>12. Appropriate, accessible information will be available to ensure participants are sufficiently well informed and supported to participate in the process.</p>
Timing	<p>13. Community engagement will be undertaken early enough in the process to ensure that participants have enough time to consider the matter at hand and provide meaningful feedback.</p> <p>14. All engagement processes will have timeframes that will be made clear to participants and adhered to by the Shire.</p>
Resources	<p>15. The Shire will allocate sufficient financial, human and technical resources to support community engagement.</p>

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Evaluation	16. The Shire will monitor and evaluate processes to ensure the engagement being undertaken is meeting planned outcomes.

Statutory Environment

Nil

Policy Implications

Policy 6.9 – Community Engagement Policy will be adopted in May 2013 and included in Council’s Policy Manual in July 2013 upon the documents review.

Financial Implications

Nil

<p>Recommendation</p>

<p>That Council adopts Policy No. 6.9 - Community Engagement Policy which is to be included in Council’s Policy Manual upon the documents review in July 2013.</p>
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Voting Requirements

Absolute Majority

92/2013

Moved Cr Pasini Seconded Cr Guerini. That Council adopts Policy No. 6.9 - Community Engagement Policy which is to be included in Council’s Policy Manual upon the documents review in July 2013.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 17 th May 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:	9 th May 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 30th April 2013:

- Rates Receipt Statement (prepared to 9th May 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

Strategic Implications

None

Recommendation

That the Various Financial Reports for the period ending 30th April 2013 as presented be received.

Voting Requirements

Simple majority required

93/2013

Moved Cr Guerini Seconded Cr Auld. That the Various Financial Reports for the period ending 30th April 2013 as presented be received.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 17 th May 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:	09 th May 2013

Background

Municipal Fund – Cheque Numbers 38498 to 38544 totalling \$190,483.60, Municipal Fund EFT numbers 1286 to 1365 totalling \$559,400.88, Municipal Fund – Cheque Numbers 1094 to 1097 totalling \$219,480.85, Trust Fund – 402015 to 402019 totalling \$5,660.69, and Trust Fund – Cheque Numbers 5838 to 5844 (DPI Licensing), totalling \$74,492.00 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 38498 to 38544 totalling \$190,483.60, Municipal Fund EFT numbers 1286 to 1365 totalling \$559,400.88, Municipal Fund – Cheque Numbers 1094 to 1097 totalling \$219,480.85, Trust Fund – 402015 to 402019 totalling \$5,660.69, and Trust Fund – Cheque Numbers 5838 to 5844 (DPI Licensing), totalling \$74,492.00 are presented for endorsement as per the submitted list.

Voting Requirements

Simple Majority

94/2013

Moved Cr Pasini Seconded Cr W Della Bosca. That Municipal Fund – Cheque Numbers 38498 to 38544 totalling \$190,483.60, Municipal Fund EFT numbers 1286 to 1365 totalling \$559,400.88, Municipal Fund – Cheque Numbers 1094 to

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1097 totalling \$219,480.85, Trust Fund – 402015 to 402019 totalling \$5,660.69, and Trust Fund – Cheque Numbers 5838 to 5844 (DPI Licensing), totalling \$74,492.00 are presented for endorsement as per the submitted list.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th May 2013
Agenda Reference:	8.3
Subject:	2013/2014 Schedule of Fees and Charges
File Reference:	8.2.5.5
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th May 2013

Purpose of Report

Request that Council adopts the 2013/2014 Schedule of Fees and Charges, commencing from 1 July 2013.

Background

The Local Government Act 1995 requires fees and charges that are to be imposed during a financial year be adopted with the annual Budget. However as the Budget will not be adopted until 19th July 2013 and the majority of fees and charges will be applied from 1 July 2013 this report has been brought forward for Council’s consideration.

Section 6.16 of the Local Government Act 1995 states:

“Fees and charges are to be imposed when adopting the annual budget but may be –

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

Discussion

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

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

All fees and charges have been reviewed and the 2013/2014 Schedule of Fees and Charges are stated in Appendix 8.4.1A

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Statutory Environment

Section 6.16 of the Local Government Act 1995.

Financial Implications

As specified in Appendix 8.3.1A attached.

Recommendation

That Council adopts the 2013/2014 Schedule of Fees and Charges as per appendix 8.3.1A.

Voting Requirements

Absolute majority required.

95/2013

Moved Cr Auld Seconded Cr Guerini .That Council adopts the 2013/2014 Schedule of Fees and Charges as per appendix 8.3.1A.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17th May 2013
Agenda Reference:	8.4
Subject:	Proposal to impose Differential Rates for the year ending 30th June 2014
	Late Item
File Reference:	8.1.1.5
Author:	Mia Dohnt – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th May 2013

Background

It is proposed to impose Differential Rates for the year ending 30th June 2014 under the various rating categories within the Shire of Yilgarn.

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

With the Differential General Rates proposed in the 2013/2014 Budget, as has been the practice in previous years, Council falls under the umbrella of this section of the Act. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days.

Proposed Differential Rates

Initial estimates have indicated the following proposed Differential Rates for the year ended 30th June 2014 would be appropriate:

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<i>Land Category</i>	<i>Proposed Rate</i>	<i>Last Years Rate</i>	<i>%</i>
<i>Adjustment</i>			
GRV – Residential	10.21	9.82	3.97%
GRV – Commercial	6.89	6.72	2.53%
GRV – Minesites	38.11	35.95	6.01%
GRV – Single Persons Quarters	38.11	35.95	6.01%
UV – Rural	1.69	1.65	2.42%
UV – Mining Tenement	20.14	19.00	6.00%

The proposed minimum has been increased by \$355 to \$360 per assessment representing an increase of 1.41%.

There were several factors taken into consideration when setting the proposed Differential Rates for 2013/2014:

1. Ensuring that Council Rates are kept in line with the Local Government Cost index which has been forecast to increase by 3.2% through 2013/14.
2. Ensuring that the scheduled 10% increase in premiums relating to property and motor vehicle insurances are factored into revenue collection to cover this type of recurring costs.
3. Ensuring increases in future wages and construction costs are considered. When hiring employees, Local Governments compete not only with each other but other sectors in particular the booming mining industry in Western Australia, it is essential that we have competitive salary packages to offer. The wage index is anticipated to increase by 4.5% in 2013/14 as light labour market conditions continue.
4. Ensuring that Council builds reserve funds, in particular for Asset Management. The Department of Local Government are insisting that Councils develop Integrated Financial Plans, which will be a statutory requirement by July 2013. Part of this plan involves asset management of Buildings, Infrastructure & Plant and funding the gap between existing maintenance and renewal and what is required to effectively maintain Shire assets.
5. Ensuring that necessary revenue to fund proposed capital expenditure for 2013/14 highlighted in the Forward Capital Works plan and Plan for the future are considered.

Summary

The advertising requirement for the proposal to impose Differential Rates will be carried out on Wednesday 22nd May 2013, with submissions to be received by 4pm on Wednesday 12th June 2013.

The final determination of Rates in the Dollar will not be made until the Draft Budget committee meeting on Friday the 28th June 2013.

Statutory Environment

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

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Policy Implications

None

Financial Implications

Will form the basis of the Rate in the Dollar for Council's 2013/2014 Rating Year

Strategic Implications

None

Recommendation

That Council propose the following Differential General Rates for the year ending 30 June 2014:

Land Category	Proposed Rate	Proposed Minimum Payment
GRV – Residential	10.21	\$360
GRV – Commercial	6.89	\$360
GRV – Minesites	38.11	\$360
GRV – Single Persons Quarters	38.11	\$360
UV – Rural	1.69	\$360
UV – Mining Tenement	20.14	\$360

Voting Requirements

Simple Majority Required

96/2013

Moved Cr Truran Seconded Cr Pasini. That Council propose the following Differential General Rates for the year ending 30 June 2014:

<i>Land Category</i>	<i>Proposed Rate</i>	<i>Proposed Minimum Payment</i>
<i>GRV – Residential</i>	<i>10.21</i>	<i>\$360</i>
<i>GRV – Commercial</i>	<i>6.89</i>	<i>\$360</i>
<i>GRV – Minesites</i>	<i>38.11</i>	<i>\$360</i>
<i>GRV – Single Persons Quarters</i>	<i>38.11</i>	<i>\$360</i>
<i>UV – Rural</i>	<i>1.69</i>	<i>\$360</i>
<i>UV – Mining Tenement</i>	<i>20.14</i>	<i>\$360</i>

CARRIED (7/0)

Council Adjourned Meeting 3.30pm

Meeting Resumed at 3.45pm

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Submission to:	Ordinary Meeting of Council Friday 17th May 2013
Agenda Reference:	Works 9:1
Subject:	Re-Alignment of Marvel Loch /Forrestania Road
Location/Address:	Centenary Mine
Name of Applicant:	Gondwana Resources
File reference:	6.1.1.004
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	8 th May 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 21 kilometres south of Marvelloch Townsite adjacent to the Centenary Mine of which Gondwana Resources are the mining tenants (*refer to attached map*).

Gondwana Resources are requesting to re-align the Marvel Loch Forrestania Road approximately 150 metres to the west of the existing road alignment to accommodate expansion of the Centenary Mine. The length of the proposed re-alignment is 1.7 kilometres.

It is proposed by Gondwana Resources to extract approximately 400,000 tonne of gold ore from the Centenary Mine. The expected life of the Centenary Mining operations is eighteen months.

Comments

Councillors would be aware that following a report submitted to Councils February 2013 Meeting by council's Manager for Works, Council granted approval to Gondwana Mining to re-align the Marvel Loch Forrestania Road to accommodate the expansion of the Buffalo and Spring Hill Mine Sites.

In the February 2013 report to council it was mentioned that Gondwana Mining had plans to develop the Centenary Mine in the near future and indicated at that time there was no need to re-align the Marvel Loch Forrestania Road to accommodate Centenary Mine expansions.

Gondwana Mining has recently re-assessed the Centenary Mine development and has indicated that with the expansion of the mine there will be interference to the current road alignment with the external earth bunding surrounding the mine pit spilling out onto the Marvel Loch Forrestania Road and therefore are requesting approval to re-align the road to the west of the existing road.

If council gives approval for the re-alignment all heritage and native title studies along with clearing permit's and surveying are to be carried out by the applicant Gondwana Resources.

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All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Gondwana Resources.

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

- 1) *The re-alignment is to have gazetted road surveyed width of 20 metres*
- 2) *Subgrade road pavement has a waterbound (fresh water) compacted finished width of 10 metres*
- 3) *Subgrade road pavement cross fall from the road centre line is no less than 4% and no greater than 5%.*
- 4) *Road pavement is to have a finished waterbound (fresh water), compacted gravel overlay of no less than 200mm in thickness, ten metres in width and a cross fall from the road centre line no less than 4% and no greater than 5%.*
- 5) *Finished road re-alignment is to have all stormwater run-off drainage and required culverts installed as identified by council staff.*

The gold ore will be transported to the Marvelloch Treatment Mill previously owned by St Barbara via the Marvel Loch Forrestania Road using road trains.

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 axel. 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 Marvel Loch Forrestania Road on completion of the carting campaign, not for upgrading roads in the first instance to a road train standard or maintenance required during the carting period.

There is concern that sections of the Marvel Loch Forrestania Road will not stand up to the proposed continuous heavy vehicle movement required to shift the 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 Marvel Loch Forrestania 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 road train crossing ahead, warnings signage (*MR-WM-4*) on all intersection approaches

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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.

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

Strategic Implications: *N.A.*

Financial Implications: All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Gondwana Resources.

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, clearing permits and surveying are to be carried out by the applicant Gondwana Resources.
- 3) All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Gondwana Resources.

Voting Requirements

Simple Majority

97/2013

Moved Cr Pasini 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, clearing permits and surveying are to be carried out by the applicant Gondwana Resources.***
- 3) All cost associated with heritage and native title studies, clearing permit's, surveying and construction of the proposed re-alignment are met by the applicant Gondwana Resources.***

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council Friday 17th May 2013
Agenda Reference:	Works 9:2 Late Item
Subject:	Council Policy 5.4 - Road Building Material - Gravel
Location/Address:	
Name of Applicant:	
File reference:	6.5.2.3
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	17 th May 2013

Background

Included in Councils "*Policy 5.4 Road Building Material – Gravel*" under the heading "*Compensation*" there is a purchasing amount of 35 cents per banked cubic metre allowed, for council to purchase gravel from landowners for the purpose of road building.

The current purchasing amount for gravel has remained stagnant at 35 cents per cubic metre for the past eight years. Consideration should be given to increase the purchasing amount at the next policy review. This will bring council inline with neighbouring shires and the private business sector which are paying from .35 cents up to \$1.50 per cubic metre.

Comments

The current cost of 35 cents per cubic metre to purchase gravel will be considered in the policy review carried out in July 2013. It is envisaged that following the policy review there will be a recommendation to Council to increase the current amount of 35 cents per cubic metre paid for gravel to 65 cents per cubic metre. This will bring council inline with neighbouring shires and the private business sector.

Budget cost for Council's proposed 2013/2014 Financial Year Road Construction Program deliberations are well under way. An anticipated increase of the purchase of gravel of up to 65 cents per cubic metres has been included in this cost.

Policy Implications: Council's "*Policy No 5:4 Road Building Material – Gravel*" which is to be reviewed in July 2013 will incorporate any increase in gravel purchasing amount for road building purpose.

Financial Implications: An anticipated increase of the purchase of gravel of up to 65 cents per cubic metres has been included in the 2013/2014 Financial Year Road Construction Program cost estimates.

Submitted for Councils Information

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After discussions with the Manager of Works, Council recommended that there should be an increase in the 2013/14 Budget from the current amount of 35 cents per cubic metre paid for gravel to 65 cents per cubic metre paid for Gravel.

98/2013

Moved Cr Guerini Seconded Cr Pasini. That Council recommends in the 2013/14 Budget an increase from the current amount of 35 cents per cubic metre paid for gravel to 65 cents per cubic metre paid for Gravel.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.1
Subject:	Planning Application – Firearm Dealer from Farm Property
Location/Address:	Location 949 Gill Road, Moorine Rock
Name of Applicant:	Mr & Mrs P & S Oetiker
File Reference:	3.1.3.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	9 th May, 2013

Background

Mr & Mrs Peter & Stephanie Oetiker have written advising that they are in the process of applying for a “Firearm Dealers’ Licence” through the WA Police Department Firearms Branch in Perth. The Oetikers have a certified gun room and numerous gun safes on their property which are regularly inspected the WA Police.

The Oetiker’s require a letter of approval from the Shire for the operation of the business at their premises and confirming that the Shire is aware that firearms will be kept at that location. See attached copy of this letter and a map showing the location of Location 949 Gill Road, Moorine Rock.

Comment

The Southern Cross Police has confirmed that they are aware of the gun room and gun safes which they regularly inspect and that they have no issues with these areas.

I have contacted the WA Police Firearms Licensing Branch in Perth to confirm that they had received an application or where aware that the Oetikers wanted to apply for a Firearms Dealers Licence. The Branch was non-

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committal in it's response. The Branch did state that under their legislation there is no limit to the number of licensed premises within a district.

Town Planning Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 Location 949 Gill Road, Moorine Rock, which is the home farm block, is zoned "Rural/Mining". A firearm dealership is a commercial activity that is not related to rural or mining land uses. While many farmers do own 1 or more firearms if they run livestock, the actual operation of a firearm dealer's business is not a standard practice.

There are two commercial premises in Southern Cross that sell firearms and ammunition – Yilgarn Agencies and Southern Cross Motor Mart.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants planning approval to Mr & Mrs Peter & Stephanie Oetiker for the establishment of a Firearm Dealer's business from their property of Location 949 Gill Road, Moorine Rock.

Voting Requirements

Simple Majority.

99/2013

Moved Cr Auld Seconded Cr Guerini .That Council grants planning approval to Mr & Mrs Peter & Stephanie Oetiker for the establishment of a Firearm Dealer's business from their property of Location 949 Gill Road, Moorine Rock.

CARRIED (7/0)

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Proximity Interest Declared by Cr J Della Bosca

Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.2
Subject:	Planning Application – Commercial Extraction of Gravel from Private Property
Location/Address:	Lot 553 Parker Road, Corinthia
Name of Applicant:	Mr Paul Della Bosca
File Reference:	3.1.3.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	9 th May, 2013

Background

Mr Paul Della Bosca has written applying for an Extractive Industry Permit for the purpose of extracting and selling gravel to commercial companies from his property Location 553 Parker Road, Corinthia area. See attached letter and location map.

At this time Mr Della Bosca needs 400 cubic metres of gravel, but this could increase to 500-1,000 cubic metres per year. Mr Della Bosca intends to cart the gravel using a pocket road train truck.

Comment

Town Planning Issues

Location 553 Parker Road is zoned “Rural/Mining” under the Shire of Yilgarn Town Planning Scheme No 2. The proposed land use of “extractive industry” is a permitted use under the Scheme.

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

Environmental Issues

Mr Della Bosca has advised that the area where the gravel will be extracted from has previously been cleared of native vegetation. Surrounding this area is native vegetation which may be growing above further gravel deposits. If

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this is the case, to extract this gravel Mr Della Bosca will first need to apply to the Department of Environment and Conservation for a clearing of native vegetation permit.

Dust and noise are produced through the excavation process. I am not aware of any complaints being received by the Shire in relation to any previous extraction work or clearing on this lot. Mr Della Bosca will need to be mindful of the creation of dust and take practicable steps to reduce airborne dust creating problems for neighbouring land owners and travellers on the Parker Road.

Other Issues

There is also the issue of commercial trucks/vehicles entering and exiting from Mr Della Bosca's property onto Council controlled roads. There may be a need for warning signs to be installed to advise other road users of the possibility of trucks turning onto and off a road.

The Shire Manager of Works, Mr Robert Bosenberg, is aware of Mr Della Bosca's proposed activity and this application. Mr Della Bosca will need to liaise with him to ensure that exits onto or off Council controlled roads are signed with the required signage that complies with the Australian Standards and meet the Shire's requirements.

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

Statutory Environment

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

Policy Implications

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

Financial Implications

Nil

Recommendation

That Council grants approval under the Shire of Yilgarn Town Planning Scheme No 2 to Mr Paul Della Bosca to establish an "extractive industry" business for the extraction and sale of gravel from his property Location 553 Parker Road, Corinthia on the condition that he obtains all necessary licenses and permits relating to this business, and he complies with Council's Heavy Vehicle Haulage Road Impact Charge Policy.

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Voting Requirements

Simple Majority.

100/2013

Moved Cr W Della Bosca Seconded Cr Truran. That Council grants approval under the Shire of Yilgarn Town Planning Scheme No 2 to Mr Paul Della Bosca to establish an "extractive industry" business for the extraction and sale of gravel from his property Location 553 Parker Road, Corinthia on the condition that he obtains all necessary licenses and permits relating to this business, and he complies with Council's Heavy Vehicle Haulage Road Impact Charge Policy.

CARRIED (7/0)

Cr Pasini left the meeting at 4.05pm

Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.3
Subject:	Regional Tender No R01-2012-2013 for the Supply and Installation of 4 x 2 Bedroom Transportable Dwellings in Southern Cross and Westonia
Location/Address:	Shire of Yilgarn – Lots 1, 2, or 3 Libra Place, Southern Cross; and Shire of Westonia – Lot 414 Corner Quartz & Gold Streets, Westonia
Name of Applicant:	Manager Environmental Health & Building Services
File Reference:	8.2.6.18
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	9 th & 15 th May, 2013

Background

In November 2011 it was agreed by both the Shire of Yilgarn and the Shire of Westonia that their regional component of the Country Local Government Fund (CLGF) 2011-2012 of \$720,573 should be allocated to the construction of Multi Purpose Housing. In March 2012 Council agreed that the Yilgarn - Westonia Regional Council meet to discuss this project and form a recommendation for the Wheatbelt Development Commission.

On 18th May 2012 the Shire Chief Executive Officer reported (Item 7.6) that a business case had been prepared for submission to the Country Local Government Regional Fund including a draft budget where the combined cost for 2 pre-fabricated units in Southern Cross and 1 x 3 bedroom house in Westonia would cost approximately \$1,267,200. After contributing the

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regional component of the CLGF of \$720,573 to this project plus the in-kind cost of the land, it would mean that the Shire of Yilgarn and the Shire of Westonia would need to contribute a cash component of \$301,689 and \$169,938 respectively.

Comment

The Shire CEO and Mgr Environmental Health & Building Services met with the CEO of the Shire of Westonia, Mr Jamie Criddle, in Westonia on Monday 29th April 2013 to complete the combined Tender Advertisement and the Tender Supporting Documents.

Tender No R01/2012-2013 for the supply and installation of 4 x 2 Bedroom Transportable Dwellings (2 dwellings installed in Westonia and 2 in Southern Cross (with minor differences for each Shire) was advertised in the West Australian newspaper on Wednesday 1st May 2013, plus copies of the advert were E-mailed to various companies who had indicated an interest in a similar project for the Shire of Westonia last year. The Tender closes at 5:00 p.m. on Tuesday 14th May, 2013.

The following is a list of companies who responded to the newspaper advertisement (shown in blue) or were E-mailed a copy of the advertisement:-

- [Ramms Building Design of Perth;](#)
- [Modular Constructions Services of Perth;](#)
- [Dale Design Services of Perth;](#)
- [Demountable Sales and Hire of Perth;](#)
- Quality Builders of Perth (x 2);
- BGC Modular of Perth;
- TR Homes of Perth (x3); **
- Aussie Modular Solutions (AMS) of Perth; **
- Nordic Homes of Perth (x2); **
- Midwest Transportables;
- Haven Designs of Perth;
- McGrath Homes of Perth; **
- McNally Group of Perth;
- [Ausco Modular Pty Ltd of Perth \(x2\);](#)
- [WBS Modular;](#)
- [Pindan of Perth;](#) **
- [WestKey of Perth;](#) and
- [BCI Australia.](#)

(Note: ** denotes that these companies have telephoned and/or E-mailed seeking clarification or more information on the tender.)

Unfortunately TR Homes due its current workload is unable to meet the closing date for the tender and has advised it will not be submitting a tender.

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At 5:00 p.m. on Tuesday 14th May 2013 the Tender closed and the tender box was opened in the presence of Cr Louis Geier and Mr Jamie Criddle (CEO) representing the Shire of Westonia, plus Ms Vivienne Piccoli (CEO) and Miss Wendy Dallywater (MEH&BS) representing the Shire of Yilgarn. There were no representatives from tendering companies present. Each tender was opened and entered into the Tender Register and afterwards each was assessed.

Attached is a spreadsheet summarizing the Tenders received, of which there was a total of 8 tenders received with one tender disqualified as it did not comply with the Tender Conditions and therefore we were unable to assess the tender against any of the other tenders.

Following this assessment process all the representatives agreed that the tenders from McGrath Homes and Nordic Homes were the best overall including being the two lowest in price. Considering the floor plans and site plans it was agreed that the Nordic Homes plans were better than McGrath Homes and that this tender is put forward to our respective Councils as the preferred tender. (Note that the tender was done as a joint tender to try and obtain the best price so the contract should go to the one tenderer only.) See attached copy of the plans from Nordic Homes and also McGrath Homes.

Statutory Environment

Compliance with the National Building Code of Australia, Australian Standard AS1428.1 for disabled access and circulation, and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

In the 2012/2013 Council Budget an amount of \$685,500 has been identified under E09150 Dwelling Construction and these funds will be transferred from the Building Reserve for this project.

Recommendation

That Council agrees to accept the tender from Nordic Homes for the supply of 2 x 2 bedroom dwellings to be placed on Lot 1 Libra Place, Southern Cross as per the tender conditions and specifications.

Voting Requirements

Simple Majority.

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101/2013

Moved Cr Truran Seconded Cr Guerini. That Council agrees to accept the tender from Nordic Homes for the supply of 2 x 2 bedroom dwellings to be placed on Lot 1 Libra Place, Southern Cross as per the tender conditions and specifications.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.4
Subject:	Application to Conduct Exploration Drilling, Prospecting and Miscellaneous Activities – Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	Central Tenement Services on behalf of Black Peak WA Pty Ltd; Jagem Pty Ltd of Karrinyup; M & M Walter Consulting on behalf of Stephen LoPresti; M & M Walter Consulting on behalf of Pembery Prospecting 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:	9 th May, 2013

Background

- 1) Central Tenement Services has submitted an application on behalf of Black Peak WA Pty Ltd for Prospecting Licences P77/4215 & 4216 which lie west and east of the Bullfinch Evanston Road, north-east of the old airfield, and north of Bullfinch townsite. Licence P77/4215 includes a section of the Bullfinch-Evanston Road. See attached map and aerial photograph.
- 2) Jagem Pty Ltd has submitted an application for itself for Miscellaneous Licence L77/262 for an access road from the Mt Jackson Road east to its mine site and camp site situated north of Lake Deborah West. See attached aerial photographs.
- 3) M & M Walter Consulting has submitted an application on behalf of Stephen LoPresti for Prospecting Licence P77/4218 which lies east of the Koorda-Southern Cross Road south of Bullfinch townsite. Licence P77/4218 includes a section of the old Bullfinch Road. See attached map and aerial photograph.

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- 4) M & M Walter Consulting has submitted an application on behalf of Pembery Prospecting Pty Ltd for Exploration Licence E77/2123 which lies north of the Koorda-Southern Cross Road, north-west of Bullfinch townsite and south of the old Colreavy townsite. Licence E77/2123 includes a section of road that appears to an extension of Clarkson Road that extends north-west to the old Colreavy townsite. See attached map.

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;

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- 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.

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, there is to be no drilling within or under the Shire's gravel pits.

In regards to the application for Miscellaneous Licence L77/262, Jagem Pty Ltd will need to discuss the proposed mine and camp site access road intersection at the Mt Jackson Road with the Manager of Works in terms of design and signage.

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 Central Tenement Services on behalf of Black Peak WA Pty Ltd (P77/4215), M &M Walter Consulting on behalf of Stephen LoPresti (P77/4214), and M &M Walter Consulting on behalf of Pembury Prospecting Pty Ltd (E77/2123) to carry out drilling along sections of Council controlled road reserves with their respective Prospecting and 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;

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- 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.

Voting Requirements

Simple Majority

102/2013

Moved Cr W Della Bosca Seconded Cr Guerini .That Council grants approval to Central Tenement Services on behalf of Black Peak WA Pty Ltd (P77/4215), M &M Walter Consulting on behalf of Stephen LoPresti (P77/4214), and M &M Walter Consulting on behalf of Pembery Prospecting Pty Ltd (E77/2123) to carry out drilling along sections of Council controlled road reserves with their respective Prospecting and 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;*

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- 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.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.5 Late Item
Subject:	Planning Application – Installation of Digital Receiver Satellite Dish and Associated Equipment for SBS Television
Location/Address:	Reserve 8902 Lot 953 off Canopus Street, Southern Cross
Name of Applicant:	Broadcast Australia Pty Ltd – Mr Franc Vaccher
File Reference:	3.1.3.4 & 1.6.19.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th May, 2013

Background

Mr Franc Vaccher of Broadcast Australia Pty Ltd has submitted a planning application on behalf of SBS Television to install a new 1.8m diameter digital receiver satellite dish fixed to a steel post that is concreted into the ground plus associated equipment at the Shire of Yilgarn’s radio tower site located on Wimmera Hill within Reserve 8902 Lot 953 off Canopus Street, Southern Cross. SBS would like to carry out this installation work prior to 30th June 2013. See attached application, drawings and photographic concept of the site with the proposed dish installed.

In the 1990’s the Shire purchased analogue equipment (antennae, decoder, and amplifier) and installed it within the concrete bunker on Wimmera Hill within the Shire communications compound so that local residents could receive SBS television. In 2012 SBS originally advised the Shire that whilst it was prepared to supply and install digital equipment at the site, that because the original equipment belonged to the Shire it would not maintain the new digital equipment as that should be the Shire’s responsibly. Following discussions regarding this matter with the previous CEO, SBS advised it was now prepared to supply and install and maintain the new digital television equipment.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 this land is zoned “Rural/Mining”. The proposed satellite dish and equipment will be installed within an existing communications compound. The installation is considered to be a low impact installation, the same as existing installations on the site. Television reception is not an essential service and therefore is not exempt from requiring Council approval.

Reserve 8902 Lot 953 is designated for the purpose of “Park & Recreation”. It is Crown land controlled by Council. Previously a local group known as Better Radio in Southern Cross (BRISC Radio) controlled the existing communications equipment located within the fenced compound. Messrs

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Phil Rafferty and Peter Hockley have been the main members of BRISC Radio. Mr Rafferty is aware of this application and has no objections to this work proceeding.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grant planning approval to Broadcast Australia Pty Ltd on behalf of SBS television to install a 1.8m diameter digital satellite receiver dish fixed to a post on ground and for the associated equipment to be installed inside the concrete bunker within the fenced compound on Wimmera Hill Reserve 8902 Lot 953 off Canopus Street, Southern Cross as per the submitted drawings.

Voting Requirements

Simple Majority.

103/2013

Moved Cr Truran Seconded Cr Guerini. That Council grant planning approval to Broadcast Australia Pty Ltd on behalf of SBS television to install a 1.8m diameter digital satellite receiver dish fixed to a post on ground and for the associated equipment to be installed inside the concrete bunker within the fenced compound on Wimmera Hill Reserve 8902 Lot 953 off Canopus Street, Southern Cross as per the submitted drawings.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 17 th May, 2013
Agenda Reference:	10.6 Late Item
Subject:	Proposed Road Closure of a Section of Un-named Road and Amalgamate it with the Adjoining Private Property
Location/Address:	Road Reserve Adjoining Lot 1051, Lake Deborah West
Name of Applicant:	Department of Regional Development and Lands – Ms Ruth de Ridder, Assistant State Land Officer
File Reference:	1.6.6.5 & 6.1.2.9
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th May, 2013

Background

The Department of Regional Development and Lands (DRDL) has written to the Shire advising that it has received a request from the private land owner (Mr Clifford Braun – Hillman Baker Pty Ltd) of Lots 1051, 1052, 1056, 1057 & 1063-1065 located on the border between the Shires of Westonia and Yilgarn, to permanently close the sections of road reserve and to be amalgamated the sections with the adjoining lots. The only lot that is located within the Shire of Yilgarn is Lot 1051 and the adjoining road reserve. See attached letter and location maps.

A similar letter has also been sent to the Shire of Westonia for its consideration too. The DRDL having the management of the Unallocated Crown Land that borders Mr Braun’s land has no objections to the sections of road reserve being closed. As the road reserve is an un-named public road, actions to close the road must be initiated by the Local Government.

Comment

Lot 1051 is located west of Lake Deborah West and adjoins Reserve 1430 “Water” which includes Barcooting Hill. This lot and the adjoining road reserve are located in the Yilgarn Shire.

Checking aerial photography of the area shows that a gravel runs north past Lots 1063, 1064, and 1065, and extends a short distance further north to Lot 1052 & UCL Lot 1054 to service the dwelling located near the south-east corner of Lot 1054. The road does not extend further north and therefore while it is a gazetted road reserve, it is un-made. See attached aerial photographs of this area.

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The Manager of Works is aware of this application and has confirmed that as it is an un-made road reserve, he has no objects to the road adjoining Lot 1051 being permanently closed.

Closure of Roads

Section 58 of the Land Administration Act 1997 sets out the procedure for the closure of roads:-

- The Local Government must resolve to request the Minister to closure the road.
- After making this resolution the proposal must be advertised for public comment in a newspaper circulating the district for a period of not less than 35 days.
- The local government must consider all comments received on the matter before making a final resolution to proceed.
- Once this occurs Council can write to the Minister making its request to closure the road.
- The Minister after considering the application may either grant the request, direct the local government to consider certain issues, or refuse the request.

Statutory Environment

Compliance with the Land Administration Act 1977 and the Land Administration Regulation 1998.

Policy Implications

Nil

Financial Implications

There will be costs associated with the advertising of the proposed section of road to be closed. The survey work and drawing of the survey plan still needs to be carried out and there are costs associated with this. When speaking with Mr Braun about this application he agreed to pay/reimburse the costs associated with the closure of this section of road.

Recommendation

That Council resolves to permanently close the section of road reserve adjoining Lot 1051 west of Lake Deborah West and for this land to be amalgamated into Lot 1051, to publicly advertise this proposed road closure, and that after considering all comments received from the public and service organisations and making a final decision, to request the Minister for Lands to close this section of road.

Voting Requirements

Simple Majority.

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104/2013

Moved Cr Guerini Seconded Cr J Della Bosca. That Council resolves to permanently close the section of road reserve adjoining Lot 1051 west of Lake Deborah West and for this land to be amalgamated into Lot 1051, to publicly advertise this proposed road closure, and that after considering all comments received from the public and service organisations and making a final decision, to request the Minister for Lands to close this section of road.

CARRIED (6/0)

As there was no further business to discuss, the Shire President declared the meeting closed at 4.50pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 17th May 2013, are confirmed on Friday the 21st June 2013 as a true and correct record of the May Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT