ORDINARY COUNCIL MEETING

Friday, 20th December 2013

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, 23 Antares Street Southern Cross, Friday 20th December 2013.

PRESENT

Cr O Truran, Shire President

Crs W A Della Bosca, J Della Bosca, D J Pasini, G Guerini, K L Chrisp, B G Close

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 – Tim Dobson of Southern Cross Goldfields Ltd and Sonia Finucane of Bioscope Environmental came to talk with Council about the new proposed Marda Gold Project located 150kms north of Southern Cross on the Bullfinch Evanston Road. Southern Cross Gold Pty was formed in 2008 as an ASX listed company. They are currently focused on building a case to start mining in the Marda region. Permitting to mine 6 small deposits, will be bringing a 90 room accommodation camp to the area, and have purchased the Sandstone Package including the tenements, camp and processing plant. They will be looking to employ local people with operations running for a 3year period. They will also be promoting tourism for the area and there will be no traffic flow issues in the area.

The meeting was declared open for business at 2.00pm

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

Nil

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

250/2013

Moved Cr W Della Bosca Seconded Cr Guerini. That the Minutes of the previous Meeting of Council held on Friday 15th November 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

251/2013

Moved Cr W Della Bosca Seconded Cr Pasini. That the minutes from the Great Eastern Districts Operations Advisory Committee held on Monday 23rd September 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

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252/2013

Moved Cr W Della Bosca Seconded Cr Pasini. That the minutes from the Yilgarn Local Action Group Skeleton Weed Management Committee AGM held on Thursday 17th October 2013, be confirmed as a true and correct record of the meeting.

CARRIED (7/0)

253/2013

Moved Cr J Della Bosca Seconded Cr Guerini. That the minutes from the Central East Aged Care Alliance (CEACA) Meeting held on the 6th November 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

254/2013

Moved Cr Chrisp Seconded Cr Pasini. That the minutes from the WEROC Meeting held on Wednesday, 27th November 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

255/2013

Moved Cr J Della Bosca Seconded Cr Pasini. That the minutes from the Great Eastern Country Zone Meeting held on the 28th November 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

256/2013

Moved Cr Chrisp Seconded Cr Close. That the minutes from the Annual Electors Meeting held on the 18th December 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

257/2013

Moved Cr J Della Bosca Seconded Cr W Della Bosca. That the minutes from the Special Meeting of Council held on the 28th November 2013, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

HONORARY FREEMANSHIP OF THE SHIRE OF YILGARN

The Shire President advised at the November Ordinary meeting of Council it was proposed that Honorary Freemanship of the Shire of Yilgarn be conferred upon Cr P Romolo Patroni following his 38 years of exemplary service to the district. The Shire President advised that as it was intended to bestow the Award to Cr Patroni at our

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Councillor Christmas Dinner following the Council meeting, a resolution of such conferral should be formally made by Council.

258/2013

Moved Cr J Della Bosca Seconded Cr Guerini. That Honorary Freemanship of the Shire of Yilgarn is conferred upon Cr Peter Romolo Patroni in recognition of his outstanding service to the Shire of Yilgarn and its residents over a period of 38 years of service as a Councillor.

CARRIED BY ABSOLUTE MAJORITY (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:

- That she has received correspondence congratulating her on her appointment as Shire President.
- That she received a letter from the Heritage Council regarding the Heritage Awards for 2014
- That she attended the Time capsule opening and the 50th Pool celebrations and was pleased that the time capsule had a lot of interest but was disappointed with the numbers for the pool anniversary.
- Attended with the DCEO and the CRC Staff the information session for the new way forward for the CRC in Kalgoorlie.
- She also attended a functional brief for the Merredin Hospital and is now the chair for DHAC.
- Attended the Cliffs Business After Hours, which was well attended.
- Attended the Audit Committee meeting, Special Meeting of Council and the GECZ meeting
- Attended the Seniors Dinner which was a good day.
- Attended the CEACA meeting where they held the Business Case interviews, some were prepared but most were not.
- Attended the Presenting with Confidence course at WALGA with the CEO and found it very worthwhile.
- Attended the Presidents Forum where Presidents from Kwinana, Albany and Moora as the speakers.
- Went on the end of year famil road trip to the Goodhills.
- Attended the GECZ meeting in Kellerberrin with CEO and Cr W Della Bosca to hear the minister, he listened but unsure if anything will happen.
- That on the 14th December the local elections were held and that she also met with Ministers Ken Bastion and Pam Ellis.
- She attended the Electors meeting in the 18th December.
- And attended the Works Depot Wind-up and was happy that it was well attended by the contractors.

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Cr W Della Bosca - attended the GECZ meeting in Kellerberrin where the main discussions were in regards to the amalgamations

He was impressed with Ken Bastions attitude but a couple of main questions were not answered.

He attended the Moorine Rock School concert and also the St Josephs Primary School end of year.

Cr Kim Chrisp - advised that she attended the YSSSA Swimming Carnival and presented to the Trophy Winners.

She also attended the SXDHS concert and presented the Book Award donated by Council.

Cr J Della Bosca – attended the Audit Committee meeting.

She worked at the Seniors Dinner as a volunteer and that the Bowls and Tennis Club did a great job.

Attended the HAY Committee AGM and has nominated to Deputy Chair

Attended the Tourism Famil Tour

Also attended the Minister's Visit and travelled to Ron Burro's and Dunbar's farms.

That she attended the Wheatbelt Ag Care meeting and nominated for Secretary.

She attended the SXDHS end of year concert. Also that the Principal of Moorine Rock Primary has left. And Westonia Annex will be closing in January 2014.

Submission to: Ordinary Meeting of Council – Friday 20th December 2013

Agenda Reference: 7.1

Subject: Medical Practice Christmas Closure

File Reference: 1.3.12.7

Author: Vivienne Piccoli – Chief Executive Officer

Disclosure of Interest: Not applicable **Date of Report:** 11th December 2013

Background

Dr Patrick Bushe commenced running the Southern Cross Family Practice on the 31st August 2013 under a formal agreement with Council to provide Medical and Management Services over a five year term.

Section 2.2 (c) of the Agreement covers the conditions of leave:

The Medical Practitioner shall, at his cost, make all reasonable attempts to engage a locum tenens to practice at the Practice if the Medical Practitioner expects to be absent either on vacation or on study leave for a period of more than 5 consecutive working days.

Council have been advised that the Christmas Operating Hours for the Southern Cross Family Practice are:

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CHRISTMAS OPERATING HOURS				
Monday	Tuesday	Wednesday	Thursday	Friday
Dec-16	Dec-17	Dec-18	Dec-19	Dec-20
Closed	Closed	Closed	L BLACK	L BLACK
Dec-23	Dec-24	Dec-25	Dec-26	Dec-27
Closed	Closed	Closed	Closed	Closed
		Public Holiday	Public Holiday	Ciosed
Dec-30	Dec-31	Jan-01	Jan-02	Jan-03
Closed	Closed	Closed	OPEN	OPEN
		Public Holiday	OFLIN	

Comment

Dr Bushe has organised to take annual leave over the Christmas period to spend time with his children who are visiting Australia from England, Patrick has advised that he has made reasonable attempts to enlist a locum through Rural Health West, to date they have not received any interested applicants. Dr Bushe has arranged for Laura Black who is a Nurse Practitioner to provide as much cover as she can over the time he will be away. Ms Black is able to provide chronic care management, women's health and issuing of scripts and general medical advice.

He has also advised that whilst he is in town he will continue to service the Hospital, and has arranged when he is out of the shire the on-call doctor in Merredin will cover Carinaville in his absence.

In addition, Dr Bushe canvassed the local community throughout September and October to ascertain the quietest time of the year in town for him to take leave, and the Christmas period was identified where his absence will have the least impact on the community.

This item has been brought to Council to keep Councillors informed of the times that the practice will be closed and the reasonable attempts Dr Bushe has taken to source a locum and the measures he has put into place over this period.

For Council Information

Information Received

Submission to: Ordinary Meeting of Council –20th December 2013

Agenda Reference: 7.2

Subject: Premier's Australia Day Active Citizenship Awards

File Reference: 1.3.6.2

Author: Vivienne Piccoli – Chief Executive Officer

Disclosure of Interest: Not applicable 12th December 2013

Background

Nominations for the following categories in the Premier's Australia Day Active Citizenship closed on Friday, 29th November 2013:-

• Premier's Australia Day Active Citizenship Award

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- Premier's Australia Day Active Citizenship Award for a person under 25 years; and
- Premier's Australia day Active Citizenship Award for a community group or event.

At the close of nominations there has been three nominations received for the Premier's Australia Day Active Citizenship Award and one nomination for the Premier's Australia Day Active Citizenship Award for a community group or event.

These prestigious awards are only available to one recipient in each category in each year.

Comment:

The nominees for the above Awards have been circulated to Councillors via confidential email and a decision needs to be made which will then allow staff to request the Australia Day Council to prepare the Certificate prior to presentation on 26 January 2014.

Council may wish to resolve in closed committee to discuss and decide upon accepting the nomination for the award or, as has happened in the past, establish a committee comprising the Shire President, Deputy Shire President and CEO to consider and decide upon nominations for Australia Day Awards.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council makes a decision on the successful nominees of the Premier's Australia Day Active Citizenship Award by either going into committee or authorising the Shire President, Deputy Shire President and Chief Executive to meet and decide on accepting the nominations.

Cr Close and Manager of Works left room 3.06pm

Cr Chrisp left room 3.15pm

Cr Chrisp, Cr Close and Manager of Works Re-entered room at 3.17pm

Voting Requirements

Simple Majority

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259/2013

Moved Cr J Della Bosca Seconded Cr Guerini. That Council makes a decision on the successful nominees of the Premier's Australia Day Active Citizenship Award by either going into committee or authorising the Shire President, Deputy Shire President and Chief Executive to meet and decide on accepting the nominations.

CARRIED (6/0)

Submission to: Ordinary Meeting of Council – Friday 20th December 2013

Agenda Reference: 7.3

Subject: Southern Cross Caravan Park Lease

File Reference: 4.1.7.2

Author: Vivienne Piccoli – Chief Executive Officer

Disclosure of Interest: Not applicable **Date of Report:** 12th December 2013

Background

The Southern Cross Caravan Park is situated on Lot 755 Crown Reserve No. 23237 and this Crown Reserve land is vested to the Shire of Yilgarn for the purpose of a Caravan Park. The Shire has leased the management of the Caravan Park to Mr Noel & Kaye Boulden since the 15th December 2003 at which time there was a further 10 years remaining on the original lease, which ceases on the 31st January 2014.

Comment

It will be necessary for the CEO to start negotiations with Mr and Mrs Boulden in drawing up a new lease, and prior to commencing the CEO wanted to give Council an update on dealings that have occurred over the past few months in relation to some issues.

The CEO and the Manager for Environment and Building Services met with Mr and Mrs Boulden on the 7th October 2013 at the Shire Offices, to discuss their Lease obligations in relation to the Southern Cross Caravan Park and breaches in covenants that had been identified over the past 12 months.

The areas of concern that were discussed at our meeting are outlined below, including Lessee's written responses highlighted in blue:

1. Lessee to pay the Lease Payment on a quarterly basis (March / June / Sept / Dec) (within 14 working days of end of month) and supporting documents (income statement on bookings) are to accompany the Lease payments.

They agreed that going forward that lease payments will be paid on a quarterly basis with necessary supporting documentation. They explained that over the past year the Lessee has changed accounting system from MYOB to Xero which is a cloud base accounting package, where Kaye can now access their accounts remotely on a daily basis, which has been the problem in the past and caused the delays in providing timely payments. She is able to reconcile the income on a monthly basis and provide this report to Council as part of their lease payment as supporting evidence. She advises that the payment and reconciling of lease payments will not be an issue going into the future. The Lessee is fully up-to-date with their lease payments and residence rental payments.

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2. Lessee to provide copies of respective Insurance for Lessee's property for shire records, to be provided on an annual basis upon renewal.

We have been advised that; over the past 9 years, the Boulden Family Trust, have been paying property insurance premiums to cover damage to the caravan park residence, and the old and new ablution blocks. It appears that the Shire are also covering these building for property damage and they have requested that the Shire waive the terms of the lease which require these properties to be covered by the lessee. In addition, their annual insurance policies for property and public liability are due for renewal on the 12/12/13, at which time they will forward the Shire a copy of the receipted renewal certificates of currency.

3. Lessee to provide copies of Public Liability - \$5M for Shire records, to be provided on an annual basis upon renewal.

They have advised that the Certificate of Currency will be forwarded to Shire after the 12/12/13.

4. Lessee to provide a written request to appoint another Manager to the Caravan Park and a reason as to why you warrant the change in Management. Please explain the roles that you both play in the business and the frequency that you intend to visit the Southern Cross Caravan Park to monitor progress of the caravan park's activity.

The CEO has received a written request from the Lessee for their son Glen and his wife Renae Boulden to become Assistant Managers at the Southern Cross Caravan Park. They have advised that Kaye and Noel have moved to Goomalling and will travel back to Southern Cross on a monthly basis to assist with the operations of the Caravan Park.

5. Lessee to write to the Shire prior to changes in caravanning fees requesting approval.

They have advised that the caravanning fees are currently \$26.70 per site plus GST, which is in line with annual CPI increase from when they took over the lease in December 2003. No significant increases have occurred over the past 10 years.

6. Lessee to provide a timeline as to when painting will be undertaken at private residence by Glen Boulden.

They have advised that Glen will commence the painting of the private residence in December 2013 and the job should be completed by the end of February 2014.

In addition to the above issues, we also discussed some of the complaints that Council have received from customers over the year in relation to the Management of the Caravan Park and emphasised Council's concerns. The Boulden's agreed that bad public relations were not good for the park or their business and it was in their best interest to attend to complaints seriously. I would recommend with the drawing up of a new lease that a section be included in the document that deals with best practice for the management of customer complaints.

Council will need to give the CEO some direction on how they would like to proceed with the renewal of the lease with the current Lessee Mr and Mrs Boulden.

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Statutory Environment

In accordance with the original Lease Agreement signed and duly stamped by the Shire President and CEO in April 1999.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council considers the renewal of the Southern Cross Caravan Park Lease with Mr and Mrs Boulden and should Council wish to proceed they authorise the Chief Executive Officer to proceed with negotiations.

Cr Pasini left meeting at 3.35pm

Voting Requirements

Simple Majority

260/2013

Moved Cr Seconded Cr .That Council considers the renewal of the Southern Cross Caravan Park Lease with Mr and Mrs Boulden and should Council wish to proceed they authorise the Chief Executive Officer to proceed with negotiations.

CARRIED (/)

After discussion in regards to the Lease of the Caravan Park back to the Boulden's Council resolved the following.

260/2013

Moved Cr J Della Bosca Seconded Cr Close. That Council considers the renewal of the Southern Cross Caravan Park Lease and advertise for expressions of interest for the lease and authorise the CEO to proceed with the necessary processes.

CARRIED (7/0)

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Submission to: Ordinary Meeting of Council – Friday 20th December 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: 12th December 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 November 2013:

- Rates Receipt Statement (prepared to 30th November 2013)
- Statement of Investments,
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

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.

During the 2012/2013 audit it was noted by the Shire's Auditors that the own source revenue was below acceptable. Council asked for the ratio to be monitored and is therefore included as part of this report.

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 November 2013 as presented be received.

Voting Requirements

Simple majority required

261/2013

Moved Cr W Della Bosca Seconded Cr Chrisp .That the Various Financial Reports for the period ending 30th November 2013 as presented be received.

CARRIED (6/0)

ORDINARY COUNCIL MEETING

Friday, 20th December 2013

Submission to: Ordinary Meeting of Council – Friday 20th December 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:** 9th December 2013

Background

Municipal Fund – Cheque Numbers 38895 to 38944 totalling \$124,753.85, Municipal Fund EFT numbers 1921 to 1999 totalling \$1,253,738.07, Municipal Fund – Cheque Numbers 1126 to 1129 totalling \$228,906.94, Trust Fund – 402037 to 402040 totalling \$15,158.71 and Trust Fund – Cheque Numbers 5873 to 5877 (DPI Licensing), totalling \$49,769.65 are presented for endorsement as per the submitted list.

Statutory Environment

Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, Regulation No 12 and 13.

Policy Implications / Delegation Register

Council has provided delegation to the Chief Executive Officer, Deputy Chief Executive Officer, Manager of Environmental Health and Building Services and/or Manager for Works to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Recommendation

Municipal Fund – Cheque Numbers 38895 to 38944 totalling \$124,753.85, Municipal Fund EFT numbers 1921 to 1999 totalling \$1,253,738.07, Municipal Fund – Cheque Numbers 1126 to 1129 totalling \$228,906.94, Trust Fund – 402037 to 402040 totalling \$15,158.71 and Trust Fund – Cheque Numbers 5873 to 5877 (DPI Licensing), totalling \$49,769.65 are presented for endorsement as per the submitted list.

262/2013

Moved Cr Guerini Seconded Cr Close. That Municipal Fund – Cheque Numbers 38895 to 38944 totalling \$124,753.85, Municipal Fund EFT numbers 1921 to 1999

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totalling \$1,253,738.07, Municipal Fund – Cheque Numbers 1126 to 1129 totalling \$228,906.94, Trust Fund – 402037 to 402040 totalling \$15,158.71 and Trust Fund – Cheque Numbers 5873 to 5877 (DPI Licensing), totalling \$49,769.65 are presented for endorsement as per the submitted list.

CARRIED (6/0)

Submission to: Ordinary Meeting of Council – Friday 20th December 2013

Agenda Reference: 8.3

Subject: Community Resource Centre Coordinators Report

File Reference: 1.3.4.1

Author: Mia Dohnt – Deputy Chief Executive Officer

Disclosure of Interest: Not applicable **Date of Report:** 12th December 2013

Purpose of Report

For Council information on what activities, planning and training the Community Resource Centre has under taken in the previous month.

Background

To advise what activities, planning and training the Community Resource Centre has under taken in the previous month.

Discussion



COORDINATOR'S REPORT

Prepared by: Ronice Blair 01.11.2013 – 30.11.2013 Southern Cross Community Resource Centre

Monthly Statistics

Southern Cross Singers	34
Junior Singers	12
Seniors Exercises	47
Seniors Carpet Bowls/lunch	12
Max Employment	47
Library	41
Centrelink	32

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Internet	\$135.00
Print/scan	\$538.70
Send/receive fax	\$30.00
Advertising	\$1275.00
Crosswords sales	\$517.35
Excel Training Course	\$529.90
Secretarial	\$8.00
Room Hire	\$260.00
Donations	\$415.00

The CRC had nine people attending an Excel spreadsheet course on 6 November, attendees included CRC trainee, Jenna Carlson, and two Shire staff members.

It again proved difficult to get people who had previously expressed an interest in the course to commit to a date and time, it has been our practice to suggest people enquiring about computer training to consider an online course through CY O'Connor, but most claim they want face to face, classroom type training.

I find offering classroom training and trying to find enough people to attend is a lot of effort for very little gain. However, as long as people are asking for this type of service we will continue to try and provide.

I attended SXDHS again early in November, Yrs 1-2 for a science class. Students were discussing changes in general and during the time I was there, changes in our town and community in particular. I always find interaction with school students of all ages enjoyable.

The CRC hosted a three day MOSAIC course run on behalf of the Historical Society from Sunday 10 November to Tuesday 12. CRC Support Officer, Monica Fairless, and trainee, Jenna Carlson, along with 4 museum volunteers, completed the training.

My concern previously with the Museum's data base was that there was only one person in town able to use the software program, MOSAIC. CRC staff are now able to access and navigate their way around the system, and during 2014 are scheduled to attend the museum for two hours each on a fortnightly basis to assist with clearing the acquisitioning backlog and to keep their skills up.

Rhyme Time was held again 13 November, but nobody turned up for the scheduled session 27 November. I will talk to the mothers who seemed keen once playgroup resumes in 2014 to see if they are still interested in the library providing this service.

We were successful with a Seniors Week Grant for 2013 and held a concert in Rotary Park on 16 November with Jimmy Nunn entertaining.

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Hamburgers and sausage sizzles were available from the kitchen. Numbers attending started off very slow, with about 40 people attending by the time the concert came to an end.

Most common comment from those there was that it was a shame more people didn't turn up. Maybe next year I will consider a bus service to pick people up from home and drop them back again.

Shire President Onida Truran, DCEO Mia Dohnt, Support Officer Monica Fairless and myself attended a briefing in Kalgoorlie where DRD presented information on expected future changes to how CRC's are funded. I believe we all found the session informative and of use.

Regular activities held during November include the twice weekly exercise group and singing on Wednesday nights. The Southern Cross Singers performed at the Shire's Seniors Christmas Lunch to a fantastic round of applause.

The CRC was involved in assisting the Historical Society with the recent opening of a time capsule, and is currently responsible for locating owners of envelopes which were included in the capsule and also in selling envelopes to be included in the capsule when it is reburied on Australia Day.

Seniors Game practice sessions have been put on hold due to low numbers of people attending, it was felt it was disheartening to have only half a team regularly turn up. Practice will resume in earnest mid February in preparation for the games which will be held in Merredin, 25 March.

I attended the HAY and Museum committee meetings during November.

Ronice Blair 12 December 2013.

Statutory Environment

Nil

Financial Implications

Expenses are allowed for in the 2013-2014 Budget

Voting Requirements

Simple majority required.

Recommendation

For Council information only.

Information Received

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Cr Pasini Re-entered 4.00pm

Adjourned 4.00pm Re-convened 4.10pm

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

2013

Agenda Reference: 10.1

Subject: Planning Application – Proposed New Storage Shed

with Lean-to - Oversized

Location/Address: Lot 706 Corner Castor & Polaris Streets, Southern Cross

Name of Applicant: Mr Fredo Pedrin File Reference: 3.1.3.6 & 4.2.1.1

Author: Manager Environmental Health & Building Services – W

J Dallywater

Disclosure of Interest: Not applicable

Date of Report: 12th December, 2013

Background

In July 2009 the Chief Executive Officer, Mr Peter Clarke, advised Council that Mr Fredo Pedrin had applied to the Department for Planning and Infrastructure (DPI) (now Department of Lands) to purchase Unclassified Crown Land (UCL) Lots 706 & 957 Castor Street, Southern Cross. At the time there was another person interested in purchasing these lots and so the DPI wished to sell the lots through a "public competition" process. The DPI also advised that would also consider offering the proponent a lease over the lots for the purpose of "Light Industry – Storage of Equipment and Building Materials" for a 12 year term subject to the completion of a Native Title Future Acts Process.

In December 2010 I wrote to the Department of Regional Development and Lands (DRDL) (now Department of Lands) on behalf of Mr Pedrin confirming his interest in purchasing the two lots and would amalgamate then with his current property of Lot 705 Polaris Street. Close to 12 months later Mr Pedrin was able to purchase the lots freehold on the condition that they are amalgamated with Lot 705.

Council is aware that Mr Fredo Pedrin is a local builder and chose Lot 705 as it has room to expand with no near neighbours. In December 2007 I approved a lean-to of 86.40m2 to be attached to the existing workshop shed of 86.40m2 located in the rear of Lot 705 for the storage of Mr Pedrin's building equipment and materials. In June 2008 Mr Pedrin received planning approval to demolish the existing carport and shed that joined the rear patio of the house and erect a new double garage with storage area of 90.0m2 in it's place for the storage of family vehicles and surplus household goods.

Mr Pedrin is now seeking permission to erect a new 270.0m2 shed with rear lean-to (18.0m wide x 12.0m deep x 3.0m wall height shed, plus 18.0 wide x 3.0m deep lean-to). The shed will be steel frame with Colorbond walls and Zincalume roof sheeting, concrete floor, with a single roller door each end of the shed. The proposed shed will

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be located on what was Lot 706, and will be setback a minimum or 12.0m from the front boundary, 4.8m from the dividing boundary with Lot 705, 23.56m to the Castor Street boundary, and 33.33m from the rear boundary. See attached proposed site plan.

Comment

Lot 706 corner Castor & Polaris Streets is within the townsite boundary and is zoned "Residential" with a density rating of R10. A domestic shed is a suitable land use for this zoning. However, the new standard size that Council has approved for a garage, shed, carport, or patio is 85.0m2 based on the need for residents having more vehicles including caravans and possibly a boat, plus needing space to store household items and/or have a domestic workshop too. The proposed shed with rear lean-to will a total of 270.0m2 in area. Mr Pedrin has advised that he needs this size shed to store all his old vehicles and historical memorabilia.

Lot 706 is 1585m2 in area which is larger than the average residential lot in town. Mr Pedrin is currently installing a new Colorbond fence 1.8m high along the Castor Street boundary and the rear boundary, and has planted a number of small olive trees along the front and the start of the Castor Street side where the fence height reduces to 1.2m to act as a screen for the property.

While Council has been aware of Mr Pedrin's situation being a local builder who wants to have his work storage area associated with his residence, and his desire to obtain Lots 706 & 957 to provide him more room to store his building equipment and materials, this proposed shed is a significant size.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Residential Design Codes of Western Australia 2002.

Policy Implications Nil

Financial Implications Nil

Recommendation

That Council grants planning approval to Mr Fredo Pedrin to construct a new 270.0 square metre steel frame and Colorbond walls/Zincalume roof shed on Lot 706 corner Castor & Polaris Streets on the conditions that there is no further additional development on Lots 705, 706, or 957 Polaris & Castor Streets, Southern Cross; the building is not to be used for any other purpose unless approved by Council; and that this approval is given on the merits of the application and any similar application in the future will be assessed on its merits but not necessarily approved.

Voting Requirements

Simple Majority.

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263/2013

Moved Cr Pasini Seconded Cr Guerini. That Council grants planning approval to Mr Fredo Pedrin to construct a new 270.0 square metre steel frame and Colorbond walls/Zincalume roof shed on Lot 706 corner Castor & Polaris Streets on the conditions that there is no further additional development on Lots 705, 706, or 957 Polaris & Castor Streets, Southern Cross; the building is not to be used for any other purpose unless approved by Council; and that this approval is given on the merits of the application and any similar application in the future will be assessed on its merits but not necessarily approved.

CARRIED (7/0)

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

2013

Agenda Reference: 10.2

Subject: Planning Application – Install a Sea Container on

Residential Property

Location/Address: Lot 475 (H/No 84) Altair Street, Southern Cross

Name of Applicant: Mr & Mrs Reg & Leonie Gethin

File Reference: 3.1.3.6 & 4.2.1.1

Author: Manager Environmental Health & Building Services – W

J Dallywater

Disclosure of Interest: Not applicable

Date of Report: 12th December, 2013

Background

Mrs Leonie Gethin has written on behalf of her husband and herself seeking permission to install a sea container at the rear of their property of Lot 475 Altair Street, Southern Cross. The Gethins will be moving into the property in early 2014 from their farm which has recently been sold, and having accumulated a lot of memorabilia need somewhere to store it.

The Gethins currently have the sea container which they would bring with them from the farm into town. Mrs Gethin states that they would re-paint the sea container to blend in with the new Colorbond sheet fencing they plan to install along the rear boundary of the property. See attached letter and location map.

Comment

Mr Greg Gethin was asked when he was delivering the letter to the Shire, why not erect a storage shed for the memorabilia? Mr Gethin replied that he did not think that another shed would be approved on the lot, plus he already had the sea container, and he has noticed other sea containers in town and assumed that they were accepted on properties in town.

I advised Mr Gethin that sea containers were not suitable as storage sheds on "Residential" lots and asked him to consider installing another shed on the property. Mr Gethin has come back asking for Council to consider their application to have a sea container rather than another shed.

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A sea container is a storage unit used for the easy transportation of goods either on a truck, rail cart, or ship. As such they are normally found on "Industrial" lots. The general practice is that sea containers are not normally permitted on "Residential" lots due to their appearance, they are not considered a building as they do not require a separate floor or roof structure and therefore are not secure. I would not recommend that Council approves this application.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Residential Design Codes of Western Australia 2002.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise Mr & Mrs Reg & Leonie Gethin that their request to install a sea container as a storage shed at the rear of Lot 475 Altair Street, Southern Cross is not approved and request that they consider installing another shed or garage on the property for the purpose of storing their memorabilia.

Voting Requirements

Simple Majority.

264/2013

Moved Cr Pasini Seconded Cr Close. That Council advise Mr & Mrs Reg & Leonie Gethin that their request to install a sea container as a storage shed at the rear of Lot 475 Altair Street, Southern Cross is not approved and request that they consider installing another shed or garage on the property for the purpose of storing their memorabilia.

CARRIED (6/1)

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

2013

Agenda Reference: 10.3

Subject: Proposed Road Closure of Right-of-Way for Proposed

Lease of Crown Lots to Westdrill Pty Ltd

Location/Address: Right-of-Way between Lots 652 – 657 Procyon Street &

662 – 667 Draconis Street, Southern Cross

Name of Applicant: Department of Lands – Ms Janelle Ricciardi, A/Assistant

State Land Officer

File Reference: 1.6.17.4

Author: Manager Environmental Health & Building Services – W

J Dallywater

Disclosure of Interest: Not applicable

Date of Report: 12th December, 2013

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Background

I refer to Agenda Item 10.3 of the June 2013 Council Meeting where Mr Myles Anderson of Westdrill Pty Ltd had written to the Shire seeking a letter of support for Westdrill's application to lease Lots 652-657 Procyon Street, and Lots 662-667 Draconis Street, Southern Cross. At this Meeting Council passed the following motion:-

"That Council advises Westdrill and the Department of Regional Development and Lands that it has no objections to the leasing of Lots 652 – 657 Procyon Street and Lots 662 – 667 Draconis Street, Southern Cross for the stated purposes on the following conditions:-

- 1) That the formation of Draconis Street will not occur until this work is prioritised by Council and is listed on it's annual road construction plan;
- 2) Access onto Lots 662 667 Draconis Street will need to be via Lots 652 657 Procyon Street or via the un-named road located at the north-west of Procyon Street that intersects with Arcturus Street;
- 3) That due to the nature of the materials to be stored and/or the activities carried out on these lots that a linked mesh fence and gate(s) is installed along the front boundary of Lots 652 657 Procyon Street."

The Department of Lands has written to the Shire advising that it is impractical to lease all of these lots and not include the intervening Right-of-Way (ROW) which the lessee will undoubtedly utilise. The Department is seeking comments as to whether Council is willing to close the ROW? If Council is agreeable to the closure, the Department has requested that Council commence procedures to close the ROW. See attached letter and map of area.

Comment

In considering whether to agree to the proposed closure of this ROW Council needs to consider the consequences of closing the ROW and whether there are any alternatives. The un-named road that intersects with Arcturus, Procyon & Draconis Streets while not a formed road, it is basically cleared and vehicles have used the road in the past, and it will provide access to Lot 662 Draconis Street as well as the un-formed Draconis Street. Thus access to Lot 662 – 667 Draconis Street is possible without utilising the ROW.

Lots 652 – 657 Procyon Street & 662 – 667 Draconis Street adjoin Lot 860 corner Procyon & Regulus Streets. Lot 860 was once a similar parcel of lots including ROW that has been amalgamated together. Thus the ROW between Lots 652 – 657 & 662 – 667 is not required for Lot 860. While Lots 652-657 & 662 – 667 are leased or owned by the one person or company, there is no need for the ROW to continue to exist.

Closure of Roads

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

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- 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 closure of the ROW, and possibly for the survey work and drawing of the survey plan if not carried out by the Department of Lands.

Recommendation

That Council resolves to close the Right-of-Way between Lots 652 – 657 Procyon Street and Lots 662 – 667 Draconis Street, Southern Cross as this public access way will not be required if all the abovementioned lots are leased to the one person or company, which is proposed by the Department of Lands, and that this proposed closure is advertised for public comment, and after considering all comments received and making a final decision, that the Minister for Lands is requested to close this Right-of-Way and the land is then amalgamated with Lot 652 – 657 Procyon Street and/or with Lots 662 – 667 Draconis Street.

Voting Requirements

Simple Majority.

265/2013

Moved Cr Guerini Seconded Cr W Della Bosca. That Council resolves to close the Right-of-Way between Lots 652 – 657 Procyon Street and Lots 662 – 667 Draconis Street, Southern Cross as this public access way will not be required if all the abovementioned lots are leased to the one person or company, which is proposed by the Department of Lands, and that this proposed closure is advertised for public comment, and after considering all comments received and making a final decision, that the Minister for Lands is requested to close this Right-of-Way and the land is then amalgamated with Lot 652 – 657 Procyon Street and/or with Lots 662 – 667 Draconis Street.

CARRIED (7/0)

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

2013

Agenda Reference: 10.4

Subject: Request to Use Old Pony Club Site for the Stabling of

Horses for Riding School

Location/Address: A Class Reserve 7478 Lot 606 "Recreation", off Castor

Street, Southern Cross

Name of Applicant: Mrs Toni Hatch

File Reference: 10.4.1.17

Author: Manager Environmental Health & Building Services – W

J Dallywater

Disclosure of Interest: Not applicable

Date of Report: 12th December, 2013

Background

I refer to Agenda Item 10.4 of the August 2013 Council Meeting where Council considered a request from Mrs Toni Hatch to use the original Pony Club site located within 'A' Class Reserve 7478 Lot 606 "Recreation" off Castor Street, Southern Cross for her proposed Horse Riding School. At this Meeting Council passed the following motion:-

"That Council advise Mrs Toni Hatch that it will approve the use of the old Pony Club site located within Reserve 7478 Lot 606 off Castor Street, Southern Cross for the use as a riding school site. In addition, Mrs Hatch is to advise Council in writing that the Riding School will be run as a not-forprofit activity and that she is aware that any necessary infrastructure needed to run the Riding School will be borne by her."

Mrs Hatch has again written to the Shire advising that she is no longer able to keep or stable her riding school horses where she is currently living, and is seeking Council approval to stable her riding school horses (8-10 horses) at the original Pony Club site where she will be conducting the Riding School. See attached letter.

Comment

While not specifically stated in the Council Minutes, I understood that the approval in August 2013 was only for Mrs Hatch to operate her Riding School with the horses being transported from the farm where she currently leases a house and where her horses are being stabled to the Riding School site.

Mrs Hatch is now required to find alternative stable area for her riding school horses. I understand that her personal horses (3-4 horses) are still able to be kept on the farm while she leases the house. Mrs Hatch has spoken with one of the Horse Yard tenants and had an arrangement to use their yards for the keeping of her riding school horses. Unfortunately several other Horse Yard tenants expressed their desire that Mrs Hatch not occupy the Horse Yards due to on-going problems of young people visiting the horse yards and causing mischief and vandalism, including distress to the horses. For this reason the majority of the Horse Yard tenants do not want the yards to be associated with a riding school where young people would be encouraged to come and

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visit Mrs Hatch's horses. Thus Mrs Hatch is seeking alternative stable area for her horses and is asking if she can stable her horses at the old Pony Club site?

If Mrs Hatch is given permission to stable her horses on this site Council should consider:-

- 1) Whether a suitable lease fee for the site should be imposed on Mrs Hatch? (currently a yard at the Horse Yards north of the industrial area costs \$150.00 per block per annum);
- 2) That all costs to clean-up and restore the site so that it is suitable for her needs is at Mrs Hatch's cost;
- 3) That all water and power costs are Mrs Hatch's costs;
- 4) Whether the lease fee should be waivered for the first year or longer while Mrs Hatch is clean-up and repairing the site?
- 5) Whether Mrs Hatch can only use the site to stable her horses while she is actively operating the Riding School, and what constitutes actively operating the Riding School?
- 6) What should the term of the lease be?

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise Mrs Toni Hatch that under the circumstances she may lease the old Pony Club site located within Reserve 7478 Lot 606 of Castor Street, Southern Cross for an initial period of 5 years for the purpose of stabling her horses (up to 14 horses) on the conditions that:- Mrs Hatch is to pay a lease fee of \$600.00 per annum due to the size of the area being leased and the number of horses to be stabled there, however, this fee is waivered for the first 12 months to help off-set the other costs of utilising the site; that Mrs Hatch bears all costs for the clean-up and restoration of the old Pony Club site; the Mrs Hatch bears all water and power costs associated with the site; that Mrs Hatch can use the site only while she is actively operating the Horse Riding School which means that she is conducting at least 2 riding classes per week; and while the School is conducted as a not-for-profit activity.

Voting Requirements

Simple Majority.

266/2013

Moved Cr Chrisp Seconded Cr Pasini. That Council advise Mrs Toni Hatch that under the circumstances she may lease the old Pony Club site located within Reserve 7478 Lot 606 of Castor Street, Southern Cross for an initial period of 5

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years for the purpose of stabling her horses (up to 14 horses) on the conditions that:- Mrs Hatch is to pay a lease fee of \$600.00 per annum due to the size of the area being leased and the number of horses to be stabled there, however, this fee is waivered for the first 12 months to help off-set the other costs of utilising the site; that Mrs Hatch bears all costs for the clean-up and restoration of the old Pony Club site; the Mrs Hatch bears all water and power costs associated with the site; that Mrs Hatch can use the site only while she is actively operating the Horse Riding School which means that she is conducting at least 2 riding classes per week; and while the School is conducted as a not-for-profit activity.

CARRIED (7/0)

After discussion in regards to the leasing of the old pony club Council resolved the following changes to the recommendation.

- 1. With the number of weeks to conduct riding classes to change to 2 per month
- 2. With a 6 month trial period

Cr Pasini left the meeting at 4.35pm

Submission to:	Ordinary Meeting of Council – Friday 20 th December,	
	2013	
Agenda Reference:	10.5	
Subject:	Application to Conduct Exploration Drilling Activities	
	on Mineral Deposits	
Location/Address:	Yilgarn Shire	
Name of Applicant:	Tenement Administration Services on behalf of Lake	
	Hillman Mining Pty Ltd;	
	Austwide Mining Title Management Pty Ltd on behalf of	
	Summit Light Ventures Ltd; and	
	Austwide Mining Title Management Pty Ltd on behalf of	
	Mineral and Gold Resources of Australia Pty Ltd (x2)	
File Reference:	3.2.16	
Author:	Manager Environmental Health & Building Services – W	
	J Dallywater	
Disclosure of Interest:	Not applicable	
Date of Report:	12 th December, 2013	

Background

- Tenement Administration Services has submitted an application on behalf of Lake Hillman Mining Pty Ltd for Mining Lease M77/1269 which is located north of the Seabrook Road and includes a section of the Marvel Loch – Yellowdine Road.
- 2) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Summit Light Ventures Ltd for General Purpose Lease G77/123 which lies west and south of the "Birthday" Mine near the Highclere Hills to the south, and within the area is a mining ruin.

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3) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Mineral and Gold Resources of Australia Pty Ltd for Exploration Licence E77/2169 & 2170 which lies north and east of Bullfinch from Lake Deborah West south, and includes Bullfinch Evanston Road, Pringle Road, Withers Find North Road, Bullfinch Turkey Hill Road, 2 small sections of the Bullfinch Road, and Perilya Turkey Hill Road.

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 firefighting 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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The Manager of Works is un-aware of these applications at the time of writing this report but will have provided comments prior to the Council Meeting. I am unaware of any gravel pits in this area, however, if there are the applicants should be advised that the Shire retains all rights to access and remove gravel from these pit(s).

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 Tenement Administration Services on behalf of Lake Hillman Mining Pty Ltd (M77/1269); Austwide Mining Title Management Pty Ltd on behalf of Summit Light Ventures Ltd (G77/123); and Austwide Mining Title Management Pty Ltd on behalf of Mineral and Gold Resources of Australia Pty Ltd (E77/2169 & 2170) to carry out drilling along sections of Council controlled road reserves with their Mining and Exploration Licences as shown on the attached maps on the following conditions:-

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

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12) That the applicant is to discuss and obtain approval to access private property prior to the company or its contractors accessing this land;

Plus all applicants are to be advised, if applicable, that any Shire gravel pit located within their Licences is to remain accessible to the Shire for the accessing and removal of gravel when required.

Voting Requirements

Simple Majority.

267/2013

Moved Cr W Della Bosca Seconded Cr Chrisp .That Council grants approval to Tenement Administration Services on behalf of Lake Hillman Mining Pty Ltd (M77/1269); Austwide Mining Title Management Pty Ltd on behalf of Summit Light Ventures Ltd (G77/123); and Austwide Mining Title Management Pty Ltd on behalf of Mineral and Gold Resources of Australia Pty Ltd (E77/2169 & 2170) to carry out drilling along sections of Council controlled road reserves with their Mining and Exploration Licences as shown on the attached maps on the following conditions:-

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- 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 firefighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) refer to Typical Cross Section of Road Formation diagram;
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- 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 applicant is to discuss and obtain approval to access private property prior to the company or its contractors accessing this land;

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Plus all applicants are to be advised, if applicable, that any Shire gravel pit located within their Licences is to remain accessible to the Shire for the accessing and removal of gravel when required.

CARRIED (6/0)

Cr Pasini Re-entered meeting at 4.40pm

Meeting Closed 4.45pm

I, Onida T Truran confirm the above Minutes of the Meeting held on Friday, 20^{th} December 2013, are confirmed on Friday 17^{th} January 2014 as a true and correct record of the December Ordinary Meeting of Council.

Cr Onida Truran SHIRE PRESIDENT