

MINUTES
ORDINARY COUNCIL MEETING
Friday, 15th August 2014

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 15th August 2014.

PRESENT

Cr O Truran, Shire President

Crs W A Della Bosca, J Della Bosca, G Guerini (entered meeting at 1.48pm), K Chrisp, D Pasini,

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

INFORMATION SESSION

The information session began at 1.00pm with a presentation by Lelio Gaudieri CEO of WA Salt and Michael Giacci of MGM Bulk advising Council on the logistical process involved in moving the haulage of salt from rail to road.

The meeting was declared open for business at 1.35pm.

PUBLIC QUESTION TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE

Cr B Close; J Guerini; Cr G Guerini (entered the meeting late at 1.48pm)

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

136/2014

Moved Cr J Della Bosca Seconded Cr Chrisp that the Minutes of the previous Meeting of Council held on 18th July 2014, be confirmed as a true and correct record of that meeting.

CARRIED (5/0)

137/2014

Moved Cr Chrisp Seconded Cr W Della Bosca that the Minutes of the WE-ROC Meeting held on 23rd July 2014, be confirmed as a true and correct record of that meeting.

CARRIED (5/0)

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138/2014

Moved Cr J Della Bosca Seconded Cr D Pasini that the Minutes of the Tourist Advisory Committee Meeting held on the 11th August 2014, be confirmed as a true and correct record of that meeting with one amendment – the word “donated” be changed to “suggested” to read on page 2 under General Business “Several locations were discussed, including the land suggested by Ray Della Bosca...”. (Minutes tabled)

CARRIED (5/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBERS AND COUNCILLORS:

The Shire President advised the following:

- That on the 22nd July she and the CEO attended a meeting in Kellerberrin with Minister Redman and Minister Davies to discuss the CEACA Age housing project and other regional issues
- That on the 23rd July she attended the WEROC zone meeting
- That on the 31st along with the CEO, Deputy Shire President and Cr Chrisp attended a meeting with representatives from WDC to review the sub-regional plan that feeds into the Wheat Belt Blueprint. The President requested that the report acknowledge Yilgarn as not a marginal farming area.
- That she attended during the first week of August Emergency & Recovery Training as well as the Local Government Week Conference.
- That on the 8th August she attended a meeting with Access Housing about the role they can play in the CEACA project
- That on the 9th of August she attended a meeting with Federal Liberal politicians in an attempt to make them aware of the CEACA project and gain their support.
- That on the 11th August she attended the District Advisory Health meeting in Merredin. The President noted interesting statistics on small hospitals and that without Aged Care these small hospitals may not be there.

C W Della Bosca advised the following:

- That he attended the Mineral Resources Train Launch at the Carina Mine and spoke with the Environmental Officer about contacting the Shire in relation to Emergency Management issues. The Shire Deputy President also advised he talked with the Minister re: Mining activity. The Carina Mining Operation is expanding in the Yilgarn and is now buying into Cliffs leases (J4 & J5) which could see them stake a presence for 25 years.
- He had received positive feedback about the caravan park by listening to peoples comments – the experience described by those visiting the caravan park was ‘nice and light’.

Cr Chrisp advised Council that:

- She had attended the Hanking Community Forum on the 23rd July.
- She had attended the Tourism meeting with Brighthouse on the 24th July to discuss the proposed CRC/VIC.
- She had attended the Sub Regional Economic meeting on the 31st July.

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Cr J Della Bosca advised the following:

- She had attended the Tourism meeting with Brighthouse on the 24th July to discuss the proposed CRC/VIC.
- That she attended the Local Government week and participated in a “Decision Making” course which proved to be worthwhile. Leadership was the focus.
- That she attended the Tourism Meeting on the 11th August.
- That she attended the Wheatbelt Ag Care meeting about usage of services. The AGM is to be held in October.

Cr Guerini advised the following:

- That she attended the Tourism Meeting on the 11th August.
- That he provided an update on Scott’s Telethon walk.

Cr Pasini

- Nil

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Submission to:	Ordinary Meeting of Council – Friday 15 th August 2014
Agenda Reference:	7.1
Subject:	CEO Performance Review –Rescheduled for September
File Reference:	1.1.10.2
Author:	Vivienne Piccoli - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	1 st August 2014

Comment

In accordance with section 5.38 of the Local Government Act, Council is required to review the performance of each Senior employee who is employed for a term of more than one year, including the CEO on an annual basis. The CEO's contract commenced on the 19th August 2012 and she is due her Performance Review in August.

The Shire President at the July Council meeting requested the assistance of a facilitator for the CEO's Performance review process in order to learn best practice, which can be used in upcoming years.

The CEO contacted WALGA who recommended Mr John Phillips from Jcp Consulting, who has assisted our Council in the past with similar services. Unfortunately, Mr Phillips was not able to attend the August Council meeting and has alternatively suggested the September meeting to be held on the 19th September 2014.

Mr Phillips explained that the services he will provide include:

- ✓ Preparation of all documentation related to obtaining feedback, based on existing key result areas and criteria;
- ✓ Distribution and collation of all feedback, and preparation of a working report for use by Committee;
- ✓ Telephone interviews with respondents where required or preferred;
- ✓ Facilitation of the appraisal meeting and all briefings;
- ✓ Facilitation of a process to establish key result areas and criteria for 2014/2015;
- ✓ Preparation of a report and recommendations for Council;
- ✓ Travelling to Southern Cross for review;
- ✓ Assistance with any subsequent reviews of remuneration, including preparation of a report where required.

His intention is to:

1. Travel up on Thursday 18th September and conduct a general briefing session for Councillors on CEO appraisal processes, KPI's and remuneration review in the afternoon – 5.00pm.
2. Undertake the CEO review and appraisal process on the morning of Friday 19th September – 10.30am.

The cost for Mr John Phillips to facilitate in the CEO Performance appraisal is \$3,850 (incl. GST.)

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For Council's Information

Submission to:	Ordinary Meeting of Council – Friday 15 th August 2014
Agenda Reference:	7.2
Subject:	Southern Cross Skate Park
File Reference:	1.3.8.10
Author:	Vivienne Piccoli - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	1 st August 2014

Background

In June 2011 Council revised the Shire's forward capital Works Plan. The construction of a new fixed skate park has been identified in the forward capital works plan for 2013/14 and 2014/15.

In 2013, a survey was undertaken with the students and the wider Yilgarn community. The survey results indicated that those who responded were supportive of an upgraded Skate park in Southern Cross and 49.5% indicated that they would be frequent users.

The Shire engaged a company called Enlocus who undertook community consultation in Southern Cross with students from the school, community groups, Council and local stakeholders of the project. Whilst Mr Wade Traven from Enlocus was in Southern Cross he assessed possible locations for the proposed youth space. The outcomes from these series of meetings was the platform for all to be heard and in turn help shape the design of Skate Park / Youth Space along with establishing a key working group of Community members for the projects duration.

Council also held a meeting with the Skate Park working group on the 11th February 2014 to ascertain the community's interest in the project, there was a very positive turn out by both parents and children, which reinforced to Council that the Skate Park project was strongly supported by the youth in the community.

Comment

Council Staff have been working closely with Enlocus in the development of a feasibility study / Business Plan that the Shire can use as support when applying for funding from varied funding bodies.

The Business case has been provided as an attachment, and outlines:

1. Project Background
2. Facility Typologies
3. Southern Cross Profile
4. Site Selection and Assessment
5. Community Engagement
6. Concept Design
7. Estimate of Probable Costs
8. Southern Cross Proposal
9. Southern Cross Strategic Alignment
10. Development Evaluation
11. Facility Life Cycle
12. Funding Pathways
13. Risk Analysis

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14. Proposal Recommendation

The CEO has been in touch with Ms Jennifer Collins from Department of Sport and Recreation in relation to the Skate Park project and also discussed the Oval lighting project that council have scheduled in for the 2014/15 year. She has suggested that if Council are looking at upgrading the lighting at the oval to support night cricket it is unlikely that we would be successful in our application as there is no current membership in this sport. If we are interested in applying to upgrade the lighting for night football, then we would need to provide a lighting plan, present necessary quotes, ascertain if a full power upgrade to the facility is needed to support the upgrade and have supporting letters from the relevant users of the oval. I believe more work needs to be done in preparation of this project and may be best to leave for applying in the 2016/17 CSRFF round and bring forward the Skate Park project to the 2015/16 CSRFF round as Council have done the necessary planning for this project.

In relation to the Skate Park Project Ms Collins advised that DSR have provided funding for Skate Parks in the past although it is not usually a 1/3 of the project costs, on a project similar to our proposal it is likely that approximately \$150,000 would be provided if we are successful with our application. I have also spoken to Lotterywest about the Skate Park Project and their grant officer has advised that we should apply for funding and as we are not frequent users of the fund and it is likely that our application will be looked upon favourably, and encouraged our Council to apply

The CEO would like to proceed with the funding applications in the upcoming months and would like Council's endorsement to bring forward the Skate Park project to 2015/2016 as the opportunity exists to pursue this project. In addition, for council's comments on when they would like to release the Business Plan and concept plans to the Skate Park Working group.

Statutory Environment:

Nil

Policy Implications:

FCWP – Skate Park Project to be brought forward from 2016/2017 to 2015/16.

Financial Implications:

Stage I - \$500,000, Stage II \$150,000 – project endorsement will depend on successful grant funding applications through DSR, Lotterywest and Office of Crime Prevention.

Recommendation

That Council endorses the CEO to apply for grant funding for the development of a Skate Park / Youth Space in Southern Cross, and the project to be brought forward to 2015/2016 should funding applications be successful.

Voting Requirements

Simple Majority

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Moved Cr Guerini Seconded Cr Chrisp. That Council endorses the CEO to apply for grant funding for the development of a Skate Park / Youth Space in Southern Cross, and the project to be brought forward to 2015/2016 should funding applications be successful.

CARRIED (6/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 15 th August 2014
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	8 th August 2014

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 will be tabled at the meeting and have been prepared as at the 31st July 2014:

- Rates Receipt Statement (prepared to 31th July 2014)
- Statement of Investments
- Monthly Statement of Financial Activity
- Unaudited 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.

Council should note that whilst this July report has been presented to Council the final figures are likely to change once the end of year audit has taken place.

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

Policy Implications

None

Financial Implications

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None

Strategic Implications

None

Recommendation

That the Various Financial Reports for the period ending 31st July 2014 as presented be received.

Voting Requirements

Simple majority required

140/2014

Moved Cr W Della Bosca Seconded Cr Chrisp. That the Various Financial Reports for the period ending 31st July 2014 as presented be received.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th August 2014
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	John Bingham – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	8 th August 2014

Background

Municipal Fund – Cheque Numbers 39320 to 39357 totalling \$111,048.09, Municipal Fund EFT numbers 2692 to 2783 totalling \$371,529.27, Municipal Fund – Cheque Numbers 1167 to 1172 totalling \$159,954.91, Trust Fund – 402078 to 402080 totalling \$4,091.75 and Trust Fund – Cheque Numbers 5908 to 5912 (DPI Licensing), totalling \$41,811.05 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil

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Recommendation

Municipal Fund – Cheque Numbers 39321 to 39357 totalling \$111,048.09, Municipal Fund EFT numbers 2694 to 2783 totalling \$371,529.27, Municipal Fund – Cheque Numbers 1167 to 1172 totalling \$159,954.91, Trust Fund – 402078 to 402080 totalling \$4,091.75 and Trust Fund – Cheque Numbers 5908 to 5912 (DPI Licensing), totalling \$41,811.05 are presented for endorsement as per the submitted list.

Voting Requirements

Simple Majority

141/2014

Moved Cr Pasini seconded Cr Chrisp. That Municipal Fund – Cheque Numbers 39321 to 39357 totalling \$111,048.09, Municipal Fund EFT numbers 2694 to 2783 totalling \$371,529.27, Municipal Fund – Cheque Numbers 1167 to 1172 totalling \$159,954.91, Trust Fund – 402078 to 402080 totalling \$4,091.75 and Trust Fund – Cheque Numbers 5908 to 5912 (DPI Licensing), totalling \$41,811.05 are presented for endorsement as per the submitted list.

CARRIED (6/0)

MANAGER OF WORKS REPORT

Submission to:	Ordinary Meeting of Council - Friday 15 th August 2014
Agenda Reference:	Works 9:1
Subject:	Supply of Granite Aggregate for the 2014/2015 Financial Year Construction/Maintenance Program
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.6.7.5
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	5 th August 2014

Background

Quotations were invited for the annual supply of washed Granite Aggregate in accordance with council's 2014/2015 Financial Year Road Construction/Maintenance Program.

Aggregate demand for the 2014/15 Financial Year Road Construction Programs is for bitumen seal works on Moorine Rock South Road, Koolyanobbing Road, Parker Range Road, Frog Rock Marvel Loch Road, Bodallin North Road, Southern Cross and Bullfinch Townsites. The estimated total of both 10mm and 14mm aggregate quantities required for these works is 2,950 tonnes.

The quotation requested is for supply only as once again council will be utilizing local contractors to deliver the washed aggregate. The use of local contractors was done in 2013 with very good results and positive feedback from the community.

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Comments

Invitation for quotations to supply Council with washed aggregate for the 2014/2015 Financial Year were sent out to Little Industries and Hanson. Aggregate specifications are in accordance with relevant Australian Standards and Main Roads Western Australian specifications.

The following quotations have been received at the time of this report (*GST exclusive*)

Hanson

<i>Volume</i>	<i>Description</i>	<i>Unit Price</i>	<i>Total</i>
2500 tonne	10 mm washed aggregate	\$29.50 per tonne	\$73,750.00
450 tonne	14 mm washed aggregate	\$28.50 per tonne	\$12,825.00
		Total	\$86,575.00

Unit price for 5mm washed aggregate and cracker dust (*this aggregate is used for maintenance purposes only and is sourced as required*)

Unit Price

5mm washed aggregate	\$35.00 per tonne
Cracker Dust	\$6.50 per tonne

Little Transport

<i>Volume</i>	<i>Description</i>	<i>Unit Price</i>	<i>Total</i>
2500 tonne	10 mm washed aggregate	\$58.00 per tonne	\$145,000.00
450 tonne	14 mm washed aggregate	\$53.00 per tonne	\$23,850.00
		Total	\$168,850.00

Unit price for 5mm washed aggregate and cracker dust (*this aggregate is used for maintenance purposes only and is sourced as required*)

Unit Price

5mm washed aggregate	N/A
Cracker Dust	\$21.00 per tonne

As shown in the calculations above Hanson's total amount of \$86,575.00 (*GST exclusive*) is by far the lesser of the two quotations received.

Both Hanson and Little Industries aggregate specifications are in accordance with relevant Australian Standards and Main Roads Western Australian specifications.

Hanson supplied council with its required aggregate for the 2014/2015 Financial Year. The quality of the aggregate supplied by Hanson was very good.

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In Councils 2014/2015 construction budget an estimated monetary allocation of \$87,000 (*GST exclusive*) has been allowed for the supply of washed aggregate for bitumen reseals.

Policy Implications:

In line with Council's Policy, "Finance 3.5 Purchasing Quotes and Tenders"

Financial Implications:

Monetary costs associated for the supply of washed aggregate have been allowed for in council's 2014/2015 Construction Program

Strategic Implications:

2014/2015 Construction Program

Recommendation

Council accepts the Quotation submitted by Hanson for the supply only, of washed aggregate required for the 2014/2015 Financial Year.

Voting Requirements

Simple Majority

142/2014

Moved Cr W Della Bosca seconded Cr Guerini. That Council accepts the Quotation submitted by Hanson for the supply only, of washed aggregate required for the 2014/2015 Financial Year.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 15th August 2014
Agenda Reference:	Works 9.2
Subject:	WALGA Preferred Supply Contract: 1/2014-2015 Hot Sprayed Bitumen
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.6.8.3
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	6 th August 2014

Background

Tenders were invited through WALGA Preferred Supply Contract for the supply and spraying of hot bitumen for the 2014/2015 Financial Year Road Construction Program. Bitumen required for the 2014/2015 Road Construction Program is for the Moorine Rock South Road, Cramphorne Road, Bodallin North Road, Parker Range Road, Koolyanobbing Road, Frog Rock Marvel Loch Road, Southern Cross and Bullfinch Townsites.

It is estimated 391,700 litres of bitumen is required for 2014/2015 of which 366,700 litres will be sprayed in lots of above 25,000 litres and the remaining 25,000 litres will be sprayed in lots off between 10,000 to 25,000 litres.

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Also included in the form of tender is a requirement for companies tendering to submit a cost per tonne to carry out pre-coating of 3000 tonnes of aggregate.

Comments

The following two tenders from Bitutek Pty Ltd and Boral Contracting were received (*GST exclusive*): -

1. Bitutek (*GST exclusive*)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.40 per litre	\$ 1.40 per litre
10,000 25,000	\$ 1.15 per litre	\$ 1.15 per litre
over 25,000	\$ 1.10 per litre	\$ 1.10 per litre

Adhesive Agent - \$ 0.055 per litre
Pre-coating Aggregate \$ 2.00 per tonne

Expected total cost to Council's Construction Program

25,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 28,750.00
366,700 litres in job lots above 25,000 litres of 98/2:	\$ 403,370.00
391,700 litres x \$0.055 per litre adhesive agent	\$ 21,543.50
3000 tonnes aggregate x \$2.00 per tonne	<u>\$ 6,000.00</u>
Total	<u>\$ 459,663.00</u>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Bitutek:

- 1) Loader
- 2) Wetting agent (diesel) for the pre-coating

2. Boral (*GST exclusive*)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.54 per litre	\$ 1.52 per litre
10,000 25,000	\$ 1.35 per litre	\$ 1.33 per litre
over 25,000	\$ 1.47 per litre	\$ 1.38 per litre

Adhesive Agent - \$ 0.058 per litre
Pre-coating Aggregate \$ 2.53 per tonne

Expected total cost to Council's Construction Program

25,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 33,750.00
366,700 litres in job lots above 25,000 litres of 98/2:	\$ 506,046.00
391,700 litres x \$0.0058 per litre adhesive agent	\$ 22,718.60
3000 tonnes aggregate x \$2.53 per tonne	<u>\$ 7590.00</u>
Total	<u>\$ 570,104.60</u>

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Shire of Yilgarn to supply at no cost to Boral Contracting:

- 3) Loader
 - 4) Wetting agent (diesel) for the pre-coating
-

As it can be seen from the above calculations the tender submitted by Bitutek (\$459,663) is the lowest tender submitted.

When setting the 2014/2015 Financial Year Construction Budget a monetary allocation of \$501,376 was allowed for in councils construction program for the supply and spray of hot bitumen and pre-coating of aggregate.

Policy Implications:

In line with Council's Policy, "*Finance 3.5 Purchasing Quotes and Tenders*"

Financial Implications:

Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in councils 2014/2015 Construction Program Budget.

Strategic Implications:

2014/2015 Construction Program

Recommendation

That Council accepts the tender submitted by Bitutek Pty Ltd for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2014/2015 Financial Year.

Voting Requirements

Simple Majority

143/2014

Moved Cr Pasini seconded Cr Chrisp. That Council accepts the tender submitted by Bitutek Pty Ltd for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2014/2015 Financial Year.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – 15 th August 2014
Agenda Reference:	Works 9:3
Subject:	Beverly Soaring Society – Southern Cross Airstrip
Location/Address:	Southern Cross Airstrip
Name of Applicant:	Beverly Soaring Society
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	4 th August 2014

Background

Correspondence has been received from the Beverly Soaring Society seeking Council permission to utilise the Southern Cross Airstrip from Thursday 4th December until Sunday 14th December 2014.

The Beverly Soaring Society has utilised the Southern Cross Airstrip with Councils permission in the past (2007, 2008, 2009, 2011, 2012 and 2013).

Comment

In the correspondence received the Beverly Soaring Society has requested if Shire of Yilgarn could assist them (as council has done in previous years of which the Beverly Soaring Club is very appreciated off and thankful of Shire of Yilgarn for this) with the following:

- 1) Give permission to operate from the Southern Cross Airstrip and make available a tie down area for the gliders at the airstrip.
- 2) Waive the landing fees
- 3) Utilise the terminal building for their safety briefing meetings

In there 2013 visit the Beverly Soaring Society arrived with 12 gliders, 14 pilots and a Piper Pawnee tow-plane to launch the gliders. They achieved some 1000km in flights which has never been done before. This has generated a higher than usual level of interest and is highly likely that they will have more gliders and pilots visiting Southern Cross than in previous years as a result of.

Recommendation

That Council advises the Beverly Soaring Society that Council can assist with their list of request's as listed below :

- 1) Give permission to operate from the Southern Cross Airstrip and leave there gliders tied down overnight at the airstrip.
- 2) Waive the landing fees
- 3) Make available an area on the northern side of runway 14/32 for there tie down area

Voting Requirements

Simple Majority

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144/2014

Moved Cr Guerini seconded Cr W Della Bosca. That Council advises the Beverly Soaring Society that Council can assist with there list of request's as listed below

- 1) *Give permission to operate from the Southern Cross Airstrip and leave there gliders tied down overnight at the airstrip.*
- 2) *Waive the landing fees*
- 3) *Make available an area on the northern side of runway 14/32 for there tie down area*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council August 15th 2014
Agenda Reference:	Works 9:4
Subject:	Yilgarn Agriculture Society – Antares Street and Canopus Street Road Closure for the purpose of Show Day Street Parade
Location/Address:	Antares Street/Canopus Street
Name of Applicant:	Yilgarn Agriculture Society
File reference:	6.1.2.9
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	5 th August 2014

Background

Correspondence has been received from the Yilgarn Agriculture Society seeking Council permission to close section of Antares Street from Canopus Street intersection to Great Eastern Highway, section of Canopus Street from Sirius Street to Antares Street, section of Achernar Street from Antares Street to Spica Street and a section of Spica Street from Canopus Street to Achernar Street. The purpose of the road closures is for the annual Yilgarn Agriculture Show Street Parade being held on Saturday 30th August 2014.

Comment

The street parade will commence at 10:30am departing from the Canopus Street showground gates traveling west along Canopus Street to the intersection of Antares Street, and then heading south along Antares Street (contra to existing traffic flow) turning at the Great Eastern Highway onto the opposite side of Antares Street heading north and then turning onto Achernar Street heading east across the intersection of Spica Street and entering the showground at the main gate located on Achernar Street. The parade is expected to last an hour and be completed by 11:30am.

To accommodate the street parade there will be a requirement to close roads at the following locations, Canopus Street from Spica Street to Antares Street, Antares Street from Canopus Street to Great Eastern Highway, Achernar Street from Antares Street to Spica Street and Spica Street from Achernar Street to Spica Street.

In the past council staff have implemented traffic management plans and carried out road closures required for the street parades for the Yilgarn Agriculture Society. If

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Council grants permission to Yilgarn Agriculture Society to hold a street parade to promote the 2014 Agriculture Show then it is expected Council staff will be carrying out the road closures as previous years.

Recommendation

That Council grants permission to the Yilgarn Agriculture Society for the closure of Canopus Street from Spica Street to Antares Street, Antares Street from Canopus Street to Great Eastern Highway, Achernar Street from Antares Street to Spica Street and Spica Street from Achernar Street to Spica Street for the purpose of Yilgarn Agriculture Society street parade on Saturday 30th August 2014 commencing at 10:30am and finishing at 11:30am on the proviso that the following points are adhered to:

- 1) Road closures and detours routes to be clearly sign posted
- 2) Through access to pedestrian pathways are to remain accessible to members of the public at all times.
- 3) Road closure to be advertise in “*Crosswords*” two weeks prior to the event, by the Applicant
- 4) Applicant to notify all emergency services of the proposed road closures prior to the event

Voting Requirements

Simple Majority

145/2014

Moved Cr W Della Bosca seconded Cr J Della Bosca. That Council grants permission to the Yilgarn Agriculture Society for the closure of Canopus Street from Spica Street to Antares Street, Antares Street from Canopus Street to Great Eastern Highway, Achernar Street from Antares Street to Spica Street and Spica Street from Achernar Street to Spica Street for the purpose of Yilgarn Agriculture Society street parade on Saturday 30th August 2014 commencing at 10:30am and finishing at 11:30am on the proviso that the following points are adhered to:

- 1) *Road closures and detours routes to be clearly sign posted*
- 2) *Through access to pedestrian pathways are to remain accessible to members of the public at all times.*
- 3) *Road closure to be advertise in “Crosswords” two weeks prior to the event, by the Applicant*
- 4) *Applicant to notify all emergency services of the proposed road closures prior to the event*

CARRIED (6/0)

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**MANAGER OF ENVIRONMENTAL HEALTH & BUILDING SERVICES
REPORT**

Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.1
Subject:	Proposal for Caravan Parks and Camping Grounds Legislation – Consultation Paper
Location/Address:	Throughout Western Australia
Name of Applicant:	Manager Environmental Health & Building Services
File Reference:	2.3.1.9 & 1.6.31.1
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	6 th August, 2014

Background

The Department of Local Government is currently seeking community comments on proposed changes to the Caravan Park and Camping Grounds Legislation through the release of a Consultation Paper. The main changes appear to be:-

- Changing the legislation name from Caravan Park and Camping Grounds to Holiday Parks to recognise the variety of users and the changing nature of Caravan Parks today;
- The introduction of a Management Plan for all Parks, although there is no indication as to how extensive this Plan will need to be or whether it can be a simple document produced in-house;
- Looking at binding the Crown to comply with the new legislation with the Minister to approve these Parks and issue the licences, not Local Government; and
- Suggesting that a central body be set-up to licence and enforce the legislation and carry out inspections. It is being suggested that as Local Governments often own and manage their own Parks, plus they are the licence and enforcing authority under the current Caravan Park and Camping Grounds legislation, that this is considered by some to be a conflict of interest.

Written comments on the proposal in the Consultation Paper must be received by the Department by 1st September 2014.

Comment

I have been through the Consultation Paper and made comments next to each proposal. A copy of this document is attached separately for Councils information and to make additional comments.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

Unknown at this time as what if any financial implications will occur due to the proposed changes being introduced

Recommendation

That Council endorses the comments made by the MEH&BS on the proposed changes to the Caravan Park and Camping Ground legislation and that these comments are forwarded to the Department of Local Government on behalf of Council.

Voting Requirements

Simple Majority.

146/2014

Moved Cr Chrisp seconded Cr Guerini. That Council endorses the comments made by the MEH&BS on the proposed changes to the Caravan Park and Camping Ground legislation and that these comments are forwarded to the Department of Local Government on behalf of Council.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.2
Subject:	Native Title Application – Elizabeth Sambo & Others v State of Western Australia Federal Court Application No – WAD420/2013
Location/Address:	Shire of Yilgarn
Name of Applicant:	National Native Title Tribunal – Ms Claire Smith, Acting Case Manager
File Reference:	7.1.2.3
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	6 th August, 2014

Background

A Native Title Claim was made to the Federal Court on 11th November 2013 by Elizabeth Sambo & Others (Kaparn People) v State of Western Australia. This claim is for an area of approximately 83,900 square kilometres which includes land within the Shires of Coolgardie, Dalwallinu, Koorda, Menzies, Merredin, Mount Marshall, Mukinbudin, Nungarin, Sandstone, Westonia, and Yilgarn, and the City of Kalgoorlie-Boulder. See attached letter.

The first test of a Native Title Claim application is the Registration Test. The Native Title Registrar has not accepted this application for registration. However, the Federal Court may still refer the application for mediation and/or make a determination in relation to the application.

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As the native title claim includes all or most of the Shire, Council may nominate to be a party to this application by completing Form 5 “Notice of Intention to Become a Party to an Application” and submitting it to the Federal Court. If Council wishes to become a party the abovementioned form must be received on or before 15th October 2014.

Comment

The National Native Title Tribunal has advised that by nominating to be a party Council would be stating that it has an interest in the outcome of the claim. As a party Council would be kept aware of the progress of the claim and be made aware of any correspondence or rulings, and it is the only way Council could made comment to the Federal Court in regards to how the claim would affect Council and it’s operations.

If Council does not wish to nominate to be a party by 15th October 2014 it may still be able to make an application shortly afterwards, however, once the matter goes for review to the Federal Court any application to be a party would then no long be accepted. There is no application or nomination fee to become a party.

The National Native Title Tribunal does not provide any legal advice and has recommended that Council may wish to seek legal advise in regards to this matter.

The Department for Lands has advised that a native title claim will not affect freehold land, or Crown land with a management order for a specific purpose if the management order or vesting order was endorsed/made prior to 23rd December 1996, or Crown land that is leased for a specific purpose and has been used for that purpose prior to 23rd December 1996.

However, a native title claim will affect any Crown land with a management order made after 23rd December 1996, or Unallocated Crown Land (UCL), plus pastoral stations. The Greater Western Woodlands, townsite Commons, and other non-specific purpose Crown reserve land will be subject to the native title claim.

Statutory Environment

Native Title Act 1993.

Policy Implications

Nil

Financial Implications

Nil

Recommandation

1. That Council nominates to be a party in regards to the claimant application of Elizabeth Sambo & Others (Kaparn People) v State of Western Australia Federal Court File No WAD420/2013.
2. Seek legal advice of the possible financial implications in nominating to be a party to the claim.

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Voting Requirements

Simple Majority.

147/2014

1. *Moved Cr W Della Bosca seconded Cr Pasini. That Council nominates to be a party in regards to the claimant application of Elizabeth Sambo & Others (Kaparn People) v State of Western Australia Federal Court File No WAD420/2013.*

CARRIED (6/0)

2. *Moved Cr Chrisp seconded Cr W Della Bosca. That Council seeks legal advice of the possible financial implications in nominating to be a party to the claim.*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.3
Subject:	Proposed Upgrade of Existing Telecommunications Facility for Mobile Telephone Service
Location/Address:	Lot 301 (Previously Part of Reserve 8902 Lot 953) Wimmera Hill off Canopus Street, Southern Cross
Name of Applicant:	Aurecon Australasia – Mr Joel Galic, Senior Project Planner
File Reference:	1.6.19.2 & 3.1.3.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th August, 2014

Background

Aurecon Australasia on behalf of Optus Pty Ltd has written to the Shire advising that Optus intends to upgrade it's existing telecommunications facility situated on Lot 301 on Wimmera Hill off Canopus Street, Southern Cross. The proposal is to replace three existing CPX410D-2P panel antennas mounted on the top of the existing circular tower with three new IRV4P310R panel antennas on the existing tower at the 23.6 metre level, plus within the existing equipment shelter carry out the installation of associated equipment for the new antennas including nine radio remote units. This work will improve the mobile telephone network coverage in the Southern Cross area.

See attached covering letter and technical information.

Comment

While new telecommunications facility installations as a land use have an 'AA' symbol under the Shire of Yilgarn Town Planning Scheme No 2 and would require Council's approval, but as this is an addition to an existing installation that has previously been approved by Council, no further approvals are required. The installation of the new antennas and associated infrastructure on/in the existing structures will have no additional visual, health or environmental impact.

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Planning approval is not required in this instance as the upgrade is considered to be low level, which is exempt under the Town Planning and Development Act 1928.

Statutory Environment

Compliance with the Town Planning and Development Act 1928 as amended from time to time.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

For Council's information.

Information Received

Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.4
Subject:	Planning Application – Proposed New Bulk Grain Storage Facility
Location/Address:	Lot 102 Bodallin Bin Road, Bodallin
Name of Applicant:	Co-Operative Bulk Handling – Mr Tim Dolling, Planning Coordinator
File Reference:	3.1.3.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th August, 2014

Background

Co-operative Bulk Handling Group (CBH) has submitted a Planning Application to install a second open bulk grain storage bulkhead on Lot 102 Bodallin Bin Road, Bodallin. The proposed bulkhead will be 350m long x 35m wide able to hold 35,000 tonnes, and will be situated on the east side of the existing grain storage bulkhead on the site. See attached Planning Application for, site plan, and detail plans.

Comment

This is the second bulk grain storage bulkhead to be installed on Lot 102, and it is in keeping with the general development of the site which is for grain receipt, storage, and transport.

From a Town Planning aspect Council has already approved the site to be used for the receipt and storage of grains. A second bulkhead for this purpose is therefore in-line with Council's previous approvals.

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From a health aspect –

- ❖ There will be additional dust generated from the site either naturally by the wind blowing over the uncovered stacks of grain, or through the movement of the grain via machine (truck delivery, front-end loader moving grain around the bulkhead, orgers/shoots filling transport trucks).
- ❖ There may be additional noise from the site due to the activities at two open bulkheads rather than just one bulkhead.
- ❖ There will be additional waste grain from the second open bulkhead. Unfortunately due to the style and manner in which an open bulkhead is used grain is often exposed to rain and damp air which can potentially soil the grain. Likewise mice and birds can also access the grain stored in this manner.

Council is aware that CBH has planned to make it's Bodallin site a major grain receival point in the District. The addition of this storage bulkhead is in-line with this proposal. Traffic flow patterns off and onto the Bodallin Bin Road are the same as for the existing bulkhead.

Council has not received any complaints from nearby residents or from local road users who use the Bodallin Bin Road to access train station or Great Eastern Highway within regards to activities and use of the Bodallin CBH site.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Environmental Protection Regulations 1987, and the Environmental Protection (Noise) Regulations 1997,

Policy Implications

Nil

Financial Implications

Nil

Recommandation

That Council grants planning approval to Co-Operative Bulk Handling Group for the installation of an additional 35,000 tonne open storage bulkhead east of the existing open storage bulkhead situated on Lot 102 Bodallin Bin Road, Bodallin.

Voting Requirements

Simple Majority.

148/2014

Moved Cr Guerini seconded Cr Chrisp. That Council grants planning approval to Co-Operative Bulk Handling Group for the installation of an additional 35,000 tonne open storage bulkhead east of the existing open storage bulkhead situated on Lot 102 Bodallin Bin Road, Bodallin.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.5
Subject:	Application to Clear Native Vegetation – Southern Cross Goldfields Limited Marda Gold Project Mining & Miscellaneous Leases – CPS 6197/1
Location/Address:	Mining Leases M77/394, 77/646, 77/931, 77/962 and Miscellaneous Licenses L77/239, 77/240, 77/241, 77/258, 77/259, 77/260, 77/268, Mt Jackson Area
Name of Applicant:	Department of Mines and Petroleum – Ms Tricia Hudgell, Administrative Coordinator
File Reference:	7.2.1.21
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th August, 2014

Background

The Department of Mines and Petroleum (DMP) has received an application from Southern Cross Goldfields Limited – Marda Gold Project for permission to clear 188Ha of native vegetation under the Environmental Protection Act 1986 for the purpose of mineral production. The application involves various mining lease and miscellaneous leases as stated above that are part of the Marda Gold Mining activities. The Department is seeking comment from the Shire on this application within 21 days which will be before the September Council Meeting.

See attached letter, map of the sites, and an aerial view of the sites.

Comment

The areas to be cleared are located within Crown Location 3114 Lot 639, north of Koolyanobbing and situated between the Mount Jackson Road bend and the Bullfinch Evanston Road, Mt Jackson area. There are a number of mines operating within this area, but the majority of the area is covered by native vegetation.

Statutory Environment

Compliance with the Environmental Protection Act 1986, and the Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council advise the Department of Mines and Petroleum that while it does have objections to the general clearing of native vegetation whether within a Nature Reserve or on any Crown land covered by virgin native vegetation, in this instance Council has no objections to Southern Cross Goldfields Limited – Marda Gold Project being granted permission to clear 188Ha of native vegetation within it's Mining Leases M77/394, 77/646, 77/931, 77/962 and Miscellaneous Licenses L77/239, 77/240, 77/241, 77/258, 77/259, 77/260, 77/268 provided that the areas being cleared are not the whole area of the leases but only the area for the immediate use or expansion of the mine and associated activities.

Voting Requirements

Simple Majority.

149/2014

Moved Cr Chrisp seconded Cr W Della Bosca. That Council advises the Department of Mines and Petroleum that while it does have objections to the general clearing of native vegetation whether within a Nature Reserve or on any Crown land covered by virgin native vegetation, in this instance Council has no objections to Southern Cross Goldfields Limited – Marda Gold Project being granted permission to clear 188Ha of native vegetation within it's Mining Leases M77/394, 77/646, 77/931, 77/962 and Miscellaneous Licenses L77/239, 77/240, 77/241, 77/258, 77/259, 77/260, 77/268 provided that the areas being cleared are not the whole area of the leases but only the area for the immediate use or expansion of the mine and associated activities.

CARRIED (5/1)

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Submission to:	Ordinary Meeting of Council – Friday 15 th August, 2014
Agenda Reference:	10.6 Late Item
Subject:	Planning Application – Establish a Wild Dog Bait / Pet Meat Processing Plant
Location/Address:	Lot 64 (H/No 33) Nicholls Street, Bullfinch
Name of Applicant:	Mr Andrew Parker
File Reference:	3.1.3.6 & 3.1.3.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	15 th August, 2014

Background

Mr Andrew Parker, owner of Lot 64 Nicholls Street, Bullfinch has written asking for permission to establish a wild dog bait / pet meat processing plant in the rear of his property. Mr Parker is currently negotiating a contract with the Department of Agriculture and Foods to supply kangaroo meat for wild dog baits, and any surplus meat will be package and sold to pet shops in Perth as pet meat. See attached copy of Mr Parker’s E-mail.

Mr Parker has spoken to his closest neighbours in Bullfinch and they have no objections to this proposal.

Mr Parker has already placed a chiller room in the rear yard.

Comment

At this time while I understand the principle of the project, I do not fully understand all aspects of the project.

Lot 64 currently has a dwelling on the site and as Mr Parker will be occupying the house while in Bullfinch, the property is therefore considered residential. The proposed pet meat processing plant should be established on land zoned “Industrial” or “Rural”. All lots within the townsite of Bullfinch are zoned under the Shire of Yilgarn Town Planning Scheme No 2 as “Townsite” which means that all proposed development other than a single dwelling needs to be considered by Council.

Nicholls Street, as indeed all of Bullfinch, is not densely populated and Mr Parker only has 3 near neighbours. See attached aerial view of the lot.

With any meat processing there are issues of wastewater disposal, waste material (non-meat material, skins, bones, blood and gut contents), odours, flies, and other vermin. Mr Parker has advised that he has a plan for the handling of these so that there is no adverse impact on his neighbours, but I am not fully across these plans. Council could grant Mr Parker planning approval on the condition that he is able to provide to the Manager Environmental Health & Building Services a detailed proposal of the whole operation, and that he also obtains a licence from the Department of Health for operate a pet food processing plant, and from the Department of Agriculture and Food for the taking of kangaroos and processing for

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pet food. I think Mr Parker's proposal is not large and will not be full-time and therefore may not need Department of Environmental Regulation approval.

Mr Parker requires planning approval now to continue his discussions with the Department of Agriculture to finalise his contract. He can no continue these discussions without Council's consent.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Health Act 1911 as amended, the Health (Pet Meat) Regulation 1990.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants Mr Parker planning approval on the condition that he is able to provide to the Manager Environmental Health & Building Services a detailed proposal of the whole operation, and that he also obtains a licence from the Department of Health for operate a pet food processing plant, and from the Department of Agriculture and Food for the taking of kangaroos and processing for pet food.

Voting Requirements

Simple Majority.

150/2014

Moved Cr Pasini seconded Cr Guerini. That Council grants Mr Parker planning approval on the condition that he is able to provide to the Manager Environmental Health & Building Services a detailed proposal of the whole operation, and he also obtains a licence from the Department of Health for operating a pet food processing plant, and from the Department of Agriculture and Food for the taking of kangaroos and processing for pet food .

Not Carried (1/5)

As there was no further business to discuss, the Shire President declared the meeting closed at **4.30 pm**.

I, Onida T Truran confirm the above Minutes of the Meeting held on Friday 15th August 2014, are confirmed on Friday 19th September 2014 as a true and correct record of the August Ordinary Meeting of Council.

Cr Onida Truran
SHIRE PRESIDENT