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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 19th February 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 19th February 2010.

PRESENT

Cr P R Patroni, Shire President

Cr D G Auld, Deputy Shire President

Crs G V Kenward, J A Della Bosca, W A Della Bosca, D J Pasini, O T Truran

Council Officers: P R Clarke, Chief Executive Officer
V Murty, Deputy Chief Executive Officer
R J Bosenberg, Manager for Works
W J Dallywater, Manager Environmental Health & Building

The meeting was declared open for business at 2.05 pm.

PUBLIC QUESTION TIME

There were no members of the public were in attendance for Public Question Time.

DISCLOSURE OF FINANCIAL INTEREST

Nil.

APOLOGIES & LEAVE OF ABSENCE

Nil

CONFIRMATION OF PREVIOUS MINUTES

13/2010

Moved Cr Kenward Seconded Cr Auld that the Minutes of the previous Meeting of Council held on Friday 15th January 2010, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

WALGA - GREAT EASTERN COUNTRY ZONE MINUTES

14/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the WALGA Great Eastern Country Zone Meeting held on Thursday 28th January 2010 be received.

CARRIED (7/0)

**WHEATBELT NORTH-EAST SUB REGIONAL ROAD GROUP (SRRG)
MINUTES**

15/2010

Moved Cr Pasini Seconded Cr W Della Bosca that the Minutes of the Wheatbelt North-East Sub Regional Road Group (SRRG) Meeting held on Monday 1st February 2010 be received.

CARRIED (7/0)

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**WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS (WE-ROC)
MINUTES**

16/2010

Moved Cr Truran Seconded Cr Kenward that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held Wednesday 3rd February 2010 be received.

CARRIED (7/0)

TOURISM ADVISORY COMMITTEE MINUTES

17/2010

Moved Cr Kenward Seconded Cr J Della Bosca that the Minutes of the Tourism Advisory Committee Meeting held Monday 8th February 2010 be adopted.

CARRIED (7/0)

**YILGARN LOCAL ACTION GROUP OF THE SKELETON WEED
MANAGEMENT COMMITTEE MINUTES**

18/2010

Moved Cr W Della Bosca Seconded Cr Pasini that the Minutes of the Yilgarn Local Action Group of the Skeleton Weed Management Committee meeting held on Wednesday 10th February 2010 be received.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- Together with the CEO, he will be attending the WEROC meeting on 24th March 2010.
- Correspondence was received from the Dept. of Agriculture & Food by Adrian Chesson, co-ordinator of the Eastern Wheatbelt Declared Species Group requesting that a formal Agreement be signed in order to receive the \$92,000 in funding for ongoing maintenance works of the State Barrier Fence. The Shire President advised that he contacted Mr Chesson indicating that the Agreement was not in the spirit of the initial discussions with DAFWA and that a simple MOU should accommodate such an agreement between DAFWA and the EWDSG.
- Had received the “West Australian Local Government Rates Comparison 2009/2010, and expressed that in comparison to other Wheatbelt areas the Shire of Yilgarn is rating to capacity.
- Together with the CEO he attended the Local Government Reform Forum held in Perth, where the Minister reinforced his views on the benefits of council amalgamation and ongoing direction towards Local Government Reform. He further expressed that councils who volunteered to amalgamate will be supported by government funding.
- Together with the CEO he attended the Regional Road Group meeting where the RRG had approved the Road Program funding for 2010/11.

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Cr Kenward advised that he had attended Great Western Woodlands Reference Group Meeting as Council's representative and outlined the recommendations from the recently released Report by the Reference Group on measures that should be taken to protect the Woodlands in the future. Cr Kenward advised that the Reference Group had considered future mining development and tourism potential for the area and that this development should not be compromised. Cr Kenward also advised that other issues such as Pastoralists and Indigenous Groups should be considered and that a request of \$8.5M had been requested of Government to instigate planning around these issues.

Cr J Della Bosca advised that she had attended a Yilgarn Occasional Child Care Centre Management Committee Meeting on the 2nd February 2010, as Council's representative. She advised that the grant money received from Council under its Community Grants Scheme has been used to purchase a Laptop for the Centre and that the Management Committee was now seeking the annual \$5,000 grant funds from Council to assist in the day to day operations of the Centre.

Crs J Della Bosca, Kenward and Truran had attended WALGA Councillor Training Workshop on the 12th February 2010 in Coolgardie. The topics covered related to CEO performance appraisal and Financial Reports and Budgets. It was expressed that the workshop was found to be beneficial.

EASTERN WHEATBELT DECLARED SPECIES GROUP (EWDSG) - STATE BARRIER FENCE MAINTENANCE

19/2010

Moved Cr Patroni Seconded Cr Kenward that Council advises the Department of Agriculture and Food (DAFWA) that it believes that the proposed Agreement for maintenance on the State Barrier Fence is not in accordance with the views expressed by the EWDSG, and that the Agreement deadline be extended for 7 days until after the next EWDSG's meeting on the 13th April 2010, at which time the Agreement can be discussed and approved or otherwise by the total committee.

CARRIED (7/0)

GREAT WESTERN WOODLANDS REFERENCE GROUP REPORT

20/2010

Moved by Cr W Della Bosca Seconded Cr Auld that the recommendations contained within the Reference Group's Report to Government on future planning for the Great Western Woodlands be supported.

CARRIED (7/0)

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CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday, 19 February 2010
Agenda Reference:	7.1
Subject:	Department of Regional Development & Lands - Proposal to lease portion of Reserve 21766
File Reference:	10321
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 February 2010

Background:

The State Land Services Division of the Department of Regional Development and Lands has advised that it has received a proposal to issue a lease for the purpose of "Spur Line and Stockpiling of Ore" for an initial period of 10 years over portion of reserve 21766.

State Land Services advise that the Reserve is unmanaged and has the purpose of "Government Requirements". The proposed lease area is shown bordered blue on the attached plan and it includes the access track to the passenger point at the Moorine Rock Railway Station. The Department seeks Council's comments on the proposed lease and the status of the access track.

Comment:

The application is being sought by Cazaly Resources for the rail loop line for loading and stockpiling ore from Cazaly's Mt. Caudan project. Cazaly Resources at a meeting of stakeholders held in Southern Cross on Friday, 5 February presented a detailed plan of the infrastructure to be located on the lease area and Cazaly gave an assurance that the access road to the Moorine Rock Railway Station would be retained and maintained for the Moorine Rock community.

Liddell Road also passes through the Reserve land being sought and Cazaly would be required to re-route the northern end of Liddell Road that intersects with the Great eastern Highway. This issue was also raised by Cazaly Resources and presented in their planning proposals.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council advises State Land Services that it has no objections to Reserve 21766 being leased for a period 10 years for the purpose of "Spur Line and Stockpiling of Ore" on the proviso that access to the Moorine Rock Railway Station is retained and maintained by the Lessee for the term of the lease period and that the northern section of Liddell Road that passes through Reserve 21766 is re-routed to the Great Eastern Highway.

Voting Requirements

Simple Majority

21/2010

Moved Cr Kenward Seconded Cr W Della Bosca that Council advises State Land Services that it has no objections to Reserve 21766 being leased for a period 10 years for the purpose of "Spur Line and Stockpiling of Ore" on the proviso that there is appropriate consultation and satisfactory agreement from all adjoining landholders and that access to the Moorine Rock Railway Station is retained and maintained by the Lessee for the term of the lease period and that the northern section of Liddell Road that passes through Reserve 21766 is re-routed to the Great Eastern Highway.

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council indicated that adjoining landholders affected by the development proposal should be afforded the opportunity of being consulted by the proponent to ensure that the development does not overly impinge upon their daily lives.

Submission to:	Ordinary Meeting of Council - Friday, 19 February 2010
Agenda Reference:	7.2
Subject:	Hon. Brendon Gyrrls MLA, Minister for Regional Development - Royalties for Regions Country Local Government Fund
File Reference:	10321
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 February 2010

Background:

The Minister for Regional Development has written to Council to clarify matters relating to the Country Local Government Fund (CLGF) of the associated with the Royalties for Regions funding and how it will operate in 2009-10 and 2010-11.

The Minister advises that the decision to defer the CLGF this financial year became necessary when the Department of Treasury and Finance's estimate of the State's

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total royalty revenue for the full 2009-10 year was significantly downgraded as a result of the strong Australian dollar and other economic factors. The Royalties for Regions Fund is linked intrinsically to royalty collections and any rise or fall of the total royalty receipts invariably affects the fund. Revised royalty calculations for the Mid-Year review resulted in \$130 million downward adjustment to the Royalties for Regions bottom line.

The Minister advises that while the local government recurrent funding program took the brunt of the total deferment in the Mid-Year Review, the Minister reaffirms his commitment to the CLGF as a cornerstone of the Royalties for Regions program.

The CLGF was initiated to help local government redress a backlog of infrastructure issues and to make meaningful investments in community infrastructure. The Minister indicates that it was, and remains, an important plank of the Liberal-National Government's formal agreement to return a larger share of the State's royalties to the regions.

The Minister advises that over the next few years, the Liberal-National Government is committed to seeing an increasing proportion of future rounds of CLGF allocated for region region-building initiatives driven by working partnerships of local governments. To assist this process, funding will be allocated to the following components:

2009/2010

Strategic and Asset Management Plans

Subject to Cabinet endorsement:

- Up to \$7.5 million in Royalties for Regions funding is to be made available this financial year for non-metropolitan local governments to access expertise for the development of individual strategic plans, asset management plans and forward capital works plans.
- Regional groups of local governments will also have access to this fund to identify, scope and plan regional priorities.
- Details of this program will be made available through the Department of Regional Development and Lands.

Local Government Restructure

A number of country local government authorities are currently investigating partnership arrangements, including collaborative groups and transitional groups.

Subject to Cabinet endorsement:

- Support funding of up to \$2.5 million be made available from the Royalties for Regions Fund to assist those local government groups who have formalised their position and wish to proceed to amalgamation by investing in, for example, common operating systems and infrastructure.

2010/2011

To lessen any impact that the 2009/2010 deferral may have had on local governments in forward planning it is proposed that the funding be allocated in the following way:

Direct Grants

Subject to Cabinet endorsement:

- An amount equivalent to 65% of total available funds allocated in the 2010-11 financial year to the CLGF be available to individual local governments under the existing formula. Minor revisions to Stage I CLGF funding guidelines are currently being prepared, based on community and local authority feedback, including expanding the eligible funding categories and allowing some flexibility for carrying over funding for projects that are delayed or staged.
- It is envisaged that these funds will be available from the 1st quarter of the 2010-11 financial year.
- To access funds each local government must have finalised appropriate strategic, asset management and forward capital works plans.

Regional Group Grants

Subject to Cabinet endorsement:

- An amount equivalent to 35% of the total funds available is allocated in the 2010-11 financial year to the CLGF to be available to assist cooperative groups of local governments develop and/or leverage funding for larger scale infrastructure projects that clearly demonstrate wider community benefits across their region (eg. Infrastructure developments to attract industry, such as upgrades to ports, roads, rail communications, power etc).
- Applications will be sought from cooperative groups of local authorities based within the nine existing regions defined in the *Regional Development Commissions Act 1993*.
- In those development regions that contain large numbers of local authorities several applicant groupings may be considered.
- Local governments that have formally elected to amalgamate will also be considered to be a regional group.
- To access project funds applicant groups will be required to present a business case for their priority projects.
- Guidelines for the group funding component of the CLGF will be available before the end of the financial year.
- Funds available to groupings of local governments will be calculated consistent with the existing CLGF formula.

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Local Government Restructure

Subject to Cabinet endorsement:

- Support funding of up to \$2.5 million be made available to assist those local government groups who have formalised their position and wish to proceed to amalgamation.

The Minister hopes that the above information addresses the questions that have been raised over the last few months in respect to the future of the CLGF and he looks forward to providing Council with more details on the funding guidelines in the near future.

In the meantime, the Minister encourages Councils to progress partnerships with neighbouring local governments and begin preliminary discussions on the priority projects that will give mutual benefit to the communities that Council represents.

Comment:

The Wheatbelt East Regional Organisation of Councils (WERO) has been investigating the implementation of a process to prepare Asset Management Plans for the member Councils. The development of strategic plans and forward capital works plans have not been considered by WERO at this stage but should be referred to the group for consideration.

Council's allocation in the 2010-11 financial year should be in the vicinity of \$460,223.00 based on the 2009/10 allocation. **It should be noted that funds will not be made available until Councils have finalised strategic, asset management and forward capital works plans and therefore, development of these plans will be a priority.**

Approximately \$247,812 will be earmarked as the Shire of Yilgarn contribution to the Regional Group Grants. This amount will either go to WERO for distribution regionally **or the Shires of Yilgarn and Westonia can seek to have their 35% components allocated in accordance with dot point 4.**

In the 2008-09 Council received \$708,036 as its CLGF allocation and these funds were allocated to a number of projects. The majority of the projects have been completed although acquittals have yet to be prepared for distribution to the Department of Local Government. It is proposed to have the acquittals prepared prior to 30 June however, the allocation of \$300,000 to the Recreation Reserve Fund remains unexpended in accordance with the Guidelines at this stage and will be subject to the DSR grant application under the CSRFF program.

Council will be kept informed of the acquittal process for the whole of the above funding.

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In relation to the 2010-11 funding and the Regional Group Grants, the CEO's of Yilgarn and Westonia will be meeting with Local Government Department Officers in late February to clarify CLGF funding opportunities in light of the amalgamation process.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That the information provided by the Minister for Regional Development be received and that Council awaits further information on the CLGF program in relation to the proposed merge of the Yilgarn and Westonia Shires.

Voting Requirements

Simple Majority

22/2010

Moved Cr Pasini Seconded Cr J Della Bosca that the information provided by the Minister for Regional Development be received and that Council awaits further information on the CLGF program in relation to the proposed merge of the Yilgarn and Westonia Shires.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 19 February 2010
Agenda Reference:	7.3
Subject:	Department of Local Government - 2009 Compliance Audit Return
File Reference:	4112
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 February 2010

Background

The Director General of the Department of Local Government has forwarded the 2009 Compliance Audit Return for completion.

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2009 to

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31 December 2009 against the requirements set out in the Compliance Audit Return.

Comment

On completion of the Return it is to be:-

- Presented to Council at a meeting of the Council;
- Adopted by the Council; and
- The adoption recorded in the Minutes of the meeting at which it is adopted.

The Return is to be forwarded to the Director General of the Department for Local Government and Regional Development by 31 March 2009.

Councillors will note that there has been no major non-compliance. It should be noted however, that one minor irregularity was identified and which is detailed as follows:-

Meeting Process Section - Question 11

Section 5.8 of the *Local Government Act 1995* requires all Council Committees, during the review period) that are established to be by absolute majority. Following the 2009 Council Elections and the Special Meeting of Council held to appoint Committees, the Minutes of the meeting showed only the Audit Committee being appointed by absolute majority. All other committees were resolved by simple majority. This non-compliance has been noted in the Audit return. Councillors are welcome to question staff on the comments made and the overall content of the Return.

The Return is attached to this Report for Councillors perusal and comment.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council in adopting the 2009 Compliance Audit Return notes that there has been no major non-compliance however, Council also acknowledges the one minor irregularity identified within the Compliance Audit Report to which a notation has been provided by staff clarifying the particular matter and which will be addressed in the following 12 months. In view of no major issues being identified, Council authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government.

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Voting Requirements

Absolute Majority

23/2010

Moved Cr Pasini Seconded Cr Kenward that Council in adopting the 2009 Compliance Audit Return notes that there has been no major non-compliance however, Council also acknowledges the one minor irregularity identified within the Compliance Audit Report to which a notation has been provided by staff clarifying the particular matter and which will be addressed in the following 12 months. In view of no major issues being identified, Council authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 19 February 2010
Agenda Reference:	7.4
Subject:	CEO Annual Performance Appraisal
File Reference:	Personal
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Contract negotiations
Date of Report:	11 February 2010

Background

The Annual Performance Appraisal was undertaken prior to the commencement of the February 2010 Ordinary Meeting of Council and all Councillors were issued with documentation relating to the review one week prior to the conduct of the Appraisal.

Comment:

Councillors in attendance at the Performance Appraisal will provide a verbal report on the outcomes of the review process to all Councilors at the Council Meeting.

Statutory Environment

Local Government (Administration) Regulations, Clause 18D, relating to Performance Reviews

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

Submitted for Council consideration.

Voting Requirements

Simple Majority

24/2010

Moved Cr Kenward Seconded Cr Truran that it be recommended to Council that having worked through the Annual Performance appraisal of the CEO, Council expresses full satisfaction in the CEO's performance and in anticipation of the increased workload associated with the Yilgarn/Westonia Shire Councils merge, Council offers a further 3% increase in Council's Superannuation contribution component from 17th February 2010 to 17 February 2011.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 19 February 2010
Agenda Reference:	7.5
Subject:	Hon. Wilson Tuckey MP - Member for O'Connor
File Reference:	4013
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 February 2010

Background

The Hon. Wilson Tuckey MP has written to advise that he has received correspondence from the Royal Automobile Club of WA regarding building a long term vision of the road infrastructure needs of our State. Mr Tuckey therefore advises he is proposing to make a submission to his front bench on relevant policy decisions for a future Abbott Government.

Mr Tuckey would appreciate Council providing him with a brief submission regarding the major construction or upgrades required in the Shire of Yilgarn that might attract Federal funding.

Mr Tuckey indicates that the predicted grain rail closures and reduction CBH receival points is, in his mind, highly relevant as the required road infrastructure must contemplate much larger road train configurations departing individual properties and/or link up points for road trains in the near vicinity. It also should be noted that export grain freight is deregulated by commonwealth legislation, thus allowing owners of grain to choose road were it of lesser cost than an even upgraded rail.

Mr Tuckey also advises that obviously other factors will apply in the mining and other districts which are of equal importance to him.

Comment:

The RAC's correspondence is mainly talking about sensible long term investment in maintaining and expanding the road network which will underpin future economic growth. The RAC is looking to build a long-term vision of the road infrastructure needs of our State.

There are a number of issues that Council could raise with Mr Tuckey for his submission to his front bench, which are as follows:-

- Upgrade of Great Eastern Highway No.1 between Walgoolan and Southern Cross.
- Upgrade of State Road - Marvel Loch/Southern Cross Road.
- Upgrade of local roads that contribute to the State and National economy - Koolyanobbing/Southern Cross Road, Parkers Range Road, Moorine South Road.
- Upgrade of the Emu Fence Road to a sealed standard as a major tourism route
- Continuation and annual increases in Roads to Recovery funding.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises Mr Tuckey of the following road infrastructure within the Shire of Yilgarn that requires significant funding due to the significance of these roads to the State and National economy:-

- Upgrade of Great Eastern Highway No.1 between Walgoolan and Southern Cross.
- Upgrade of State Road - Marvel Loch/Southern Cross Road.
- Upgrade of local roads that contribute to the State and National economy - Koolyanobbing/Southern Cross Road, Parkers Range Road, Moorine South Road.
- Upgrade of the Emu Fence Road to a sealed standard as a major tourism route.
- Continuation and annual increases in Roads to Recovery funding

Voting Requirements

Simple Majority

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25/2010

Moved Cr Kenward Seconded Cr Auld that Council advises Mr Tuckey of the following road infrastructure within the Shire of Yilgarn that requires significant funding due to the significance of these roads to the State and National economy:-

- *Upgrade of Great Eastern Highway No.1 between Walgoolan and Southern Cross.*
- *Upgrade of State Road - Marvel Loch/Southern Cross Road.*
- *Upgrade of local roads that contribute to the State and National economy - Koolyanobbing/Southern Cross Road, Parkers Range Road, Moorine South Road.*
- *Upgrade of the Emu Fence Road to a sealed standard as a major tourism route*
- *Continuation and annual increases in Roads to Recovery funding*

CARRIED (7/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday 19 th February 2010
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	4144
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	31 st December 2009

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

These reports, prepared to the 31st December 2010 are enclosed as follows:

- Monthly Statement of Financial Activity

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Statutory Environment

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

Policy Implications

None

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Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 31st December 2009, as presented, be received.

26/2010

Moved Cr Auld Seconded Cr J Della Bosca that the Various Financial Reports for the period ending 31st December 2009, as presented, be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 19 th February 2010
Agenda Reference:	8.2
Subject:	Financial Reports
File Reference:	4144
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	31 st January 2010

Background

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

These reports, prepared to the 31st January 2010 are enclosed as follows:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity and;
- Rates Receipt Statement (prepared to 11th February 2010)

Councillors will be aware that it is normal practice for all financial reports to be indicative of Council's current Financial Position as at the end of each month.

Statutory Environment

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

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Policy Implications

None

Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 31st January 2010, as presented, be received.

27/2010

Moved Cr Truran Seconded Cr Kenward that the Various Financial Reports for the period ending 31st January 2010, as presented, be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 19 th February 2010
Agenda Reference:	8.3
Subject:	Accounts for Payment
File Reference:	4132
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	12 th February 2010

Background

Municipal Fund – Cheque Numbers 34540 to 34706, totalling \$427,157.62, Municipal Fund – Cheque Numbers 924 to 930, totalling \$102,474.18, Trust Fund – Cheque Numbers 401850 to 401855, totalling \$4,659.65 and Trust Fund – Cheque Numbers 5654 to 5658 (DoT Licensing), totalling \$97,737.45 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.

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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

That Council endorse the accounts covered by Municipal Fund - Cheque Numbers 34540 to 34706 totalling \$427,157.62, Municipal Fund - Cheque Numbers 924 to 930, totalling \$102,474.18, Trust Fund - Cheque Numbers 401850 to 401855, totalling \$4,659.65 and Trust Fund - Cheque Numbers 5654 to 5658 (DoT Licensing), totalling, \$97,737.45 as per the submitted list.

28/2010

Moved Cr Truran Seconded Cr W Della Bosca that Council endorse the accounts covered by Municipal Fund - Cheque Numbers 34540 to 34706 totalling \$427,157.62, Municipal Fund - Cheque Numbers 924 to 930, totalling \$102,474.18, Trust Fund - Cheque Numbers 401850 to 401855, totalling \$4,659.65 and Trust Fund - Cheque Numbers 5654 to 5658 (DoT Licensing), totalling, \$97,737.45 as per the submitted list.

CARRIED (7/0)

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council February 19th 2010
Agenda Reference:	Works 9:1
Subject:	Tender 4/2009/2010 Grader
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12301
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	10th February 2010

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Background

In accordance with Councils 2009/2010 Financial Year Plant Replacement Program Tenders were invited to supply and deliver one only Articulated Grader and to trade, or the outright purchase (alternative tender) of Councils current Volvo 720 Articulated Grader.

An expenditure amount of \$410,000 has been allowed for in the 2009/2010 Financial Year Budget for this vehicle. This is made up of a income of \$90,000 for the trade vehicle, making a change over cost of \$320,000 (*\$410,000 expenditure less \$90,000 trade income = \$320,000 changeover*)

The trade vehicle (Volvo 720 grader) was purchased in 2001 under Councils Plant Replacement Program. At the time of this report the Volvo 720 grader had completed 8,500 hours. The primary function of this grader is to carry out heavy road construction works on Councils road network. It is expected, the proposed tendered replacement grader will be carrying out similar functions. Visually the Volvo 720 grader is well presented and appears mechanically sound.

Comment

Specifications to new Articulated Grader being:

Make & Model tendered _____
Date of Manufacture _____
(must be 2009/2010 model)

Overall operating weight _____Kg
(min 17,000kg max 18,500kg)

Engine

Net power output (min 115kw - 160kw) _____kw _____hp (SAE rated).
Cylinders _____
Make _____
Capacity _____litres
Engine driven air compressor (if not please state)

Transmission & Drive Power-shift & Differential lock/unlock

Frame Articulated

Blade suit two 7 foot cutting edges with overlays

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<u>Cab</u>	Enclosed cab with Rollover Protection Structure Air-conditioning/Heater Tilting Console, Operators emergency warning system, Hour metre fitted Window tint to all windows, wiper and washers to front and rear windows One 2kg fire extinguisher fitted to inside of cab. Canvas seat covers fitted, Slope meter fitted
<u>Communications Equipment</u>	GME Electrophone TX 3440 (remote head) (40 channel) complete with aerial VHF-TAIT 8200 radio (remote head and SelCall) fitted including aerial and microphone equipped with bush fire frequencies, channels 32, 45 and 59
<i>Scarifies</i>	<i>Rear mounted scarifies (nine shanks)</i>
<u>Tyres</u> 12 ply	Goodyear/Bridgestone 14 x 24 multi directional rating (if un-available please state other)
<u>Spare Wheel</u>	One spare wheel mounted on rear scarifier frame with manual winch
<u>Others</u>	Tool box fitted to frame, equipped with basic tool kit, Tow hitch fitted (front and rear) Tyre inflation kit, socket to suit wheel nuts, extension bar and power bar Two flashing amber beacons in protective cage, front and rear cab roof mounted

The following tenders were received for the trade of councils Volvo 720 grader and for the purchase of a replacement grader (GST inclusive)

Westrac

Westrac have offered two graders for tender these being the 120M and 12M caterpillar graders.

1	12M Caterpillar Grader (2010 model) – per specification	\$396,177.10
	Less Trade-in	- \$ 80,300.00
	Net changeover	<u>\$315,877.10</u>

Specification 12M Grader with “joystick steering”

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Engine – Caterpillar six cylinder Cat C-6.6 VHP, diesel engine
Displacement 6.6 litres

Net power output (variable kw/hp) 118kw – 129kw

Operating Weight 17, 670kg

Transmission Power Shift

2 120M Caterpillar Grader (2010 model)

\$365,756.60

Less Trade-in - \$ 80,300.00

Net changeover \$285,456.60

Specification 120M Grader

Engine – Caterpillar six cylinder Cat C-6.6 VHP, diesel engine
Displacement 6.6 litres

Net power output (variable kw/hp) 103kw – 129kw

Operating Weight 16, 940kg

Transmission Power Shift

Tender specifications called for a net power output rating of 115kw – 160kw (*variable*) and an operating weight of 17,500kg minimum – 18,500kg maximum both specifications for the 120M grader are just below this. Given the nature of works the replacement grader is expected to perform both the kilowatts and weight ratings of the 120M grader are consider to be light on and therefore unsuitable.

Warranty

Westrac offer 12 months Full Machine Warranty, along with an 36 month (three years) or 6000 machine hour warranty (which ever comes first) on the Power Train and Hydraulic component for both machines.

Fuel

Fuel consumption for the tendered 12M grader is noted in the specification at being between 18 - 23 liters per hour (*heavy workload*). Although the above mentioned fuel usage per hour for the 12M is fairly liberal, it is expected the fuel usage under heavy workload will be around 20 litres per hour.

Resale value for the Caterpillar 12M grader after an eight life cycle ranges between 25% (\$99,044) and 35% (138,661) on new machine price

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CJD Equipment

CJD Equipment has offered two graders for tender these being the G930 and G940 graders.

1	<i>Volvo G930 VHP (2010 model)</i> - per specification -	\$363,000.00
	Less Trade-in	- \$ 93,500.00
	Net changeover	<u>\$269,500.00</u>

Specification for Volvo G930 VHP

Engine - Volvo, D7DGCE3 six cylinders, turbo charged, diesel engine

Displacement 7 liters

Net power output (variable kw/hp) 115kw - 154kw

Operating Weight 17,845 kg

Transmission Power Shift

2	<i>Volvo G940 VHP (2010 model)</i> - per specification -	\$390,500.00
	Less Trade-in	- \$ 93,500.00
	Net changeover	<u>\$297,000.00</u>

Specification for Volvo G940 VHP

Engine - Volvo, D7DGCE3 six cylinders, turbo charged, diesel engine

Displacement 7.2 liters

Net power output (variable kw/hp) 131kw - 168kw

Operating Weight 18,445 kg

Transmission Power Shift

Warranty

CJD Equipment offers a Full Machine Warranty for the period of 12 months (one year) or 2,500 hours, along with a Warranty of 60 months (five years) or 10,000 hours on the engine, power train, and major hydraulic components. There is also a one owner life time warranty offered on the grader frame and articulation joint.

The warranty offered by CJD sounds impressive but the 10,000 hours would not be achievable within the five year warranty time period as council's graders are currently working 1250/1300 machine hours a year and will only have accumulated approximately 6250/6500 machine hours within the five year warranty period.

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Currently Council have in operation a G930 Volvo grader of which when first purchased was operating to a standard below that of councils other graders. In the past the backup service from CJD has been mediocre.

Fuel

Fuel consumption for the Volvo G930 grader council is currently running is 16 litres per hour (*medium workload*). With the nature of work (*heavy workload*) the replacement grader is expected to carry out, the fuel consumption is expected to be similar to the 720 Volvo grader (*the proposed trade grader*) council is currently running, which is 22 litres per hour.

CJD have indicated that following an eight year life cycle the trade value of there graders on offer will be governed by the trade market at the time.

Hitachi

Hitachi Construction Machinery offered four graders for tender these being the 670G, 670GP, 770G and 770GP graders. The 670G and 670GP graders have not been included in the following comments or considered for purchasing as they are lacking in the net maximum kilowatt output. It should also be noted that the difference between the G series and GP series is the G series has the *conventional steering wheel* only, and the GP series has the option of both the *joystick steering and conventional steering wheel*.

1	John Deere 770G (2009 model) - per specification	\$382,000.00
	Less Trade-in	- \$ 99,000.00
	Net changeover	<u>\$283,000.00</u>

Specification for John Deere 770G

Engine - John Deere 6090H, six cylinder, turbo charged, diesel engine

Displacement 9 litres

Net power output (variable kw/hp) 123kw - 172kw

Operating Weight 18,500

Transmission Power Shift

2	John Deere 770GP (2009 model) - per specification	\$408,000.00
	Less Trade-in	- \$ 99,000.00
	Net changeover	<u>\$309,000.00</u>

Specification for John Deere 770GP with "*joystick steering*"

Engine - John Deere 6090H, six cylinder, turbo charged, diesel engine

Displacement 9 liters

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Net power output (variable kw/hp)	123kw - 172kw
Operating Weight	18,500
Transmission	Power Shift

Warranty

Hitachi offers a Full Machine Warranty for the period of 12 months (one year/unlimited hours), along with a extended Power Train Warranty of 60 months (five years) or 6000 hours.

Fuel

Fuel consumption for both the 770G and 770GP graders under heavy workload is expected to be 19 litres per hour.

Resale value for the John Deere graders after an eight life cycle is estimated at being 35% of the outright purchase cost (770G \$133,700) (770GP \$142,800)

Although the tender submitted by Westrac for the 12M (\$315,877) Caterpillar grader is higher than those submitted by CJD Equipment and Hitachi Construction Machinery, it is still within Councils monetary budget allocation for the change over of this grader.

The warranty offered by Westrac for the 12M graders is a little disappointing with a 12 months Full Machine Warranty, along with a 36 month (three years) or 6000 machine hour warranty (which ever comes first) on the Power Train and Hydraulic component. As council graders only work between 1250 hours and 1300 hours per year, the warranty time period of three years would elapse before the 6000 machine hours were achieved. This grader has the joystick steering and is specified as a 2010 model.

The tender submitted by CJD for the Volvo G930 grader and Volvo G940 grader is well within Councils monetary budget allocation for the change over of this grader. The warranty offered by CJD for this grader of 12 months (one year) or 2,500 hours, along with a warranty of 60 months (five years) or 10,000 hours on the engine, power train, and major hydraulic components is also very good. Councilors must keep in mind the 10,000 hours would not be achievable within the five year warranty time period as council's graders are currently working 1250/1300 machine hours a year and will have only accumulated approximately 6250/6500 machine hours within the five years. Council is currently running a Volvo G930 Grader of which when first purchased was having continuous problem's with the articulation/steering, but has since been rectified. Backup service offered by CJD has also been disappointing over the past. Because of these issues there is some reluctance to recommend to council to purchase one of the

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tendered graders submitted by CJD. These graders have the conventional steering wheel and are specified as being 2010 model.

Hitachi's tender for the John Deere 770G grader is also very good with the change over cost being \$283,000. As stated in the specification supplied this Warranty offered by Hitachi for the John Deere 770G is 12 months (one year) or 2000 hours full machine warranty. There is also a 60 month (five years) or 6000 machine hour extended warranty on the power train. This grader has the conventional steering wheel and is specified as being a 2009 model and manufactured in late 2009.

Council is currently running two John Deere 670D grader which were purchased in 2007/2008 and 2008/2009. Both machines are performing well up to date with no recorded down time due to breakdowns.

The following recommendation is based on past and present performances of John Deere Graders Council has purchased over the past years. The extended warranty offered by Hitachi for the John Deere graders is also very good.

Statutory Environment: Tender Regulations

Policy Implications: N.A.

Financial Implications: Budgeted monetary allocation has been allowed for in Councils 2009/2010 Plant Replacement Program for the change over of this vehicle

Strategic Implications: Ten-Year Plant Replacement Program

Recommendation

Council accepts the tender submitted by Hitachi Construction Machinery, and trade its current Volvo 720 Grader for the tendered price of \$99,000 (GST inclusive), and purchase the John Deere 770G Grader as per the tendered specification submitted by Hitachi Construction Machinery, for the change over cost of \$283,000 (GST inclusive)

Voting Requirements

Simple Majority

29/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council accepts the tender submitted by Hitachi Construction Machinery, and trade its current Volvo 720 Grader for the tendered price of \$99,000 (GST inclusive), and purchase the John Deere 770G Grader as per the tendered specification submitted by Hitachi Construction Machinery, for the change over cost of \$283,000 (GST inclusive).

CARRIED (7/0)

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Council adjourned at 3.59pm for an afternoon tea break and re-commenced the meeting at 4.16pm with all Councillors and staff in attendance.

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 19 th February, 2010
Agenda Reference:	10.1
Subject:	Request to Purchase UCL Lot
Location/Address:	Lot 135 Lenneberg Street, Marvel Loch
Name of Applicant:	Department of Land Administration - Wheatbelt Region State Lands - Mr Leon Gammon
File Reference:	10313
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2010

Background

In approximately October 2009 Mr Leon Gammon, Assistant State Land Officer Wheatbelt State Land Services Division Department of Regional Development and Lands (DRDL), telephoned me to advise that the DRDL had received another request from the lessees of Lot 135 Lenneberg Street, Marvel Loch to purchase the lot. I advised that Council had considered a similar application at the April 2003 Ordinary Council Meeting and passed a motion stating that "Council had no objection to DOLA either leasing or selling Lot 135 Lenneberg Street, Marvel Loch for the purpose of storing landscaping materials and parking", as was the lessees intent at that time.

At that time Council also asked that DOLA contact the local mining company (Sons of Gwalia Ltd) operating in Marvel Loch for its comment on the proposal to purchase the lot. DOLA later advised that the mining company had opposed the selling of Lot 135 Lenneberg Street but supported the continued lease of the lot. It was believed that due to the mining company's proposed open-cut expansion of the Marvel Loch pit towards the townsite that Lot 135 was not a suitable building lot and therefore it objected to it being sold freehold.

With regards to the recent application I asked Mr Gammon to contact the Department of Mines and Petroleum and/or the local mining company, St Barbara Ltd, seeking comment on the new application before the matter is again considered by Council. Mr Gammon has advised that the DRDL has received a letter from the Department of Mines and Petroleum stating that it has no objections to the freehold sale of the lot. See attached copy of this letter.

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Comment

Currently Lot 135 Lenneberg Street has a garage on it and is used for the storage of private gardening products and private vehicles. The lessees, Gardenscape Pty Ltd - Mr & Mrs David & Philipa Garner, have advised that they wish to use the property for their own private use, not to operate a business from, and that they intend to amalgamate Lot 135 with Lot 136. Under the Shire of Yilgarn Town Planning Scheme No 2 the townsite of Marvel Loch is zoned "Townsite". All proposed develop outside of a single residence requires Council approval.

Policy Implications

Nil

Statutory Requirements

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

Financial Implications

Nil

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objection to it selling as freehold Lot 135 Lenneberg Street, Marvel Loch to the current lessees.

Voting Requirements

Simple Majority.

30/2010

Moved Cr Pasini Seconded Cr Kenward that Council advise the Department of Regional Development and Lands that it has no objection to it selling as freehold Lot 135 Lenneberg Street, Marvel Loch to the current lessees.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th February, 2010
Agenda Reference:	10.2
Subject:	Proposal to Convert Lease to Freehold
Location/Address:	Lot 18 Oxide Street, Marvel Loch
Name of Applicant:	Department of Regional Development and Lands Wheatbelt Region State Lands Division - Ms Barbara Banting
File Reference:	10313
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2010

Background

The Wheatbelt Region State Lands Division of the Department of Regional Development and Lands (DRDL) has written to the Shire advising that the current lease for Lot 18 Oxide Street, Marvel Loch in the name of Robert William & Penelope Elizabeth Studsor for the purpose of "Residence" will expire on 30th June 2010. The DRDL is seeking comments on its proposal to convert the lease when it expires to Freehold and sell the land to the Studsors. See attached copy of letter and map.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 the land is zoned "Townsite". Under this zoning the only permitted land uses without Council approval are "Public Recreation" and "Residential Single House".

There is a small transportable dwelling on the lot (steel skid floor structure, particle board floor, steel or timber wall and roof frame, flat profile on front and sides, and possibly 'Shadowline' profile compressed cement fibre exterior wall sheeting, and Zinalume roof sheeting). The general condition of the property is partially un-kept and may be vacant. See attached copy of electronic photographs of the property.

The general area is basically residential, although several dwellings have been relocated from nearby lots over the past three years.

Policy Implications

Nil

Statutory Requirements

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

Financial Implications

Nil

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to the freehold of Lot 18 Oxide Street, Marvel Loch on the condition that the land use remains "Residential" and that no business is established on the site without first obtaining Council approval.

Voting Requirements

Simple Majority.

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31/2010

Moved Cr W Della Bosca Seconded Cr Pasini that Council advise the Department of Regional Development and Lands that it has no objections to the freehold of Lot 18 Oxide Street, Marvel Loch on the condition that the land use remains "Residential" and that no business is established on the site without first obtaining Council approval.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th February, 2010
Agenda Reference:	10.3
Subject:	Proposed Freehold of UCL Lot and Part of Reserve 20447 Lot 3007 to Amalgamate Land with Lot 3005
Location/Address:	UCL Lot 3006, Pt Reserve 20447 Lot 3007, and Lot 3005 West Street & Dorothy Street, Bullfinch
Name of Applicant:	Department of Regional Development and Lands - Mr Leon Gammon
File Reference:	10313 & 10317
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2010

Background

The Department of Regional Development and Lands (DRDL) has written to the Shire advising that it has received a proposal from Allion Legal acting on behalf of Mr Hennessey who owns Lot 3005 West Street, Bullfinch that he acquires adjoining Lot 3006 and a portion of Reserve 20447 Lot 3007 and amalgamate all the land into one lot. See attached letter and location maps.

Mr Hennessey wishes to build a new house on Lot 3006 as his current house on Lot 3005 is in poor condition. Mr Hennessey also wishes to develop a portion of Reserve 20447 Lot 3007 which is managed by the Waters and Rivers Commission for the purpose of "Water Supply" by building a large shed and establishing a market garden.

The details of how much of Reserve 20447 Lot 3007 would be involved in this proposal has not been finalised at this time. It should be noted that if agreed to, the portion of Reserve land would need to be changed from a Reserve status to a UCL, and then it can be arranged to sell the land freehold to Mr Hennessy.

The DRDL is seeking Council's comments on the proposal.

A second letter from Kim Treloar, Special Project Officer Property Asset Clearing House Lands Division of the DRDL has been received stating that the Department

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of Water has identified Reserve 20447 Lot 3007 as surplus to its needs and that it proposes to sell the land on the open market, and is seeking Council's comments on this proposal. See attached letter & location map.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 all land within the townsite is zoned "Townsite" and any proposed development outside of a single dwelling requires approval from Council.

Reserve 20447 Lot 3007 has been designated for the purpose of "Water Supply", however, the land is not and has not been required for the collection of water for the town for many years, and is not likely to be required in the foreseeable future.

The letter from Kim Treloar confirms that the Department of Water has no further need for the land. In this case I recommend that Council has no objection to the land being sold on the open market.

Mr Hennessey has telephoned me on a few occasions to discuss his proposals in Bullfinch. Mr Hennessey has asked about keeping a horse(s) on his lot, and about starting a market garden. Unfortunately Mr Hennessey is not physically able to look after a horse(s) or establish and maintain a market garden. He is not physically able to maintain his property of Lot 3005 and therefore I have concerns if he is allowed to acquire/purchase more land.

A market garden, which is a commercial activity, is not a suitable land use within a townsite. The zoning of "Townsite" under the Shire of Yilgarn Town Planning Scheme No 2 - "is to be used primarily for single houses and public recreation. Other uses, listed in Table 1, may be permitted at the discretion of Council if they are considered to be an integral part of the townsite and where Council is satisfied that they will benefit the community and not result in being a nuisance."

If Mr Hennessey wishes to build a new dwelling, there is adequate area on Lot 3005 for this purpose.

Policy Implications

Nil

Statutory Requirements

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

Financial Implications

Nil

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Recommendation

That Council advise the Department of Regional Development and Lands that it has no objection to Mr Hennessey's proposal to purchase Lot 3006 and a portion of Reserve 20447 Lot 3007 West Street, Bullfinch, or for the Department of Water to sell as freehold the whole of Reserve 20447 Lot 3007 West Street, Bullfinch.

Voting Requirements

Simple Majority.

32/2010

Moved Cr Auld Seconded Cr Pasini that Council advise the Department of Regional Development and Lands that it has no objection to Mr Hennessey's proposal to purchase Lot 3006 and a portion of Reserve 20447 Lot 3007 West Street, Bullfinch, or for the Department of Water to sell as freehold the whole of Reserve 20447 Lot 3007 West Street, Bullfinch.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th February, 2010
Agenda Reference:	10.4
Subject:	Application to Conduct Mining/Drilling Operations on Road Reserve
Location/Address:	Southern Cross Forrestania Road
Name of Applicant:	Cazaly Iron Pty Ltd - Mr Greg Miles, Exploration Manager
File Reference:	10306
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2010

Background

Mr Greg Miles of Cazaly Iron Pty Ltd, has sent an E-mail to the Shire seeking consent to mine on the road reserve of the Southern Cross Forrestania Road which runs over the top of the Mt Caudan Deposit.

Mr Miles has also forwarded a copy of a letter from McMahon Mines Title Services Pty Ltd of Perth which is acting on behalf of Cazaly Iron Pty Ltd addressed to the Department of Mines and Petroleum (DoMP) applying for permission to mine on the Southern Cross Forrestania Road reserve. The mining tenement M77/764 currently has the following condition -

"Mining on any road, road verge or road reserve being confined to below a depth of 15 metres from the natural surface."

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A letter has recently been received from the Department of Mines and Petroleum advising of the application by Cazaly Iron Pty Ltd to drill along the Southern Cross Forrestania Road reserve within its Mining Lease M77/764. See attached letter and location map.

Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite, requires comment from the Local Government. In this instance, the proposed drilling operations will be along a road reserve of a road controlled by the Shire, and is seeking the Shire's permission to help with its application to the DoMP.

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

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

The Manager of Works has drawn a cross-sectional diagram of a formed road and indicated the area in which drilling is not allowed. See attached copy of the cross-section diagram.

It is proposed that the abovementioned standard conditions and the cross-section diagram will be written into a policy for adoption into the Council Policy prior to the time of the Policy Review.

Policy Implications

Nil

Statutory Requirements

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

Financial Implications

Nil

Recommendation

That Council grants approval to Cazaly Iron Pty Ltd to carry out drilling along the Southern Cross Forrestania Road reserve within the Mining Lease M77/764 as shown on the attached map on the following conditions:-

- 1) That dust suppression is carried out so that people living nearby and traffic using the road 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 Westonia Mines Limited and the Department for Environment'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 or affect the environment;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways without first notifying the governing authority. 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 in the area - a

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- copy of the traffic management plan is to be forwarded to Shire's Manager of Works for his acceptance;
- 9) All drill holes are to be capped as soon as possible/practicable after drilling;
 - 10) If working within 100m of 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.; and
 - 11) That Cazaly Iron Pty Ltd advertise the proposed drilling program in the local newsletter "Crosswords" prior to commencing operations to notify the general public of this work.

Voting Requirements

Simple Majority.

33/2010

Moved Cr Pasini Seconded Cr Kenward that Council grants approval to Cazaly Iron Pty Ltd to carry out drilling along the Southern Cross Forrestania Road reserve within the Mining Lease M77/764 as shown on the attached map on the following conditions:-

- 1) That dust suppression is carried out so that people living nearby and traffic using the road 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 Westonia Mines Limited and the Department for Environment's mining conditions;*
- 3) Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread or affect the environment;*
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;*
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;*
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;*
- 7) No drill holes are to extend under any public railway line or any roadways without first notifying the governing authority. 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 in the area - a copy of the traffic management plan is to be forwarded to Shire's Manager of Works for his acceptance;*
- 9) All drill holes are to be capped as soon as possible/practicable after drilling;*

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- 10) *If working within 100m of 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.; and*
- 11) *That Cazaly Iron Pty Ltd advertise the proposed drilling program in the local newsletter "Crosswords" prior to commencing operations to notify the general public of this work.*

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 19 th February, 2010
Agenda Reference:	10.5
Subject:	Building Licenses Issued Between 7/1/10 and 11/2/10
File Reference:	13201
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th February, 2010

Background

For Council's information, below is a summary of the Building Licenses issued for the Shire of Yilgarn between 7/1/10 and 11/2/10.

Licence No	Owner	Address	Builder	Description of Building Work	Area m2
17/0910	Ashley & Marcia Collins 56 Antares St, SOUTHERN CROSS	Lot 55 (H/No 56) Antares St, SOUTHERN CROSS	Owner/Builder	Construct decking floor over the back half of the new Patio at side of dwelling for entertainment area.	36.000
18/0910	Russell & Kaye Crafter 120 Altair St, SOUTHERN CROSS	Lot 510 (H/No 120) Altair Street, SOUTHERN CROSS	Ken Sing 49 Doolette St, BULLFINCH WA 6484	New steel frame, Zincalume sheet roof, and paved floor Patio attached to the rear of the existing dwelling.	42.750

Statutory Requirements

Compliance with the Building Regulations, Building Code of Australia as amended from time to time, and the Shire of Yilgarn Town Planning Scheme No 2.

RECEIVED

IGA SOUTHERN CROSS

Cr Pasini advised that following the Manager for Environmental Health and Building contacting the owners of IGA regarding a leaking air-conditioner onto the footpath at the entrance to the Butcher Shop and discharging water onto the footpath from their storeroom in Achernar Street, the owners had contacted him requesting that the footpath in front of the IGA shop be cleaned to remove chewing gum.

The Manager of Works advised that he would investigate options to have the footpath cleaned of chewing gum in front of IGA.

STATE ALERT REGISTER

Council requested if the CEO could promote the Alert facility to the community through Crosswords.

SHIRE OF YILGARN STANDPIPES

34/2010

Moved Cr W Della Bosca Seconded Cr Auld that Council includes in its 2010/2011 Budget deliberations costs associated with modifying Council owned and operated standpipes with cam-lock type fittings for accommodating bottom filling operations rather than the existing top filling method .

CARRIED (7/0)

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.00pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 19th February 2010 are confirmed as a true and correct record of that meeting on Friday, 19th March 2010.

Cr Romolo Patroni
SHIRE PRESIDENT