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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 17th September 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 17th September 2010.

PRESENT

Cr P R Patroni, Shire President

Cr D G Auld, Deputy Shire President

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

Council Officers: J Sowiak, Chief Executive Officer
V Murty, Deputy Chief Executive Officer
R J Bosenberg, Manager for Works
W J Dallywater, Manager Environmental Health & Building
D Shipard, Minute Taker

The meeting was declared open for business at 2.04pm.

PUBLIC QUESTION TIME

Nil

DISCLOSURE OF FINANCIAL INTEREST

Cr Kenward Declared an interest in the CEO's Item 7.6.

Cr Kenward Declared an interest in the Manager for Works Item 9.2.

APOLOGIES & LEAVE OF ABSENCE

Nil

CONFIRMATION OF PREVIOUS MINUTES

216/2010

Moved Cr Kenward Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 20th August 2010, be confirmed as a true and correct record of that meeting, subject to an amendment that Cr J Della Bosca along with Crs Auld and W Della Bosca and not Cr Truran attended a meeting on the 1st August 2010 with the Minister of Sports and Recreation.

CARRIED (7/0)

JOINT MEETING OF COUNCILS - SHIRES OF WESTONIA AND YILGAN MEETING

217/2010

Moved Cr W Della Bosca Seconded Cr J Della Bosca that the Minutes of the Joint Meeting of Councils - Westonia and Yilgarn Meeting held Tuesday 24th August 2010 be received.

CARRIED (7/0)

Cr Truran left the meeting 2.30pm, returned 2.34pm.

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WHEATBELT EAST REGIONAL ORGANISATION OF COUNCIL (WE-ROC)
MEETING

218/2010

Moved Cr J Della Bosca Seconded Cr Kenward that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) Meeting held Wednesday 25th August 2010 be received.

CARRIED (7/0)

TOURISM ADVISORY COMMITTEE MINUTES

219/2010

Moved Cr Kenward Seconded Cr Auld that the Minutes of the Tourism Advisory Committee Meeting held Monday 13th September 2010 be adopted.

CARRIED (7/0)

ITEM 8 - HALL OF FAME

RECOMMENDATION

Moved K Crafter Seconded A Unkovich that Council accepts the two nominees Mr John Panizza and Mrs Violet Della Bosca for their induction into the Southern Cross Hall of Fame.

CARRIED

220/2010

Moved Cr Kenward Seconded Cr Auld that Council accepts the two nominees Mr John Panizza and Mrs Violet Della Bosca for their induction into the Southern Cross Hall of Fame.

CARRIED (7/0)

ITEM 12 - ROTARY PARK

RECOMMENDATION

Moved K Crafter Seconded R Steel that Council considers erecting an interpretive sign at Rotary Park which includes a town map and points of interest.

CARRIED

221/2010

Moved Cr Kenward Seconded Cr Auld that Council considers erecting an interpretive sign at Rotary Park which includes a town map and points of interest.

CARRIED (7/0)

ITEM 14 - PLAYGROUND EQUIPMENT

RECOMMENDATION

Moved S Whitelaw Seconded K Crafter that Council investigates the possibility of erecting play equipment in the town precinct, to attract tourist with children into the centre of town.

CARRIED

222/2010

Moved Cr Kenward Seconded Cr Auld that Council investigates the possibility of erecting play equipment in the town precinct, to attract tourist with children into the centre of town.

CARRIED (7/0)

ITEM 18 - NEVORIA HEAD FRAME - MINING EXHIBIT

RECOMMENDATION

Moved R Steel Seconded K Crafter that Council considers writing to St Barbara to request if they could donate any old mining equipment to the Nevoria Head Frame Mining Exhibit in particular a 2" Gauged Mining Skip.

CARRIED

223/2010

Moved Cr Kenward Seconded Cr Auld that Council considers writing to St Barbara to request if they could donate any old mining equipment to the Nevoria Head Frame Mining Exhibit in particular a 2" Gauged Mining Skip.

CARRIED (7/0)

ITEM 19 - BODALLIN TOWN TIDY UP

RECOMMENDATION

Moved Cr Patroni Seconded K Crafter that Council assists with Tidying up the Bodallin Town site by demolishing derelict buildings and cleaning up the old school building site, and removing the historic board and repositioning it else where.

CARRIED

224/2010

Moved Cr Kenward Seconded Cr Auld that Council assists with Tidying up the Bodallin Town site by demolishing derelict buildings and cleaning up the old school building site, and removing the historic board and repositioning it to the gazebo.

CARRIED (7/0)

YILGARN YOUTH SPORT AND RECREATION COMMITTEE MEETING
225/2010

Moved Cr W Della Bosca Seconded Cr J Della Bosca that the Minutes of the Yilgarn Youth Sport and Recreation Committee Meeting held Monday 19th July be received.

CARRIED (7/0)

R Bosenberg left the meeting at 2.44pm, returned 2.46pm.

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

- That he and the CEO attended the Wheatbelt Development Commission meeting in Northam, there were discussion regarding the Royalties for Regions funding. Brendan Grylls spoke at the meeting and suggested that the Council's put forth regional projects directly to him.
- He reported on his meeting with Atilla Mancheli regarding regional housing funding, and was advised that joint housing guidelines have been changed. An example is the Retirement Villages being built as joint project between Lifestyle Villages and the Shires.
- That he and the CEO attended the Waste Disposal Consultative Meeting on 15th September 2010 in Coolgardie, his main concern was that radioactive waste was been carted through the Shire of Yilgarn.
- He and Cr Kenward attended a Windarling Reference Group meeting on the 16th September 2010 held by Cliffs Resources.
- That he had received a letter from a tourist regarding the lack of water outlets at the Bodallin Roadhouse, he asked if the Manager for Works could investigate.
- He requested that the CEO complete the membership application form for the Australian Rural Road Group, in which the \$100 application fee had been previously sent.
- Cr Patroni proposed a Motion for the next Great Eastern Country Zone meeting regarding the Regional Doctor crisis. The Councillors reviewed the motion and made comments.

REGIONAL DOCTOR CRISIS

226/2010

Moved Cr W Della Bosca Seconded Cr Pasini that Council put forward the motion to the Great Eastern Country Zone; That they request WALGA write to the Premier as a matter of urgency, and address the crisis that now exists in the Wheatbelt due to the lack of Doctors and emphasise the urgent need for the State to liaise with the Federal Government to recognise the regional Doctor shortage and take the necessary steps to alleviate the problem.

CARRIED (7/0)

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Cr Truran advised that she had attended the DEHAC Meeting on 7th September 2010. There was a presentation regarding the Telehealth Support System. DEHAC has recommended Southern Cross as being the selected test site. She explained that the system would be a direct link in the Emergency Department between Nurses and Doctors located at another site.

Cr Auld advised that he attended a State Skeleton Weed Meeting in Perth, and was advised that the Southern Cross Skeleton Weed LAG's Committee budget was approved.

Cr J Della Bosca attended the YSSA Presentation and presented shields and medals.

Cr Kenward mentioned that on the 18th September 2010, the West Australian had published a liftout on Golden Outback 4WD trips exposing tourist stops throughout the Yilgarn district. He has contacted the West Australian and requested additional copies.

Cr W Della Bosca advised that he had attended a DOAC meeting with the CEO in Merredin on the 13th September 2010. He also attended a workshop in Mukinbudin regarding the Wild Dog Fence.

Cr W Della Bosca attended the Western Woodlands Meeting. He found it very interesting and feels that Council should be supportive.

Cr W Della Bosca advised that FESA will be issuing every registered emergency worker with an ID Card before this fire season, so that in cases of emergency they will be able to gain access to the area.

Cr Pasini left meeting at 3.08pm and returned at 3.10pm.

CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.1
Subject:	COUNCIL MEETING CHANGE
File Reference:	
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

There is a clash of meeting days and times next month and it is proposed to move the Council Meeting Back from 15th October to 22nd October to accommodate Tidy Towns Regional Awards presentation.

The Tidy Towns Regional awards presentation is to be held in Southern Cross on 15th October and whilst it is possible for the Council meeting and the events to coincide it would be more practical if the Council meeting was moved back.

Comment

Nil

Statutory Environment

The Council is to determine the date and time for ordinary and special Council meetings. (Sect 5.3)

Policy Implications

Nil

Financial Implications

Nil

Recommendation:

That the ordinary Council meeting in October be held on Friday 22nd October.

Voting Requirements

Simple Majority

227/2010

Moved Cr Truran Seconded Cr Kenward that the ordinary Council meeting in October be held on Friday 22nd October.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.2
Subject:	CHRISTMAS SHUT DOWN
File Reference:	
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

Whilst the Council is required to provide services to the community at all times it is understood that during holiday periods and at Christmas in particular, it is not uncommon for businesses to close their offices so that staff can have annual holidays.

Around Christmas there are activities associated with family celebrations and it is the most practical time for staff to have leave as the demands for works and services, apart from essential services, reduce.

In smaller communities where there are few office staff it is accepted practice for the staff to all take annual leave at Christmas and to shut the offices to all but essential services for the period of leave. This is only possible if the staff agree to take their annual leave at the same time and where there is at least one or two staff available to deal with emergencies and to provide communities with access to mail, fuel etc.

In the past Council has asked staff to take paid or unpaid leave in the three days between Christmas and new year and most utilize the extra day under the agreement for the day after new years day as one of these three days and then annual or unpaid leave for the remainder.

All staff at some stage put in a little bit of unpaid overtime as part of their normal duties and whilst this is not recognized in a formal manner it is acknowledged as part of annual performance and salary reviews where permissible. This report seeks Council's endorsement for the staff to have two and one half days paid leave for the period between Christmas and New Year as what is referred to as "Grace and Favour days".

Council is required to provide certain services at all times during the year and to respond to emergencies as required. Accordingly, it is expected that Senior Staff will ensure that services are being maintained and that there are sufficient staff contactable and available to respond to emergencies.

As the Council depot would remain open with a skeleton crew the only staff to which this extended leave would apply would be indoor staff who would normally work from the Council office.

Comment

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Council will be providing and additional two days "Grace and Favour" days in lieu of unpaid overtime

Recommendation

- 1 That as a matter of policy the Council normally close the Council Offices from 12 noon the last working day prior to the Christmas Day holiday until normal office hours on the day following the New Year public holiday and
- 2 That staff be granted paid ordinary hours "grace and favour days" in recognition of time worked in excess of normal hours during the year and required to take one days leave for the holiday entitlement for the 2nd January and
- 3 That staff required to work during that period in order to respond to an emergency be granted the equivalent hours of ordinary time paid leave by agreement at another time.

Voting Requirements

Simple Majority

228/2010

Moved Cr Kenward Seconded Cr Auld that Council approves that;

- 1 *As a matter of policy the Council normally close the Council Offices from 12 noon the last working day prior to the Christmas Day holiday until normal office hours on the day following the New Year public holiday and*
- 2 *That staff be granted paid ordinary hours "grace and favour days" in recognition of time worked in excess of normal hours during the year and required to take one days leave for the holiday entitlement for the 2nd January and*
- 3 *That staff required to work during that period in order to respond to an emergency be granted the equivalent hours of ordinary time paid leave by agreement at another time.*

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.3
Subject:	POLICY REVIEW
File Reference:	
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

The Council has referred the policy manual to the Council's management team for review. The report details the changes proposed and new policies for Council's consideration.

The Senior Staff of Council have had an opportunity to review the existing policy register and a number of changes have been proposed for Council consideration and attached to the report is a version of the policy document with colour coding to show items to be deleted, in red and changes, in yellow.

A number of new policies have also been included for Council consideration.

In undertaking the review a number of policies appeared to be nothing more than reproductions of the legislation or regulation. Some also were matters that come under the functional responsibility of the Chief Executive or staff and others were identified as needing further development.

A policy of Council needs to have authority either in legislation or regulation in order for to be effective. A policy can also embody a delegation to the Chief Executive Officer however it is not intended that the policy would be an instrument of delegation as such.

In this review a number of inconsistencies with legislation have been identified as well as the establishment of new policies for Travel Expenses, Media and Private use of motor vehicle. There is a policy concerning pool operations which ostensibly sets out some guidance for the CEO and pool manager in terms of pool operations and use.

In some instances policies of the Council such as "1.1 Press Statements" and "1.3 Leave of Absence" merely restated the legislation without any additional policy conditions or clarification. Such policies appear to be of little value other than drawing the reader's attention to specific legislation without necessarily covering all the relevant regulations or commentary. From that perspective, the policies should either incorporate other matters or be removed. Clearly, a legislative guide is not a policy of Council.

Included with the Agenda is a copy of the current policy manual with changes in yellow and deletions in red. If Council adopts the revised policy manual than a fresh copy will be produced with all the changes included and policies renumbered etc.

The changes are summarised as follows:

Policy 1.1 Press Statements the current policy is proposed for deletion and substitution with a new policy 1.11 dealing with Media communications.

This new policy provides guidance to Councillors and Officers in terms of building a relationship with the media and understanding who can and cannot speak on issues. It also covers the different forms of communication and provides a framework for their use.

Policy 1.3 Leave of Absence is proposed to be deleted as it merely restates the legislation.

Policy 1.4 Policy Manual is proposed to be deleted as Council has determined an anniversary date for review of each policy as part of the manual.

Policy 1.6 Travelling Expenses is proposed for deletion as the matters have been incorporated in the new policy **1.10 Travel and Expenses**.

Policy 1.10 Travel & Expenses has been developed to provide greater guidance to Councillors and staff concerning the extent of expenses that can be claimed by and equipment provided to, Councillors and Officers.

Policy 1.11 Media Policy provides a framework for media communications by Councillors and Staff.

Policy 2.2 Employee Benefits.

Amendments have been proposed to increase the relocation allowance from \$2,000 to \$5,000 and make provision for superannuation fund of choice and recovery of fringe benefits tax.

Policy 2.3 Private Use of Council Vehicle has been replaced with a new policy that is far more prescriptive.

Policy 2.4 Senior Employees. .

This Policy currently makes reference to a requirement that the CEO submit to Council the salary and performance review recommendations relating to Senior Staff and this is contrary to the separation of powers embodied in the Local Government Act.

There appears to be some confusion in regards to the function of Council in having a veto of a recommendation concerning the employment or dismissal of a senior staff member (Section 5.37 (2)) and the conditions of employment that apply to Council employees. The CEO is responsible for the employment of all staff of Council other than the CEO (Section 5.41 (g))

There is no requirement for Council to approve the conditions of employment of staff or any increments in salary that are within the provisions of the Council budget. The CEO must however make available for public inspection the remuneration packages of Senior Staff. (Sect 5.95 (5) (a))

The role of Council is to determine which positions within the organisational structure are designated as Senior Staff and it is a normal function of the CEO to conduct an annual performance appraisal and approve any increments or changes to employment conditions.

The policy is therefore proposed to be amended to refer only to the determination by Council of who are Senior Staff (Paragraph one).

Policy 2.11 Council operated standpipes/Mt Hampton dam and Dulyalbin tank facilities

The policy contains a reference to a fee or charge which should form part of the annual review of fees and charges rather than being fixed in time by the policy document.

Policy 2.12 Council Staff Christmas Function.

This policy could possibly be deleted but if not, the Council cannot delegate a function under the Local Government Act to anyone other than the CEO (Sect 5.42). The policy has been amended to reflect this, but the approval for a Christmas function is really a procedural matter well within the scope of the CEO's responsibilities.

Policy 2.13 Executive Motor Vehicle Replacement this policy has been incorporated into the new policy 2.14 Motor Vehicle Private Use.

Policy 2.14 Motor Vehicle Private Use.

This policy sets out the terms of the conditions under which Council staff have use of Council vehicles. The policy mostly relates to Senior Staff and there are some matters which require further explanation.

In order to function, Council is required to purchase vehicles. Those vehicles can be restricted to business use only, or made available to staff for private use on such terms as the Council considers appropriate. The vehicles however always remain a Council vehicle for business use.

Council staff who have private use of a Council vehicle pay for that private use by way of salary sacrifice. The extent of that salary sacrifice is substantial, in the case of the CEO \$15,000 per annum and in the case of other staff \$10,000 per annum. They all have the option, at any time, to cash in that private use, as has happened in the case of the current CEO.

The revised policy sets out some ground rules for what is private use and who and where the vehicle can be driven.

Policy 3.2 and 3.3 Concerning Fire Permits.

It is interesting to note that the Bush Fires Act specifically provides for the Council to delegate functions to persons other than the CEO. It's probably a moot point as the officers to whom the delegation is made are a "committee" and not employees. Whilst the policies are valid it is important for Council to ensure that the powers under the Bush Fires Act to issue infringements etc are also delegated to the CEO in accordance with Sect 48(1) of the Bushfires Act.

Policy 4.2 Surplus Funds Investment.

This policy has been amended to delete the reference to the DCEO as Council can only delegate functions to the CEO who can sub-delegate. Council has also determined the Cheque signatories and the regulations deal with the matter of authorisation for payments.

Policy 4.5 Purchasing

The policy has been amended to remove references to a delegation to staff other than the CEO. The CEO has sub-delegated responsibility to senior staff within certain parameters consistent with the policy.

Policy 4.6 Signing of Cheques

This policy has been amended to remove reference to the requirement to have specimen signatures as this is a procedural issue for the banks and not the Council. The banks have and do issue electronic devices and pass-codes to authorised payments. The authority for how many and who can authorise payments is also covered in the regulations. The reference to credit cards has been removed as there is now a new Credit Card policy.

Policy 4.9 Use of Council Credit Card is a new policy specifically dealing with the controls around Council Credit Cards.

Policy 5.6 Swimming Pool Usage

This is a new policy requested by Council.

Policy 6.2 Heavy Haulage on Roads

This has been modified to include the model for recovery of damage to roads. There is a separate report on this in the agenda.

Comment

W Dallywater made comment regarding Policy 5.6 – the Swimming Club has agreed to have one lane and not two.

R Bosenberg commented on the gravel purchasing prices went from 35 to 40 cents. CEO suggested that it should be in the Fees and Charges. R Bosenberg to email DCEO with the figures to be adapted in the Fees and Charges.

Statutory Environment

Various provisions of the Local Government Act and Regulations.

Policy Implications

This report is a revised policy.

Financial Implications

Nil

Recommendation

That the amendments to the policy register as proposed be adopted and that a final draft with all the changes be presented for endorsement at the next meeting.

Voting Requirements

Absolute Majority

229/2010

Moved Cr Pasini Seconded Cr J Della Bosca that the amendments to the policy register as proposed, be adopted and that a final draft with all the changes be presented for endorsement at the next meeting.

CARRIED ABSOLUTE MARJORITY (7/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.4
Subject:	Sporting Recreation Precinct
File Reference:	
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	6 September 2010

Background

Council at its meeting last month resolved to discuss with the Architects a plan to progress the capital works in line with anticipated income flows so as to maximise grant funding and to avoid the necessity to borrow funds to complete the project. This report highlights the outcomes of that meeting.

A meeting with the architects was held on 31st August and the following matters were discussed and the architects have now identified as the plan for the future of this project:

Existing 3 phase development plans & road closure.

Various aspects of this schematic design are no longer suitable due to budgetary constraints & practicality.

- Road closure to facilitate will no longer be considered.*
- No new parking areas are required at this stage.*
- No large function room required.*
- Hydro Pool facilities to be treated as a separate building on existing pool level & will require other funding.*
- Change room facilities remain.*

*We discussed a new approach & agreed on a **Schematic Design Stage** proposal which would recognize of the following -*

Budget

Budget available is \$1 200 000.00. May be extended to \$ 2 000 000.00

Sporting clubs relocation

- Relocation of the Bowls Club & the Tennis Club to the existing tennis court area. The new clubhouse is to be located where the 2 separated tennis courts now stand.*
- A new artificially lit, synthetic surfaced 36m x 36m bowling green & associated shade structures are to be located on the northern side of the proposed clubhouse where the current tennis clubhouse stands.*
- The 3 remaining tennis courts are to be upgraded ie upgrade surface, fencing & lighting.*
- The new clubhouse building is to be connected to existing Rec. Centre & pool area by means of paths & landscaping. Consider creating raised & textured road crossing to encourage traffic calming.*

Basketball/netball Club

- This club & courts are to remain in existing position.
- Existing clubhouse to be upgraded ie provide a budgetary allowance to fit ceilings & insulation; paint interiors; upgrade kitchen; resurface change areas.

New clubhouse

- Large shaded outdoor areas are to be provided alongside the clubhouse overlooking both tennis & bowls areas.
- Clubhouse to be located away from the embankments to avoid costly retaining walls.
- Club room to be used for smaller after-sport social functions & should be approximately 70sq.m (as measured in the existing Bowling Club)
- Bar - Glass door fridges are adequate. No cool room is required. Allow for small Dry Store.
- A shared residential level Kitchen of 3.5m x 6m will suffice. (as measured in the existing Bowling Club) Allow for stainless bench tops & Refuse area in yard.
- Provide separate offices facing courts/greens with storage cabinets for tennis & bowls. One equipment store for each club of 2m x 2m each for implements to be provided.
- Change rooms & toilets – can be shared by clubs. Require 1 shower in each of the 2 ablution areas provided.
- Omit dedicated Meeting Room. Meetings are to be held in Club Room.

Existing pool area – provide schematic design / master plan only at this stage.

- Allow for repairing existing change rooms ie resurface floors; repaint all walls; provide hot water; upgrade entrance aesthetic & resolve structural issues.
- Integrate new Hydro Pool design with existing pool change areas.
- Consider upgrading certain aspects of existing pool ie shade structures.

Method of construction for new clubhouse.

After the Council's consideration of the new proposals (and changes implemented where required), we will proceed with the investigation of appropriate construction types.

Construction options & cost comparisons to be investigated –

- Steel or timber framework (studwork) & cladding construction – Low mass system suitable for clay soil conditions. Labour intensive on site. More flexible design.
- Transportable construction – Low mass system. Labour intensive off site. Size constraints.
- Off-site tilt-up construction - High mass system. Off site external wall panel construction. Walls - Labour intensive off site. More flexible design.

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Time lines.

MCG Architects are to provide changed schematic design for approval at Council meeting on Friday 17 September 2010.

MCG Architects were advised that initial funding of \$ 350,000.00 is to be spent before end of June 2011. If schematic design is approved at the next Council meeting, MCG Architects will endeavour to complete Documentation by end November 2010 for tender purposes.

The schematic plans are to be available at the meeting for Council consideration.

Comment

The Schematic Plans and reports are still not received. The funding does have to be spent reasonably quickly before the second round of funding is made available.

Cr Truran found them to be reasonable with common sense, and found them to be constructive.

Cr W Della Bosca found that they were sensitive to the fact of what was acceptable.

Cr Auld found them to be realistic regarding the costs. Cr Auld met with Terry Waldron and said that we would be looked upon favourably if changes were made.

President suggested that the CEO and others have a look at the set up of the Corrigin Recreation Facilities. Funding from Lotterywest, Aged Care and Families were received.

President asked the Works Manager what he thought, he found it to be open and realistic.

It was suggested that the Bowls and Tennis done, and the upgrading of the Netball facilities done if sufficient funding. In the future it would be suggested that the Basketball and Netball facilities be done as a separate project. Following the hydropool as a separate project.

It was suggested that the existing building is structurally sound and that it can be utilized and extended when the time nears.

Statutory Environment

Nil

Policy Implications

Nil

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Financial Implications

Cost relating to enlisting Architects for design work have been factored into 2010-11 Budget.

Recommendation

Council consider and adopt the revised schematic plans for the Yilgarn Recreation Precinct. Acknowledge the report and await for the plans in October 2010. To be deferred to the October Meeting.

Voting Requirements

Simple Majority

230/2010

Moved Cr Kenward Seconded Cr Truran that Council receives the CEO's report on the Sporting Recreation Precinct, and defers their decision until the October Meeting when schematic plans have been received and reviewed.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.5
Subject:	LGMA State Conference
File Reference:	4110
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

The Local Government Managers' State Conference is to be held in Fremantle from 3rd to 5th November and this report seeks nominations of any interested Councillors who may wish to attend.

The theme for this year's conference is "Creating a high performing Culture you-your team- your culture "and the conference program has been designed to provide insight into dealing with the pressure to reform, reassess, redevelop and reorganise.

The Conference provides an opportunity to learn from top level speakers and industry professionals with speakers addressing topics such as Collaborating to build communities, creating high performance sustainable culture, mentoring and coaching in local government. In addition, the Minister for Local Government and Director General will be presenting at Conference.

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This conference whilst primarily directed to the management teams of Local Government authorities, is increasingly popular with elected members due to the quality and content of speakers and presentations.

A copy of the conference program has been circulated with the information booklet and interested Councillors should indicate their interest in attending.

The Tidy Towns Regional awards presentation is to be held in Southern Cross on 15th October and whilst it is possible for the Council meeting and the events to coincide it would be more practical if the Council meeting was moved back.

Comment

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is an annual allocation for conference and seminar expenses.

Recommendation

That Council endorse the attendance of the CEO, DCEO and interested Councillors to the LGMA State Conference in Fremantle from 3rd to 5th November.

Voting Requirements

Simple Majority

231/2010

Moved Cr Pasini Seconded Cr W Della Bosca that Council endorses the attendance of the CEO, DCEO and interested Councillors to the LGMA State Conference in Fremantle from 3rd to 5th November.

CARRIED (7/0)

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Cr Kenward declared an interest in the following item, who left room at 4.05pm and returned at 4.09pm

Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.6
Subject:	Aero Club Lease and Loan Agreement
File Reference:	15047
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

The Council has previously endorsed the construction of a new hanger at the aerodrome for use by the Southern Cross Aero Club and this report seeks endorsement of the agreement and execution under common seal.

The Council has endorsed the lease agreement which provides for a nominal rental on a building that the Council will construct with funding from a loan to the Aero Club.

Council has not called tenders for nor advertised this lease for public comment and because the lease is to a local sporting club and there are provisions within the Regulations to exempt the requirements to call for public submissions in such circumstance.

The lease and loan agreement are included in the agenda for Council endorsement.

Comment

CEO mentioned that the Council are responsible for all the outgoings because the building is on Council land. Anything over \$1000 annually the Council will cover, anything above that they will be invoiced.

Council risk cover is \$20 million, advice from the Brokers might be necessary.

Exemptions under regulations are not required to advertise this lease because it is a sporting organisation otherwise they would have to formally advertise.

Agreements to be executed under Common Seal.

Statutory Environment

The Local Government (Functions and General) Regulations 1996 section 30 provide an exemption from the need for Council to advertise a lease with respect land, as required under section 3.58 of the Local Government Act, where the land is disposed (leased) to a body whose objects are sporting or other similar nature.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council pursuant to Regulation 30 of the Local Government (Function and General) regulations agree to a lease to the Southern Cross Aero Club Inc of the Aero Club hangers and to a loan to the Southern Cross Aero Club to fund the construction of such hangers. Further that the lease and loan agreements be executed Council seal.

Voting Requirements

Simple Majority

232/2010

Moved Cr Pasini Seconded Cr J Della Bosca that Council pursuant to Regulation 30 of the Local Government Function and General regulations agree to a lease to the Southern Cross Aero Club Inc for the Aero Club hangers and to a loan to the Southern Cross Aero Club to fund the construction of such hangers. Further that the lease and loan agreements be executed with the Council seal.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 17 September 2010
Agenda Reference:	7.7
Subject:	Wheatbelt GP Practice
File Reference:	7007
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

To inform a Council on current status of arrangement for GP network and to seek Council endorsement of action taken.

The Council has previously endorsed the actions of the ACEO and Shire president in undertaking an agreement with Wheatbelt GP network for the provision of a medical service to Southern Cross and allocated funds in the budget to establish the practice.

The agreement provides for Council to pay a subsidy of \$55,000 per annum and to meet any shortfall on the operation of the GP practice in Southern Cross and/or share 50/50 any surplus. In addition to a financial contribution Council is required to maintain the medical residence, the practice buildings and car.

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In the even that an overseas doctor is recruited Council is required to meet the reasonable cost of one economy flight to Australia for the Doctor and his/her spouse.

In terms of establishment costs Council has committed capital expenditure as follows:

	\$
Equipment for Practice purchased from Gemini Medical	3,454
Establish IT network & computers (see note 1)	27,871
Sundry other equipment estimated	<u>5,000</u>
Total	<u>\$36,325</u>

Note 1: It is proposed that Council recovers the cost of the IT equipment from the Practice as a cost recovery over four years by way of hire charge.

Council would normally be required to call tenders for the provision of any contract where the value of the contract is likely to exceed \$100,000. This requirement relates to all contracts involving the supply of goods or services, including the provision of medical services.

However, whilst this issue has not previously been addressed an exemption within the legislation exists with respect to goods or services where the Council determines that :

‘Because of the unique nature of the goods or service required or for any other reason, it is unlikely that there is more than one potential supplier ‘

Given that Council has canvassed extensively for the provision of medical services in the past and doctors or organisations that are prepared to operate medical clinics are both difficult to locate and expensive to recruit, the use of an organisation such as Wheatbelt GP Network is a unique way to secure the services of a doctor in the circumstances where there was unlikely to be more than one potential supplier.

The agreement for the operation of the practice has now been prepared and requires endorsement and execution by Council seal.

Comment

CEO mentioned that fundamentally there is a 30 day period “sudden death” meaning that if a doctor is not in service for 30 days then the contract will be terminated.

It is suggested that there is a cost recovery process with some patients being charged, currently at the moment it is Medicare covered. Negotiations with Paul West and Department of Health regarding the on call fee of \$340 per night. Contract to be endorsed and executed under Common Seal.

Statutory Environment

Local Government (Functions and General) Regulation 1996 section 11 (2) (f) provides an exemption from the calling of tenders in circumstances described in the report.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council;

- 1 Confirm its belief that the contract with Wheatbelt GP Services is a contract which by the nature of the services being offered falls within the exemption to calling for tenders provided in the legislation and
- 2 Endorse the commitments to supply equipment and computer services to enable the establishment of the medical practice and
- 3 Approve of the agreement between Wheatbelt GP Practice for the management of a general medical practice in Southern Cross to be executed under common seal.

Voting Requirements

Simple Majority

233/2010

Moved Cr Truran Seconded Cr Auld that Council;

1. *Confirms its belief that the contract with Wheatbelt GP Services is a contract which by the nature of the services being offered falls within the exemption to calling for tenders provided in the legislation and*
2. *Endorses the commitments to supply equipment and computer services to enable the establishment of the medical practice and*
3. *Approves of the agreement between Wheatbelt GP Practice for the management of a general medical practice in Southern Cross to be executed under common seal.*

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.8
Subject:	SOUTHERN CROSS CARAVAN PARK
File Reference:	13105
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	9 th September 2010

Background

The current lessee of the Southern Cross Caravan Park have requested an extension of the current lease that is due to expire on 31st January, 2014 for a further six years.

The current lease was prepared in February 1999 for a period of 10 years with the option to extend the lease for a further period of five years. Council has granted this extension in 2009 and is not required to consider options concerning the ongoing lease of the park until late in 2013.

The operators of the park are considering options for growing the business and are looking for security beyond the current term.

However, the lease does not extend beyond this term and the Local Government Act requires that Council either call tenders for the lease or gives public notice of the intention to establish a lease and invite submissions in respect thereof. The Department of Regional Development and Lands have advised that there is a limit of 21 years on leasing and that the current agreement cannot be extended.

Another complication is that there will be a new Council in place in July 2012 and it will at that time be necessary to review all leases and other contractual arrangements. A decision to renew or advertise the lease can be made at that time in preparation for the commencement on 1st February, 2013.

Comment

Nil

Statutory Environment

Section 3.58 (2) of the Local Government Act requires that the Council can only lease property (termed "disposal") by way of public tender or public submission process. The Department of Regional Development and Lands have advised that there is a limit of 21 years on leasing and have been asked to provide details of any special conditions that attach to any new lease.

Policy Implications

Nil

Financial Implications

The Caravan Park lease is estimated to generate over \$35,000 in revenue to Council this financial year.

Recommendation

That the lessee of the Southern Cross Caravan Park be advised that the caravan park lease agreement does not provide for any further extensions of the current lease and therefore a process for establishing a new lease will be undertaken some time in late 2012.

Voting Requirements

Simple Majority

234/2010

Moved Cr W Della Bosca Seconded Cr Kenward that Council advises the lessee of the Southern Cross caravan Park, that the caravan park lease agreement does not provide for any further extensions of the current lease and therefore a process for establishing a new lease will be undertaken some time in late 2012.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th September 2010
Agenda Reference:	7.9
Subject:	CONFIDENTIAL Salary Package Adjustment Director Position – DCEO Ms Vivienne Murty
File Reference:	Personal File
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 September 2010

Recommendation

That Council receives the report.

235/2010

Moved Cr Auld Seconded Cr W Della Bosca that Council receives the report.

CARRIED (7/0)

Council recessed at 4.22pm for afternoon tea and resumes at 4.35pm.

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 17 th September 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:	9 th September 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.

The following reports are enclosed and have been prepared as at the 31ST August 2010:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity as at 31/8/10 – Late Item
- Rates Receipt Statement (prepared to 8th September 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.

Comment

Rates notices went out, from 20th August and 8th September 2010 a total of \$366,427 in rates. It is believed that the discount was a good incentive to pay early. President requested that a meeting be held before the Auditor come through. It was suggested the Wednesday, 20th October 2010.

Statutory Environment

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

Policy Implications

None

Financial Implications

None

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Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

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

236/2010

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

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th September 2010
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	4132
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 th September 2010

Background

Municipal Fund – Cheque Numbers 35481 to 35596 totalling \$418,463.96, Municipal Fund – Cheque Numbers 956 to 957 totalling \$57,167.52, Trust Fund – Cheque Number 401881 to 401886, totalling \$18,153.93 and Trust Fund – Cheque Numbers 5689 to 5691 (DPI Licensing), totalling \$37,132.40 are presented for endorsement as per the submitted list.

Comment

Nil

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil.

Recommendation

That Council endorse the accounts covered by Municipal Fund - Cheque Numbers 35481 to 35596 totalling \$418,463.96, Municipal Fund - Cheque Numbers 956 to 957 totalling \$57,167.52, Trust Fund - Cheque Number 401881 to 401886, totalling \$18,153.93 and Trust Fund - Cheque Numbers 5689 to 5691 (DPI Licensing), totalling \$37,132.40 are presented for endorsement as per the submitted list.

Voting Requirements

Simple majority.

237/2010

Moved Cr Truran Seconded Cr W Della Bosca that Council endorses the accounts covered by Municipal Fund - Cheque Numbers 35481 to 35596 totalling \$418,463.96, Municipal Fund - Cheque Numbers 956 to 957 totalling \$57,167.52, Trust Fund - Cheque Number 401881 to 401886, totalling \$18,153.93 and Trust Fund - Cheque Numbers 5689 to 5691 (DPI Licensing), totalling \$37,132.40 are presented for endorsement as per the submitted list.

CARRIED (7/0)

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council - Friday, 17th September 2010
Agenda Reference:	Works 9.1
Subject:	Tender: 1/2010-2011 Hot Sprayed Bitumen
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:	7 th September 2010

Background

Tenders were invited for the annual supply and spraying of hot bitumen for the 2010/2011 Financial Year Road Construction Program. Bitumen demand is required for the 2010/2011 Road Construction Program for the Moorine Rock South Road, Bodallin North Road, and Koolyanobbing Road. It is expected 55% of bitumen quantities will be sprayed in lots of above 25,000 litres. The remaining 45% will be sprayed in lots off between 10,000 to 25,000 litres.

Under the terms and conditions of the tender document the cost per litre of bitumen is fixed for the duration of the acceptances of the tender until 30th June 2011.

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In Council's Construction Program for the 2010/2011 Financial Year it is estimated that 93,000 litres of 98/2 hot bitumen will be used to carry out re-sealing programs and 61,000 litres 95/5 hot bitumen will be used to carry out first coat prime seals, a combined total of 154,000 litres.

The following two tenders from Fulton Hogan (*formally Pioneer*), Boral Asphalt and Bitumen Surfacing were received (*GST exclusive*): -

1. Fulton Hogan (*GST exclusive*)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.05 per litre	\$ 1.06 per litre
10,000 25,000	\$ 1.00 per litre	\$ 1.00 per litre
above 25,000	\$ 1.00 per litre	\$ 1.00 per litre

Adhesive Agent - \$ 0.05 per litre

Expected total cost to Council's Construction Program

19,000 litres in job lots of 10,000 to 25,000 litres of 98/2:	\$ 19,000.00
88,400 litres in job lots of above 25,000 litres of 98/2:	\$ 88,400.00
52,500 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 52,500.00
159,900 litres with 0.1% adhesive agent	\$ 799.50
Total	<u>\$160,699.50</u>

2. Boral Asphalt (*GST exclusive*)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.31 per litre	\$ 1.29 per litre
10,000 25,000	\$ 1.08 per litre	\$ 1.07 per litre
over 25,000	\$ 1.06 per litre	\$ 1.04 per litre

Adhesive Agent - \$ 0.04 per litre

Expected total cost to Council's Construction Program

19,000 litres in job lots of 10,000 to 25,000 litres of 98/2:	\$ 24,510.00
88,400 litres in job lots of above 25,000 litres of 98/2:	\$ 91,936.00
52,900 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 57,132.00
159,900 litres with 0.1% adhesive agent	\$ 639.60
Total	<u>\$174,217.60</u>

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3. Bitumen Surfacing (GST exclusive)

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.09 per litre	\$ 1.07 per litre
10,000 25,000	\$.98 per litre	\$.96 per litre
above 25,000	\$.96 per litre	\$.93 per litre

Adhesive Agent - \$ 0.08 per litre

Expected total cost to Council's Construction Program

19,000 litres in job lots of 10,000 to 25,000 litres of 98/2:	\$ 20,330.00
88,400 litres in job lots of above 25,000 litres of 98/2:	\$ 82,212.00
52,900 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 50,784.00
159,900 litres with 0.1% adhesive agent	\$ 1,439.10

Total **\$ 154,765.10**

When setting the 2010/2011 Financial Year Construction Budget a monetary allocation of \$171,093 (GST exclusive) was allowed for in Council's Construction Program for purchasing of bitumen products to carry out bitumen spray works.

As can be seen from the above calculations the tender submitted by Boral Asphalt (\$174,217.60) is the highest, followed by Fulton Hogan (\$160,699.50), and the least expensive from Bitumen Surfacing (\$154,765.10).

Comment

Nil

Policy Implications: In line with Council's Policy, "Finance 4.5 Purchasing Quotes and Tenders"

Financial Implications: Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in Council's 2010/2011 Construction Program Budget

Strategic Implications: 2010/2011 Construction Program

Recommendation

That Council accepts the tender submitted by Bitumen Surfacing for the supply and spraying of hot bitumen for the 2010/2011 Financial Year.

Voting Requirements

Simple Majority

238/2010

Moved Cr Kenward Seconded Cr Pasini that Council accepts the tender submitted by Bitumen Surfacing for the supply and spraying of hot bitumen for the 2010/2011 Financial Year.

CARRIED (7/0)

Cr Kenward Declared interest in the following item and left room at 4.45pm and returned at 5.00pm

Submission to:	Ordinary Meeting of Council September 17th 2010
Agenda Reference:	Works 9.2
Subject:	Southern Cross Aero Club - Cropping of Airstrip Land 2011
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12501
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	9 th September 2010

Background

Cr Gary Kenward, Secretary for Southern Cross Aero Club has written to Council seeking permission on behalf of the Aero Club to crop the Southern Cross Airstrip Land in the 2011 cropping season. Cr Kenward has indicated in the correspondence that the Aero Club is raising money to assist with the funding of the purchasing of aircraft hangers which are shortly to be erected at the airport and long term plans to purchase a club aircraft.

As Council are aware over the past twelve months there has be some improvements carried out at the airstrip with gravel sheeting of runway 14/32, increasing the size of the apron area, installation of a new terminal and ambulance shed and development of a carpark area.

All the land required for the development works carried out over the past twelve months has been taken. However with the proposed development of a new iron ore mine south of Marvel Loch there is a possibility that the mining company involved may approach Council to widen (*at their cost*) the runway/runways to accommodate larger aircraft landing at the airstrip. If this was to occur there would be the inconvenience of the loss of land available for cropping of which applicants should be made aware off.

In 2008 the land available for cropping at the airstrip was rested. The Southern Cross Football Club has cropped the airstrip land over the past two years (2009, 2010) and there have been no issues with their use of the land. The author of this item has

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contacted Mr. Bryan Close the President of the Southern Cross Football Club and advised him of the Aero Clubs application.

If Council gives approval for the Aero Club to crop the airstrip land then conditions similar to that imposed on the Football Club should also be imposed on the Aero Club as follows:

- 1) Aero Clubs contributes towards cost to control of noxious weeds (*up to the value of \$500*)
- 2) No un-authorised person/persons or machinery are permitted to enter the airstrip reserve (*the perimeter of the airstrip reserve is clearly marked with large white cones*)
- 3) Under no circumstances, the aircraft approaches to runways 14/32 and 09/27 are to be obstructed by machinery or markers
- 4) Boundary fire breaks encompassing the airport reserve are to be maintained in a good condition

Comment

It was requested that a recommendation of minimum till operation as Recommendation 1. Decided by Council after every 2nd year that cropping will be advertised publicly and a nomination process be considered. To be advertised in the upcoming Crosswords and closing on 20th October 2010 prior to the November Council Meeting.

Statutory Environment:

Nil

Policy Implication:

Nil

Financial Implications:

Nil

Recommendation

That Council grants approval for the Southern Cross Aero Club to crop the Southern Cross Airstrip Land for the 2011 cropping season with the following conditions being adhered to:

- 1) Minimum till operations
- 2) Aero Clubs contributes towards cost to control of noxious weeds (*up to the value of \$500*)
- 3) No un-authorised person/persons or machinery are permitted to enter the airstrip reserve (*the perimeter of the airstrip reserve is clearly marked with large white cones*)

- | | |
|----|---|
| 4) | Under no circumstances, the aircraft approaches to runways 14/32 and 09/27 are to be obstructed by machinery or markers |
| 5) | Boundary fire breaks encompassing the airport reserve are to be maintained in a good condition |

Voting Requirements

Simple Majority

REASON FOR AMENDMENT TO RECOMMENDATION

Council believed that all community groups within the Shire of Yilgarn should have the opportunity to apply to Crop the Airstrip Reserve for the 2010 season, and Council will advertise for expressions of interest in the Crosswords, and then decide on the allocation of which community group will crop the Reserve.

239/2010

Moved Cr W Della Bosca Seconded Cr Truran that Council advertise in September Crosswords calling for expressions of interest from Yilgarn community groups who are interested in cropping the Airstrip Reserve for the 2010 season. Nomination are to be presented to Council at a later date for their review.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council September 17th 2010
Agenda Reference:	Works 9.3
Subject:	WestNet Rails - Koolyanobbing Road Closure
Location/Address:	Koolyanobbing Road
Name of Applicant:	John Holland
File reference:	12809
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	8 th September 2010

Background

Correspondence has been received from WestNet Rails advising Council of works to be carried out on the Rail Crossing located approximately one kilometre south of Koolyanobbing on the Koolyanobbing Road.

As the works involve removing and replacing complete sections of rail line along with excavating substandard pavement materials, and replacing with new materials, there will be a requirement for the Koolyanobbing Road to be closed during the course of these works. WestNet Rails is seeking Council's permission to close the Koolyanobbing Road from 4:30am Sunday 19th September through to 1:00am Monday 20th September. The upgrade works will be carried out by WestNet contractors John Holland.

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In Council's "Policy 6.8 Road Works on Council Roads", there is a requirement for contractors working on Council controlled roads to submit appropriate traffic management plans in accordance with "Main Roads Western Australia Code of Practice 2009 for Traffic Management for Works on Roads".

WestNet have engaged Albany Traffic Control to design and submit the required Traffic Management plan, of which has been received by Council's Manager for Works.

In the Traffic Management plan submitted it states that affected business's that will be impacted on, by the road closure have been notified (*WA Salt, Cliff Resources and BGC*).

Notification of road works has also been distributed to WA Police, MRWA Goldfields Esperance Region, MRWA Heavy Vehicle Operations, St Johns Ambulance, Fire Emergency Services and Shire of Yilgarn.

A suitable detour will be in place utilizing the rail access road on the south and north side of the railway line with the crossover point being approximately two kilometres east of the Koolyanobbing Road. The detour will be suitable for all traffic utilizing the Koolyanobbing Road. During the road closure the detour and crossover point will be manned by accredited traffic control personnel to assist with traffic.

Due to the urgency and timing of the proposed works (*Sunday 19th September*) and the submission of a Traffic Management Plan in accordance to Council's, "Policy 6.8 Road Works on Council Roads" approval has been granted by Council's Manager for Works for the closure of Koolyanobbing Road so as these works can be carried out.

Policy Implications: *"Policy 6.8 Road Works on Council Roads"*

Comments

Nil

Recommendation

Council endorses the action of the Manager for Works to grant permission to WestNet Rails to close the Koolyanobbing Road so as the maintenance works on the rail line can be carried out in a safe manner in accordance to the Traffic Management Plan submitted by WestNet Rails.

Voting Requirements

Simple Majority

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240/2010

Moved Cr Pasini Seconded Cr Truran that Council endorses the action of the Manager for Works to grant permission to WestNet Rails to close the Koolyanobbing Road so as the maintenance works on the rail line can be carried out in a safe manner in accordance to the Traffic Management Plan submitted by WestNet Rails.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 16 th September 2010
Agenda Reference:	9.4
Subject:	<i>Cost Recovery Relating to Mining and Extractive Industries</i>
File Reference:	12801
Author:	Bret Howson - Consulting Engineer and Robert Bosenberg - Manager for Works
Disclosure of Interest:	Not applicable
Date of Report:	7 th September 2010

Background

This report seeks Council endorsement of a pricing structure which identifies the cost that the Shire can recover from heavy vehicles for consumption (or capital damage) of the road network.

This gap cost calculation will be administered by amending Council's existing policy No: 6.2 HEAVY HAULAGE ON LOCAL ROADS to include *Cost Recovery Relating to Mining and Extractive Industries* which will allow Council officers to recover the cost of road consumption from heavy vehicle operators (carting campaigns such as mining, extractive industry).

The proposed cost is proportional share of the actual costs attributable to heavy traffic, calculated by axle numbers and applied to individual vehicle movement.

In developing a fee structure that was equitable for heavy vehicle operators, Council should be careful not to duplicate other charges already imposed and are justifiable, the work of the National Transport Commission was used as a basis for the Shire's fee calculations.

The National Transport Commission (NTC) has the responsibility for developing and recommending heavy vehicle road use charges to the Australian Transport Council (ATC) and then applying these charges nationally via vehicle registration and fuel use.

Heavy vehicle road use charges are set by the ATC to recover heavy vehicles' share of the road expenditure. A two-part charging system applies, comprising a fuel charge

(19.663 cents per litre) and an annual registration charge. The money collected from these charges is then distributed to the State and Local Governments through road grants. It is therefore important that in setting Shire fees for heavy vehicles that charges are not duplicated, once through the Federal system and again by the Shire.

The first national road user charging system was developed for heavy vehicles in Australia by the NTC in 1992 and implemented in 1995-96, and then a second pricing determination was agreed and implemented in 2000. This method ensures that costs allocated to heavy vehicle classes are recovered in aggregate, based on average, but does not match charges to the costs associated with individual vehicle types.

A third pricing determination was presented to the Australian Transport Council in 2005, which reflective of the patterns of use, loading between different types of vehicles and pavement restoration expenditure, however the recommendations of the third determination were not endorsed by Transport Ministers despite it being a more comprehensive and fair determination.

Despite some weaknesses in the pricing determinations, the current national approach is still highly regarded by international standards and continues to provide a platform for further development.

It is recommended that the NTC model for cost recovery for heavy vehicles be used by the Shire as a basis of determining a cost recovery to charge applicants for heavy vehicle use. It is important to note that that costs recovered will be for other than what would be considered as normal use, i.e. any use which requires special permission from local or state government would be considered as "other than normal use", such as extra mass or oversized vehicles.

This system will only be used for heavy vehicle operation within the Shire of Yilgarn that requires permission from the Shire.

The Calculation

It is important that the Shire does not duplicate other Federal or State charges for heavy vehicles when calculating a cost recovery system for the Shire's network, therefore the following "*cost allocation rules*" developed by NTC and approved by Australian Transport Council have been used for the Shire's calculations.

The cost allocation rules:

1. Vehicle use expenditure type:

The different measures of vehicles use related to the road expenditure include:

- VKT (vehicle-kilometres of travel)
- ESA-km (equivalent standard axle kilometres of travel)
- PCU-km (passenger car unit kilometres of travel)
- AGM-km (average gross mass kilometres of travel)

2. Road Expenditure type (Attributable costs)

- Pavement rehabilitation and new construction
- Servicing and operating expenditure.
- Low cost safety/traffic improvements
- Asset extensions and improvements
- Bridge maintenance and construction

3. Non-attributable costs:

NTC considers that non-attributable costs are defined as being unrelated to the cost of providing capacity on the road network or to other factors relating to road use. These costs have been shared equitably between vehicle classes so as to provide the least distortion to road use decisions.

NTC's 2nd determination allocated 50% of road maintenance expenditure to non-attributable costs.

4. Pavement Maintenance:

Routine Maintenance - repairing potholes, minor patching and crack sealing.

Periodic Maintenance - resealing and resurfacing.

NTC 2nd pricing determination allocated 50% of routine maintenance expenditure to AGM-km and 50% of periodic maintenance to AGM-km. Therefore it was assumed that 50% of maintenance costs are attributable to heavy traffic.

5. Non-motorised road use:

NTC's 2nd pricing determination has made assumptions (based on a survey of local government engineers in 1999) that 75% of urban local road expenditure and 50% of rural local road expenditure exists solely to provide access, amenity, or provide for non-motorised road users, and hence is not related to motorised road use. The value of this expenditure has been excluded from the Shire's cost recovery process.

Shire of Yilgarn Cost Recovery Model

The cost recovery model for the Shire of Yilgarn has been based on the current expenditure for the financial year 2009/2010. These figures were used in the Shire's determination rather than the National average figures used in the NTC model. The National average expenditure is slightly higher than the current expenditure for the Shire of Yilgarn. The Shire's figures include all funding on roads.

- National average expenditure = \$0.032 per Equivalent Standard Axle (ESA)
- Shire of Yilgarn 2009/2010 expenditure = \$0.013 per ESA

This basically means that the Shire of Yilgarn is spending 1.3cents, per standard axle, of its own funds on capital road expenses, whereas the National average is 3.2 cents.

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The use of the Shire of Yilgarn figures was to ensure that heavy vehicle operators were only being charged for actual expenditure rates, not for costs which are not currently being met by Shire's income.

As it is difficult to determine the level of Federal Government support which consists of the heavy vehicle charge, therefore 100% of State Government funding (including WALGA grant) has been excluded from this cost recovery model.

The NTC model also has stated that 50% of road cost (non-attributable) should be shared across all vehicle classes. Again, determining which portion of this 50% is attributable to individual vehicle classes would be very difficult. Therefore the non attributable portion of road expenditure has been excluded from the Shire of Yilgarn's calculation. However 5 of the 12 classes of vehicle would require permits to operate on Council network therefore it is considered that 5/12th (or 40%) of the 50% non-attributable costed can be added to the cost recovery unit rate.

The Shire of Yilgarn calculation also excludes any developer contribution.

In 2009/2010 the Shire spent on:

- Capital improvements to its road network = \$433,673.00
(Excludes the 75% urban and 50% rural non motorised use)
- 50% non attributable = \$216,836.00
- 50% related to heavy vehicles = \$216,836.00

Shire road network design characteristics

- 941.22 kilometres of rural paved roads.
- 78 Average VPD with 37.2% heavy traffic
- 20 year design life for road pavement
- 1% growth factor
- 596,995 Equivalent Standard Axles (ESA) passing over each road for its design life.

Based on these figures, it can be calculated that the Shire spends an average of \$0.013 per kilometre per ESA. It is recommended that this figure be used as the unit cost for the recovery model for extraordinary heavy vehicle operations on the Shire's road network.

A spreadsheet has been developed which uses the above calculation to determine the recoverable cost from an individual application. The following are two examples.

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Working Example 1:

An application was made to cart 4,000,000 tonnes per year over 50.0 kilometre length of Shire road. The application was for an average of 90 loaded trips per working day for 5 and half years.

Heavy Vehicle Road Improvement Contribution		
DETAILS		
Road Name:	Parker Range Road	
Length of road to be used:	50.00	km
Total tonnage of campaign:	22000000	tonne
Time period for campaign:	320	days/year
No of years	5.5	years (i.e. 3 months = 0.25 years)
VEHICLE		
Type of Vehicle	Number of daily movements (loaded)	
Light Truck		(14.0t)
3-axle Truck		(20.0t)
5-axle Truck		(34.0t)
6-axle Truck		(42.5t)
7+ axles	90	(52.0t)
UNIT COSTS		
Actual annual costs from FY 2009/2010		
	Capital (\$)	Maintenance (\$)
Wearing surface (reseals, routine patching, routine seal edge repair)	\$ 87,092.00	\$ -
Localised Pavement Failures (surface correction, potholes, pavement repairs)	\$ -	\$ 457,954.00
Basecourse (renewal and reconstruction)	\$ 346,581.00	\$ 92,204.00
Bridges (replacement & maintenance)	\$ -	\$ -
Safety & Traffic Improvements (improve flow, capacity & risk)	\$ -	\$ 28,516.00
ROAD NETWORK		
Length of all paved roads	924.22	km
Average VPD count	78	vpd
Average % heavy vehicle (>class 5)	37.2	%
RESULTS		
ESA/day	520	loaded
ESA/day	99	empty
ESA/day	619	TOTAL
\$ 241,564.88	spent on capital improvements per year related to vehicle use	
\$ 194,726.60	spent on capital improvements per year related to heavy vehicles	
\$ 133,159.81	spent on maintenance per year related to heavy vehicles	
\$ 770,782.13	cost of network ownership (non attributable cost)	
\$ 1,012,347.00	TOTAL spent on road network	
\$ 0.0131	spent per ESA per km - capital improvements related to heavy vehicles	
\$ 0.0090	spent per ESA per km - maintenance related to heavy vehicles	
\$ 2,598,480	network capital improvements required for this carting campaign	
\$ 1,776,917	network maintenance required for this carting campaign	
\$ 472,451	Annual contribution for capital improvements	
\$ 323,076	Annual contribution for maintenance	

The calculation shows that this type of operation will do \$2,598,480 damage to the road pavement, over and above what is considered as normal use. This figure also

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represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.

Council may request an annual contribution of \$472,451 for this example in lieu of a lump sum.

Working Example 2:

An application was made to cart 800,000 tonnes per year over a 10.0 kilometre length of Council roads. The application was for an average of 27 loaded trips per calendar day for 5 years.

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Heavy Vehicle Road Improvement Contribution			
DETAILS			
Road Name:	Bodallin Nth Road		
Length of road to be used:	10.00	km	
Total tonnage of campaign:	4000000	tonne	
Time period for campaign:	320	days/year	
No of years	5	years	(i.e. 3 months = 0.25years)
VEHICLE			
Type of Vehicle	Number of daily movements (loaded)		
Light Truck		(14.0t)	
3-axle Truck		(20.0t)	
5-axle Truck		(34.0t)	
6-axle Truck		(42.5t)	
7+ axles	27	(52.0t)	
UNIT COSTS			
Actual annual costs from FY 2009/2010		Capital (\$)	Maintenance (\$)
Wearing surface (reseals, routine patching, routine seal edge repair)		\$ 87,092.00	\$ -
Localised Pavement Failures (surface correction, potholes, pavement repairs)		\$ -	\$ 457,954.00
Basecourse (renewal and reconstruction)		\$ 346,581.00	\$ 92,204.00
Bridges (replacement & maintenance)		\$ -	\$ -
Safety & Traffic Improvements (improve flow, capacity & risk)		\$ -	\$ 28,516.00
ROAD NETWORK			
Length of all paved roads	924.22	km	
Average VPD count	78	vpd	
Average % heavy vehicle (>class 5)	37.2	%	
RESULTS			
ESA/day	156	loaded	
ESA/day	30	empty	
ESA/day	186	TOTAL	
\$ 241,564.88	spent on capital improvements per year related to vehicle use		
\$ 194,726.60	spent on capital improvements per year related to heavy vehicles		
\$ 133,159.81	spent on maintenance per year related to heavy vehicles		
\$ 770,782.13	cost of network ownership (non attributable cost)		
\$ 1,012,347.00	TOTAL spent on road network		
\$ 0.0131	spent per ESA per km - capital improvements related to heavy vehicles		
\$ 0.0090	spent per ESA per km - maintenance related to heavy vehicles		
\$ 155,909	network capital improvements required for this carting campaign		
\$ 106,615	network maintenance required for this carting campaign		
\$ 31,182	Annual contribution for capital improvements		
\$ 21,323	Annual contribution for maintenance		

The calculation shows that this type of operation will do \$155,909 damage to the road pavement, over what is considered as normal use. This figure also represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.

Again, Council may request an annual contribution of \$31,182 for this example in lieu of a lump sum.

The cost can be recovered by Council under Road Traffic Act 1974, Section 85, Part 2.

Comment

Nil

Statutory Environment

The head of power which can be used to recover the costs calculated by this policy is found in the Road Traffic Act 1974, Section 85, Part 2.

Road Traffic Act 1974 - Part IV - Miscellaneous states:

Section 85. Power of local government to recover expenses of damage caused by heavy or extraordinary traffic

(1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or

extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.

(2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(3) For the purposes of this section the Minister shall be deemed the local government which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be credited to the Consolidated Fund.

(4) Proceedings for the recovery of any expenses hereunder shall be commenced within 12 months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than 6 months after the completion of the contract or work.

[Section 85 amended by No. 6 of 1993 s. 11; No. 14 of 1996 s. 4; No. 49 of 1996 s. 64.]

Policy Implications

Council Management Staff are recommending that Council endorse the amended Policy No: 6.2 HEAVY HAULAGE ON LOCAL ROADS and the amended policy to include *Cost Recovery Relating to Mining and Extractive Industries* which will allow Council officers to recover the cost of road consumption from heavy vehicle operators (carting campaigns such as mining, extractive industry).

Financial Implications

It is recommended that any cost recovered from any agreement under this policy be held in reserve account solely for the purpose of capital upgrade and the specific section of road or roads which is listed on any permit.

Any amount calculated and claimed from heavy vehicle use under this agreement will not be returned to the applicant at the end of the carting campaign.

Recommendation

1. That Council endorses the use of the cost recovery model for heavy vehicle operations for the recovery of capital damages costs for the Shire of Yilgarn's paved road network.
2. That Council endorses the cost recovery unit at \$0.013 per equivalent standard axle for recovery of capital damage costs for the Shire of Yilgarn's paved road network, with an annual indexing of this unit rate to the Local Government Cost Index on June 30 each year.
3. That Council endorse the amended Council Policy No: 6.2 HEAVY HAULAGE ON LOCAL ROADS

Voting Requirements

Simple Majority for Recommendations 1 and 2

Absolute Majority for Recommendation 3.

241/2010

Moved Cr Auld Seconded Cr W Della Bosca that;

1. *Council endorses the use of the cost recovery model for heavy vehicle operations for the recovery of capital damages costs for the Shire of Yilgarn's paved road network.*

CARRIED (7/0)

242/2010

Moved Cr Auld Seconded Cr W Della Bosca that;

- 2 *Council endorses the cost recovery unit at \$0.013 per equivalent standard axle for recovery of capital damage costs for the Shire of Yilgarn's paved road network, with an annual indexing of this unit rate to the Local Government Cost Index on June 30 each year.*

CARRIED (7/0)

243/2010

Moved Cr Auld Seconded Cr W Della Bosca that;

3. *That Council endorses the amended Council Policy No: 6.2 HEAVY HAULAGE ON LOCAL ROADS*

CARRIED BY ABSOLUTE MAJORITY (7/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 17 th September, 2010 20 th August, 2010
Agenda Reference:	10.1
Subject:	Forward Capital Works Plan 2010/2011 to 2014/2015
Location/Address:	Shire of Yilgarn
Name of Applicant:	Manager Environmental Health & Building Services and Mr Brett Howson of Howson Management
File Reference:	
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th August, 2010

This matter was previously present to the Ordinary Meeting of Council held on 20th August 2010 following a presentation made to Council by Mr Bret Howson, Council's Consultant who drafted the proposed Forward Capital Works Plan. So that Councillors had time to read and understand the Plan, Council resolved that this matter be deferred for a month.

Background

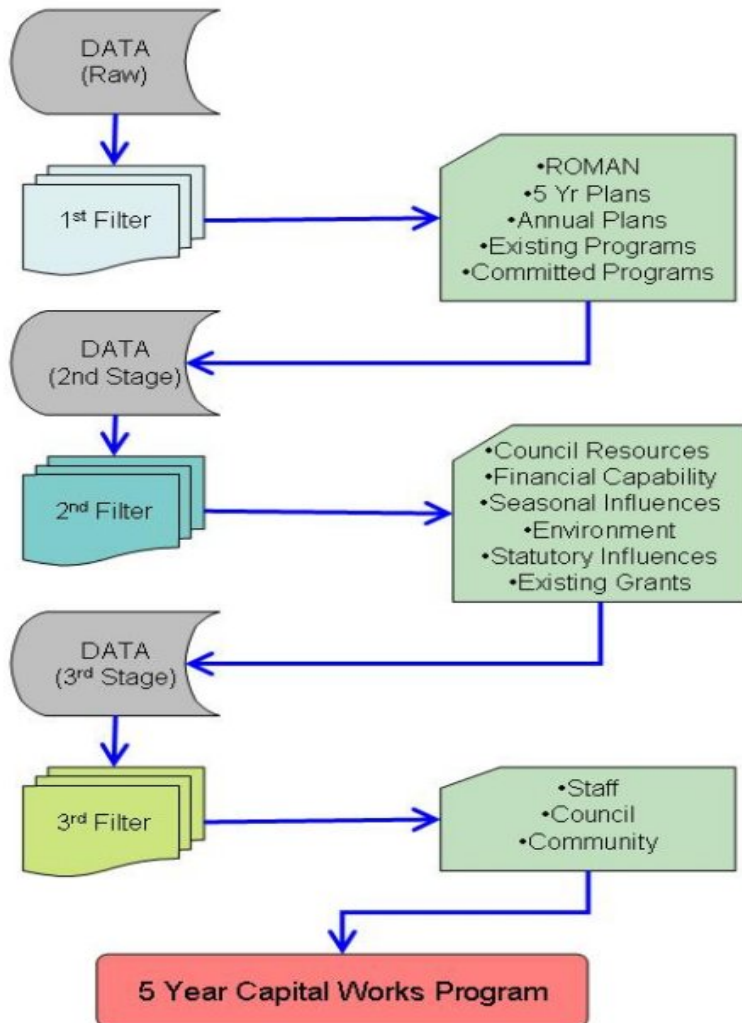
I refer to Agenda Item 7.2 of the Ordinary Meeting of Council held on 21st May 2010 where the previous Chief Executive Officer, Mr Peter Clarke, advised Council that local governments were now required to produce a Forward Capital Works Plan prior to 31st December 2010 in order for local governments to receive future Royalties for Regions Country Local Government Funding (CLGF). This Plan is to identify major projects expected to be carried out within a 5 year period.

At the May 2010 Meeting Council acknowledged this requirement and set about to appoint a consultant to assist with the drafting of 5 Year Forward Capital Works Plan. Mr Bret Howson of Howson Management was referred to the Acting Chief Executive Officer, Mr Eddie Piper, and was duly appointed to draft this Plan.

Basically the preparation of the 5 year Forward Capital Works Plan (FCWP) is to identify actual capital projects, and then add actual costs and timeframes against them to create a working document for realistic forward planning. This document becomes the key to the timely provision of services and infrastructure for the community as well as the efficient, accurate use of available funds.

The FCWP lists the capital projects and allocates time and funds to the activities and tasks associated with each project. These projects have been determined by Council and senior staff in accordance with the broader objectives of a Future Plan to attempt to achieve the vision of Council's Strategic planning.

The Shire of Yilgarn's FCWP has been created in three stages which are the general development and planning stages of any major project in Local Government:



Forward Capital Works Plan - Methodology

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In accordance with the Departments' guidelines, the Shire of Yilgarn's FCWP addresses:

- infrastructure items only, not plant and equipment.
- infrastructure that is owned by Council. (If not, reasons should be provided for Council wishing to spend funds on assets which it does not own. - i.e. Wild Dog Fence)
- expenditure for 5 years, commencing in 2010-11.
- Council approval of the FCWP.
- Information on capital works expenditure by Council in 2009-10.

The FCWP contains an opening statement on what the plan covers and confirms Council approval for it with a signature by the Shire President and Chief Executive Officer. It should include a commitment to review the plan each year.

A summary table has been provided as an overview of the Forward Capital Works Plan by the grouping of projects (e.g. Roads and Bridges, Footpaths, Drainage, Open Space, Buildings, Commercial Activities, Foreshores and Marine Safety, Waste, Recreation, Other). The tables include a total expenditure figure for each year and identifies whether capital works expenditure is either for, Renewal, New Assets or Asset Expansion, or Upgrade.

The FCWP has a summary page for each project providing the following information:

- Purpose of the project.
(Information on whole-of-life cost has not been included on each project as the injection of capital funds from CLGF will renew or replace many aging assets, and in return will clearly reduce the on-going costs to Council.

In many cases there is little historical data relating precisely to whole of life costs of the existing or new assets, and producing these types of cost models can only be created accurately when specific to a certain scenario. Reviewing these scenarios at a later date may result in misleading or incorrect data being taken forward into following plans or budgets.

Each capital project will be presented to Council during normal annual budget deliberations with the relative costing models for consideration at that time.)

- Background on the project.
- Explain how the project meets the intent of the Council's strategic plan. Expenditure (actual and budgeted) on the project in 2009-10.
- Breakdown of funding sources and amount of funding from each source for each out year, including where Council has identified the Country Local Government Fund as a funding source.

- A risk management assessment of each project, including an analysis which addresses scenarios where one or more funding source for a project is reduced, not available or delayed.
- An indication of whether a project involves expenditure for renewal, new assets, or asset expansion or upgrade.
- Any other issues relating to the project.

Forward Capital Works Plan to be reviewed by Councillors and Agenda Item received at September Council Meeting.

Comment

Nil

Statutory Environment

Whilst Forward Capital Works Plans do not have a statutory requirement at this stage, it is good practice to improve the process of planning for the future of the district, which is a requirement under the Local Government Act 1995, Section 5.56(1)

Policy Implications

There are no policy implications with the item.

Financial Implications

There are no specific financial implications with the item, however many projects listed in the FCWP will require additional or matching funds from "other" sources. Council should develop a procedure so funding applications are made in a timely fashion and in accordance with the procedures of the funding agency to ensure that Council's projects are not deferred.

Recommendation

1. That Council receives and endorses the Shire of Yilgarn's Forward Capital Works Plan 2010/2011 to 2014/2015.
2. That Council request the Chief Executive Officer to develop a method of Council reviewing the Forward Capital Works Plan annually.

Voting Requirements

Simple Majority.

244/2010

Moved Cr Kenward Seconded Cr Truran that Council:

1. *Receives and endorses the Shire of Yilgarn's Forward Capital Works Plan 2010/2011 to 2014/2015.*
2. *Request that the Chief Executive Officer develops a method for Council to review the Forward Capital Works Plan annually.*

CARRIED (7/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 17 th September, 2010
Agenda Reference:	Late Item - 10.2
Subject:	Proposed New Single Persons Camp
Location/Address:	Old Railway Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross
Name of Applicant:	Mr David Forman of DR & KB Forman Plumbing Contractors
File Reference:	10303
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	27 th July & 16 th September, 2010

Background

I refer to Agenda Item 10.4 of the Ordinary Meeting of Council held on 16th July, 2010 when an application from David Forman was considered for the establishment of a new single persons village facility or camp. At this Meeting Council passed the following motion:-

"That Council advises Mr David Forman that his proposal to establish a new accommodation camp on Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross is supported on the condition that -

- 1) Council receives and approves a site development plan or concept plan that also shows the design/style of the buildings,*
- 2) the development is for a maximum of 40 people,*
- 3) Council would only be offering a lease agreement for the land of 10 years with an option to extend the lease for a further 10 years,*
- 4) that at the termination of the lease all buildings and infrastructure is to be removed from the site and left as a clean block, and*
- 5) the proposed development is advertised locally through "Crosswords" for and receives community support."*

Mr Forman has been advised of Council's decision. Mr Forman is aware of the notice published in the local "Crosswords" on 22nd July 2010 advertising his proposal and seeking written public comment by 10th September 2010.

As of 10th September 2010 the Shire had received two letters of support for the proposal. These letters are attached and were from:-

- 1) Railway Tavern Pty Ltd - Jo & Robert Notley, proprietors
 - Supports this application for the development of an accommodation facility, with the exception of a further Liquor Licence being granted.

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With the influx of workers in the community it is obvious there is a severe shortage of accommodation.

2) J B Williamson Pty Ltd

- Supports this application for a proposed 40 man accommodation village as often it is hard to find suitable accommodation for casual workers, and this proposal could help with more mining people living in town.

For Council's information, Mr Paul Blair, owner of the Southern Cross Motel, telephoned and spoke with me shortly after the proposal was first advertised. Mr Blair expressed concern that this new accommodation development would take business away from existing businesses. Mr Blair agreed that there were times when the town could afford to have more accommodation, but in the main, the existing accommodation is adequate. I suggested Mr Blair put his comments on paper and forward them to the Shire, which he said he would think about doing, but I am not aware of a letter being received from Mr Blair at this time.

The applicant, Mr Dave Foreman, has written to the Shire advising that plans and layouts for the proposal are currently being drawn and he hopes they will be ready for this Council Meeting. Mr Forman would prefer to them to be ready for the October Meeting, as this gives him adequate time to have the plans ready. As no plans or layouts have been received as yet, I assume they will be ready for the October Meeting. See attached letter from Mr Forman.

In Mr Forman's letter he states that the limit of the proposed village being 40 persons is of concerns and he would need the village to accommodate approximately 60 people to make it a viable proposition. I believe this is for accommodating mine workers on shifts, plus allowing for some overflow requirements.

The rationale behind the recommended maximum accommodation of 40 persons was to give some parameters to the application, which was very general with no details. Council may agree to increase the maximum accommodation number to 60 persons at its discretion.

In making this decision Council should be aware that -

- o Palace Hotel has 42 rooms - 18 with Ensuites and 24 with shared bathroom facilities;
- o Club Hotel has 4 rooms - 2 twin rooms and 2 single rooms all with shared bathroom facilities;
- o Railway Tavern has 9 rooms - all rooms are with shared bathroom facilities;
- o Southern Cross Motel has 38 rooms - 28 rooms with Ensuites and 10 rooms with shared bathroom facilities; and
- o Southern Cross Caravan Park has 8 motel style rooms - 5 rooms have a double/queen bed with Ensuites, and 3 rooms are family rooms using 2

bedrooms with either a double/queen bed in each or a double/queen bed in one room and 2 single beds in the other with an Ensuite in between the rooms.

The majority of these rooms have double or queen sized beds so 2 people can be accommodated in the room (other than the 2 single rooms at the Club Hotel). Thus 101 rooms can accommodate up to 206 people.

At this time we do not know how the units will be laid out on the land and therefore whether the proposed 60 person accommodation village will fit within the designated area of 9,000 square metres (100m wide x 90m deep).

Comment

Nil

Statutory Environment

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

Policy Implications

Nil

Financial Implications

If a new development proceeds on this land, Council will receive rates from the lease.

Recommendation

That Council, after considering the written responses received to the advertising of the proposed development of a 40 person accommodation village in Southern Cross, advise Mr Dave Forman that it will consider increasing the maximum accommodation number from 40 to 60 persons, but only after receiving and accepting the proposed plans and layout designs for the village.

Voting Requirements

Simple Majority.

245/2010

Moved Cr Pasini Seconded Cr Truran that Council, after considering the written responses received to the advertising of the proposed development of a 40 person accommodation village in Southern Cross, advises Mr Dave Forman that it will consider increasing the maximum accommodation number from 40 to 60 persons, but only after receiving and accepting the proposed plans and layout designs for the village.

CARRIED (7/0)

Late Item - 10.3

APPROVAL OF ESTERCIDE HERBICIDE USE - 2010/2011 SUMMER WEED SPRAYING

Background

As in previous years, the Australian Pesticides and Veterinary Medicines Authority (APVMA) has written to the Shire (E-mail) advising that it was seeking Council agreement to allow the use of 2,4-D ethyl ester being used for summer weed spraying within the Shire. APVMA has negotiated with Nufarm Australia Limited to contact each local government on its behalf and to apply for the relevant permit again this year.

If Council agrees to the above, it means that farmers and contract sprayers can use this form of ester for weed control during the summer season.

Recommendation

That Council advise the Australian Pesticides and Veterinary Medicines Authority that it has no objections to it again issuing a permit for the use of a 2,4-D ester herbicide to be used for weed spraying within the Yilgarn Shire.

Voting Requirements

Simple Majority.

246/2010

Moved Cr Auld Seconded Cr Kenward that Council advise the Australian Pesticides and Veterinary Medicines Authority that it has no objections to it again issuing a permit for the use of 2,4-D ester herbicide to be used for weed spraying within the Yilgarn Shire.

CARRIED (7/0)

Late Item - 10.4

UP-GRADE OF ELECTRICAL SUPPLY TO CARAVAN PARK BAYS - SOUTHERN CROSS CARAVAN PARK

Comment

As Council would be aware, John Holland staff are currently booking in to the Southern Cross Caravan Park and will be there for approximately 9 months to May 2011. Due to them having new large caravans that are fitting with all the comforts of home including reverse cycle air-conditioners, each caravan is pulling more electricity than what is currently provided to each bay power box. Therefore instead of 1 power box supplying power to 2 caravans, it can only provide enough power for 1 caravan. This situation applies at other times when motor homes and large modern caravans come to the Caravan Park but they have been accommodated in the newer

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section or there has been enough space to allow for the caravan to use the whole of one power box.

Duey Electrical Contracting of Southern Cross has been approached regarding this matter and believes that the power boxes can be up-graded to handle the additional load by replacing the existing power cable with 3-phase cable; this would be trenched and feed through large conduct (allowing for future repairs/replacement); feed to either new power boxes or modify the existing boxes; and install an isolating switch to allow the future repairs. Mr Noel Boulden, Manager of the Southern Cross Caravan Park, has indicated 8 power boxes on the south side of the first ablution block that have this problem and should be up-graded.

While a quote has not been received, Duey Electrical has indicated that this work will cost around \$15,000.00 for the supply and installation of the new cable, and approximately a further \$5,000.00 for the replacement of the power boxes with new boxes or the modification of the existing boxes. As Mr Boulden has requested that the power meters remain in the boxes, it is highly likely that the existing boxes will need to be modified.

If Council agreed to this up-grade the costs would be un-budgeted. To help pay of this work it should be noted that when drafting the 2010/2011 Council Budget the Shire was not aware that John Holland would be booked into the Caravan Park for 9 months and so the expected income from the lease of the business would be more than that stated in the Budget (\$35,000.00). Currently the Shire has received \$9,451.82 for the lease payment up to 30th June 2010. In 2009/2010 when there were no contractors booked into the Caravan Park long term the Shire received a total of \$29,129.15 for the period from 1st July 2009 to 31st March 2010. John Holland are paying approximately \$700.00 per week which will total \$25,200.00 for the 36 week period. While Council only receives a portion of this income, it is expected that Council will receive funds from the lease payments during this financial year that will cover the majority of the cost of this up-grade.

Recommendation

That Council agrees to carry out the proposed up-grade work to 8 caravan bay power supply boxes in the old section of the Southern Cross Caravan Park up to an amount of \$20,000.00 as soon as possible this financial year.

Voting Requirements

Absolute Majority.

247/2010

Moved Cr W Della Bosca Seconded Cr Kenward that Council agrees to carry out the proposed up-grade work to 8 caravan bay power supply boxes in the old section of the Southern Cross Caravan Park up to an amount of \$20,000.00 as soon as possible this financial year.

CARRIED BY ABSOLUTE MAJORITY (7/0)

BFB - FIRE VEHICLE REPLACEMENT

Background

In accordance with the FESA Plant Replacement program FESA originally were scheduled to replace the South Yilgarn 2.4 Fire Unit in October 2010. Due to the poor condition of the Bullfinch 2.4 Fire Unit, FESA have authorised the replacement of the Bullfinch Fire unit instead of the South Yilgarn Unit.

248/2010

Moved Cr W Della Bosca Seconded Cr Kenward that Council approves of the Bullfinch 2.4 Fire Unit to be replaced by FESA instead of the South Yilgarn Fire Unit.

CARRIED (7/0)

Deleted: ¶

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.34 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 17th September 2010 are confirmed as a true and correct record of that meeting on Friday, 22nd October 2010.

Cr Romolo Patroni
SHIRE PRESIDENT