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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 22nd October 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 22nd October 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

The meeting was declared open for business at 2.00pm.

PUBLIC QUESTION TIME

TONY GRAYDON - GENERAL MANAGER - WA SALT KOOLYANOBING OPERATIONS

Mr Graydon advised Council of the background relating to their contractor ARG (Australian Rail Group) converting the haulage of Salt from rail to road. He expressed that WA Salt were not in agreeance with the change to transporting the salt by road and had conveyed this to the Minister of Transport. Under contract they are committed to ARG until 2014.

The Manager for Works explained that he and the CEO had approached ARG to discuss negotiating a maintenance recovery contract for Koolyanobbing road between the Shire of Yilgarn and ARG for the additional heavy haulage use, in which they are still in negotiations with.

DISCLOSURE OF FINANCIAL INTEREST

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

APOLOGIES & LEAVE OF ABSENCE

Nil

CONFIRMATION OF PREVIOUS MINUTES

249/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 17th September 2010, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

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

250/2010

Moved Cr Truran Seconded Cr Pasini that the Minutes of the Wheatbelt East Regional Organisation of Councils Executive Meeting held Wednesday 29th September 2010 be received.

CARRIED (7/0)

Cr Kenward left chambers at 2.45pm and returned 3.00pm due to an ambulance call out.

WALGA - GREAT EASTERN COUNTRY ZONE MINUTES

251/2010

Moved Cr Auld Seconded Cr J Della Bosca that the Minutes of the WALGA Great Eastern Country Zone Meeting held Thursday 30th September 2010 be received.

CARRIED (7/0)

TOURISM ADVISORY COMMITTEE MINUTES

252/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the Tourism Advisory Committee Meeting held Monday 11th October 2010 be received.

CARRIED (7/0)

FINAL TOURISM COMMITTEE MEETING FOR 2010

Recommendation

Cr Truran and Seconded Cr J Della Bosca that the Tourism Advisory Committee will meet for the final time for 2010 on the 8th November 2010, and then Adjourn over the Christmas break until the February meeting on the 8th February 2011.

CARRIED

253/2010

Moved Cr Kenward Seconded Cr Truran that the Tourism Advisory Committee meet for the final time for 2010 on the 8th November 2010, and then adjourn over the Christmas break until the February meeting on the 8th February 2011.

CARRIED (7/0)

YILGARN YOUTH SPORT AND RECREATION COMMITTEE MINUTES

254/2010

Moved Cr Truran Seconded Cr Kenward that the Minutes of the Yilgarn Youth Sport and Recreation Committee Meeting held Monday 18th October 2010 be received.

CARRIED (7/0)

**SOUTHERN CROSS RECREATION PRECINCT RE-DEVELOPMENT PROJECT
RECOMMENDATION**

Moved C Auld Seconded D Della Bosca that it be recommended to Council that it considers approving the MCG Architectural Designs of the Sporting Recreation Precinct after investigations have been made into the following:

- *Repositioning the Bowling green west so that they are central to the clubrooms*
- *Sufficient refrigerator space in the clubrooms to cater for events.*
- *The possibility of having vehicle access to the clubrooms so that delivery of goods and services are possible*
- *That the function room is increased in size slightly and the outside entertainment area decreased in size slightly.*
- *Incorporate a children's playground on the east end.*
- *Having additional ladies toilets.*

CARRIED

255/2010

Moved Cr Truran Seconded Cr Kenward that Council agrees in principal to the proposal presented by MCG Architectural Designs of the Sporting Recreation Precinct with further investigations by the CEO into the following requests by the YYSRAC:

- *Repositioning the Bowling green west so that they are central to the clubrooms*
- *Sufficient refrigerator space in the clubrooms to cater for events.*
- *The possibility of having vehicle access to the clubrooms so that delivery of goods and services are possible*
- *That the function room is increased in size slightly and the outside entertainment area decreased in size slightly.*
- *Incorporate a children's playground on the east end.*
- *Having additional ladies toilets.*

CARRIED (7/0)

MERREDIN'S RECREATION FACILITY - LETTER OF SUPPORT

RECOMMENDATION

Moved C Auld Seconded P Eiffler that it recommends that Council declines to formally support Merredin's Recreational Project to DSR.

CARRIED

256/2010

Moved Cr Truran Seconded Cr Kenward that council endorses YYSRAC recommendation to decline to formally support Merredin's Recreational Project to DSR.

CARRIED (7/0)

SOUTHERN CROSS SPORTING CLUB

It has been conveyed during previous meetings held by YYSRAC and the public meeting held on the 21st July 2010 regarding the Sporting Recreation Precinct that sporting clubs in particular those gaining the most from the development would be happy to contribute to the project.

Cr Patroni indicated that once architectural designs have been finalised and a schedule has been planned for works to be undertaken. The CEO should write to the sporting clubs, in particular Southern Cross Bowling Club and Southern Cross Tennis Club initially to request a contribution towards the fit out of the project.

257/2010

Moved Cr J Della Bosca Seconded Cr Kenward that council writes to the Southern Cross Tennis Club and Bowling Club and advise them of the progression of the project and provide copies of the architectural plans. In addition, request a contribution towards the fit out of the clubhouse and outside entertaining area.

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- That he along with the CEO had attended the WALGA - Great Eastern Country Zone meeting on the 30th September.
- That he and the CEO had attended a WE-Rock meeting in Merredin on the 29th September.
- That he and the Manager for Works attended the National Road Forum in Bunbury from the 13th October. He expressed that it was a good opportunity to meet with other Councils from all over Australia. Whilst in Bunbury, he also attended the Rural Roads Committee meeting.
- That he and the CEO with the Westonia Shire President Luis Geier and Mr Hastie Director of Westonia Operation all attended a meeting with the Minister on 20th October 2010.

Cr W Della Bosca advised that he held a Bush Fire Brigade meeting on the 13th October, to prepare the members for the upcoming fire season.

Cr Kenward advised that he and other Councillors and Tidy Town Committee members had attended the Tidy Town presentations held at the Senior Citizen Centre on the 15th October and was very pleased with the results of the day. Southern Cross came away with the Regional price for the Goldfields and two category awards relating to 'Water Conservation' and 'Community Action'. He indicated it would be necessary to organise four representatives from the Tidy Town Committee to attend the State Tidy Town awards in Perth on the 19th November 2010.

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Cr Auld advised that he had attending the State Skeleton Weed committee meeting in Perth on the 20th October, and the next meeting wont be until February 2011.

Cr Truran advised that the Occasional Day Care centre held their AGM on the 12th October and managed to raise a new committee. She indicated that the new committee had several issues to overcome, in particular being able to source funding through the state. She expressed that at this stage the Day Care facility will be operating until December 2010.

CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday, 22 nd October 2010
Agenda Reference:	7.1
Subject:	POLICY REVIEW
File Reference:	2.3.3.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	21 st September 2010

Background

Council at its last meeting resolved to adopt the changes to the policy manual as presented and the revised manual is now submitted for adoption.

Comment:

There have been some minor changes to the policy manual that have not previously been raised and these are as follows:

1. Policy : 2.3 Senior staff has been amended to include reference to Council with respect to contract matters.
2. Policy: 2.5 acting Chief Executive officer has been rewritten to accommodate the intention of the policy that was not clear.
3. Policy 2.12 Motor Vehicle the conditions of private use have been amended to read :
 - The vehicle is available for use by the employee and may be driven by their spouse/ partner outside of working hours for private use.
 - Other immediate family members, who have an unrestricted license, may drive the vehicle outside of working hours whilst the employee or their spouse/partner is a passenger in the vehicle.
4. Policy 3.2 Infringement Notices has been amended to limit the authorised persons to the CEO, DCEO and Chief Fire Control Officer as these officers.

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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 policy register as updated in September 2010 and the policies contained therein be adopted.

Voting Requirements

Absolute Majority

258/2010

Moved Cr Truran Seconded Cr W Della Bosca that Council agrees that the policy register as updated in September 2010 and the policies contained therein be adopted.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 17 September 2010
Agenda Reference:	7.2
Subject:	Recreation Precinct
File Reference:	1.3.8.11
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 th October 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.

Comment:

The schematic plans have been distributed for Council consideration. The Youth and Recreation Committee will review the plans at its meeting on Monday 18th and any comments from that meeting will be referred to Council for consideration.

The Council need to adopt the plans and establish a mechanism by which the project can proceed to design stage and eventual tender.

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It is recommended at this stage that the CEO be authorised to prepare tender documents and seek tenders for construction of the recreation precinct which can then come back to Council for consideration.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The Council has provided for this expenditure in the budget.

Recommendation

That Council consider and adopt the revised schematic plans for the Yilgarn Recreation Precinct and authorise the CEO to prepare tender documents and seek tenders for the construction of the recreation precinct.

Voting Requirements

Simple Majority

259/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council agrees to adopt the revised schematic plans for the Yilgarn Recreation Precinct and authorise the CEO to prepare tender documents and seek tenders for the construction of the recreation precinct.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 22 October 2010
Agenda Reference:	7.3
Subject:	Councillors Annual Christmas Function, Outside Workers Christmas Function and Senior Citizens Christmas Function
File Reference:	2.1.2.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 October 2010

Background

With Christmas fast approaching, it is necessary that Council considers dates and the type of functions to be held in order that staff can commence organising the above functions.

Comment:

Councillors Annual Christmas Function

This event normally coincides with the December Ordinary Council Meeting and commences at approximately 6.00 - 6.30pm following the Council meeting. The December Council meeting is scheduled to be held on Friday, 17th December 2010.

Outside Workers Christmas Function

It is proposed that the Christmas function for the Outside Workers will be held on Thursday, 23rd December 2010 commencing at midday.

In previous years Council has approved of the Council Offices being closed from midday on the day of the function to allow the office staff to socialise with the outside workers. This format has proved to be very popular and is an excellent way for both sections of Council' workforce to celebrate the festive season. Councillors are also invited to attend this function.

Senior Citizens Christmas Function

Sunday 5th December 2010 is the date set for this function. Council's Administrative Services Officer will update the Councillors on arrangements at the meeting.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council resolves the following in respect to conducting the above Christmas functions for 2010:-

- 1) That the Councillors Annual Christmas function be conducted following the Council meeting on Friday, 17 December 2010.
- 2) That the outside workers Christmas function be conducted on Thursday, 23 December 2010 and to allow inside staff to participate in this function, Council approves of the closing of the Shire Office at midday on the day of the function on the proviso that this closure is well advertised to ensure minimum inconvenience to the public.
- 3) That the Senior Citizens Christmas function be conducted on Sunday, 5 December 2010.

Voting Requirements

Simple Majority

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260/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council agrees to the following in respect to conducting the above Christmas functions for 2010:-

- 1) *That the Councillors Annual Christmas function be conducted following the Council meeting on Friday, 17 December 2010.*
- 2) *That the outside workers Christmas function be conducted on Thursday, 23 December 2010 and to allow inside staff to participate in this function, Council approves of the closing of the Shire Office at midday on the day of the function on the proviso that this closure is well advertised to ensure minimum inconvenience to the public.*
- 3) *That the Senior Citizens Christmas function be conducted on Sunday, 5 December 2010*

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 22 nd October
Agenda Reference:	7.4
Subject:	Setting of the Annual Meeting of Electors 2010
File Reference:	2.1.2.8
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 October 2010

Background

Council is required to accept the Annual Report, prior to the 31st December each year, and set a date for the convening of an Annual Meeting of Electors no later than 56 days after the Auditors Report becomes available for the immediately preceding financial year.

Comment

The Annual Statements of account have been completed and ready for audit. The auditors are to complete the audit on Thursday 21st October and allowing two to three weeks for the Auditor to complete the necessary report, it is probable that the annual report will be ready for receipt at the November Council meeting scheduled for Friday 19th November. The Council's audit committee also needs to meet to consider the Auditors report. This meeting can happen on the day of the Council meeting if required.

The Elector's General Meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year. Accordingly, the latest Council could schedule the Elector's General Meeting is the 13th January, 2011.

There is a requirement to give at least 14 days local public notice of Council's intention to hold an Annual Meeting of Electors, with advertising to commence

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locally on Thursday 26th November. It is therefore proposed that the Annual Electors Meeting be held on Friday 10th December commencing at 5.30pm at which time the Annual Report will be formally presented to the community, in addition to being made available to the public prior to this date.

Statutory Environment

Local Government Act 1995 Sections 5.27 'Electors' general meetings' and 5.54 'Acceptance of Annual Reports'.

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Recommendation

That Council convenes the Shire of Yilgarn Annual Meeting of Electors for the year ended 30th June 2010, on Friday 10th December 2010, commencing at 7.30pm.

261/2010

Moved Cr Pasini Seconded Cr Truran that Council agrees to convene the Shire of Yilgarn Annual Meeting of Electors for the year ended 30th June 2010, on Friday 10th December 2010, commencing at 7.30pm.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 22 nd October 2010
Agenda Reference:	7.5
Subject:	Tidy Towns Judging
File Reference:	1.3.1.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not Applicable
Date of Report:	Wednesday, 13 October 2010

Background

The Regional Finals of the Tidy towns was conducted on Friday 15th October in Southern Cross and Council will receive a report from the Councillor's representatives on the Tidy Towns Committee. It is probable that Southern Cross will advance into the State finals to be held on Friday 19th November.

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Comment:

The State Finals of the Tidy Towns is scheduled to be held on Friday 19th November, 2010 it is probable that Southern Cross will be a contender for r State award and Council should indicate it members wish to be represented at the finals. This may be an issue for quorum if the meeting as this is an ordinary meeting day.

The State Award Ceremony is to be held in central Perth on Friday 19 November. For those who may wish to stay overnight in Perth, Tidy Towns have negotiated a deal with the Parmelia Hilton Perth to block 30 rooms for attendees. Following are the booking details:

Name	Tidy Town Awards
Arrival	Friday 19 November 2010
Departure	Saturday 20 November 2010
Room Type	30 Queen Hilton Guest Rooms
Rate per room per night	\$180.00 room only
Group Code	GTIDA
Release date	Friday 29 October 2010

Statutory Environment

None

Policy Implications

Nil

Financial Implications

Cost of travel and accommodation costs are within budget.

Recommendation:

That the Council considers representation at the State Finals should Southern Cross advance to that arena.

Voting Requirements

Simple Majority

262/2010

Moved Cr Auld Seconded Cr Truran that Council has decided to leave the decision of who will be attending the Tidy Town State Final Awards up to the Tidy Town Committee.

CARRIED (7/0)

R Bosenberg left at 4.05pm and returned at 4.08pm

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Submission to:	Ordinary Meeting of Council- Friday, 22 nd October, 2010
Agenda Reference:	7.6
Subject:	Dual Fire Control Officer
File Reference:	5.1.5.1
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 October 2010

Background

The Chief Executive Officer of the Shire of Kondinin, Mr Peter Webster, has written to Council to advise that the Kondinin Shire Council seeks the appointment of Mr Rolf Meeking as a Dual Fire Control Officer with the Shire of Yilgarn for the 2010/2011 fire season.

The Chief Executive Officer of the Shire of Narembeen, Mr Frank Pecza has written to Council to advise that the Narembeen Shire Council seeks the appointment of Mr Joe Wilson and Terry Ashmore as a Dual Fire Control Officer with the Shire of Yilgarn for the 2010/2011 fire season.

The Chief Executive Officer of Westonia , Jeff Sowiak has asked Council to advise that Westonia Shire Council seeks the appointment of Mr Aaron Smith as Dual Fire Control Officer with the Shire of Yilgarn for the 2010/2011 season.

Comment

Section 40 (1) and (2) of the Bush Fires Act 1954 state the following in respect to local authorities joining to appoint and employ Bush Fire Control Officers:-

Section 40

- (1) Two or more local authorities may by agreement join in appointing, employing and remunerating bush fire control officers for the purpose of this Act.*
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local authorities which have joined in appointing them.*

Statutory Environment

Bush Fires Act 1954 Section 40(1)(2)

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council advises the Shire of Kondinin that it has no objections to Mr Rolf Meeking being appointed as a Dual Fire Control Officer for the Shire of Yilgarn during the 2010/2011 fire season.

That Council advises the Shire of Narembeen, that it has no objections to Mr Joe Wilson and Mr Terry Ashmore being appointed as Dual Fire Control Officers for the Shire of Yilgarn for the 2010/2011 fire season.

That Council Advise the Shire of Westonia that it has no objections to Mr Aaron Smith being appointed as Dual Fire Control Officers for the Shire of Yilgarn for the 2010/2011 season.

Voting Requirements

Simple Majority

263/2010

Moved Cr W Della Bosca Seconded Cr Pasini that Council agrees to advise the Shire of Kondinin that it has no objections to Mr Rolf Meeking being appointed as a Dual Fire Control Officer for the Shire of Yilgarn during the 2010/2011 fire season.

That Council advises the Shire of Narembeen, that it has no objections to Mr Joe Wilson and Mr Terry Ashmore being appointed as Dual Fire Control Officers for the Shire of Yilgarn for the 2010/2011 fire season.

That Council Advise the Shire of Westonia that it has no objections to Mr Aaron Smith being appointed as Dual Fire Control Officers for the Shire of Yilgarn for the 2010/2011 season.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 22 nd October 2010
Agenda Reference:	7.7
Subject:	Koolyanobbing Road - WA Salt Haulage
File Reference:	6.1.1.224
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 October 2010

Background

Large road haulage industries are required to and have paid for the cost of road reconstruction, maintenance and widening to accommodate RAV vehicles. The process used in the past may have lacked a robust and equitable methodology and so Council engaged an engineer to establish a basis for such charges.

The model adopted for calculating the impact of road vehicles is now a policy of Council and it will require a decision by Council to vary that policy. Hence the

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purpose of this report is to confirm or amend the calculated rate for road damage prior to issue of a permit to Australian Government Railways (ARG) for consent to use RAV vehicles on the Koolyanobbing Road.

Comment:

All operators know they have to apply to Council for consent to use RAV vehicles for haulage on local roads and do so. However, ARG, did not seek Council approval and simply commenced haulage of approximately 100,000 tonnes of salt via road train with an incomplete approval from Main roads.

Council became aware of damage to the Koolyanobbing Road due to the sudden increase in road train activity occurring on the road, hauling salt product from the Railhead, located at Koolyanobbing and up until recently was unable to stop the damage that was done.

As a direct result of increased activity, sections of the road bitumen pavement surface are failing at various locations and also sections of the gravel shoulders. There have also been complaints received from motorists utilising Koolyanobbing Road relating to the safety issue with small vehicles versus road trains while passing. In one issue a bus carrying mine workers was run off the road as the road train kept to the centre of the seal, at high speed.

The road is narrow and vehicles are required to drive off the bitumen to allow road trains to pass. In its current state there is a significant question as to road safety with a significant increase in road train traffic. Of particular concern is the mix of narrow pavement, smaller concealed culvert crossings and deformations caused by heavy vehicle traffic. The road certainly was not constructed to cope with road train traffic and most definitely unsuitable for night time operations. A situation in which a vehicle is required to pull over to allow a fast road train to pass in an area where culverts are not clearly marked is a recipe for disaster.

Speeding is also an issue, Council staff have followed a number of the road trains and these were clocked at speeds of 110km, on a 5.6m road. The trucks were also operating 24hrs a day in residential areas.

After a month of frustration in trying to contact ARG, Council contacted WA Salt , the client who has contracted with ARG, only to be advised that they opposed the change in method of haulage and had approached the Minister in this regard but were powerless to stop ARG from making a "Commercial decision".

A representative from the ARG (located in Kalgoorlie) contacted Council staff, indicating that the decision was based on the cost effectiveness to have the salt hauled out by road as opposed to repairing and/or replacing their current ageing carriages utilised for hauling salt.

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It appears that this decision was coordinated between Australian Government Railways and Main Roads WA Heavy Haulage Division. At no time was Council, (as a major stakeholder e.g. owner of the Koolyanobbing Road) informed of this decision.

This has been confirmed by the Group Manager of ARG, Mr Ken Potts in a letter to Council dated 11th October who states ;

“ARG regrets that it did not approach the Shire of Yilgarn prior to commencing the road activity for WA Salt, and instead only dealt with the Department of Roads. This omission was in no way an attempt to bypass the Shire, but was as a result of a mistaken belief that the Department of Main Roads had exclusive jurisdiction for the control of heavy vehicles using the road.”

He also confirms that the original 30 loads per week were contingent loads that had now been discontinued.

Council staff had contacted ARG, Main Roads and the operators to try and stop the damage that was being done. Clearly ARG was operating on the presumption that the permits that had been obtained did not impose any restrictions on their operations and the Company had not responded to requests from Council.

If Council had been informed initially, ARG would have been notified that the Koolyanobbing Road would not stand up to excessive increases in road train activity which has been forecast to be in the vicinity of 100,000 tonne per year and the decision to move salt via road train would have been addressed prior to contracts and arrangements being established for road haulage.

Whilst the decision to haul salt product on Council's roads was cost effective for ARG, it appears that at no time was consideration given to the cost of damage to Council's road and who will be paying for such damage.

On Thursday 16th Sept, Council managed to identify a defect in the permits that had been issued and took action to cancel the permits which resulted in Mr Paul Haigh, General Manager Sales and Marketing, ARG contacting Council on Friday 17th September to ask if the road train permits had been cancelled.

He was advised that this was the case and was advised that road trains currently using the road had to stop immediately. Arrangements were made for him to meet with Council on Monday 20th. It is interesting to note that despite the advice that permits were cancelled and assurances that this message had been communicated to the contractors, road trains continued to haul all weekend and up until Tuesday Morning on 21st, when Police were asked to intervene.

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Mr Haigh met with the Manager for Works and the CEO, on Monday 20th and was advised:

1. That extractive industries seeking to use Council roads for large volumes of haulage normally pay for the roads to be widened to at least a 7m seal, as well as pay for the damage done to the road and implement speed and operation hour restrictions. They also meet with affected residents to discuss the impact of the haulage and any safety issues such as school bus movements etc prior to commencing such operations. This is a normal way of doing business and a process that is followed.
2. Council did not appreciate the “back Door” method adopted by ARG to obtain a permit and noted that the only reason he was meeting with Council now was because Council had discovered that the permits issued were invalid.
3. That WA Salt, his client was opposed to the movement of salt from rail to road.
4. He was also advised that there is a process that should have been undertaken with respect to the issue of permits and this would include:
 - a. Proper traffic management including speed restrictions and restriction to daylight hours operation and
 - b. The contribution that would need to be paid to enable Council to repair the road following three months of use.

Mr Haigh was given access to the robust engineering model for determining road pavement damage and contributions. Based on the number of truck movements indicated over a three month period the Council would require a capital contribution of \$327,408 and a maintenance contribution of \$223,892 which if unexpended would be refunded.

Subsequently, ARG decided to arrange for haulage of the salt by single trailers and to use the area at the wheat silos in Southern Cross to compile the road trains. Once again this was done without consent or discussion with Council.

The CEO and Manager for Works met with both Mr Haigh from ARG and Mr Tony Graydon General Manager WA Salt on 7th October. At that meeting Mr Haigh apologised for the failure to seek approval from Council and advised that there was a necessity to move salt via road due to a lack of rail containers in Australia. He also advised that ARG had a contractual obligation to meet WA Salt client’s needs.

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The Company is and has arranged for the bulk of salt to be moved via rail as containers become available. However, there will be a base load of approximately 40,000 tonne per annum that needs to be moved via truck to Bunbury.

He advised that ARG cannot absorb the costs that have been proposed and offered to pay a fixed amount of \$50,000 per annum as an upfront payment to go to two trailer combination on the current load. He then indicated a further contribution of \$20,000 in capital contribution and \$32,000 per annum for maintenance to cover the cost of damage done for the Bunbury Haulage over the next four years.

He was concerned that his company had been singled out for a contribution and wanted to have details of what other extractive industries are paying or have paid for RAV access to Council. This information is not readily available nor is it information that is relevant to the current situation.

Mr Haigh from ARG was asked at one stage to leave the meeting so that Council officers could meet with WA Salt. Those discussions centred around commercial in confidence issues surrounding the cost of freight haulage, current and future options and the prices of product.

It would be fair to say that there is a level of distrust in any relationship that Council has or would have with ARG due to the manner in which the company has operated and the callous disregard for damage to shire assets.

It is of concern that ARG, as a subsidiary of QR National is about to be privatised. It will move from a monopoly government owned contractor in charge of an essential lifeline for freight in this State, to a private operator who will obviously choose the most cost effective method to meet its profit margins, irrespective of who ultimately pays for the damage done to local communities.

WA Salt on the other hand is an organisation that has secured a long term future in this community and employs local people to extract a product that has a small margin and an inexhaustible supply. Clearly, there is a social benefit from having this industry in the Shire and it is unlikely for this industry to remain competitive if ARG pass through the charges as they are likely to do.

An economic rationalist might argue that the industry should meet the full cost of the reduction in life of the road and the cost of road reseals and widening. If there were more road users then this cost could be apportioned across a wider base and funded through a different methodology. This is the case with rail infrastructure where the huge volumes of freight and multiple users correlate to a lower cost per tonne for transport.

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There is a greater economic and environmental benefit for the product being hauled via rail and this is the preferred option. However, at least 40,000 tonnes must be hauled by road and that is the issue.

If Council sets a cost that is too high relative to the tonnage being hauled, then a market will be lost to WA Salt and this may impact on local jobs and community multiplier effects.

By the same token, if the cost recovery is too low then there will not be any opportunity for the road to be repaired and eventually it will deteriorate to the extent that it will be returned to gravel.

ARG has by letter dated 13th October, accepted that road users are required to contribute to the Shire's cost of maintenance and repairs arising from the use of roads and on that basis have offered to pay \$45,000 on 1st November and \$50,000 per annum for five years in return for Council granting a permit to use 13 axle configuration road trains to cart 800 tonnes per week.

The letter also addresses concerns with respect to traffic management, speed and accepts that there will only be daylight operations.

The Manager for Works has redone the figures for this base load and for the amount that was moved in the three month peak from September through to end of November. He will also use the engineering road damage model to demonstrate the impact of changes to the volumes as proposed.

Based on this analysis and the discontinuance of haulage on 16th September, or thereabouts and removing from the model the return journey as the vehicles are empty the amount required to be contributed to Council for the six week period is :

• Capital Contribution for improvements	\$110,350
• Maintenance Contribution	\$ 75,460
Total for interim period of haulage only	\$185,810

In addition to this contribution, the separate transport of Salt to Bunbury on a one way only basis starting from 1st November would require the following annual contributions :

• Capital Contribution for improvements	\$102,750
• Maintenance Contribution	\$ 70,260
Total for ongoing haulage of 14 Full loads week	\$173,010

It will ultimately be a decision of Council to establish either the amount or a methodology to determine another amount of compensation payable in order to permit RAV vehicles to haul salt on shire roads.

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At the end of the day the Council has and will continue to have a strong and positive relationship with WA Salt and it is for that reason that Mr Arthur Peters Managing Director and Mr Tony Graydon General Manager have been invited to meet with Council to discuss an outcome that will achieve a mutually beneficial arrangement for Council and the company.

Because it is likely that WA Salt will discuss issues that may be commercial in confidence it is recommended that these discussions be held in closed session.

Statutory Environment

None

Policy Implications

Nil

Financial Implications

Contribution formula will provide income for road construction/maintenance.

Recommendation:

That the Council agree to meet with WA SALT in committee as required, to deal with this matter as some of the discussions will relate to commercial in confidence issues.

Voting Requirements

Simple Majority

264/2010

Moved Cr Patroni Seconded Cr J Della Bosca that Council agrees:

- 1. to meet with WA SALT in committee as required, to deal with this matter as some of the discussions will relate to commercial in confidence issues.*
- 2. For the CEO with the Manager for Works to negotiate with ARG to get the best possible result without jeopardising the project.*

CARRIED (7/0)

265/2010

Moved Cr Patroni Seconded Cr Auld that Council writes to the Shadow Minister for Transport to address the non-response from the Minister for Transport to the Manager for Works and WA Salt's correspondence regarding the haulage of salt on Koolyanobbing Road.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council - Friday, 22 nd October 2010
Agenda Reference:	7.8
Subject:	Shire of Merredin Recreation Facilities Upgrade
File Reference:	1.3.9.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 October 2010

Background

The Shire of Merredin are seeking Council support for a project to expend \$1.7m on upgrades to sporting fields and lighting in Merredin.

Comment:

The Council is seeking \$500,000 from the Department of Sport and recreation Community Sporting and recreation facilities fund to enable the construction of a synthetic surface for a full size hockey field, soccer field and 12 tennis courts. The project includes lighting so that sports can be played at night and will replace two grass hockey fields and 8 grass tennis courts all requiring maintenance and watering.

The matter has been referred to the Recreation and Sporting Committee meeting on Monday 18th October for discussion and the Chairman will report the recommendation to Council for consideration.

Statutory Environment

Policy Implications

Nil

Financial Implications

Nil

Recommendation:

That the Council endorse the recommendation of the Sport and recreation committee.
--

Voting Requirements

Simple Majority

Received and adopted with YYSRAC Minutes

Cr Pasini left chambers at 4.10pm and returned at 4.13pm

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Submission to:	Ordinary Meeting of Council – Friday, 22 nd October 2010
Agenda Reference:	7.9
Subject:	Rate Record Correction
File Reference:	8.1.1.5
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	Thursday, 14 October 2010

Background

The Council has inadvertently issued a number of rate notices for the year ended 30th June, with an incorrect ad valorem rate that is now past a reasonable time for which it can be corrected. This report proposes an amendment to the rate record to correct a procedural error.

Comment:

Council has adopted a rate for the previous financial year that is different from the rate that was used in the production of the rate notices.

The impact of the change is that Council has recovered more in rates for the year ended 30th June, 2010 than was originally proposed. The error occurred in relation to the rate type UV-Rural where the ad valorem rate as adopted by Council is \$0.0144 , whereas the rates notices show a rate of \$ 0.0147.

This means that the “adopted Council rate “and the “rate notice rate” differed by a factor of \$0.0003 or 2%.

The net impact is that approximately \$28,000 in additional rates was recovered from 405 properties, an average of \$70 per assessment for the year ended 30th June, 2010.

The flow-on effect is that the new erroneous rate was used as the basis to increase the rates this year 4.76%. That is the higher level of \$0.147 was used to derive the new rate for 2010/ 2011 of \$0.154.

There are a number of issues involved. Obviously there was an error in inputting the ad valorem rate. Had the error been detected and reported to Council at the time, a decision could have been made to correct the error. Had the error been detected when fixing the rate for this financial year, then an appropriate change could have been made.

There is little that the Council can do about fixing the past and the cost to establish the differential and then refund a proportion of the rates would impact on the amount to be reaccredited to the accounts.

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However, to be fair and adjustment needs to be made to establish the correct rate in the dollar relative to other ratepayers at sometime and this would best be handled when fixing the rates for next financial year.

The mechanics of this would be that once Council has determined the rate increase applicable to the 2011/2012 financial year it should apply a 2% lower increase to the ad valorem rate for this category of rate payer.

There is no issue of rate recovery as the rates as levied on the notice are recoverable. The Local Government Act makes provisions for errors to not invalidate the rates as shown on the rates notice.

However, the Council needs to resolve to retrospectively correct the legal status of the rate that was on the rates notice for the year ended 30th June 2010.

Statutory Environment

Section 6.57 provides that Non-Compliance with procedure in Act not to prevent recovery of the rate or service Charge.

Section 6.39 (2) A local Government - (b) may amend the rate record for 5 years proceeding the current financial year and such amendment may include pursuant to Section 6.40 (1) (c) "the rate imposed"

Policy Implications

Nil

Financial Implications

Nil

Recommendation:

That the Council, pursuant to Section 6.39 and 6.40 of the Local Government Act resolve to fix the UV - Rural ad valorem rate for the year ended 30th June 2010 as being \$ 0.0147 on the rateable value and when formulating the rate budget for the 2011-2012 apply a 2% discount to the ad valorem rate for category UV-Rural.

Voting Requirements

Absolute Majority

266/2010

Moved Cr Pasini Seconded Cr Kenward that Council agrees in accordance to Section 6.39 and 6.40 of the Local Government Act resolves to fix the UV - Rural ad valorem rate for the year ended 30th June 2010 as being \$ 0.0147 on the rateable value and when formulating the rate budget for the 2011-2012 apply a 2% discount to the ad valorem rate for category UV-Rural.

CARRIED BY ABSOLUTE MAJORITY (7/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday 22 nd October 2010
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th October 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 30th September 2010:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity
- Rates Receipt Statement (prepared to 14th October 2010)

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

Statutory Environment

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

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 30th September 2010 as presented, be received.

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267/2010

Moved Cr Pasini Seconded Cr W Della Bosca that the Various Financial Reports for the period ending 30th September 2010 as presented, be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 22 nd October 2010
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th October 2010

Background

Municipal Fund – Cheque Numbers 35597 to 35675 totalling \$351,077.53, Municipal Fund – Cheque Numbers 958 to 963 totalling \$174,294.98, Trust Fund – Cheque Number 401887 to 401892, totalling \$7,671.50 and Trust Fund – Cheque Numbers 5692 to 5698 (DPI Licensing), totalling \$99,382.80 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil.

Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 35597 to 35675 totalling \$351,077.53, Municipal Fund – Cheque Numbers 958 to 963 totalling \$174,294.98, Trust Fund – Cheque Number 401887 to 401892, totalling \$7,671.50 and Trust Fund – Cheque Numbers 5692 to 5698 (DPI Licensing), totalling \$99,382.80 are presented for endorsement as per the submitted list.

Voting Requirements

Simple majority.

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268/2010

Moved Cr Pasini Seconded Cr Kenward that Council endorse the accounts covered by Municipal Fund - Cheque Numbers 35597 to 35675 totalling \$351,077.53, Municipal Fund - Cheque Numbers 958 to 963 totalling \$174,294.98, Trust Fund - Cheque Number 401887 to 401892, totalling \$7,671.50 and Trust Fund - Cheque Numbers 5692 to 5698 (DPI Licensing), totalling \$99,382.80 are presented for endorsement as per the submitted list.

CARRIED (7/0)

Council adjourned for afternoon tea at 4.20pm and return at 4.35pm

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council - Friday 22nd October 2010
Agenda Reference:	Works 9:1
Subject:	Supply and Delivery of Granite Aggregate for the 2010/2011 Financial Year Construction/Maintenance Program
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.5.2.4
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	7th October 2010

Background

Quotations were invited for the annual supply and delivery of washed Granite Aggregate in accordance with council's 2010/2011 Financial Year Road Construction/Maintenance Program. Aggregate demand for the 2010/11 Financial Year Road Construction Programs is for bitumen seal works on Moorine Rock South Road, Koolyanobbing Road and Bodallin North Road. The estimated combined quantities required for these works is 1640 tonne.

Comments

Invitation for quotations to supply Council with washed aggregate for the 2010/2011 Financial Year were sent out to BGC, Little Industries and JTB Quarry. Aggregate specifications are in accordance with relevant Australian Standards and Main Roads Western Australian specifications. The following delivery locations and volumes were included in the quotation documentation:

330 tonne of 10 mm washed aggregate delivered 42km south of Moorine Rock
260 tonne of 14 mm washed aggregate delivered 42km south of Moorine Rock

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200 tonne of 10mm washed aggregate delivered 42km north of Southern Cross (Koolyanobbing Road)

700 tonne of 10mm washed aggregate delivered approximately 35km North of Bodallin (North Bodallin Road)

100 tonne of 5 mm Aggregate delivered to shire depot

50 tonne Cracker Dust delivered to shire depot

The following Quotations were received GST exclusive

BGC Asphalt/Quarries

<i>Volume</i>	<i>Description</i>	<i>Unit Price</i>	<i>Total</i>
330 tonne	10 mm washed aggregate delivered 42km south of Moorine Rock	<i>\$57.20 per tonne</i>	<i>\$18,876.00</i>
260 tonne	14 mm washed aggregate delivered 42km south of Moorine Rock	<i>\$56.40 per tonne</i>	<i>\$14,664.00</i>
200 tonne	10mm washed aggregate delivered 42km north of Southern Cross (Koolyanobbing Road)	<i>\$59.20 per tonne</i>	<i>\$11,840.00</i>
700 tonne	10mm washed aggregate delivered 35km North of Bodallin	<i>\$54.20 per tonne</i>	<i>\$37,940.00</i>
50 tonne	Cracker Dust delivered to shire depot	<i>\$33.80 per tonne</i>	<i>\$1,690.00</i>
100 tonne	5 mm washed aggregate delivered to shire depot	<i>\$55.20 per tonne</i>	<i>\$5,520.00</i>
		<i>Total</i>	<i><u>\$90,530.00</u></i>

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Little Industries

Volume	Description	Unit Price	Total
330 tonne	10 mm washed aggregate delivered 42km south of Moorine Rock	<i>\$87.00 per tonne</i>	\$28,710.00
260 tonne	14 mm washed aggregate delivered 42km south of Moorine Rock	<i>\$77.00 per tonne</i>	\$20,020.00
200 tonne	10mm washed aggregate delivered 42km north of Southern Cross (Koolyanobbing Road)	<i>\$84.00 per tonne</i>	\$16,800.00
700 tonne	10mm washed aggregate delivered 35km North of Bodallin	<i>\$90.00 per tonne</i>	\$63,000.00
50 tonne	Cracker Dust delivered to shire depot	<i>\$50.00 per tonne</i>	\$2,500.00
100 tonne	5 mm washed aggregate delivered to shire depot	5mm not available	
<i>Total</i>			<u>\$131,030.00</u>

As shown in the calculations above BGC total amount of \$90,530 is \$40,500 less than Little Industries total amount of \$131,030

In Councils 2010/2011 construction budget an estimated monetary allocation of \$90,000 has been allowed for the supply of washed aggregate.

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

Financial Implications: Monetary costs associated for the supply of washed aggregate have been allowed for in council's 2010/2011 Construction Program

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Strategic Implications:

2010/2011 Construction Program

Recommendation

Council accepts the Quotation submitted by BGC Asphalt/Quarries to supply and deliver, the Shire of Yilgarn washed aggregate required during the 2010/2011 Financial Year.

Voting Requirements

Simple Majority

269/2010

Moved Cr W Della Bosca Seconded Cr Kenward that Council accepts the Quotation submitted by BGC Asphalt/Quarries to supply and deliver, the Shire of Yilgarn washed aggregate required during the 2010/2011 Financial Year.

CARRIED (7/0)

Cr Kenward Declared an Interest in the following item

Submission to:	Ordinary Meeting of Council October 22nd 2010
Agenda Reference:	Works 9:2
Subject:	Cropping of Airstrip Land 2011
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	2.4.1.1
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	15 th October 2010

Background

At Councils September 2010 Meeting, Councils Manager for Works submitted a report in relation to the cropping rights at the Southern Cross Airstrip. This report was as a result of the Southern Cross Aero Club applying to have the rights to crop the Airstrip for the 2011 cropping season.

The following recommendation was put to Council as a result of Southern Cross Aero Clubs application to have the cropping rights at the Southern Cross Airstrip for 2011 cropping season:

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) Aero Clubs contributes towards cost to control of noxious weeds (*up to the value of \$500*)

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- 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

After considerable discussion in relation to the above 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 2011 season, and Council are to advertise for expression of interest in the Crosswords, and then decide on the allocation of which community group will crop the reserve.

Council also requested that minimum tilling be include in conditions set out for cropping of the airstrip reserve.

The following amended recommendation was adopted by Council:

"239/2010

Moved Cr Della Bosca Seconded Cr Truran that Council advertise in September Crosswords calling for expression of interest from Yilgarn Community Groups who are interested in cropping the Airstrip Reserve for the 2010 season. Nominations are to be presented to Council at a later date for their review. Carried (7/0)"

Comment

In accordance to resolution ***"239/2010"*** the following advertising was placed in Septembers

"Expression of Interest - Cropping of Southern Cross Airstrip Reserve (Lot 88)

Council is seeking expressions of interest from community groups that may be interested in cropping this area of land for the 2011 season. Expressions of interest must be in writing and will be received up until Thursday 14th October at 4:00pm at the Shire Administration Office Antares Street Southern Cross WA 6426.

Applications should indicate the capacity of the association to undertake the cropping and the purpose for which any surplus will be used. Council will assess applications based on community benefit.

The area available for cropping is approximately 160 hectares and Community Groups must be not-for-profit associations located within the Shire of Yilgarn. The Council will require the association to undertake minimal till cultivating, weed

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control and to work with normal aerodrome operations. For further information contact Councils Manager for Works Robert Bosenberg, phone 90491001

Written applications are to be addressed to:

Jeff Sowiak
Chief Executive Officer
Shire of Yilgarn
P.O Box 86
Yilgarn WA 6426"

Council have received two expression of interest seeking the cropping rights for the 2011 season, these being from the Southern Cross Aero Club and Southern Cross Football Club.

Cr Garry 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.

Mr. Bryan Close, President of Southern Cross Football Club has also written to Council seeking permission on behalf of the Southern Cross Football Club to crop the Southern Cross Airstrip Land in the 2011 cropping season. Southern Cross Football Club has cropped the Airstrip Land in compliance with Council over the past number of years including 2005, 2006, 2007, 2009 and the current year of 2010. In 2008 the land was not cropped. Mr. Bryan Close has indicated in his correspondences that the cropping of the Southern Cross Airstrip Land is another avenue of fund raising for the football club.

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 developing 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.

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

If Council gives approval to one of the two groups that have applied for the cropping rights for the 2011 season then conditions similar to that imposed on the Football Club in previous years should be included in any agreement with the successful applicant for the 2011 cropping season.

- 1) Minimum tilling is to be practiced whilst planting the crop
- 2) Aero Clubs contributes towards cost to control of noxious weeds (*up to the value of \$500*)
- 3) No un-authorized 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

As the Southern Cross Football Club has had the cropping rights at the Airstrip Reserve from 2005 through to 2010 (not including 2008) then in fairness Council should consider letting other community groups have the same opportunity to raise funds by having the cropping rights at the Airstrip Reserve.

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 been adhered to:

- 1) Minimum tilling is to be practiced whilst sowing the crop
- 2) Aero Clubs contributes towards cost to control of noxious weeds (up to the value of \$500)
- 3) No un-authorized 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

270/2010

Moved Cr Pasini Seconded Cr Patroni 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 been adhered to:

- 1) Minimum tilling is to be practiced whilst sowing the crop*
- 2) Aero Clubs contributes towards cost to control of noxious weeds (up to the value of \$500)*
- 3) No un-authorized 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.*

CARRIED (2/4)

REASON FOR AMENDMENT

It was expressed if the football club were successful in gaining the cropping rights the funds would benefit more members of the community as football has many junior members, in comparison to the Aero Club who have a considerable lower number of members. In addition, the Southern Cross Football Club's outlined in their application how they intended to control and maintain the land from weed infestation.

AMENDED MOTION

271/2010

Moved Cr W Della Bosca Seconded Cr Auld that Council grants approval for the Southern Cross Football Club to crop the Southern Cross Airstrip Land for the 2011 cropping season with the following conditions been adhered to:

- 1) Minimum tilling is to be practiced whilst sowing the crop*
- 2) Football Clubs contributes towards cost to control of noxious weeds (up to The value of \$500)*
- 3) No un-authorized 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.*

CARRIED (5/1)

272/2010

Moved Cr Truran Seconded J Della Bosca that Council advises the Southern Cross Football Club that they have been successful in their application for Cropping the Southern Cross Airstrip land for 2011, a term of one year only. Expressions of interest will once again be sought from sporting groups for the 2012 season.

CARRIED (6/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 22 nd October, 2010
Agenda Reference:	10.1
Subject:	Planning Application - Proposed Subdivision of Farm Land
Location/Address:	Location 51 Bodallin South Road, Bodallin
Name of Applicant:	Western Australian Planning Commission, Perth
File Reference:	3.1.7.1
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th October, 2010

Background

The Western Australian Planning Commission has received an application to subdivide Location 51 Bodallin South Road (previously known as the Bodallin Bin Road) into two new lots

- Lot 101 which is open paddocks located south of the Great Eastern Highway plus north and south of the railway line and the Bodallin Co-Operative Bulk

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- Handling Limited (CBH) grain storage site with a combined total area of 336.7425 hectares; and
- Lot 102 which has temporary grain storage bins and access roads on the lot, and is located south of the railway line with a total area of 35.3939 hectares.

The application has been received from Crossland & Hardy Pty Ltd Surveyors on behalf of the applicant, and the owners of the land Bernard Colin Pocock, Aida Carmen Pocock, & Ryan Bernard Pocock. See copy of the application form and proposed subdivision plan No 725/05 Revision B: 25/1/10.

Comment

A similar application was received in 2005 prior to CBH's application to install an additional 35,000 tonne open storage bin, stackers, associated equipment, and a new ablution facility on it's land adjacent to the railway line, plus a 35,000 tonne open storage bin on Location 51 Bodallin Bin Road in August 2005. At this Meeting Council passed the following motion:-

"That Council grants planning approval to BulkWest Engineering Pty Ltd for the installation of an additional 35,000 tonne open storage bin, associated infrastructure of boot pits, elevators, and stackers, and a new ablution facility on part of Location 51 and the railway reserve land off the Bodallin Bin Road, Bodallin on the condition that the entrances onto and off the Great Eastern Highway and the Bodallin Bin Road are investigated jointly by all parties (the Shire of Yilgarn, Co-operative Bulk Handling Ltd, and the Department of Main Roads) to ensure that they are safe and will handle the anticipated increase in vehicle traffic."

I believe that there is no issue now with the entrance onto and off the Great Eastern Highway. At one time CBH wished to close the Bodallin Bin Road to the public when grain was no longer being received at the site, and I believe there had been an agreement between CBH and the Shire to carry out certain road works which would allow the public access to the Bodallin South Road and to the Great Eastern Highway, however, this work has not been completed as yet. It may be CBH has decided not to close the road as it is now listed as Bodallin South Road on the proposed subdivision plan No 725/05 Revision B: 25/1/10 (attached).

Provided that the Bodallin South Road, previously known as the Bodallin Bin Road, is open to the public and not closed as a private road then each proposed new parcel of land that makes up Lot 101 plus Lot 102 will have road access.

Since CBH installed the temporary open storage bins on its site and on Location 51 the Shire has not received any complaints with regards to noise, dust, access to the public railway station, or access along the Bodallin Bin Road. There are no other issues in regards to this proposed subdivision.

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The Manager of Works, Mr Robert Bosenberg, has advised that there are still issues with regards to the traffic management onto and off the Bodallin Bin Road. The Shire has previously requested that a suitable traffic management plan that complies with the Roads Traffic Act be prepared by CBH and forwarded to the Shire, but nothing has been received to date. During the harvest period there are regularly problems with trucks turning onto and off this road in an uncontrolled manner, and trucks parking wherever they can, sometimes dangerously. This needs to be addressed and should be a condition of approval in this application.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Environmental Protection Regulations 1987, the Environmental Protection (Noise) Regulations 1997, and the Health Act 1911 and associated regulations.

Policy Implications

Nil

Financial Implications

Unknown at this time. CBH does not pay any rates on its various bins sites in the District.

Recommendation

That Council advise the Western Australian Planning Commission that while it has no objections to the proposed subdivision of Location 51 Bodallin South Road into Lot 101 and Lot 102 as shown on Plan 725/05 Revision B: 25/1/10, the approval should be conditional in that:-

- 1) the Bodallin South Road (previously known as the Bodallin Bin Road) remains a public road and is not to become a private road that can be closed at any time; and
- 2) that the Co-Operative Bulk Handling Limited (the Applicant) is required to forward to and have it accepted by the Shire, a suitable traffic management plan that complies with the Road Traffic Act for traffic entering its lease premises on the railway land and for proposed Lot 102 Bodallin South Road.

Voting Requirements

Simple Majority.

273/2010

Moved Cr Truran Seconded Cr Kenward that Council advises the Western Australian Planning Commission that while it has no objections to the proposed subdivision of Location 51 Bodallin South Road into Lot 101 and Lot 102 as shown on Plan 725/05 Revision B: 25/1/10, the approval should be conditional in that:-

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- 3) *the Bodallin South Road (previously known as the Bodallin Bin Road) remains a public road and is not to become a private road that can be closed at any time; and*

that the Co-Operative Bulk Handling Limited (the Applicant) is required to forward to and have it accepted by the Shire, a suitable traffic management plan that complies with the Road Traffic Act for traffic entering its lease premises on the railway land and for proposed Lot 102 Bodallin South Road.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 22 nd October, 2010
Agenda Reference:	10.2
Subject:	Planning Application - Proposed Subdivision of Land for Road Widening
Location/Address:	Location 377 Southern Cross South Road, Southern Cross; And Location 386 Southern Cross South Road, Southern Cross
Name of Applicant:	Western Australian Planning Commission, Perth
File Reference:	3.1.7.5 & 6.1.1.006
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th October, 2010

Background

The Western Australian Planning Commission has received two similar applications for the subdivision of a small area of land

- an area of 1.8388 hectares to be taken from current Location 377 Southern Cross South Road (and corner Gatley Road), Southern Cross to then form new Lot 1 with an area of 619.3786 hectares; and
- an area of 1.694 hectares to be taken from current Location 386 Southern Cross South Road, Southern Cross to then form new Lot 2 with an area of 411.2678 hectares.

The first application received is from Fugro Spatial Solutions Pty Ltd on behalf of the applicant, the Shire of Yilgarn, and the owners of the land Benedetto Quadrio, Rita Maria Quadrio, & Danito Antonio Quadrio. See attached copy of the application forms and the proposed Deposited Plans for each application.

The second application received is from Fugro Spatial Solutions Pty Ltd on behalf of the applicant, the Shire of Yilgarn, and the owner of the land, Bacopak Pty Ltd.

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Comment

These two sections of land are required to widen the Southern Cross South Road and remove the majority of the existing curve in the road and thereby make it safer to drive on. These areas have been identified as areas of concern due to the number of traffic accidents or near accidents that have occurred in the past around these curves in the road.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise the Western Australian Planning Commission that it has no objections or issues regarding these two proposed subdivisions for the purpose of widening the Southern Cross South Road, Southern Cross.

Voting Requirements

Simple Majority.

274/2010

Moved Cr Pasini Seconded Cr W Della Bosca that Council advises the Western Australian Planning Commission that it has no objections or issues regarding these two proposed subdivisions for the purpose of widening the Southern Cross South Road, Southern Cross.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 22 nd October, 2010
Agenda Reference:	10.3
Subject:	Condition of Use of Easement - Marvel Loch Oval
Location/Address:	Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch
Name of Applicant:	Department of Regional Development and Lands - Mr Henty Farrar
File Reference:	1.3.8.3 & 3.2.1.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	14 th October, 2010

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Background

As part of the sale of Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch which is the old Marvel Loch School site, to Cazaly Resources Limited for the establishment of an accommodation camp site, there have been issues with regards to the land occupied by the Oval. While the Shire would be happy for Cazaly to take on the ownership and maintenance of the Oval, Cazaly has rejected this option and want the Oval separated from the rest of the land where its accommodation camp will be located.

To facilitate this, the Department of Regional Development and Lands (DRDL) has had a proposed easement surveyed and plan drawn for the Oval which includes the Shire's effluent storage tank, pipework, and power supply.

Attached is a copy of the proposed easement plan over Lot 231. Please note that there will be a couple of changes made to the final easement plan as the Shire requires a new scheme water pipe connection from King Street rather than the current situation from Cheney Street via the school buildings, and Cazaly Resources have indicated that they will require the effluent storage tank to be relocated and will assist with work.

The DRDL has drafted a Deed of Easement document that details the conditions of the easement between the Grantor (the Crown) and the Grantee (the Shire of Yilgarn). The DRDL is seeking comment on this draft Deed of Easement document before finalising the easement.

Comment

The draft Deed of Easement is a standard document whereby the Grantor (the Crown) is granting a non-exclusive right for the Grantee (the Shire) and the Grantee's Authorised Users to access the land shown in the easement on the condition that the Grantee maintains the easement area and the infrastructure on the land, for the fee of \$1.00 plus GST of \$0.10, and that the Grantee has the easement land and infrastructure insured for a minimum sum of ten million dollars (\$10,000,000). This Deed does not prevent anyone else from accessing the land, in particular the Oval from time to time. The effluent storage tank is and will remain in an enclosed compound that is locked. The power, irrigation pipework and water supply pipework will be underground and will be outside the area to be occupied by Cazaly's accommodation camp.

The proposed changes to the easement boundary for the relocation of the effluent tank and the necessary pipework will not affect this document in any way.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

There is a one-off fee of \$1.10 (including GST) to be paid if Council agrees to the terms of the Deed of Easement.

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to the draft Deed of Easement document for the Marvel Loch Oval and associated irrigation infrastructure located on Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch, and it has no objections to the proposed easement plan for Lot 231 but notes that this is not the final plan as it will need to be amended to accommodate the relocation of the Shire's effluent storage tank and changes to the associated infrastructure.

Voting Requirements

Simple Majority.

275/2010

Moved Cr Pasini Seconded Cr Kenward that Council advises the Department of Regional Development and Lands that it has no objections to the draft Deed of Easement document for the Marvel Loch Oval and associated irrigation infrastructure located on Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch, and it has no objections to the proposed easement plan for Lot 231 but notes that this is not the final plan as it will need to be amended to accommodate the relocation of the Shire's effluent storage tank and changes to the associated infrastructure.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 22 nd October, 2010
Agenda Reference:	10.4
Subject:	Proposed Accommodation Camp – Cazaly Resources Limited
Location/Address:	Old Marvel Loch School Site, Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch
Name of Applicant:	Department of Regional Development and Lands – Mr Kevin Emrose
File Reference:	3.2.1.4
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	14 th October, 2010

Background

The Department of Regional Development and Lands (DRDL) has advised that it intends to utilise conditional purchase provisions under section 80 of the Land Administration Act 1997 (LAA) to grant a 4 year lease to allow the Lessee (Cazaly Resources) to achieve 'construction requirement' triggers within the draft lease of land document to allow transfer of the fee simple of the lot. The draft 'Construction Requirements' clause states:-

Construction Requirements

The Lessee shall during the Term and substantially in accordance with the design, plans and specifications set out in Annexure "B" to this Lease, construct or install not less than 96 rooms of workers' accommodation and kitchen / mess facilities which for the purpose of this lease shall be considered to be the Building to either:

- (a) the point of practical completion of the Building, as decided by the Minister for Lands in its sole discretion, or*
- (b) the point where a certificate of classification in terms of regulation 20(4) of the Building Regulations has been issued for the entire Building in accordance with regulation 20(2) of the Building Regulations;*

The Lessor hereby approves the works and the construction of the building, services and infrastructure substantially in accordance with the annexed plans and specifications on the Leased Premises, provided that the Lessee shall have first obtained all necessary third party approvals."

Cazaly Resources has advised the DRDL that it intends to develop Lot 231 in 2 stages. The DRDL has stated that Stage 1 will meet the above 'Construction Requirements' and has forwarded a copy of the plans submitted to the DRDL by Cazaly Resources which will be used Annexure B in the lease document. Copy of these plans are attached.

The DRDL is seeking comment on Cazaly Resources plans and proposed staged development proposal.

Comment

The proposed accommodation camp is planned to accommodate up to 173 people at one time. Stage 1 will provide accommodation for up to 97 people, a dry mess (kitchen & dining room), a separate toilet block near the dry mess, 2 laundry blocks, a below ground swimming pool next to the existing basketball court, a TV/Library/phone room unit with toilet block butting up to it, plus a new wastewater treatment plant to handle wastewater from the proposed accommodation camp. Stage 2 will provide accommodation up to 76 people.

In my discussion with Matt Timbrell of Cazaly Resources they are keen to have a separate wastewater treatment plant to treat the wastewater on-site and would be looking to fee the effluent to the Shire's effluent storage tank for disposal on the

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Marvel Loch Oval. No wastewater is expected to be connected to the Shire's semi-deep sewer system from Cazaly's accommodation camp.

The overall concept plans, plus the plans for the 4 room with Ensuite accommodation units, dry mess, and other transportable units look satisfactory, however, full building plans are required before building approvals can be given.

Town Planning Issues

I am unsure whether Council has formally approved the proposed land use of "Residential" for the accommodation camp, and therefore recommend that this is done now.

Under the Shire of Yilgarn Town Planning Scheme No 2 all of the townsite of Marvel Loch is zoned "Townsite" and therefore most proposed development requires Council approval. In Table 1 Zoning Table of the Scheme all listed land uses have an 'AA' symbol which requires Council approval. The exceptions to this are for a single residence and public recreation which have a 'P' symbol indicating these land uses are permitted, and for an extractive industry which has a 'SA' symbol which requires advertising and Council approval.

In this instance the proposed land use is of a commercial nature but is also residential in nature, similar to a lodging house or motel accommodation.

There are several accommodation camps already in Marvel Loch. Another such camp would be consistent with existing development type.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Health Act 1911 as amended from time to time, and the Building Regulations 1989.

Policy Implications

Nil

Financial Implications

Once the land is leased by Cazaly Resources they will pay rates to Council, which will increase with the proposed development being completed.

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to the proposed lease of the land to Cazaly Resources Limited, or for Cazaly Resources Limited to develop Part of Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch in two stages to provide a 173 person accommodation camp.

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Moved Cr Pasini Seconded Cr Kenward that Council advises the Department of Regional Development and Lands that it has no objections to the proposed lease of the land to Cazaly Resources Limited, or for Cazaly Resources Limited to develop Part of Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch in two stages to provide a 173 person accommodation camp.

CARRIED (7/0)

Recommendation

That Council formally grants town planning approval for the proposed change of land use for Part of Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch from "School" to "Residential Building - Single Persons Accommodation".

Voting Requirements

Simple Majority.

277/2010

Moved Cr Pasini Seconded Cr Truran that Council formally grants town planning approval for the proposed change of land use for Part of Reserve 12591 Lot 231 King, Cheney & Overington Streets, Marvel Loch from "School" to "Residential Building - Single Persons Accommodation".

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 22 nd October, 2010
Agenda Reference:	10.5
Subject:	Planning Application - Renew Lease or Freehold Land
Location/Address:	Lot 977 Polaris Street, Southern Cross
Name of Applicant:	Department of Regional Development and Lands - Ms Kerrie Bridger
File Reference:	3.1.7.5
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	14 th October, 2010

Background

The Department of Regional Development and Lands (DRDL) has written to the Shire advising that the lease for Lot 977 Polaris Street, Southern Cross will expire on 31st December 2010. The DRDL is proposing to issue a new replacement lease for this lot for the purpose of "Parking". The DRDL is also considering a request from the lessee (Mr John Sydney Coward) to freehold the Lot 977 and they would amalgamate Lot 977 with their Lot 283. See attached copy of the letter and location map.

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Comment

Lot 977 Polaris Street is zoned "Residential" under the Shire of Yilgarn Town Planning Scheme No 2. It is vacant land used to access the rear of Lot 283 and Lot 237 (owned by the Estate of Mr Achille John Ciabbarri, deceased).

There is no reason to object to either a renewal or issuing of a new lease agreement for this lot, or for the selling of the lot freehold to the current lessee. If the lot is sold as freehold and is developed by erecting outbuildings on the property, then it is recommended that Lot 977 is amalgamated with Lot 283.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to a new lease being offered to the current lessee for Lot 977 Polaris Street, Southern Cross, and it has no objection to Lot 977 being sold freehold to the current lessee but would advise that if Lot 977 is developed in the future by constructing outbuildings only on it then Lot 977 should be amalgamated with Lot 283.

Voting Requirements

Simple Majority.

278/2010

Moved Cr Kenward Seconded Cr Truran that Council advises the Department of Regional Development and Lands that it has no objections to a new lease being offered to the current lessee for Lot 977 Polaris Street, Southern Cross, and it has no objection to Lot 977 being sold freehold to the current lessee but would advise that if Lot 977 is developed in the future by constructing outbuildings only on it then Lot 977 should be amalgamated with Lot 283.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council - Friday 22 nd October, 2010
Agenda Reference:	Late Item 10.6
Subject:	Retrospective Building Application for Existing Building Work
Location/Address:	Lot 886 (H/No 41) Taurus Street, Southern Cross
Name of Applicant:	Portman Iron Ore / Cliffs Natural Resources - Mr Mark Hunter
File Reference:	3.1.7.5
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	21 st October, 2010

Background

Mr Mark Hunter on behalf of Portman Iron Ore Ltd / Cliffs Natural Resources which is the current owner of Lot 886 Taurus Street, Southern Cross has recently applied for a retrospective building licence. The application is for an existing patio/porch attached to the rear of the existing dwelling situated on Lot 886 which was built without a Building Licence being issued. While it is unclear who built the patio, it is possible that it could have been one of Portman Iron Ore's tenants who have occupied the premises since Portman Iron Ore bought the property in December 2000. Likewise it could have been a tenant of the previous owner of the property which was the State Energy Commission.

Comment

Peacock Settlements of Subiaco was handling the sale of Lot 886 Taurus Street on behalf of the prospective new owner. It was established during their investigations that the patio had been built without a building licence being issued. I advised Peacock Settlements that under Regulation 11A of the Building Regulations 1989 Local Governments can not formally grant approval for unauthorised building work. Normally such an application being presented to Council would require:-

- i) Full construction plans of the unauthorised structure/building; and
- ii) A qualified Building Surveyor or Structural Engineer would need to inspect the structure and determine whether the structure complies with the building plans submitted, the Building Code of Australia 2010, and provide a written statement confirming that the building work complies.

Mr Hunter was asked to submit a completed Building Application form, and provide building plans and structure information regarding the structure, which he has done. See attached copy of the Application form, building plans and structural information, and a location map.

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The structure is a steel frame, corrugated iron roof, brick paved floor Patio attached to the porch at the rear of the double brick dwelling. It is 3.500m wide x 4.360m long (15.260 squared metres). One side of the patio is attached to the existing dwelling roof rafters via steel brackets and bolts, while the opposite side is supported on two steel pipe posts concreted into the ground.

In this instance, due to the simple nature of the structure, and that all the elements of the building are exposed for inspection, I waived the requirement for the owners to engage a qualified Building Surveyor or Structural Engineer. Mr Hunter did engage Pedrin Building, a local building company operating in Southern Cross, to inspect the building. Pedrin Building is quoted as stating "that they believe that construction is in a sound and safe condition."

The patio appears to have been in existence for a number of years and in my opinion appears to be structurally sound. The plans also comply with the Building Code of Australia.

This Application is submitted before Council under Regulation 11A of the Building Regulations 1989 seeking approval to issue a Retrospective Building Licence for this patio.

Statutory Environment

Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1995, and the Building Code of Australia.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval for a Retrospective Building Licence to be issued to Portman Iron Ore Ltd for the construction of a steel and iron patio attached to the porch at the rear of the existing brick dwelling situated on Lot 886 Taurus Street, Southern Cross.

Voting Requirements

Simple Majority.

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Moved Cr Pasini Seconded Cr Truran that Council grants approval for a Retrospective Building Licence to be issued to Portman Iron Ore Ltd for the construction of a steel and iron patio attached to the porch at the rear of the existing brick dwelling situated on Lot 886 Taurus Street, Southern Cross.

CARRIED (7/0)

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.28pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 22nd October 2010 are confirmed as a true and correct record of that meeting on Friday, 19^h November 2010.

Cr Romolo Patroni
SHIRE PRESIDENT