

MINUTES
ORDINARY COUNCIL MEETING
Friday 15th April 2011

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 15th April, 2011.

PRESENT

Cr P R Patroni, Shire President

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

Council Officers: J Sowiak, Chief Executive Officer
 V Murty, Deputy Chief Executive Officer
 R J Bosenberg, Manager for Works
 J Merrick, Project Officer

The meeting was declared open for business at 2.00 pm.

APOLOGIES AND LEAVE OF ABSENCE

Cr D J Pasini

W J Dallywater, Manager Environmental Health & Building

K Hastie, Director Westonia Operations

DISCLOSURES OF INTEREST

None

PUBLIC QUESTION TIME

None

PRESENTATION

Mr Berin Gibbons – Westpac AgriBusiness Manager and Lavett Barbosa – Southern Cross Branch Manager were invited to join Council for lunch and then presented a Review of the Shire of Yilgarn's Banking procedures during the information session.

Berin outlined Council's current accounts and banking procedures and explained different improvements that could be made that will save Council in transaction fees and create a more streamline way of paying creditors and receiving money from ratepayers by way of online banking through PayWay.

The Shire President thanked Berin for the presentation and encouraged Westpac to work closely with the DCEO to improve Council's current banking systems.

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

70/2011

Moved Cr Kenward Seconded Cr W Della Bosca that the Minutes of the previous Meeting of Council held on Friday 18 March 2011, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

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TOURISM ADVISORY COMMITTEE MEETING

71/2011

Moved Cr Truran Seconded Cr Auld that the Minutes of the Tourism Advisory Committee on the 14th March 2011 be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MEETING

72/2011

Moved Cr Truran Seconded Cr Auld that the minutes of the Tourism Advisory Committee on the 11th April 2011 be received.

CARRIED (6/0)

Recommendation

Moved Mrs Crafter Seconded Mr Beaton that Council gives consideration to evaluating the benefit the Yilgarn District gets from contributing to the Merredin Visitors Centre, compared to Yilgarn using the funds internally and organising TV Promotions and developing the Yilgarn Visitor Centre further at the Shire Office or CRC.

CARRIED

73/2011

Moved Cr Truran seconded Cr J Della Bosca that Council gives consideration to evaluating the benefit the Yilgarn District gets from contributing to the Merredin Visitors Centre, compared to Yilgarn using the funds internally and organising TV Promotions and developing the Yilgarn Visitor Centre further at the Shire Office or CRC.

CARRIED (6/0)

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

74/2011

Moved Cr W Della Bosca Seconded Cr Kenward that the Minutes of the Yilgarn Local Action Group of Skeleton weed Management Committee Meeting held Tuesday 5th April 2011 be received.

CARRIED (6/0)

**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND
COUNCILLORS**

The Shire President advised the following:-

- That he had attended with the CEO an Eastern Wheatbelt Declared Species Group meeting in Merredin where four out of ten councils that form the group were present. There was heated debate between DAFWA representatives and Council representatives about changing the group's status to an incorporated body. DAFWA indicated if the group

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didn't become incorporated it may affect their funding opportunities in the future. The Shire President was disappointed with the meeting and believes that the DAFWA's representatives have lost sight of why the group was formed in the first place.

- That he was aware that the Westonia Public Meeting occurred on the 12th April in Westonia to discuss the merger with ratepayers and address any questions they may have. He explained that he was disappointed and disagrees with the Westonia's Shire President's decision to exclude the Joint CEO from the public meeting, and believes an appraisal of the CEO's position should be put on the agenda for the Joint meeting on the 2nd May 2011. He asked if Council agrees that the Appraisal Committee should be made up of the Shire Presidents and Deputy Presidents from both shires plus one independent from the Department of Local Government.
- That he had received a letter from the WA Police relating to the Crime Prevention Grants Program. Advising that there have been some changes to the amount available, increasing flexibility to fund longer term initiatives over three years and streamlining administration procedures.
- That he had received a letter from Department of Planning relating to the creating of 15 new Development Assessment Panels (DAPs), they have requested if Council can select a DAP nominee to be on a panel in their region - Training will be provided and they will be entitled to the payment of \$400 from the Department.
- That he and the Manager for Works will be attending a Roads Sub-group meeting on Monday 18th April, where they will be discussing funding for the upcoming year.
- He advised that the Driver Reviver van will be present over the Easter / Anzac Day long weekend and anyone interested in volunteering their time to man the caravan would be appreciated.

Cr W Della Bosca advised that the Mt Hampton Bush Fire Truck is due to be replaced next week and the Bodallin Truck towards the end of the Financial year.

Cr J Della Bosca advised that she attended the swimming carnival on the 25th March 2011, where there was strong competition between the schools and lots of fun was had by all.

In addition, she had attended training in Perth completing several modules of Councillors training covering the following components; Budgets and reporting, change management, policy and management processes and management systems.

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Cr Auld advised that he had attended the 'Industry Management Committee for Bed Straw'. In addition, he with the SP, CEO and DCEO had met with Ms Jennifer Collins from DSR to discuss the progress of the Sporting Precinct and upcoming stages for the development.

Cr Truran advised that she had attended the Management Committee meeting for the Daycare Centre, discussions indicated that children numbers have been improving this year and the centre has been granted funding until the end of 2012.

CHIEF EXECUTIVE OFFICER REPORT

Submission to:	Ordinary Meeting of Council – Friday, 15 th April 2011
Agenda Reference:	7.1
Subject:	Presentation Westpac Bank
File Reference:	8.2.4.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th April 2011

Background

Council currently uses the Westpac Bank for its banking services and the Agri-Business Manager and the Southern Cross Branch Manager will be presenting to Council on the services that are being offered and how they can improve services into the future.

Comment:

Council staff has asked the bank to review the services that it offers and make a presentation to Council.

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council receive the information.

Received

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Submission to:	Ordinary Meeting of Council – Friday, 15 th April 2011
Agenda Reference:	7.2
Subject:	Community Sporting Fund - Recreation Precinct
File Reference:	1.3.8.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th April 2011

Background

The Council has awarded contracts for the construction of the Bowling Green and Sporting clubhouse as part of the overall sporting precinct redevelopment. As part of the funding for this Sporting Precinct, Council has been allocated a grant of \$500,000 from the department of Sport and Recreation which is insufficient to complete the works as proposed.

Comment

The original concept plan for the redevelopment of the Sporting precinct included a club house, bowling green, refurbished tennis courts, heated pool and new netball courts. At the time Council had estimated that the total cost of this project would be in excess of \$6.3m and had sought \$1.5m from the Dept of Sport and Recreation for the completion of stage one which involved bowling greens, club house and refurbished tennis courts.

As reported to Council at its last meeting the current status of funding for the project is as follows:

Recreation Facility Reserve	1,413,300 (this includes \$305,000 R4R 0809)
Add Royalties for region 10/11	446,300 (Approved Funds)
Add DSR funding (Payable 2011)	<u>500,000</u> (Approved Funds)
Total cash and grants available	2,359,600

Based on the contracts awarded it is estimated that the total cost of the project would be around \$2.4m. Council needs to allow for the demolition, clearing, provisional cost items, administration, supervision of the project and any contingencies. On that basis Council will need at least \$2.7m to complete the project.

The grant agreement from the Department of Sport and Recreation states that the purpose of the grant is the:

‘Construction of a new synthetic bowling green, reconstruction of three tennis courts and the construction of a new clubroom including change rooms, toilets, function room and storage in Southern Cross’.

Whilst the decision by Council to reduce the scope of the project has resulted in a much more cost effective and practical outcome, there is still insufficient funds from current sources to complete all of the work that was required to be undertaken under the grant funding agreement.

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At a meeting with the Regional Manager Department of Sport and Recreation a number of options were discussed that would resolve the current situation and provide a path for potential future grants from her Department.

The first option is for Council to seek a new grant to complete the project including the tennis Court refurbishment. This would involve surrendering the current \$500,000 grant in the hope that a subsequent application for a higher amount would be successful. This strategy is not recommended.

The second option available to Council, is to request that the original purpose of the grant be amended to reflect what is achievable with funds that have been received and then to seek additional funds in future rounds to undertake other projects to enhance the recreation precinct. Whilst this option is recommended, it will be difficult to convince the Department to fund the refurbishment of the Tennis Courts in the future unless there is a significant difference in what was proposed and previously funded and it is part of a plan for development of other sports besides tennis.

The Department is also keen to know what Council intends to do with the other facilities in Southern Cross so that it can understand and plan for further grant assistance as required.

At the time that the original concept plan was scaled back a number of residual projects were discussed that could form the basis for future funding applications or budget considerations. The following are some suggestions and ball park estimates for future :

Stage 1 : Bowling Green and Club House.

Completion of club house and bowling green. Current project estimated at \$2.7m

Stage 2: Outdoor Tennis/netball/Basketball Courts

It is not proposed to upgrade the current outdoor netball courts in their current location as the players have started to use the existing indoor recreation complex. However it is possible that for a reasonable cost the refurbishment of the tennis courts could involve multi-purpose line marking and hoops to accommodate netball and basketball.

As netball tend to play in the off tennis season, or at different times, it would seem practical to look at establishing an outdoor multipurpose surface for tennis and netball when refurbishing the remaining three tennis courts. The additional cost for line marking and the provision for retractable/removable hoops, would be a wise investment particularly if this increases the capacity for multisport use of the facility.

Project Summary :

Refurbishment of tennis courts and resurfacing with line marking, fencing and retractable hoops for netball/basketball as well as suitable lighting etc.

Rough Estimate \$350K

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Stage 3: Pool Amenities

The amenities at the pool are long overdue for replacement and the pool itself is close to 45 years old. Assuming that there are no major issues, work that would need to be done would include the construction of new change rooms, kiosk, disabled access to pool and new change rooms showers etc.

Project Summary :

Refurbishment of Pool amenities construction of disabled access to existing pool and change rooms etc.

Rough Estimate \$1.5m

Stage 4 : New addition to pool complex - Hydrotherapy

This project could eventually be accommodated on the Northern end of the existing pool grounds and incorporated in the new layout for the change rooms kiosk etc.

Heated hydrotherapy Pool Rough Estimate \$1.5m.

If Council is comfortable with the proposed schedule of works, then this can be incorporated in the application to the Department of Sport and Recreation to amend the current grant agreement. Nothing in this action would prevent some of this work being undertaken if there are savings or if there are other sources of funding available at this time. The priority in such circumstance would be stage 2 Tennis/netball courts upgrade.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

None

Recommendation

That Council seek approval from the Department of Sport and Recreation to amend the original purpose of the 2010/2011 Community Sporting and Recreation Facilities Grant to reflect the work that will be done under stage one of the recreation precinct redevelopment and to incorporate in that application proposals as suggested in stages 2 through to 4 as detailed in the report.

Voting Requirements

Simple Majority

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75/2011

Moved Cr Kenward seconded Cr Truran that Council seek approval from the Department of Sport and Recreation to amend the original purpose of the 2010/2011 Community Sporting and Recreation Facilities Grant to reflect the work that will be done under stage one of the recreation precinct redevelopment and to incorporate in that application proposals as suggested in stages 2 through to 4 as detailed in the report.

CARRIED (6 /0)

Submission to:	Ordinary Meeting of Council – Friday, 15 th April 2011
Agenda Reference:	7.3
Subject:	Merger Update
File Reference:	2.5.2.3
Author:	Project Officer
Disclosure of Interest:	Nil
Date of Report:	6 th April 2011

Background:

This report is to provide Council and members of the community with an overview of the current status of the merger discussions with the Shire of Westonia and the activities that have been undertaken to date.

Comment:

The Project officer will provide a report for consideration by Council.

Statutory Environment:

Local Government Act 1995 and guidelines published by the Department for Local Government.

Policy Implications:

Nil

Financial Implications:

Funding for the Merger has been provided by the Department of Local Government.

Recommendation:

That the report be received.

Received

Project Officers Report – April 2011

Regional Business Plan

Part of the requirement of the Local Government Advisory Board process includes the provision of a Regional Business Plan which outlines the current “state of play” of the two Shires as compared with an overview of what the merged Shire will look like.

We virtually have the current situation explained in the Overview of Services document which was completed and received by both Councils at the end of 2010 and

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which can now be used as a referral source to develop an insight into service provision and operational aspects in the merged state.

If we consider the requirements contained within the MOU in regards to service provision, staffing levels, elected representation and retention of identity, a fairly clear picture has already started to emerge.

The next step is to develop the Regional Business Plan, inclusive of financial implications, to establish on-going operational functions of the new Council.

Following a meeting with Allison Dalziel from Morrison Low Consulting, attended by the CEO, Tim Fowler and myself, a revised format for the Regional Business Plan has been prepared and which will be provided to the Advisory Board by the end of June, in time for the Boards visit to the Shires in late July.

Telecommunications:

Councillors are aware that optic fibre cabling exists in both Westonia and Southern Cross and that negotiations with Telstra are being pursued with a view to having offices connected to it in the lead up to the merger.

Telstra has been provided with all relevant information in regard to usage estimates and proposals for the integration of functions and communications, and we are currently awaiting cost estimates to enable progress to be made at the earliest.

Computer Upgrade:

Discussion continues with IT Vision in regard to the integration of computer systems, both hardware and software, to ensure a seamless transition on 1st. July 2012.

IT Vision has been provided with current configuration and needs into the future and have indicated that a proposal will be prepared by the end of April which outlines their recommendations and which will enable purchase in a timely manner.

Meetings Attended:

- (a) Meetings with Tim Fowler and Lone Pallister from the Department for Local Government to develop a modified format for the preparation of the Regional Business Plan to provide to the Advisory Board.
- (b) Meetings with Allison Dalziel of Morrison Low Consultants to provide her with copies of all relevant documentation, and again with the CEO and Tim Fowler to discuss the scope of work required for the Business Plan.
- (c) Discussions with IT Vision in regard to the requirements for hardware and software, as well as an implementation plan to ensure that the new configuration is in place and that staff have been provided with adequate training opportunities prior to March 2012.
- (d) A meeting with PCS (computer management providers) to establish possible future contracts for the management functions of the new system when installed and into the future.

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Submission to:	Ordinary Meeting of Council – 15 th April 2011
Agenda Reference:	7.4
Subject:	Eastern Wheatbelt Declared Species Group
File Reference:	1.6.30.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th April 2011

Background

The Eastern Wheatbelt Declared Species Group (EWDSG) has been operating for approximately 8 years as an unincorporated Local Government Group under the auspices of the Department of Agriculture and Food and has managed the Wild Dog program for the Eastern Wheatbelt.

Changes in the method of funding have meant that the group has been pushed towards the incorporation of an association that would be recognised as a Regional Biodiversity Group. (RBG) There is disputation as to the necessity for the formation of an incorporated association, however there have been a number of meetings over the past eight months that have set out a framework for such an association.

Comment

The EWDSG is community driven, has excellent links with local government (the group is partially funded by 10 local government bodies) state government agencies and is currently sponsored by 2 major mining companies.

The main focus of the EWDSG has been in the prevention of wild dog predation on the livestock industry, however recently it has broadened its role by taking on some minor maintenance activities along a section of the No1 South State Barrier Fence. Two licensed pest management technicians are employed by the EWDSG to control wild dogs and carry out minor maintenance on the State Barrier Fence.

As the largest declared species group in the state the EWDSG is a well established organisation that is supported by local industry. Its management principles are in line with those of an incorporated body, however it is not an incorporated body and this has caused some concern for the Department of Agriculture and Food and the Department of Environment and Conservation.

Council representatives have been told that the only way forward for the organisation is to establish an incorporated association that can be recognised by the Department as an RBG. It is also stated that the objective of forming an RBG is the intention of the group to impose a rate so it can facilitate the control of Declared Species that threaten agriculture within its member shires. The Department of Agriculture and Food is currently guiding the EWDSG through the transition from Declared Species Group to a Recognised Biosecurity Group.

In August 2010 the EWDSG met to discuss options for the establishment of an RBG and the meeting resolved to become a Regional Biosecurity Group. The Ministerial requirements under the Biosecurity and Agriculture Management Act 2007 ('the

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Act”) require that any group established must be a corporate body and hold public liability insurance. At various meetings since the members have met to establish the rules of the association as is required to form an Association under the Association Incorporations Act.

This process has caused some concern and therefore it is important to consider the options available to the EWDSG if it is to qualify for recognition and funding as an RBG or any other funding from the Government relative to the programs that are operating going forward from next financial year. The option available are :

Regional Local Government:

There are provisions under the Local Government Act to establish a Regional Local Government (Clause 3.61) to do things for Local Government and Section 3.68 where Local Governments perform a function jointly. At the moment the EWDSG operates with the provisions of section 3.68 as a group of Council’s performing a function jointly. However this is not an incorporated body.

The formation of a Regional Council would meet the requirement to have an incorporated body however such a group brings with it most of the requirements of the Local Government Act. The statutory obligations of a Council other than the electoral and other procedural issues apply to a regional Council in the same way as they apply to Local Government.

For instance the conduct of meetings, the requirement to appoint a CEO, (Part 5 Div 2 & 4) the financial reporting obligations , annual report etc. The compliance costs would be a significant issue and the general recommendation of the Department of Local Government in such circumstances is to form a not for profit incorporated association under the incorporations Act as DAFWA have suggested.

MOU as is the case with WEROC:

The suggestion that the group could operate under a MOU in the same fashion as WEROC. This option would not address the issue of incorporation as WEROC is not a Regional Council nor is it an incorporated body. WEROC cannot operate a bank account in its own right.

If there is a requirement for grant funds to be paid to an incorporated body as is the case of Royalties for Regions or Sport and Recreation Grants, then a member Council must accept the responsibilities to accept the grant on behalf of the group and complete the necessary acquittals.

One Council to Auspice the Grants on behalf of the Group:

This would be one way to maintain the current structure, however it would place additional responsibilities and obligations on the Council who has primary responsibility for the completion of monthly reporting, acquittal and management issues. There are still technical issues associated with the body corporate not being the “group” that has been recognised as the RBG by the Minister.

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Forming a not for profit Incorporated Association:

This appears to be the most practical solution to adopt in order to maintain the current governance structure within an incorporated association. The only issue remaining is therefore to ensure that the new structure is not too dissimilar to the current structure and that Local Government has primary responsibility for the functions and responsibilities of the group.

On that basis a draft rules of association has been prepared and subject to amendments to membership eligibility under Section 5.1 membership to ensure that Local Government are the primary members of the group, it is recommended for adoption.

It is disappointing to note that it is the current understanding that this restriction on membership will cause some difficulties with the current Departmental view on the establishment of the RBG. The membership is too restrictive as it is based on a pastoralist association model which is not how this committee has operated in the past.

So whilst the new association will be incorporated and be eligible for funding from other sources there may still need to be negotiations over the status of the group as a RGB.

Notwithstanding this the suggested revised wording is:

5.1 Membership

a) Full Members

Full membership of the association is open to all local governments, within the Area.

b) Associate members

Subject to rules 5.2 and 19.2, Associate membership of the Association is available to any public authority and other corporate bodies that are responsible for the care, control or management of land within the Area, or that are conducting significant activities on land in the Area.

Changes to the following rules will also be required:

Definitions remove all reference to rates, ratepayers, and rate amounts.

Rule 7.1 remove ref to pest rate.

Rule 7.2 remove

Rule 7.3 amend

Rule 7.4 remove

Rule 10.1 amend, currently all members of the management committee must be full members DAFWA and DEC cannot hold a role here if they are not full members I suggest that associate members be allowed to hold a position on the committee.

I believe that this change would be consistent with what Council has had in the past.

The other relevant actions would be to approve of the transfer of funds from the EWDSG to the new association, the signing of documents under seal if required.

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Statutory Environment

Excerpt from the Guidelines :

When proclaimed, section 169 of the *Biosecurity and Agriculture Management Act 2007* ('the Act') will grant the Minister for Agriculture and Food power to formally recognise a body of persons as a Biosecurity Group. Such recognition will enable the Group to receive funds raised from within its area of operation, in order to carry out measures to control declared pests on and in relation to those lands. In addition to a direct role in the planning, implementation and oversight of local declared pest control programs, it is expected that RBGs will also monitor DAFWA's regulatory service delivery as it relates to declared pests, and report issues arising and provide advice and recommendations back to the Department for improved effectiveness and efficiency. RBGs will also likely promote local public awareness by encouraging local landholders to adopt sound biosecurity practices.

The proposed Biosecurity Council will monitor the programs, achievements and outputs of these groups and identify opportunities to improve the capacity of regional communities and interest groups to contribute to effective biosecurity and for better cooperation and collaboration between Government, community and primary producer on regional biosecurity issues.

Section 169 was primarily included within the new Act to provide for non-statutory replacements for some of the groups that have traditionally operated under agricultural legislation which is to be progressively repealed in conjunction with the staged implementation of the new Act. The Zone Control Authorities (ZCA) and District Consultative Groups (DCG) are two such examples.

Although a group's objects *must* include controlling declared pests in a particular area in order to be eligible for formal recognition as a RBG, there is nothing to say that this is all a RBG can do. On the contrary, RBGs can undertake wide-ranging functions according to their adopted Constitution, but must also be able to separately fund them, given that funds can only be made available under the Act for the control of declared pests in specified locations and situations.

Hence, an important consideration "up-front" for any prospective RBG is what will it do? Proper consideration of this critical question is necessary in order to become incorporated. Incorporation is a fundamental pre-requisite for awarding of RBG status, primarily so that the Group is able to receive and spend public moneys with an appropriate degree of governance.

Pre-requisites for formal recognition as a Biosecurity Group

- must be a body corporate, and if a non-government organisation, must be a non-profit organisation;
- must fairly represent the interests of all rate payers in the area and not just a particular class of ratepayer;
- must, as part of its role, be involved in the management or control of declared pests;

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- must have obtained a minimum public liability insurance cover of \$10 million, and be able to provide a current insurance certificate or show evidence as to the procurement of a certificate;
- must have an Australian Business Number (ABN);
- must be registered for GST or have approval from the ATO for GST exemption;
- must comply with minimum administrative and corporate governance standards (set by the Director General of Agriculture and Food WA);
- must be willing for group representatives to meet with the Director General's representative(s) at least once each year, or at such times as specified by agreement with the Director General, in order to discuss the preparation of budgets and delivery of outputs.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advise the Department of Agriculture and Food WA that, subject to amendments to the membership criteria in the draft rules of association to reflect the primary membership of Local Government in the new incorporated Association, the Council agree to the establishment of a Non for profit incorporated association to replace the current EWDSG and the consequential transference of funds and the execution of documents under seal as required.

Voting Requirements

Simple Majority

76/2011

Moved Cr Kenward seconded Cr J Della Bosca that Council advises the Department of Agriculture and Food WA that, subject to amendments to the membership criteria in the draft rules of association to reflect the primary membership of Local Government in the new incorporated Association, the Council agree to the establishment of a Non for profit incorporated association to replace the current EWDSG and the consequential transference of funds and the execution of documents under seal as required. Further that in the event that this option is not accepted then Council advise that its preference would be for the establishment of an MOU with one of the Councils taking primary responsibility for the project.

CARRIED (6/0)

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RULES OF ASSOCIATION
EASTERN WHEATBELT BIOSECURITY GROUP INC.

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Name of Association

1. The name of the Association is **Eastern Wheatbelt Biosecurity Group Inc.**

Definitions

2. In these rules, unless the contrary intention appears –

"**Annual General Meeting**" is the meeting convened under paragraph (a) of rule 16.1

"**Convene**" means to call together for a formal meeting;

"**Department**" means the government department with responsibility for administering the *Associations Incorporation Act (1987)*;

"**Declared pest**" has the meaning given to that term in the *BioSecurity and Agriculture Management Act 2007*;

"**Financial year**" means a period not exceeding 15 months fixed by the Management Committee, being a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

"**General meeting**" means a meeting to which all members are invited;

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"Management Committee meeting" means a meeting referred to in rule 15;

"Management Committee member" means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10.1

"Member" means member of the Association;

"Minister" means the Minister administering the *Biosecurity and Agriculture Management Act 2007*;

"Ordinary resolution" means resolution other than a special resolution;

"Poll" means voting conducted in written form (as opposed to a show of hands);

"Public authority" has the meaning given to that term in the *BioSecurity and Agriculture Management Act 2007*;

"Rate" has the meaning given to that term in the *Biosecurity and Agriculture Management Act 2007*;

"Rate amounts" has the meaning given to that term in the *Biosecurity and Agriculture Management Act 2007*;

"Ratepayer" means an owner or occupier of rural or Pastoral land within the Area for which debts for Council and Declared Pest Rates have not accrued for two or more years

"Special general meeting" means a general meeting other than the annual general meeting;

"Special resolution" has the meaning given by section 24 of the

Associations Incorporation Act (1987), that is:

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact.

"The Act" means the *Associations Incorporation Act 1987*;

"The Area" means the municipal districts of Lake Grace, Kulin, Kondinin, Narembeen, Yilgarn, Westonia, Mukinbudin, Mount Marshall, Nungarin, Merredin and adjoining municipal districts which the Association may from time to time agree to service for reasons of cost-efficiency.

"The Association" means the Association referred to in rule 1;

"The Chairperson" means-

(a) in relation to the proceedings at a Management Committee meeting or general meeting, the person presiding at the Management Committee meeting or general meeting in accordance with rule 11; or

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(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10.1 or, if that person is unable to perform his or her functions, the Vice Chairperson;

"The Commissioner" means the Commissioner for Fair Trading exercising powers under the *Associations Incorporation Act (1987)*;

"The Committee or Management Committee" means the Committee of Management of the Association referred to in rule 10.1

"The operations Co-ordinator" means the Group Co-ordinator referred to in paragraph (d) of rule 10.1

;

"The Secretary Treasurer" means the Secretary Treasurer" referred to in paragraph (c) of rule 10.1;

"The Vice-Chairperson" means the Vice-Chairperson referred to in paragraph (b) of rule 10.1

Objects of Association

3.1 The objects of the Association are to limit the impacts of pest animal and pest plant species on the Eastern Wheatbelt Communities minimise the impact of wild dogs and other established declared species on all classes of land and on biodiversity within the Area, via the following:

- initiate, promote and foster the control of declared pests in the Area,
- encourage landholders and other persons to adopt sound Biosecurity practices throughout the Area,
- foster the sustainable development of the Area and;
- encourage the control of pests other than those declared in the Area.

3.1 The objects of the association are to limit the impacts of pest animals and pest plant species within Eastern Wheatbelt communities by:

Initiating promoting and fostering and assisting in the management of the control of pests on all classes of land in the area, and encouraging landholders, land managers and other persons to adopt sound pest management practices on all classes of land throughout the area.

3.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

Powers of Association

4.1 The powers conferred on the Association are the same as those conferred by

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section 13 of the *Associations Incorporation Act* (1987), so that subject to that Act and any additions, exclusions or modifications inserted below, the Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money -
 - (i) in any security in which trust monies may lawfully be invested; or
 - (ii) in any other manner authorised by the rules of the Association;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the Association on its behalf;
- (g) enter into any other contract it considers necessary or desirable; and
- (h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the *Associations Incorporation Act* (1987) or the rules of the Association.

Qualifications for membership of Association

5.1 Membership:

a) Full Members

Full membership of the Association is open only to Rural and Declared Pest Rate payers within the Area, and subject to rule 19.1, is automatically bestowed upon the individual or entity appearing on the relevant rate assessment, for a period of 12 months from the date of issue of that assessment.

b) Local Government Authorities

As long as a Local government authority is a significant financial contributor, as per rule 7.1, that Local Government Authority will be treated as a full member of the association, and subject to rule 19.1.

b) Associate members

Subject to rules 5.2 and 19.2, Associate membership of the Association is available to any public authority and other corporate bodies that are responsible for the care, control or management of land within the Area, or that are conducting significant activities on land in the Area.

5.2 A public authority or other corporate body wishing to become an associate member must-

- (a) apply to the Management Committee in such form as the Management Committee from time to time directs; and
- (b) be proposed by one full member and seconded by another full member.

5.3 The Management Committee members must consider each application made under sub-rule 5.2 at a Management Committee meeting and must at the Management Committee meeting or the next Management Committee meeting accept or reject that application.

5.4 An applicant for Associate Membership must receive 75% or more of the votes of the Management Committee present to be accepted.

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5.5 An applicant whose application for membership of the Association is rejected under sub-rule (3) must, if the applicant wishes to appeal against that decision, give notice to the Secretary/Treasurer of intention to do so within a period of 14 days from the date he or she is advised of the rejection.

5.6 When notice is given under sub-rule (5), the Association in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Management Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting.

Register of members of Association

6.1 The Secretary/Treasurer, on behalf of the Association, must comply with section 27 of the *Associations Incorporation Act* (1987) by keeping and maintaining in an up to date condition a register of the members of the Association and their postal or residential addresses, respective member status (full / associate) and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

6.2 The register must be so kept and maintained at the Secretary Treasurer place of residence, or at such other place as the members at a general meeting decide.

6.3 The Secretary Treasurer must cause the name of a person who ceases to be member under rule 8 to be deleted from the register of members referred to in sub- rule (1) .

Subscriptions of members of Association

7.1 From time to time the members may, at a general meeting, determine the amount of the subscription or pest rate to be paid by each member (if any), provided that an additional subscription or pest rate is not to be imposed upon a member who is already a significant financial contributor to the Association's funds in their own right.

7.2 If a subscription is determined under sub-rule (1), each member not being a significant financial contributor must pay to the Secretary Treasurer, annually on or before 1 July or such other date as the Management Committee from time to time determines, the amount of the subscription.

7.3 Subject to sub-rule (4), a member liable for subscription whose subscription is not paid within 3 months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Management Committee decides otherwise.

7.4 A person or entity liable for subscription exercises all the rights and obligations of a member for the purposes of these rules if their subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter, or such other time as the Management Committee allows.

Subscriptions of members of Association

7 (1) The members may from time to time at a general meeting determine the amount of the subscription to be paid by each member (if any).

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(2) If a subscription is determined under sub-rule (1), each member must pay to the Secretary/Treasurer, annually on or before 1 July or such other date as the Management Committee from time to time determines the amount of the subscription.

(3) Subject to sub-rule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Management Committee decides otherwise.

(4) A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter, or such other time as the Management Committee allows.

Lapsing / Termination of membership of the Association

8.1 In accordance with rule 5(1)(a), full membership is granted for 12 months from the date of issue of the relevant Rate assessment. If the Rate assessment has not been paid 3 months after its due date, the membership of that individual or entity temporarily lapses until such time as the assessment is paid, and during this “in-between” period, that individual / entity temporarily forfeits their right to vote.

8.2 The membership of a natural person is automatically terminated upon their death, or certification by a recognised medical practitioner as to their incapacity to continue to manage their own affairs.

8.3 The membership of any entity not being a natural person is automatically terminated upon that entity's formal dissolution, or declaration of insolvency.

Suspension or expulsion of members of Association

9.1 If the Management Committee considers that a member should be suspended or expelled from membership of the Association because their conduct is detrimental to the interests of the Association, the Management Committee must communicate, either orally or in writing, to the member

(a) notice of the proposed suspension or expulsion and of the time, date and place of the Management Committee meeting at which the question of that suspension or expulsion will be decided; and

(b) particulars of that conduct, not less than 30 days before the date of the Management Committee meeting referred to in paragraph (a).

9.2 At the Management Committee meeting referred to in a notice communicated under sub-rule (1), the Management Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Management Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

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9.3 Subject to sub-rule (5), a membership is suspended or terminates 14 days after the day on which the decision to suspend or expel the person or entity concerned is communicated to them under sub-rule (2).

9.4 A member who is suspended or expelled under sub-rule (2) must, if they wish to appeal against that suspension or expulsion, give notice to the Secretary/Treasurer of their intention to do so within the period of 14 days referred to in sub-rule (3).

9.5 When notice is given under sub-rule (4) –

(a) the Association in a general meeting, must either confirm or set aside the decision of the Management Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and

(b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Management Committee to suspend or expel them is confirmed under this sub-rule.

Committee of Management

10.1 Subject to sub-rule (9), the affairs of the Association will be managed exclusively by a Management Committee consisting of-

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) a Secretary/ Treasurer;
- (d) a operations coordinator
- (d) not less than two and not more than five other persons,

all of whom must be either a full member or associate member of the Association.

The Management Committee must not simultaneously include more than four associate members .

The Management Committee may decide to split the position of Secretary / Treasurer but to do so, must notify Members of this intention prior to receiving nominations for positions to be voted on at the Annual General Meeting.

10.2 Management Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (8).

10.3 Subject to sub-rule (8), the term of a management Committee member will be up to three years from his or her election at an annual general meeting but he or she is then eligible for re-election to serve further terms on the Management Committee. The terms of all full members serving on the Management Committee will be arranged so that, as near as possible, one-third of their number shall expire in each and every year.

10.4 Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Management Committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by-

- (a) the nominator; and

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(b) the nominee to signify his or her willingness to stand for election, to the Secretary/Treasurer not less than 7 days before the day on which the annual general meeting concerned is to be held.

10.5 A person who is eligible for election or re-election under this rule may -

- (a) propose or second himself or herself for election or re-election; and
- (b) vote for himself or herself.

10.6 If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Management Committee does not exceed the number of vacancies in that membership to be filled-

- (a) the Secretary/Treasurer must report accordingly to; and
- (b) the Chairperson must declare those persons to be duly elected as members of the Management Committee at the annual general meeting concerned.

10.7 If vacancies remain on the Management Committee after the declaration under sub-rule (6), additional nominations of Management Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson must declare those persons to be duly elected as members of Management Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Management Committee, elections for those positions must be conducted.

10.8 If a vacancy remains on the Management Committee after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Management Committee-

- (a) the Management Committee may appoint a member to fill that vacancy; and
- (b) a member appointed under this sub-rule will -
 - (i) hold office until the election referred to in sub-rule (2); and
 - (ii) be eligible for election to membership of the Management Committee, at the next following annual general meeting.

10.9 The Management Committee may delegate, in writing, to one to more sub-committees (consisting of such member/members of the association as the Management Committee thinks fit) the exercise of such functions of the Management Committee as are specified in the delegation other than-

- (a) the power of delegation; and
- (b) a function which is a duty imposed on the Management Committee by the *Associations Incorporation Act (1987)* or any other law.

10.10 Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Management Committee may continue to exercise any function delegated.

10.11 The Management Committee may at any time, in writing, revoke wholly or in part any delegation under sub-rule (9).

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Chairperson and Vice-Chairperson

11.1 The Chairperson must normally preside at all general, special and Management Committee meetings but the Vice-Chairperson may deputise in the Chairperson's absence.

11.2 In the event that both the Chairperson and Vice-Chairperson are simultaneously absent from a general, special or Management Committee meeting, a member elected by the other members present at the meeting must preside.

Secretarial Responsibilities

12.1 The secretarial component of the Secretary Treasurer's responsibilities require this Office-bearer to –

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Management Committee and of the Association;
- (c) comply on behalf of the Association with-
 - (i) section 27 of the *Associations Incorporation Act* (1987) with respect to the register of members of the Association, as referred to in rule 6;
 - (ii) section 28 of the *Associations Incorporation Act* (1987) by keeping and maintaining in an up to date condition the rules of the association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
 - (iii) section 29 of the *Associations Incorporation Act* (1987) by maintaining a record of -
 - (A) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held
by the persons who constitute the Management Committee and persons who are authorised to use the common seal of the Association under rule 21; and
 - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association, and the Secretary Treasurer must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
- (d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Secretary Treasurer; and
- (e) perform such other duties as are imposed by these rules on the Secretary/Treasurer.

12.2 If the role of Secretary Treasurer should be split in accordance with rule 10(3), both the Secretary and the Treasurer may be paid such remuneration and allowances as determined by the Management Committee. Alternatively, if the role remains combined, the Secretary/Treasurer may also be paid such remuneration and allowances as the Management Committee thinks fit.

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Treasurer Responsibilities

13.1 The treasurer's component of the Secretary/Treasurer's responsibilities require this Office-bearer to –

- (a) ensure the proper receipt of all monies paid to the Association in the name of the Association;
- (b) ensure that all monies referred to in paragraph (a) are promptly brought to account on behalf of the Association;
- (c) cause payments that been ratified by the Management Committee to be made from the funds of the Association (all cheques / electronic payment vouchers are to be signed by themselves and at least one other authorised Management Committee member, or by any two others as are authorised by the Management Committee)
- (d) comply on behalf of the Association with sections 25 and 26 of the *Associations Incorporation Act (1987)* with respect to the accounting records of the Association by -
 - causing to be kept such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - causing its accounting records to be kept in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - causing its accounting records to be kept in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - causing the submission to members at each annual general meeting of The Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- (e) whenever directed to do so by the Chairperson, submit to the Management Committee a report, balance sheet or financial statement in accordance with that direction;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Secretary/Treasurer.

Casual vacancies in membership of Management Committee

14. A casual vacancy occurs in the office of a Management Committee member and that office becomes vacant if the Management Committee member –

- (a) dies;
- (b) resigns by notice in writing delivered to the Chairperson or, if the Management Committee member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Management Committee;
- (c) is convicted of an offence under the *Associations Incorporation Act (1987)*;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from 3 consecutive Management Committee meetings without first obtaining the Committee's leave;
- (f) ceases to be a member of the Association; or
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Management Committee member.

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Proceedings of Management Committee

15.1 The Management Committee must meet together for the dispatch of business not less than twice in each year and the Chairperson, or at least half the instantaneous members of the Management Committee may, at any time, convene a meeting of the Management Committee.

15.2 Each Management Committee member has a deliberative vote.

15.3 A question arising at a Management Committee meeting must be decided by a simple majority of votes (half plus 1) among those present but, if there is no majority, the person presiding at the Management Committee meeting will have an additional casting vote in addition to his or her deliberative vote.

15.4 The Management Committee may only conduct the business of the Association when it has a quorum (half of the total number of members comprising the full Management Committee at that point in time, plus one). If there is no quorum, the Management Committee must re-schedule its meeting for another time.

15.5 Subject to these rules, the procedure and order of business to be followed at a Management Committee meeting must be determined by the Management Committee members present at the Management Committee meeting.

15.6 As required under sections 21 and 22 of the *Associations Incorporation Act (1987)* a Management Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Management Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Management Committee is a member of a class of persons for whose benefit the Association is established), must –

- (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Management Committee; and
- (b) not take part in any deliberations or decision of the Management Committee with respect to that contract.

15.7 Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Management Committee is an employee of the Association.

15.8 The Secretary/Treasurer must cause every disclosure made under sub-rule (6) (a) by a member of the Management Committee to be recorded in the minutes of the meeting of the Management Committee at which it is made.

General meetings

16.1 The Management Committee-

- (a) must convene annual general meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 5 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner (subject to the Commissioner's endorsement), except for the first annual general meeting which may be held at any time within 18 months after incorporation; and
- (b) may at any time convene a special general meeting;

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- (c) must, be within 30 days of-
 - (i) receiving a request in writing to do so from not less than five members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary Treasurer receiving a notice under rule 9 (4), convene a general meeting to deal with the appeal to which that notice relates.
- (d) must, after receiving a notice under rule 5 (5), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Management Committee's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Management Committee.

- 16.2** The members making a request referred to in sub-rule (1) (c) (i) must-
- (a) state in that request the purpose for which the special general meeting concerned is required; and
 - (b) sign that request.

- 16.3** If a special general meeting is not convened within the relevant period of 30 days referred to –

- (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Management Committee;
- or
- (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Management Committee.

- 16.4** When a special general meeting is convened under sub-rule (3) (a) or (b) the Association will meet associated costs of convening and holding the special general meeting up to the limit of \$500; additional costs beyond this limit are to be met by the convening member(s).

- 16.5** Subject to sub-rule (7), the Secretary Treasurer must give to all members not less than 21 days notice of a special general meeting and that notice must specify-
- a) when and where the general meeting concerned is to be held; and
 - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

- 16.6** Subject to sub-rule (7), the Secretary Treasurer must give to all members not less than 21 days notice of an annual general meeting and that notice must specify –

- (a) when and where the annual general meeting is to be held;
- (b) the particulars and order in which business is to be transacted, as follows -
 - (i) first, the consideration of the accounts and reports of the Management Committee;
 - (ii) second, the election of Management Committee members to replace outgoing Management Committee members; and
 - (iii) third, any other business requiring consideration by the Association at the annual general meeting.

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16.7 A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary/Treasurer must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

16.8 The Secretary/Treasurer must give a notice under sub-rule (5), (6) or (7) by-

- (a) serving it on a member personally; or
- (b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 6; or
- (c) causing it to be despatched by email to the email address of the member appearing in the register of members kept and maintained under rule 6.

16.9 When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

16.10 When a notice is sent by email under sub-rule (8) (c), sending of the notice will be deemed to be properly effected if the notice is accurately addressed and recorded as having been sent within the email software instantaneously in use by the Secretary/Treasurer.

Quorum and proceedings at general meetings

17.1 At a general meeting, five members (or their properly appointed proxies) present in person constitute a quorum.

17.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (6)-

- (a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
- (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.

17.3 If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

17.4 The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

17.5 There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

17.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary/Treasurer must give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.

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17.7 At a general meeting-

- (a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9); and
- (b) a special resolution put to the vote will be decided in accordance with section 24 of the *Associations Incorporation Act (1987)* as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (9) and (11).

17.8 A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).

17.9 At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.

17.10 If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

17.11 A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

17.12 From time to time other interested parties who are not members of the Association may attend meetings by invitation of the Management Committee and participate in discussions related to the business of the Association but shall have no capacity to vote on any deliberations.

Minutes of meetings of Association

18.1 The Secretary/Treasurer must cause proper minutes of all proceedings of all general meetings and Management Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Management Committee meeting, as the case requires, in a minute book kept for that purpose.

18.2 The Chairperson must ensure that the minutes taken of a general meeting or Management Committee meeting under sub-rule (1) are checked and signed as Correct by the Chairperson of the general meeting or Management Committee meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Management Committee meeting, as the case requires.

18.3 When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

- (a) the general meeting or Management Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
- (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (b) all appointments or elections purporting to have been made at the meeting have been validly made.

Voting rights of members of Association

19 (1) Full members are entitled to vote on any given issue to be decided at a general or special meeting, but only one deliberate vote is available to each full member.

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(2) Associate members are entitled to vote on any given issue to be decided at a general or special meeting, ***except*** those relevant to the setting of a Declared Pest Rate to apply within the Area. Each associate member has only the one deliberative vote per issue for which they are eligible to vote.

Proxies of members of Association

20 A member (in this rule called "the appointing member") may appoint in writing another natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member, at any general meeting. The proxy so appointed does not necessarily have to be a member of the Association, but to be accepted, before the commencement of the meeting concerned, all proxies must have first presented written evidence of their appointment to the presiding Chairperson, using the form approved by the Management Committee for this purpose. A given proxy may represent any number of absent members simultaneously. Proxies may only vote in accordance with their appointing member(s) instructions, as documented on their official instrument of appointment. The Secretary/Treasurer shall cause all instruments of proxy appointments lodged with the presiding Chairperson to be affixed to, and filed with, the official Minutes of the meeting concerned.

Rules of Association

20.1 The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows –

- (a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by Special resolution but not otherwise;
- (b) Within one month of the passing of a special resolution altering its rules, or Such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Management Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of the *Associations Incorporation Act (1987)*;;
- (c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with;
- (d) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;
- (e) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) (a) to (1) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

20.2 These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

Common seal of Association

21.1 The Association must have a common seal on which its corporate name appears in legible characters.

21.2 The common seal of the Association must not be used without the express

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authority of the Management Committee and every use of that common seal must be recorded in the minute book referred to in rule 18.

21.3 The affixing of the common seal of the Association must be witnessed by any two of the Chairperson, Vice-Chairperson, and the Secretary Treasurer.

21.4 The common seal of the Association must be kept in the custody of the Secretary/Treasurer or of such other person as the Management Committee from time to time decides.

Inspection of records, etc. of Association

22. A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

Disputes and mediation

23.1 The grievance procedure set out in this rule applies to disputes under these rules between –

- (a) a member and another member; or
- (b) a member and the Association; or
- (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

23.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

23.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

23.4 The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the Management Committee of the Association;
 - (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

23.5 A member of the Association can be a mediator.

23.6 The mediator cannot be a member who is a party to the dispute.

23.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

23.8 The mediator, in conducting the mediation, must-

- (a) give the parties to the mediation process every opportunity to be heard;
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

23.9 The mediator must not determine the dispute.

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23.10 The mediation must be confidential and without prejudice.

23.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the *Associations Incorporation Act* (1987) or otherwise at law.

Distribution of surplus property on winding up of Association

24. If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the *Associations Incorporation Act* (1987) which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

Non profit Association

25. The assets and income of the Association shall be applied solely in the furtherance of its objects and no portion shall be distributed directly or indirectly to members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

Submission to:	Ordinary Meeting of Council – 15 th April 2011
Agenda Reference:	7.5
Subject:	Motor Vehicle Replacement
File Reference:	6.6.1.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th April 2011

Background

The Council policy 2.12 Motor Vehicles and 4.5 Purchasing Quotes and Tenders provides for Senior Staff to pay for private use of Motor Vehicles, between \$10,000 and \$15,000 per annum, and for those vehicles to be replaced as required in accordance with normal business requirements.

Comment

The policy 12.2 also indicates that the standard of vehicle for the CEO and senior staff as being a large family sedan or station wagon of a standard of accessories and comfort equivalent to an executive class vehicle. Council purchases vehicles under the Government Fleet Contract and so tenders are not required.

At the present moment the DCEO drives an executive sedan and has requested a change to a larger family wagon, a Ford Territory or equivalent as this will provide for better luggage access and higher ground clearance.

The Council policy states :

‘..whilst the final purchase decision is that of the CEO, he may also take into account the private use needs and preferences of the staff when purchasing such vehicles.’

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Accordingly, indicative prices have been obtained for both the equivalent executive sedan and the territory type vehicle and whilst the Territory of the same fit out and quality is more expensive, I am comfortable with the view that this will be reflected in the eventual trade-in price should the officer decide on a preference for this vehicle as a replacement. The only issue at this stage is that there is a new model coming on the market and this may delay purchase, should that be the final decision.

I report the matter to Council for endorsement.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council note the report and authorise the change in preference for the type of replacement motor vehicle for the DCEO should that be the officer's preference.

Voting Requirements

Simple Majority

Discussion:

Cr W Della Bosca asked if the policy stating that the vehicles are to be changed over at 40,000km for sedans be addressed and increased to between 100,000 – 200,000km, as he believes that these types of car can easily do more km's prior to trade.

The Manager for Works indicated that an analysis had been done by the prior DCEO and it was shown that the vehicles retained a higher trade-in if trade happened between 40,000 – 50,000km and this has been proven in the excellent change over prices to date.

77/2011

Moved Cr Truran seconded Cr J Della Bosca that Council note the report and authorise the change in preference for the type of replacement motor vehicle for the DCEO should that be the officer's preference.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – 15 th April 2011
Agenda Reference:	7.6
Subject:	State Barrier Fence
File Reference:	1.6.21.2
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 th April 2011

Background

Council has received a request from the Northern Country Zone to contribute \$3,000 to the upgrade of 572kms of the emu fence to wild dog standard.

Comment

The letter seeks a contribution towards the \$460,000 that is required to upgrade the fence by the installation of lap wire and grading. The State Government has provided funds for the purchase of materials and the letter seeks a contribution from every Council in WA towards the upgrade works.

The letter asks that council's consider this allocation in their 2011/2012 Royalties for region funding. Interestingly, the Northern Zone Councils are not proposing to use their regional R4R funding in the same way the Westonia and Yilgarn have done to complete the section of dog fence in Yilgarn Shire.

It is recommended that the Northern Country zone be advised that Council whilst understanding of the significance of Wild Dog and emu control in pastoral areas, has established as its priority for Royalties for Regions regional component, the construction of a new 180kml section of fence to enclose the missing section of the fence in Yilgarn Shire to wild dog standard.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

Northern Country zone be advised that Council whilst understanding of the significance of Wild Dog and emu control in pastoral areas has established as its priority for Royalties for Regions regional component the construction of a new 180km section of fence to enclose the missing section of the fence in Yilgarn Shire to wild dog standard.

Voting Requirements

Simple Majority

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78/2011

Moved Cr W Della Bosca seconded Cr Truran that the Northern Country zone be advised that Council whilst understanding of the significance of Wild Dog and emu control in pastoral areas has established as its priority for Royalties for Regions regional component the construction of a new 180km section of fence to enclose the missing section of the fence in Yilgarn Shire to wild dog standard.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 15th April 2011
Agenda Reference:	7.7
Subject:	Midland Constructions
File Reference:	1.3.8.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13th April 2011

Background

Council was advised on Monday 4th April that the Company contracted to undertake the construction of the Southern Cross Bowling and Tennis Clubhouse, Midland Constructions Pty Ltd (Midcon) had placed itself into voluntary administration and this report details the impact of that action for Council.

Comment:

The CEO has contacted the Managing Director of the company, Council's solicitors and met with the Administrators to try and sort out what are the issues that need to be addressed in order to recommend a course of action for the future.

Given the current situation it should be noted that there are risks for Council , both potential and real costs are associated with whatever course of action is taken. The decision of Council in this instance is a commercial one and this report attempts to gather the facts and to identify how best to recognize and mitigate the risk.

Does a contract exist?

Council invited tenders for the construction of a Clubhouse in accordance with the regulations. That process was concluded the moment Council awarded the tender. Council cannot therefore accept another tender or engage one of the other unsuccessful tenderers to undertake the work.

The question is whether a contract exists and in this regard, the Request for Tender (RFT) has provision for acceptance of the tender and includes reference to "Simple Works Contract ABIC SW - 2008" as to the terms of contract. Clause 11 of the specifications in the RFT states:

"The tender shall not be deemed to have been accepted unless and until a letter of Acceptance is handed to the Tenderer or is sent by pre-paid post to, or is left at, the address stated in the tender form for services of notices."

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Council accepted the tender at the Council Meeting on the 18th March and the CEO sent a letter to the Company on the 22nd March, 2011 stating “ Tender 02/2011 – Acceptance of Tender Construction of Club house”. Since that time the architect, as Council’s agent, has been negotiating the scope of works and identifying issues relation to matters within the contract. However, these discussions are within the context of the contract form within the RFT. As the exact terms of the contract, are still in discussion the question has arisen as to whether a valid contract exists.

Council’s solicitor has advised :

Based on the papers that I had received, it appears that the Shire sent a letter of award to Midland Constructions Pty Ltd accepting the tender from Midland Constructions. According to clause 11 on page 8 of the “general conditions of tendering” a tender is deemed not to have been accepted unless and until a letter of acceptance is given to the tenderer. This has happened. As a result, there appears to be a binding building contract between the two parties. It does not appear necessary that the parties now sign some formal instrument of agreement.

Therefore the legal position of Council is that there is a contract based on the standard “Simple Works contract” as specified in the RFT. The discussions since merely serve to clarify the terms of the work that is to be done, payment schedule etc in accordance with the contract.

What is the impact of Voluntary Administration ?

On 4th April 2011 Midcon placed itself into voluntary administration and appointed WA Insolvency Solutions to administer the company , this action provides an opportunity to revisit the contract, the legal advice is :

The appointment of an administrator by Midland Constructions Pty Ltd does not by itself mean that the existing contract is at an end.

However, clause Q2.1 of the contract conditions entitles the owner to “immediately terminate the engagement of the contractor under this contract by giving the contractor a written notice of termination” if an “insolvency event” occurs. Under clause S.1 which sets out the definitions, an “insolvency event” includes the appointment of an administrator.

Consequently, it would be open to the Shire to terminate the contract.

In other words the Council has the legal power to terminate this contract should it choose to do so, based on the action by Midcon in appointing an administrator.

Does the administrator want to quit the contract?

On Friday 8th April, the CEO met with WA Insolvency Solutions Mr Chris Williams and Ms Trudie Smith to discuss the current situation with Midland Constructions Pty Ltd (Midcon) and they advised him that the company is trading whilst under

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administration. In that situation the administrator has guaranteed the liabilities for any work undertaken whilst under their administration.

This means that contractors who are working on projects will receive work orders from the administrator and will be guaranteed payment. The Administrators have met with the Managing Director of Midcon and believe that there is sufficient commercial value in the contract with Council, to continue.

I was advised that the problem which has forced the Company to appoint an administrator is an outstanding debt of over \$2.1m for work undertaken for the Federal Governments Building the Education Revolution. When this program was put under scrutiny all contracts payments were suspended and whilst Midcon is a sizable company with 7 or 8 projects currently on the go, \$2.1m is a substantial debt to carry in one's cash flow and this is what has caused the problem.

This advice is consistent with previous telephone conversations with the Managing Director of the company Mr David Affleck. I am also advised that the reported amount due to creditors is \$3m, so clearly if the \$2.1m is collected, this will go a long way to clearing the slate in terms of outstanding liabilities.

On this basis both the Administrators and the owners are keen to continue to operate as a going concern and to seek to recover the debt due to the company. During the 90 day period of voluntary administration the company is pursuing legal action to recover the debt for work done and there are three plausible scenarios arising from this:

1. The company is able to collect this debt and the period of voluntary administration comes to an end.
2. The company still has difficulties and enters into a Deed of company arrangement but continues to trade.
3. The Company is unable to trade and moves into receivership.

The administrators have advised that at this stage cash flow is sufficient to meet recurrent costs and so work is continuing under the administration.

The administrators are unable to provide any recommendation or advice on a probable outcome of this current situation. They are not however, seeking to terminate the contract with Council and so if the contract is to be terminated, it is an action that the Council would have to initiate.

If the Council takes no action or defers a decision at this time then the Council's legal advice is that ;

“It is possible that if the Shire proceeds on under the building contract as if nothing had happened then this behavior may be taken to be a waiver by the Shire of its rights to terminate. If, for example, the parties continue on and the builder continues to incur expense, then it is possible that the Shire may have waived its right to terminate.”

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Further :

“ Whether the Shire should take action to terminate or not, is a matter for the Shire’s commercial judgment.”

Discussions with Midcon;

The CEO has had discussions with Mr David Affleck, the Managing Director of Midcon, in those discussions he has made it clear that the Company is proceeding with the design stage of the project. He stated that he is embarrassed with the need to call in administrators and hopes to resolve the issues with outstanding payments under the BER over the next few months. He is keen to continue with the project.

Why didn’t the financial position become apparent during the tender evaluation process?

It is fair for Council to seek explanation of this issue in hindsight. I have reviewed the information provided to the Council at time of tender submission and can see no obvious issues. The Company has a solid balance sheet and operating statement and a long and reputable reputation within the industry. The number of jobs undertaken in the past and the value of that work is well in excess of Council’s project costs.

The only issue in the reported financials is a comment that to the effect that there were currently no legal matters that would impact on the financial position of the company. If that comment was incorrect, as hindsight would suggest, then Council may have an action to terminate the contract for that reason, however, this is an option in any event so there is no need to pursue that aspect of the negotiations.

What work has been undertaken?

Midcon have engaged consultants to undertake soil geological survey work and architects to prepare the necessary building plans so that Council can consider and approve the development/building application. This process will take about two to three months to complete.

If Council terminates the contract then what?

If Council terminates the current contract there is unlikely to be any financial cost to Council, or if there is, such cost will be minimal.

However, the process for selection of tenders was completed the day Council resolved to accept the Tender from Midcon and on that basis Council cannot now accept an alternative tender. The whole process of tender selection would restart. Council would have to re-advertise this aspect of the project and go through the entire tender process again. As there were only two alternative tenders and both were substantially higher than the tender from Midcon, it is highly unlikely that Council would attract other tenders and there would be substantial additional cost and delay.

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That is not to say that such a scenario may still happen, if Midcon is unable to complete the contract.

If Council proceeds with the Contract?

The Council would in this scenario reaffirm its intention to proceed with the contract and continue in discussions about design building works etc. If all goes well, then in about four or five months there will be an official opening and a new club house.

However, there are other possible outcomes and each carries a risk. The design stage of the project is valued at about 10% of the overall contract cost and needs to be completed prior to any other works proceeding. This stage of work will take about the same time as period of administration.

At the end of this period Council should have a completed design with which to go to tender should Midcon go into receivership. The design would be based on the price that Midcon submitted and as this was the lowest tender, indications are that it might be preferable to undertake this first step at this time.

However, having completed the design stage does not necessarily mean that another builder would be prepared to take on the project.

The best case scenario is that Midcon proceeds with the contract and completes the work for the stated price.

The worst case scenario is that we ask Midcon to proceed and half way through the project they go into receivership leaving Council with a half completed building.

If Council terminates the current contract with Midcon there will be a higher cost and delay due to the necessity to undertake the tender process again and from previous experience, a limited market of prospective builders interested in this work.

If the contract is allowed to continue and Midcon gets through the design stage and then goes into receivership, Council will hopefully at least have a design and building approval from which to build a new tender, should that be the outcome.

On the balance of probabilities and in the knowledge that there is a risk, my recommendation to Council would be to proceed with the current contract and trust that the issues with the outstanding BER works can be resolved before any major building works are undertaken.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There are financial risks associated with all options that the Council pursues.

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Recommendation

That Council advises the administrator that Council reserves its right to terminate the Contract with Midland Constructions PTY Ltd pending completions of the design stage of works and the successful resolution of the current voluntary administration.

Discussion:

The CEO advised that this matter should be dealt with in open Council session.

Councillors expressed concerns to ensure that Council only paid for work done and the CEO advised that this matter was covered in the contract where progress claims required the submission of declarations that sub-contractors had been paid.

79/2011

Moved Cr Kenward Seconded Cr J Della Bosca that Council advises the administrator that Council reserves its right to terminate the Contract with Midland Constructions PTY Ltd pending completions of the design stage of works and the successful resolution of the current voluntary administration. Further that payments would be staged and payment by Council will be made at the completion of each stage of work upon receipt of appropriate declarations as is required under the contract.

CARRIED (6/0)

Council adjourns for afternoon tea at 3.50pm and resumes at 4.00pm
John Merrick did not return to Council Chambers

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DEPUTY CHIEF EXECUTIVE OFFICER

Submission to:	Ordinary Meeting of Council – Friday 15 th April 2011
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:	7 th April 2011

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 31 March 2011:

- Rates Receipt Statement (prepared to 8th April 2011)
- Statement of Investments,
- Amalgamation Financial Summary
- Monthly Statement of Financial Activity

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

Statutory Environment

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

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Recommendation

That the Various Financial Reports for the period ending 31st March 2011 as presented, be received.

Voting Requirements

Simple majority required

80/2011

Moved Cr J Della Bosca seconded Cr Kenward that the Various Financial Reports for the period ending 31st March 2011 as presented be received.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th April 2011
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:	7 th April 2011

Background

Municipal Fund – Cheque Numbers 36300 to 36432 totalling \$669,007.66, Municipal Fund – Cheque Numbers 983 to 986 totalling \$129,499.99, Trust Fund – Cheque Number 401915 to 401917, totalling \$2,635.50 and Trust Fund – Cheque Numbers 5721 to 5725 (DPI Licensing), totalling \$45,761.05 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil.

Voting Requirements

Simple majority.

Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 36300 to 36432 totalling \$669,007.66, Municipal Fund – Cheque Numbers 983 to 986 totalling \$129,499.99, Trust Fund – Cheque Number 401915 to 401917, totalling \$2,635.50 and Trust Fund – Cheque Numbers 5721 to 5725 (DPI Licensing), totalling \$45,761.05 are presented for endorsement as per the submitted list.

81/2011

Moved Cr Auld seconded C J Della Bosca that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 36300 to 36432 totalling \$669,007.66, Municipal Fund – Cheque Numbers 983 to 986 totalling \$129,499.99, Trust Fund – Cheque Number 401915 to 401917, totalling \$2,635.50 and Trust Fund – Cheque Numbers 5721 to 5725 (DPI Licensing), totalling \$45,761.05 are presented for endorsement as per the submitted list.

CARRIED (6/0)

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WORKS MANAGER

Submission to:	Ordinary Meeting of Council Friday, 15 th April 2011
Agenda Reference:	Works 9.1
Subject:	Give Way Signs – Merrenda Nth and Moorine South Rd
Location/Address:	Merrenda North and Moorine South Roads Intersection
Name of Applicant:	Mr. Adam Elliott
File Reference:	6.1.1.001
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	Not Applicable
Date of Report:	22nd March 2011

Background

Correspondence has been received by Council from Mr. Adam Elliott (*Safety Representative for Cooperative Bulk Handling*) expressing some concern in relation to unprotected intersection located in the South Moorine Rock area. The intersection of concern is Moorine South and Merrenda North Crossroads.

Mr. Elliott has noted that this intersection has no signage indicating giveaway for either direction of traffic entering the crossroads. Mr. Elliott has concerns with the possible risk to motorist occurring (*collisions*) during the grain carting season when heavy haulage traffic is at its peak gaining access to the Holleton CBH receival bin located in the vicinity of this intersection.

Mr. Elliott has requested that Council look into the possibility of installing giveaway signage at this intersection.

Comment

The intersection of Moorine South Road and Merrenda North Road is located 69 kilometres south of Moorine Rock. Both the Moorine South Road and Merrenda North Road are designated heavy haulage routes. Although there has been no reported collision at this intersection, Council staff over the years have received feedback of near misses occurring at this intersection particularly during the grain carting season.

Before a regulatory sign can be installed on road reserves under Council's control, formal endorsement is required from Council, then application is made to Main Roads Western Australia, the governing body responsible for regulatory signage, for its approval.

If Council proposed to install regulatory giveaway signage at these intersections then the Moorine South Road should have priority over the Merrenda North Road.

Financial Implications

Purchasing and installation costs associated with the giveaway signage are to be funded from the 2010/2011 Financial Year Road Maintenance Budget

Recommendation

That Council resolves to apply to Main Roads Western Australia to seek approval to install Regulatory Giveaway signage at the intersection of Moorine South Road and Merrenda North Road with Moorine South Road having priority over Merrenda North Road.

Voting Requirements

Simple Majority

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82/2011

Moved Cr Auld seconded Cr Truran that Council resolves to apply to Main Roads Western Australia to seek approval to install Regulatory Giveway signage at the intersection of Moorine South Road and Merrenda North Road with Moorine South Road having priority over Merrenda North Road.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th April 2011
Agenda Reference:	9.2
Subject:	Replacement of the Manager Health and Building Officer Vehicle – YL-252
File Reference:	6.6.1.2
Author:	Robert Bosenberg – Manager for Works
Disclosure of Interest:	Not Applicable
Date of Report:	25 th March 2011

Background

Included in Councils 2010-2011 Financial Year Budget a monetary allocation has been allowed for the change over of the Holden Commodore Sedan utilised by Councils Manager of Environmental Health and Building Services.

In accordance to “*Council’s Policy 2.12*”, it is proposed to replace the Manager Environmental Health and Building Services vehicle at intervals of 30,000 to 40,000 kilometres. The current Holden Commodore Sedan was purchased in July 2009 and has a speedometer reading of 39, 522km

Comment

Quotations were sought for the replacement of the current Holden Commodore Sedan with a similar type of motor vehicle from Golden City Motors Kalgoorlie, Donovan Ford Merredin and Lewis Motors Merredin.

The vehicles quoted, and submitted for consideration, as follows, with all prices inclusive of GST:

Golden City Motors- Kalgoorlie (GST Inclusive)

1 x 2011 Holden Commodore SV6 Auto Sedan, at a cost of \$37,776.87, with a trade price of councils existing vehicle of \$23,276.87 resulting in a change-over cost of \$14,500

Donovan Ford – Merredin (GST Inclusive)

1 x 2011 Ford Falcon FG XR6 Sedan, at a cost of \$36,359.70, with a trade price of councils existing Commodore Sedan of \$21,000.00 resulting in a change-over cost of \$15,956.70

Lewis Motors – Merredin (GST Inclusive)

1 x 2011 Holden VEB SIDI Commodore Sedan, at a cost of \$37,947.66, with a trade price on the existing vehicle of \$22,000.00 resulting in a change-over cost of \$15,947.66

Summary:

Council currently has a GST inclusive allocation of \$40,700 to purchase a replacement vehicle, and a trade-in income allocation of \$27,500, resulting in a change-over allocation of \$13,200.

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Policy Implications

Council's "Policy, N^o 2.12 'Executive Motor Vehicle Replacement'"
Councils "Policy N^o 4.5 Purchasing-Quotes and Tenders"

Financial Implications

Expenditure for the replacement of this vehicle will be funded from account E14750 – Purchase Plant – Administration, with a budgeted allocation of \$40,700 (*GST inclusive*) been allowed for in Councils 2010/2011 Financial Year Budget for the change over of this vehicle

Recommendation

That Council purchase the Holden Commodore SV6 Auto Sedan from Golden City Motors - Kalgoorlie for the quoted purchase cost of \$37,776.87 (*inclusive of GST*), and trade Council's existing 2009 Holden Commodore Sedan for the quoted trade cost of \$23,276.87 resulting in a change-over cost of \$14,500.00 (*inclusive of GST*).

Voting Requirements

Simple Majority required

83/2011

Moved Cr Truran seconded Cr Kenward that Council purchases the Holden Commodore SV6 Auto Sedan from Golden City Motors - Kalgoorlie for the quoted purchase cost of \$37,776.87 (inclusive of GST), and trade Council's existing 2009 Holden Commodore Sedan for the quoted trade cost of \$23,276.87 resulting in a change-over cost of \$14,500.00 (inclusive of GST).

CARRIED (6/0)

ENVIRONMENTAL HEALTH & BUILDING SERVICE

Submission to:	Ordinary Meeting of Council – Friday 15 th April, 2011
Agenda Reference:	10.1
Subject:	Planning Application – Advertising Road Signs – 2 Applications
Location/Address:	Lot 27 Great Eastern Highway, Yellowdine and Location 500 Corner Great Eastern Highway & Blyth Road, Bodallin
Name of Applicant:	Greg Rowe & Associates – Mr Ben Carter, Town Planner
File Reference:	4.2.2.2
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	6 th April, 2011

Background

The Shire has received 2 planning or development applications from Greg Rowe & Associates who are acting on behalf of their client Paramount Outdoor of Perth. The applications are to erect one advertising sign 8.3 metres wide x 2.2 metres high sign board which will be fixed to 2 steel posts with the distance from the ground to the bottom edge of the sign board being 2.0 metres.

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The first application is for this sign to be erected in the north-west corner of Lot 27 Great Eastern Highway, Yellowdine. It is proposed that the edge of the sign will be setback 2.0 metres from the front boundary and from the western boundary. The sign board will on one side advertise the Office of Road Safety's road safety messages for whichever campaign is relevant at the time, and the other side of the sign board will advertise the Yellowdine Roadhouse and its services, plus other rural businesses such as John Deere, King Gee, etc. The owner of the property, Hislop WA Pty Ltd, has been approached on this matter and is aware of the application.

The second application is for this sign to be erected in the south-west corner of Location 500 on the east side of Blyth Road, east of the Bodallin townsite. It is proposed that the edge of the sign will be setback 2.0 metres from the front boundary and from the western edge of the Blyth Road intersection. The sign board will on one side advertise the Office of Road Safety's road safety messages for whichever campaign is relevant at the time, and the other side of the sign board will advertise various rural businesses such as John Deere, King Gee, etc. The owners of the property, Aida, Bernard & Ryan Pocock, have been approached on this matter and are aware of the application.

Comment

Town Planning Scheme – Advertising Signs Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 clause 5.2 advertising signs require prior approval from Council. Under the Shire's Town Planning Scheme the definition of –

an advertisement

“means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements.”

a sign

“means a notice, message or display by means of a freestanding or fixed sign or hoarding.”

Town Planning Scheme – Zoning Issues

Under the Shire's Town Planning Scheme No 2 Lot 27 Great Eastern Highway, Yellowdine is currently zoned “Townsite”, and Location 500 Great Eastern Highway, Bodallin is currently zoned “Rural/Mining”. In terms of the Yellowdine sign there will be advertising for the Yellowdine Roadhouse however this is not the primary reasons for installing the sign. There is no restriction on the zoning of land where signs can be erected.

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The Proposed Advertising Sign

The proposed sign being 8.3m wide x 2.2m high on 2 posts with a head clearance of 2.0m above the ground is very similar to the advertising sign that was erected on Location 88 near the driveway entrance to the Southern Cross Airfield.

I have telephoned the Department of Main Roads in Northam and Perth with regards to these applications and have been advised that the previous Minister for Roads amended legislation governing this type of advertising signs and the role that Main Roads had in controlling them.

The proposed location plans are the second set of plans presented to the Shire. The first proposed locations were deemed not suitable and the applicant was asked to find a more suitable location.

In regards to the proposed position on Lot 27 Great Eastern Highway, Yellowdine being setback 2.0m from the front (north) boundary and 2.0m from the west side boundary, the sign will not interfere or obstruct Western Power's line of power poles, or vehicles entering or existing Lot 27 for the accommodation units or Lot 22 for the Service Station/Roadhouse. Therefore I have no reason to object to this application or the proposed position of the sign on the lot.

In regards to the proposed position on Lot Location 500 Great Eastern Highway, Bodallin being setback 2.0m from the front (south) boundary and 2.0m from the oblique corner boundary or in line with the first strainer fence post, the sign will not interfere or obstruct drivers' view of the Great Eastern Highway for those driving on Blyth Road, and should not obstruct the view of drivers on the Highway turning onto Blyth Road.

While I still have concerns that the location is too near a railway crossing plus the intersection of Blyth Road, the applicant wants to locate the sign in this general area on land owned by the Pococks which they already have an agreement with for placing the sign on their land. In reviewing this position I feel that those travelling west along the Highway will not have a clear view of the sign until they are almost abreast of the sign. You would start to see the edge of the sign just before the white X marked on the road for the railway crossing. Travellers travelling east will have the railway signs and boom gates obstructing the view of the sign until they are about to cross the railway line.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Main Roads (Control of Signs) Regulations 1983, and the Main Roads' Guide to the Management of Roadside Advertising.

Policy Implications

Council Policy 5.4 Advertising Signs states –

“The erection of any signs, whether on public or private land, requires the approval of Council, under clause 5.2 Control of Advertisements of the Shire

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of Yilgarn Town Planning Scheme No 2 (or as amended) and Main Roads WA Advertising Sign Guidelines.

Generally, the application needs to consist of a letter to Council detailing the reason for the sign, where it is proposed to be located, what it is made of, and the design/wording/colour scheme on the sign. Signs are to be professionally made and painted. They are to be erected in accordance with best practice, the Building Code of Australia, or as directed by the Shire.”

The Policy also covers Sponsor’s Signs for community and sporting events, which is not applicable in this case.

Financial Implications

Nil

Recommendation

That Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 27 Great Eastern Highway, Yellowdine with a setback of 2.0m from the front (north) boundary and west side boundary for the purpose of advertising the Office of Road Safety road safety messages, plus advertising the Yellowdine Service Station/Roadhouse services and other rural type businesses to passing travellers on the condition that:-

- 1) that approval is obtained from Main Roads WA for the sign,
- 2) the advertising signs comply with the Department of Main Roads’ Roadside Advertising Guidelines,
- 3) the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,
- 4) the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, and is to include the sign on its’ Public Indemnity Insurance Cover.

Recommendation

That Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Location 500 Great Eastern Highway, Bodallin on the east side of Blyth Road intersection for the purpose of advertising the Office of Road Safety road safety messages plus rural type business to passing travellers on the condition that:-

- 1) that the sign is positioned with a setback of not less than 2.0m from the front (south) boundary and a setback of not less than 2.0m from the

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- oblique corner boundary or at least in line with the Highway side strainer post,
- 2) that approval is obtained from Main Roads WA for the sign,
 - 3) the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,
 - 4) the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,
 - 5) the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, and is to include the sign on its' Public Indemnity Insurance Cover.

Voting Requirements

Simple Majority.

Discussion:

The CEO advised that the second application for signage at Bodallin had been withdrawn in favour for a revised application see the late item.

84/2011

Moved Cr W Della Bosca seconded Cr J Della Bosca that Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 27 Great Eastern Highway, Yellowdine with a setback of 2.0m from the front (north) boundary and west side boundary for the purpose of advertising the Office of Road Safety road safety messages, plus advertising the Yellowdine Service Station/Roadhouse services and other rural type businesses to passing travellers on the condition that:-

- 1. that approval is obtained from Main Roads WA for the sign,*
- 2. the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,*
- 3. the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,*
- 4. the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, and is to include the sign on its' Public Indemnity Insurance Cover.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 15 th April, 2011
Agenda Reference:	10.2
Subject:	Proposal to Close Part Gazetted Road Reserve and Amalgamate Land with Adjoining Crown Lot
Location/Address:	Part Bullfinch Road Reserve and Reserve 31426 Lot 849, Bullfinch Road, Southern Cross
Name of Applicant:	Main Roads Western Australia – Mr Daniel Vary, Property Management Branch
File Reference:	1.6.14.4 & 6.1.2.9
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	7 th April, 2011

Background

Main Roads Western Australia (MRWA) has written to the Shire advising that it has become aware that some of the buildings located on it's old Main Roads Depot site on Reserve 31426 Lot 849 Bullfinch Road, Southern Cross are outside the lot boundary and are located on the Bullfinch Road Reserve. MRWA has discussed this matter with the State Lands department and has obtained an "in principle" approval to close the area of the road reserve and for this area to then be included into the adjoining Reserve 31426 Lot 849 Bullfinch Road, Southern Cross.

In order to proceed with this action, Council needs to agree to the proposal and comply with Section 58 of the Land Administration Act 1997. See attached E-mail, aerial map and land survey Drawing No 1060-052 of Bullfinch Road.

Comment

Section 58 of the Land Administration Act 1997

In order for part of the road reserve to be closed permanently, Council needs to complete the following (copy of Section 58 is also attached):-

- a) Council needs to resolve to consider the proposal and in the meantime advertise the proposal for public comment;
- b) The proposal to close the road must be advertised for public comment for a period of 35 days in a newspaper circulating in the district, stating the notice of motion for the resolution to close part of the Bullfinch Road Reserve and the reason for the proposal;
- c) All objections received within the comment period must be considered by Council in making its final decision on the matter;
- d) Council must then request under Section 58 (1) of the Act that the Minister close the road;
- e) The Minister will then make his/her determination in this matter.

Reason for the Part Closure of the Road

Looking at the aerial map provided it appears that the double concrete bunker, the iron shed, small sections of concrete pads where the old caravan bays are located, plus

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the perimeter fencing along Bullfinch Road and a small section of perimeter fence along Beaton Road are located within the Bullfinch Road Reserve.

Current Ownership and Occupation of Reserve 31426 Lot 849

Currently the Old Main Roads Depot which is situated on Reserve 31426 Lot 849 Bullfinch Road, Southern Cross is a Crown Reserve with the Management Order with Main Roads WA. The land is currently leased by the Shire primarily for the drumMUSTER collection site, and the Shire also allows the Southern Cross Football Club/FESA Group/and St Johns Ambulance Group to store their scrap metal that they collect throughout the year.

When discussing the lease with MRWA in 2001 I enquired both verbally and in writing about the possibility of the Shire acquiring the land from MRWA. At that time the Property Management Branch of MRWA indicated that it would not be possible for the Shire to acquire the land, not because MRWA had a need for the land, but because there were 2 parties leasing the land – the Shire was the first lessee and then MRWA decided due to another person becoming involved in the lease arrangements to also lease part of the lot to Messrs Matthew James and Allan Norton for their sandalwood de-barking industry.

Options for Council

- i) Council could argue that it does not support the proposal and suggest that MRWA should remove the buildings, concrete pads, and fencing that is outside the Reserve's boundaries as other than the fencing, the other are not needed or used at this time, and Council want to retain the width of the road reserve in this area in case Bullfinch Road or Beaton Road need to be realigned in the future.
- ii) Council could not object to the proposal and agree to take the necessary actions without any conditions.
- iii) Council could not object to the proposal and agree to take the necessary actions on the condition that the Management Order over the Reserve is changed from Main Roads WA to the Shire of Yilgarn.

Statutory Environment

Compliance with Section 58 of the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

There will be the cost of advertising the proposal, otherwise there is no direct cost to Council.

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Recommendation

That Council not object to the proposal and agrees to take the necessary actions to close part of the Bullfinch Road Reserve and for that land to be amalgamated with Reserve 31426 Lot 849 on the condition that the Management Order over the Reserve is changed from Main Roads Western Australia to the Shire of Yilgarn.

Voting Requirements

Simple Majority.

85/2011

Moved Cr Kenward seconded Cr Truran that Council does not object to the proposal and agrees to take the necessary actions to close part of the Bullfinch Road Reserve and for that land to be amalgamated with Reserve 31426 Lot 849 on the condition that the Management Order over the Reserve is changed from Main Roads Western Australia to the Shire of Yilgarn.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th April, 2011
Agenda Reference:	10.3
Subject:	Application to Conduct Exploration Drilling – For Mineral Deposits and for Ground Water
Location/Address:	Yilgarn Shire
Name of Applicant:	Hetherington Exploration & Mining Title Services Pty Ltd on behalf of Ausrich Resources Pty Ltd; Austwide Mining Title Management Pty Ltd on behalf of Iron Wheel Pty Ltd; and Tenement Administration Services on behalf of Edna May Operations Pty Ltd
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	6 th April, 2011

Background

- 1) Hetherington Exploration & Mining Title Services Pty Ltd has submitted an application on behalf of Ausrich Resources Pty Ltd for Exploration Licence E77/1923 which extends north to east to east-south-east of Southern Cross townsite. Within this exploration area are the following Council roads – North of the Great Eastern Highway - Corinthia East Road, Turkey Hill Road, Road No 7466 (north extension of Daglish Road), Rogers North Road, Koolyanobbing – Southern Cross Road, Dairy Road, Ghooli – Koolyanobbing Road, Ghooli North Road (including the northern extension of this road), Rason Road, Forest Road, Cameron Road; - South of the Great Eastern

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Highway - Road No 10478, Pasini Road, Blair Road, Ghooli Greenmount Road, and Ghooli South Road. See attached letter, application and map – note E77/1923 is the pink and white check area marked on the map.

- 2) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Iron Wheel Pty Ltd for Exploration Licence E77/1929 which is parallel with the Emu Fence Road to south of the Southern Cross – Forrestania Road, and is east of the Cockatoo Rock and Cockatoo Tank. Within this exploration area are the following Council roads – Emu Fence Road, and Forrestania Southern Cross Road. See attached letter, application and map.
- 3) Tenement Administration Services Pty Ltd has submitted an application on behalf of Edna May Operations Pty Ltd for Miscellaneous Licence 77/231 which extends in a block east of Westonia townsite over the dividing boundary into the North Bodallin area. This miscellaneous licence is for the drilling for ground water only. Within this exploration area are the following Council roads – Boodarockin Road, Westonia Road, and Kaolin Street. Also included in this exploration area is Reserve 18584 Location 490 “Conservation of Flora and Fauna”. See attached letter, application and map

It is unknown whether drilling is expected to occur on any Council controlled roads, therefore the applications are being treated as if drilling may occur along the roadways.

Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. In these instances, the proposed drilling operations will be well outside any designated townsite, with the exception of Ausrich Resources Pty Ltd which may be drilling within the 2Km buffer area around the Southern Cross townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

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

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

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- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/ visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter “Crosswords” prior to any work commencing to notify the general public of this work.

The Manager of Works is aware of these applications and has raised concerns in regards to any drilling taking place along the Turkey Hill Road as it is only 20 metres wide and there is not enough space for the drill rigs and passing vehicles. The Manager has recommended that the company is encouraged to drill on private land or to set up on the private land rather than drilling directly on the road reserve. Drilling on most of the other roads would be acceptable provided they meet the Shire’s standard conditions.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval to Hetherington Exploration & Mining Title Services Pty Ltd for Ausrich Resources Pty Ltd (E77/1923), Austwide Mining Title Management Pty Ltd for Iron Wheel Pty Ltd (E77/1929), and Tenement Administration Services Pty Ltd for Edna May Operations Pty Ltd (77/231) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Leases as shown on the attached maps on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;

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- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/ visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

Voting Requirements

Simple Majority.

86/2011

Moved Cr Auld seconded Cr Kenward that Council grants approval to Hetherington Exploration & Mining Title Services Pty Ltd for Ausrich Resources Pty Ltd (E77/1923), Austwide Mining Title Management Pty Ltd for Iron Wheel Pty Ltd (E77/1929), and Tenement Administration Services Pty Ltd for Edna May Operations Pty Ltd (77/231) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Leases as shown on the attached maps on the following conditions:-

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

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- 5) *All rubbish is to be disposed of at the local landfill site in the appropriate manner*
- 6) *A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called.*
- 7) *No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram.*
- 8) *Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/ visitors*
- 9) *All drill holes are to be capped as soon as possible/practical after drilling*
- 10) *If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m*
- 11) *That the proposed drilling work is advertised in the local newsletter “Crosswords” prior to any work commencing to notify the general public of this work*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 15 th April, 2011
Agenda Reference:	10.4
Subject:	Application for Miscellaneous Licence - Various
Location/Address:	Shire of Yilgarn
Name of Applicant:	M & M Walter Consulting on behalf of Polaris Metals Pty Ltd; and Cliffs Asia Pacific Iron Ore Pty Ltd
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	6 th April, 2011

Background

- 1) M & M Walter Consulting Tenement & Native Title Management has submitted an application on behalf of Polaris Metals Pty Ltd for Miscellaneous Licence 15/323 for the purpose of establishing it's Carina minesite camp, workshop, administration, storage tanks, power generation and lines, communications, and waste management facility just over the Shire's eastern boundary in the Coolgardie Shire. See attached letter, application and map.
- 2) Cliffs Asia Pacific Iron Ore Pty Ltd has submitted a copy of it's application for a Miscellaneous Licence 77/232 for the purpose of a road, pipeline, and powerlines that extends north into the Shire of Menzies south through Diemals Station, just west of Pigeon Rocks and east of Muddahdah Hill. See attached letter, application and map.

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Comment

Neither application indicates there will be any drilling occurring on these Licenses, but will be used for infrastructure for the accommodation camp site for Polaris Metals and for the installation of a road, pipeline, and powerlines for Cliffs Asia Pacific.

I am not aware of any issues relating to either application and only present them to Council for information.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

For Council's information.

Received

Submission to:	Ordinary Meeting of Council - Friday 15 th April, 2011
Agenda Reference:	10.5 Late Item - Refers to and should be read in conjunction with Item 10.1 of this Agenda
Subject:	Planning Application - Advertising Road Sign
Location/Address:	Lot 32 Corner Corboy & Chadwick Streets, Bodallin
Name of Applicant:	Greg Rowe & Associates - Mr Ben Carter, Town Planner
File Reference:	4.2.2.2
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th April, 2011

Background

While that Shire has received 2 planning or development applications from Greg Rowe & Associates who are acting on behalf of their client Paramount Outdoor of Perth. The applications are to erect one advertising sign 8.3 metres wide x 2.2 metres high sign board which will be fixed to 2 steel posts with the distance from the ground to the bottom edge of the sign board being 2.0 metres.

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The first application is for this sign to be erected in the north-west corner of Lot 27 Great Eastern Highway, Yellowdine. Refer to Item 10.1 of this Agenda.

The second application is for this sign to be erected in the south-west corner of Location 500 on the east side of Blyth Road, east of the Bodallin townsite. Refer to Item 10.1 of this Agenda. Greg Rowe & Associates have recently advised that their client, Paramount Outdoors of Perth, wish to withdraw this second application.

Greg Rowe & Associates have advised that their client, Paramount Outdoors of Perth, wish to now replace the abovementioned second application with a new application outlined below.

The third application is for the same advertising sign to be erected in the south-west area of Lot 32 corner Corboy & Chadwick Streets, Bodallin townsite. It is proposed that the edge of the sign will be setback approximately 7.0 metres from the front boundary and 2.0 metres from the oblique road truncation boundary on the intersection of Corboy & Chadwick Streets, Bodallin. The sign board will on one side advertise the Office of Road Safety's road safety messages for whichever campaign is relevant at the time, and the other side of the sign board will advertise various rural businesses such as John Deere, King Gee, etc. The owners of the property, Matzin Capital Pty Ltd, have been approached on this matter and are aware of the application.

Comment

Town Planning Scheme - Advertising Signs Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 clause 5.2 advertising signs require prior approval from Council. Under the Shire's Town Planning Scheme the definition of -

an advertisement

"means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements."

a sign

"means a notice, message or display by means of a freestanding or fixed sign or hoarding."

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Town Planning Scheme - Zoning Issues

Under the Shire's Town Planning Scheme No 2 Lot 32 Corboy Street, Bodallin is currently zoned "Townsite". Other than a single dwelling all proposed land uses need to be considered and approved by Council.

The Proposed Advertising Sign

The proposed sign being 8.3m wide x 2.2m high on 2 posts with a head clearance of 2.0m above the ground is very similar to the advertising sign that was erected on Location 88 near the driveway entrance to the Southern Cross Airfield.

I have telephoned the Department of Main Roads in Northam and Perth with regards to these applications and have been advised that the previous Minister for Roads amended legislation governing this type of advertising signs and the role that Main Roads had in controlling them.

In regards to the proposed position on Lot 32 corner Corboy & Chadwick Streets, Bodallin being setback approximately 7.0 metres from the front (south) boundary, and 2.0 metres from the west side truncated boundary (which is approximately 6.0 metres from the west side boundary) it appears that the sign will be positioned within the vehicle track off Corboy Street east of Chadwick Street. See attached photograph of the front of Lot 32 Corboy Street with Chadwick Street on the left hand side of the photograph.

Lot 32 Corboy Street is vacant land. The proposed sign will be setback far enough that if someone accidentally runs off the road they should not run in to it. At the same time, it is positioned in the middle of a clear area between sections of trees growing along the Corboy Street road verge, thus giving people driving along the road the best opportunity to see and read the signs. See attached views of the Corboy Street road reserve to the west and east of Chadwick Street.

There is a dwelling located on Lot 17 corner Griffiths & Chadwick Streets, Bodallin, directly north of Lot 32 corner Corboy & Chadwick Streets, which is owned by Mr Royston Hughes & Ms Rose Oakley. While the dwelling has been built with the front of the dwelling facing towards Corboy Street rather than Griffiths Street, the visual impact of the sign on the owners/occupiers of this dwelling should be minimal as it will only be the narrow end of the sign that will be facing towards the dwelling. The occupiers of the dwelling will still basically have a view through to Corboy Street. While this may not be ideal, it should be acknowledged that the owner of Lot 32 can at any time build a dwelling on his land and this would greatly impact on the visual aspect of Lot 17 through to Corboy Street.

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I have tried to contact the occupiers of Lot 17 regarding this matter to seek their comments, but to date have not been successful.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Main Roads (Control of Signs) Regulations 1983, and the Main Roads' Guide to the Management of Roadside Advertising.

Policy Implications

Council Policy 5.4 Advertising Signs states –

“The erection of any signs, whether on public or private land, requires the approval of Council, under clause 5.2 Control of Advertisements of the Shire of Yilgarn Town Planning Scheme No 2 (or as amended) and Main Roads WA Advertising Sign Guidelines.

Generally, the application needs to consist of a letter to Council detailing the reason for the sign, where it is proposed to be located, what it is made of, and the design/wording/colour scheme on the sign. Signs are to be professionally made and painted. They are to be erected in accordance with best practice, the Building Code of Australia, or as directed by the Shire.”

The Policy also covers Sponsor's Signs for community and sporting events, which is not applicable in this case.

Financial Implications

Nil

Recommendation

That Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 32 corner Corboy & Chadwick Streets, Bodallin townsite with a setback of approximately 7.0m from the front (south) boundary and 2.0m from the truncated west side boundary for the corner of Chadwick Street for the purpose of advertising the Office of Road Safety road safety messages, plus advertising rural type businesses to passing travellers on the condition that:-

- 1) that approval is obtained from Main Roads WA for the sign,
- 2) the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,
- 3) the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,
- 4) the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, and is to include the sign on its' Public Indemnity Insurance Cover.

MINUTES
ORDINARY COUNCIL MEETING
Friday 15th April 2011

Voting Requirements

Simple Majority.

87/2011

Moved Cr W Della Bosca seconded Cr Kenward that Council grants planning approval to Greg Rowe & Associates on behalf of Paramount Outdoor to erect an advertising sign 8.3m long x 2.2m high on 2 steel posts with a head clearance above ground level of 2.0m on Lot 32 corner Corboy & Chadwick Streets, Bodallin townsite with a setback of approximately 7.0m from the front (south) boundary and 2.0m from the truncated west side boundary for the corner of Chadwick Street for the purpose of advertising the Office of Road Safety road safety messages, plus advertising rural type businesses to passing travellers on the condition that:-

- 1) that approval is obtained from Main Roads WA for the sign,*
- 2) the advertising signs comply with the Department of Main Roads' Roadside Advertising Guidelines,*
- 3) the signs are professionally produced with lettering size in accordance with the Australian Standards for Road Signs,*
- 4) the owner, Paramount Outdoor of Perth, is responsible for the ongoing maintenance of the signs, and is to include the sign on its' Public Indemnity Insurance Cover.*

CARRIED (6/0)

There being no further business to discuss, the Shire President declared the meeting closed at 4.50pm.

At 5.00pm the Shire President conducted an Australian Citizenship Ceremony, where Alan Welsh, Hailey Welsh, Natalie Welsh, Catherine Welsh and Annette Welsh made their Citizenship pledges and became Australian Citizens.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 15th April 2011, are confirmed on Friday the 20th May 2011 as a true and correct record of the April Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT