

MINUTES
ORDINARY COUNCIL MEETING
Friday 17th February 2012

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 17th February 2012.

PRESENT

Cr P R Patroni, Shire President

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

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

INFORMATION SESSION

TERRY HORNE – OPERATIONS MANAGER WACHS WHEATBELT

Mr Horne advised Council of the current service levels at Merredin Hospital, where there are 2.5 Doctors available 24/7 on call. Furthermore, he explained that the Merredin Hospital was the default hospital for all the smaller hospitals in the Wheatbelt, including Southern Cross. Also, WACHS has managed to secure a Paediatrician – Dr Rex Henderson that will be visiting Southern Cross over the next few months and servicing the patients of the Yilgarn.

ROB POWNALL – ST JOHN AMBULANCE REPRESENTATIVE (VOLUNTEER)

Mr Pownall advised that a lot of strain has been put on the Volunteer Ambulance service in town, as volunteer availability is always falling back to the same handful of people, and the volunteers have never refused a call out.

He would like to see the system change so that low priority patients are transferred to Merredin Hospital after 5.00pm, at the moment volunteers are having to leave their place of employment and are financial disadvantage by being available 24/7, as time away from work is unpaid. Mr Horne responded by saying that this was a reasonable request and cannot understand the importance of immediate transfer in low priority cases, and will discuss this issue with the HSM at the Southern Cross Hospital.

WHEATBELT GP NETWORK

Sven from Wheatbelt GP confirmed that the ambulance transfer issues is a regional problem and is being addressed in the planning that is currently being undertaken under the SIHI program and will be incorporated in Stage II of the rollout.

The meeting was declared open for business at 2.00 pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

Cr Pasini

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DISCLOSURES OF INTEREST

Cr O Truran declared an Indirect Financial interest in Item 9.2

Cr J Della Bosca declared an Impartiality interest in Item 9.4

Cr G Guerini declared a Proximity interest in Item 10.4 and 10.5

Cr W Della Bosca declared a Proximity interest in Item 10.4 and 10.5

Cr D Auld declared an Impartiality interest in item 10.7.

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

22/2012

Moved Cr Auld Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 20th January 2012, be confirmed as a true and correct record of that meeting, with the following amendment:

Under Announcements by the Presiding Members and Councillors - Cr Patroni's statement relating to the Shire of Westonia intention of advertising for a CEO, should have read as follows:

The SP explained Councils current situation where the Shire of Westonia is without a CEO and the Shire of Yilgarn's CEO contract finishes on the 30th June 2012. He advised that he has been in discussion with Mr Fowler to resolve the best way to proceed with filling the position/s should the merger proceeds.

The department advised that it would be unwise for either Councils to employ a CEO on a three year contract prior to the 1st July 2012 or a definite decision has been made on the merger between the Shire of Westonia & Shire of Yilgarn.

An alternative solution to fill the position would be to appoint an Acting CEO for a twelve month period, and by which time the uncertainty of the merger would have passed.

CARRIED (6/0)

GECZ WALGA MEETING MINUTES

23/2012

Moved Cr Truran Seconded Cr Guerini that the minutes of the GECZ WALGA Meeting, held on the 25th January 2012, be received.

CARRIED (6/0)

WEROC EXECUTIVE MEETING MINUTES

24/2012

Moved Cr J Della Bosca Seconded Cr Guerini that the minutes of the WEROC Executive Meeting, held on the 1st February 2012, be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MEETING

25/2012

Moved Cr W Della Bosca Seconded Cr Truran that the minutes of the Tourism Advisory Committee held on the 13th February 2012 be received, and below recommendations endorsed by Council.

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Recommendations

Moved G Kenward Seconded C Della Bosca, that Council arrange for the installation of the entrance signs as approved by the Tourism Committee.

Moved G Kenward seconded C Della Bosca that Council be asked to have a sign depicting a façade of a dunny located in the main street centre garden as a directional sign for the public toilets.

Moved Cr Patroni seconded Mr G Kenward that the MEHD be asked to include plans for the provision of a black water dump site in the 2012-2013 budget considerations.

CARRIED (6/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS:

The Shire President advised the following:-

- That the SP and the Manager for Works had attended the Regional Road Group meeting in Mukinbudin during the month, where they discussed a change in methodology relating to how funds will be spent by the end of the financial year.
- That he had been made aware that the Shire of Westonia held a Public Meeting to discuss the amalgamation on Wednesday the 15th February.
- That the LEMC Committee will be conducting a Desk-Top exercise on the 22nd March 2012 with all relevant parties.
- That he and the Executive team had met with Superintendent Harry Heaven, Inspector Ian Clarke and Sergeant Frank Mc Grath relieving for Sergeant Andy Allison, to discuss policing in the Yilgarn district.
- That he and the DCEO met with the Shire of Westonia SP and Director to discuss merger issues including; merger achievements, outstanding tasks, the likelihood of a poll in Westonia, and employment of an Acting CEO for the Shire of Yilgarn. Mr Fowler from the DLG was contacted at the time by teleconference to address any question from the meeting, including the best way to fill the CEO position through the Amalgamation transition period and the necessity of preparing the Joint budget whilst uncertainty of the merger hung in the air.
- That he, Cr Truran and DCEO has been in discussions with Mr Adam Seiler to negotiate a package for the Acting CEO position from June 2012 to March 2013. He advised that it is necessary for Council to endorse the employment of Mr Seiler and authorise the signing of the employment contract.

26/2012

Moved Cr Auld Seconded Cr Truran that Council appoint Mr Adam Seiler as Acting Chief Executive Officer, and authorises the signing of the employment contract.

CARRIED 6/0

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Cr W Della Bosca advised that there will be an Emergency Management Forum in Perth in March that he is considering to attend, the only issue is that it happens to be the next Council Meeting on the 16th March. He also attended training that was made available to the Volunteer BFB on the new UHF radio system that was recently installed in the district.

Cr Guerini advised that he had attended the Councillor Induction Training in Perth during the month and found it very informative, and also attended his first Tourism Advisory Committee meeting.

Crs W Della Bosca and J Della Bosca attended the Integrated Planning and Reporting Workshop run by WALGA during the month and found it very informative.

Cr J Della Bosca attended the HAY committee meeting with Cr Truran, where the committee expressed their thanks to Council for their financial support towards sending Caleb Round on the Leewin Ocean Adventure, and advised that he is preparing a report for Council of his experience on the Leewin Ship.

Cr Auld advised that he had attended the Industry Management Committee meeting on the 3rd February.

Cr Truran advised that she had attended a DEHAC meeting during the month in Merredin, and has been nominated to be the Chairperson of the committee.

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Submission to:	Ordinary Meeting of Council – Friday, 17 th February 2012
Agenda Reference:	7.1
Subject:	Department of Local Government – 2011 Compliance Audit Return
File Reference:	1.6.6.4
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	31 January 2012

Background

The Director General of the Department of Local Government and Regional Development has forwarded the 2011 Compliance Audit Return for completion. This process involves completing a checklist of requirements under the Act and regulations and comparing these to what the council has done over the past 12 months.

Comment

The Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2011 to 31 December 2011 against the requirements set out in the Compliance Audit Return.

Amending Regulations concerning the Annual Compliance Audit Return were gazetted on 30th December, 2011 that included significant changes to the report. In particular the documentation required to be completed has been reduced from 27 pages to 9, however there is now a requirement that the compliance return be submitted to the Council's Audit Committee prior to adoption by the Council. This is a new function for the Audit Committee.

The Audit Committee met earlier on Council meeting day and have made a recommendation to Council concerning the Compliance Return.

Statutory Environment

Local Government (Audit) Regulations

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council, having considered the report from the Audit Committee endorse the Compliance Audit return for submission to the Department.

Voting Requirements

Absolute Majority

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The CEO advised the Council that the Audit Committee had met earlier in the day and had endorsed the Compliance report for adoption by Council.

27/2012

Moved Cr Auld Seconded Cr W Della Bosca that Council, having considered the report from the Audit Committee endorses the Compliance Audit return for submission to the Department.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Submission to:	Ordinary Meeting of Council - Friday, 17 th February 2012
Agenda Reference:	7.2
Subject:	STATE BARRIER FENCE
File Reference:	1.6.6.8 & 7.2.4.1
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 th February 2012

Background

The Shires of Westonia and Yilgarn have agreed to undertake construction of the State Barrier (Wild Dog) Fence-Yilgarn Section under an agreement with the Department of Agriculture and Fisheries with funding from Royalties for Regions. This report deals with the administration of that project.

Comment:

Council is aware of grant submissions to enable the Council to work cooperatively with DAFWA to construct the missing link in the Wild Dog Fence, utilising the regional council component of the Country Local Government Fund as well as funding from other sources.

The grant submissions were prepared on the basis that DAFWA would supply material, organise the necessary flora, fauna, native title and land surveys and Council would supervise contracts for the erection of the fence.

Three submissions were prepared and the proposal finally received Ministerial approval in January, however the source of funding is with DAFWA.

The State Barrier Fence is a State Government Asset and the State Government will be responsible for its ongoing upkeep and maintenance.

Local Government has offered to contribute to the cost of constructing the fence and to supervise the construction. However, it was never intended that Local Government would have any greater financial contribution other than the Regional Grant allocation. It was also anticipated that Costs associated with managing the construction would be recovered.

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The CEO's best estimate of clearing and construction costs was over \$3m depending on a number of variables including the number and placement of grids.

The CEO met with the Director Invasive Species, Mr Viv Reid on Friday 3rd February to discuss the administration of the joint arrangement between Council and DAFWA for construction of the fence. The Dept appears not to appreciate that the object of the Councils' involvement in the project was to construct the fence under a joint funding arrangement, where both parties were working together as partner agencies and not as a contractor relationship from one to the other.

It was put to the CEO that DAFWA had estimated the cost of erecting the fence as around \$2.5m and that DAFWA was prepared to commit \$2m in grant funds to Council, on the understanding that the two Councils would allocate their regional component to the project of \$0.5M and undertake to construct the fence.

If the cost to construct the fence was less than \$2.5m, then the two Councils could share the "profit" however, if the cost was more than \$2.5m then the two Councils would equally share the "loss".

The Ceo advised the Director that the Councils had not entered into this venture on the understanding that they were to carry the risk for any cost overrun. The objective was to ensure that the fence was constructed at the best possible price and that the cost of supervising the construction was recoverable from the grant. If there was a saving, the Councils would pass that onto the Dept, if however there was a cost overrun it was expected that the Dept would meet that cost.

This proposal from the Director is not acceptable as the Councils are seen to be a contractor and are carrying all the risk if the project goes over-budget.

The second option considered was for DAFWA to undertake the project and for the Councils to pay the Regional Grant to DAFWA and have no direct involvement or responsibility for the project, other than through a joint committee of management.

This proposal is preferable to the first, but is not in the spirit of what the Councils were attempting to achieve in terms of a co-operative agreement between the Department and the Local Government Authorities.

The CEO suggested that there is a third option, which the Director had not considered, and this was for the Councils and the Department to enter into a partnership agreement where both parties agree on the overhead charges and

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then simply perform the work on a do and charge basis. Any savings are passed back to the Dept and cost overruns are funded by the Dept.

The CEO recommends that if this third arrangement cannot be agreed to then it would be preferable for the Dept to assume full responsibility for the project and for the Regional Grant to be acquitted through a payment to the Dept once the value of that work was completed.

Statutory Environment

Local Government Act

Policy Implications

Nil

Financial Implications

If Council undertakes the project as contractor there is a risk of unfunded cost overruns.

Recommendations:

That the Shires of Westonia and Yilgarn agree to participate in a joint committee of management for the State Barrier Fence project and a partnership agreement where the Department of Agriculture either undertakes the project or agrees with the Councils to accept any cost savings and to fund any cost overrun.

Voting Requirements

Simple Majority

DISCUSSION

Cr Patroni explained that it was important that all parties get together and meet in Southern Cross to discuss the issues relating to the logistics of the project and access to funding.

AMENDMENT TO THE MOTION

28/2012

Moved Cr Patroni Seconded Cr Auld that a meeting is to be organised in Southern Cross, where all parties concerned, including representatives from DAFWA, Shire of Yilgarn and Shire of Westonia can meet and discuss the State Barrier Fence Project and funding issues.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 th February 2012
Agenda Reference:	7.3
Subject:	APPOINTMENT OF FINANCE MANAGER
File Reference:	1.1.1.16
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 th February 2012

Background

The new organisational structure for the merged Local Government Authority provides for the employment of a Finance Manager to oversee the finances of the authority. This report seeks Council endorsement to the employment of this person prior to the merger to facilitate the work required to be undertaken in the lead up to the 30th June, 2012.

Comment:

There is an ever increasing demand for additional reporting and financial management relating to initiatives of the Dept of Local government and both State and Commonwealth grant programs. The move to strategic planning and asset management planning will only increase this burden upon the staff, particularly the role of DCEO.

Irrespective of the merger going ahead or not, there is a demand for an additional staff resource to address the more routine financial management and accounting functions to free up the DCEO to provide higher level support for management reporting and forward financial and corporate strategic planning functions.

Both the Shire of Westonia and the Shire of Yilgarn have relied on external consultants to undertake accounting and financial management functions and this trend is going to increase due to the new reporting requirements and in particular the asset management and planning functions.

At the same time the corporate strategic planning requirements will increase substantially the burden on the DCEO and CEO to undertake extensive community planning and consultation prior to preparation and ongoing management of the strategic community plan.

On that basis it is proposed to provide the DCEO with additional capacity in financial management through the recruitment of a Finance Manager. This position was identified in the forward estimates for the merged Council and in the forward estimates for both the independent Council operations. Irrespective of the merger progressing or not there is a critical need for additional financial management support for the DCEO role.

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A position description for the role and function of the Finance Manager is included in this report and it is recommended to Council that the Position of Finance Manager be incorporated in the Shire of Yilgarn organisational structure and that recruitment for this position commence prior to June 30 to provide assistance with Financial management functions in the lead up to end of year budget and accounting for the merger.

The anticipated salary package for this position would be in the order of \$80 - \$100k and an opportunity exists to fund part of this cost from the merger budget this financial year.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

This would be a change to the organisational structure that would need to be funded in future budget deliberations and would be offset by less reliance on external consultancies.

Recommendation:

That Council approve the establishment of the position of Finance Manager within the organisational structure and endorse the recruitment for this position prior to June 30th, 2012.

Voting Requirements

Simple Majority

29/2012

Moved Cr Truran Seconded Cr J Della Bosca that Council approves the establishment of the position of Finance Manager within the organisational structure and endorse the recruitment for this position prior to June 30th, 2012.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday, 17 th February 2012
Agenda Reference:	7.4
Subject:	YILGARN BOWLING CLUB LEASE
File Reference:	1.3.9.4 Doc: ICR122623
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 th February 2012

Background

The Yilgarn Bowling Club have asked that Council wave all or part of the \$1,000 annual fee charged for use of the bowling green and seeking an explanation as to why the fee increased from \$600 to \$1,000.

Comment:

Council's adopted budget for 2011-12 includes an annual fee of \$1,000 for the Bowling Club an increase on the previous year presumably to reflect that part way through the year the new Bowling Green would be completed and available for use.

In any event as is well known the roof blew of the old clubhouse and the new green is not likely to be ready until April/May this year.

Council has been required to fix the old roof to provide accommodation for the Bowling Club and has provided occasional assistance with maintenance of the grounds.

It would seem unreasonable to maintain the higher level of fee and the recommendation is that the fee be reduced to \$600 as in the previous year.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation;

That Council resolve to reduce the annual fee for the Yilgarn Bowling Club to \$600.00 for the 2011-2012 year.

Voting Requirements

Simple Majority

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30/2012

Moved Cr W Della Bosca Seconded Cr Guerini that Council resolves to reduce the annual fee for the Yilgarn Bowling Club to \$600.00 for the 2011-2012 year.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday, 17 th February 2012
Agenda Reference:	7.5
Subject:	MIDCON CONSTRUCTIONS- CLUB ROOM
File Reference:	1.3.8.14
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 th February 2012

Background

As indicated last month Midland Constructions (Midcon) who were building the Sports Club House have gone into receivership and the contract has as a consequence been terminated.

Comment:

The CEO met with the Director of Midcon Constructions Mr David Affleck who indicated that his Company was unable to trade out of its current financial crisis and that the Company would go into receivership.

At a subsequent meeting between the CEO and the Receivers, it was clear that Midcon had debts in excess of \$5m and that there was no possibility of the Company trading out of debt or being sold as a trading entity. As a consequence, they have placed the Company in receivership.

Council has therefore formally terminated the contract with Midcon and taken possession of the site. An assessment by Council's architects is being prepared and it would appear that on initial assessment, Council has a valid claim in the order of \$150k against the Company as this is the estimated difference between the amount paid to the company and the cost to bring the works up to the value of completion that has been certified by the builder, including the cost to initiate works for completion of the contract. Council is holding \$71k in retention money and so the anticipated shortfall between what is paid and what needs to be done is around \$80k.

Council will not refund the retention money and will lodge a claim as unsecured creditor for the balance as required.

In terms of the project the following actions have also been undertaken:

- Council has employed a Building Supervisor to manage the project, Mr Daniel Brearley who had previously worked with Midcon.

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- The Project Supervisor is contacting sub-contractors and has obtained access to previous quotations for work to be done.
- Work has commenced on site with Council taking charge of the project utilising sub-contractors and/or Council staff and equipment.
- Council has rented a house for the works crew and is currently in negotiations with the Receiver with a view to purchase the two containers that are on site.

The Contract for construction of the Bowling Green is progressing unencumbered.

Once details of the assessed works to be completed are quantified a report will be prepared for Council in terms of assessing if the project is still within budget, anecdotal evidence to date, indicates that there should be sufficient builders margin/profit forgone in the project cost to meet the cost of Council assuming responsibility .

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation;

That the report be received.

Received

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Submission to:	Ordinary Meeting of Council – Friday 17 th February 2012
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:	9 th February 2012

Comment

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

The following reports are enclosed and have been prepared as at the 31st January 2012:

- Rates Receipt Statement (prepared to 8th February 2012)
- 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

Voting Requirements

Simple Majority

Recommendation

That the Various Financial Reports for the period ending 31st January 2012 as presented, be received.

31/2012

Moved Cr Truran Seconded Cr Auld that the Various Financial Reports for the period ending 31st January 2012 as presented, be received.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council –17 th February 2012
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:	9 th February 2012

Background

Municipal Fund – Cheque Numbers 37481 to 37570 totalling \$222,812.88, Municipal Fund EFT numbers 210 to 306 totalling \$293,529.57 Municipal Fund – Cheque Numbers 1025 to 1028 totalling \$127,994.09, Trust Fund – 401961 to 401963 totalling \$1,712.98 and Trust Fund – Cheque Numbers 5769 to 5773 (DPI Licensing), totalling \$62,401.35 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 endorses payment of Municipal Fund – Cheque Numbers 37481 to 37570 totalling \$222,812.88, Municipal Fund EFT numbers 210 to 306 totalling \$293,529.57 Municipal Fund – Cheque Numbers 1025 to 1028 totalling \$127,994.09, Trust Fund – 401961 to 401963 totalling \$1,712.98 and Trust Fund – Cheque Numbers 5769 to 5773 (DPI Licensing), totalling \$62,401.35 as per the submitted list.

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32/2012

Moved Cr W Della Bosca Seconded Cr Guerini that Council endorses payment of Municipal Fund - Cheque Numbers 37481 to 37570 totalling \$222,812.88, Municipal Fund EFT numbers 210 to 306 totalling \$293,529.57 Municipal Fund - Cheque Numbers 1025 to 1028 totalling \$127,994.09, Trust Fund - 401961 to 401963 totalling \$1,712.98 and Trust Fund - Cheque Numbers 5769 to 5773 (DPI Licensing), totalling \$62,401.35 as per the submitted list.

CARRIED (6/0)

Council adjourned for afternoon tea at 3.48pm and returned to Chambers at 4.00pm

Cr Truran declared an Indirect Financial Interest in Item 9.1 and declined from voting.

Submission to:	Ordinary Meeting of Council – Friday 17 th February 2012
Agenda Reference:	Works 9:1
Subject:	Replacement of Council's Tractor
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.6.7.2
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	9 th February 2012

Background

In accordance with Council's 2011/2012 Plant Replacement Program quotations were sought to supply and deliver one only Tractor and to trade Council's current John Deere 2250 Tractor.

An allocation of \$63,500 (*GST Inclusive*) has been allowed in Council's 2011/2012 Budget for the change over of this vehicle.

The trade vehicle (*John Deere 2250 Tractor*) was purchased in 1990 under Council's Plant Replacement Program. This tractor is currently utilized by council staff for slashing reserves and road verges. It is also utilised on bitumen sealing programs with a road broom attachment to sweep loose materials from road surfaces before commencement of bitumen sealing.

Comment

The following quotations were received from Hutton and Northey Sales and AG IMPLEMENTS to replace this vehicle with a similar type vehicle (*GST Inclusive*):

- 1) Hutton and Northey Sales
Case IH JX80 FWA Tractor 80 hp front wheel assist
(*extended 24 months/2000hrs warranty cost included*)
\$ 62,406.30
Less Trade \$ 8,288.50
Net changeover \$ 54,117.80
-

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2) AG IMPLEMENTS

John Deere 5083E Tractor 83 hp front wheel assist (extended 36 months/4000hrs warranty cost included)	
	\$64,869.20
Less Trade	<u>\$ 10,485.20</u>
Net changeover	<u>\$ 54,384.00</u>

Mr. John Williamson (*former owner of Southern Cross Traders*) wrote to council in November 2011 advising council that he has a second hand MF 4225 Tractor (75hp) for sale with a 6 foot slasher in tow for \$19,500 plus GST. The tractor has an hour meter reading of 268hrs.

Mr. Williamson mentioned in his correspondence that the tractor is an “*ideal yard type tractor*”. The tractor is fitted with an open rollover sunroof and does not meet OH&S requirements to conform council will be obligated to fit an enclosed air-conditioned cab.

If council were to consider purchasing this tractor there would be no trade for council’s existing John Deere Tractor (*preference would be to trade council’s tractor*). There was no warranty offered for MF 4225 Tractor.

Both Hutton and Northey and AG Implement have offered a trade price for council’s John Deere 2250 Tractor.

Hutton and Northey and AG Implements’ offer an extended warranty for their respected tractors at an additional cost which has been included in the change over costs.

The extended warranty offered by Hutton and Northey is 24 months or 2000hrs (*which ever comes first*) and AG Implements’ extended warranty is 36 months or 4000hrs (*which ever comes first*)

Although Hutton and Northey change over cost for the Case IH JX80 FWA Tractor is \$266 less than that of AG Implements’ for the John Deere 5083E Tractor, the warranty offer from Hutton and Northey is lacking in comparison to AG Implements’ warranty offer. For an additional \$266 council will get an extra 12 months/2000hrs warranty if it chose to purchase the tractor from AG Implements’.

Statutory Environment: *In accordance to Councils “Finance Policy 3.5 Purchasing and Tendering”*

Financial Implications: *A monetary allocation of \$63,500 (GST Inclusive) has been allowed for in the 2011/2012 Plant Replacement Program for the change over of this vehicle.*

Strategic Implications: *Ten Year, Plant Replacement Program*

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Recommendation

That Council purchase the John Deere 5083E Tractor from AG IMPLEMENTS, for the quoted cost of \$ 64,869.20 (*GST inclusive*), and trade Council's existing 1990 John Deere 2250 Tractor for the trade price of \$10,485.20 (*GST inclusive*), resulting in a change-over cost of \$54,384.00 (*GST inclusive*).

Voting Requirements

Simple Majority

33/2012

Moved Cr W Della Bosca Seconded Cr Guerini that Council purchase the John Deere 5083E Tractor from AG IMPLEMENTS, for the quoted cost of \$ 64,869.20 (GST inclusive), and trade Council's existing 1990 John Deere 2250 Tractor for the trade price of \$10,485.20 (GST inclusive), resulting in a change-over cost of \$54,384.00 (GST inclusive).

CARRIED (5/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th February 2012
Agenda Reference:	Works 9:2
Subject:	Plant Replacement – Steel Drum Vibrating Roller - WALGA Preferred Supply Contract – TPS0814 - 2011/2012
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.6.7.2
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	15 th February 2012

Background

In accordance with Council's 2011/2012 Plant Replacement Program quotations were invited through WALGA'S Preferred Supply Contract – TPS0814 to supply and deliver one only Steel Drum Vibrating Roller with bolt on Padfoot Shell Kit and to trade Council's current 2001 Caterpillar CS-563D Smooth Drum Vibrating Roller.

An allocation of \$190,000 has been allowed for in Council's 2011/2012 Budget for the change over of this vehicle.

The trade vehicle (*Caterpillar CS-563D Smooth Drum Vibrating Roller*) was purchased in 2001 under Council's Plant Replacement Program. At the time of this report the roller had an hour metre reading of 7,700hrs. This roller is currently utilized by council staff for gravel sheeting, construction and bitumen sealing works on works, programs undertaken by council. It is expected, the proposed replacement vehicle will be carrying out similar functions. Visually the trade vehicle is well presented and appears mechanically sound.

Comment

Specifications for new, Vibrating Drum Roller are as follows:

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Vibrating Smooth Drum Roller

Make / Model tendered (*must be 2012*) _____
Gross Weight (min 12000 kg – max 14000 kg) _____ kg

Engine Make: _____ Capacity: _____ litres

Engine output, (*minimum 108kw*) _____ kw

Cab Enclosed cab with Rollover Protection Structure

Air-conditioning/heater, reversing light and alarm,
hour metre, horn, lockable anti vandal dashboard

Control Panel: Hour metre fitted, engine oil
pressure gauge, engine temperature gauge, air
filter vacuum gauge, charge control gauge,
torque converter temperature gauge, brake
pressure gauge, AM/FM radio, working lights,
hazard lights, swivel seat, tow hooks front and
rear

Window tint to all windows, wiper and washers to
front and rear windows, rear vision mirrors, one
2kg fire extinguisher fitted to inside of cab.
Canvas seat covers fitted, two flashing amber
beacon in protective cage, cab roof mounted

Sun Protection Light window tint to side and rear windows

Two-Way GME Electraphone TX 3440, complete with
aerial and microphone, fitted
TAIT TM 8200, complete with aerial and
microphone, fitted, equipped with bush fire
frequencies, channel 32, 45 and 59

The following quotes were received (*GST inclusive*):

TUTT BRYANT EQUIPMENT

Bomag BW211D-4 Single Drum Vibrating Roller
(*padfoot shell included*)

	\$ 187,000.00
<i>Less Trade</i>	<u>\$ 66,000.00</u>
<i>Net changeover</i>	<u>\$ 121,000.00</u>

Engine – Deutz 4 cylinder water cooled diesel engine

Net power output 99kw

Gross weight 13,790 kg

Transmission hydrostatic drive

Warranty 24 month/2000 hour extended warranty

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Please note that in the specifications there is a requirement for a minimum engine output of 108kw. The Bomag BW211D-4 has been specified with 99kw's. Therefore it is considered that Bomag BW211D-4 offer by TUTT BRYANT EQUIPMENT is non-conforming in accordance to the specifications.

WESTRAC EQUIPMENT

Caterpillar CS 56 Single Drum Vibrating Roller
 (padfoot shell included)

	\$ 210,943.80
<i>Less Trade</i>	<u>\$ 58,300.00</u>
<i>Net changeover</i>	<u>\$ 152,643.80</u>

Engine – Cat C6.6 - 6.6 litre turbo charged water cooled diesel engine

Net power output	116kw
Gross weight	13,439 kg with padfoot shell kit
Transmission	hydrostatic drive
Warranty	36 month/6000 hour warranty

CONPLANT

Ammann ASC110D Tier 111 Single Drum Vibrating Roller
 (padfoot shell included)

	\$ 143,046.00
<i>No trade offered</i>	\$
<i>Net changeover</i>	<u>\$ 143,046.20</u>

Engine – Cummins QSB4.5C160 T3 - 4.5 litre diesel engine

Net power output	119kw
Gross weight	12,865 kg
Transmission	hydrostatic drive

Warranty 24 month/2000 hour standard warranty

Optional For additional \$3,580 Ammann will include an Extended Power Train Warranty for 36 months/3000 hours *(this has not been include in change over cost)*

Company	Make/model	Outright purchase	Trade	Change over cost
Tutt Bryant Equipment	Bomag BW211D-4	\$187,000.00	\$66,000.00	\$121,000.00
Conplant	Ammann ASC110D Tier 111	\$143,046.20	<i>No trade offered</i>	\$143,046.20
Westrac	Caterpillar CS 56	\$210,943.80	\$58,300.00	\$152,643.80

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As seen from the above summary the lowest quote received for the change over cost of council's current 2001 Caterpillar CS-563D Roller is from TUTT BRANT EQUIPMENT for the Bomag BW211D-4 for a monetary amount of \$121,000 (*GST inclusive*). This roller has a 24 month/2000 hour extended warranty

In the specifications there is a requirement for a minimum engine output of 108kw. The Bomag BW211D-4 has been specified with 99kw's. Therefore it is considered that Bomag BW211D-4 offer by TUTT BRYANT EQUIPMENT is non-conforming in accordance to the specifications.

Next lowest is Conplant with the Ammann ASC110D Tier 111 Roller for the outright purchase amount of \$121,000 (*GST inclusive*). Conplant have offered no trade for council's 2001 Caterpillar CS-563D Roller (*it would be preferred to trade council's roller*).

Although the quote submitted by Westrac for the Caterpillar CS 56 Roller is by far the highest (\$152,643.80) it is within the specifications (*Westrac have also offered to trade the existing roller*). The 36 month/3000 machine hour warranty offered by Westrac for the roller is good.

Council is currently running a Caterpillar CS-563D Smooth Drum (*the proposed trade roller*) of which has been performing well with very little down time.

Statutory Environment: *In accordance to Councils "Finance Policy 3.5 Purchasing and Tendering"*

Financial Implications: *A monetary allocation of \$190,000 has been allowed in the 2011/2012 Plant Replacement Program for the change over of this vehicle.*

Strategic Implications: *Ten Year, Plant Replacement Program*

Recommendation

That Council accepts the quote submitted by Westrac, and trade its current 2001 Caterpillar CS-563D Smooth Drum Vibrating Roller for the quoted trade price of \$58,300 (*GST inclusive*), and purchase the Caterpillar CS 56 Roller as per the quotation submitted for the change over cost of \$152,643.80 (*GST inclusive*)

Voting Requirements

Simple Majority

34/2012

Moved Cr W Della Bosca Seconded Cr Auld that Council accepts the quote submitted by Westrac, and trade its current 2001 Caterpillar CS-563D Smooth Drum Vibrating Roller for the quoted trade price of \$58,300 GST inclusive), and purchase the Caterpillar CS 56 Roller as per the quotation submitted for the change over cost of \$152,643.80 (GST inclusive)

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council -17th February 2012
Agenda Reference:	Works 9:3
Subject:	Council Road Inspection
Location/Address:	N/A
Name of Applicant:	N/A
File reference:	6.1.2.4
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	2nd February 2012

Background

Approximately every two years a road inspection of the Yilgarn Shire District is carried out by Council (*the last road inspection was in 2008*). The road inspection will give Councillors the opportunity to generate discussion in relation to heavy haulage routes, visit specific problem areas for budget consideration and re-visit road construction works from previous years.

The following council staff will be participating in the road inspection to answer any questions generated from the road inspection:

Jeff Sowiak	Chief Executive Officer
Vivienne Murty	Deputy Chief Executive Officer
Wendy Dallywater	Manager of Environmental Health & Building Services
Robert Bosenberg	Manager of Works

Comment

The road inspection is programmed for Friday 2nd of March 2012 and will go for approximately seven hours traveling some 350 kilometres. It is proposed to have lunch en-route (*possibly Moorine Rock Hotel*).

Appendix 1 shows the proposed route. Councillors are asked to have input into the route if they wish to visit problem areas not covered in the proposed route. The itinerary will be finalised following Council discussion on the proposed road inspection.

Submitted for Council Information

Received

Cr W Della Bosca advised that he was unable to attend, as he will be away in New Zealand.

Cr Auld indicated that he may not be able to attend as he was going to have hip surgery during the month.

Cr J Della Bosca indicated that she may not be able to attend, as it would depend if she is able to get time off work.

Cr D Pasini will still be on leave on this day.

Cr G Guerini is unable to attend.

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Cr J Della Bosca declared an Impartiality Interest in Item 9.4 and declined from voting.

Submission to:	Ordinary Meeting of Council – Friday 17 th February 2012
Agenda Reference:	Works 9:4
Subject:	Southern Cross Football Cropping Lots 36&44 Great Eastern Highway
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	10.2.2.3
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	15 th February 2012

Background

As Councillor's are aware Shire of Yilgarn has recently taken over the lease of Lots 36 & 44 Great Eastern Highway located approximately 3.5 kilometres west of Southern Cross. The purpose of Council leasing Lots 36 & 44 is so community groups can crop these Lots for fund raising.

Council's Manager for Environmental Health and Building Services presented a report to Council's December 2011 Meeting in relation to the leasing of these Lots. In the report it was made mention the cost to lease these Lots from Department of Regional Development and Lands would be \$750 (plus GST) which Council would on charge to community and sporting bodies wishing to utilise these Lots to crop for fund raising. The cropable area of the combined Lots is approximately 66 hectares.

Council advertised for expression of interest from community groups that may be interested in cropping this land in January's 2012 edition of Crosswords and received one application from the Southern Cross Football Club. A report on this was presented to Council's January 2012 meeting with the following resolution been passed:

"8/2012

Moved Cr Guerini Seconded Cr Auld that Council grant cropping rights for Lots 36 & 44 Great Eastern Highway to Southern Cross Football Club for the 2012 season under terms agreed with Manager for Works"

Comment

An inspection was carried out of Lots 36 & 44 with representatives from Southern Cross Football Club, Mr. Clint Della Bosca and Mr. Michael Dunbar and Council's Manager for Works, Robert Bosenberg.

Following the inspection of the Lot's the following issues of concern were raised:

- 1) Salt affected area on lot 44 (*approximately 10 hectares*)
- 2) Deteriorating internal fencing on both Lots requires clearing
- 3) Boundary fencing on both Lots require clearing of overgrown trees/shrubs and damage fencing repaired

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Before Council allows these Lots to be utilised for cropping there would be a requirement for Council to have the internal deteriorating fencing and boundary fencing cleared and repaired.

The cost to clear the fencing by council staff would be in the vicinity of \$1,100. At this time due to councils work load, councils outside work staff would not be able to commence any clearing until mid May.

If the Southern Cross Football Club is going to crop this land in 2012 they will require having access to this land for seeding preparation well before May.

Mr. Della Bosca and Mr. Dunbar indicated that in lieu of the annual lease cost (\$750 plus GST) the Southern Cross Football Club would be willing to clear the deteriorating internal fencing and remove overgrown trees/bush and repair damaged boundary fencing.

In relation to the salt affected area the Southern Cross Football Club has advised that they will plant barley (*which is salt tolerant*) to ascertain the extent of the salt affected area so as a rehabilitation program can commence to slow the salt ingress.

Financial Implications:

If Councils adopts the following recommendations then Council will not receive lease fees of \$750.00 (plus GST) for Lots 36 and 44 in the 2011/2012 Financial Year

Recommendation

That Council advises the Southern Cross Football Club that in lieu of the annual lease fee of \$750.00 (plus GST) for Lots 36 & 44, Council will accept as "in kind" payment if the Southern Cross Football Club carries out clearing of the deteriorating internal fencing and removes overgrown trees/bush and repairs damaged boundary fencing.

Voting Requirements

Simple Majority

35/2012

Moved Cr Truran Seconded Cr Guerini that Council advises the Southern Cross Football Club that in lieu of the annual lease fee of \$750.00 (plus GST) for Lots 36 & 44, Council will accept as "in kind" payment if the Southern Cross Football Club carries out clearing of the deteriorating internal fencing and removes overgrown trees/bush and repairs damaged boundary fencing to the satisfaction of the Manager of Works.

CARRIED (5/0)

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Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.1
Subject:	Planning Application - Ancillary Accommodation for Family Member
Location/Address:	Lots 479 & 480 (H/No 92-94) Altair Street, Southern Cross
Name of Applicant:	Mr Garry Gleadell
File Reference:	3.1.3.6 & A2320
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2012

Background

At the January 2006 Council Meeting Council considered an application from Mr Grant Hislop to locate a 3m wide x 12m long transportable building at the rear of Lots 479 & 480 Altair Street, Southern Cross for the purpose of providing ancillary accommodation for his son who at the time was working on one of the minesites in the district. At this meeting Council passed the following recommendation:-

“That Council grant Mr Grant Hislop planning approval to relocate the abovementioned second-hand transportable building to the rear of Lots 479 & 480 Altair Street, Southern Cross to be used as a ancillary accommodation for his son, with the rear setback of 1.65 metres, on the following conditions:-

- 1) that approval is subject to the Council not receiving complaints from neighbours relating to noise, etc coming from the ancillary accommodation; and
- 2) that when the property is sold and if the building is still on the property, that the new owner must apply for Council approval to keep the building for a similar use, or if it is not required for this purpose, that the building is removed from the property prior to the sale concluding.”

Mr Hislop is in the process of selling these lots to Mr & Mrs Garry & Anna Gleadell, who have been made aware of the abovementioned planning conditions. For this reason Mr Gleadell has writing to Council requesting permission for the ancillary accommodation unit to remain on the site for the purpose of providing accommodation to his grandson who will be employed locally. See attached letter.

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Comment

During the last six years, the Shire has not received any complaints from neighbours regarding noise coming from this accommodation unit, or any other complaints associated with the unit.

The Gleadells' purpose for the unit complies with Clause 4.1.1 Ancillary Accommodation of the Residential Design Codes of WA 2002 in that an ancillary dwelling is to accommodate the needs of large or extended families without compromising the amenity of adjoining properties. An ancillary accommodation is -

“An additional dwelling or independent accommodation associated with a Single House and on the same lot where:

- i. the sole occupant or occupants are members of the family of the occupiers of the main dwelling;
- ii. the lot is not less than 450sqm in area;
- iii. the open space requirements of Table 1 are met;
- iv. the maximum size of the building is not more than 60sqm; and
- v. one additional car space is provided.”

Therefore there is no reason for Council to withhold approval in this matter.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2 and the Residential Design Codes of WA 2002.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants planning approval to Mr Garry Gleadell for the send-hand transportable accommodation unit to remain on-site at the rear of Lots 479 & 480 Altair Street, Southern Cross to be used as an ancillary accommodation for his grandson, on the following conditions:-

- 1) that approval is subject to the Council not receiving complaints from neighbours relating to noise, etc coming from the ancillary accommodation; and
- 2) that when the property is sold and if the building is still on the property, that the new owner must apply for Council approval to keep the building for a similar use, or if it is not required for this purpose, that the building is removed from the property prior to the sale concluding.

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Voting Requirements

Simple Majority.

36/2012

Moved Cr Auld Seconded Cr Guerini that Council grants planning approval to Mr Garry Gleadell for the send-hand transportable accommodation unit to remain on-site at the rear of Lots 479 & 480 Altair Street, Southern Cross to be used as an ancillary accommodation for his grandson, on the following conditions:-

- 1) that approval is subject to the Council not receiving complaints from neighbours relating to noise, etc coming from the ancillary accommodation; and*
- 2) that when the property is sold and if the building is still on the property, that the new owner must apply for Council approval to keep the building for a similar use, or if it is not required for this purpose, that the building is removed from the property prior to the sale concluding.*

Carried (6/0)

Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.2
Subject:	Proposed Lease of Crown Lots to All Mine Maintenance Services Pty Ltd
Location/Address:	Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross (on Deposited Plan 22130)
Name of Applicant:	Department of Regional Development and Lands - Mr Ryan Allison, Wheatbelt State Land Services
File Reference:	1.6.17.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2012

Background

The Department of Regional Development and Lands (DRDL) has written to the Shire advising that has received a request from All Mine Maintenance Services Pty Ltd (AMMS Group) to lease Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross. All Mine Maintenance Services currently leases Lots 643 & 644 Procyon Street, plus Sean Bilich (owner of All Mine Maintenance Services) owns Lot 916 Arcturus Street, Southern Cross. The reason for wanting to lease the additional 3 lots is that the business is expanding and needs more land to store machinery/plant/equipment/items/materials.

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DRDL has no objection in principle to the request to lease the additional land and amalgamate the lots into Lease J120997 under section 87 of the Land Administration Act, however, it is seeking Council's comments on the proposal before proceeding.

Comment

Town Planning Issues

Land Zoning

Under the Shire of Yilgarn Town Planning Scheme No 2 Lots 645, 646 & 996 are zoned "Industrial".

AMMS Group carries out fabrication and maintenance; machinery inspection services; labour management services; and on site services for all sectors of the community, especially the mining sector. Therefore the type of activity and land use will be consistent with the land zoning of "Industrial".

Access Roads

Procyon Street currently finishes near the boundary between Lots 642 & 643 Procyon Street. To access Lots 645 & 646 Procyon Street could continue via the current access onto Lot 643 where there needs to be an internal access road through Lots 643, 644, 645 & 646. Alternatively, AMMS Group could request that the Shire extend Procyon Street up to Lot 646 to provide independent access to each lot. This is a cost that Council has not budgeted for or has any plans for in the near future.

Road access to Lot 996 is via Arcturus Street and is a formed, sealed roadway.

Stormwater Drainage

There is a stormwater drain that carries stormwater from the roadside drain on the south side of Arcturus Street to the north side of Arcturus Street and discharges at a culvert near the corner of Lot 996 & 997 (just on the east side of the Peppercorn Tree on the road verge on the north side of the road). AMMS Group will need to be aware of this drain and ensure that no activity on its part will interfere or adversely affect the discharge of this stormwater at this point. If work does need to be carried out to relocate the discharge point further east then who will meet these costs?

Land Fall

Lot 996, as do Lots 997, 638 & 639 Arcturus Street, drops down off the road verge and then slopes north and north-east across the lots. There is a natural semi-permanent wet area or lake on Reserve 10033 Lot 699 located north of Procyon Street which is part of Lake Polaris. To access Lot 996 off Arcturus Street will require a quantity of fill to be brought in to raise the ground level and provide an accessible slope for heavy machinery to use.

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Lots 645 & 646 are flatter and do not need fill brought in to access the lots, but would need fill to raise the ground level so that in a very wet year the ground drains readily and does not become too boggy.

Aesthetics

Mr Craig Dunlop currently leases Lots 632 & 633 Arcturus Street. Due to the way in which machinery/equipment/tools/materials were stored on these lots, in March 2008 Council requested that Mr Dunlop erect a solid screen fence around the perimeter of the lots to screen these items from view as the yard was considered an “eye-sore”. Mr Dunlop complied with this request and has also removed a number of items from the site and tidied the site up.

For consistency and as there is no set plan of what will be stored on the different lots, that the lessee is required to erect a solid screen fence around the perimeter of the lots.

Other Issues

I understand the Aboriginal Reserve land is on Reserve 10033 Lot 699 and extended around the edge of Lake Polaris to Phoenix Street. While this land is no longer used by local Aboriginal groups, and while the DRDL will have completed an Aboriginal Heritage Study prior to considering leasing the lots, there maybe issues known locally that were not found/raised in the Heritage Study that may need consideration now. Is Council aware of any sites within close proximity to these lots that should/need to be considered?

The letter from DRDL does not state what the likely term of the lease for the three lots would be, however, in recent years DRDL has changed its' leases to being a 10 year period.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

The Shire will receive rates for the lease of these three lots which currently it receives no rates.

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to it leasing land to All Mine Maintenance Services Pty Ltd, however, it will only support the leasing of Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross on the following conditions:-

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- 1) that road access onto the lots is as per the current situation and if the lessee requires Procyon Street to be extended then the cost of the extension will need to be negotiated between the lessee and the Shire with the lessee being required to pay an agreed portion of the cost;
- 2) that the lessee is not to carry out any work that will adversely impact on the stormwater drain culvert near the dividing boundary of Lots 996 & 997 Arcturus Street;
- 3) that the lessee is required to provide at its own cost any fill necessary for access onto the lots, for levelling of the lot(s), and to ensure that the lots are accessible in wet weather plus during and after heavy rains; and
- 4) that a solid screen fence and gates are installed along the perimeter of the lots to screen what is being stored on the lots from general view from the near and adjoining roadways.

Voting Requirements

Simple Majority.

37/2012

Moved Cr W Della Bosca Seconded Cr Guerini that Council advises the Department of Regional Development and Lands that it has no objections to it leasing land to All Mine Maintenance Services Pty Ltd, however, it will only support the leasing of Lots 645 & 646 Procyon Street and Lot 996 Arcturus Street, Southern Cross on the following conditions:-

- 1) *that road access onto the lots is as per the current situation and if the lessee requires Procyon Street to be extended then the cost of the extension will need to be negotiated between the lessee and the Shire with the lessee being required to pay an agreed portion of the cost;*
- 2) *that the lessee is not to carry out any work that will adversely impact on the stormwater drain culvert near the dividing boundary of Lots 996 & 997 Arcturus Street;*
- 3) *that the lessee is required to provide at its own cost any fill necessary for access onto the lots, for levelling of the lot(s), and to ensure that the lots are accessible in wet weather plus during and after heavy rains; and*
- 4) *that a solid screen fence and gates are installed along the perimeter of the lots to screen what is being stored on the lots from general view from the near and adjoining roadways.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.3
Subject:	Renewal of Lease (Lease No J759306) - "Accommodation"
Location/Address:	Lot 204 Lenneberg Street, Marvel Loch
Name of Applicant:	Department of Regional Development and Lands - Ms Kerrie Bridger, State Land Officer
File Reference:	1.6.17.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2012

Background

The Department of Regional Development and Lands (DRDL) has written advising that lease J759306 for the purpose of "Accommodation" for Lot 204 on Deposited Plan 191725 (CLT 3126/646) Lenneberg Street, Marvel Loch is due to expire on 31st March 2012. The lessees have requested a further lease for a 1 year term, and DRDL is willing to approve this but is seeking Council's comments on this proposal. See attached letter and location map.

Comment

At the October 2005 Council Meeting the matter of the then Department for Planning and Infrastructure seeking comments on the proposal to issue a new replacement lease for Lot 204 Lenneberg Street to St Barbara Mines for a term of 10 years was considered. At that time there were three dwellings on the property which previously had been Lots 123, 124 & 125 prior to amalgamation. At that time Council had no objections to the Department for Planning and Infrastructure issuing a new 10 year lease for Lot 204 Lenneberg Street, Marvel Loch for the purpose of "Accommodation".

It appears that the Department did not issue a 10 year lease for the lot but issued a lease for a period of 3 years with an option for a further 3 years.

In January 2006 a Demolition Licence was issued for the removal of the western house to Esperance, and in May 2006 a Demolition Licence was issued for the removal of the eastern house. Currently there is one dwelling on the block which is occupied and has been occupied virtually continually for the past 6 years. There is also a shed and lean-to on the east side of the dwelling which was left after the removal of the dwelling in May 2006. As this is one lot now, there is no issue with this building remaining on the block.

As St Barbara Mines is looking to close the Marvel Loch Mine and its other mining operations in the Yilgarn by August 2012, this would be the reason for it requesting to have a further 1 year lease on the block.

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Statutory Environment

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

Policy Implications

Nil

Financial Implications

The Shire receives rates for this property while it is leased.

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objection to it issuing a new one year lease for Lot 204 Lenneberg Street, Marvel Loch for the purpose of "Accommodation".

Voting Requirements

Simple Majority.

38/2012

Moved Cr Truran Seconded Cr Auld that Council advises the Department of Regional Development and Lands that it has no objection to it issuing a new one year lease for Lot 204 Lenneberg Street, Marvel Loch for the purpose of "Accommodation".

CARRIED (6/0)

Cr Guerini and Cr W Della Bosca disclosed a Proximity interest in Item 10.4 and declined from voting.

Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.4
Subject:	Application to Conduct Exploration Drilling & Prospecting Activities - Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	Austwide Mining Title Management Pty Ltd on behalf of Talga Gold Limited
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2012

Background

Austwide Mining Title Management Pty Ltd on behalf of Talga Gold Limited has submitted an application for Exploration Licence E77/2039 which extends from north of Corinthia-Turkey Hill Road to Rakich Road, plus just west of

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the Perth-Kalgoorlie Railway line to just east of Guerini Road and includes part of Lake Julia and the southern part of "Carinta" station L3114/561/1543, and within this Licence are small sections of Council controlled roads Burro Road and Guerini Road. There are three other issues that may be of concern – that a large part of the Licence area covers Lake Julia; that it includes a section of the Perth – Kalgoorlie Railway Line; and also includes the Lake Julia Loop Siding. See attached letter, application and map.

Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. In this instance, the proposed drilling operations will be well outside any designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence area. The abovementioned roads are controlled by the Shire.

In line with similar applications previously received from other applicants, Council should grant approval to this 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 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)

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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.

In addition I would recommend the following condition to apply in this instance:-

- 12) That no drilling is to occur on or within 500 metres of the high water level of a natural salt lake or natural waterway that is connected to or is part of a designated water system such as the Avon River and Swan River System, which Lake Julia and several other lakes within the Shire of Yilgarn are part of.

The Manager of Works is aware of this application and has raised no issues in regards to the possibility of any drilling along the Council roads.

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 Austwide Mining Title Management Pty Ltd for Talga Gold Limited (E77/2039) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Licence as shown on the attached map 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;
- 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;

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- 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; and
- 12) That no drilling is to occur on or within 500 metres of the high water level of a natural salt lake or natural waterway that is connected to or is part of a designated water system such as the Avon River and Swan River System, which Lake Julia and several other lakes within the Shire of Yilgarn are part of.

Voting Requirements

Simple Majority.

39/2012

Moved Cr Patroni Seconded Cr Auld that Council grants approval to Austwide Mining Title Management Pty Ltd for Talga Gold Limited (E77/2039) to carry out drilling along sections of Council controlled road reserves with their respective Exploration Licence as shown on the attached map 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;*
- 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.;*
- 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; and*
- 12) *That no drilling is to occur on or within 500 metres of the high water level of a natural salt lake or natural waterway that is connected to or is part of a designated water system such as the Avon River and Swan River System, which Lake Julia and several other lakes within the Shire of Yilgarn are part of.*

The Recommendation is subject to the Manager for Environment and Building obtaining clarification to Clause 12, from the Department of Lands.

CARRIED (4/0)

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Cr Guerini and Cr W Della Bosca disclosed a Proximity interest in Item 10.5

Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.5
Subject:	Application to Conduct Exploration Drilling
Location/Address:	Gravel Reserve 28834 Location 1459 Southern Cross-Koolyanobbing Road, Lake Deborah East Area
Name of Applicant:	Department of Mines and Petroleum - Director General
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th February, 2012

Background

The Department of Mines and Petroleum has written to Council advising that it has received an application from Talga Gold Limited to carry out exploration drilling within Exploration Licence E77/1910 and also E77/1909. As there is a reserve vested with the local government within these Licences, the Minister for Mines and Petroleum is required first to consult with the local government and the responsible Minister before he can grant consent to mine. The area of concern is Gravel Reserve 28834 located on the west side of the Southern Cross - Koolyanobbing Road, north of Tin Hill and south of the southern section of Lake Deborah East. See attached letters and location maps.

Comment

Exploration Licence E77/1910 for Talga Gold Limited was considered at the January 2011 Council Meeting. At that time Gravel Reserve 28834 Location 1459 was not identified as an area of concern as it was not identified in the Licence area.

Where a gravel reserve has been identified within the Licence area Council has added to its standard conditions an additional condition has been added stating that no drilling is to occur within the Gravel Reserve (May 2011 Council Meeting).

Statutory Environment

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

Policy Implications

Nil

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Financial Implications

Nil

Recommendation

That Council advise the Department of Mines & Petroleum that there should be no drilling or mining activity within Gravel Reserve 28834 Location 1459 Southern Cross-Koolyanobbing Road, Lake Deborah East area, especially as this is an activity site used by the Shire.

Voting Requirements

Simple Majority.

40/2012

Moved Cr Truran Seconded Cr Auld that Council advises the Department of Mines & Petroleum that there should be no drilling or mining activity within Gravel Reserve 28834 Location 1459 Southern Cross-Koolyanobbing Road, Lake Deborah East area, especially as this is an activity site used by the Shire.

CARRIED (4/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th February, 2012
Agenda Reference:	10.6
Subject:	New Sports Precinct Playground
Location/Address:	Pt Lot 101 Corner Spica & Canopus Streets, Southern Cross
Name of Applicant:	N/A
File Reference:	1.3.8.14 & 2.4.1.20
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	9 th February, 2012

Background

At the November 2011 Yilgarn Youth Sport & Recreation Advisory Committee (YYSRAC) Meeting the following a motion was passed:-

“That the YYSRAC authorises the Sporting Precinct Playgroup Working Group in conjunction with Council Officers to investigate different play equipment options and forward their recommendation directly to Council, to quicken the process over the Christmas period.”

This motion, along with the rest of the Minutes of the meeting was received at the December 2011 Council Meeting. Cr Truran advised Council that the subcommittee looking at the new playground for the Recreation Precinct had met earlier in the day and was close to making a recommendation to Council concerning the contract.

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Comment

The YYSRAC subcommittee has considered the following quotes for the supply of playground equipment and ground surfacing:-

1) Forpark Australia -
Option 1 - WS10-2165

Supply only including post swing double, quad rocker, backhoe, 2 x talk tube, plus delivery and installation excluding GST Total \$54,783.00

Option 2 - WS8-2381

Supply only including post swing double, sonic, wave rocker, steppers, 2 x talk tube plus delivery and installation excluding GST Total \$49,344.00

NOTE: The two options from Forpark Australia do not include the supply and installation of Softfall ground surfacing material.

2) Playmaster Pty Ltd

Supply play unit - PM8-57 updated (15.9m x 13.74m) plus installation excluding GST Total \$37,102.00

Supply and laying of ground surface -

Sand soft fall excluding GST Total \$17,200.00

or

Rubber Softfall excluding GST Total \$27,973.00

The YYSRAC subcommittee is keen to accept the quote from Playmaster Pty Ltd due to the price and because we can afford to purchase the Rubber Softfall ground surfacing material. The combined total of the playground equipment and the Softfall material installed will be \$65,075.00 excluding GST. Council has budgeted in the current Shire Budget an amount of \$70,000.00 for the supply and installation of the new playground equipment.

The Shire has in the past purchased playground equipment from both Forpark Australia and Playmaster Pty Ltd. Both produce quality material that meets the current Australian Standards for playground equipment, plus the companies have been in operation for over 20 years.

Statutory Environment

Nil

Policy Implications

Nil

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Financial Implications

Council has a budget of \$70,000.00 allocated for the supply and installation of new playground equipment and ground surfacing.

Recommendation

That Council agrees with the Yilgarn Youth Sport & Recreation Advisory subcommittee and accepts the quote from Playmaster Pty Ltd for the supply of the playground equipment and the rubber Softfall ground surface.

Voting Requirements

Simple Majority.

The CEO advised Council that the grant from Lotterywest included provision for the installation of shade over the playground and this could be accommodated within the Council budget that has been approved.

41/2012

Moved Cr Truran Seconded Cr J Della Bosca that Council agrees with the Yilgarn Youth Sport & Recreation Advisory Committee subcommittee and accepts the quote from Playmaster Pty Ltd for the supply of the playground equipment and the rubber Softfall ground surface. In addition, for Council to get costing on shade sale and include in the project.

CARRIED (6/0)

Cr Auld disclosed an Impartiality Interest in Item 10.7 and declined from voting.

Submission to:	Ordinary Meeting of Council - Friday 17 th February, 2012
Agenda Reference:	10.7 Late Item
Subject:	Retractable Shade Structure for New Bowling Green
Location/Address:	Pt Lot 101 Corner Spica & Canopus Streets, Southern Cross
Name of Applicant:	Yilgarn Bowling Club - Mrs Moe Hodge, Secretary
File Reference:	1.3.8.14 & 1.3.9.4
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th February, 2012

Background

The Yilgarn Bowling Club has written to Council advising that its members have agreed to a long term project to install a shade structure over the whole of the new bowling green. The Club have requested that all the below ground works of concrete footings with anchor bolts are installed now while ground

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works for the new bowling green are occurring in order to reduce possible ground disturbance in the future when the Club is able to pay for and install the rest of the shade structure.

Comment

I understand that some members of the Yilgarn Bowling Club had previously spoken with Berry Bowling regarding a retractable shade structure in 2011 while gathering information on suitable synthetic bowling green surfaces. This matter has been raised periodically amongst the members since then but due to the cost it has not been pursued further.

The possibility of installing a retractable shade structure over the whole of the new bowling green was recently raised when Shire Administration Staff meet with representatives of Berry Bowling and Midland Constructions on 19th January, 2012 in the Shire Office. A new quote for a retractable shade structure was received on 27th January 2012 for the amount of \$191,950.00 (including GST).

Discussions with Berry Bowling in regards to staging the installation and thereby trying to have costs more acceptable has proven difficult. While this can be done, the costs will increase over time and therefore ultimately one will be paying more for the shade structure. Berry Bowling will consider a payment proposal over 12 to 24 months, and believes that this is a better alternative to staging the project over 3-5 years to try and pay for the structure. Berry Bowling has also advised in order to have one of its retractable shade structures in Western Australia, even though Southern Cross is not the most ideal location, it will consider setting a good to help this occur.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The retractable shade for the bowling green is an unbudgeted item, and would need to be funded.

Recommendation

That Council consider using funds from the Plant Reserve to fund the cost of supply and installation of a retractable shade structure once tenders have been received, within the next month or two.

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Voting Requirements

Simple Majority

Discussion

Cr W Della Bosca believed that Council should take the opportunity whilst works were being conducted on site to have the footings put in place for the supports of the Shade Structure. The CEO explained that due to the expected costs to be above \$100,000 it would be necessary to go to tender for the works, and if the foundation work was done first and then the job goes out to tender for the rest, then there would be the possibility that the winning tender might be a different structure and footings.

Due to the uncertainty of funding and necessity to go to tender for works, it was decided to further investigate Council's options for the complete cost of supplying and installing a retractable shade structure and then report findings to Council.

Moved Cr W Della Bosca that Council installs the necessary footings for the supports for a retractable shade structure over the new bowling green.

The motion lapsed for want of a seconder.

42/2012

Moved Cr W Della Bosca Seconded Cr Truran that Council investigate options for the complete cost of supplying and installing a retractable shade structure and report to Council the findings.

CARRIED (5/0)

Council Meeting adjourned at 5.05pm to conduct a Public Meeting to inform interested community members of the progress of the merger between the Shires of Yilgarn and Westonia.

The Council meeting re-commenced at 6.00pm and as there was no further business to discuss, the Shire President declared the meeting closed at 6.05 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 17th February 2012, are confirmed on Friday the 16th March 2012 as a true and correct record of the February Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT