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**SHIRE OF YILGARN**  
**MINUTES – ORDINARY MEETING OF COUNCIL**  
**FRIDAY, 20<sup>th</sup> FEBRUARY 2009**

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Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 20<sup>th</sup> February 2009.

**PRESENT**

Cr P R Patroni, Shire President

Crs D G Auld, K J Fairless, G V Kenward, D J Pasini and Cr O T Truran

Council Officers: P R Clarke, Chief Executive Officer  
A M Seiler, Deputy Chief Executive Officer  
W J Dallywater, Manager of Environmental Health  
and Building Services

The Shire President officially opened the meeting at 2.00pm.

**PUBLIC QUESTION TIME**

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

**DISCLOSURE OF FINANCIAL INTEREST**

None

**APOLOGIES & LEAVE OF ABSENCE**

Cr R R Della Bosca, Deputy Shire President

R J Bosenberg, Manager for Works

**CONFIRMATION OF PREVIOUS MINUTES**

**10/2009**

*Moved Cr Auld Seconded Cr Kenward that the Minutes of the previous Meeting of Council held on Friday, 16<sup>th</sup> January 2009, be confirmed as a true and correct record of that meeting.*

**CARRIED (6/0)**

**MR COREY PENN, RELATIONSHIP MANAGER, ANZ BANK**

The Shire President introduced Mr Corey Penn from ANZ Bank in Kalgoorlie who was in attendance at the invitation of Council following the concerns raised by the Deputy Chief Executive Officer as to the banking services that Council was currently receiving.

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Mr Penn, who was supported by the local Branch Manager, Mrs Pauline Eiffler, provided a presentation to Council outlining the benefits that Council could introduce into its business banking. Mr Penn indicated that ANZ was keen to acquire Council's accounts and would be prepared to take the necessary steps to ensure that a new and long banking association with Council could be established. Following Mr Penn's presentation he responded to questions raised by Councillors and staff.

At the conclusion of the question period the Shire President thanked Mr Penn for attending the meeting and indicated that Council would be giving due consideration to the future of its banking services next month.

Mr Penn and Mrs Eiffler thanked Council for their attention and vacated the Chambers at 2.19pm.

Cr Pasini left the meeting at 2.19pm and returned at 2.21pm.

**GREAT EASTERN COUNTRY ZONE MINUTES**

**11/2009**

*Moved Cr Kenward Seconded Cr Fairless that the Minutes of the Great Eastern Country Zone Meeting held Thursday 29<sup>th</sup> January 2009 be received.*

**CARRIED (6/0)**

**YILGARN TOURISM ADVISORY COMMITTEE MINUTES**

**12/2009**

*Moved Cr Kenward Seconded Cr Fairless that the Minutes of the Yilgarn Tourism Advisory Committee Meeting held Monday 9<sup>th</sup> February 2009 be received.*

**CARRIED (6/0)**

**ITEM NO.6 – WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS (WEROC)**

**13/2009**

*Moved Cr Kenward Seconded Cr Truran that Mrs Del Van Mierlo be appointed as the Shire of Yilgarn's representative on the WEROC Travel Group.*

**CARRIED (6/0)**

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**ITEM NO.7 – NATIONAL TRUST – KARALEE ROCK**

14/2009

*Moved Cr Kenward Seconded Cr Truran that Council advises the National Trust that Council is prepared to enter into a further 5 Year MOU Maintenance Agreement on the Golden Pipeline Sites of Ghooli Pumping Station, Railway Formation Track and Karalee Rocks.*

**CARRIED (6/0)**

**ITEM NO.8 – DANTHONIA SIGNS**

15/2009

*Moved Cr Kenward Seconded Cr Fairless that the Manager for Works seek costings associated with the production of preferred entrance signage for Southern Cross and the satellite towns within the district and that this be referred to Council's 2009/10 Budget for further consideration.*

**CARRIED (6/0)**

**YILGARN YOUTH SPORT AND RECREATION COMMITTEE MINUTES**

16/2009

*Moved Cr Fairless Seconded Cr Auld that the Minutes of the Yilgarn Youth Sport and Recreation Committee Meeting held Monday 16<sup>th</sup> February 2009 be received.*

**CARRIED (6/0)**

**ITEM NO.8 – ELECTION OF OFFICE BEARERS**

17/2009

*Moved Cr Truran Seconded Cr Auld that Council endorse the recommendation that the Yilgarn Youth Sport and Recreation Advisory Council operate in the same forum as the Tourism Committee and that Council supply administrative support to this committee.*

**CARRIED (6/0)**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

The Shire President advised the following:-

- Cr Patroni, together with the CEO, participated in a Special meeting of the Great Eastern Country Zone on Thursday 19<sup>th</sup> February 2009 to discuss the announcement by the Minister for Local Government regarding proposed amalgamations.
- Cr Patroni in his capacity as Chairman, attended the recent Wheatbelt North Regional Road Group (WBNRRG) in Northam with the CEO, and;
- Together with the CEO, attended a meeting of the Mt Walton Intractable Waste Disposal Facility in Coolgardie last month.

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Cr Pasini left the meeting at 2.49pm

Miss Wendy Dallywater left the meeting at 2.51pm and returned almost immediately with Cr Pasini at 2.51pm

**CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.1
<b>Subject:</b>	<b>Southern Cross Recreation Precinct Redevelopment Concept</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 February 2009

**Background:**

At Council's November 2008 Ordinary meeting the CEO advised Council that the initial consultation phase associated with the Southern Cross Recreation Precinct redevelopment had been completed, which was consultations with all sporting clubs that would be affected by the proposals.

At the above meeting Council resolved the following in respect to progressing the project:-

**254/2008**

*Moved Cr Fairless Seconded Cr Kenward that Council endorses Version 2 of the Concept Plans for the co-location of sporting facilities within the Southern Cross Recreation Precinct and that Council undertakes a 12 week consultation process with the general community seeking feedback on the proposal. At the conclusion of the consultation process (Friday, 13 February 2009), comments/submissions be presented to Council for further consideration, however, in the interim the Chief Executive Officer be authorised to engage the services of a Quantity Surveyor to undertake an assessment of the preliminary costing associated with the project.*

**CARRIED (7/0)**

**Comment:**

The concept plans have been advertised extensively throughout the district, including the December 2008 Quarterly Newsletter and in a number of editions of "Crosswords". The CEO also manned a display on a Saturday morning in the main street to provide as much exposure as possible to the proposed plans.

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At the time of preparing this report, 4 days prior to the closure of the public consultation period, 39 written comments had been received of which 36 were extremely complimentary and positive for the project and only 3 comments in the negative. Many other verbal comments were received during the consultation phase with the majority fully supportive of the project.

**The following comments were received in support of the project:-**

- Co-locating sports is good and close to schools also a positive;
- Plan looks excellent, great idea (23 similar comments);
- Should be a great social opportunity for the whole community;
- Will be a great community asset;
- Excellent idea to co-locate and about time;
- Multifunctional is the way to go;
- Consider it should be constructed even though I won't use the facility but believe its needed for the younger community; and
- A positive development for the community

**The following comments were received in opposition to the project:-**

- The project will force Council to increase the annual rates;
- Don't duplicate what we already have;
- The population of the Shire is at its lowest and therefore will not be able to support the facility;
- As the majority of ratepayers are farmers and there is uncertainty in the present wheat marketing system, the project should be deferred;
- The financial uncertainty of mining and commerce should make Council think more could be done with the money that the Shire would have to borrow for the project and it would be better if it was put into housing and expansion of health services which would help establish the town;
- Maybe funds should be spent on upgrades to the existing infrastructure would suffice for a couple of years;
- A lot of residents have viewed the plans but seem reluctant to submit their objections in writing;
- A \$5m loan would certainly increase the rates dramatically; and
- A referendum should be held in order that the majority of residents have the opportunity to express their views.

Council's resolution No.254/2008 of the November Council meeting authorised the CEO to engage the services of a Quantity Surveyor to undertake an assessment of the preliminary costing associated with the project. In consultation with the MCG Architects, McGarry Associates were engaged to prepare the preliminary cost estimate. Advice has been received that the total project would cost in the vicinity of \$5,317,578 and this total includes provisions for contingencies, professional fees and escalation.

Council currently has \$713,000 in its "Recreation Facility Reserve", a fund set aside specifically for the upgrade of recreation infrastructure.

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This is a significant project and Council will need to determine whether it wishes to commit to the next stage, being the submission of grant funding applications to State and Federal Government departments. The Department of Sport and Recreation (DSR) will shortly be calling for funding applications under its CSRFF program in which normally a third of the project funds are granted subject to similar funds from the local government authority and sporting bodies. It is obvious that the sporting bodies will not be able to commit this amount however, there are other funding avenues which will need to be sourced.

The Federal Government is soon to announce the establishment of the Regional Development Australia (RDA) network, similar to the now defunct Wheatbelt ACC, and funding opportunities via the RDA as was Regional Partnerships under the ACC structure.

Whilst the project is significant, the co-location of the five (5) sporting organisations (swimming, bowls, tennis, netball and basketball) seems a logical option when the following issues are facing Council and the sporting associations with their current infrastructure:-

**Southern Cross Swimming Pool**

The change room/toilets/kiosk building is in urgent need of replacement. The roof of the building is asbestos and although painted, needs to be removed. Generally the building is totally outdated and in need of a major upgrade or total replacement.

**Yilgarn Bowling Club**

The Yilgarn Bowling Club's Clubhouse is in serious need of major upgrading works. Maintenance of the turf green by volunteers is also becoming an issue and the Club is considering the options of synthetic or carpet surfaces to alleviate costs in the long term.

**Southern Cross Tennis Club**

The 5 courts are in urgent need of replacement. If the project was to proceed the Club has made the decision that it would not renew the synthetic turf and would look at a hard surface for longevity. The Club is also prepared to lose 2 dedicated courts and incorporate one court with netball.

**Yilgarn Netball Association**

The Netball Association's clubrooms are also in the category of requiring significant works to bring them up to an acceptable standard.

All of the above infrastructure issues are in need of being addressed in the short term and rather than being considered individually, a project where all matters could be addressed in one project seems logical and cost effective in the long term. There needs to be a commitment immediately from Council to ensure that this project gains momentum.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Council has a Reserve Fund established to set aside funds for recreation facilities however, the current balance (\$713,000) is well short of what is required to instigate grant funding applications via other statutory bodies.

One way to lift the Reserve Fund to an amount that could be considered as leverage to secure other funding sources is to transfer the “*Royalties for Regions*” allocation (\$708,036) to the above balance. This would lift the Reserve to an approximate one third of the \$5.3m project.

The Department of Local Government and Regional Development has advised that the *Royalties for Regions* funds can be set aside for specific projects and the Department encourages local governments to use these funds as leverage to secure other funding sources.

**Recommendation**

That Council acknowledges the comments received during the public consultation period and that the decision on whether to proceed with the Recreation Precinct project be based upon Council’s consideration of the allocation of the *Royalties for Regions Country Local Government Fund* monies.

**Voting Requirements**

Simple Majority

**Preamble:**

Prior to the following resolution being adopted by Council, considerable discussion took place as to the viability and need of the Southern Cross Recreation Precinct Redevelopment. Council understood the need for a Business and Feasibility Plan to be developed, as this is a standard requirement when submitting grant applications of this nature.

The CEO indicated that he had already been in discussions with CCS Strategic Management, a consultant recommended by the Department of Sport and Recreation and that a quotation for the production of these plans had been received, totalling \$12,500.

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18/2009

*Moved Cr Kenward Seconded Cr Pasini that Council engage the services of CCS Strategic Management to prepare a Business Plan and Feasibility Plan, for the quoted sum of \$12,500, to enable Council to determine whether the project will be viable for the submission of future funding applications.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

**Reason for Alteration to the Recommendation:**

See preamble prior to the resolution.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.2
<b>Subject:</b>	<b>Department of Local Government &amp; Regional Development – Royalties for Regions “Country Local Government Fund (CLGF)”</b>
<b>File Reference:</b>	4113
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 February 2009

**Background:**

Mr Ross Weaver, Acting Director General of the Department of Local Government and Regional Development, writes to advise that the CLGF was launched on 16 December 2008 by the Minister for Regional Development, Hon Brendon Grylls MLA. At the launch, country local governments were advised of allocations under the Fund for 2008-09 and that details for claiming allocations would be available early in the new year from the Department of Local Government and Regional Development.

Mr Weaver advises that the Department will be responsible for the administration of this fund and will also provide capacity-building support to local governments consistent with the State’s overall responsibility for the local government system. A small percentage of the Fund has been allocated to the Department to support capacity building and encourage standardised asset management practices to complement the efforts of local government to address infrastructure needs in regional Western Australia.

Mr Weaver indicates that under the CLGF, an allocation of \$708,036 (excluding GST) for the Shire of Yilgarn is available in 2008-09 subject to requirements detailed in the Guidelines and Acceptance Form.

Mr Weaver advises that it is important to note:-

- The allocation will be made in two (2) payments;
  - An interim report will need to be completed to access the second payment;
- and,

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- Further reporting, as outlined in the Guidelines, will be required before allocations will be made in subsequent years.

Mr Weaver advises that the CLGF is a component of the State Government's Royalties for Regions which provides a long term focus on regional development with support to maintain strong and vibrant regions through improved infrastructure and headworks; strategic across government, regional and community services projects; and access to grant funding at a local and regional level.

The CLGF has been specifically established to:

- Improve the financial sustainability of regional local governments in WA through improved asset management; and
- Address infrastructure backlogs and support capacity building.

As a result, all funds in the allocation to Councils must be applied to infrastructure expenses and are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

The requirements associated with the allocation are aimed at local decision making, allowing Councils a level of freedom to apply the funds in areas of Council priority and at the same time provide the Department with confidence that expenditure will address important infrastructure needs in regional Western Australia.

**Comment**

For Councillors information, attached to this report are the Guidelines and Acceptance Form related to the CLGF.

Based upon the information supplied by the Minister at the launch of the CLGF, the following amounts per annum are expected to be received over the current term of the Government.

2008/09	\$708,036
2009/10	460,223
2010/11	354,018
2011/12	354,018
<b>TOTAL</b>	<b>\$1,876,295</b>

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In addition to the above funding to be received, the CLGF will also allocate funds to Regional Local Governments for allocation based on regional priorities and projects, with WEROC expecting the following amounts over a three year period:-

2009/10	\$1,323,274
2010/11	1,843,131
2011/12	1,843,131
<b>TOTAL</b>	<b>\$5,009,536</b>

At the December 2008 Ordinary meeting of Council the Shire President requested the circulation of a list, commonly known as the "Wish List", being those projects that are considered during the annual budget process and which remain outstanding for various reasons. Some of these projects have remained on the "Wish List" for a number of years, simply due to budgetary constraints or not having a high priority.

The Shire President indicated that the CLGF monies could be utilised to complete some of these long outstanding projects.

In determining the allocation of the CLGF monies in 2008/09, Council needs to prioritise the "Wish List" projects and give consideration to the "Recreation Precinct" project.

**Statutory Environment**

Council is required to the Department of Local Government and Regional Development of which projects CLGF monies will be allocated prior to receiving the 2008/09 allocation of \$708,036.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council determines its priority projects for the Country Local Government Fund 2008/09 allocation of \$708,036 and once prioritised, forwards the required notification to the Department of Local Government and Regional Development.

**Voting Requirements**

Simple Majority

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19/2009

*Moved Cr Truran Seconded Cr Fairless that a Special Meeting of Council be convened on Wednesday 4<sup>th</sup> March 2009, commencing at 5pm, for the purpose of prioritising projects and utilising the allocation of \$708,036 provided to Council under the 2009 Royalties for Regions funding.*

**CARRIED (6/0)**

**Reason for Alteration to the Recommendation:**

Council wanted to afford itself the opportunity to discuss the prioritisation of projects and the utilisation of the R4R allocation in a formal forum, rather than as part of the February 2009 Ordinary Meeting.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.3
<b>Subject:</b>	<b>Department of Local Government &amp; Regional Development – 2008 Compliance Audit Return</b>
<b>File Reference:</b>	4112
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	10 February 2009

**Background**

The Acting Director General of the Department of Local Government and Regional Development has forwarded the 2008 Compliance Audit Return for completion.

The Acting Director General advises that local governments in Western Australia are required to carry out a compliance audit in relation to the period 1 January 2008 to 31 December 2008 against the requirements set out in the Compliance Audit Return.

**Comment**

*On completion of the Return it is to be:-*

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

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

Councillors will note that there has been no major non-compliance. It should be noted however, that two minor irregularities were identified and which are detailed as follows:-

**Delegation of Power/Duty Section – Question 7**

When undertaking the review of the Delegation Register and subsequent adoption, it was carried by simple majority and not absolute majority as required. The Council Minutes did indicate that the motion was carried unanimously.

**Finance Section – Question 2**

Section 5.54(1),(2) of the Local Government Act requires for the annual report to be accepted by absolute majority by 31 December 2008. Whilst the annual report was adopted within the required time frame, the Minutes did not indicate absolute majority but the motion was carried unanimously.

Councillors are welcome to question staff on the comments made and the overall content of the Return. The Return was attached to this Report for Councillors perusal and comment.

**Statutory Environment**

Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council in adopting the 2008 Compliance Audit Return notes that there has been no major non-compliance however, Council also acknowledges the two minor irregularities identified within the Compliance Audit Report to which a notation has been provided by staff clarifying the particular matter and which will be addressed in the following 12 months. In view of no major issues being identified, Council authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government and Regional Development.

**Voting Requirements**

Absolute Majority

20/2009

*Moved Cr Pasini Seconded Cr Truran that Council in adopting the 2008 Compliance Audit Return notes that there has been no major non-compliance however, Council also acknowledges the two minor irregularities identified within the Compliance Audit Report to which a notation has been provided by staff clarifying the particular matter and which will be addressed in the following 12 months. In view of no major issues being identified, Council authorises the Shire President and CEO to sign the Return for forwarding to the Department of Local Government and Regional Development.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.4
<b>Subject:</b>	<b>CEO Annual Performance Appraisal</b>
<b>File Reference:</b>	Personal
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Contract negotiations
<b>Date of Report:</b>	10 February 2009

**Background**

The Annual Performance Appraisal was undertaken prior to the commencement of the February 2009 Ordinary Meeting of Council and all Councillors were issued with documentation relating to the review one week prior to the conduct of the Appraisal.

**Comment:**

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

**Statutory Environment**

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

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

Submitted for Council consideration.
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**Voting Requirements**

Simple Majority

**21/2009**

*Moved Cr Fairless Seconded Cr Kenward that Council, in undertaking the Performance Appraisal of the Chief Executive Officer, Council was satisfied that all Key Result Areas had been addressed and a satisfactory performance had been achieved within the twelve-month review period, and therefore Council supported and increase of \$10,000 to the Salary Component of the remuneration package.*

**CARRIED (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.5
<b>Subject:</b>	<b>Agriculture Protection Board (APB) – 2008 Review of Skeleton Weed Program</b>
<b>File Reference:</b>	13002
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 February 2009

### **Background**

Mr Chris Richardson, Chairman of the APB, writes thanking Council for its recent submission to the review of the Skeleton Weed Program.

Mr Richardson advises that the APB of WA received the Independent Review Committee's Report at its meeting on 11 December 2008 and resolved to defer any decision on the various recommendations, pending a three month period for follow-up stakeholder comment. This approach has since been endorsed by the Hon. Minister.

Mr Richardson advises that if Council would like to provide further comment on any or all of the particular findings and recommendations, then they should be forwarded to the Department of Agriculture and Food prior to **Friday, 17 April 2009**.

### **Comment:**

The Review Committee's Report is available for Councillors perusal.

The recommendations arising out of the Report are as follows:-

1. That the wind down of the Skeleton Weed Program be introduced over a period of 3 years. The Skeleton Weed Committee needs to introduce a 3 year decreasing budget to finish the program in June 2011. The 2010/2011 levy could only be minimal to provide enough funds for the final year of the program.
2. Without some form of spatial analysis it is not possible to determine quantitatively whether large scale containment is being achieved. This work should be undertaken as soon as possible.
3. The Program should transition to grower control and management over a 3 year period, with an associated campaign to provide best options for on farm management.
4. Increased focus on surveillance in at risk regions, including the grazing strip close to Moora include cropping areas adjacent to Badgingarra area – to detect new infestations.

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5. Increase responsibility on landholder for control (perhaps with a check after 3 years).
6. Searching the Metro areas should be scaled down as the Review Committee does not believe the risk of spread from metro to rural areas warrants the investment of significant resources.
7. No subsidy should be paid for Code 1 searching – all funded searching should be through surveillance and the landholder notified of finds as they arise. Landholders should be responsible con control and eventual audit (3 yrs hence).

For Councillors information, attached to this report is Council's submission to the Independent Review Committee forwarded in October 2008 and a further letter to the Minister for Agriculture and Food in January 2009 when new began to filter through that the Review Committee were recommending for the Program to be phased out.

Whilst Council has already provided a submission to the Independent Review Committee and has made its feelings known to the Minister, Council should provide an additional submission along similar lines as previously provided.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council provides an additional submission to the Department of Agriculture and Food to support the retention of the State Skeleton Weed Program.

**Voting Requirements**

Simple Majority

**22/2009**

*Moved Cr Kenward Seconded Cr Pasini that the Chief Executive Officer, on behalf of Council, provides an additional submission to the Department of Agriculture and Food to support the retention of the State Skeleton Weed Program, with Councillors Auld and Patroni to meet with the Chief Executive Officer to review the submission prior to deployment.*

**CARRIED (6/0)**

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**Reason for Alteration to the Recommendation:**

Council sought to afford the opportunity to review the submission, with input to be provided by Cr Auld in his capacity as representative on the State Skeleton Weed Eradication Committee.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.6
<b>Subject:</b>	<b>Western Australian Local Government Association – Large Scale Trials of GM Canola</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 February 2009

**Background**

In WALGA's Local Government News Issue of 27 January 2009, an article indicated that WALGA had requested via Faxback that Wheatbelt Shires inform the Association of their position on the issue of large scale trials of genetically modified (GM) canola being grown in their municipality.

The above article indicated that the Association was aware that many Councils may not have a current position on this issue, and will not be able to determine one until February. WALGA has advised that it will map the currently known positions and supply this information to Monsanto, CBH and the Department of Agriculture and Food, as the process of choosing trial locations is beginning in early February.

WALGA advises that if Councils decide upon a position within the month, the information will be updated and forwarded to organisations above.

**Comment:**

The questions posed by WALGA regarding local governments position on GM trials are as follows:-

- **What is your Council's position on the growing of genetically modified crops in your municipality?**
  - Support
  - Oppose
  - No position determined
  - Leave the decision to individual landholders

- What is your Council's position on the transportation through and/or storage of genetically modified crops in your municipality?

Support

Oppose

No position determined

It was hoped that the above questions could have been posed to the landholders in the last edition of "Crosswords" however, this was not possible and also it probably would not have reached the appropriate target via this publication.

Should Council wish to reconsider its stance in relation to GM crops based on the questions posed by WALGA, then the position will need to be relayed to WALGA as soon as possible in order that the decision is distributed to the appropriate parties

#### **Statutory Environment**

Nil

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Recommendation**

Submitted for Council consideration.
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#### **Voting Requirements**

Simple Majority

**23/2009**

*Moved Cr Auld Seconded Cr Fairless that Council advises WALGA Council is of the opinion that Local Governments should not be determining a position on the issue of growing GM crops within their particular boundaries however, Council does support the concept that if farmers want their operations to be viable and they consider that the growing of GM crops would place them in this position, the decision should be left with the landholder. The only stipulation in respect to GM crops is that the final products should be appropriately labelled for identification by the consumer*

**CARRIED (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.7
<b>Subject:</b>	<b>Dr Edward Soloman – Request to Use Council Vehicle on Extended Leave</b>
<b>File Reference:</b>	7008
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 February 2009

**Background**

Dr Solomon writes to Council to advise that he and his wife are expecting their second child sometime around mid-April and that for these reasons, he will be leaving Southern Cross for a total of 8 weeks commencing Monday, 23 March 2008. Dr Solomon indicates that Gemini IPN Medical Services are currently arranging for a Locum to work in his absence during the 8 week period.

Dr Solomon requests that during his absence he be allowed to utilise the Shire vehicle and that Council supply the Locum Doctor with the Community Vehicle.

**Comment:**

The Community Vehicle is regularly used by the schools and sporting groups to attend professional development courses and meetings which are conducted outside the district. For a Locum Doctor to use the community vehicle for the 8 week period, it does restrict the use of the vehicle to which it was originally intended.

Gemini Medical's Locum Recruitment Coordinator has advised that the following Doctors have been secured during Dr Soloman's absence:-

Dr Hugh Carpenter	23 March to 19 April
Dr Ray Warner	20 April to 15 May

Gemini have indicated that Dr Carpenter may bring his own vehicle but Dr Warner will definitely require the use of a vehicle.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

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**Recommendation**

That Council advises Dr Solomon that it is not prepared to accede to his request to utilise the Shire vehicle whilst he is on extended leave and for the Locum Doctor to use the Community Vehicle as it is provided for a specific purpose and that it would be unfair to deny community groups the opportunity of utilising the vehicle for a period of 8 weeks.

**Voting Requirements**

Simple Majority

**24/2009**

*Moved Cr Pasini Seconded Cr Truran that Council advises Dr Solomon that it is not prepared to accede to his request to utilise the Shire vehicle whilst he is on extended leave and for the Locum Doctor to use the Community Vehicle as it is provided for a specific purpose and that it would be unfair to deny community groups the opportunity of utilising the vehicle for a period of 8 weeks.*

**CARRIED (5/1)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.8
<b>Subject:</b>	<b>Western Australian Local Government Association (WALGA) – Local Government Response to Amalgamation</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 February 2009

**Background**

Ms Ricky Burgess, WALGA CEO, writes to advised that she has received a number of emails and messages from those within the Local Government industry enquiring about the 'next step' in response to the Minister's announcement regarding amalgamations.

Ms Burgess advises that WALGA have also been contemplating that themselves and that they will be in urgent strategic meetings for the next week as they try to work out the way forward.

Ms Burgess advises that at this stage they are aware that there is a Local Government Reform Steering Committee put forward by the Minister on which the President of WALGA, Cr Bill Mitchell will sit along with Mayor Ron Yuryevich, City of Kalgoorlie/Boulder and Cr Helen Dullard, President of the Shire of Mundaring.

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Other members of the Steering Committee are:-

- Department of Local Government and Regional Development (one rep)
- Local Government Managers Australia (one rep)
- Department of Planning and Infrastructure (one rep)
- Department of Treasury and Finance (one rep)
- Regional Development Council (one rep)
- Chamber of Commerce and Industry (one rep)
- Tim Shanahan
- Minister for Local Government Chief of Staff, Gary Brennan

Ms Burgess further advises that WALGA is expected to coordinate the 'amalgamation' effort and WALGA will move to develop a strategy for a response to this immediately. WALGA will maintain a continuous line of communication with councils on this matter.

**Comment**

Whilst the Minister's decision came as a complete surprise and has thrown the industry into confusion, at this early stage in the whole issue, Council staff will continue to work with the Shire of Westonia based on our initial MOU and Plan for the Future of the Districts.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Submitted for Council Information**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 February 2009
<b>Agenda Reference:</b>	7.9
<b>Subject:</b>	<b>Health Agencies of the Yilgarn Committee (HAY) – Southern Cross Crisis House</b>
<b>File Reference:</b>	7016
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 February 2009

### **Background**

The Chairperson of the HAY Committee, Cr David Auld, has written to Council to advise that at the HAY Committee's most recent meeting, the Southern Cross Crisis House was discussed in detail and the following conclusions reached:-

- Since the resignation of the previous Coordinator (Kaye Unkovich) the Committee has been unsuccessful in their attempts to find anyone to act in this role.
- The feeling of the Committee members present at the meeting was that the House no longer provides services for those that it was initially intended to help.
- Over the past few years the greater part of HAY's use of the House has been to people who misrepresent their situation to get into the house and then stay regardless of our attempts to have them vacate.
- The HAY Committee has had furniture and equipment stolen, utilities unpaid for by people who have been in the house for prolonged periods, vandalism by visitors to the house and volunteers treated inappropriately.
- The situation has changed dramatically over the past years with people unwilling to pay high rents asked for in town because of the mining, and seeing the Crisis House as a cheap or free alternative.
- There is also the question of violence and anti-social behaviour because of the drugs now in use, the widespread use of mind altering substances of many kinds and the reluctance of any volunteer to become involved.
- The funding HAY now received would no longer be appropriate but if the Department could continue to make some funds available HAY could still deal with genuine cases of people in emergency situations by using short term accommodation at the Caravan Park, Motel or Hotels.

Cr Auld advises that it was decided, and agreed to, by those present at the HAY Committee meeting to write to the Department of Child Protection advising them that HAY no longer felt able to deal with the role of managing the Crisis House and the HAY Committee would also seek Council's support in this regard.

### **Comment:**

The CEO attended the recent HAY Committee at which this item was discussed and whilst he understood the problems being experienced by the HAY Committee members in dealing with people utilising the Crisis House, it was suggested by the CEO that HAY refer the matter to Council in order that Council was aware of the difficulties being experienced and the likelihood that a service to the community would be lost.

If the Crisis House is removed by the Department of Child Protection, then it will be important that there remains a level of funding to enable those in crisis to be housed at alternative accommodation houses in Southern Cross for short periods as indicated by the HAY Committee.

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**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council acknowledges the Health Agencies of the Yilgarn comments in relation to its decision to advise the Department of Child Protection that it is unable to manage the Southern Cross Crisis House due to volunteer issues and that if no other organisation can be found to manage the House on behalf of the Department and the House is removed, Council supports HAY in requesting the Department in continuing to fund the HAY Committee to enable those in crisis to be placed in existing accommodation houses (Caravan Park, Hotels, Motel) in the Southern Cross townsite.

**Voting Requirements**

Simple Majority

**25/2009**

*Moved Cr Truran Seconded Cr Kenward that Council acknowledges the Health Agencies of the Yilgarn comments in relation to its decision to advise the Department of Child Protection that it is unable to manage the Southern Cross Crisis House due to volunteer issues and that if no other organisation can be found to manage the House on behalf of the Department and the House is removed, Council supports HAY in requesting the Department in continuing to fund the HAY Committee to enable those in crisis to be placed in existing accommodation houses (Caravan Park, Hotels, Motel) in the Southern Cross townsite.*

**CARRIED (6/0)**

**DEPUTY CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.1
<b>Subject:</b>	<b>Financial Reports</b>
<b>File Reference:</b>	4144
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

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

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These reports, prepared to the 31<sup>st</sup> January 2009, are enclosed as follows:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity, and;
- Rates Receipt Statement (prepared to 12<sup>th</sup> February 2009)

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

**Statutory Environment**

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

**Policy Implications**

None

**Financial Implications**

None

**Strategic Implications**

None

**Voting Requirements**

Simple majority required

**Recommendation**

That the Various Financial Reports for the period ending 31<sup>st</sup> January 2009, as presented, be received.

**26/2009**

*Moved Cr Kenward Seconded Cr Fairless that the Various Financial Reports for the period ending 31<sup>st</sup> January 2009, as presented, be received.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.2
<b>Subject:</b>	<b>Accounts for Payment</b>
<b>File Reference:</b>	4132
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

Municipal Fund – Cheque Numbers 32941 to 33125, totalling \$531,801.21,  
Municipal Fund – Cheque Numbers 856 to 863, totalling \$112,221.59, Trust Fund –

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Cheque Number 401803 to 401807, totalling \$4,469.50 and Trust Fund – Cheque Numbers 5597 to 5601 (DPI Licensing), totalling \$116,296.75 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 and/or Manager of Environmental Health and Building Services 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 32941 to 33125 totalling \$531,801.21, Municipal Fund – Cheque Numbers 856 to 863, totalling \$112,221.59, Trust Fund – Cheque Numbers 401803 to 401807, totalling \$4,469.50 and Trust Fund – Cheque Numbers 5597 to 5601 (DPI Licensing), totalling, \$116,296.75 as per the submitted list.

**27/2009**

*Moved Cr Auld Seconded Cr Fairless that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 32941 to 33125 totalling \$531,801.21, Municipal Fund – Cheque Numbers 856 to 863, totalling \$112,221.59, Trust Fund – Cheque Numbers 401803 to 401807, totalling \$4,469.50 and Trust Fund – Cheque Numbers 5597 to 5601 (DPI Licensing), totalling, \$116,296.75 as per the submitted list.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.3
<b>Subject:</b>	<b>Executive Review of the 2008/2009 Adopted Budget</b>
<b>File Reference:</b>	15001
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

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**Background**

Council's Executive Management Team met in January 2009 to peruse the current 2008/2009 Adopted Budget and conduct a review of that document in terms of identifying any areas which required the need for additional expenditure, as well as areas where expenditure was not expected to be required between now and the end of the financial year to 30<sup>th</sup> June 2009.

The end result of this meeting has been documented as follows:

<b>2008/2009 Budget Review - Consideration by Council</b>						
Completed by Council's Executive Team on Thursday 29 January 2009						
<b>INCOME</b>						
Account	Account Description	Budget Amount	New Budget	Affect to Budget	Progressive Total	Reason
			Additional Income / deflation			
E03112	Rates Discount	\$86,000	\$101,000	\$15,000	\$15,000	More persons taking up discount than expected
R03103	GRV Single Persons Quarters	\$333,199	\$317,199	\$16,000	\$31,000	Decreased valuations on SPQ's
R13106	UV Rural	\$1,297,195	\$1,310,195	\$13,000	\$18,000	Amalgamations resulting in increased valuations
R03107	UV Mining Tenement	\$837,272	\$864,272	\$27,000	\$9,000	Increased mining activities in the region
R03120	Installment Fee	\$2,500	\$4,500	\$2,000	\$11,000	More persons taking up installment option
R03121	Interest Penalty	\$18,000	\$23,000	\$5,000	\$16,000	Installment payers higher/rates outstanding longer
R03300	Other Minor Income	\$2,279	\$4,279	\$2,000	\$18,000	Minor income received
R05206	EMA - VHF Radio Expansion	\$11,985	\$0	\$11,985	\$6,015	Balance of Grant forfeited due to Contractor delays
R05300	Dog Fines and penalties	\$1,000	\$1,185	\$185	\$6,200	Dog fines increased
R08301	Senior Citz Donations	\$0	\$1,500	\$1,500	\$7,700	Donation income toward new Television
R08302	Programme Fees	\$1,500	\$2,300	\$800	\$8,500	Programme fees at Senior Citz very popular
R10100	Domestic Collection	\$79,180	\$78,180	\$1,000	\$7,500	Domestic Fees less than originally forecast
R10300	SX Sewerage Rates	\$170,463	\$171,463	\$1,000	\$8,500	Sewerage Rates higher than expected
R10400	Marvel Loch Sewerage Rates	\$61,822	\$56,822	\$5,000	\$3,500	M/Loch property numbers down on expectations
R10604	Grant Funding	\$3,000	\$5,000	\$2,000	\$5,500	Additional grants recognised by ASO
R10701	Telstra Leases	\$13,000	\$800	\$12,200	\$6,700	Leases ongoing annually, rather than up-front payment
R10702	Old Shire Depot Rental	\$0	\$11,200	\$11,200	\$4,500	Rent on Old Shire Depot incoming
R10800	Community Bus Fees	\$6,000	\$9,000	\$3,000	\$7,500	Rental on Bus higher than originally forecast
R11312	Grant Funding - Other Source	\$2,500	\$102,500	\$100,000	\$107,500	\$100K from Federal Govt Infrastructure Programme
R11504	BRISC Contribution	\$3,000	\$0	\$3,000	\$104,500	BRISC Contribution to be carried over (Digital TV)
R12108	Third party contributions	\$12,000	\$25,000	\$13,000	\$117,500	Contributions toward Road Maintenance
R12201	Crossovers - Reimbursement	\$0	\$4,000	\$4,000	\$121,500	Cost of Crossover construction exceeding allowance
R12342	Proceeds on Sale of Asset	\$133,000	\$225,000	\$92,000	\$213,500	\$38K rcv'd from write-off. Additional \$30K from Grader
R12404	Recovery costs - Airport	\$0	\$31,000	\$31,000	\$244,500	Costs of Airport Redevelopment Proposal recovered from proponent organisations. T/fer into Reserve.
R13200	Caravan Park Lease	\$75,170	\$30,170	\$45,000	\$199,500	Reduction to annual income received at Caravan Park
R13403	Sale of Water (Mt Hampton)	\$2,000	\$5,000	\$3,000	\$202,500	Income higher than expected
R14100	Private Works	\$85,000	\$159,000	\$74,000	\$276,500	Private Works income higher than forecast
R14200	PWO Reimbursement	\$0	\$2,000	\$2,000	\$278,500	Reimbursements received
R14300	Energy Credits Grants Scheme	\$17,000	\$42,000	\$25,000	\$303,500	ECGS now claimable on all Heavy Machinery
R14642	Proceeds on Sale of Asset	\$95,000	\$48,000	\$47,000	\$256,500	DCEO and MEHBS vehicle replacement deferred to 2009/10
R14704	Workers Comp Recovered	\$307	\$5,307	\$5,000	\$261,500	Workers Compensation claim applicable for 2008/2009
R14707	Unclaimed Rates Overpaid	\$15,000	\$30,000	\$15,000	\$276,500	Anticipated increase in revenue
R14713	Transfer from Aerodrome Rsv	\$13,000	\$43,000	\$30,000	\$306,500	Funds for Airport redevelopment and works
R14714	Transfer from Resid Dev Rsv	\$65,000	\$73,500	\$8,500	\$315,000	Reserve balance exhausted to \$Nil
R14739	Seed funds - Rsv Develop	\$27,000	\$22,000	\$5,000	\$310,000	Less proceeds from the YYSRC than forecast
Various	Contra Item (Income)	\$366,000	\$176,000	\$190,000	\$120,000	Refer 'Contra Items' section of review

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**2008/2009 Budget Review - Consideration by Council**

Completed by Council's Executive Team on Thursday 29 January 2009

**EXPENDITURE**

Account	Account Description	Budget Amount	New Budget	Affect to Budget	Progressive Total	Reason
				<b>Expenditure diminution / augmentation</b>		
E04112	Conference Expenses	\$11,000	\$16,000	\$5,000	\$5,000	Increased allocation, possible visit to Interstate Councils
E04114	Election expenses	\$3,000	\$0	\$3,000	\$2,000	Election not anticipated prior to October 2009
E04119	Support to Community Groups	\$20,000	\$13,000	\$7,000	\$5,000	Support required less than originally forecast
E04120	Public Relations	\$15,000	\$10,000	\$5,000	\$10,000	Community Xmas not progressed. Other exp less.
E04121	Subscriptions	\$42,000	\$36,000	\$6,000	\$16,000	WE-ROC XO less than forecast. Misc reductions
E05251	EMA - VHF Radio Expansion	\$57,000	\$67,000	\$10,000	\$6,000	Additional works required for VHF Radio Network
E05312	Abandoned Vehicles	\$0	\$500	\$500	\$5,500	Create an allowance for collection of derelict vehicles
E07414	Lease on Dr's Vehicle	\$13,000	\$24,500	\$11,500	\$6,000	Residual value for Dr's Vehicle transferred to Trust
E08117	Other Equip Mtce & Toners	\$15,000	\$22,000	\$7,000	\$13,000	Photocopier maintenance (relocation) exceeded est.
E08313	Snr Citz General	\$1,700	\$4,700	\$3,000	\$16,000	General expenses likely to increase, offset by donations
E08411	Aged Persons Residence - Ops	\$2,370	\$3,370	\$1,000	\$17,000	Water consumption higher than forecast (leaks)
E09611	35 Taurus St - Operations	\$1,200	\$2,200	\$1,000	\$18,000	Operation costs higher than forecast
E10311	SX Sewerage Maintenance	\$29,305	\$39,305	\$10,000	\$28,000	(OMOC Aug 08) Replacement of sewer pipe section
E10620	Community Development	\$33,000	\$25,000	\$8,000	\$20,000	Community Development costs below budget
E10621	Community Funding Programme	\$12,500	\$7,500	\$5,000	\$15,000	Less applications for Community Funding received
E10710	Cemeteries/Crematoriums	\$4,600	\$18,000	\$13,400	\$28,400	Lectum cost exceeded budget. Purchase portable toilet.
E10811	Community Bus Operations	\$4,000	\$7,000	\$3,000	\$31,400	Rental on Bus higher than originally forecast
E11118	Bodallin Hall Maintenance	\$1,350	\$2,950	\$1,600	\$33,000	Pest Control treatment required (un-budgeted)
E11211	Swimming Pool Repair	\$10,282	\$18,282	\$8,000	\$41,000	(OMOC Nov 08) New Chlorinator system at Pool
E11250	Swimming Pool - Capital	\$0	\$18,000	\$18,000	\$59,000	OHS equipment required urgently (Royal Life Audit)
E11311	Public Parks - SX	\$353,315	\$308,315	\$45,000	\$14,000	Inability to secure labour has resulted in cost reduction, expected to normalise during 2009/2010
E11351	Sports Complex Capital	\$35,000	\$135,000	\$100,000	\$114,000	Fed Government Infrastructure Backlog Programme
E11401	Library Salaries	\$16,000	\$8,500	\$7,500	\$106,500	Librarian retired. Restructure, position now redundant
E11411	Library Operation - Other	\$50	\$1,550	\$1,500	\$108,000	AMLIB Licence (non-recurrent)
E11520	TV Maintenance and Operation	\$2,950	\$4,950	\$2,000	\$110,000	Replacement Air-conditioner required 13th Feb 2009
E12213	Municipal Maintenance	\$1,040,000	\$1,020,000	\$20,000	\$90,000	Reduction in costs experienced throughout the year
E12221	Signage and Safety Equip	\$14,000	\$17,000	\$3,000	\$93,000	Bollards purchased (once-off)
E12222	Crossovers - Constructed	\$0	\$10,000	\$10,000	\$103,000	Cost of Crossovers Constructed in townsites
E12223	Workshop Equipment	\$4,000	\$10,000	\$6,000	\$109,000	Replacement Equipment occurred unexpectedly
E12350	Purchase of Plant & Equipment	\$710,000	\$760,000	\$50,000	\$159,000	(OMOC Nov 08) Replace Landcruiser sourced (W/off)
E12351	Depot Tools	\$4,000	\$10,000	\$6,000	\$165,000	Concrete grinder required urgently
E12412	Aerodrome Maintenance	\$3,500	\$25,500	\$22,000	\$187,000	Slashing/spraying req'd. PAL Controller replaced.
E12450	Aerodrome Capital Upgrade	\$0	\$35,000	\$35,000	\$222,000	Airport Redevelopment feasibility works
E13416	Garrett Standpipe	\$6,000	\$26,000	\$20,000	\$242,000	Water usage higher than forecast
E13510	Landcare Services	\$0	\$15,000	\$15,000	\$257,000	(OMOC Nov 08) Joint funding NRMO with Westonia
E13651	Subdivision Development	\$65,000	\$92,000	\$27,000	\$284,000	Subdivision costs exceeding Reserve Allocation
E14111	Private Works	\$75,000	\$146,000	\$71,000	\$355,000	Private Works costs higher than forecast
E14704	Workers Compensation	\$0	\$5,000	\$5,000	\$360,000	Workers Compensation claim applicable for 2008/2009
E14707	Rates Refunds O/Paid claimed	\$2,000	\$3,000	\$1,000	\$361,000	Increased allocation
E14713	Transfer to Airport Reserve	\$42,482	\$73,482	\$31,000	\$392,000	Costs of Airport Redevelopment Proposal recovered from proponent organisations (T/fer into Reserve).
E14719	Transfer to Mt Hampton Rsv	\$2,850	\$5,850	\$3,000	\$395,000	Income higher than expected (T/fer into Reserve).
E14725	T/fer to Community Bus Rsv	\$35,000	\$30,000	\$5,000	\$390,000	Less proceeds from the YYSRC than originally forecast (T/fer into Reserve reduced).
E14750	Purchase Plant - Admin	\$187,000	\$107,000	\$80,000	\$310,000	DCEO and MEHBS vehicle replacement deferred to 2009/10
Various	Contra Item (Expenditure)	\$1,888,942	\$1,698,942	\$190,000	\$120,000	Refer 'Contra Items' section of review

Total increase in income of \$120,000 is offset to increased expenditure of \$120,000, resulting in a balanced Budget Review.

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<b>CONTRA ITEMS</b>						
No impact on Council's Balanced Budget as the Contra Items balance each other out						
Account	Account Description	Budget Amount	New Budget	Affect to Budget	Progressive Total	Reason
Expenditure diminution / augmentation						
R03302	Interest Earned	\$276,000	\$176,000	\$100,000	\$100,000	Interest earnings substantially lower than forecast in June 2008 as a result of impacts on the Global Financial Market and reductions to the applicable interest rate by 50%. Full impact softened by strategic investment engaged in October 2008 for a 90-day period of investment.
E14710	LSL Reserve Interest	\$45,350	\$39,350	\$6,000	\$94,000	
E14711	Plant Reserve Interest	\$991,303	\$956,303	\$35,000	\$59,000	
E14712	Building Reserve Interest	\$104,101	\$94,101	\$10,000	\$49,000	
E14713	Airport Reserve Interest	\$46,482	\$42,482	\$4,000	\$45,000	
E14720	Rec Facility Reserve Interest	\$450,232	\$427,232	\$23,000	\$22,000	
E14722	Refuse Facility Rsv Interest	\$130,033	\$123,033	\$7,000	\$15,000	
E14724	R2R2 Reserve Interest	\$27,340	\$12,340	\$15,000	\$0	Sale of 103 Altair Street to tenant (Staff Member) not going to occur as a result of resignation
R09142	Proceeds on Sale of Asset	\$90,000	\$0	\$90,000	\$90,000	
E14712	Transfer to Building Reserve	\$94,101	\$4,101	\$90,000	\$0	
R09140	Profit on Sale of Asset	\$60,000	\$0	\$60,000	\$60,000	Sale of 103 Altair Street to tenant (Staff Member) not going to occur as a result of resignation
R09140	Profit excluded from Balanced Budget			\$60,000	\$0	

**Comment**

Council will shortly receive an allocation of \$708,036 from the Royalties to Regions programme, and will need to consider carefully where these funds will be allocated. Consideration has not been made within this Budget Review, as the Chief Executive Officer has produced a report independently on this matter.

**Statutory Environment**

Regulation 33(a) of the Local Government (Financial Management) Regulations 1996 requires Council to conduct at least one review of its adopted budget between 1 January and 31 March each year.

**Policy Implications**

None

**Financial Implications**

Will see a re-allocation of funds within the 2008/2009 Adopted Budget

**Strategic Implications**

None

**Voting Requirements**

Absolute majority required

**Recommendation**

That the 2008/2009 Adopted Budget be amended to include the changes (\$120,000) proposed, resulting from a Budget Review completed on the 29<sup>th</sup> January 2009 by Council's Management Team, to elevate the 2008/2009 Adopted Budget to a balance point of \$9,895,000.

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**28/2009**

*Moved Cr Auld Seconded Cr Truran that the 2008/2009 Adopted Budget be amended to include the changes (\$120,000) proposed, resulting from a Budget Review completed on the 29<sup>th</sup> January 2009 by Council's Management Team, to elevate the 2008/2009 Adopted Budget to a balance point of \$9,895,000.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.4
<b>Subject:</b>	<b>FESA – Service Delivery and Planning 2009-2010</b>
<b>File Reference:</b>	5102
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

The Fire and Emergency Services Authority of Western Australia (FESA) has produced a Stakeholder Consultation and Communication Discussion Paper, which outlines the proposed changes to FESA Service Delivery and Planning policies and processes, including changes to the 2009/2010 ESL Local Government Manual for Capital and Operating Grants.

At the conclusion of the review, FESA plans the proposed changes will enhance the ESL process by improving both the quality of the submissions and the transparency of the process, and result in;

- Improved FESA responsiveness to stakeholder needs,
- Reduction in workloads for both Local Governments and FESA,
- Active involvement of FESA Regional staff in the process,
- Improved evidence based decision processes,
- Anticipated reduction in appeals,
- Better match of resources to risks, and;
- Better targeting of funds to priority items.

A number of changes are proposed in the submission, some of which will affect Council.

**Comment**

FESA has for some time now, been working toward the results proposed in the review, already providing Council's with a Capital Vehicle Replacement Programme based on that organisation's determination of which vehicles should be replaced and when.

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Additionally, Council's are required annually to submit Operating Budget requests to FESA, which in Council's case, often results in a chasm between funding requested and funding provided, with atypical allocations determined by FESA, despite Local Government stipulating expense areas based on experience and anticipation.

The Discussion Paper is enclosed with the Agenda to afford Councillors the opportunity to review the document directly and suggest, if necessary, a submission or comment.

**Statutory Environment**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions and Provisions.

**Policy Implications**

Not Applicable

**Financial Implications**

Not Applicable

**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council acknowledge the Fire and Emergency Services Authority of Western Australia's Service Delivery and Planning 2009-2010 Stakeholder Consultation and Communication Discussion Paper.

**29/2009**

*Moved Cr Pasini Seconded Cr Truran that Council acknowledge the Fire and Emergency Services Authority of Western Australia's Service Delivery and Planning 2009-2010 Stakeholder Consultation and Communication Discussion Paper.*

**CARRIED (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.5
<b>Subject:</b>	<b>Emergency Management Conference 2009</b>
<b>File Reference:</b>	5102
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

The Fire and Emergency Services Authority of Western Australia (FESA), is actively enhancing partnerships to achieve FESA's vision of a safer community through an improved emergency management capability.

The Western Australian Emergency Management Conference 2009 seeks to help emergency managers and practitioners learn from the past to prepare for the future.

In keeping with the central theme, the Conference will provide an opportunity for emergency management practitioners and researchers to showcase best practice and explore future trends.

**Comment**

The Emergency Management Conference 2009 appears to be a very useful opportunity for Council's Management Team to 'tool-up' on some of the requirements applicable for Local Government in both pre-planning and emergency response.

The CEO, Deputy CEO and Manager for Works are all members of the Yilgarn LEMC, and their attendance would be appropriate at this forum, which is to be held at the Perth Convention and Exhibition Centre between the 16<sup>th</sup> and 17<sup>th</sup> April 2009.

**Statutory Environment**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions and Provisions.

**Policy Implications**

Not Applicable

**Financial Implications**

Provision has been made within the Budget for Conference attendance by staff

**Strategic Implications**

Not Applicable

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**Voting Requirements**

Simple Majority required

**Recommendation**

That Council authorise the attendance of the Chief Executive Officer, Deputy Chief Executive Officer and Manager for Works at the Emergency Management Conference 2009, with expenses associated with this attendance be authorised for payment.

**30/2009**

*Moved Cr Truran Seconded Cr Kenward that Council authorise the attendance of the Chief Executive Officer, Deputy Chief Executive Officer and Manager for Works at the Emergency Management Conference 2009, with expenses associated with this attendance be authorised for payment.*

**CARRIED (6/0)**

**Notation to above Resolution**

It was noted that the Emergency Management Conference coincides with the April 2009 Council meeting and therefore, the CEO advised that not all of the above officers would be attending the Conference.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.6
<b>Subject:</b>	<b>Southern Cross Aero Club event – April 2009</b>
<b>File Reference:</b>	12502
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

Advice has been received (verbally) from the Southern Cross Aero Club that they are planning on holding an event over the Easter long-weekend (10<sup>th</sup> to 13<sup>th</sup> April 2009).

A number of visitors are expected to make the pilgrimage to Southern Cross, and the issue of landing fees has been raised.

**Comment**

Council in the past has approved of the waiving of landing fees for events of this nature, as recently as the Beverley Soaring Society's rallye in December 2008.

The events proposed by the Southern Cross Aero Club are deemed to be of a similar nature, and as such, the author would seek Council's approval for landing fees to be waived over that period for aircraft associated with the event.

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**Statutory Environment**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions and Provisions.

**Policy Implications**

Not Applicable

**Financial Implications**

Not Applicable

**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council acknowledge the efforts of the Southern Cross Aero Club in hosting an event over the Easter 2009 long-weekend, and in support of this project, Council agree to waive landing fees for aircraft associated with this event, subject to the Secretary of the Southern Cross Aero Club producing and providing Council with a list of eligible aircraft prior to the commencement of the events, scheduled to occur between Thursday 9<sup>th</sup> April and Tuesday 14<sup>th</sup> April 2009.

**31/2009**

*Moved Cr Fairless Seconded Cr Pasini that Council acknowledge the efforts of the Southern Cross Aero Club in hosting an event over the Easter 2009 long-weekend, and in support of this project, Council agree to waive landing fees for aircraft associated with this event, subject to the Secretary of the Southern Cross Aero Club producing and providing Council with a list of eligible aircraft prior to the commencement of the events, scheduled to occur between Thursday 9<sup>th</sup> April and Tuesday 14<sup>th</sup> April 2009.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.7
<b>Subject:</b>	<b>Southern Cross Aerodrome – Windsock and Signal Circle Upgrade</b>
<b>File Reference:</b>	12502
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

For some time now, trouble has been experienced with the Signal Circle and Windsock Black area at the Southern Cross Aerodrome as a result of vermin and vegetation creating unusable surfaces in a very short space of time.

**Comment**

A number of remedial actions have taken place over the past six years, however it is now deemed necessary to create a real solution to the problem.

It is proposed to construct a concrete surface over these areas with the use of dyed material to create a robust and maintenance free result.

Estimates received indicate the cost to complete this work will be in the vicinity of \$20,000, with an adjustment to accommodate these works being factored into the Budget Review.

**Statutory Environment**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions and Provisions.

**Policy Implications**

Not Applicable

**Financial Implications**

Allocation provided within the 2008/2009 Budget Review

**Strategic Implications**

Not Applicable

**Voting Requirements**

Absolute Majority required

**Recommendation**

That Council authorise the Deputy CEO and Manager of Works to engage the services of a suitable contractor to undertake the construction of a concrete Signal Circle and Windsock Black at the Southern Cross Aerodrome, with funding to cover costs associated with this project to be withdrawn from the Airport Reserve.

**32/2009**

*Moved Cr Fairless Seconded Cr Auld that Council authorise the Deputy CEO and Manager of Works to engage the services of a suitable contractor to undertake the construction of a concrete Signal Circle and Windsock Black at the Southern Cross Aerodrome, with funding to cover costs associated with this project to be withdrawn from the Airport Reserve.*

**CARRIED BY ABSOLUTE MAJORITY (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.8
<b>Subject:</b>	<b>Amendment to Council Policy 4.6 ‘Signing of Cheques’</b>
<b>File Reference:</b>	4121
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

### **Background**

Council’s policy for the signing of cheques and authorisation of payments is currently restricted to the Chief Executive Officer, Deputy Chief Executive Officer and Manager of Environmental Health and Building Services.

It is not known why the Manager for Works has been excluded, other than to assume this anomaly was a result of this position previously being based at the Works Depot, and not within the confines of the Administration Centre as is now the case.

### **Comment**

Given the nature of our Executive Manager’s positions, sometimes being out of the office for periods of time attending to other business matters, difficulties are sometimes experienced with only three signatories capable of authorising payments, where there is a requirement for two-to-sign.

In an effort to alleviate this problem, it is proposed to amend Policy 4.6 ‘Signing of Cheques’, of which the literature of the Policy has been disclosed below, with the Original Policy wording in **Blue**, and additional information disclosed in **Red**, as follows:

### **Signing of Cheques**

Further to Council Delegation Number 22, in accordance with Sections 5.42 and 5.44 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 12 and 13, Council delegates authority to the Chief Executive Officer to make payments from the Shire of Yilgarn Municipal, Trust or other Fund.

These payments, made either by cheque or Direct Debit, are to be signed by any two of the following authorised persons:

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Environmental Health and Building Services  
**Manager for Works**

Specimen signatures for the persons engaged in the above listed positions are to be retained on file at the Southern Cross branch of the Westpac Bank.

**List Pay Document (Payroll Deposits)**

Council utilises a 'List Pay' document to authorise the deposit of fortnightly net-pay amounts for Council's staff into individual employees' personal bank accounts.

This 'List Pay' document can be signed by any one of the above authorised persons listed above.

In support of this 'List Pay' document, a Manual Cheque Voucher is to be prepared, and that voucher must be signed by any two of the authorised signatories.

**Corporate Credit Card**

Council provides for the business use of the Chief Executive Officer, a Corporate Credit Card through Westpac Banking Corporation, with a Credit Limit of \$5,000.00, with this Credit Limit and any outstanding balance disclosed in the Annual Financial Statements from year to year.

In support of payments made via this credit facility, a Manual Cheque Voucher is to be prepared, and that voucher must be signed by any two of the authorised signatories.

**Statutory Environment**

Sections 2.7 and 3.1 Local Government Act 1995 relating to General Functions and Provisions.

**Policy Implications**

Will see the amendment of Policy 4.6 – Signing of Cheques

**Financial Implications**

None

**Voting Requirements**

Simple majority required

**Recommendation**

That Council endorse the amendment to Council Policy 4.6 – Signing of Cheques to include the disclosed amendments relating to the appointment of Council's Manager for Works as a signatory.

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**33/2009**

*Moved Cr Fairless Seconded Cr Kenward that Council endorse the amendment to Council Policy 4.6 – Signing of Cheques to include the disclosed amendments relating to the appointment of Council’s Manager for Works as a signatory.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	8.9
<b>Subject:</b>	<b>Change to Valuation of Land Regulations 1979 Unimproved Value of Rural Land</b>
<b>File Reference:</b>	3009
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	12 <sup>th</sup> February 2009

**Background**

Correspondence has been received from Landgate regarding a proposed amendment to the Valuation of Land Regulations 1979 relating to the prescribed percentage applied in the determination of unimproved values of rural land, with effect from 30 June 2009.

**Comment**

Unimproved values within the Shire of Yilgarn are graduated from 30% of capital land value based on the prescribed percentage approach. Given difficulties experienced by Landgate in determining values across the state, utilising a different method of 50% based on actual sales evidence in other areas, it has been proposed to apply a common 50% prescribed percentage.

Assumedly, this will result in Council’s UV Rural valuation increasing from the current figure of \$56,656,768 to around \$100 million, taking into account assumed increases in property values from 1 July 2009 as part of the annual re-valuation of UV Rural Land.

Accordingly, the current Rate in the Dollar of 2.3 cents will need to be reviewed during the Draft Budget process and may need to be worked downward. Unfortunately, until such time as these revised valuations are provided, no assessment can be made.

**Statutory Environment**

Part 1, Section 4, paragraph (b)(vii)(II) of the Valuation of Land Act 1978 (VLA) and Sections 6.25 and 6.28 of the Local Government Act 1995 relating to Rates and service charges

**Policy Implications**

Not Applicable

**Financial Implications**

A financial impact assessment will occur during the development of Council's 2009/2010 Draft Budget, with adjustments to be incorporated as deemed necessary

**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council acknowledge the Valuation of Land Regulations 1979 – Proposed Amendment 2008, and in doing so acknowledge the requirement to incorporate an adjustment to the UV Rural Rate in the Dollar after 1 July 2009, reflecting the amendment to the graduation percentage from 30% to 50% of capital land values.

**34/2009**

*Moved Cr Pasini Seconded Cr Truran that Council acknowledge the Valuation of Land Regulations 1979 – Proposed Amendment 2008, and in doing so acknowledge the requirement to incorporate an adjustment to the UV Rural Rate in the Dollar after 1 July 2009, reflecting the amendment to the graduation percentage from 30% to 50% of capital land values.*

**CARRIED (6/0)**

**MANAGER OF WORKS REPORTS**

The CEO presented the above report in the absence of the Manager for Works.

<b>Submission to:</b>	Ordinary Meeting of Council Friday, 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	Works 9.1
<b>Subject:</b>	<b>Marvel Loch Hotel - Footpath</b>
<b>Location/Address:</b>	Lenneberg Street Marvel Loch
<b>Name of Applicant:</b>	Anthony Presnell
<b>File Reference:</b>	12803
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	6 <sup>th</sup> February 2009

**Background**

Correspondence has been received by Council from the Owner/Licensee of the Marvel Loch Hotel Mr. Anthony Presnell bringing to Council's attention of an accident involving a elderly patron of the Marvel Loch Hotel. It appears that the patron Mr. Frank Watson exited the hotel via the front door making his way to his car which was located some 3 metres away, slipped on loose material on the gravel

section of footpath located at the end of the bitumen section (*appendix 1 photo 1*), falling and breaking his hip.

Mr. Presnell also mentions in his correspondence that he has asked shire representatives on numerous occasions to supply funds to repair the damaged footpaths and concrete or bituminize the gravel section of the footpath in front of the main entrance. (*refer to attached correspondence received from Mr. Presnell*)

### **Comment**

As a result of the correspondence received from Mr. Presnell council staff carried out an inspection of the footpath where the accident occurred, and as mentioned by Mr. Presnell in the correspondence, there is loose gravel stones on the gravel section of the footpath of which may have contributed to Mr. Frank Watson falling (*refer to appendix 1 photo 1*).

As council would appreciate a high percentage of councils footpaths are made up of gravel material and although compacted to moderate standard at the time of construction, the surface of these paths deteriorate overtime resulting in loose surfaces to occur. Council do not have the resources to maintain all gravel footpaths in towns located in the shire, but when there is a reported problem on such footpaths council staff carry out remedial works when required.

Whilst carrying out the inspection of the footpath it was also noted that there was a large amount of loose aggregate (*blue metal*) on the sealed section the pathway leading up to the front entrance of the hotel (*refer to appendix 1 photo 2*). It appears that a high proportion of this aggregate may be over spill from landscaping carried out in front of the hotel by the proprietor some time ago. The loose material has since been removed by council's contract sweeper. Instructions have been given to the contractor to carry out sweeping on this section of pathway on the same day sweeping is carried out on Antares Street Southern Cross.

In Mr. Presnell correspondence he mentioned that he has asked shire representatives on numerous occasions to supply funding to repair the damaged footpaths and bituminize the gravel section of the footpath in front of the main entrance to the hotel. Mr. Presnell has indeed asked council staff, the author of this item (*Manager for Works*) to look at lowering the concrete section of the pathway (*refer to appendix 2 damaged section of the concrete pathway*) as he felt it was a trip hazard to the patrons of the hotel. At the time of his request which was just after he purchased the hotel there was no mention of any bituminizing of the gravel section of the pathway. Mr. Presnell was informed by councils Manager of Works that the reason why this section of concrete pathway was constructed to the height it is, was to stop water from topping over this area of pathway and flooding the hotel building. Some months later this pathway and kerb line was damaged by persons unknown (*refer to appendix 2*)

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Following the inspection of the pathway of concern mentioned in Mr. Presnell's correspondence by councils Manager for Works it is felt that there is a need to carry works on the pathway's and road verges fronting the Marvel Loch Hotel of which will be recommended to be included in council's 2009/2010 budget deliberations.

Theses works involve replacing the twenty metre damaged section of existing pathway (*refer to appendix 2*), bituminizing a 200 metre x 6 metre section of Aurum Street from the Marvel Loch Town Hall to the Marvel Loch Hotel and upgrading of existing 250 metres of damaged kerb line to in-situ semi mountable kerb line (*refer to appendix 3*). (*estimated cost to carry out these works is \$37,859*)

**Financial Implications**

Cost to carry out the upgrading works on the pathway and install in-situ mountable kerbing to be included in Council's 2009/2010 Budget deliberations

***Recommendation***

The upgrading works required on the pathway in front of the Marvel Loch Hotel of which include replacing the damaged section of concrete pathway, bituminizing 200 metres x 6 metre on Aurum Street and installing 250 metres in-situ mountable for the estimated cost of \$37,859 be included in Council's 2009/2010 Financial Year Construction Budget deliberations.

**Voting Requirements**

Simple Majority

**35/2009**

*Moved Cr Pasini Seconded Cr Auld that the upgrading works required on the pathway in front of the Marvel Loch Hotel of which include replacing the damaged section of concrete pathway, bituminizing 200 metres x 6 metre on Aurum Street and installing 250 metres in-situ mountable for the estimated cost of \$37,859 be included in Council's 2009/2010 Financial Year Construction Budget deliberations.*

**CARRIED (6/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council Friday, 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	Works 9.2
<b>Subject:</b>	<b>Bullfinch Hotel - Footpath</b>
<b>Location/Address:</b>	Shallcross Street Bullfinch
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	12803
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	6 <sup>th</sup> February 2009

### **Background**

Following an inspection of the Bullfinch Exchange Hotel by councils relieving Environmental and Health Office Mr. Antony Cox, it was brought to councils Manager for Works attention that the footpath fronting the Bullfinch Hotel along Shallcross Street is showing signs of wear and tare in the way of cracked and sunken paving slabs resulting in elevated paving edges causing trip hazards (*refer to appendix 1*).

### **Comment**

Following an inspection of the pathway of concern by councils Manager for Works it is felt that there is a need to carry works on the pathway fronting the Bullfinch Hotel along Shallcross of which will be recommended to be included in council's 2009/2010 budget deliberations.

The works will entail replacing the existing paving slabs with a concrete path and extend the kerb line out towards the centre of the road by approximately .5 of a metre to stop vehicles making contact with the verandah posts. (*estimated cost to carry out these works is \$19,400*)

### **Financial Implications**

Cost to carry out the upgrading works on the pathway to be included in Council's 2009/2010 Budget deliberations

### *Recommendation*

The upgrading works required on the pathway fronting the Bullfinch Hotel along Shallcross Street of which will include replacing the existing damaged concrete slabs with a concrete pathway and extending the kerb line out towards the centre of the road by .5 of metre at the estimated cost of \$19,400 be included in Council's 2009/2010 Financial Year Construction Budget deliberations.

### **Voting Requirements**

Simple Majority

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36/2009

*Moved Cr Pasini Seconded Cr Kenward that the upgrading works required on the pathway fronting the Bullfinch Hotel along Shallcross Street of which will include replacing the existing damaged concrete slabs with a concrete pathway and extending the kerb line out towards the centre of the road by .5 of metre at the estimated cost of \$19,400 be included in Council's 2009/2010 Financial Year Construction Budget deliberations.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council February 20th 2009
<b>Agenda Reference:</b>	Works 9:3
<b>Subject:</b>	<b>Tender 6/2008/2009 Integrated Tool Carrier (I.T.) – 4 Wheel Drive Articulated Loader</b>
<b>Location/Address:</b>	N.A.
<b>Name of Applicant:</b>	N.A.
<b>File reference:</b>	12301
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	9th February 2009

### **Background**

In accordance with Councils Plant Replacement Program, Tenders were invited to supply and deliver one only “*Integrated Tool Carrier*” 4 Wheel Drive Articulated Front End Loader and to trade, or the out right purchase (alternative tender) of Councils current 924F Caterpillar 4 Wheel Drive Articulated Front End Loader. An allocation of \$231,000 (GST Inclusive) has been allowed for in Councils 2008/2009 Financial Year Budget for the change over of this vehicle.

The trade vehicle (924F Caterpillar Loader) was purchased in 1996 under Councils Plant Replacement Program. At the time of this report, the 924F loader had completed 7,500 machine hours. The primary function of this loader is to carry out maintenance on Councils landfill sites, town maintenance and loading of Councils and Contractors tip trucks with gravel materials for road maintenance and construction works. The proposed tendered replacement loader will be carrying out similar functions. Visually the Caterpillar 924F loader is well presented and appears mechanically sound. This is reflected by the trade prices offered by competing tendering companies.

### **Comment**

Due to the nature of work (*and to give council's work force additional versatility*) the “*Integrated Tool Carrier*” (I.T) 4 Wheel Drive Articulated Front End Loader will be carrying out, the loader has been specified with the following equipment:

- lifting forks,
- lifting jib,
- 2 cubic metre general purpose bucket for gravel/aggregate loading, and;

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- grapple bucket, with the grapple bucket's primary use for loading of waste paper materials at waste transfer stations of which will suit councils new transfer station when it becomes operational.

Specifications to new "*Integrated Tool Carrier*" (I.T.) 4 Wheel Drive Articulated Front End Loader are as follows:

Make & Model tendered \_\_\_\_\_

Date of Manufacture \_\_\_\_\_  
(2009 model preferred)

Overall operating weight \_\_\_\_\_ Kg  
(min 11,000kg max 12,500kg)

**Engine**

Net power output (min 95kw - max 105kw) \_\_\_\_\_kw \_\_\_\_\_hp (SAE rated).

Cylinders \_\_\_\_\_

Make \_\_\_\_\_

Capacity \_\_\_\_\_ litres

**Transmission & Drive** \_\_\_\_\_

**Frame** Articulated

**Bucket** 1.8m<sup>3</sup> – 2.5m<sup>3</sup> with bolt on cutting edges, stud wear prevention

**Additional Equipment** Forks and Lifting Jib

**Optional Extra Equipment** 2.3m<sup>3</sup> – 3.25m<sup>3</sup> Grapple Bucket equipped with dual-top clamps

**Cab** Enclosed cab with Rollover Protection Structure  
Air-conditioning/Heater, Tilting Console,  
Operators emergency warning system, Hour  
metre fitted  
AM/FM/CD radio, UHF-GME Electrophone TX  
3440, fitted including aerial.  
VHF (Mid-Band) TAIT 8250 fitted including aerial  
and microphone equipped with bush fire  
frequencies, channels 32 and 45  
Window tint to all windows, wiper and washers  
to front and rear windows

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One 2kg fire extinguisher fitted to inside of cab.  
 Canvas seat covers fitted

**Tyres**

17.5 R25

**Others**

Tool box fitted to frame, equipped with basic tool kit, Tow hitch fitted (rear)  
 Tyre inflation kit, socket to suit wheel nuts, extension bar and power bar  
 Two x flashing amber beacon in protective cage, cab roof mounted

Workshop Manual and Spare Parts Catalogue to be supplied  
 Sign writing "SHIRE OF YILGARN", black lettering

locks to doors, engine covers and tool box to match.

Reversing light and alarm

No outright purchase (*Alternative Tender*) of Councils tendered trade vehicle was received.

The following tenders were received for the trade of councils 924F loader and for the purchase of a replacement "*Integrated Tool Carrier*" (I.T.) 4 Wheel Drive Articulated Front End Loader (*GST inclusive*). Excluding JCB Construction Equipment who at the time of this report have not supplied a cost for the grapple bucket, cost for all the required attachments (*lifting jib, forks, general purpose and grapple buckets*) are included in the following net change over prices.

<b>1</b>	<b>WesTrac Equipment</b>	
	924H Caterpillar I.T Loader – per specification	\$280,597.90
	Less Trade-in	<u>-\$ 50,600.00</u>
	<b>Net changeover</b>	<b><u>\$229,997.90</u></b>

Specification for the 924H Caterpillar IT Loader (2009 model)

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

Net power output (kw/hp) 96kw

Operating Weight 11, 632kg

Transmission Autoshift 4 wheel drive

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Warranty

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

Resale value for the Caterpillar I.T. Loader after an eight life cycle is estimated at 35% (\$98K) on new machine price

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**2 CJD Equipment**

Volvo L60F – per specification -	\$294,579.00
Less Trade-in	<u>-\$ 66,000.00</u>
<b>Net changeover</b>	<b><u>\$228,579.00</u></b>

Specification for the Volvo L60F (2008 model)

Engine - Volvo, T6E LCE3, turbo charged, diesel engine

Displacement                      6 liters

Net power output                      114kw

Operating Weight                      11,710 kg

Transmission                      Volvo HTE 110

Warranty

CJD Equipment offers a Full Machine Warranty for the period of 12 months (one year) or 2500 hours, along with a Warranty of 36 months (three years) or 6000 hours on the engine, power train, and major hydraulic components.

Resale value for the Volvo L60F I.T. Loader after an eight life cycle is estimated at 30% (\$88K) on new machine price

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**3 Hitachi**

John Deere 544k P/L – per specification	\$294,309.50
Less Trade-in	<u>-\$ 49,500.00</u>
<b>Net changeover</b>	<b><u>\$244,809.50</u></b>

Specification for the John Deere 544k P/L (2008 model)

Engine - John Deere 6068H, six cylinder, turbo charged, diesel engine

Displacement                      6.8 liters

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Net power output	125kw
Operating Weight	13,740
Transmission	Countershaft – Powershift

Warranty

Hitachi offers a Full Machine Warranty for the period of 12 months (one year/unlimited hours), along with a extended Power Train Warranty of 36 months (three years) or 5000 hours.

Resale value for the John Deere 544k P/L I.T. loader after an eight life cycle is estimated at 35%, being \$110K

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**4 Komatsu**

Komatsu WA250pz-6 I.T. Loader – per specification	\$348,667.00
Less Trade-in	- \$ 60,500.00
<b>Net changeover</b>	<b><u>\$288,167.00</u></b>

Specification for the Komatsu WA250pz-6 (2008 model)

Engine – Komatsu WA250pz-6, six cylinder, turbo charged, diesel engine  
Displacement 4.46 liters

Net power output	103kw
Operating Weight	12,300kg

Transmission Hydrostatic

Warranty

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

*No resale value offered*

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**5 JCB Construction Equipment**

JCB 426HT I.T. Loader - per specification	\$223,623.40
Less Trade-in	-\$ 54,450.00
<b>Net changeover</b>	<b><u>\$169,173.40</u></b>

Specification for the JCB 426HT (2008 model)

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Engine – Cummins, six cylinder, diesel engine  
Displacement 5.9 liters

Net power output 106kw  
Operating Weight 4,503kg

Warranty

JCB only offer 12 months warranty

At the time of this report JCB Construction have not supplied a cost for the grapple bucket. If council were to consider this loader then the cost for the grapple bucket will have to be added onto the net change over cost of \$169,174.40

*No resale value offered*

Note:

JCB have tendered two loaders, with the other being a JCB 416HT I.T. loader. This loader is well under specification with the operating weight being 10,308 kg (*minimum tender specification requirement is 11,000kg*) and the net power output being 87kw (*minimum tender specification requirement is 95kw*)

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**6 Hutton & Northey Sales**

Ranger LG938 I.T. Loader – per specification	\$ 190,226.30
Less Trade-in	<u>-\$ 55,000.00</u>
<b>Net changeover</b>	<b><u>\$ 135,226.30</u></b>

Specification for the Ranger LG938 (2008 model)

Engine – Cummins, six cylinder, turbo charged, diesel engine  
Displacement 5.9 litres

Net power output 92kw  
Operating Weight 11,000kg

Transmission ZF Electro Hydraulic – SDLG diff and axels

Warranty

Hutton & Northey offer two year or 2000hr warranty

Resale value for the Ranger LG938 I.T. loader after an eight life cycle is estimated at being 25% - (\$44K) to 35% (\$62K)

Note:

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This loader is under specification. Whilst the operating weight complies at 11,000kg (*minimum tender specification requirement is 11,000kg*), the net power is 92kw (*minimum tender specification requirement is 95kw*)

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**7 Clark Equipment**

Doosan DL 200 I.T. Loader – per specification	\$ 229,820.02
Less Trade-in	<u>-\$ 38,500.00</u>
<b>Net changeover</b>	<b><u>\$ 191,320.02</u></b>

Specification for the Doosan DL 200 (2009 model)

Engine – Doosan DL06, six cylinder, turbo charged, diesel engine

Displacement                      5.9

Net power output                      102kw

Operating Weight                      11,300kg

Transmission                      ZF 4WG 160

Warranty

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

*No resale value offered*

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**Summary**

The tender submitted by Hutton & Northey for the Ranger LG938 loader for the change over cost of \$135,226.30 (*GST inclusive*) and the tender submitted by JCB Equipment for the JCB 426HT for the change over cost of \$193,174.20 (*GST inclusive*) are well within councils budgeted change over estimate of \$231,000 (*GST inclusive*), but both machines lack warranty cover, with the Ranger LG938 loader having a warranty of two years or 2000hrs and the JCB 426HT having a warranty of only twelve months.

The tender submitted by Clark Equipment for the Doosan DL 200 for the change over cost of \$191,320 (*GST inclusive*) is also within council's monetary budget change over allocation of \$231,000 (*GST inclusive*). The warranty offer for this loader by Clark Equipment is 12 months full machine warranty and 36 months or 6000 hours driveline warranty.

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Owners of the larger Doosan loaders (DL300 and DL400) have indicated that initially there have been some design issues with these loaders, which have since been rectified.

Comments sought from owners of the smaller model Doosan loaders (DL 250), who also operate Volvo and Caterpillar loaders, have indicated that their competitors machines' are far more advanced in terms of operator comfort and responsiveness.

The tender submitted by Hitachi for the John Deere 544k P/L loader has a competitive warranty offer of 12 months full machine warranty and 3 years extended power train warranty. The change over cost of this loader is \$244,809 (*GST inclusive*), which is \$13,809 over councils monetary budgeted change over allocation of \$231,000 (*GST inclusive*).

The tender submitted by Komatsu for the Komatsu WA250pz-6 loader also has a very competitive warranty offer of 12 months full machine warranty and 3 years extended power train warranty. The change over cost of this loader is \$288,167 (*GST inclusive*) of which is \$57,167 over councils monetary budgeted change over allocation of \$231,000 (*GST inclusive*).

The tender submitted by CJD for the Volvo L60F loader for the change over cost of \$228,579 (*GST inclusive*) is within council's monetary budget allocation. The warranty offered by CJD for this Loader of 12 months or 2,500 hours, along with a warranty of 36 months or 6,000 hours on the engine, power train, and major hydraulic components, which is also very good.

Council, over the past two years, has experienced issues and expressed concern regarding the back up service provided by CJD in relation to warranty works on the Volvo graders Council is currently running. Based on this experience, there is a reluctance to recommend the purchase of a Volvo Loader.

Although the tender submitted by Westrac for the 924H Caterpillar loader for the change over cost of \$229,997(*GST inclusive*) is \$1,400 more than the tender submitted by CJD for the Volvo L60F, it still is within council's monetary budget allocation of \$231,000 (*GST inclusive*). The warranty offered by Westrac for the 924H loader is also very good with a 12 months full machine warranty, and a 36 months or 6,000 hours on the engine, power train, and major hydraulic components.

Council should not disregard the tender submitted by CJD for the Volvo L60F loader, based on the author's comments exclusively, with the following recommendation based on past and present performance of Caterpillar Loaders Council has owned and operated over the past years.

These caterpillar loaders have performed to an excellent standard in the field, with minimum down time and prompt back up service when required. They have also

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maintained a very good trade value following the expected life cycle, as demonstrated by the strong trade price offered by tendering companies during this process.

It should also be noted, that the Tender Specifications disclosed a preference for a 2009 model machine, with only Westrac and Clark Equipment able to provide a current calendar year machine. All other Tender's were for a 2008 model Loader.

**Statutory Environment:** Tender Regulations

**Policy Implications:** N.A.

**Financial Implications:** Monetary allocation of \$231,000 (*GST inclusive*) has been budgeted for in Councils 2008/2009 Plant Replacement Program

**Strategic Implications:** Five-Year Plant Replacement Program

**Recommendation**

Council accepts the tender submitted by Westrac, and trade its current Caterpillar 924F loader for the tendered price of \$50,600 (GST inclusive), and purchase the Caterpillar 924H loader as per the tendered specification submitted, for the change over cost of \$229,997.90 (GST inclusive)

**Voting Requirements**

Simple Majority

**37/2009**

**Moved Cr Pasini Seconded Cr Truran that Council accepts the tender submitted by Westrac, and trade its current Caterpillar 924F loader for the tendered price of \$50,600 (GST inclusive), and purchase the Caterpillar 924H loader as per the tendered specification submitted, for the change over cost of \$229,997.90 (GST inclusive).**

**CARRIED (6/0)**

*Late Item*

<b>Submission to:</b>	Ordinary Meeting of Council Friday, 20 <sup>th</sup> February 2009
<b>Agenda Reference:</b>	Works 9.4
<b>Subject:</b>	<b>Request to Construct Pipeline alongside Bullfinch Evanston Road</b>
<b>Location/Address:</b>	Bullfinch Evanston Road
<b>Name of Applicant:</b>	Portman Iron Ore Limited
<b>File Reference:</b>	10322/12016
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	16th February 2009

### **Background**

Correspondence has been received by Council from Portman Iron Ore requesting permission to install a water pipeline in the vicinity of the Bullfinch Evanston Road alignment running from existing Bore N<sup>o</sup> MJW1P located some 15 metres west of the Bullfinch Evanston to a *"Turkeys Nest Dam"*.

The polyethylene pipeline will be 160mm in diameter and 900 metres in total length of which approximately 600 metres is proposed to be on the west side of the Bullfinch Evanston Road alignment (approximately 5 metres from the road pavement surface on the *"clear zone"* which is commonly referred to as the batter) and the remaining 300 metres will be located on a access road leading to the *"Turkeys Nest Dam"*. The pipeline will be required to cross under the Bullfinch Evanston Road to access the *"Turkey Nest Dam"*.

The purpose of the water pipeline is due to a recent bore collapse at the Mount Jackson mine site. The mine site is currently low on water required for dust suppression. A review of available water resources has identified bore MJW1P located adjacent to the Bullfinch Evanston Road has sufficient capability to satisfy existing demands at the Mount Jackson mine site and for future mining operations in the vicinity.

When in operation the bore will be required to pump at a maximum rate of 700kL/day (approximately 30kL/hour). The pipeline will be operating 24 hours a day for the next ten years. In 2008, the salinity of Bore N<sup>o</sup> MJW1P was recorded at 2900mg/L which is considered low and not likely to have a impact on surrounding vegetation in the event of a pipeline breach.

Although alternative options had been considered, Portman Iron felt that installing the pipeline within the clear zone of the Bullfinch Evanston Road was the most cost effective and direct route from Bore N<sup>o</sup> MJW1P to the proposed *"Turkey Nest Dam"*.

**Comment**

An inspection has been carried of the proposed pipeline site by Councils Manager of Works and Portman Iron Ore representatives and it is in the opinion of council's Manager of Works that if the pipeline is located 5 metres of the edge of the Bullfinch Road as proposed it will not hinder any road maintenance activities that may be required at this location in the future. It was also indicated by Portman's representatives that water stored in the Turkeys Nest Dam will be made available for any FESA requirements if needed.

A comprehensive report has been submitted by Portman Iron Ore in relation to the proposed pipeline location and as mentioned in this report a risk assessment has been carried out in conjunction with Main Road Western Australia of which has indicated that due to the low volume of traffic on the Bullfinch Evanston Road the risk of this proposed pipeline has low attributes that would make it a hazard to errant vehicles.

**Financial Implications**

All cost associated with the installation of the bore water pipeline are at Portman Iron Ore Limited cost

**Recommendation**

That Council advises Portman Iron Ore Limited that it has no objections to the bore water pipeline being installed on the batter area of the Bullfinch Evanston Road on the following conditions:

1. That the pipeline is located 5 metres from the edge of the running surface and where possible the pipeline is covered with soil for visual and safety aspects
2. All necessary environmental conditions are met by Portman Iron Ore Limited via the appropriate statutory bodies in relation to the bore water pipeline

**Voting Requirements**

Simple Majority

38/2009

*Moved Cr Kenward Seconded Cr Fairless that Council advises Portman Iron Ore Limited that it has no objections to the bore water pipeline being installed on the batter area of the Bullfinch Evanston Road on the following conditions:*

- 1. That the pipeline is located 5 metres from the edge of the running surface and that the pipeline is buried or appropriately banded for visual and safety aspects*
- 2. All necessary environmental conditions are met by Portman Iron Ore Limited via the appropriate statutory bodies in relation to the bore water pipeline.*
- 3. That advisory signage be placed at regular intervals along the pipeline.*
- 4. That in the event of any spillages, Portman be advised of their obligations to clean up the affected area.*

**CARRIED (6/0)**

**Reason for Alteration to the Recommendation:**

Council considered that the two additional conditions were warranted for the application.

**MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February, 2009
<b>Agenda Reference:</b>	10.1
<b>Subject:</b>	<b>Planning Application – Storage of Heavy Vehicles on Residential Property</b>
<b>Location/Address:</b>	Lot 250 Polaris Street, Southern Cross
<b>Name of Applicant:</b>	Mr Craig Lawson & Ms Frances Maslin of Lawson’s Crane Services Pty Ltd, Kalgoorlie
<b>File Reference:</b>	10303
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	10 <sup>th</sup> February, 2009

**Background**

Mr Craig Lawson and his wife Ms Frances Maslin of Lawson’s Crane Services Pty Ltd in Kalgoorlie has written to Council seeking permission to purchase Lot 250 (H/No 48) Polaris Street, Southern Cross and use it as a vehicle depot for the storage of various heavy vehicles. Mr Lawson and his wife would also reside on the premises which already has a dwelling and large storage shed on it (currently owned by Mr Derek Price).

Mr Lawson has recently purchase Yilgarn Cranes from Justin & Anne Stevens and wishes to establish his crane business in the Yilgarn and is looking for a property to operate the business from. Mr Lawson is currently renting Lot 250 Polaris Street but would like to store 2 truck cranes, 1 mobile crane, 1 rough terrain crane with elevating platform, plus 3 transport vehicles, 1 heavy vehicle, plus 2-3 light vehicles. Mr Lawson would like to place sea container behind the existing shed for additional storage, but does not intend building additional sheds on the lot. See attached letter and location map. Mr Lawson may attend the Information Session of the Council Meeting to provide additional information to Council.

**Comment**

*Town Planning Issues*

Lot 250 Polaris Street is zoned ‘Residential’ with a density rating of R10 under the Shire of Yilgarn Town Planning Scheme No 2. The storage of vehicles as outlined above is similar to the land use description of “contractor’s yard” or possibly “industry – light”. See attached definitions extracts from the Shire’s Town Planning Scheme text. Table 1 - Zoning Table in the Town Planning Scheme states that “industry light” is permitted on land zoned “Industrial” and not on land zoned “Residential”.

Under clause 4.4.1 Council may use its discretion to modify development standards but “only if Council is satisfied that –

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”

It should be noted that the current owner, Mr Derek Price, operated a trucking business from this property for many years until he and his family left the district several years ago. There are other examples of people operating trucks and earthmoving equipment from lots along Polaris Street.

Mr Lawson wishes to live on the same site as his machinery and vehicles to deter people from tampering with them, and would prefer not to live in the “Industrial” section of town.

Environmental Issues

Mr Lawson states in his letter that the heavy machinery and vehicles will be parked back away from the road towards the back of the lot. He plans to plant additional trees to help screen the vehicles from general view. Mr Lawson has outlined a traffic management plan for driving onto the property using the un-made road Argus Street located south of the property to reduce the likelihood of reversing alarms being used. Mr Lawson has given an undertaking to control dust when moving his vehicles on and off the property, as well the general clean-up of the property.

Mr Lawson states he will carry out minor mechanical maintenance on-site, will store a small quantity of lubricants and cleaners on-site, but will not be storing any fuel on-site.

Manager of Works' Comments

The Manager of Works has advised that Mr Lawson needs to apply for permission to from Council and Main Roads to use Polaris Street and other roads in the District for heavy vehicles.

Officer's Comments

This type of use should be located in the industrial part of town as it conflicts with residential land use. However there have been and there currently are “non-conforming” land use similar to this but on a smaller scale on properties along Polaris Street. If approval is granted it should be conditional, possibly with a trial period of 12 months so that Mr Lawson can show that the equipment and vehicles can be stored on the lot without causing any nuisance to neighbours and road users.

**Policy Implications**

Nil

**Statutory Requirements**

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

**Financial Implications**

Nil

**Recommendation**

That Council advise Mr Craig Lawson & Ms Frances Maslin of Lawson's Crane Services Pty Ltd that while the proposed land use of storing various cranes and transport vehicles on the lot is not a residential land use it will grant them conditional approval for a 12 month period to be reviewed after this time, and that the storage and movement of the cranes and vehicles onto and off the lot is not to cause a nuisance to neighbours from dust, noise, odours, etc, or to other road users of Polaris Street and the Southern Cross-Marvel Loch Road.

**Voting Requirements**

Simple Majority.

**39/2009**

*Moved Cr Fairless Seconded Cr Auld that Council advise Mr Craig Lawson & Ms Frances Maslin of Lawson's Crane Services Pty Ltd that while the proposed land use of storing various cranes and transport vehicles on the lot is not a residential land use it will grant the applicants conditional approval for a 12 month period to be reviewed after this time, on the condition that all neighbours are contacted about the proposed land use and have no objections, and that the storage and movement of the cranes and vehicles onto and off the lot is not to cause a nuisance to neighbours from dust, noise, odours, etc, or to other road users of Polaris Street and the Southern Cross-Marvel Loch Road in consultation with neighbours.*

**CARRIED (6/0)**

**Reason for Alteration to the Recommendation:**

Council sought to ensure that neighbouring property owners were consulted regarding the proposal based on the nature of the activity to be conducted on the residential lot, being of a commercial nature.

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February, 2009
<b>Agenda Reference:</b>	10.2
<b>Subject:</b>	<b>Planning Application – Establishing a Private Broadband Mast Service for Portman Iron Ore</b>
<b>Location/Address:</b>	Location 84 Koorda - Southern Cross Road, Southern Cross
<b>Name of Applicant:</b>	Stream Pixs, Mr Steve Wallace, Operations Manager
<b>File Reference:</b>	14001
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	10 <sup>th</sup> February, 2009

### **Background**

Mr Steve Wallace from Stream Pixs had recently advised that a 60 metre high guyed mast will be installed on private property next to the Western Power Depot site for Portman Iron Ore. The new mast and antennas will provide broadband access to Portman's Koolyanobbing site. See attached E-mail letter, proposed lot plan, and supporting information.

### **Comment**

This is a new telecommunications facility on private land. Under the Yilgarn Town Planning Scheme No 2 telecommunication facility installation as a land use has an 'AA' symbol and requires Council's approval.

The new mast will be in a fenced compound with access off the Koorda – Southern Cross Road. Antennas on the mast will be both receiving and transmitting. The mast and support installation will comply with the Australian Standards and industry "best practice".

### **Policy Implications**

Nil

### **Statutory Requirements**

Compliance with the Town Planning and Development Act 1928 as amended from time to time.

### **Financial Implications**

Nil

### **Recommendation**

That Council grants planning approval to Stream Pixs on behalf of Portman Iron Ore to install a 60 metre high guyed mast with associated technical equipment in a new fenced compound on Location 84 Koorda – Southern Cross Road, Southern Cross.

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**Voting Requirements**

Simple Majority.

**40/2009**

*Moved Cr Pasini Seconded Cr Truran that Council grants planning approval to Stream Pixs on behalf of Portman Iron Ore to install a 60 metre high guyed mast with associated technical equipment in a new fenced compound on Location 84 Koorda – Southern Cross Road, Southern Cross.*

**CARRIED (6/0)**

Cr Pasini left the meeting at 4.35pm and returned at 4.39pm

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February, 2009
<b>Agenda Reference:</b>	<b>Late Item 10.3</b>
<b>Subject:</b>	<b>Planning Application – Home Occupation – Mobile Hairdressing Business</b>
<b>Location/Address:</b>	Lot 571 (H/No 4) Coolgardie Road, Southern Cross
<b>Name of Applicant:</b>	Mrs Leonie Coutis
<b>File Reference:</b>	10303
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	16 <sup>th</sup> February, 2009

**Background**

I refer to the item 10.3 of the Minutes of the November 2008 Ordinary Council Meeting and motion 268/2008 which states:-

*“That Council defer consideration of the planning application from Mrs Coutis for a period of two months, and in the interim, Mrs Coutis be encouraged to investigate the possibility of conducting her business from one of the vacant Commercial properties located within the CBD area of the Southern Cross townsite.”*

The reasoning behind this motion is that “Council was cognisant of the existence of a hair-dressing business already operating within the CBD area of the Southern Cross townsite and deferred consideration of the approval of a Home Occupation Permit in opposition to a shop-front business.”

**Comment**

I spoke to Mrs Leonie Coutis on 16<sup>th</sup> February 2009 regarding her application for a Home Occupation Licence and whether she still wished to continue with the application in light of Council’s abovementioned motion. Mrs Coutis advised that she is now looking to establish a hairdressing business in one of the vacant commercial premises along Antares Street rather than work from her home. As

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Mrs Coutis has no time-line for the opening of the commercial business she would still like her application for a Home Occupation Licence to be considered by Council.

**Policy Implications**

Nil

**Statutory Requirements**

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Health Act 1911 and regulations made under the Act.

**Financial Implications**

Nil

**Recommendation**

That Council grants planning approval to Mrs Leonie Coutis to establish a mobile hairdressing business from her home on Lot 571 Coolgardie Road, Southern Cross which may include the on-selling of professional hair salon products only to her hairdressing clients.

**Voting Requirements**

Simple Majority.

**41/2009**

*Moved Cr Fairless Seconded Cr Truran that Council grants planning approval to Mrs Leonie Coutis to establish a mobile hairdressing business from her home on Lot 571 Coolgardie Road, Southern Cross which may include the on-selling of professional hair salon products only to her hairdressing clients.*

**CARRIED (5/1)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February, 2009
<b>Agenda Reference:</b>	Late Item 10.4
<b>Subject:</b>	<b>Planning Application – Setback Distance for Proposed New Changerooms for Southern Cross Fire &amp; Rescue Station</b>
<b>Location/Address:</b>	Lots 446 & 763 (H/No 34) Cnr Altair & Canopus Streets, Southern Cross
<b>Name of Applicant:</b>	Southern Cross Fire & Rescue – Mr Anthony Dal Busco, President
<b>File Reference:</b>	10303
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	16 <sup>th</sup> February, 2009

**Background**

Council has received an Application for Planning Approval with covering letter from Mr Anthony Dal Busco of the Southern Cross Fire & Rescue for permission to erect new changerooms between the side of the building and the side boundary, and is seeking a ruling on the setback between the new changerooms and the side boundary line of Lot 446. See attached Application form, covering letter, and location map.

**Comment**

Lots 446 & 763 corner Altair & Canopus Streets are currently zoned “Public Purposes – Fire Station” under the Shire of Yilgarn Town Planning Scheme No 2. Under the Town Planning Scheme Table 2 – Development Table a similar land use of “Vehicle Sales” states that the minimum setback to boundaries is to be determined by Council.

The existing fire station building is setback –

- 7.50 metres from the front boundary on Altair Street,
- 3.0 metres to 3.80 metres from the Canopus Street boundary,
- 12.40 metres & 26.0 metres from the rear boundaries, and
- 3.050 metres from the side boundary with Lot 447.

The proposal is to construct on-site a steel frame, Colorbond roof and wall clad changeroom attached to the end of the pumper bay or the end of the garage where the vehicles are stored that extends the length or even a bit longer than the width of the garage and extends up to or as close to the dividing fence with Lot 446 as possible. The height of the building will be approximately 2.8/3.0 metres in height. See attached plan of proposal based on information provided by Mr Dal Busco.

The changeroom will be divided into two areas to provide a small changeroom for females and a large changeroom for males, to accommodate up to 30 people.

While the use of the proposed changeroom is low level in terms of hazards, there is still the potential for a fire to start in the room or extend from the garage to the changeroom and then to the adjoining property of Lot 446. There is also the issue of the affect on Lot 446 from shadowing from the buildings on Lot 447 onto Lot 446. For this reason it is preferable for building to not be built on boundaries. There is also the aesthetic appearance of the proposed changeroom building in relation to the existing fire station building to consider.

If Council were to agree that the changeroom could extend up to the dividing fence line then the structure and wall on the dividing line must be fire rated for a load bearing structure at 90/90/90 (FRL rate in minutes for structural adequacy/integrity/insulation) as required under Part C1 Fire Resistance and Stability and Specification C1.1 Fire-Resisting Construction Table 5 of the Building Code of Australia 2008 for a Class 7A building Type C light weight construction.

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Currently within the vehicle garage there is an area designated for personal lockers and changing area, however, this area is open space and needs to have a dividing wall built across the width of the garage to form a designated changeroom area. This area also has a double stainless steel trough with draining board on one side which is available for people to clean-up prior to or after they have been out at a site. While this area may not be large enough for 30 people to use at one time as a changeroom, it is questionable as to why they need a room that large as generally up to 6-8 people respond to an alarm. This area can accommodate up to 15 people at one time.

Alternatively the front verandah could be enclosed to provide a changeroom area for up to 8 people. If the existing office was also made available for the changeroom and was connected to the enclosed verandah then there would be space for up to 17 people.

At present the Brigade has no female members, however, this does not mean that there will not be any female members in the future.

The local Fire & Rescue group is not seeking any funding from Council for this project.

**Policy Implications**

Nil

**Statutory Requirements**

Compliance with the Shire of Yilgarn Town Planning Scheme No 2 and the Building Code of Australia 2008.

**Financial Implications**

Nil

**Recommendation**

That Council not grant permission to the Southern Cross Volunteer Fire & Rescue Brigade to construct new steel frame and Colorbond clad changerooms attached to the end of the existing fire station garage and recommend that an alternative proposal be considered, preferably within the existing building envelope.

**Voting Requirements**

Simple Majority.

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42/2009

*Moved Cr Kenward Seconded Cr Fairless that Council not grant permission to the Southern Cross Volunteer Fire & Rescue Brigade to construct new steel frame and Colorbond clad changerooms attached to the end of the existing fire station garage and recommend that an alternative proposal be considered, preferably within the existing building envelope.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> February, 2009
<b>Agenda Reference:</b>	<b>Late Item 10.5</b>
<b>Subject:</b>	<b>Grant Funds for Stage 1 of the Proposed Polaris Lake Walk Trail</b>
<b>Location/Address:</b>	Around Polaris Lake between Orion Street North to the old single gauge Railway Line Crossing
<b>Name of Applicant:</b>	Manager Environmental Health & Building Services
<b>File Reference:</b>	3014
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	17 <sup>th</sup> February, 2009

### **Background**

Council would be aware that following adoption of a recommendation from the Yilgarn Tourism Advisory Committee grant applications were forwarded to Lotterywest for funding to construct the first stage of a walk trail around part of Polaris Lake on both sides of the Lake from Orion Street north to where the old single gauge railway line and the original water pipeline crossed the Lake. In 2007 the Shire was successful in obtaining the grant funds of \$21,089.00 for this project.

The Shire has received a letter from Lotterywest – Mr Allan Raphael, A/Manager Financial Services Grants and Community Development – stating that as the funds have not been accessed they will be taken back and used for other projects. A response to the letter is required by Monday 23<sup>rd</sup> February 2009.

### **Comment**

Initially when the grant was approved the contractor who could carry out the work constructing the walk trail was too busy. While waiting for the contractor to have time to do the work it was found that motorcycle riders were using the bank around Polaris Lake, especially on the Polaris Street side, to ride around town for pleasure, and in doing so had caused damaged to the bank in various places by “digging out” hollows to create small jumps along the track. The Southern Cross Motorcycle Club was contacted regarding this but their members were not the people riding on the banks. An appeal to the community was placed in the local

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“Crosswords” asking for the people concerned to cease riding on the banks as the Shire intended to construct the walk trail on top of the bank, but in general this was ignored apart from 2 people telephoning asking where can motorcyclists ride in or around the Southern Cross townsite? While the installation of bollards along the walk trail was considered to deter motorcyclists from using the walk trail, it was felt that they would use the walk trail if constructed and damage it, and therefore no work has taken place on the construction even though the contractor became available to commence the work.

The Administration staff have discussed this matter and it is now felt that the construction of a walk trail around Polaris Lake at this time should be cancelled and the grant funds returned to Lotterywest.

However it is felt that the interpretation signs regarding the original water pipeline, the single gauge railway line and the development of the District, salt tolerant vegetation, and the Yilgarn lake system being the head of the Swan River system, and the beautification work around the Lake should still be developed, if possible. In the 2008/2009 Council Budget an amount of \$42,000.00 has been allocated to this project. After returning the \$21,089.00 there will be \$20,911.00 left in the Budget. The signs will cost approximately \$3,750.00, and the siting of water pipeline sections and a water pipe valve off Polaris Lake next to the water pipeline sign would cost approximately \$2,000.00. This means there would be \$15,161.00 available for other Council projects or could be used for the continued beautification and clean-up of the Polaris Lake area.

I have discussed the matter with Mrs Kaye Crafter who is a member of the Yilgarn Tourism Advisory Committee and who was part of the small work group that developed this project, and she has agreed with cancelling the walk trail project but would like to establish the interpretation signs around the Lake.

**Policy Implications**

Nil

**Statutory Requirements**

Nil

**Financial Implications**

The grant funds of \$21,089.00 be returned to Lotterywest

**Recommendation**

That Council acknowledges the problems experienced in developing the proposed Polaris walk trail and agrees that the grant funds of \$21,089.00 be returned to Lotterywest.

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**Recommendation**

That Council agrees that \$5,750.00 of Council's funds already allocated to the Polaris Lake walk trail project be used to establish the proposed interpretation signs and place water pipeline sections around the Polaris Lake.

**Recommendation**

That Council agrees that the remaining \$15,161.00 of Council's allocated funds are either made available for other Council projects or for the continued beautification and clean-up of the Polaris Lake area.

**Voting Requirements**

Simple Majority.

**43/2009**

*Moved Cr Patroni Seconded Cr Auld that while Council acknowledges the problems experienced in developing the proposed Polaris walk trail the grant funds not be returned to Lotterywest and that the walk trail be constructed as originally proposed.*

**CARRIED (6/0)**

**Reason for Alteration to the Recommendation:**

Council as a principle does not wish to return grant funds whenever possible, Council had applied for funding over a number of years before being successful in acquiring funding, and Council believed that barricades could be used to deter motorcyclists from using the walk trail.

In passing motion 43/2009 the additional two recommendations became irrelevant and the motions were not considered.

**CLOSURE**

There being no further business to discuss the meeting was declared closed at 4.56pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 20<sup>th</sup> February 2009 are confirmed as a true and correct record of that meeting on Friday, 20<sup>th</sup> March 2009.

Cr Romolo Patroni  
**SHIRE PRESIDENT**