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SHIRE OF YILGARN
MINUTES – ORDINARY MEETING OF COUNCIL
FRIDAY, 17 APRIL 2009

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 17th April 2009.

PRESENT

Cr P R Patroni, Shire President

Cr R R Della Bosca, Deputy Shire President

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

Council Officers: P R Clarke, Chief Executive Officer
A M Seiler, Deputy Chief Executive Officer (to 2.30pm)
R J Bosenberg, Manager for Works
W J Dallywater, Manager of Environmental Health
and Building Services

VISIT BY DR GRAHAM JACOBS MLA – MEMBER FOR EYRE – MINISTER FOR MENTAL HEALTH & WATER RESOURCES

Prior to the Council meeting, Dr Jacobs together with Mrs Jacobs, joined Council for lunch 12.30pm and following the luncheon the Minister met with Council at 1.30pm to discuss with Council a number of issues that were of importance to Council and the district.

The Shire President welcomed Dr Jacobs to Southern Cross and belatedly congratulated him on being appointed to his Ministerial portfolios. The Shire President outlined to the Minister some of the issues that were of relevance to the Shire of Yilgarn at this time and paid particular attention to the following matters:-

- Southern Cross District Hospital – Retention and provision of services plus equipment requirements,
- Southern Cross Airstrip – Breakdown in negotiations with St. Barbara Mines and Cliffs Natural Resources regarding the re-development of the airstrip,
- Local Government Structural Reform – The overall process for structural reform imposed by the Minister for Local Government, and;
- Wild Dogs – The current actions being taken by the Eastern Wheatbelt Declared Species Group and the need for continued Government support.

The Minister responded candidly to the above issues and where possible, indicated to Council that he would follow up on the issues raised on behalf of Council and report back on the findings.

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CITIZENSHIP CEREMONY – MR CAMILO GUARIN

At 2.00pm Mr Camilo Guarin attended the Council Chambers for the conduct of the Australian Citizenship Ceremony which was officiated by the Shire President.

Dr Jacobs also had the opportunity to congratulate Mr Guarin on attaining Citizenship.

Following the conduct of the above Citizenship Ceremony, Mr Guarin vacated the Chambers and discussions continued with the Minister regarding the matters previously raised.

Prior to the conclusion of the discussions with the Minister, the Shire President thanked Dr Jacobs for attending the Meeting and for his response and anticipated actions to the issues raised. The Shire President advised that the Minister and Mrs Jacobs were to be accompanied by Council's Deputy Chief Executive Officer to Cliffs Natural Resources operations at Koolyanobbing for a tour of the mine site and that upon their return to Southern Cross at 6.30pm, an informal dinner would be held in the Council Chambers at which guests had been invited to meet with Dr Jacobs as our Local Member.

Dr Jacobs, Mrs Jacobs and the Deputy Chief Executive Officer retired from the Chambers at 2.30pm.

The Shire President officially opened the meeting at 2.35pm.

PUBLIC QUESTION TIME

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

DISCLOSURE OF FINANCIAL INTEREST

Crs Auld, Pasini and the CEO declared an Interest in Item No. 7.6 of the CEO's Report.

APOLOGIES & LEAVE OF ABSENCE

Nil

CONFIRMATION OF PREVIOUS MINUTES

70/2009

Moved Cr Kenward Seconded Cr Fairless that the Minutes of the previous Meeting of Council held on Friday, 20th March 2009, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

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

71/2009

Moved Cr Truran Seconded Cr Pasini that the minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) Meeting held Wednesday 25th March 2009 be received.

CARRIED (7/0)

GREAT EASTERN COUNTRY ZONE MINUTES

72/2009

Moved Cr Truran Seconded Cr Fairless that the Minutes of the Great Eastern Country Zone Meeting held Thursday 26th March 2009 be received.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- Together with the CEO and DCEO met a delegation of Shire of Merredin Councillors and their CEO to discuss structural reform of Local Government and the possibility of the Shire of Merredin and Yilgarn working together in the future. The Shire President advised that the major discussions with the Merredin Shire centred on the continuation with WEROC and how this could be developed further into the future.

The Shire President also advised that he and the CEO had been developing a "Discussion Paper" for presentation to the Shire of Westonia on the structural reform process that looked at the possibility of a merger between the two Shires and issues that would need to be addressed by both Councils should this option occurred. The Shire President advised that the Shire of Westonia had recently posed a number of questions to Council that would need to be addressed over and above the issues already raised within the draft "Discussion Paper"

The Shire President tabled the draft "Discussion Paper" for Councillors perusal.

- Had discussed with Wendy Duncan MLC, Member for the Agricultural Region, matters pertaining to the Rangeland Review and wild dogs issues relating to same.

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- Together with Mr Ron Burro and the CEO, he had attended an Eastern Wheatbelt Declared Species Group meeting in Merredin to discuss the wild dog program. The Shire President advised that the Nungarin and Merredin Shires had commenced contributing financially to the EWDSG, albeit on a smaller contribution than other Shires and that Cliffs Natural Resources and Western Areas had agreed to provide financial support to the wild dog program.

The Shire President advised that the EWDSG had developed a Regional Wild Dog Management Plan and it was seeking endorsement on the content of the Plan. The Plan was circulated to Councillors for their consideration at a later stage of the meeting.

- Together with other Councillors had attended the “000” Emergency Organisations get together at the Palace Hotel.

CHIEF EXECUTIVE OFFICERS REPORT

The Manager for Environmental Health and Building and the Manager for Works vacated the Chamber at 3.05pm in order for Council to discuss the Performance Appraisal and Contract re-negotiation processes recently undertaken with both Officers.

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.1
Subject:	Annual Performance Appraisal – Manager of Environmental Health & Building Services – Miss W Dallywater
File Reference:	Personal File
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 April 2009

Background

The CEO conducted the Annual Performance Appraisal with Miss Wendy Dallywater, Council’s Manager of Environmental Health and Building Services, on Friday, 3 April 2009.

This Appraisal is the first undertaken since Council and Miss Dallywater negotiated a new 5 year Contract of Employment in April of 2008.

Comment

The performance appraisal process resulted in Miss Dallywater satisfactorily meeting the set KPI’s as provided in the Contract.

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In discussing an increase on the cash component of the package, it was agreed that an increase of 4% be recommended to Council, which is based on CPI over the past 12 months.

Statutory Environment

Requirement under the Local Government Act 1995 and Contract of Employment to conduct annual performance appraisals.

Policy Implications

Nil

Financial Implications

An increase in Miss Dallywater's remuneration package is recommended and provision for such increases are taken into account at the time of preparing and Council adopting its annual budget.

Recommendation

That Council increases the Manager for Environmental Health and Building Services total remuneration package from \$103,062 to \$107,053 per annum, which comprises of an increase in the Cash Component of \$3,000/annum.

Voting Requirements

Absolute Majority

73/2009

Moved Cr Della Bosca Seconded Cr Kenward that Council increases the Manager for Environmental Health and Building Services total remuneration package from \$103,062 to \$107,053 per annum, which comprises of an increase in the Cash Component of \$3,000/annum.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2008
Agenda Reference:	7.2
Subject:	Annual Performance Appraisal and Contract Re-Negotiations – Manager for Works – Mr R Bosenberg
File Reference:	Personal File
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 April 2009

Background

The CEO conducted the Annual Performance Appraisal and undertook Contract re-negotiations with Mr Robert Bosenberg, Council's Manager for Works, on Friday, 3 April 2009.

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Mr Bosenberg's previous 3 year Contract of Employment expired in March 2009 and the CEO was able to negotiate a new 5 Year Contract that would expire in April of 2014.

Comment

The performance appraisal process resulted in Mr Bosenberg exceeding the expectations of the CEO in the areas under Mr Boenberg's direction and meeting all requirements as outlined in the Manager for Works Position Description.

In discussing an increase on the cash component of the package, it was agreed that an increase of 4% be recommended to Council, which is based on CPI over the past 12 months.

Statutory Environment

Requirement under the Local Government Act 1995 and Contract of Employment to conduct annual performance appraisals.

Policy Implications

Nil

Financial Implications

An increase in Mr Bosenberg's remuneration package is recommended and provision for such increases are taken into account at the time of preparing and Council adopting its annual budget.

Recommendation

That Council increases the Manager for Works total remuneration package from \$110,066 to \$113,896 per annum, which comprises of an increase in the Cash Component of \$3,200/annum and further, Council approves of the re-negotiation of the Contract of Employment for a further 5 year period, with the Contract expiring in April 2014.

Voting Requirements

Absolute Majority

74/2009

Moved Cr Kenward Seconded Cr Truran that Council increases the Manager for Works total remuneration package from \$110,066 to \$113,896 per annum, which comprises of an increase in the Cash Component of \$3,200/annum and further, Council approves of the re-negotiation of the Contract of Employment for a further 5 year period, with the Contract expiring in April 2014.

CARRIED BY ABSOLUTE MAJORITY (7/0)

The Manager for Environmental Health and Building and the Manager for Works returned to the Chamber at 3.14pm.

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Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.3
Subject:	Shire of Merredin – Local Government Structural Reform
File Reference:	4028
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	6 April 2009

Background

Cr Ken Hooper, Shire President of the Shire of Merredin, has written to Council advising that as Council would be aware, all Local Governments have been encouraged to embrace structural reform with the view of becoming a strong sustainable local government.

Cr Hooper advises that the Shire of Merredin is keen to work collaboratively with shires in the Central Wheatbelt to explore all the options that will ensure the communities in the Central Wheatbelt are best represented in their submissions to the Minister. In order to achieve this, there is a need for the local governments to commence some preliminary discussions, taking into consideration the Local Government Reform Guidelines that have been developed by the Local Government Reform Steering Committee.

Cr Hooper advises that the Shire of Merredin proposes to convene meetings with surrounding shires over the next month or so with the view of open and honest discussions to achieve the best possible outcomes for our own communities and the region.

Cr Hooper has indicated that Merredin's CEO will be contacting Council during the week commencing 6 April 2009 to arrange a convenient time and location for the meeting.

Comment

The Merredin CEO contacted the CEO as per the above letter with Thursday, 16 April 2009 being set as a preferred meeting date.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

See "Announcements" Section on Page 3 of these Minutes relating to this matter.

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Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.4
Subject:	Annual Leave CEO – Council Policy No.2.7 Relating to Acting CEO
File Reference:	N/A
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	6 April 2009

Background

For Councillors information, the CEO will be taking 5 days Annual Leave from Monday, 18, May to Friday, 22 May 2009 inclusive.

Between Monday, 25 May and Friday, 29 May 2009, the CEO will be attending the Local Managers Association National Congress in Darwin.

Comment:

Council's Policy No.2.7 states the following:-

"That when the Chief Executive Officer is on Annual Leave, Long Service Leave or Extended Sick Leave, the Deputy Chief Executive Officer be appointed as Acting Chief Executive Officer, or as Council may direct by resolution."

Statutory Environment

Nil

Policy Implications

Council Policy No.2.7 Relating to Acting Chief Executive Officer

Financial Implications

Nil

Recommendation

That Council in accordance with Policy No.2.7, appoints The Deputy Chief Executive Officer to Acting CEO during the period that the CEO is on Annual Leave and attending the LGMA National Congress in Darwin.

Voting Requirements

Simple Majority

75/2009

Moved Cr Della Bosca Seconded Cr Truran that Council in accordance with Policy No.2.7, appoints The Deputy Chief Executive Officer to Acting CEO during the period that the CEO is on Annual Leave and attending the LGMA National Congress in Darwin.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.5
Subject:	Shire of Yilgarn “Plan for the Future of the District”– Internal Review
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	7 April 2009

Background

In accordance with Section 5.56 of the *Local Government Act 1995* and Section 19C of the *Local Government (Administration) Regulations 1996*, it states that a local government is to review its current “Plan for the Future of the District” every 2 years. The Regulations also state that the local government is to ensure that the electors and ratepayers of its district are consulted during the development of the plan and when preparing any modifications of a plan.

Comment:

Council conducted its bi-annual review as the above process in 2008, which included a comprehensive public consultation process. Whilst Council is compelled to undertake the 2 yearly review, it has previously resolved to carry out an internal review of the Plan annually to ensure that the actions and strategies contained within the Plan are in keeping with current trends and issues affecting the district.

With the Local Government Structural Reform Agenda firmly on the minds of Council at this present time and the possibility that there could be significant change within the operations of the local government industry both locally and state wide, it may be preferable to defer the internal review and conduct the full review in 2010 as per the statutory requirements.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Whilst the Plan has financial implications, funding for appropriate projects will be considered when Council considers its 2009/2010 Budget.

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Recommendation

That Council defers its annual internal review of the “Plan for the Future of District” due to the current Local Government Structural Reform process and uncertainties associated with same and that as per the statutory requirement, Council undertakes the full review of the Plan in 2010.

Voting Requirements

Simple Majority

76/2009

Moved Cr Truran Seconded Cr Kenward that Council defers its annual internal review of the “Plan for the Future of District” due to the current Local Government Structural Reform process and uncertainties associated with same and that as per the statutory requirement, Council undertakes the full review of the Plan in 2010.

CARRIED (7/0)

Crs Auld, Pasini and the CEO declared an Interest in the following Item as members of the Southern Cross Golf Club. The above persons were prepared to vacate the Chamber however the following motion was moved in respect to same:-

77/2009

Moved Cr Kenward Seconded Cr Fairless that Council considers the issue of a financial contribution to the Southern Cross Golf Club for its 50th Anniversary as a matter that does not warrant the above Councillors and CEO to vacate the Chamber.

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.6
Subject:	Southern Cross Golf Club – 50th Anniversary
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	The CEO is a member of the Southern Cross Golf Club and will be declaring an Interest in this Item
Date of Report:	7 April 2009

Background

The Secretary of the Southern Cross Golf Club writes to advise Council that the Club is celebrating its 50th Anniversary and as part of these celebrations, the Club will be holding a 3 day Carnival on Friday, 10, Saturday, 11 and Sunday, 12 July 2009.

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The Club advises that through considerable financial sponsorship, the Club believes that the Carnival will attract golfers from around the State and the expected numbers will provide a significant boost to the local economy in relation to expenditure at accommodation and food houses.

The Secretary, on behalf of the Golf Club seeks financial sponsorship from Council to assist it in the conduct of this important event for the Club in its 50th Year.

Comment:

The Southern Cross Golf Club has always been fairly self sufficient over the years and has not sought major assistance from Council. The conduct of the 3 Day Carnival to coincide with the Club's 50th Anniversary will lure back past members and also attract golfers from far and wide to the event.

The Club's request is based on a one off request for funding, unlike the annual financial contribution that this provided to the Southern Cross Motorcycle Club for the "King of the Cross".

Whilst the Secretary has not indicated the amount of funding they are looking for, it is believed to be in the vicinity of \$1,000.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Provision for a financial contribution could be built in to the 2009/2010 Budget.

Recommendation

That in recognition of 2009 being the 50th Anniversary of the Southern Cross Golf Club, Council provides a financial contribution of \$1,000 to the Club to assist it with sponsorship of its 3 Day Carnival to be held between 10 and 12 July 2009 celebrate this important milestone for the Club.

Voting Requirements

Simple Majority

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78/2009

Moved Cr Kenward Seconded Cr Truran that in recognition of 2009 being the 50th Anniversary of the Southern Cross Golf Club, Council provides a financial contribution of \$1,000 to the Club to assist it with sponsorship of its 3 Day Carnival to be held between 10 and 12 July 2009 celebrate this important milestone for the Club.

CARRIED (5/0)

Crs Auld and Pasini did not vote on the above matter.

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.7
Subject:	Western Australian Local Government Association – Local Government Convention and Notice of Annual General Meeting, Saturday, 8 August 2009
File Reference:	4001
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	7 April 2009

Background

WALGA forwards Notice of the Annual General Meeting of the Association which will be held at the Perth Convention Exhibition Centre on Saturday, 8 August 2009. The Association also provides information on procedural information for submission of motions.

WALGA invites Member Local Governments to submit motions for inclusion on the Agenda for consideration at the 2009AGM. The closing date for submission of motions is **Friday, 12 June 2009**.

Comment

The Local Government Convention will be held between Thursday, 6 August and Sunday, 9 August 2009 and the tentative schedule for the Convention is as follows:-

Thursday, 6 August

Convention Opening & Sessions	9.00am – 5.00pm
Mayors & Presidents Reception (Council House)	5.30pm – 7.00pm

Friday, 7 August

Convention Sessions	9.00am – 5.00pm
Sundowner	5.15pm – 6.30pm

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Saturday, 8 August

ALGWA AGM & Breakfast	7.00am – 8.45am
Conference morning Sessions	9.00am – 12.00pm
Part One of Honours Awards	11.00am – 11.15am
Convention Keynote Address	11.15am – 12.00pm
Honour Recipients Luncheon	12.00pm – 1.00pm
WALGA AGM & Pt 2 Honours Awards	1.00pm – 5.00pm
Convention Gala Dinner	7.00pm – 11.00pm
Convention Gala Dinner	7.00pm – 11.00pm

Sunday, 9 August

State Council Meeting	10.30am – 12.30pm
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Councillors may wish to consider whether they will be attending Local Government Week, as at this stage 5 rooms have been booked with the Parmelia Hilton Hotel on the evenings of Tuesday, 4, Wednesday, 5 Thursday, 6, Friday, 7 and Saturday 8 August with check out on the morning of Sunday, 9 August 2008.

The reason for the booking on Tuesday, 4 August is that the Roads Forum is being held on Wednesday, 5 August to coincide with the Local Government Convention.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That should Council wish to submit motions for inclusion on the Agenda for consideration at the Association's AGM, they be provided to the CEO for forwarding to WALGA prior to 12 June 2009. Council in submitting motions must adhere to the guidelines in the formulation of motions.

Recommendation

That Councillors indicate their interest in attending Local Government Week 2009 which will allow the CEO to liaise with those Councillors when registrations are required to be submitted to WALGA.

Voting Requirements

Simple Majority

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79/2009

Moved Cr Truran Seconded Cr Pasini that Councillors Patroni, Kenward, Della Bosca and Pasini together with the CEO be authorised to attend the Local Government Convention 2009 and that all associated expenses be approved for payment.

CARRIED (7/0)

In respect to the submission of motions for inclusion in WALGA's AGM, Council indicated that it did not have any motions at this stage for the AGM Agenda.

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.8
Subject:	Tender No.7-2008/2009 – Sale of Residential Lots
File Reference:	14113
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	7 April 2009

Background

Tenders were called for the purchase of 8 residential lots in the Southern Cross town site, 6 of these being in the newly developed subdivision in Libra/Leo Street and the other 2 being Lot 778 Antares Street and Lot 134 Spica Street.

Advertisements inviting tenders were placed in the Local "Crosswords" and "Wheatbelt Mercury".

At the close of the advertising period only one Tender was received which was as follows:-

Lot 134 Spica Street

Tender Submitted by Mr Jason Guerini

Tender Price \$18,000

Mr Guerini in his tender indicated that 2 large trees are situated on Lot 134 Spica Street and provided a written quotation for the removal of same and stump grinding was \$2,000, exclusive of GST. In view of these additional costs, Mr Guerini considered that the tender price of \$18,000 was appropriate in the circumstances.

Comment

Whilst the response to the sale of the lots was disappointing, the CEO is still discussing with the Government Regional Officers Housing Authority (GROH) of their requirement for 4 additional residential lots in Southern Cross.

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There could also be the requirement for Council to develop 2 residential houses for Council staff or alternatively, for them to be leased/rented to GROH. Obviously this would be discussed during the 2009/2010 Budget deliberations.

Statutory Environment

Local Government (Functions and General) Regulations 1996 Part 4 Relating to Tenders.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council accepts the Tender Price of \$18,000 for the purchase of Lot 134 Spica Street, Southern Cross and that in relation to the disposal of the remainder of the Lots, Council continues to liaise with the Government Regional Officers Housing Authority regarding their interest in securing residential land in the Southern Cross town site.

Voting Requirements

Simple Majority

80/2009

Moved Cr Kenward Seconded Cr Pasini that Council accepts the Tender Price of \$18,000 for the purchase of Lot 134 Spica Street, Southern Cross and that in relation to the disposal of the remainder of the Lots, Council continues to liaise with the Government Regional Officers Housing Authority regarding their interest in securing residential land in the Southern Cross town site.

CARRIED (7/0)

FUTURE SALE OF RESIDENTIAL LOTS IN THE SOUTHERN CROSS TOWNSITE

Council discussed the poor response to the tenders for the sale of the newly created residential lots in Southern Cross and that in view of two attempts to sell the blocks and others within the town site, Council provides approval to the CEO to negotiate with interested persons in the future for sale of the lots based upon the following:-

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81/2009

Moved Cr Auld Seconded Cr Pasini that to expedite future sales of residential land in Southern Cross, Council grants delegated approval to the CEO to negotiate with prospective purchasers the sale of lots on the proviso that the minimum amount be not lower than \$20,000 per lot.

CARRIED (7/0)

LATE ITEM

Submission to:	Ordinary Meeting of Council – Friday, 17 April 2009
Agenda Reference:	7.9
Subject:	Southern Cross Football Club (Inc.) – Cropping of Southern Cross Airfield
File Reference:	11204
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	15 April 2009

Background

At the March 2009 Ordinary meeting of Council the CEO advised Council that he had received an enquiry from the President of the Southern Cross Football Club regarding the situation/progress of the Southern Cross Airstrip re-development works and the possibility of the Football Club cropping the land if no development works were to proceed at this stage.

Council at its March meeting requested that the Football Club make a formal application for consideration at its April 2009 meeting.

The above information was passed onto the Club and the Club's President, Mr Bryan Close, has written to Council formally requesting that the Southern Cross Football Club be granted permission to crop the Airfield land this season if the proposed re-alignment of the strip is not going to occur.

Comment

In view of St. Barbara and Cliffs Natural Resources decision not to proceed with the re-development of the Airstrip, the land immediately surrounding the strip can be utilised for cropping as has been undertaken in the past.

There has been some Skeleton Weed infestations within the cropping area and these will need to be maintained in consultation with the Football Club. Also it would be the Club's responsibility, as per past practice, for it to spray the runway edges from to reduce weed growth.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council grants approval for the Southern Cross Football Club to crop the Southern Cross Airstrip land for the 2009 cropping season on the proviso that the Club, in consultation with Council, continues to control the Skeleton Weed infestations and sprays the runway edges to prohibit weed growth. Council further advises the Football Club that following the 2009 cropping season, consideration will be given to granting a long term cropping lease via a public advertising process.

Voting Requirements

Simple Majority

82/2009

Moved Cr Kenward Seconded Cr Pasini that Council grants approval for the Southern Cross Football Club to crop the Southern Cross Airstrip land for the 2009 cropping season on the proviso that the Club, in consultation with Council, continues to control the Skeleton Weed infestations and sprays the runway edges to prohibit weed growth. Council further advises the Football Club that following the 2009 cropping season, consideration will be given to granting a long term cropping lease via a public advertising process.

CARRIED (7/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 17 th April 2009
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	4144
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	8 th April 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 31st March 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 7th April 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 31st March 2009, as presented, be received.

83/2009

Moved Cr Auld Seconded Cr Kenward that the Various Financial Reports for the period ending 31st March 2009, as presented, be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th April 2009
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	4132
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	8 th April 2009

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Background

Municipal Fund – Cheque Numbers 33248 to 33300, totalling \$163,429.74, Municipal Fund – Cheque Numbers 868 to 872, totalling \$99,370.25 and Trust Fund – Cheque Numbers 5606 to 5609 (DPI Licensing), totalling \$63,550.90 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances

Strategic Implications

Nil

Voting Requirements

Simple majority

Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33248 to 33300 totalling \$163,429.74, Municipal Fund – Cheque Numbers 868 to 872, totalling \$99,370.25 and Trust Fund – Cheque Numbers 5606 to 5609 (DPI Licensing), totalling, \$63,550.90 as per the submitted list.

84/2009

Moved Cr Fairless Seconded Cr Della Bosca that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33248 to 33300 totalling \$163,429.74, Municipal Fund – Cheque Numbers 868 to 872, totalling \$99,370.25 and Trust Fund – Cheque Numbers 5606 to 5609 (DPI Licensing), totalling, \$63,550.90 as per the submitted list.

CARRIED (7/0)

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Submission to:	Ordinary Meeting of Council – Friday 17 th April 2009
Agenda Reference:	8.3
Subject:	Proposed Draft Budget Timetable – 2009/2010
File Reference:	15001
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	8 th April 2009

Background

Work has commenced in preparation of Council's 2009/2010 Annual Budget. A timetable has been established, with key milestones identified as follows:

- * Fri 17th April 2009 Ten-Year Strategic Plant Replacement Programme presented by Manager of Works to Council for consideration and adoption

- Fri 8th May 2009 Preparations to be well under way on the budget in terms of obtaining quotations for products and estimates of Capital Works Projects

- * Fri 8th May 2009 Confidential Report circulated to Councillors directly, categorising property owners and detailing action to date.

- * Fri 15th May 2009 Council presented with a Summary Rates Report on outstanding land rates to date, seeking endorsement for write-off of provisioned land rates accounts identified at year end 2008.

- * Fri 15th May 2009 Council endorses application by Deputy CEO to advertise Differential Rates and make application to the Minister for Local Government

- Thu 28th May 2009 Advertising for Council's Proposed Differential Rates commences today for the required period of 21 days, closing for public comment on Friday 26th June 2009 at 4pm.

- Fri 12th June 2009 Staff Housing Budget to be completed by the Manager Environmental Health and Building Services and forwarded to Deputy CEO for inclusion in the Draft Budget

- Fri 12th June 2009 Road Construction, Road Maintenance and Townscape Budgets to be completed by the Manager for Works and forwarded to Deputy CEO for inclusion in the Draft Budget

- Mon 22nd Jun 09 Senior Management to hold their first budget deliberation meeting

- Thu 25th Jun 2009 Initial notice of a Special Meeting of Council to be held 10th July 2009

- Fri 26th June 2009 Estimate of Rates Income to be determined with different scenarios established displaying increases / decreases applicable

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- Fri 26th June 2009 Further deliberation meeting to be held, identifying major projects to be included and a list of excluded items prepared and updated
- Fri 26th June 2009 Period for submissions on Differential Rates is exhausted
- Fri 3rd July 2009 Anticipate Final Meeting of Senior Staff to discuss the 1st Draft Budget. Finalise accounts for Year End and update actual costs in Budget.
- Mon 6th July 2009 Final Draft Budget deliberation meeting with Team Executive. All expenditure accounted and Rating Scenarios finalised with the preferred option considered by the Deputy CEO included in the Draft Budget
- Tue 7th July 2009 List of Priority Items (Primary, Secondary and Tertiary) is finalised by Executive Management Team
- * Wed 8th July 2009 Circulate final Draft Budget to Council directly (DCEO)
- Thu 9th July 2009 Subsequent Notice of a Special Meeting of Council, 10th July 2009
- * Fri 10th July 2009 1.00pm Lunch, 2.00pm Special Meeting of Council to finalise the budget
- * Fri 17th July 2009 Council Adopt the 2009/2010 Annual Budget at the Ordinary Meeting of Council to be held on this day

Items marked with an (*) indicate matters which are specific to Council.

As can be seen from the above timetable, there is a requirement to hold a Special Meeting of Council on Friday 10th July 2009, to carry out the Budget Deliberation process. This meeting will commence at 2.00PM, with lunch from 1.00PM.

Statutory Environment

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general functions and provisions

Policy Implications

None

Financial Implications

Will see the completion of Councils 2009/2010 Budget

Strategic Implications

None

Voting Requirements

Simple Majority Required

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Recommendation

That the proposed Draft Budget Timetable is noted, and Council hold a Special Meeting of Council on Friday 10th July 2009, commencing at 2.00PM

85/2009

Moved Cr Pasini Seconded Cr Kenward that the proposed Draft Budget Timetable is noted, and Council hold a Special Meeting of Council on Friday 10th July 2009, commencing at 2.00PM.

CARRIED (7/0)

The meeting was adjourned at 3.45pm for afternoon tea and resumed at 4.00pm with all members present.

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council - Friday 17th April 2009
Agenda Reference:	9.1
Subject:	Shire of Yilgarn Plant Replacement Program – 2009/2010 – 2018/2019
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12303
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	2nd April 2009

Background

A review of Councils Plant replacement is carried out on an annual basis, with the attached Plant Replacement Program being for a ten year period. The proposed Plant Replacement Program is expected to provide council with a Strategic Plant Replacement Program that will result in optimum return on both operating and change over costs of Councils Plant and Equipment.

In the past Council has used the following life cycles for the replacement of equipment and plant. This has resulted in Council achieving minimal costly down time and optimum trade prices of the respected plant items.

Graders/Loaders	8 years or 10,000 hours
Rollers	10 years or 12,000 hours
Prime Movers/Tip Trucks	8 years or 200,000km
Small Loader/Backhoe	12 years or 9,000 hours
Light Tip Trucks/Personal Carries	5 years or 150,000kms
Landcruiser Utilities	3 years or 110,000kms
Executive Vehicles	1.5 - 2 years

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Comments

In the 2009/2010 Plant Replacement Program it is proposed to replace councils current Volvo 720 Construction Grader, Iveco Prime Mover, Mitsubishi Eight Wheel Tip Truck and a Hilux 4x4 utility.

The grader that is proposed to be replaced in the 2009/2010 plant replacement program is a Volvo 720 grader which was purchased by council in 2002 and has completed 8,500 machine hours. This grader is currently being utilised by council staff as council's main construction grader and has a higher kilowatt rating in comparison with council's maintenance graders to handle the heavy work associated with council's road construction programs. It is expected the replacement grader will have a similar kilowatt rating.

The Iveco Primemover that is proposed to be replaced in the 2009/2010 Plant Replacement Program was purchased in 2002 and has a speedometer reading of 250,000 kilometres. The Iveco Primemover has a dual purpose within councils road building plant with the first being coupled to two side tipping trailers in a road train configuration for gravel carting works on council's road network, and secondly it is coupled to councils float for the purpose of transporting road building plant (rollers, loaders and graders) to construction programs being undertaken by council staff within the Shire of Yilgarn.

Also included in the 2009/2010 Plant Replacement is the change over of a Mitsubishi Eight Wheel Tip Truck. The Mitsubishi Tip Truck was purchased in 2001 and has speedometer reading of 170,000 kilometres. This vehicle also has a dual purpose within council's road building plant. The first being utilised as a water truck on road construction works and secondly when required it is fitted with a metal spreader box for the application of granite aggregate on bitumen sealing programs carried out on council roads.

The 4x4 utility that is proposed to be replaced in the 2009/2010 Plant Replacement Program is a Toyota Hilux. This vehicle is currently being utilised by council's gardening staff and is also utilised for the mosquito fogging program run over the summer period. It was purchased in 2002 and has travelled 116,000 kilometres.

Also included in the Plant Replacement Programme is a new vehicle for business use by a new Building Maintenance position to be incorporated in the 2009/2010 Draft Budget.

Statutory Environment

Nil

Policy Implications

Nil

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Financial Implications

Ten Year Plant Replacement Programs will form the basis of Capital Plant Replacement Purchases in future Budgets. Initial indications show the Plant Replacement Programme for 2009/2010 will cost (net) \$833,000. This cost excludes Executive Vehicles which will be costed directly within the Budget.

Strategic Implications

Ten-Year Plan will provide Council with a Strategic Plant Replacement Program that will result in optimum return on investment of Plant and Equipment.

Recommendation

That the Ten Year Plant Replacement Program for the period 1st July 2009 to 30th June 2019 as attached, be adopted.

Voting Requirements

Simple Majority

86/2009

Moved Cr Kenward Seconded Cr Fairless that the Ten Year Plant Replacement Program for the period 1st July 2009 to 30th June 2019 as attached, be adopted.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council April 17th 2009
Agenda Reference:	9.2
Subject:	Road Widening Great Eastern Highway
Location/Address:	N/A
Name of Applicant:	N/A
File reference:	12801
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	8 th April 2009

Background

As Council would be aware in 2008 Main Roads Western Australia through its contractors carried major road improvements on the Great Eastern Highway from Noongaar through to Nulla Nulla. In the process of carrying out these works there was a requirement for Main Roads Western Australia to take land from land owners adjacent to where the improvement works was occurring. The land taken was for road widening and road re-alignments.

To enable the land taken for these road improvements to be dedicated as a road reserve it is a requirement of the Land Administration Act that Local Authority concurrence is given to the dedication action.

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Correspondence has been received from Main Roads Western Australia seeking Council's concurrence in relation to this matter.

Comment

The land owners affected by the Taken of Land for the Great Eastern Highway improvements are as follows:

Round House PTY LTD (*J Butcher*) Lot 262 - 6.8165ha as attached drawing 0560-033
St Brides PTY LTD (*W Maddock*) Lot 277 - 4.0131ha as attached drawing 0560-034-1

M.W & H.E Granich – Lot 282 – 12.9116ha as attached drawing 0560-035-1

M.W & H.E Granich – Lot 1 – 2.0772ha as attached drawing 0560-036

R.W Birtles – Lot 733 – 2.8001ha as attached drawing 200710-0290

ULC – Reserve N^o 26550 – 2.1636ha as attached drawing 200710-0291

R.W Birtles – Lot 1419 – 1.6676ha as attached drawing 200710-0292

R.W Birtles – Lot 731 – 4550m² as attached drawing 200710-0293

R.W Birtles – Lot 730 – 2.2761ha as attached drawing 200710-0294

At the time of this report Council staff had contacted the affected landowners (except R.W Birtles) seeking comment in relation to the "*Taking of Land*" for the Great Eastern Highway road improvements of whom appear to be satisfy with there dealings with Main Roads Western Australia in relation to this matter.

Financial Implications Main Roads Western Australia has advised that it indemnify Shire of Yilgarn against all cost and charges that relate to this dedication action

Recommendation

Council concurs to the dedication of the land associated with the road widening works on the Great Eastern Highway between Noongaar and Nulla Nulla, the subject of Main Roads Drawings numbered 0560-033, 0560-034-1, 0560-035-1, 0560-036, 200710-0290 to 200710-0294 as a road dedication under Section 56 of the Land Administration Act.

Voting Requirements

Simple Majority

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87/2009

Moved Cr Truran Seconded Cr Pasini that Council concurs to the dedication of the land associated with the road widening works on the Great Eastern Highway between Noongaar and Nulla Nulla, the subject of Main Roads Drawings numbered 0560-033, 0560-034-1, 0560-035-1, 0560-036, 200710-0290 to 200710-0294 as a road dedication under Section 56 of the Land Administration Act.

CARRIED (7/0)

LANDGATE – RURAL LOT NUMBERING SYSTEM

The Manager for Works advised that both he and the CEO had been discussing with Landgate for some considerable time regarding the implementation of the lot numbering system in the Shire of Yilgarn. The Manager for Works advised that the system had been implemented in a number of adjoining Shires but could not be done so in the Yilgarn Shire because Landgate did not have appropriate satellite photos of the entire Shire.

The Manager for Works advised that Landgate have now advised that they are now able to work with Council to implement this important numbering system for rural landholders. Mr Bosenberg advised that Landgate will provide a grant to Council to acquire the poles and lot number signs with Council being responsible for their erection.

88/2009

Moved Cr Kenward Seconded Cr Auld that Council endorses the actions of the Manager for Works and the CEO in progressing the implementation of the rural lot numbering system in the Shire of Yilgarn and that expenditure associated with the erection of the signs be allocated via Council's road maintenance budget allocation.

CARRIED (7/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council – Friday 17 th April, 2009
Agenda Reference:	10.1
Subject:	Planning Application – Proposed New Double Garage/Shed - Oversized
Location/Address:	Lot 79 (H/No 46) Spica Street, Southern Cross
Name of Applicant:	Mr & Mrs Phillip & Lorraine Smith
File Reference:	10303
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th April, 2009

Background

Mr & Mrs Phillip & Lorraine Smith have applied for permission to erect a new 67.5 square metres (9.0m long x 7.5m wide x 2.7m wall height) double garage or shed with small workshop area at the rear of their property of Lot 79 Spica Street, Southern Cross. The proposed garage will be setback 3.0 metres from the rear boundary and 1.0 metre from the side boundary. Construction of the new double garage will be steel frame, Colorbond sheeting walls and roof, with at least 2 sliding doors along one side of the building. The garage is will be used for the storage of the Smith's caravan, a ute motor vehicle, plus have an area for a small workshop as Mr Smith carried out his own servicing of his vehicles. The existing small garden shed will remain on-site. See attached site plan and location map.

Comment

Lot 79 Spica Street is zoned 'Residential' with a density rating of R10. A domestic garage or shed is a suitable land use for the zoning. However, the standard size for a garage, shed, carport, or patio is 60 m² with a tolerance of up to 64m² in area. The proposed double garage will be slightly larger than this at 67.5 m² in area.

Council has approved a few larger garages or sheds in the past and this application is for a garage only slightly larger than the tolerance area.

As motor vehicles and caravans have become larger over time, the standard size for sheds may not have kept up with this fact and maybe the tolerance area should be increased to 10m² above the standard.

Policy Implications

Nil

Statutory Requirements

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Residential Design Codes of Western Australia 2002

Financial Implications

Nil

Recommendation

That Council grants planning approval to Mr & Mrs Phillip & Lorraine Smith to construct a new 67.5 square metre steel and Colorbond sheeting double garage or shed at the rear of the property of Lot 79 Spica Street, Southern Cross.

Voting Requirements

Simple Majority

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89/2009

Moved Cr Della Bosca Seconded Cr Kenward that Council grants planning approval to Mr & Mrs Phillip & Lorraine Smith to construct a new 67.5 square metre steel and Colorbond sheeting double garage or shed at the rear of the property of Lot 79 Spica Street, Southern Cross.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th April, 2009
Agenda Reference:	10.2
Subject:	Planning Application – Proposed New Double Carport & Entertainment Area - Oversized
Location/Address:	Lot 77 (H/No 50) Spica Street, Southern Cross
Name of Applicant:	Mrs Jennifer McLean
File Reference:	10303
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th April, 2009

Background

Mrs Jennifer McLean has applied for permission to erect a new 72.0 square metres (12.0m long x 6.0m wide x 2.6 – 2.3m wall height) double carport and entertainment area at the side of the existing dwelling on her property of Lot 77 Spica Street, Southern Cross. The proposed carport and entertainment area will be setback more than 7.6 metres from the front boundary and 750 millimetres from the side boundary. Construction of the new building will be steel frame, metal sheet roof, roll-down plastic blinds or similar on side closest to the side boundary and on the rear wall, and open along the front wall and other side wall of the building. The existing carport has been removed already to make room for the new building. See attached site plan and location map.

Comment

Lot 77 Spica Street is zoned 'Residential' with a density rating of R10. A domestic carport and a patio entertainment area are suitable land uses for the zoning. However, the standard size for a garage, shed, carport, or patio is 60 m² with a tolerance of up to 64m² in area. The proposed double carport and entertainment area will be 72.0 m² in area. The structure will be built as one building with the only difference is a raised timber decking floor for the entertainment area.

Council has approved a few larger garages or sheds in the past.

Policy Implications

Nil

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Statutory Requirements

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Residential Design Codes of Western Australia 2002

Financial Implications

Nil

Recommendation

That Council grants planning approval to Mrs Jennifer McLean to construct a new 72.0 square metre steel and metal sheet roof double carport and entertainment area to the side of the existing dwelling on Lot 77 Spica Street, Southern Cross.

Voting Requirements

Simple Majority

90/2009

Moved Cr Fairless Seconded Cr Kenward that Council grants planning approval to Mrs Jennifer McLean to construct a new 72.0 square metre steel and metal sheet roof double carport and entertainment area to the side of the existing dwelling on Lot 77 Spica Street, Southern Cross.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday 17 th April, 2009
Agenda Reference:	10.3
Subject:	Building Licenses Issued Between 12/12/08 and 8/4/09
File Reference:	13201
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	8 th April, 2009

Background

For Council's information, below is a summary of the Building Licenses issued for the Shire of Yilgarn between 2/2/09 and 8/4/09. No Building Licenses were issued while the author was away on annual leave between 12/12/08 and 1/2/09.

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Licence No	Owner	Address	Builder	Description of Building Work	Area m2
9/0809	Stephen McLellan & Natalie Treadwell 8 Leo Street, SOUTHERN CROSS	Lot 939 (H/No 8) Leo Street, SOUTHERN CROSS	Fredo Pedrin Lot 705 Polaris Street, SOUTHERN CROSS	Remove existing carport and construct a new steel and Zinalume roof Double Carport attached to existing dwelling and butting up to existing garage.	54.900
10/0809	Telstra 80 Stirling St, PERTH	Lot 197 & Pt Res 29762 Lot 55 Fitzgerald St KOOLYAN OBBING	Owner/Builder	To extend existing telecommunications mast from 42.5m to 51.5m in height & install add guy wires & foundations for mast.	1.125
11/0809	Portman Mining L11 / 1 William Street, PERTH	Mining Lease UCL 45Kms N of Koolyanobbing townsite, KOOLYAN OBBING	CPS National 23 Wheeler St, BELMONT 6104	Install new transportable telecommunications/radio hut and solar power frame & panel unit for hut.	10.800 hut 26.000 solar unit

No Demolition Licenses have been issued during this period.

Statutory Requirements

Compliance with the Building Regulations, Building Code of Australia, and the Shire of Yilgarn Town Planning Scheme No 2

For Councillors Information Only

LOT 165 (80) ANTARES STREET, SOUTHERN CROSS

It was brought to the attention of the Manager for Environmental Health and Building by Cr Della Bosca of the current untidy state of the front yard of the above premises and that action should be taken to request the landholder to remove the debris from the property as it detracted from what is generally tidy area of the town site. It was report to Miss Dallywater that the owner may well have moved from the residence as there appeared to be little activity from the residence for some time.

91/2009

Moved Cr Della Bosca Seconded Cr Auld that the Manager for Environmental Health and Building takes the appropriate action to instruct the landowner of Lot 165 (80) Antares Street, Southern Cross to remove the debris/rubbish from the front yard of the property and in the event that no action is taken, Council authorises the Manager for Environmental Health and Building to take whatever action is necessary to improve the appearance of the property.

CARRIED (7/0)

EASTERN WHEATBELT DECLARED SPECIES GROUP – REGIONAL WILD DOG MANAGEMENT PLAN 2008/09 – 2010/11

The Shire President advised that the above Plan had now been distributed to Councillors for their perusal and should they be satisfied with its contents, the Shire President requested that it be endorsed in order that the EWDSG can be advised that Council fully supports the Plan.

92/2009

Moved Cr Auld Seconded Cr Truran that Council endorses the content of the EWDSG's Regional Wild Dog Management Plan for the period 2008/09 – 2010/11 on the proviso that the actual financial contributions provided by all participating parties of the Plan be itemised accordingly.

CARRIED (7/0)

CLOSURE

There being no further business to discuss the meeting was declared closed at 4.50pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 17th April 2009 are confirmed as a true and correct record of that meeting on Friday, 15th May 2009.

Cr Romolo Patroni
SHIRE PRESIDENT