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**SHIRE OF YILGARN**  
**MINUTES – ORDINARY MEETING OF COUNCIL**  
FRIDAY, 19<sup>th</sup> June 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, 19<sup>th</sup> June 2009.

**PRESENT**

Cr P R Patroni, Shire President

Cr R R Della Bosca, Deputy Shire President

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

Cr K J Fairless (from 2.01pm)

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

**PANDEMIC RESPONSE PLANNING**

Prior to the meeting and immediately after lunch, Council was joined by members of the Medical Fraternity in Southern Cross, namely:

- Dr Edward Soloman (General Practitioner),
- Mr John Hall (Chemist), and;
- Mrs Elizabeth Maglione (Health Services Manager)

They represented the peak persons responsible for the management of a local outbreak of the H1N1 (Swine Flu) Virus.

Dr Solomon provided Council with an overview of how the H1N1 virus developed and subsequently mutated to escalate and create the worldwide pandemic that was. Fortunately, Dr Solomon was able to provide a more subtle account of the virus as it stood currently, a benign virus.

Mr Hall and Mrs Maglione provided their own individual analyses of how they saw the H1N1 virus and their respective treatment capabilities to assist in managing an outbreak if one was to eventuate.

Cr Patroni welcomed input from Council's Manager Environmental Health and Building Services, Miss Wendy Dallywater, who indicated up until today, had been developing Council's Pandemic Response Plan in accordance with WA Health Department guidelines.

Cr Patroni thanked Dr Solomon, Mr Hall and Mrs Maglione for joining Council for lunch, and subsequently affording them the opportunity to listen to and understand better the H1N1 virus.

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The Shire President officially opened the meeting at 1.56pm.

**PUBLIC QUESTION TIME**

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

**DISCLOSURE OF FINANCIAL INTEREST**

Nil

**APOLOGIES & LEAVE OF ABSENCE**

Nil

**CONFIRMATION OF PREVIOUS MINUTES**

**112/2009**

*Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 15<sup>th</sup> May 2009, be confirmed as a true and correct record of that meeting.*

**CARRIED (6/0)**

Cr K Fairless joined Council at 2.01pm

**WHEATBELT EAST REGIONAL ORGANISATION OF COUNCIL (WEROC)  
MINUTES**

**113/2009**

*Moved Cr Truran Seconded Cr Kenward that the minutes of the Wheatbelt East Regional Organisation of Council (WEROC) Meeting held Wednesday 20<sup>th</sup> May 2009, be received.*

**CARRIED (7/0)**

**WALGA – GREAT EASTERN COUNTRY ZONE MINUTES**

**114/2009**

*Moved Cr Kenward Seconded Cr Fairless that the minutes of the WALGA – Great Eastern Country Zone Meeting held Thursday 21<sup>st</sup> May 2009 be received.*

**CARRIED (7/0)**

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**TOURISM ADVISORY COMMITTEE MINUTES**

115/2009

*Moved Cr Kenward Seconded Cr Truran that the Minutes of the Tourism Advisory Committee Meeting held Monday 8<sup>th</sup> June 2009, be received.*

CARRIED (7/0)

**AUSTRALIAN GOVERNMENT DEPARTMENT OF RESOURCES, ENERGY AND TOURISM – TQUAL GRANTS**

116/2009

*Moved Cr Kenward Seconded Cr Fairless that Council supports the submission of a grant application under TQUAL grants program by the National Trust on behalf of the Local Governments along the Golden Pipeline route for the development of a strategic implementation strategy for marketing the Golden Pipeline. To comply with the \$ for \$ funding requirement under TQUAL program, Council allocates \$2,000 as its contribution for inclusion in the 2009/2010 Budget.*

CARRIED (7/0)

**NATIONAL TRUST – KARALEE ROCKS WATER CATCHMENT REPAIRS – AUSTRALIAN GOVERNMENT JOBS FUND GRANTS**

117/2009

*Moved Cr Fairless Seconded Cr Kenward that Council supports the actions of the CEO in working with the National Trust to develop up the grant application under the Australian Governments JOBS Fund for funds to undertake restoration works on the Karalee Rocks Water Catchment Flume.*

CARRIED (7/0)

**CENTRAL WHEATBELT VISITOR CENTRE TOURISM STRATEGY REVIEW**

118/2009

*Moved Cr Kenward Seconded Cr Auld that Council requests the Department of Environment and Conservation in Merredin for approval for a road to be constructed/developed from the Marvel Loch/Frog Rock Road to the top of Jilbadji Rock as part of the Central Wheatbelt Visitor Centre's Tourism Strategy Review to make certain rocks more accessible for tourists.*

CARRIED (7/0)

**YILGARN YOUTH SPORT AND RECREATION ADVISORY COMMITTEE MINUTES**

119/2009

*Moved Cr Auld, Seconded Cr Kenward that the Minutes of the Yilgarn Youth Sport and Recreation Advisory Committee Meeting held Monday 15<sup>th</sup> June 2009 be received.*

CARRIED (7/0)

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**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

The Shire President advised the following:-

- Cr Patroni advised he had attended the public meeting conducted by Catalpa Resources (Edna May Gold Mine – Westonia), which was partially hosted by Council at the Southern Cross Recreation Complex.

Attendance at the forum was mediocre, with around 25 persons in attendance, including Councillors and members of Council's Executive.

- As an interested resident, Cr Patroni indicated he attended the Wheatbelt Health Working Group's public meetings, which were held in the Southern Cross Senior Citizens Centre.

Cr Patroni advised the Yilgarn community almost eclipsed attendance levels within any other community to date, with thirty persons attending the morning session. This record was easily exceeded with 64 interest residents and persons attending the evening session to highlight health issues and needs for their community.

- Together with the Acting CEO and Deputy President, Cr Patroni participated in a further Structural Review Working Party meeting in Southern Cross with representatives from the Shire of Westonia on Wednesday 20<sup>th</sup> May 2009. Cr Patroni indicated the meeting had relevance, with all parties agreeing on the engagement of a Local Government Consultant to facilitate the public meetings of the Shires of Westonia and Yilgarn.

**CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.1
<b>Subject:</b>	<b>Annual Review of Delegations Register</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 June 2009

**Background:**

Section 5.46(2) of the Local Government Act 1995 states the delegations made under the Act must be reviewed by the delegator at least once during the financial year.

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Therefore, Council's Delegation's Register must be reviewed prior to 30 June 2009. As Council's Delegations Register includes delegations by both Council and the CEO, it is necessary that both delegators' undertake this review.

**Comment**

The CEO has reviewed his delegations within the Register and considers that no change is warranted in this review period.

A copy of the Delegation Register is attached for Councillors information.

**Statutory Environment**

Section 5.46(2) of the *Local Government Act 1995*.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council in undertaking the annual review of its Delegations Register in accordance with Section 5.46(2) of the Local Government Act 1995, adopts the delegations of Council to the Chief Executive Officer for the ensuing 12 month period, June 2009 to June 2010.

**Voting Requirements**

Simple Majority

**120/2009**

*Moved Cr Truran Seconded Cr Pasini that Council in undertaking the annual review of its Delegations Register in accordance with Section 5.46(2) of the Local Government Act 1995, adopts the delegations of Council to the Chief Executive Officer for the ensuing 12 month period, June 2009 to June 2010.*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.2
<b>Subject:</b>	<b>Australian Government – Department of Infrastructure, Transport, Regional Development and Local Government – Community Infrastructure Program</b>
<b>File Reference:</b>	10321
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 June 2009

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**Background**

The General Manager Local Government Programs of the Department of Infrastructure, Transport, Regional Development and Local Government has written to Council to advise that its application for funding under the Community Infrastructure Program – Strategic Projects was unsuccessful.

The Department advises that it received more than 480 applications, which sought in excess of \$2 billion in funding from the Australian Government and with only \$550 million being available for allocation, the program was significantly over subscribed.

**Comment:**

The CEO has received personal feedback from the Department who indicated that the Shire of Yilgarn's project and grant application was of a high standard. Whilst the news that the grant application was unsuccessful was disappointing, to receive personal feedback on the quality of the application was positive.

The next avenue for funding will be via the State Government's Department for Sport & Recreation. In late May the Minister for Sport and Recreation announced more funds and greater flexibility under the Community Sporting and Recreational Facilities Fund (CSRFF). The CSRFF was increased from \$9 million per annum to \$20 million a year in the 2009/2010 State Budget, providing funds for infrastructure such as club rooms, tennis courts and lighting.

The CEO has already made contact with The Department of Sport and Recreation's Mr Clayton White, CSRFF Consultant, and Mr Jason Wright, DSR Wheatbelt Regional Manager to discuss the project and to work with them when funding submissions open in July 2009.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

As per previous advice to Council.

**Recommendation**

That Council authorises the CEO to progress with developing a grant application under the Department of Sport and Recreation's CSRFF program for the Southern Cross Sporting Precinct Project.

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**Voting Requirements**

Simple Majority

**121/2009**

*Moved Cr Kenward Seconded Cr Truran that Council authorises the CEO to progress with developing a grant application under the Department of Sport and Recreation's CSRFF program for the Southern Cross Sporting Precinct Project.*

**CARRIED (7/0)**

**Note:**

Whilst it was not considered necessary to amend the Officer Recommendation, Council sought to encourage the CEO to liaise with the Architect to ascertain whether the project could be developed in stages, spreading the financial burden across two or more financial years.

The CEO acknowledged this matter, and advised that the project would most definitely carry over at least two financial years, based on the magnitude of the exercise proposed. Mr Clarke indicated he would discuss a staged development with MCG Architects.

Council's Deputy CEO, Mr Adam Seiler, was required to vacate the Chambers to attend to an urgent matter, returning at 3.08pm.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.3
<b>Subject:</b>	<b>Caitlin Turner – Application to Keep 3 Dogs at 9 Leo Street, Southern Cross</b>
<b>File Reference:</b>	5101
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 June 2009

**Background**

Miss Caitlin Turner writes to Council seeking approval to keep 3 dogs at the above premises.

Miss Turner advises that her request is a result of the distribution of her fathers Will. Miss Turner indicates that she did not realise at the time she purchased her two puppies in April that her father had left his dog to her in his Will.

Miss Turner advises that the dogs are mastiff's and all will be registered and are micro-chipped. Miss Turner indicates that she may only be residing at 9 Leo Street for another 6 months to a year.

**Comment**

Section 12 of Council's Local Laws Relating to Dogs states the following:-

“The owner or occupier of any premises within the district shall not, unless the premise has been granted exemption under Section 26(3) of the Act, keep, permit or suffer to remain thereon more than two dogs over the age of three months, unless such premises are licensed as an approved kennel establishment”.

Section 26(3) of the Dog Act states:-

“Where by a Local Law under this Act a council has placed a limit on the keeping of dogs in any specified area but the council is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the council may grant an exemption in respect of those premises but any such exemption-

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
- (b) shall not operate to authorise the keeping of more than 5 dogs on those premises; and
- (c) may be revoked or varied at any time.

The CEO contacted Council's Dog Ranger, Ms Michelle Day, to request that she inspect the property to ensure that it has suitable fencing to keep the animals within the confines of the property as mastiff's are quite large dogs.

Following the inspection Ms Day advised that she has no objections but suggests that approval be granted initially for a period of 12 months and that it be reviewed following this period if Miss Turner still resides at the property.

**Statutory Environment**

In accordance with the provisions of Council's "Local Laws Relating to Dogs" and the "Dog Act 1976" regarding the keeping of dogs.

**Policy Implications**

Nil

**Financial Implications**

Nil

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**Recommendation**

That Council grants approval to Miss Caitlin Turner to keep 3 dogs at 9 Leo Street, Southern Cross and that this approval be initially granted for a period of 12 months and following this period, Miss Turner will be required to seek fresh approval for the keeping of the dogs.

**Voting Requirements**

Simple Majority

**122/2009**

*Moved Cr Fairless Seconded Cr Pasini that Council grants approval to Miss Caitlin Turner to keep 3 dogs at 9 Leo Street, Southern Cross and that this approval be initially granted for a period of 12 months and following this period, Miss Turner will be required to seek fresh approval for the keeping of the dogs.*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.4
<b>Subject:</b>	<b>Department of Local Government and Regional Development – Country Local Government Fund</b>
<b>File Reference:</b>	4112
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 June 2009

**Background:**

Jennifer Matthews, Director General of the Department of Local Government and Regional Development writes to Council to advise that as previously announced, 35% of the Country Local Government Fund in year two will be allocated through regional groups of local governments towards funding for regional infrastructure assets.

Ms Matthews advises that local governments are invited to nominate by **1 September 2009** which regional grouping of councils they wish to be included with for the purpose of the Fund's regional allocations.

**Comment:**

The WEROC group of Councils have already advised the Department that it wished for the regional allocations to be allocated via this group. The above correspondence appears that the Director General would appreciate advice from individual local governments of its preference for distribution of the allocation.

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Attached to this report is advisory information on how the regional groups are expected operate for the purpose of the Fund. Advice on actual allocations and associated Fund documents will be forwarded separately closer to the commencement of year 2.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council advises the Department of Local Government and Regional Development that it is Council's preference under the Country Local Government Fund's Year 2 Regional Grouping Allocations for the Shire of Yilgarn's component of the Fund to be allocated to the Wheatbelt East Regional Organisation of Councils (WEROC).

**Voting Requirements**

Simple Majority

**123/2009**

*Moved Cr Pasini Seconded Cr Della Bosca that Council advises the Department of Local Government and Regional Development that it is Council's preference under the Country Local Government Fund's Year 2 Regional Grouping Allocations for the Shire of Yilgarn's component of the Fund to be allocated to the Wheatbelt East Regional Organisation of Councils (WEROC).*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.5
<b>Subject:</b>	<b>Minister for Local Government – Transitional Arrangements for Elected Member Representation</b>
<b>File Reference:</b>	4028
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	11 June 2009

**Background**

The Minister for Local Government, the Hon John Castrilli MLA, issued a Local Government Reform Update on 8 June 2009 on transitional arrangements for elected member representation.

The Minister advised that the Local Government Steering Committee has considered the need for flexibility in transitional arrangements for the amalgamations of local governments. The Minister advises that he supports the approach outlined below:

Where amalgamations take place, local governments;

- will be able to establish a system of wards based on the boundaries of the former local governments; and
- can choose to allocate elected members so that each ward has at least one elected member, even if this does not comply with the one-vote one-value policy of the Local Government Advisory Board.

The Minister advises that these arrangements may exist for a limited period. For example, if the first election for an amalgamated local government takes place at the 2011 ordinary elections, adherence to the one-vote one-value policy is to come into effect at the 2013 ordinary elections.

**Comment:**

Upon receipt of the above Update, the CEO's of both Westonia and Yilgarn discussed the matter and were concerned that the flexibility provided was not sufficient and that it was not in keeping with the discussions that both Councils have already had in respect to transitional arrangements should a merge of the Shires was to go ahead.

It was agreed by both CEO's that the Minister should be alerted to Schedule 2.2.6 of the *Local Government Act 1995* and the additional flexibility that this would provide in a transitional arrangement. It was agreed that a joint letter be forwarded by the CEO's which is attached for Council's endorsement. The correspondence highlights the issues of concern to both Councils.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

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**Recommendation**

That Council endorses the correspondence forward by the CEO's of Yilgarn and Westonia to the Minister for Local Government in which it expresses the concern of both CEO's on behalf of their Councils in relation to the Minister's recent announcement regarding transitional arrangements for elected member representation in the amalgamation of local governments.

**Voting Requirements**

Simple Majority

**124/2009**

*Moved Cr Patroni Seconded Cr Pasini that Council endorses the correspondence forward by the CEO's of Yilgarn and Westonia to the Minister for Local Government in which it expresses the concern of both CEO's on behalf of their Councils in relation to the Minister's recent announcement regarding transitional arrangements for elected member representation in the amalgamation of local governments.*

**CARRIED (7/0)**

**Note:**

Cr Patroni requested Council consider including the correspondence forwarded by the CEO's of Yilgarn and Westonia jointly, in the Structural Reform Submission to be submitted to the Minister for Local Government later this year.

**LATE ITEM**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 June 2009
<b>Agenda Reference:</b>	7.6
<b>Subject:</b>	<b>Local Government Structural Reform Update</b>
<b>File Reference:</b>	4028
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 June 2009

**Background**

The Shires of Westonia and Yilgarn's Project Teams that have been charged with the responsibility for progressing the Local Government Structural Reform Agenda met on Wednesday, 20 May to discuss the possibility of a joint approach in developing a submission to the Minister for Local Government by the 31 August 2009.

**Comment**

Attached to this report are the Meeting Notes of the above meeting for Councillors information. The above Project Teams resolved to engage a Consultant to prepare submissions for both Shires and to make an application to the Department for Local Government & Regional Development under the Local Government Reform Funding Assistance package.

Following the above directions by the Project Teams, the CEO's engaged the services of Mr Gary Martin, a highly respected Local Government Consultant, and applied for \$15,000 in funding under the above package for Mr Martin's services, which will include the facilitation of the 4 public meetings in the Westonia and Yilgarn Shires and the preparation of the submissions to the Minister based on the outcomes of the public meetings and the positions of both Shires following this process.

As a condition of the \$15,000 funding application, certain elements have to be addressed and the Department has been advised that both Councils will be addressing the following elements in respect to the Reform process:-

- Consideration of a merger/amalgamation between the Shires of Westonia and Yilgarn
- Councillor representation of the existing Councils and the proposed Council
- Regional Organisation of Councils relating to Westonia and Yilgarn's membership of the Wheatbelt Regional Organisation of Councils; and
- Transitional arrangements associated with the above scenario.

Whilst Mr Martin has been engaged and the brief, a timeframe needs to be provided to him in respect to the holding of the 4 public meetings (Westonia, Bodallin, Mt. Hampton & Southern Cross), and the final decisions by both Councils to enable him sufficient time to prepare the submissions prior to 31 August 2009.

The Shire of Westonia will be discussing timeframes at its Ordinary Meeting to be held on Thursday, 19 June and will contact the CEO on the days of Council's meeting to confirm dates.

**Statutory Environment**

Minister for Local Government and Regional Development's directive for all Local Governments in Western Australia to undertake the Local Government Structural Reform process in accordance with specific Guidelines.

**Financial Implications**

Nil. The costs associated with the engagement of the Consultant will be funded through the Department of Local Government and regional Development's Local Government Reform Funding Assistance Package.

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**Strategic Implications**

Nil

**Recommendation**

That Council endorses the actions of the CEO in engaging Mr Gary Martin, Local Government Consultant, to undertake the consultancy associated with the Local Government Structural Reform process which is to include the facilitation of public meetings and preparation of submissions on behalf of the Shires of Yilgarn and Westonia.

**Voting Requirements**

Simple majority

**125/2009**

*Moved Cr Kenward Seconded Cr Truran that Council endorses the actions of the CEO in engaging Mr Gary Martin, Local Government Consultant, to undertake the consultancy associated with the Local Government Structural Reform process which is to include the facilitation of public meetings and preparation of submissions on behalf of the Shires of Yilgarn and Westonia.*

**CARRIED (7/0)**

**LATE ITEM**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 20 June 2008
<b>Agenda Reference:</b>	7.7
<b>Subject:</b>	<b>Shire of Coolgardie – Structural Reform Discussions</b>
<b>File Reference:</b>	4028
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 June 2009

**Background**

The Chief Executive Officer of the Shire of Coolgardie, Mr Tony Nottle, writes to advise that the Coolgardie Shire Council is contacting the surrounding local authorities to confirm the appropriate partners in the structural reform process. Mr Nottle advises that so far, Council representatives have met with the City of Kalgoorlie-Boulder and the Shire of Dundas.

Mr Nottle further advises that the Shire of Coolgardie's Project Team is prepared to meet with the Shire of Yilgarn representatives to discuss opportunities and the process in further detail. Mr Nottle requests that Council advises its views on this matter.

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**Comment:**

The CEO did discuss the possibility of the Shires of Coolgardie and Yilgarn meeting to discuss the Structural Reform process but both believed at that stage that distances and current discussions both Councils were pursuing with neighbours would not warrant such a meeting.

It is apparent that some local governments are contacting their neighbours to go through the necessary processes. In the case of Yilgarn's neighbours (Menzies, Coolgardie, Dundas, Kondinin, Narembeen, Mt. Marshall, Mukinbudin, Merredin and Westonia) it does not seem appropriate or logistically feasible to liaise with those local governments that are considerable distances from the administrative centre of the Yilgarn Shire and where it is considered that the Councils have a closer affiliation with closer neighbours.

To date, Council has met or communicated in writing with the Shires of Merredin, Kondinin, Westonia and now Coolgardie.

**Statutory Environment**

Minister for Local Government and Regional Development's directive for all Local Governments in Western Australia to undertake the Local Government Structural Reform process in accordance with specific Guidelines.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council advises the Shire of Coolgardie that it is prepared to meet with their Project Team to discuss the Structural Reform process and that this be undertaken to coincide with Council's representatives attending a Mt. Walton Intractable Waste Disposal Facility meeting in Coolgardie on Tuesday, 30 June 2009.

In respect to Council discussing the Reform process with its other distant neighbours (Narembeen, Mt. Marshall, Mukinbudin, Menzies and Dundas) Council records that it considers such discussions fruitless due to their distance from Southern Cross and their affiliations with their closer neighbours.

**Voting Requirements**

Simple Majority

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**126/2009**

*Moved Cr Auld Seconded Cr Kenward that Council advises the Shire of Coolgardie and Menzies that it is prepared to meet with their Project Team to discuss the Structural Reform process and that this be undertaken to coincide with Council's representatives attending a Mt. Walton Intractable Waste Disposal Facility meeting in Coolgardie on Tuesday, 30 June 2009.*

*In respect to Council discussing the Reform process with its other distant neighbours (Narembeen, Mt. Marshall, Mukinbudin and Dundas) Council records that it considers such discussions fruitless due to their distance from Southern Cross and their affiliations with their closer neighbours.*

**CARRIED (7/0)**

**Reason for Alteration to the Recommendation:**

Council sought to meet with the Shire of Menzies at the same time as the Shire of Coolgardie, due to representatives from that Council being in Coolgardie at the same time as the Mt Walton Intractable Waste Disposal Facility meeting.

**LATE ITEM**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 19 June 2009
<b>Agenda Reference:</b>	7.8
<b>Subject:</b>	<b>Southern Cross Recreation Complex Lounge Extensions - Disposal of Windows, Frames and Doors Surplus to Requirements</b>
<b>File Reference:</b>	Tenders
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 June 2009

**Background**

Following the awarding of the extension works to the Southern Cross Recreation Lounge to Pedrin Building, the project is developing well and it is hoped that the new windows, frames and doors will be installed in approximately 2-3 weeks time.

Whilst the project work has been carried out, there have been a number of enquiries from residents to Mr Pedrin and the CEO regarding the disposal of the old windows, frames and doors.

**Comment:**

The CEO contacted Mr Pedrin to advise that it was assumed that in the awarding of the project works to him, he had the rights to dispose of surplus materials. In response, Mr Pedrin had no particular use for the old windows, doors and frames and indicated that he would be happy for Council to dispose of same and donate the monies received to a local organisation.

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In view of the above discussions, the CEO has prepared the attached advertisement to appear in the next edition of “*Crosswords*” calling tenders for the purchase of the surplus materials.

One organisation that was considered as a worthy recipient of the monies raised was the Southern Cross Hospital Auxiliary.

**Statutory Environment**

Disposal of equipment as per the Tender Regulations.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council authorises the CEO on behalf of Mr Pedrin to dispose of the surplus windows, frames and doors associated with the Southern Cross Recreation Complex Lounge Extension works and that the successful tender amount be donated to the Southern Cross Hospital Auxiliary for equipment purchases at the Southern Cross District Hospital.

**Voting Requirements**

Absolute Majority Required

**127/2009**

*Moved Cr Della Bosca Seconded Cr Fairless that Council authorises the CEO on behalf of Mr Pedrin to dispose of the surplus windows, frames and doors associated with the Southern Cross Recreation Complex Lounge Extension works and that the successful tender amount be donated to the Southern Cross Hospital Auxiliary for equipment purchases at the Southern Cross District Hospital.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

**DEPUTY CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 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> June 2009

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**Background**

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

These reports, prepared to the 31<sup>st</sup> May 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 11<sup>th</sup> June 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> May 2009, as presented, be received.

**128/2009**

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

**CARRIED (7/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 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> June 2009

**Background**

Municipal Fund – Cheque Numbers 33467 to 33597, totalling \$342,828.38, Municipal Fund – Cheque Numbers 878 to 882, totalling \$142,344.38, Trust Fund – Cheque Number 401817 to 401822, totalling \$8,357.55 and Trust Fund – Cheque Numbers 5616 to 5620 (DPI Licensing), totalling \$71,659.65 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 33467 to 33597 totalling \$342,828.38, Municipal Fund – Cheque Numbers 878 to 882, totalling \$142,344.38, Trust Fund – Cheque Numbers 401817 to 401822, totalling \$8,357.55 and Trust Fund – Cheque Numbers 5616 to 5620 (DPI Licensing), totalling, \$71,659.65 as per the submitted list.

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**129/2009**

*Moved Cr Kenward Seconded Cr Della Bosca that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33467 to 33597 totalling \$342,828.38, Municipal Fund – Cheque Numbers 878 to 882, totalling \$142,344.38, Trust Fund – Cheque Numbers 401817 to 401822, totalling \$8,357.55 and Trust Fund – Cheque Numbers 5616 to 5620 (DPI Licensing), totalling, \$71,659.65 as per the submitted list.*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	8.3
<b>Subject:</b>	<b>Long Service Leave entitlement – Kevin Dalgetty</b>
<b>File Reference:</b>	Staff Personal File
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	8 <sup>th</sup> June 2009

**Background**

One of Council's Plant Operators, Mr Kevin Dalgetty will have an annual leave accrual by year end, in addition to having 2 weeks Long Service Leave due.

**Comment**

Mr Dalgetty has indicated he is prepared to have balance of his full entitlement of Long Service Leave due to him 'cashed-out' in an effort to reduce Council's leave liability to the 30<sup>th</sup> June 2009.

Further, Mr Dalgetty has requested a 'cash-out' of two weeks Annual Leave. This request is able to be executed via Council's Outside Employees Collective Agreement 2007, and as such, requires no further consideration by Council.

The Manager for Works is aware of Mr Dalgetty's application and fully supports this occurring.

**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 Long Service Leave Reserve to fully fund entitlements applicable to staff.

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**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council exorcize the balance of Long Service Leave entitlement due to Mr Kevin Dalgetty, Plant Operator, accrued to 27<sup>th</sup> January 2008, with this entitlement to form part of a lump-sum payment as part of the pay period ended 23<sup>rd</sup> June 2009.

**130/2009**

*Moved Cr Fairless Seconded Cr Kenward that Council exorcize the balance of Long Service Leave entitlement due to Mr Kevin Dalgetty, Plant Operator, accrued to 27<sup>th</sup> January 2008, with this entitlement to form part of a lump-sum payment as part of the pay period ended 23<sup>rd</sup> June 2009.*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	8.4
<b>Subject:</b>	<b>Reserve Portfolio Amendment</b>
<b>File Reference:</b>	15005
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	8 <sup>th</sup> June 2009

**Background**

As the 30<sup>th</sup> June is fast approaching, it would be considered prudent to perform some minor adjustments now, ensuring the annual financial statement reflects Council's direction at the 30<sup>th</sup> June 2009, rather than waiting until post 1 July to make amendments that have already been earmarked prior to that time.

*Southern Cross Refuse Disposal Site Reserve*

It is proposed to change the name and purpose of the Southern Cross Refuse Disposal Site Reserve to the 'Refuse Disposal Reserve' allowing it to more accurately reflect the future purpose of this facility.

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The Reserve was originally established as a conduit for levying a fee for the disposal of bulk Commercial Waste, however, due to the limited amount of this waste of late and an inability to police within the current setup of our facility, the 2008/2009 Adopted Budget saw a plan to fully quit this Reserve during the construction of the Southern Cross Waste Transfer Station and new Southern Cross Refuse Disposal Site Reserve.

**Comment**

By changing the name and purpose of the Reserve, Council will be able to maintain this financial facility and utilise funds within it in the future for myriad possibilities associated with Refuse Disposal at any of the five Refuse Disposal Facilities Council maintains within the Shire of Yilgarn.

Further, these funds would provide a buffer in the event of an emergency, where a substantial, catastrophic or undesired Refuse Disposal incident was to occur and could not be accommodated within the confines of Council's facilities.

**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**

None

**Strategic Implications**

The name change to Southern Cross Refuse Disposal Site Reserve will ensure this facility is capable of providing deliverables in the future as required.

**Voting Requirements**

Absolute Majority required

**Recommendation**

That the name of the Southern Cross Refuse Disposal Site Reserve be amended to 'Refuse Disposal Reserve' to enable this financial facility to provide for myriad possibilities associated with Waste Management and Refuse Disposal in the future.

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**131/2009**

*Moved Cr Pasini Seconded Cr Auld that the name of the Southern Cross Refuse Disposal Site Reserve be amended to 'Refuse Disposal Reserve' to enable this financial facility to provide for myriad possibilities associated with Waste Management and Refuse Disposal in the future.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

**Disclosure of Interest in Item 8.5 – Future Planning – Southern Cross Airport**

Cr Kenward provided advice of his intention to declare an interest in Item 8.5 prior to the commencement of the meeting, as he was a member of the Southern Cross Aero Club.

Council considered the position of Cr Kenward and sought to support Cr Kenward remaining during discussions to provide valuable input, however be disqualified from voting on the matter.

**132/2009**

*Moved Cr Auld Seconded Cr Della Bosca that Council acknowledge the Declaration of Interest submitted by Cr Kenward regarding item 8.5 Future Planning – Southern Cross Airport, and permit him to remain during discussions on the matter, however not be permitted to vote on the recommendation.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	8.5
<b>Subject:</b>	<b>Future Planning – Southern Cross Airport</b>
<b>File Reference:</b>	16010
<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> June 2009

**Background**

The redevelopment of the Southern Cross Airport has been ongoing for some time now, elevating at one point to a facility potentially capable of landing jet aircraft and transferring 100 passengers each time, returning to the small remote facility it remains to be now.

Correspondence has been received from members of the Southern Cross Aero Club, indicating a desire to construct Aircraft Hangers on Council's facility, and the issue of an Aerodrome Master Plan has been raised.

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Council resolved in February 2008 to demolish some of the Infrastructure on the site to accommodate a new Airport Terminal, which was originally planned to be a 'Donga' type of structure to facilitate a unisex toilet, cleaners store and electronic storeroom for the PAL System.

The following resolution was carried and to date is yet to be actioned:

**31/2008**

*Moved Cr Pasini Seconded Cr Truran that Council acknowledge the request from Ms Killigrew and donate the waiting room/storage shed located at the Southern Cross Airport to Koora Retreat Centre Inc, with the relocation to be conducted immediately following the installation of a new terminal building at that facility.*

**CARRIED (6/0)**

**Comment**

Development of a plan was proposed to be undertaken by Aerodrome Management Services, who advised on Thursday 11<sup>th</sup> June 2009 that due to their substantial workload will be unable to accommodate our request for at least four to six weeks.

It is proposed to commission Council's Manager for Works to develop a plan, in-house, which will be presented to the meeting directly.

The plan will dictate where new facilities are to be located in relation to the existing infrastructure which is to remain, being:

- Runway 14/32,
- Runway 09/27,
- Taxiway, and;
- Apron.

The key components drawing and redevelopment will focus on provision of:

- A twenty passenger Airport Terminal,
- St John Ambulance/RFDS Shed facility, incorporating the PAL System,
- Access Road to the St John Ambulance/RFDS shed,
- Fuel storage compound,
- Gravel taxiway and aircraft parking area, and;
- Hangar construction zone.

As part of this process, it is proposed to transform the Southern Cross Airport into a pseudo 'green-field site', enabling construction to occur without hindrance. This will incorporate the demolition of all structures immediately surrounding the Taxiway and Apron, with the exception of the Windsock and Signal Circle. These works can be accommodated by Council's Infrastructure Crew.

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Contact has been made with Aussie Portables, the company who are constructing the new Bodallin Public Toilets, with that company in the process of developing drawings for a new Terminal Structure.

Once drawings are received, Council will be presented with a quotation for the proposed Terminal as well as the new St John Ambulance/RFDS shed.

Following acceptance of the proposed plan, all stakeholders will be advised of Council's decision and given 3 month notice of the intended demolition, which will occur the week commencing 5 October 2009. These stakeholders include:

- St Barbara Limited,
- St John Ambulance,
- Royal Flying Doctor Service,
- Southern Cross Aero Club, and;
- Complete Aviation Service.

**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 will be made within the 2009/2010 Draft Budget

**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council endorse the Southern Cross Airport Plan, illustrating the location of proposed Infrastructure to be located immediately surrounding the Apron and in doing so, authorise the demolition of all existing 'above ground' Infrastructure, with the Deputy CEO to commence negotiations with individual members of the Southern Cross Aero Club regarding the construction of hangar facilities, to be owned by Council, and leased to individual members on a ten-by-five-by-five lease.

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**133/2009**

*Moved Cr Della Bosca Seconded Cr Fairless that Council endorse the Southern Cross Airport Plan, illustrating the location of proposed Infrastructure to be located immediately surrounding the Apron and in doing so, authorise the demolition of all existing 'above ground' Infrastructure, with the Deputy CEO to commence negotiations with individual members of the Southern Cross Aero Club regarding the construction of hangar facilities, to be owned by Council, and leased to individual members on a ten-by-five-by-five lease.*

**CARRIED (6/0)**

**Note:**

The Deputy CEO provided an overview of the plan prepared by the Manager for Works through a projected image for Council's consideration.

Council sought to distribute the proposal to obtain comments and submission from the key stakeholders to be impacted by the proposal.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	8.6
<b>Subject:</b>	<b>Asset Register Review</b>
<b>File Reference:</b>	4037
<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> June 2009

**Background**

Council's Asset Register contains capitalised items Council has purchased up until the 30<sup>th</sup> June 2009, and is disclosed in five different Classifications as follows:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Tools
- Infrastructure

Council's Policy 4.1 'Capitalisation and Depreciation of Assets', is proving very successful, with small items of equipment maintained within a Register at the Depot and items considered disposable in nature (furniture, etc) not being capitalised.

The current Asset Register contains such items as chairs, chainsaws, lawnmowers and Brush-cutters, which Council should appreciate are disposable in nature, given the environment they are placed in.

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Furthermore, it is proposed to rationalise the current Asset Register, and remove a large number of Assets, that have a \$Nil Written Down Value.

Land and Building Assets as well as Infrastructure have not been considered for rationalisation, due to their nature, being Fixed Assets.

The assets considered for removal from the Asset Register, by Classification, are as follows:

**Plant and Equipment:**

Asset No	Asset Description	Original Value	Asset No	Asset Description	Original Value
PE0009	Swimming Pool Irrigation	\$3,647.86	PE0021	Mosquito Fogging Unit	\$3,380.00
PE0010	Canon Sprinkle (Oval)	\$5,480.50	PE0022	Oxygen Mask	\$1,218.00
PE0012	FM Radio Receiver	\$16,132.54	PE0026	SBS TV Transmitter	\$9,717.00
PE0014	2000L Diesel Tank	\$3,384.00	P1736	Two Wheel Trailer	\$600.00
PE0015	Metal Spreader	\$3,514.10	P1744	Fuel Tank Trailer	\$1,835.00
PE0016	Metal Spreader	\$3,514.10	P1745	Terra Weed Sprayer	\$2,000.00
PE0018	High Pressure Cleaner	\$1,995.00	P1764	Lister Vibratory Roller	\$1,007.35
PE0019	Auger	\$5,321.00	P1765	Sewell B200 Road Broom	\$6,679.00
PE0020	Ice Machine	\$3,516.00	P1805		
	Total value:	\$72,941.45			
	Written Down Value:	\$0.00			
	Recoverable Value (Management Estimate):	\$5,000.00			

**Tools:**

Asset No	Asset Description	Original Value	Asset No	Asset Description	Original Value
T0001	Minor Equipment	\$17,565.34	T0103	Lincoln Weldan Power	\$2,996.00
T0002	Brushcutters/Mowers	\$3,068.09	T0104	Wacker Compactor	\$1,990.00
T0005	Survey Equipment	\$1,560.67	T0105	Allquip Slasher	\$2,280.00
T0011	Skeleton Weed Tools	\$4,807.27	T0106	4 x Fixed Boom Cranes	\$2,240.00
T0100	Kew Steam Cleaner	\$4,704.00	T0107	900ltr Fibreglass Tank	\$2,785.00
T0101	Air Compressor	\$871.26	T0108	Allquip Fertiliser Spreader	\$833.00
T0102	Propane Gas Parts	\$1,073.70			
	Total value:	\$46,774.33			
	Written Down Value:	\$0.00			
	Recoverable Value (Management Estimate):	\$500.00			

**Furniture and Equipment:**

Assets contained within the Furniture and Equipment area have a Total Value of \$307,899.64, and a Written Down Value of \$0.00. A Recoverable Value (Management Estimate) of \$Nil has been applied.

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It is proposed to dispose of all Furniture and Equipment Assets with \$Nil proceeds as they can not be justified as reasonable or realisable Assets.

**Summary**

Tools T0003 (PTO Slasher), T0004 (Electronic Theodolite) and T0012 (Skeleton weed Boom Spray) are disclosed within Council's Tools section of the Asset Register, with only the PTO Slasher having a WDV, which amounts to \$4,153.27.

It is proposed to transfer these assets (total value \$31,052.71) into Plant and Equipment, following which, Tools and Furniture and Equipment will be removed from the Asset Register and disclosed in the 2009 Financial Report for the final time with an Asset Value of \$Nil.

**Statutory Environment**

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

**Policy Implications / Delegation Register**

None

**Financial Implications**

Rationalisation of Council's Asset Register.

**Strategic Implications**

Nil.

**Voting Requirements**

Simple majority.

**Recommendation**

That Council agree to the rationalisation of its Asset Register, as per this report presented, and these Assets be disposed for \$nil proceeds as at the 30<sup>th</sup> June 2009.

**134/2009**

*Moved Cr Kenward Seconded Cr Pasini that Council agree to the rationalisation of it's Asset Register, as per this report presented, and these Assets be disposed for \$nil proceeds as at the 30<sup>th</sup> June 2009.*

**CARRIED (7/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	8.7
<b>Subject:</b>	<b>WALGGC – 1<sup>st</sup> Quarter 2009/2010 Instalment</b>
<b>File Reference:</b>	
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	

### **Background**

Correspondence has been received from the Western Australian Local Government Grants Commission that an Amendment Bill was passed to amend the Local Government (Financial Assistance) Act 1995, to allow an advance FAGS payment based on a funding pool equivalent to one quarter of the 2009/2010 funding pool.

For Council, this represents a one-off payment of \$371,821, which was designed to provide funding to local governments to facilitate its strategy of supporting economic growth and jobs.

### **Comment**

It will be difficult for the Shire of Yilgarn to stimulate economic growth in the region, as monies are yet to be received and only twelve working days remain in the financial year.

Authorisation is sought to quarantine these funds, rightly applicable to the 2009/2010 financial year, into Council's Trust Account. As FAGS do not attract GST, the deposit of these funds can be directly applied into the Trust bank account.

These funds will be reflected in Note 18 of Council's 2009 Financial Report, rather than within the Operating Statement, and transferred from Trust after 1 July 2009.

As FAGS monies do not relate to a specific purpose, Council is unable to create a Reserve Account for the purpose of quarantining these funds.

### **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 will be made within the 2009/2010 Draft Budget

### **Strategic Implications**

Not Applicable

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**Voting Requirements**

Simple Majority required

**Recommendation**

That Council authorise the receipt of \$371,821 from the Western Australian Local Government Grants Commission, into Council's Trust Account, in recognition of Council relinquishing control of those funds, accepting ownership on 1 July 2009.

**135/2009**

*Moved Cr Kenward Seconded Cr Pasini that Council authorise the receipt of \$371,821 from the Western Australian Local Government Grants Commission, into Council's Trust Account, in recognition of Council relinquishing control of those funds, accepting ownership on 1 July 2009.*

**CARRIED (7/0)**

The meeting was adjourned at 4.03pm for afternoon tea and resumed at 4.20pm

The Deputy CEO, Mr Adam Seiler, joined the meeting at 4.23pm

**MANAGER OF WORKS REPORTS**

<b>Submission to:</b>	Ordinary Meeting of Council Friday, 19 <sup>th</sup> June 2009
<b>Agenda Reference:</b>	Works 9.1
<b>Subject:</b>	<b>Un-named Road Connecting Nunn Road to Ghooli Koolyanobbing Road</b>
<b>Location/Address:</b>	Ghooli
<b>File Reference:</b>	12801
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	15th June 2009

**Background**

At Councils May 2009 Ordinary Meeting Council enquired about the current status of a road located east of Southern Cross connecting Nunn Road to Ghooli Koolyanobbing Road. The enquiry made by Council was whether this section of road is a dedicated road reserve and if not, then council should consider having this road dedicated as a continuation of Nunn Road Reserve as the road is regularly utilized by members of the public and maintained by council by way of maintenance grading.

**Comment**

The section of road in question starts at the end terminus of Nunn Road heading east intercepting the Ghooli Koolyanobbing Road (*see attached*). The road is three kilometres in length and has various widths ranging from seven metres to nine metres. It appears that sections of the road pavement formation is made up of the old rail line standard gauge formation and the service track of the original water pipeline running from Mundaring to Kalgoorlie. The pavement surface is a mixture of imported gravel and in-situ clay materials.

The road is utilized by the farming community located in the Ghooli area accessing farming land located adjacent to this road. Over the past twenty years council has been carrying out maintenance grading of this road.

A search of council's records has found no evidence that the three kilometre section of road in question is a dedicated road reserve. If this section of road was a dedicated road reserve then one would imagine that it would be a continuation of Nunn Road, therefore making Nunn Road five kilometres in length. Council's road inventory has Nunn Road having a length of two kilometres.

Under the "*Land Administration Act 1997 Council*" can make application to the Department of Planning and Infrastructure to have this road dedicated as a road reserve.

If Council resolves to have this road dedicated there will be implications with the following listed authorities, Water Corporation, Public Transport Authority and Telstra. There is also a possibility of Native Title having an involvement.

**Statutory Environment:** *"Land Administration Act 1997*

*Section 56 Dedication of Roads*

*(1) If in the district of a local government:*

*(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*

*Section 56*

*(2) If a local government resolves to make a request under subsection (1), it must:*

*(a) in accordance with the regulations prepare and deliver the request to the Minister and*

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*(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road."*

**Financial Implications:** *as this road dedication may involve surveying and native title then a monetary allocation be allowed for in Councils 2009-2010 Financial Year Budget allocations for this to progress*

***Recommendation***

That Council under the "Land Administration Act 1997" resolves to make application to the Department of Planning and Infrastructure to have the three kilometre section of road dedicated as a continuation of Nunn Road Reserve and Council indemnifies the Department of Planning and Infrastructure of any costs associated with the dedication of this road.

**Voting Requirements**

Simple Majority

**136/2009**

*Moved Cr Kenward Seconded Cr Auld that Council requests the Department of Planning and Infrastructure to investigate whether the three kilometre section of road that adjoins the Nunn Road Reserve is a dedicated road, and if such investigations reveal it not to be, then costs associated with dedication be ascertained before Council officially resolves to dedicate the road in accordance with the Land Administration Act 1997.*

**CARRIED (7/0)**

**REASON FOR ALTERATION TO RECOMMENDATION**

Council considered that investigations should be made as to the roads status before officially resolving to dedicate the road and as there could be considerable costs and conditions associated with dedication, such costs and conditions should be ascertained prior to proceeding in this direction.

**MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June, 2009
<b>Agenda Reference:</b>	10.1
<b>Subject:</b>	<b>Application for Extended Trading Permit – One-Off Variation to Licence</b>
<b>Location/Address:</b>	The Club Hotel, Lots 39 & 40 Antares Street, Southern Cross
<b>Name of Applicant:</b>	Department of Racing, Gaming & Liquor and Mrs Donna Hile
<b>File Reference:</b>	5110a
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	8 <sup>th</sup> June, 2009

**Background**

The Department of Racing, Gaming & Liquor (ORGL) has forwarded an E-mail advising that it has received an application from Mrs Donna Hile, owner and licensee of The Club Hotel located on Lots 39 & 40 Antares Street, Southern Cross to Vary Condition of a Licence or Permit (One-Off Variation) (Special Facility Licence – Special Occasion or Function). The application is for the Club Hotel to hold a function in its Function Room from 7:30 p.m. to 10:30 p.m. on Tuesday 16<sup>th</sup> June 2009 for the Aussie Fever Cabernet Show.

See attached a copy of the E-mail from the ORGL, the Notice of Application with additional information, and a location map.

Comments regarding the application needed to be lodged with the ORGL by 10<sup>th</sup> June 2009.

**Comment**

The application is so The Club Hotel can hold a special function in its function room of a female cabernet adult show in the evening of 16<sup>th</sup> June 2009. Section 69 of the *Liquor Control Act 1988* allows for an application to vary conditions of a licence to be forwarded to the local Police and Local Government for comment.

The Manager Environmental Health & Building Services spoke with Mr Graeme Hile, owner and licensee of The Club Hotel, regarding this application, in particular the area of the function room to be used for the event, crowd control and numbers attending the event, and screening the function from general view. Mr Hile advised that these issues were all being addressed and outlined the proposed actions.

**Town Planning Issues**

The proposed variation to licence conditions is not altering the activity currently carried out in the premises, which is approved under the Shire of Yilgarn Town Planning Scheme No 2 on land zoned “Special Use Hotel”. The issues of concern could be increased noise, vehicle traffic in the area, unruly conduct by patrons, increased littering and vandalism following a special function such as this. Similar functions have been held in the function room and the Shire has not received any complaints.

**Environmental Protection Issues**

Mr Hile is expecting approximately 50 people attending the cabernet function. There is likely to be an increase in noise level from the Hotel which may affect residents of the Gold Valley Boarding House situated directly behind the Hotel. As the function is being held within the normal trading hours of the Hotel it is unlikely to adversely affect the residents of the Boarding House.

There is a potential for increased vehicle noise after the function has closed, however, as this can happen and does happen on normal trading evenings, it is not expected that this function will increase this occurrence.

Littering from patrons walking home or elsewhere from the Hotel with packaged drinks is another potential problem, but again it is not expected that this function will cause an increase in this form of littering to what happens normally.

**Health Issues**

The building will not be altered structurally. The function room is currently a “public building” under the terms of the Health (Public Buildings) Regulations 1992. The use of the area will not change. Therefore there should be no objections to the proposed special function.

**Police Comments**

The ORGL has advised that the local Police have indicated their approval for the proposed special function.

As comments from the Shire needed to be received by 10<sup>th</sup> June 2009, the Manager Environmental Health & Building Services has advised the ORGL on behalf of Council that there are no objections to this application for a variation to The Club Hotel’s licence conditions for the purpose of holding the Aussie Fever Cabernet Show on 16<sup>th</sup> June 2009.

**Policy Implications**

Nil

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**Statutory Requirements**

Compliance with the Liquor Licensing Act 1988, the Shire of Yilgarn Town Planning Scheme No 2, the Environmental Protection (Noise) Regulations 1997, the Health Act 1911 and the Health (Public Buildings) Regulations 1992.

**Financial Implications**

Nil

**Recommendation**

That Council endorse the actions and comments of the Manager Environmental Health & Building Services in advising the Office of Racing, Gaming and Liquor that the Shire of Yilgarn has no objections to The Club Hotel's application for a one-off variation to its licence for the purpose of holding the Aussie Fever Cabaret Show in the Hotel's function room on 16<sup>th</sup> June 2009.

**Voting Requirements**

Simple Majority.

137/2009

*Moved Cr Della Bosca Seconded Cr Truran that Council endorse the actions and comments of the Manager Environmental Health & Building Services in advising the Office of Racing, Gaming and Liquor that the Shire of Yilgarn has no objections to The Club Hotel's application for a one-off variation to its licence for the purpose of holding the Aussie Fever Cabaret Show in the Hotel's function room on 16<sup>th</sup> June 2009.*

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 19 <sup>th</sup> June, 2009
<b>Agenda Reference:</b>	10.2
<b>Subject:</b>	<b>Proposed Sale of Council Assets – Various Items of Furniture and Whitegoods</b>
<b>Location/Address:</b>	Yilgarn Homes for the Aged Units, Reserve 31164 Lots 121-126 Antares Street, Southern Cross
<b>Name of Applicant:</b>	Manager Environmental Health & Building Services
<b>File Reference:</b>	9007
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 <sup>th</sup> June, 2009

### **Background**

Over the years that the Yilgarn Homes for the Aged have been in use the Shire through the Yilgarn Homes for the Aged Units Committee has purchased various items of furniture for use in the units. As new tenants move into the units bringing their own furniture and whitegoods with them, the items that the Shire had purchased was put into storage in Unit 8. As required, pieces of furniture have been taken out of unit 8 for tenants when they did not have furniture to bring with them.

When Council up-graded units 9, 10, 11, & 12 approximately 5 years ago it was decided that none of the stored furniture was to be used in these units and that tenants needed to bring their own furniture with them. Soon units 5, 6, 7, & 8 will be up-graded to a slightly lower standard than units 9-12. Thus everything in unit 8 needs to be removed so that the renovations can be carried out and if required, rented to a new tenant.

The items suitable for sale by tender are:-

- 4 x wooden wardrobe units (3 sections to form one unit – left side double hanging, centre section mirror above set of 4 draws, right side single cupboard shelving)– dark brown wood grain finish veneer;
- 3 x metal frame spring single bed frame (stand alone with head and foot boards);
- 3 x metal frame tubular style single bed frame (stand alone with tubular head and foot frames);
- 3 x single bed covered foam spring bases on timber feet (stand alone with no head and foot boards) plus one mattress to match;
- 3 x single bed mattresses (inner springs type);
- 2 x Mistral electric wall heaters (2000 Watts) with 2 speed fan and adjustable thermostat settings;
- 2 x GE Compact 210 electric refrigerators with small freezer compartment inside unit;
- 1 x Westinghouse electric refrigerator with separate freezer compartment above;
- 1 x Kelvinator Cycle 225 Impressions Series electric refrigerator with separate freezer compartment above;
- 1 x Roden tow-o-nine T electric bench stove with grill hotplate, separate grill compartment and small oven;
- 1 x Whirlpool large top load washing machine (from Dr's house) repaired;
- 1 x AWA Deep Image television in timber cabinet;
- 1 x rectangle table on square metal frame;
- 1 x medium square table on square metal frame;
- 1 x coffee table small rectangle metal frame on wheels;
- 1 x coffee table round centre post and feet;

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- 1 x single lounge chair in green plush fabric with self strip over frame and foam seat cushion;
- 1 x single lounge chair in olive woven fabric over frame and foam seat cushion;
- 4 x single lounge chairs in brown vinyl over frame and caramel woven fabric over foam seat cushions;
- 2 x two seater lounge chairs in green plush fabric with self stripe over frames and foam seat cushions;
- 1 x two seater lounge chair in brown woven fabric over frame and foam seat cushion;
- 1 x brown and beige vinyl covered padded foot stool on timber legs;
- 14 x vinyl covered padded seat and back rest square steel frames chairs with padded arm rests – colours green (4), brown (6) and caramel (4);
- 10 x vinyl covered padded seat and back rest square steel frames chairs with no arm rests – colours green (4), brown (4), and caramel (2);

**Comment**

These items are surplus to Council's needs as new tenants will be required to bring their own furniture with them rather than rely on furniture being supplied in the units. As part of the renovation work to be carried out in units 5, 6, 7, & 8 will be new built-in wardrobes and dressing table the same as was provided in units 9-12.

It is expected that some of the items of furniture will be sold while others will not and these will be taken to the Southern Cross landfill site for disposal.

The Anglican Op-Shop Committee was contacted regarding the items of furniture, however, due to a lack of storage space they were unable to take the furniture to sell through the shop.

It is recommended that the abovementioned items are advertised for sale by tender in the local Crosswords and West Australian newspaper.

**Policy Implications**

Nil

**Statutory Requirements**

Compliance with section 3.58 of the Local Government Act 1995.

**Financial Implications**

It is expected that

**Recommendation**

That Council agrees to advertise in Crosswords and the West Australian newspaper for sale by tender the abovementioned items from unit 8 plus the wardrobes from units 5, 6, & 7 at the Yilgarn Homes for the Aged, 59-69 Antares Street, Southern Cross, as these items are no longer required by the Shire.

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**Voting Requirements**

Simple Majority.

**138/2009**

*Moved Cr Auld Seconded Cr Truran that Council agrees to advertise in Crosswords and the West Australian newspaper for sale by tender the abovementioned items from unit 8 plus the wardrobes from units 5, 6, & 7 at the Yilgarn Homes for the Aged, 59-69 Antares Street, Southern Cross, as these items are no longer required by the Shire.*

**CARRIED (7/0)**

**CLOSURE**

There being no further business to discuss, the Shire President declared the meeting closed at 4.57pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 17<sup>th</sup> June 2009 are confirmed as a true and correct record of that meeting on Friday, 21<sup>st</sup> July 2009.

Cr Romolo Patroni  
**SHIRE PRESIDENT**