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**SHIRE OF YILGARN**  
**MINUTES – ORDINARY MEETING OF COUNCIL**  
FRIDAY, 17<sup>th</sup> July 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, 17<sup>th</sup> July 2009.

**PRESENT**

Cr P R Patroni, Shire President  
Cr R R Della Bosca, Deputy Shire President  
Crs G V Kenward, D J Pasini and D G Auld

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

Prior to the meeting Council hosted John and Betty Williamson for lunch to recognise their contribution to the district and the business fraternity of Southern Cross. Mr & Mrs Williamson had operated a number of businesses over a period in excess of 50 years within the district and with their recent decision to sell Southern Cross Traders and retire to pursue their farming interests, the Shire President and Council felt that their contribution should be acknowledged accordingly.

**ST. BARBARA MINES LIMITED**

Mr Kerry Payne, General Manager of Operations at St. Barbara Mines Southern Cross, also joined Council for lunch and at 1.30pm, attended the general information session of Council to provide a presentation on the future operations of the company in Marvel Loch and the company's other tenements in the Yilgarn district.

Mr Payne thanked the Shire President for the opportunity to address Council, especially in light of the recent decisions of St. Barbara to close their above ground operations which resulted in the loss of jobs within that area of the operations. Mr Payne advised Council that the company was committed to the district and outlined the actions St. Barbara was taking to ensure that it remained a strong and financially viable company. Mr Payne outlined the upgrades the Mill at Marvel Loch that were proposed and also future underground mining operations proposed within the district.

At the conclusion of Mr Payne's presentation, the Shire President thanked Mr Payne for his very thorough presentation and commented that the comprehensive information that was provided to Council certainly afforded Council with the confidence that St. Barbara would continue as a major business with the Yilgarn district.

Mr Payne retired from the Chamber at 2.15pm.

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The Shire President officially opened the meeting at 2.19pm.

**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**

Crs Truran and Fairless had tendered their apologies for this meeting.

**CONFIRMATION OF PREVIOUS MINUTES**

139/2009

*Moved Cr Kenward Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 19<sup>th</sup> June 2009, be confirmed as a true and correct record of that meeting.*

**CARRIED (5/0)**

**TOURISM ADVISORY COMMITTEE MINUTES**

140/2009

*Moved Cr Kenward Seconded Cr Della Bosca that the minutes of the Tourism Advisory Committee Meeting, held Monday 13<sup>th</sup> July 2009 be received.*

**CARRIED (5/0)**

**ITEM NO.2 – TOURISM ADVISORY COMMITTEE MINUTES – GOLDEN WEST NETWORK PROMOTIONAL OPPORTUNITIES**

141/2009

*Moved Cr Kenward Seconded Cr Auld that Council allocates \$5,000 in its 2009/2010 Budget for the production and showing of tourism adverts on GWN for a period of 6 months.*

**CARRIED (5/0)**

The CEO advised Councillors that provision had been made in the 2009/10 Budget for the above purposes.

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

**142/2009**

*Moved Cr Della Bosca Seconded Cr Pasini that the minutes of the Wheatbelt East Regional Organisation of Council (WEROC) Meeting held Thursday 23<sup>rd</sup> June 2009, be received.*

**CARRIED (5/0)**

**SHIRE OF YILGARN AUDIT COMMITTEE MINUTES**

**143/2009**

*Moved Cr Kenward Seconded Cr Pasini that the minutes of the Shire of Yilgarn Audit Committee Meeting held Friday 26<sup>th</sup> June 2009 be adopted.*

**CARRIED (5/0)**

**SHIRES OF WESTONIA AND YILGARN STRUCTURAL REFORM MEETING  
NOTES**

**144/2009**

*Moved Cr Kenward Seconded Cr Auld that the Meeting Notes of the Shires of Westonia and Yilgarn Structural Reform Meeting held Wednesday 1<sup>st</sup> July 2009, be received.*

**CARRIED (5/0)**

**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

The Shire President advised the following:-

- Attended a Sub-Regional Road Group meeting in Mukinbudin with the CEO and Manager for Works to discuss the 2009/10 road programme.
- Attended a Mt. Walton Intractable Waste Disposal Meeting with the CEO and Manager for Environmental Health and Building in Coolgardie on 30 June 2009.
- Following the above meeting, the Shire President and CEO met with the Shire President and CEO of Coolgardie to discuss the Local Government Reform process and these discussions re-affirmed Council's decision that reform discussions with Coolgardie were not appropriate as they were concentrating their efforts on closer aligned neighbours.
- Attended and opened the Eastern Wheatbelt Agricultural Society meeting held in the Council Chambers which was hosted by the Shire of Yilgarn.

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Cr Kenward advised that as Council's representative, he had attended the Great Western Woodlands Stakeholder Reference Group meeting in Kalgoorlie and indicated that Councillors would be provided with meeting notes on the meeting outcomes once they were distributed.

Cr Auld advised that he had attended a State Skeleton Weed Committee meeting in Perth and indicated that a decision has yet to be made on the future of the State Skeleton Weed program however, this information would be provided to Council as soon as it became known.

### **CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.1
<b>Subject:</b>	<b>Department of Local Government &amp; Regional Development – Local Government Reform Checklist Assessment Outcome</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>	6 July 2009

#### **Background**

Mr Tim Fowler, Director Capacity Building at the Department of Local Government and Regional Development has written to Council thanking it for providing the Local Government Reform Steering Committee with the completed Reform Checklist. Mr Fowler advises that this is an important part of the reform process and the Department thanks Council for the effort which it has invested in this exercise.

Mr Fowler advises that the Steering Committee has developed a standardised methodology for assessing the information provided in the checklists against the objective criteria. The purpose of this methodology is to assess the current operations of each local government and to identify capacity gaps which might impact on its ability to meet current and future community needs. This assessment identifies particular strengths and weaknesses and includes recommendations relating to structural reform where this might address the capacity gaps identified to assist local governments with progressing reform.

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Mr Fowler advises that the assessment places local governments into one of three categories:

**Category One:** evidence indicates that there is existing organisational and financial capacity to meet current and future community needs. Local governments may still consider reform opportunities which enhance service provision to local and regional communities.

**Category Two:** structural reform including amalgamation/boundary adjustments and formalisation of regional groupings should be considered to enhance organisational and financial capacity to meet current and future community needs.

**Category Three:** significant structural reform including amalgamation and formalisation of regional groupings is required to ensure long term community and organisational benefit in order that the needs of the current and future generations are met.

On the basis of the checklists assessment, Mr Fowler advises that the Shire of Yilgarn was placed in **Category Three**.

The assessment of the Shire of Yilgarn's checklist and associated documents identified some key strengths, in particular:

- Long term strategic planning
- Arrangements negotiated with the private sector to derive community benefit; and
- Opportunities identified for working regionally with neighbouring local governments.

Whilst the checklist and attached documents demonstrate the Shire's commitment to regional planning, areas where improvements are required were identified in relation to:

- Limited demonstrable evidence of long term financial planning;
- Limited evidence to demonstrate future financial viability or capacity to fund future strategic initiatives;
- Limited evidence that the Shire has commenced a structured assets and infrastructure planning management program such as the Western Australian Asset Management and Infrastructure program or the Institute of Public Works Engineering Australia program;
- There is little to no diversity of community members standing for council and it was noted that the Shire has an extraordinary high elected member to elector ratio of 1:122;
- Limited evidence of a staff attraction and retention strategy in place to build organisational capability, or a strategic approach for staff to undertake professional training and development opportunities;

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- Limited evidence provided of a formal consultation strategy in place to effectively engage with the community in the Shire's future planning processes; and
- Limited evidence to substantiate organisational and financial capacity to improve or increase service provision.

The Department provided comments relating to each principle area within the checklist which are attached for Councillors perusal.

**Comment**

Upon receiving the checklist and analysing the appointed Category allocated to the Shire of Yilgarn and the written responses from the Department, the CEO contacted Mr Fowler to express his concern at the Category allocation and the fact that there were a number of glaring errors and omissions in the assessment and that consideration should be given to a reassessment of the checklist.

Mr Fowler requested the CEO to provide the information on the errors and omissions that had been detected and that he would consider a re-assessment. On Tuesday, 7 July 2009, Cr Auld and the CEO attended a Workshop in Bruce Rock that was conducted by the Department of Local Government and which was aimed at assisting local governments in the preparation of reform submissions and to provide information and instigate discussion about structural reform and to encourage participants to 'think tank' how their local governments can maximise opportunities for the future of their communities.

Attendees at the above Workshop constantly raised the Check list Assessment Outcomes and strongly expressed their concern at the category allocations and the flawed process involved. Whilst the Workshop Facilitator and Department representative acknowledged the comments, they were unable to address the issue as the Workshop was not dedicated to this area.

Cr Auld and the CEO will provide a verbal report on the outcomes of the Workshop at the Council meeting.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

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**Recommendation**

That Council writes to the Director General of the Department of Local Government strongly expressing its dissatisfaction at the checklist assessment outcomes, particularly relating to the blatant errors that were made by the Department when assessing the Shire of Yilgarn's checklist and requesting that a re-assessment be undertaken.

**Voting Requirements**

Simple Majority

**145/2009**

*Moved Cr Pasini Seconded Cr Kenward that Council writes to the Director General of the Department of Local Government strongly expressing its dissatisfaction at the checklist assessment outcomes, particularly relating to the blatant errors that were made by the Department when assessing the Shire of Yilgarn's checklist and requesting that a re-assessment be undertaken.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.2
<b>Subject:</b>	<b>Annual Policy Manual Review</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	7 July 2009

**Background**

A review of Council's Policy Manual is undertaken by Council on an annual basis to ensure that Policy's remain current.

Council does have a Policy Review Committee that has met in past years to undertake the above task however, the Manual has got to a stage where very little change has occurred from year to year and one questions the need for a designated Committee to meet to review the Manual policy by policy.

**Comment**

In view of the above comments, it is proposed that the senior management team review the Policy Manual and that it then be presented to an Ordinary meeting of Council for consideration.

**Statutory Environment**

Nil

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**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council opts not to hold a designated Policy Review Committee meeting in view of the current status of the Policy Manual and as an alternative method for review, the Policy Manual be assessed/reviewed by Council's Management Team and be presented to the August 2009 Ordinary Meeting of Council for consideration.

**Voting Requirements**

Simple Majority

**146/2009**

*Moved Cr Della Bosca Seconded Cr Auld that Council opts not to hold a designated Policy Review Committee meeting in view of the current status of the Policy Manual and as an alternative method for review, the Policy Manual be assessed/reviewed by Council's Management Team and be presented to the August 2009 Ordinary Meeting of Council for consideration.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.3
<b>Subject:</b>	<b>Local Government Structural Reform Process – Outcomes from Public Meetings &amp; Guidance to Consultant on Submission to the Minister</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>	8 July 2009

**Background**

The Public meetings to gain feedback from the residents of the district regarding the Local Government Structural Reform were held on Tuesday, 14 July at Mt. Hampton and Wednesday, 15 July in Southern Cross. The Shire President and CEO also attended (as observers) the Shire of Westonia's public meeting for the same purpose on Monday, 13 July.

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**Comment:**

Councillors who attended the meetings would be aware of the outcomes and the feelings of residents in relation to the reform process.

Council now needs to consider the direction that it wishes the Consultant, Mr Gary Martin, to take in the preparation of the submission to the Minister.

The Consultant will require time to prepare the submission for presentation to Council at its August 2009 Ordinary meeting and for Council to advise of any changes before the submission is submitted to the Minister for Local Government by Monday, 31 August 2009 being the submission deadline.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council provides the appropriate information to the Consultant on the content and direction that should be contained within the submission that Council considers would be beneficial for the continuation of providing good governance to the residents of the Yilgarn district.

**Voting Requirements**

Simple Majority

**147/2009**

*Moved Cr Pasini Seconded Cr Kenward that following the conduct of Public Meetings and the responses received from the community survey on the Local Government Structural Reform process, Council acknowledges the Yilgarn residents views and concurs that the Shire of Yilgarn has no objections to the process of a voluntary merger with the Shire of Westonia however, the status quo would be the preferred option which includes the strong working relationship that has already been developed with the Westonia Shire on resource sharing initiatives and based on WALGA's SSS recommendations. In reaching this decision, Council recognised that amalgamations with other adjoining neighbours was not considered appropriate due to geographical location and community of interest issues. Based on this decision, Council instructs its Consultant to prepare the Structural Reform submission to the Minister for Local Government to ensure that the residents of the Yilgarn district continue to receive good governance and services that they have come accustomed to over many years.*

**CARRIED (5/0)**

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In considering the Local Government Structural Reform issue, Council also indicated that it favoured the continuation of a voluntary ROC system. It also considered that it's current Elected Member representation is appropriate, however this would need to be reconsidered in line with the discussion paper should a merge with the Shire of Westonia proceed at some future time.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.4
<b>Subject:</b>	<b>Sale of Lot 60 Spica Street, Southern Cross – Use of Common Seal</b>
<b>File Reference:</b>	12290
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	9 July 2009

### **Background**

Following the sale of Lot 60 Spica Street, Southern Cross by tender and the subsequent purchase by Mr Jason Guerini, Simply Settlements have been progressing the transfer of land on behalf of Mr Guerini and Council.

### **Comment**

The Transfer of Land documentation was forwarded to Council for execution by affixing the Common Seal and signing by the Shire President and CEO. To expedite the transfer, the above actions were undertaken and documentation forwarded back to Simply Settlements.

It is now necessary for Council to endorse the use of the Common Seal and the signing of the document by Council's Chief Executive Officer and Shire President.

### **Statutory Environment**

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

### **Policy Implications / Delegation Register**

Policy 1.8 deals with the use of Council's Common Seal

### **Financial Implications**

None

### **Strategic Implications**

None

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**Recommendation**

That Council endorse the use of the Shire of Yilgarn Common Seal and the signing of the Transfer of Land document by the Shire President and CEO for the purpose of executing the Transfer of Land document for the sale of Lot 60 Spica Street, Southern Cross.

**Voting Requirements**

Simple majority

**148/2009**

*Moved Cr Della Bosca Seconded Cr Auld that Council endorse the use of the Shire of Yilgarn Common Seal and the signing of the Transfer of Land document by the Shire President and CEO for the purpose of executing the Transfer of Land document for the sale of Lot 60 Spica Street, Southern Cross.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.5
<b>Subject:</b>	<b>Local Government Managers Australia (LGMA) – 2009 State Conference 18 – 20 November – Request to Re-schedule November 2009 Council Meeting</b>
<b>File Reference:</b>	4134
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 July 2009

**Background**

The Western Australia Division of the LGMA has advised that its Annual 2009 State Conference will be held between 18 and 20 November at the Esplanade Hotel in Fremantle.

The LGMA WA Division has advised that the 2009 Conference theme is “Leadership in Times of Crisis” with the Local Government structural reform process having a considerable impact on the overall content of the conference agenda.

**Comment**

The CEO and Deputy CEO normally attend this important Local Government Managers conference however last year, the Conference clashed with the November Council meeting and the CEO did not attend.

The same clash has occurred this year and the above officers seek Council’s cooperation in agreeing to the re-scheduling of the November 2009 Ordinary meeting to allow attendance at the LGMA Conference.

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The November 2009 meeting was scheduled for Friday, 20 November and if Council is agreeable, it is suggested that the meeting be brought forward one week to Friday, 13 November. It would have been a 5 week period between the October and November meetings and by bringing it forward, it allows for the normal 4 week cycle between meetings.

**Statutory Environment**

As per the *Local Government Act 1995*, advertisements notifying residents of the change in meeting dates would need to be undertaken in the lead-up to the November 2009 Council meeting.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council re-schedules its November 2009 Ordinary meeting from Friday, 20 to Friday, 13 November to allow the CEO and Deputy CEO to attend the Local Government Managers Australia Annual State Conference in Perth between 18 and 20 November 2009.

**Voting Requirements**

Simple Majority

**149/2009**

*Moved Cr Kenward Seconded Cr Pasini that Council re-schedules its November 2009 Ordinary meeting from Friday, 20 to Friday, 13 November to allow the CEO and Deputy CEO to attend the Local Government Managers Australia Annual State Conference in Perth between 18 and 20 November 2009.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.6
<b>Subject:</b>	<b>Department for Planning &amp; Infrastructure (DPI) – Lots 706 &amp; 957 Castor Street, Southern Cross</b>
<b>File Reference:</b>	10314
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 July 2009

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**Background**

In May 2009 Mr Fredo Pedrin contacted the CEO to advise that he was interested in acquiring Lots 706 and 957 Castor Street, Southern Cross which are adjacent to his property, being Lot 705 Polaris Street. Mr Pedrin's reasons for acquiring these lots was that he wished to build sheds to house materials and equipment associated with his business.

The CEO agreed to write to DPI advising that Council had received the above request and would DPI consider allowing Mr Pedrin to obtain freehold Title of these lots.

In late June DPI responded to the CEO's letter advising the following:-

*"I wish to advise that DPI is reluctant to offer Lots 706 and 957 for sale, except through a "public competition" process.*

*However, given your support of the proposal, DPI will consider the offer of a section 79 lease to the proponent for the purpose of "Light Industry – Storage of Equipment and Building Materials". The lease term will be 10 years, and be subject to the completion of a Native Title Future Acts process under the Native Title Act 1993.*

*Before commencing the future act process, your further comments are sought please."*

**Comment**

Just prior to receiving the correspondence from DPI, the CEO received an additional interest in the lots in question from a local resident. This person's interest was primarily for residential purposes, wanting a larger holding having come from a farming background and not wanting a normal residential sized lot. The CEO encouraged this applicant to approach Mr Pedrin to discuss the matter further, thinking that Mr Pedrin may well be offered purchase of the lots.

Considering DPI's correspondence and the preference to sell the lots through a "public competition" process, and the fact that there are other interested purchasers apart from Mr Pedrin, Council may wish to advise DPI that it should progress down this path.

Mr Pedrin has advised the CEO that he is interested in leasing the properties from DPI as this may lead to him eventually acquiring the land in freehold Title.

Whichever option Council would favour, the issue of completion of a Native Title Future Act process may well delay acquisition.

**Statutory Environment**

*Native Title Act 1993 – Future Act process requirement.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That in consideration of the Department of Infrastructure's preference for Lots 706 and 957 Castor Street being offered for sale via a 'public competition' process, and the fact that Mr Pedrin is not the only person interested in acquiring the Lot/s, Council advises the Department that it also favours the sale of the lots by the 'public competition' method as opposed to leasing to ensure that a transparent process of acquisition takes place.

**Voting Requirements**

Simple Majority

**150/2009**

*Moved Cr Kenward Seconded Cr Della Bosca that in consideration of the Department of Infrastructure's preference for Lots 706 and 957 Castor Street being offered for sale via a 'public competition' process, and the fact that Mr Pedrin is not the only person interested in acquiring the Lots, Council advises the Department that it also favours the sale of the lots by the 'public competition' method as opposed to leasing to ensure that a transparent process of acquisition takes place.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.7
<b>Subject:</b>	<b>Main Roads WA – Authority to use Traffic Signs and Devices for Works on Roads Instrument of Authorisation – Use of Common Seal</b>
<b>File Reference:</b>	12801
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	8 July 2009

**Background**

Mr Gren Putland, Acting Network Manager Main Roads WA, writes to advise that the Commissioner has the authority to erect road signs, traffic control signals and other devices under regulation 297(1) of the Road Traffic Code 2000. The Commissioner may delegate this authority to Authorised Bodies under regulation 297(2) of the Code, subject to any conditions specified in the Instrument of Authorisation.

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Mr Putland indicates that Shire Councils do not have the authority to erect traffic signs, traffic control signals and other traffic devices, either for permanent or temporary installation, unless such authority has been delegated to them.

**Comment**

To ensure that Council has the appropriate delegated authority, 2 copies of the Instrument of Authorisation were provided to the Shire of Yilgarn to be signed by the CEO and for Council's Common Seal to be placed on the document.

**Statutory Environment**

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

**Policy Implications**

Policy 1.8 deals with the use of Council's Common Seal

**Financial Implications**

Nil

**Recommendation**

That Council endorses the use of the Shire of Yilgarn Common Seal and the signing of the Instrument of Authorisation by the CEO for purpose of allowing Main Roads WA to delegate authority to the Shire of Yilgarn for the erection of traffic devices and signs for works on roads.

**Voting Requirements**

Simple Majority

**151/2009**

*Moved Cr Kenward Seconded Cr Pasini that Council endorses the use of the Shire of Yilgarn Common Seal and the signing of the Instrument of Authorisation by the CEO for purpose of allowing Main Roads WA to delegate authority to the Shire of Yilgarn for the erection of traffic devices and signs for works on roads.*

**CARRIED (5/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.8
<b>Subject:</b>	<b>Tender No.8 – 2008/2009 – Disposal of Windows, Frames and Doors Surplus to Requirements Southern Cross Recreation Complex</b>
<b>File Reference:</b>	14113
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	10 July 2009

**Background**

At the June 2009 Ordinary meeting Council resolved to call tenders for the disposal of the old windows, frames and doors that will be removed to make way for the refurbished Recreation Complex Lounge as per the following resolution:-

*“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.”*

**Comment:**

Tenders closed at midday on Friday, 10 July 2009 and at the time of preparing this report, the expiration period had not been reached and therefore tenders could not be assessed for inclusion in this report.

The CEO advised that at the close of Tenders the following had been received:-

Mr Anthony Carnicelli	\$1,000.00
Mr Jim Forrester	\$ 500.00

The CEO also advised that a tender was received from Mr John Ciabbarri, however this was received at 4.35pm following the midday closure time and therefore could not be accepted.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

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152/2009

*Moved Cr Pasini Seconded Cr Kenward that Council accepts the tender submitted by Mr Anthony Carnicelli of \$1,000.00 for the purchase of windows, frames and doors that are surplus to Council's requirements following the refurbishment of the Recreation Complex Lounge.*

**CARRIED (5/0)**

**Voting Requirements**

Simple Majority

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.9
<b>Subject:</b>	<b>Department of Mines and Petroleum – Application to Clear Native Vegetation for Airstrip Re-alignment and Upgrade – Cliffs Asia Pacific Iron Ore Pty Ltd</b>
<b>File Reference:</b>	10306
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	15 July 2009

**Background**

The Department of Mines and Petroleum has advised that it has received the following application for permit to clear native vegetation under the *Environmental Protection Act 1986* (the Act):-

<b>Applicant Name:</b>	Cliffs Asia Pacific Iron Ore Pty Ltd – Koolyanobbing Airstrip Upgrade Project
<b>Permit Type:</b>	Purpose Permit
<b>Tenement:</b>	Miscellaneous Licence 77/214
<b>Purpose:</b>	Airstrip Realignment and Upgrade
<b>Area (ha):</b>	13.54ha
<b>Period Applied for:</b>	1 July 2009 – 31 July 2014
<b>Shire:</b>	Shire of Yilgarn
<b>Clearing Permit System No.</b>	3170/1

The Department advises that in accordance with sub-section 51E(4) of the Act, the Director of the Environment Division advises that he considers the Council may have a direct interest in the subject matter of the application and invite Council to comment on the matter.

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The Department advises that it should be noted that the decision to issue a permit will only occur once the affected mining or petroleum title is granted. The Director Environment Division will then, after having taken into account any comments received and subject to sections 51O and 51P, either grant a clearing permit (including any specified conditions) or refuse to grant a permit.

The Department requests that submissions regarding the above must be submitted by **Friday, 31 July 2009**.

**Comment**

Attached to this report are maps indicating the area proposed to be cleared by Cliffs Asia Pacific to accommodate the realignment of the Airstrip.

Cliffs, or Portman as it was previously known, did commence discussions with Council regarding the possibility of undertaking an upgrade of the Council owned Southern Cross Airstrip in conjunction with St. Barbara Mines however, their commitment to such an upgrade was always lukewarm as the company considered that the transportation of FIFO personnel by bus from Southern Cross to Koolyanobbing was not economically viable.

The proposal to significantly realign and upgrade the Southern Cross Airstrip to a sealed standard would have benefited all parties and would have become a community asset. Unfortunately with Cliffs/Portman withdrawing their support for the proposal, it left St. Barbara and Council with little option other than to abandon the project.

For a considerable length of time now, Cliffs has been utilising their Windarling airstrip and transporting workers some 100kms to the Koolyanobbing operations. If they have been able to sustain this practice, then one question is why Cliffs was not able to support the Southern Cross airstrip upgrade proposal.

**Statutory Environment**

*Environmental Protection Act 1986.*

**Policy Implications**

Nil

**Financial Implications**

Nil

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**Recommendation**

That Council advises the Department of Mines and Petroleum that it does not support the application submitted by Cliffs Asia Pacific Iron Ore Pty Ltd to clear native vegetation for the realignment and upgrade of the airstrip at Koolyanobbing as Council believes that the proposal to upgrade the Southern Cross airstrip without any impact upon native vegetation would have been a preferred option and that it would have benefitted two mining companies and the community of the Yilgarn district rather than just the economic rationalisation of Cliffs Asia Pacific Pty Ltd.

**Voting Requirements**

Simple Majority

**153/2009**

*Moved Cr Kenward Seconded Cr Della Bosca that Council advises the Department of Mines and Petroleum that it does not support the application submitted by Cliffs Asia Pacific Iron Ore Pty Ltd to clear native vegetation for the realignment and upgrade of the airstrip at Koolyanobbing as Council believes that the proposal to upgrade the Southern Cross airstrip without any impact upon native vegetation would have been a preferred option and that it would have benefitted two mining companies and the community of the Yilgarn district rather than just the economic rationalisation of Cliffs Asia Pacific Pty Ltd.*

**CARRIED (5/0)**

In resolving the above, Council indicated that it should highlight to the Department of Mines and Petroleum that there will additional costs associated with the proposal that would not have otherwise been required with the Southern Cross Airstrip proposal e.g. fencing the strip and rehabilitation following the completion of mining at Koolyanobbing. It was also requested that a copy of the correspondence to the Department be forwarded to Dr Graham Jacobs MLA for his information.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday, 17 July 2009
<b>Agenda Reference:</b>	7.10
<b>Subject:</b>	<b>Great Eastern Country Zone – Submission of Late Notice of Motion to the Western Australia Local Government Association (WALGA) AGM</b>
<b>File Reference:</b>	
<b>Author:</b>	PR Clarke - Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	16 July 2009

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**Background**

At the Special Meeting of the Great Eastern Country Zone (GECZ) of WALGA meeting held in Tammin on Tuesday, 14 July 2009 for the purpose of meeting with the Minister for Local Government to discuss the Local Government reform process, the following motion was moved:-

*“Moved Cr Patroni Seconded Cr Cowan that the Great Eastern Country Zone urgently requests WALGA to advise the Minister for Local Government that WALGA and its affiliated GECZ members formally reject the Local Government Reform package and that member councils will proceed with the SSS Report recommendations that were endorsed by the Local Government industry in September 2008”.*

**Comment**

The above motion was carried unanimously and it was further suggested that the motion be submitted to the WALGA AGM as an urgent item for consideration. It was agreed that subject to the Shire of Yilgarn’s support, the matter be forwarded to WALGA for the appropriate action.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council endorses the motion moved at the Great Eastern Country Zone Special Meeting held in Tammin on Tuesday, 14 July 2009 relating to the rejection of the Local Government Reform process by Zone member councils and that to progress action further, Council forwards this motion to WALGA requesting that it be included as a late item on the Associations Annual General Meeting to be conducted on Saturday, 8 August 2009.

**154/2009**

*Moved Cr Pasini Seconded Cr Kenward that Council endorses the motion moved at the Great Eastern Country Zone Special Meeting held in Tammin on Tuesday, 14 July 2009 relating to the rejection of the Local Government Reform process by Zone member councils and that to progress action further, Council forwards this motion to WALGA requesting that it be included as a late item on the Associations Annual General Meeting to be conducted on Saturday, 8 August 2009.*

**CARRIED (5/0)**

**DEPUTY CHIEF EXECUTIVE OFFICERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 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>	10 <sup>th</sup> July 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.

These reports, prepared to the 30<sup>th</sup> June 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 9<sup>th</sup> July 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 30<sup>th</sup> June 2009, as presented, be received.

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155/2009

*Moved Cr Auld Seconded Cr Kenward that the Various Financial Reports for the period ending 30<sup>th</sup> June 2009, as presented, be received.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 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>	10 <sup>th</sup> July 2009

**Background**

Municipal Fund – Cheque Numbers 33598 to 33753, totalling \$776,005.16, Municipal Fund – Cheque Numbers 883 to 888, totalling \$127,895.81, Trust Fund – Cheque Number 401823 to 401826, totalling \$404,293.45 and Trust Fund – Cheque Numbers 5621 to 5625 (DPI Licensing), totalling \$123,306.95 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

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**Recommendation**

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33598 to 33753 totalling \$776,005.16, Municipal Fund – Cheque Numbers 883 to 888, totalling \$127,895.81, Trust Fund – Cheque Numbers 401823 to 401826, totalling \$404,293.45 and Trust Fund – Cheque Numbers 5621 to 5625 (DPI Licensing), totalling, \$123,306.95 as per the submitted list.

**156/2009**

*Moved Cr Auld Seconded Cr Kenward that Council endorse the accounts covered by Municipal Fund – Cheque Numbers 33598 to 33753 totalling \$776,005.16, Municipal Fund – Cheque Numbers 883 to 888, totalling \$127,895.81, Trust Fund – Cheque Numbers 401823 to 401826, totalling \$404,293.45 and Trust Fund – Cheque Numbers 5621 to 5625 (DPI Licensing), totalling, \$123,306.95 as per the submitted list.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	8.3
<b>Subject:</b>	<b>Adoption of the 2009/2010 Budget</b>
<b>File Reference:</b>	15001
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	10 <sup>th</sup> July 2009

**Background**

Further to the Special meeting of Council held on Friday 10<sup>th</sup> July 2009, the Draft Budget for 2009/2010 has been reviewed and amended as necessary, and is now ready to present to Council for adoption.

In accordance with Section 6.2 (2) of the Local Government Act 1995, Council has had regard for the contents of it's Plan for the Future '2008 and into the Future'.

**Comment**

The format for Adoption of the 2009/2010 Budget is as follows:

1. Adoption of the Minutes of the meeting of the Special Meeting of Council held on Friday 10<sup>th</sup> July 2009
2. Fees and Charges
3. Adoption of Rates
3. Discount, Interest and Penalties
4. Sewerage Scheme Rates and Charges

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5. Sanitation Rates and Charges
6. Adoption of the 2009/2010 Municipal Budget
7. Statutory Compliance Obligation

**Statutory Environment**

Section 6.2 of the Local Government Act 1995 relating to the Annual Budget

**Policy Implications**

None

**Financial Implications**

Will form the basis for Income and Expenditure for the period 1 July 2009 to 30 June 2010

**Strategic Implications**

None

**SPECIAL MEETING OF COUNCIL – DRAFT 2009-2010 BUDGET MINUTES**  
**157/2009**

*Moved Cr Kenward Seconded Cr Pasini that the minutes of the Special Meeting of Council – Draft 2009-2010 Budget Meeting, held Friday 10<sup>th</sup> July 2009 be received.*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

**FEES AND CHARGES**

**158/2009**

*Moved Cr Pasini Seconded Cr Della Bosca that Council adopt the Fees and Charges, as presented, for the 2009/2010 Financial Year.*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

**ADOPTION OF RATES**

**159/2009**

*Moved Cr Kenward Seconded Cr Auld that the following Rates in the Dollar be adopted by Council for the 2009/2010 Financial Year as provided in the scenario:*

<i>GRV Townsite (Residential/Industrial)</i>	<i>\$0.084</i>
<i>GRV Townsite (Commercial)</i>	<i>\$0.056</i>
<i>GRV Minesite</i>	<i>\$0.30</i>
<i>GRV Single Persons Quarters</i>	<i>\$0.30</i>
<i>UV Rural</i>	<i>\$0.0144</i>
<i>UV Mining</i>	<i>\$0.15</i>
<i>GRV Minimum Rate</i>	<i>\$330</i>
<i>UV Minimum Rate</i>	<i>\$330</i>

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

## SETTING OF DISCOUNT, INTEREST AND PENALTIES

160/2009

*Moved Cr Pasini Seconded Cr Auld that:*

- *Council grant a 5% discount on rates paid on or before the 35<sup>th</sup> day of service of the rate notice in accordance with the Local Government Act 1995,*
- *Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35<sup>th</sup> day of service of the rate notice in accordance with the Local Government Act 1995,*
- *Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2009/2010 financial year in accordance with the Local Government Act 1995,*
- *Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2009/2010 financial year in accordance with the Local Government Act 1995, and;*
- *Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2009 in accordance with the requirements stipulated by the Office of State Revenue.*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

## SEWERAGE SCHEME RATES AND CHARGES

161/2009

*Moved Cr Pasini Seconded Cr Kenward that Council impose the following Sanitation Rates and Charges on a per annum basis:*

*Southern Cross Sewerage Scheme Charge (Residential/Industrial):*

*6.6 cents in the dollar on GRV (Residential and Industrial) properties within the Southern Cross Townsite*

<i>Minimum Charge per vacant land</i>	<i>\$195.00</i>
<i>Minimum Charge per residential property</i>	<i>\$250.00</i>
<i>Non-Rated Class 1<sup>st</sup> Fixture</i>	<i>\$150.00</i>
<i>Non-Rated Class Additional Fixtures</i>	<i>\$75.00</i>
<i>Non-Rates Class 2 and 3 Fixture</i>	<i>\$820.00</i>

*Southern Cross Sewerage Scheme Charge (Commercial):*

*4.4 cents in the dollar on GRV (Commercial) properties within the Southern Cross Townsite*

<i>Minimum Charge per commercial property</i>	<i>\$540.00</i>
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*Marvel Loch Effluent Scheme Maintenance Charges:*

*5.6 cents in the dollar on GRV properties within the Marvel Loch Townsite*

<i>Minimum Charge per property</i>	<i>\$80.00</i>
<i>Non-Rated Class 1<sup>st</sup> Fixture</i>	<i>\$80.00</i>
<i>Non-Rated Class Additional Fixtures</i>	<i>\$40.00</i>

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

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**SANITATION RATES AND CHARGES**

162/2009

*Moved Cr Della Bosca Seconded Cr Auld that Council impose the following Sanitation Rates and Charges on a per annum basis:*

*Domestic Collection per bin, per service \$195.00 Additional Service \$214.50*

*Commercial Collection per bin, per svc \$210.00 Additional Service \$231.00*

*Industrial Collection per bin, per service \$195.00 Additional Service \$214.50*

*Non-Rateable Collection per bin, per svc \$330.00 Additional Service \$363.00*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

**ADOPTION OF THE 2009/2010 MUNICIPAL BUDGET**

163/2009

*Moved Cr Kenward Seconded Cr Auld that that Council adopts the 2009/2010 Budget for the period 1 July 2009 to 30 June 2010.*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

**STATUTORY COMPLIANCE OBLIGATION**

164/2009

*Moved Cr Patroni Seconded Cr Pasini that Council confirms it is well satisfied the services and facilities it provides:-*

- a) Integrate and co-ordinate, so far as practicable, with any provided by the Commonwealth, the State or any other public body;*
- b) Do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and;*
- c) Are managed efficiently and effectively.*

*In accordance with Section 3.18 (3) of the Local Government Act 1995.*

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	8.4
<b>Subject:</b>	<b>Southern Cross Airport Terminal</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>	10 <sup>th</sup> July 2009

**Background**

At the June 2009 Ordinary Meeting of Council, the redevelopment of the Southern Cross Airport was considered and the following motion carried:

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*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.*

Consultation has occurred with the Chairperson and Secretary of the Southern Cross Aero Club on-site, following survey markers being erected depicting the location of Infrastructure on the site. Copies of the existing Infrastructure Plan as well as the Southern Cross Airport Plan were provided to the Aero Club.

Further, correspondence was forwarded to St Barbara Limited and Complete Aviation Services as the principal users of the facility, and the Deputy CEO has been in discussions with the Chief Pilot of RFDS Western Operations, regarding the redevelopment and sought a letter of support from that organisation.

**Comment**

In moving forward with the redevelopment, a quotation was sought from Aussie Portables for the construction of a new Terminal Structure, following an inspection of the new Bodallin Public Toilet at their yard in Perth.

The Deputy CEO is confident Aussie Portables are capable of constructing a facility which will match the proposed infrastructure appropriately.

The structure is 12.0 metres in width and 8.4 metres in depth, with ancillary (verandah, etc) works to be completed by Council directly. A plan was circulated with the Agenda for Councillors consideration.

Aussie Portables have advised they are able to construct the new Terminal for the quoted price of \$99,630 plus GST, which includes delivery to Southern Cross.

Quotations and drawings have been sought from Quality Builders, the company who constructed the Southern Cross Senior Citizens Centre since mid last year, with the Deputy CEO having met with a representative in February 2009, hoping to stimulate interest in submission of a quotation, unfortunately to no avail.

**Statutory Environment**

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

**Policy Implications**

Not Applicable

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**Financial Implications**

Provision has been made within the 2009/2010 Budget. As the cost falls below the \$100,000 threshold, Council is not required to call Tenders.

**Strategic Implications**

Not Applicable

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council engage the services of Aussie Portables to construct a new Airport Terminal as per the quoted price of \$99,630 in accordance with plans developed and submitted to Council for consideration.

**165/2009**

*Moved Cr Pasini Seconded Cr Della Bosca that Council engage the services of Aussie Portables to construct a new Airport Terminal as per the quoted price of \$99,630 in accordance with plans developed and submitted to Council for consideration.*

**CARRIED (5/0)**

The meeting was adjourned at 4.02pm for afternoon tea and resumed at 4.18pm with all Councillors and staff in attendance.

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	8.5
<b>Subject:</b>	<b>Skid-Steer Loader</b>
<b>File Reference:</b>	12303
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer and Robert J Bosenberg – Manager for Works
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	10 <sup>th</sup> July 2009

**Background**

Within Council's 2009/2010 Plant Replacement Programme, an allocation has been made for the purchase of a Skid-Steer Loader. This is due to usage of contract skid-steer loaders elevating to a level where it is considered appropriate for Council to purchase its own machine outright.

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Contractors are been engaged by council staff on more frequent basis (assuming they are available when required) to carry out to works of which include trenching, small clean-up jobs, auger-work for pole construction and parks and gardens works. Contractors are also engaged on a fortnightly basis and quarterly to undertake street-sweeping around the CBD area of the Southern Cross Townsite and surrounding communities, at a cost of around \$22,000pa.

In summary, the uses planned for the new machine would be but not limited to:

- More frequent sweeping of town streets within Southern Cross and other Satellite communities (currently carried out by Salmon Road Sweeping, Kalgoorlie);
- Footpath maintenance and construction;
- Culvert installations;
- Maintenance of and installation of reticulations systems within Parks and Gardens;
- Trenching;
- Digging of holes for erection of poles and fencing; and,
- Relocation and loading of materials within the Depot for Parks and Gardens as well as Infrastructure Maintenance.

In future financial years, it is planned to purchase additional components, to expand the diversity of the new appliance, examples of which are as follows:

- Cold-planing of Bitumen/Asphalt and Concrete surfaces;
- Concrete/Asphalt sawing;
- Stump grinding; and,
- Concrete and rock breaking.

Based on Council's known and estimated works required for a skid-steer loader, estimates would suggest the cost would be recovered in around 3 to 4 years, as opposed to the continuation of contract engagement.

**Comment**

Quotations were sought from Westrac and Komatsu in Kalgoorlie for the supply and delivery of skid-steer loaders with associated attachments.

The skid-steer loaders quoted, and submitted for consideration, as follows, with all prices excluding GST:

*Komatsu Australia:*

1 x Komatsu SK1020 Skid-Steer Loader with 4-in-1 bucket, \$56,810.

*Westrac:*

1 x Caterpillar 226B2 Skid-Street Loader with Multi-Purpose bucket, \$49,339.53

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Attachments will be purchased from the successful supplier as deemed appropriate by the Manager for Works in accordance with Council's 2009/2010 Budget.

**Statutory Environment**

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

**Policy Implications**

Council's Policy 4.5 'Purchasing - Quotations and Tenders'

**Financial Implications**

Expenditure will be funded from account E12350 – Purchase Plant – Infrastructure, with a budgeted allocation of \$80,000 plus GST

**Strategic Implications**

In accordance with Council's 10-year Plant Replacement Programme

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council purchase 1 x Caterpillar 226B2 Skid-Steer Loader from Westrac Kalgoorlie for the quoted price of \$49,339.53 plus GST, and authorise the Manager for Works to source attachments as deemed appropriate and within budget.

**166/2009**

*Moved Cr Pasini Seconded Cr Kenward that Council purchase 1 x Caterpillar 226B2 Skid-Steer Loader from Westrac Kalgoorlie for the quoted price of \$49,339.53 plus GST, and authorise the Manager for Works to source attachments as deemed appropriate and within budget.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 18 <sup>th</sup> April 2008
<b>Agenda Reference:</b>	8.6
<b>Subject:</b>	<b>Replacement of the Manager Environmental Health and Building Services Vehicle – YL-252</b>
<b>File Reference:</b>	4111
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	This vehicle forms part of the salary package of the MEH&BS
<b>Date of Report:</b>	10 <sup>th</sup> July 2009

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**Background**

The Holden Commodore SV6 sedan currently supplied to the Manager Environmental Health and Building Services has travelled about 35,000 kilometres to date.

Under Council's Policy number 2.16, it is proposed to replace this type of Executive Motor Vehicle at intervals of less than 40,000 kilometres or 18 months of age. The compliance plate of the current vehicle shows a date of April 2008, and was purchased in May 2008.

Accordingly, the vehicle nearly falls into both criterion of the policy in terms of replacement as delivery of vehicles is not anticipated until August or September 2009.

**Comment**

Quotations were sought for a replacement motor vehicle from Golden City Motors Kalgoorlie and Donovan Ford Merredin.

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

*Golden City Motors:*

1 x 2009 VE Holden Commodore SV6 Sedan, at a cost of \$37,114.89, with a trade price on the existing vehicle of \$25,514.89 resulting in a change-over cost of \$11,600.

1 x 2009 VE Holden Calais V6 Sedan, at a cost of \$40,245.99, with a trade price on the existing vehicle of \$25,565.99, resulting in a change-over cost of \$14,680.00.

*Donovan Ford - Merredin:*

1 x 2009 FG Ford XR6 Falcon Sedan, at a cost of \$36,583.80, with a trade price on the existing vehicle of \$24,500.00, resulting in a change-over cost of \$12,083.80.

1 x 2009 FG Ford G6E Falcon Sedan, at a cost of \$39,805.70, with a trade price on the existing vehicle of \$24,500.00, resulting in a change-over cost of \$15,305.70.

**Summary:**

Council currently has a GST inclusive allocation of \$39,600.00 to purchase a replacement vehicle, and a trade-in income allocation of \$25,300.00, equivalent to a change-over allowance of \$14,300.00.

In 2005 Council elevated the profile of the Executive vehicles to XR6/SV6 type vehicles in an effort to return higher trade values at the time of changeover. This has proven fruitful, and proven even more successful with the trade of the current XR6 Turbo Sedan.

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**Statutory Environment**

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

**Policy Implications**

The recommendation has been developed in line with Council's Policy, Number 2.16 'Executive Motor Vehicle Replacement'.

**Financial Implications**

Expenditure will be funded from account E14750 – Purchase Plant – Administration, with a total budgeted allocation of \$139,000 plus GST, with the trade income to be deposited to account R14642 – Proceeds on Sale of Asset – Administration, with an allocation of \$86,000 plus GST.

**Strategic Implications**

None

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council purchase 1 x 2009 VE Commodore SV6 Sedan from Golden City Motors for the quoted purchase price of \$37,114.89, and trade Council's existing 2008 Holden Commodore SV6 Sedan for the quoted sale price of \$25,514.89, resulting in a change-over cost of \$11,600.00 including GST.

**167/2009**

*Moved Cr Della Bosca Seconded Cr Kenward that Council purchase 1 x 2009 VE Commodore SV6 Sedan from Golden City Motors for the quoted purchase price of \$37,114.89, and trade Council's existing 2008 Holden Commodore SV6 Sedan for the quoted sale price of \$25,514.89, resulting in a change-over cost of \$11,600.00 including GST.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	8.7
<b>Subject:</b>	<b>Replacement of the Deputy CEO's Vehicle – YL-50</b>
<b>File Reference:</b>	4111
<b>Author:</b>	Adam M Seiler – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	This vehicle forms part of the salary package of the DCEO
<b>Date of Report:</b>	10 <sup>th</sup> July 2009

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**Background**

The Ford Falcon XR6 Turbo Sedan currently supplied to the Deputy CEO has travelled about 34,000 kilometres to date.

Under Council's Policy number 2.16, it is proposed to replace this type of Executive Motor Vehicle at intervals of less than 40,000 kilometres or 18 months of age. The compliance plate of the current vehicle shows a date of June 2008, and was purchased in June 2008.

Accordingly, the vehicle nearly falls into both criterion of the policy in terms of replacement as delivery of vehicles is not anticipated until August or September 2009.

**Comment**

Quotations were sought for a replacement motor vehicle from Golden City Motors Kalgoorlie and Donovan Ford Merredin.

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

*Golden City Motors:*

1 x 2009 VE Holden Calais V Series V6 Sedan, at a cost of \$47,003.49, with a trade price on the existing vehicle of \$27,823.49, resulting in a change-over cost of \$19,180.00.

*Donovan Ford - Merredin:*

1 x 2009 FG Ford Falcon XR6 Turbo Sedan, at a cost of \$41,012.40, with a trade price on the existing vehicle of \$27,700, resulting in a change-over cost of \$13,312.40.

1 x 2009 FG Ford G6E Sedan, at a cost of \$39,805.70, with a trade price on the existing vehicle of \$27,700.00, resulting in a change-over cost of \$12,105.70.

1 x 2009 FG Ford G6E Turbo Sedan, at a cost of \$49,187.60, with a trade price on the existing vehicle of \$27,700.00, resulting in a change-over cost of \$21,487.60.

**Summary**

Council currently has a GST inclusive allocation of \$49,500.00 to purchase a replacement vehicle, and a trade-in income allocation of \$27,500, equivalent to a change-over allowance of \$22,000.

In 2005 Council elevated the profile of the Executive vehicles to XR6/SV6 type vehicles in an effort to return higher trade values at the time of changeover. This has proven fruitful, and proven even more successful with the trade of the current XR6 Turbo Sedan.

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**Statutory Environment**

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

**Policy Implications**

The recommendation has been developed in line with Council's Policy, Number 2.16 'Executive Motor Vehicle Replacement'.

**Financial Implications**

Expenditure will be funded from account E14750 – Purchase Plant – Administration, with a total budgeted allocation of \$139,000 plus GST, with the trade income to be deposited to account R14642 – Proceeds on Sale of Asset – Administration, with an allocation of \$86,000 plus GST.

**Strategic Implications**

None

**Voting Requirements**

Simple Majority required

**Recommendation**

That Council purchase 1 x 2009 Ford G6E Sedan from Donovan Ford for the quoted purchase price of \$39,805.70, and trade Council's existing 2008 Ford XR6 Turbo Sedan for the quoted sale price of \$27,823.49, resulting in a change-over cost of \$12,105.70 including GST.

**168/2009**

*Moved Cr Patroni Seconded Cr Pasini that Council purchase 1 x 2009 Ford G6E Sedan from Donovan Ford for the quoted purchase price of \$39,805.70, and trade Council's existing 2008 Ford XR6 Turbo Sedan for the quoted sale price of \$27,700.49, resulting in a change-over cost of \$12,105.70 including GST.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	8.8
<b>Subject:</b>	<b>Civil Aviation Safety Authority (CASA) - Availability of approach procedures at Southern Cross Aerodrome</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>	10 <sup>th</sup> July 2009

**Background**

Correspondence has been received from the Australian Government's Civil Aviation Safety Authority (CASA) regarding changes introduced to the CASR 139 (safety regulation).

In short, these changes require Council to elevate the standard to either a Registered or Certified Aerodrome, which would involve considerable up-front costs as well as additional ongoing inspections and audits annually and bi-annually.

**Comment**

The Deputy CEO discussed the matter with Mr Michael Bleus, Chief Pilot with RFDS Western Operations, who provided the author with a detailed explanation of the implications.

The concerns are that the Departures and Approach Procedures have worked fine in the past.

Whilst Council could support the engagement of an external contractor to re-determine the Procedures, and arrange for them to be re-published, full certification would not be welcome.

**Statutory Environment**

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

**Policy Implications**

Not Applicable

**Financial Implications**

Not Applicable

**Strategic Implications**

Not Applicable

**Recommendation**

That Council advise the Civil Aviation Safety Authority that it objects to the requirement for Council to Register or Certify the Southern Cross Aerodrome, and seeks clarification surrounding this imposition by CASA before further consideration is given.

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**169/2009**

*Moved Cr Pasini Seconded Cr Auld that Council advise the Civil Aviation Safety Authority that it expresses its concerns with regards to the requirement for Council to Register or Certify the Southern Cross Aerodrome based upon perceived costs and that further investigations be undertaken as to availability of funding opportunities from CASA and other bodies for such upgrades before Council considers this matter further.*

**CARRIED (5/0)**

**Reason for Alteration to the Recommendation:**

Following discussions relating to this matter, Council determined a more appropriate course of action would be to investigate further, the implications associated with Registering or Certifying the Southern Cross Aerodrome rather than simply objecting.

Further, funding opportunities were to be investigated to assist Council in meeting this obligation, if this is the required avenue of development.

**MANAGER OF WORKS REPORTS**

<b>Submission to:</b>	Ordinary Meeting of Council July 17th 2009
<b>Agenda Reference:</b>	Works 9:1
<b>Subject:</b>	<b>Black Spot Funding – Koolyanobbing Road</b>
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File reference:</b>	12863
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	6 <sup>th</sup> July 2009

**Background**

Nominations have been called for by Main Roads Western Australia for State Black Spot Projects for the 2010/2011 Financial Year. Nominations for Black Spot Projects for the 2010/2011 Financial Year must be submitted to Main Roads Western Australia Wheatbelt North Office no later than 31st July 2009

Black Spot Programs are an alternative avenue to seek funding to improve road conditions at known and or potential accident sites. Some of the criteria's which are taken into account by Main Roads Western Australia when considering Black Spot projects for funding include but not limited to, crash data information, average daily traffic counts and safety audit reports.

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Not all Black Spot applications are successful in receiving funding due to higher prioritised submissions, when this occurs Main Roads Western Australia notifies applicant's that they are unsuccessful and the application is either put on a reserve list or they are encouraged to re-submit the project for the following year.

In the past the Shire of Yilgarn has had moderate success in receiving funding for roads nominated for Black Spot Projects. These being Antares Street upgrade, Frog Rock Marvel Loch Road (Moonargidding Hill), Southern Cross South Road and Posa Road re-alignment. Project cost contribution are one third local government and two third from Black Spot Program.

Black Spot projects are nominated twelve months in advance of each Financial Year and in 2008/2009 Shire of Yilgarn nominated a 1.2km section of the Koolyanobbing Road as a Black Spot project for 2009/2010 of which was unsuccessful. It is proposed to re-submitted this section of the Koolyanobbing Road as a Black Spot project once again for the coming 2010/2011 Financial Year.

**Comment**

The section of the Koolyanobbing being nominated as the 2010/2011 Financial Year Project is from SLK 48.5km through to 49.7km. As a result of increased traffic over the past years the sealed pavement area and subgrade foundations have failed. Traffic count data at this location collected in October 2008 has put the average daily vehicle count at 142 per day.

The scope of works proposed at this location is boxing out of existing road pavement to a 10 metre formation width, drainage improvement works, and the importation of base course gravel overlay, water binding/compaction and sealing to a 7 metre standard. It is estimated that the above works will be \$165,698.

A safety audit has been carried out on this section of the Koolyanobbing Road and will be included in the Black Spot Project submission to Main Roads Western Australia.

**Financial Implications**

If Council are successful in the nomination of Koolyanobbing Road Black Spot project for the 2010/2011 Financial Year, then a monetary allocation be made available in the 2010/2011 Financial Year Budget deliberations for this works to be carried out

**Strategic Implications**

To be included in the 2010/2011 construction program

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**Recommendation**

Council applies to Main Roads Western Australia for funding through the Black Spot Program to carry out 1.2km re-construction works on the Koolyanobbing at SLK 48.5 through to SLK 49.7 for the 2010/2011 Financial Year.

**Voting Requirements**

Simple Majority

**170/2009**

*Moved Cr Auld Seconded Cr Pasini that Council applies to Main Roads Western Australia for funding through the Black Spot Program to carry out 1.2km re-construction works on the Koolyanobbing at SLK 48.5 through to SLK 49.7 for the 2010/2011 Financial Year.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July 2009
<b>Agenda Reference:</b>	9.2
<b>Subject:</b>	<b>Replacement Motor Vehicle – Gardeners Light Vehicle</b>
<b>File Reference:</b>	12301
<b>Author:</b>	Robert Bosenberg
<b>Disclosure of Interest:</b>	Not Applicable
<b>Date of Report:</b>	7 <sup>th</sup> July 2009

**Background**

In accordance to Councils 2009/2010 Plant Replacement Program, quotations were invited to supply and deliver one only 4x4 Utility and to trade Councils current 4x4 Toyota Hilux Utility (YL-121). The Toyota Hilux Utility (YL-121) offered for trade is currently being utilised by Councils gardening and road maintenance staff to service Councils parks and gardens and road maintenance needs located within the Shire of Yilgarn. The trade vehicle was purchased in 2002 and has speedometer reading of 121,558 as of July 2009. A budget change over estimate of \$37,400 (GST Inclusive) has been allowed for in the 2009/2010 Financial Budget for this vehicle.

**Comment**

**SPECIFICATION – NEW VEHICLE**

<b>Engine</b>	4 cylinder turbo diesel motor naturally aspirated
<b>Transmission &amp; Drive</b>	4x4 drive, 5 speed manual transmission, dual range, free wheeling front wheel hubs
<b>Body</b>	chequered steel tray with drop sides and full height cab shield (frame & mesh in-full)

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<b>Suspension</b>	heavy duty suspension
<b>Equipment</b>	steel bull-bar, painted black, ball & tongue towbar with 7 pin electrical connection, air-conditioning, window tint to side and rear windows, mud flaps to all wheels  rotating amber beacon ( <i>mounted on cab shield in protected cage</i> ), painted to match cab colour  vinyl floor coverings and rubber floor mats (driver and passenger sides), canvas seat covers fitted to all seats  spare tyre to be mounted under tray
<b>Communication Equipment</b>	GME Electraphone TX 3440 (40 channel) complete, ( <i>aerial to be mounted on bulbar</i> )

Quotations were sought for a replacement motor vehicle from Merredin Toyota, with Goldfields Toyota yet to submit at the time of this report.

Merredin Toyota quoted as follows:

1 x 2009 Toyota Hilux Utility (*as specified*), at a cost of \$49,185.00, with a trade price on the existing vehicle of \$10,000.00 resulting in a change over of \$39,185.00

Council currently has an allocation of \$47,300 (*GST Inclusive*) to purchase a replacement vehicle, and a trade-in income allocation of \$9,900. If council were to accept the quote from Merredin Toyota, then this will result in an over expenditure of \$1,785.00 (*GST inclusive*)

**Statutory Environment:**

Nil

**Policy Implications:**

Councils Finance Policy 4.5 Purchasing-Quotes and Tenders

**Financial Implications:**

Monetary allocation of \$47,300 (GST inclusive) identified via Council's Plant Replacement Programme.

**Strategic Implications:**

Plant Replacement Program

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**Recommendation**

That Council purchase 1 x 2009 Toyota Hilux Utility from Merredin Toyota, for the quoted purchase price of \$49,185 (*GST inclusive*), and trade Council's existing 2002 Toyota Hilux Utility for the quoted trade price of \$10,000 (*GST inclusive*), resulting in a change-over cost of \$39,185 (*GST inclusive*).

**Voting Requirements**

Simple Majority required

**171/2009**

*Moved Cr Della Bosca Seconded Cr Kenward that Council purchase 1 x 2009 Toyota Hilux Utility from Merredin Toyota, for the quoted purchase price of \$49,185 (GST inclusive), and trade Council's existing 2002 Toyota Hilux Utility for the quoted trade price of \$10,000 (GST inclusive), resulting in a change-over cost of \$39,185 (GST inclusive).*

**CARRIED (5/0)**

**MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.1
<b>Subject:</b>	<b>Allocation of Department of Environment &amp; Conservation Grant Monies – Strategic Waste Management Plan 2009 – 1013 for the Wheatbelt East Regional Councils (WE-ROC)</b>
<b>Location/Address:</b>	Shire of Bruce Rock, Kellerberrin, Merredin, Nungarin, Tammin, Westonia, & Yilgarn (WE-ROC Group)
<b>Name of Applicant:</b>	Shire of Merredin - Mr John Mitchell, Executive Manager of Development Services
<b>File Reference:</b>	10005 & 4167
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	7 <sup>th</sup> July, 2009

**Background**

I refer to Agenda Item 10.2 of the Council Meeting held on 20<sup>th</sup> October 2006 when Council recommended to the Wheatbelt East Regional Organisation of Councils (WE-ROC) "that it applies for funding on behalf of its members to develop a Zero Waste Plan for the WE-ROC region, and failing that, that Council agrees to seek funding and develop a Zero Waste Plan for the Shire, if funding is available."

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The Shire of Merredin applied for grant funding on behalf of WE-ROC (Shires of Merredin, Yilgarn, Westonia, Kellerberrin, Tammin, and Bruce Rock) and includes the Shire of Nungarin, from the Department of Environment & Conservation. A total of \$105,000.00 was received, which is \$15,000.00 per local government. This money is being held by the Shire of Merredin on behalf of the WE-ROC Group.

In 2008 Dallywater Consulting was contracted on behalf of WE-ROC to develop a regional WE-ROC Strategic Waste Management Plan (SWMP), and to develop individual SWMP's for each member local government. This was outlined in Agenda Item 10.4 of the Council Meeting held on 20<sup>th</sup> March 2009.

As Dallywater Consulting is charging \$93,736.50 including GST for the development of the WE-ROC and seven individual SWMPs, this leaves a total of \$11,263.50, which is \$1,609.07 per WE-ROC local government.

The Shire of Merredin has decided to utilize its portion of the remaining funds to rectify the deteriorating condition of the cardboard recycling shed in Barrack Street (East) in Merredin. As the funds were received for a regional exercise, the Shire of Merredin needs to obtain approval from the others of WE-ROC to utilize the funds. See attached copy of the letter from the Shire of Merredin.

**Comment**

The remaining funds (11,263.50) could either be held in a special account for the WE-ROC Group for future actions under the regional SWMP, or WE-ROC members could ask the other members for permission to utilize their portion of the remaining funds for a particular project involving waste reduction or recycling. The Department of Environment and Conservation (DEC) has advised that either option is acceptable. The DEC also advised that there is no time limit for the spending of the funds.

Unless Council wishes to spend its portion of the remaining funds (\$1,609.07) on a special project, I would recommend that the money is left in a special fund with the Shire of Merredin for WE-ROC to implement action plans from the SWMP for the region.

While it would be ideal that all members of WE-ROC to pool their portion of the remaining funds for future activities, I would not object to the Shire of Merredin using its portion of the remaining funds for the specified purposes as it is within the DEC's criteria for spending of the grant money.

**Policy Implications**

Nil

**Statutory Requirements**

Nil

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**Financial Implications**

The money is grant money received from the Department of Environment & Conservation for the development of a regional SWMP for the WE-ROC Group.

**Recommendation**

The Council advise the Shire of Merredin that it objects to it utilising its portion of the remaining Department of Environment and Conservation grant money, that the spending of this money should be a decision of WE-ROC, and that the money should ideally be placed in a special fund held for WE-ROC to implement action plans from the WE-ROC Strategic Waste Management Plan.

**172/2009**

*Moved Cr Auld Seconded Cr Pasini that Council advise the Shire of Merredin that it objects to it utilising its portion of the remaining Department of Environment and Conservation grant money, that the spending of this money should be a decision of WE-ROC, and that the money should ideally be placed in a special fund held for WE-ROC to implement action plans from the WE-ROC Strategic Waste Management Plan.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.2
<b>Subject:</b>	<b>Strategic Waste Management Plan (SWMP) 2009 – 2013 for the Wheatbelt East Regional Councils (WE-ROC) – Review of SWMP Action Plan Priorities and Event Dates</b>
<b>Location/Address:</b>	Shires of Bruce Rock, Kellerberrin, Merredin, Nungarin, Tammin, Westonia, & Yilgarn (WE-ROC)
<b>Name of Applicant:</b>	Shire of Merredin - Mr John Mitchell, Executive Manager of Development Services
<b>File Reference:</b>	1005
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	7 <sup>th</sup> July, 2009

**Background**

I refer to the Shire of Merredin's letter from Item 10.1 above. In addition to seeking approval to utilize its share of the remaining grant money received from the Department of Environment & Conservation for repairs to the Shire of Merredin's cardboard storage shed, the Shire is also seeking advice on what actions the WE-ROC members would like to take in regards to the regional SWMP.

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Following receipt of the WE-ROC SWMP document the Environmental Health Officers of the WE-ROC local governments meet with Mr Gordon Houston from Dallywater Consulting on 3<sup>rd</sup> April 2009 to consider and prioritise the proposed strategies/action plan listed in the SWMP. From this meeting a revised Action Plan was drafted. The Shire of Merredin is now asking whether the WE-ROC Group would like to meet to discuss the revised Action Plan and provide recommendations on the future direction of the regional group. Issues for discussion include –

- recycling ventures;
- current and future landfill sites;
- working as a regional group and how this will be managed;
- consideration of a regionalization market approach for the sale of recycled products, refuse collection, and contracting refuse contractors;
- does the group seek to commence a refuse analysis of waste streams and market potential; and
- any other issues relevant to regional waste management.

See attached letter and revised Action Plan following the workshop held on 3<sup>rd</sup> April 2009.

**Comment**

Each local government Council needs to consider the information provided in the revised Action Plan as well as the questions being raised by the Shire of Merredin so that the WE-ROC members know whether all members wish to be part of a collective action group or not, and if they are working as a collective action group, to what extent will the participation be. For some actions the WE-ROC Group may wish to approach neighbouring ROCs' such as NEWROC so as to provide a service to more local governments and thereby making it more cost effective for each.

The Environmental Health Officers for the Group believe that the first priority would be to carry out an analysis of the waste streams being generated in each local government area. This will provide base data that we currently do not have, and will be the background for several other actions such as advertising for tender, for the WE-ROC Group and/or neighbouring ROC Groups, the contract to collect domestic and commercial waste; the contract to collect recyclable waste; the removal of collected cardboard; the removal of scrap metal and old car bodies; the chipping/mulching of collected green waste; the processing of building and construction waste to provide materials for cover of waste or for road base; etc.

It is expected that future funding from the Department of Environment & Conservation will be for regional projects rather than individual local governments.

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**Policy Implications**

Nil

**Statutory Requirements**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council advises the Shire of Merredin that it would like meet with other members of WE-ROC to discuss the revised Action Plan and the various questions posed in the Shire of Merredin's letter, and wishes to be included in any future meetings to discuss regional waste management issues.

**Voting Requirements**

Simple Majority

173/2009

*Moved Cr Kenward Seconded Cr Auld that Council advises the Shire of Merredin that it would like meet with other members of WE-ROC to discuss the revised Action Plan and the various questions posed in the Shire of Merredin's letter, and wishes to be included in any future meetings to discuss regional waste management issues.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.3
<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>	7 <sup>th</sup> July, 2009

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**Background**

I refer to Agenda Item 10.2 of the Ordinary Meeting of Council held on 19<sup>th</sup> June 2009 where Council resolved to advertise for sale by tender in the local Crosswords newsletter and the Merredin Mercury newspaper various items of furniture and whitegoods from unit 8 plus the wardrobes from units 5, 6, & 7 at the Yilgarn Homes for the Aged as these items are no longer required by the Shire.

**Comment**

An advertisement for Tender 9/2008-2009 was published in the local 'Crosswords' newsletter on 25<sup>th</sup> June 2009, and the same advertisement was published in the Merredin Mercury on 1<sup>st</sup> July 2009. The closing date of the Tender is 4pm on Thursday 16<sup>th</sup> July 2009.

Several people have made enquiries regarding the items for sale, with a few asking to have a look at the items in unit 8. Below is a summary of the tenders received, plus copies of the tenders are attached:-

- 1) Mr Peter Clarke  
- for one small refrigerator with internal freezer \$ 60.00
  
- 2) Mr Alan Barry  
- for all goods listed as part of the Tender 9/2008-2009  
a total amount of \$875.00

Since receiving the tenders Mr Clarke has withdrawn his tender, therefore the tender from Mr Barry is the only tender received.

**Policy Implications**

Nil

**Statutory Requirements**

Compliance with section 3.58 of the Local Government Act 1995.

**Financial Implications**

The sale of these items was not included in the 2008/2009 Budget, however a figure has been included in the draft 2009/2010 Budget showing the monies received going to general municipal revenue.

**Recommendation**

That Council accepts the tender received from Mr Alan Barry for the amount of \$875.00 for all the items as listed as part of Tender No 9/2008/2009 Second-hand Furniture and White Goods.

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**Voting Requirements**

Simple Majority

**174/2009**

*Moved Cr Kenward Seconded Cr Auld that Council accepts the tender received from Mr Alan Barry for the amount of \$875.00 for all the items as listed as part of Tender No 9/2008/2009 Second-hand Furniture and White Goods.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.4
<b>Subject:</b>	<b>Proposed Freehold of Unallocated Crown Land for the Purpose of Cropping and Grazing</b>
<b>Location/Address:</b>	UCL Lot in Northern Corner of Location 489, South of Kings Road and West of Clarkson Road, Bullfinch
<b>Name of Applicant:</b>	Department for Planning and Infrastructure – Mr Leon Gammon, Assistant State Land Officer
<b>File Reference:</b>	10313 & 10316
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	9 <sup>th</sup> July, 2009

**Background**

The Department for Planning and Infrastructure (DPI) has become aware that the owners of Location 489 Narla Loop Road (Bullfinch – Narla Road), Bullfinch, Mr & Mrs Maxwell & Rena Roberts, have been utilising an Unclassified Crown Land (UCL) lot situated in the northern corner of the property south of Kings Road and west of Clarkson Road. The Roberts have been using the land for the purpose of cropping and grazing. The DPI is proposing to give Mr & Mrs Roberts the opportunity to purchase the UCL lot freehold and amalgamate it with Location 489. This proposal will include the access road to the UCL lot.

The DPI is seeking Council's comments on the abovementioned proposal to offer the UCL lot and the access road land to Mr & Mrs Roberts to purchase as freehold land on the condition that the land is amalgamated with Location 489. See attached letters from the DPI with Smartplans of the land in question, plus a location map

**Comment**

Under the Shire of Yilgarn Town Planning Scheme No 2 this land is zoned "Rural/Mining". The land use of cropping and grazing is a permitted rural land use and complies with the Town Planning Scheme.

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The Shire has received no complaints regarding the use of this land.

The UCL lot is 8.0959 ha in area and is not large enough to be a viable farm lot on its own, therefore the UCL lot and the access road should be amalgamated with Location 489 which is 468.12 ha in area.

**Policy Implications**

Council Policy 2.12 Reserves – Notification to Surrounding Land Owners states “That when notice is received concerning any proposed changes in status of land (other than ownership) to Reserves, Council as a matter of courtesy notifies all adjoining landowners of the proposed changes for their information and/or comment.”

In this instance the land owner only to be affected is Mr & Mrs Roberts. DPI will be approaching them with the abovementioned proposal. If the Roberts do not take up the offer, then the land will remain as UCL. Thus no nearby land owners have been contacted for comment.

**Statutory Requirements**

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

**Financial Implications**

Nil

**Recommendation**

That Council advise the Department for Planning and Infrastructure that is has no objections to it offering for sale as freehold land the UCL lot and access road located in the northern corner of Location 489, south of Kings Road and west of Clarkson Road, Bullfinch, to Mr & Mrs Roberts for the purpose of cropping and grazing and for the land to be amalgamated with the Roberts’ current property of Location 489.

**Voting Requirements**

Simple Majority

**175/2009**

*Moved Cr Della Bosca Seconded Cr Kenward that Council advise the Department for Planning and Infrastructure that is has no objections to it offering for sale as freehold land the UCL lot and access road located in the northern corner of Location 489, south of Kings Road and west of Clarkson Road, Bullfinch, to Mr & Mrs Roberts for the purpose of cropping and grazing and for the land to be amalgamated with the Roberts’ current property of Location 489.*

**CARRIED (5/0)**

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<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.5
<b>Subject:</b>	<b>Planning Application – Advertising Road Sign</b>
<b>Location/Address:</b>	Along Great Eastern Highway and the Southern Cross-Bullfinch Road on the approaches to Southern Cross Townsite
<b>Name of Applicant:</b>	Mr Ross Miles
<b>File Reference:</b>	13107
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	9 <sup>th</sup> July, 2009

### **Background**

Mr Ross Miles has written seeking permission to erect advertising signs on the two approaches to the Southern Cross Townsite on the Great Eastern Highway, plus an advertising sign on the Southern Cross-Bullfinch Road. The signs are for ChurchWest Christian Outreach Centre to advertise the weekly church service that is held in the Anglican Church on Antares Street, Southern Cross.

The signs will be 1200mm wide x 800mm high. The main colours of the sign will be white and blue with a touch of yellow for contrast. See attached letter and photograph of the proposed signs.

### **Comment**

Under clause 5.2 *Control of Advertisements* of the Shire of Yilgarn Town Planning Scheme No 2 “*the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of Council*”. In assessing an application, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including it’s historic or landscape significance and traffic safety, and the amenity of adjacent areas which maybe affected.

The signs will need to comply with the Main Roads Guide to the Management of Roadside Advertising for Category 3 signs in that they should be less than 4.5 square metres in area, be professionally produced, will not be illuminated or have flashing/pulsating lights on the signs, will not resemble road traffic signs in any way, will be anti-glare, will be erected on frangible posts, and will be erected away from the shoulder of the road on steel posts concreted into the ground at the required distance from nearby road traffic signs and other advertising signs. Mr Ross’s or the ChurchWest’s insurance will need to include the proposed advertising signs and includes Public Liability for at least one million dollars (\$1M).

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Previously, all proposed signs outside the Townsite boundary and along major roads under the control of the Department of Main Roads required Main Roads approval, however, Council has delegated authority to approve Category 3 & 4 signs so an application to Main Roads is no longer required. Main Roads still determines/approves the setback off the bitumen roadway.

The Shire Manager of Works, Mr Robert Bosenberg, is aware of this application.

Council needs to decide whether a sign advertising that a particular church organisation operating within the town or district should be erected in the same area as commercial advertising signs or would be best erected elsewhere.

The proposed sign layout would look better erected just inside the boundary of the Anglican Church, in particular as the sign does not state where it meets, only stating that it meets in Southern Cross on Thursdays from 7:00 pm to 8:30 pm. While there is nothing specific in the Shire Town Planning Scheme, Main Roads (Control of Advertisements) Regulations 1996, or Local Government Model By-laws (Signs, Hoardings, and Bill Posting) No 13 1964 regarding advertising signs for places of worship or churches, generally signs for these premises are located on the church grounds.

### **Policy Implications**

Council Policy 5.4 Advertising Signs states –

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

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

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

### **Statutory Requirements**

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

### **Financial Implications**

Nil

**Recommendation**

That Council does not grant approval for three advertising signs as stated in the application to be erected on the approaches to Southern Cross, however, Council grants approval to Mr Ross Miles of the ChurchWest Christian Outreach Centre to erect one advertising sign as stated in the application within the boundary of the Anglican Church, Antares Street, Southern Cross, on the condition that:-

- 1) the sign complies with the Department of Roads' Roadside Advertising Guidelines, and the Shire of Yilgarn Town Planning Scheme No 2;
- 2) the signs are professionally produced, and that Mr Miles or ChurchWest Christian Outreach Centre are responsible for the purchase the advertising sign;
- 3) the sign is to be erected using *Best Practice* methods; and
- 4) Mr Ross Miles and/or the ChurchWest Christian Outreach Centre are responsible for the ongoing maintenance of the sign.

**Voting Requirements**

Simple Majority

**176/2009**

*Moved Cr Pasini Seconded Cr Patroni that Council does not grant approval for three advertising signs as stated in the application to be erected on the approaches to Southern Cross, however, Council grants approval to Mr Ross Miles of the ChurchWest Christian Outreach Centre to erect one advertising sign as stated in the application within the boundary of the Anglican Church, Antares Street, Southern Cross, on the condition that:-*

1. *the sign complies with the Department of Roads' Roadside Advertising Guidelines, and the Shire of Yilgarn Town Planning Scheme No 2;*
2. *the signs are professionally produced, and that Mr Miles or ChurchWest Christian Outreach Centre are responsible for the purchase the advertising sign;*
3. *the sign is to be erected using Best Practice methods; and*
4. *Mr Ross Miles and/or the ChurchWest Christian Outreach Centre are responsible for the ongoing maintenance of the sign.*

**CARRIED (5/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 17 <sup>th</sup> July, 2009
<b>Agenda Reference:</b>	10.6
<b>Subject:</b>	<b>Building Licenses Issued Between 7/5/09 and 9/7/09</b>
<b>File Reference:</b>	13201
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	9 <sup>th</sup> July, 2009

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**Background**

For Council's information, below is a summary of the Building Licenses issued for the Shire of Yilgarn between 7/5/09 and 9/7/09.

<b>Licence No</b>	<b>Owner</b>	<b>Address</b>	<b>Builder</b>	<b>Description of Building Work</b>	<b>Area m2</b>
14/0809	Mr Grant Hislop Yellowdine Roadhouse 92 Altair St, SOUTHERN CROSS	Lot 22 Yellowdine Service Station & Roadhouse Gt Eastern Hwy, YELLOWDINE NE 6426	Pedrin Builders Lot 705 Polaris Street, SOUTHERN CROSS	Internal alterations to shop and restaurant, plus additional Alfresco dining area and playground area attached to east side of roadhouse restaurant.	Approx 140.00
15/0809	St Barbara Limited – David Wilkie PMB 10, SOUTHERN CROSS	Reserve 8849 Transvaal Mine Site Southern Cross South Road, SOUTHERN CROSS	Owner/Builder	Sandwich panelling/timber frame, iron sheet roof, and steel skids & plywood floor Transportable toilet block.	12.000
16/0809	Phillip & Lorraine Smith 46 Spica St, SOUTHERN CROSS	Lot 79 (H/No 46) Spica Street, SOUTHERN CROSS	Owner/Builder  Manufacturer: Highline Ltd 8 Colin Jamieson Dr, WELSHPOOL WA 6106	New steel frame, Zinalume sheet walls and roof, and concrete floor Double Garage/Shed.	67.500
17/0809	Peter & Sharon Enkelmann 23 Taurus St, SOUTHERN CROSS	Lot 894 (H/No 23) Taurus Street, SOUTHERN CROSS	Leisure Pools Kalgoorlie – Michelle 31 Matthews Way, KALGOORLIE WA 6430	New below-ground fibreglass shell Swimming Pool & separate below-ground reinforced resin Spa, and metal tube isolation fencing.	21.000 Pool 4.840 Spa 0.412 Fence

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18/0809	Mrs Sharon Enkelmann 23 Taurus St, SOUTHERN CROSS	Lot 894 (H/No 23) Taurus St, SOUTHERN CROSS	Owner/Builder  Manufacturer: The Shed Company PO Box 3335, HELENSVALE QLD 4212	New steel and iron Double Garage with concrete floor.	67.500
19/0809	Shire of Yilgarn 23 Antares St, SOUTHERN CROSS	Reserve 33298 Lot 850 (H/No 28) Antares St, SOUTHERN CROSS	West Steel Sheds 296 Place Rd, GERALDTON WA 6530	New steel portal frame and Zinalume sheet walls (open 1 side) & roof Display Pavilion for the Yilgarn History Museum.	75.000

No Demolition Licenses were issued during this same period.

**Statutory Requirements**

Compliance with the Building Regulations, Building Code of Australia as amended from time to time, and the Shire of Yilgarn Town Planning Scheme No 2.

**FOR COUNCILLORS INFORMATION ONLY**

<b>Submission to:</b>	Ordinary Meeting of Council – Friday 20 <sup>th</sup> January, 2006
<b>Agenda Reference:</b>	10.7
<b>Subject:</b>	<b>Planning Application – New Transportable Dwelling</b>
<b>Location/Address:</b>	Lot 167 (H/No 76) Antares Street, Southern Cross
<b>Name of Applicant:</b>	Mr Craig Lawson & Ms Frances Maslin
<b>File Reference:</b>	10303
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	16 <sup>th</sup> July, 2009

**Background**

Mr Craig Lawson and Ms Frances Maslin have applied for permission to place a new transportable dwelling on Lot 167 Antares Street, Southern Cross. Mr Lawson and Ms Maslin plan to live in the new transportable dwelling as their permanent residence, however, no heavy machinery from Lawson's Cranes or Southern Cross Cranes will be stored on the property. There will only be two light vehicles (utilities and/or family car) parked on-site.

The dwelling will be setback from the front boundary 9.0 metres to allow for a future verandah across the front of the dwelling, and a carport will be constructed on-site on the west side of the dwelling. The side boundary setbacks will be 5.0 metres and 7.0 metres. There is an existing metal shed at the rear of the lot.

See attached copy of the application letter, block plan showing proposed location of the building, and map indicating the location of the property.

**Comment**

Under the Shire of Yilgarn Town Planning Scheme No 2 this land is zoned “Residential” with a density rating of R10. Under Clause 5.3 Transportable Dwellings of the Town Planning Scheme, all transportable dwellings require Council approval prior to being placed on a lot within the District.

Table 1 – General Site Requirements under the Town Planning Scheme states that for a density rating of R10 a dwelling should be setback 7.50 metres from a front boundary, 6.0 metres from the rear boundary, and for a dwelling with a wall length of 12 metres to have a minimum of 1.5 metres setback from the side boundary. This application meets these setback requirements.

The transportable dwelling will have compressed chipboard flooring on steel bearers that will be bolted onto steel stumps. The exterior wall cladding will be Hardie PanelClad Stucco sheets above Colorbond sheeting, with Colorbond roof sheeting. There are many existing transportable dwellings already in Southern Cross, and it is a common and accepted mode of construction. There is no reason to withhold approval for this application.

**Policy Implications**

Nil

**Statutory Requirements**

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

**Financial Implications**

Nil

**Recommendation**

That Council grants planning approval to Mr Craig Lawson and Ms Frances Maslin to install a new transportable dwelling on Lot 167 Antares Street, Southern Cross as outlined in their application.

**Voting Requirements**

Simple Majority

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**177/2009**

*Moved Cr Della Bosca Seconded Kenward that Council grants planning approval to Mr Craig Lawson and Ms Frances Maslin to install a new transportable dwelling on Lot 167 Antares Street, Southern Cross as outlined in their application.*

**CARRIED (5/0)**

**CLOSURE**

There being no further business to discuss, the Shire President declared the meeting closed at 5.24pm.

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

Cr Romolo Patroni  
**SHIRE PRESIDENT**