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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 18th September 2009

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 18th September 2009.

PRESENT

Cr P R Patroni, Shire President

Cr R R Della Bosca, Deputy Shire President

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

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 Environmental Health & Building

SOUTHERN CROSS AGRICULTURAL IMPLEMENTS

Prior to the meeting, Mr John Nicoletti, proprietor of Southern Cross Agricultural Implements, joined Council for lunch at 12.30pm. At the conclusion of lunch, Mr Nicoletti joined Council for the Information Session where the Shire President welcomed him as a new business proprietor in the district.

Mr Nicoletti outlined to Council his visions for the business in Southern Cross and indicated his commitment to the district. Mr Nicoletti left the Chamber following the above discussions.

The Shire President officially opened the meeting at 2.12pm.

PUBLIC QUESTION TIME

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

DISCLOSURE OF FINANCIAL INTEREST

Nil

APOLOGIES & LEAVE OF ABSENCE

Nil

CONFIRMATION OF PREVIOUS MINUTES

208/2009

Moved Cr Kenward Seconded Cr Pasini that the Minutes of the previous Meeting of Council held on Friday 21 August 2009, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

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TOURISM ADVISORY COMMITTEE MINUTES

209/2009

Moved Cr Fairless Seconded Cr Kenward that the minutes of the Tourism Advisory Committee Meeting held Monday 14 September 2009 be received.

CARRIED (7/0)

The CEO left the meeting at 2.20pm and returned at 2.25pm.

LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES

210/2009

Moved Cr Fairless Seconded Cr Truran that the Minutes of the Local Emergency Management Committee meeting held on Monday, 14 September 2009 be received.

CARRIED (7/0)

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

211/2009

Moved Cr Kenward Seconded Cr Fairless that the minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) Meeting held Wednesday 26 August 2009 be received.

CARRIED (7/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- Together with Crs Della Bosca, Auld, Kenward and the CEO he had attended a meeting of the Windarling Community Reference Group at Windarling on Thursday 17th September 2009. The Shire President reported on the outcomes of the meeting;
- Attended the Yilgarn Small Schools Sports Association Carnival on Friday, 11 September 2009 and presented trophies to the winning school and individual age group winners. The Shire President congratulated the organisers of the YSSSA for an extremely well run event;
- Had attended a meeting at the Southern Cross District High School at the request of the District Director to discuss certain issues relating to the schools operations. Cr Kenward also added to this report on the outcomes of the meeting.

Cr Auld advised that he had attended a State Skeleton Weed Meeting in Perth recently and outlined to Councillors the so called reasoning of the APB in lowering the status of skeleton weed from a P2 to P3 declared weed. Cr Auld advised that he would continue to update Council as additional information came to hand.

Cr Kenward advised that during the month he had attended a Great Western Woodlands meeting in Kalgoorlie as Council's representative.

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CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday, 18 September 2009
Agenda Reference:	7.1
Subject:	Department of Regional Development & Lands – Lot 946 Centaur Street, Southern Cross
File Reference:	9110
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 September 2009

Background

The Department advises that it has received correspondence from the Health Agencies of the Yilgarn Inc (HAY) indicating that they wish to relinquish their claim over Lot 946 Centaur Street, which contains a house owned by the Department of Housing.

The Department of Housing has since been consulted on the proposal and they have provided several options for the future tenure of the land, including

- The issuing of freehold title to the Department of Housing;
- Cancellation of the existing management order and issuing of a new management order to another organisation; and
- Cancellation of the existing management order and issuing of a new management order to the Department of Housing for the purpose of “Social/Public Housing”.

The Department of Regional Development and Lands has recommended the third option as an interim arrangement while the transfer for fee simple is investigated. Before proceeding further, the Department seeks Council comment on this proposal.

Comment:

HAY had advised Council in February 2009 that it no longer wished to be responsible for the Crisis House and that Council resolved the following to support HAY’s decision:-

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

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The options for relinquishment of the property are somewhat limited. Whichever option is undertaken, the House is obviously still required for emergency or permanent State Housing requirements.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council supports the Department of Regional Development and Lands recommendation for the cancellation of the existing management order for Lot 946 Centaur Street, Southern Cross and issuing a new management order to the Department of Housing for the purpose of "Social/Public Housing".

Voting Requirements

Simple Majority

212/2009

Moved Cr Pasini Seconded Cr Auld that Council supports the Department of Regional Development and Lands recommendation for the cancellation of the existing management order for Lot 946 Centaur Street, Southern Cross and issuing a new management order to the Department of Housing for the purpose of "Social/Public Housing".

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 18 September 2009
Agenda Reference:	7.2
Subject:	Western Australia Local Government Grants Commission – Public Hearings
File Reference:	3013
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	7 September 2009

Background

The Executive Officer of the WA Local Government Grants Commission has written to Council to advise that the Commission would like to visit the Shire of Yilgarn as part of its program of public hearings in 2009/2010.

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The Commission anticipates conducting the visit between 20 October and 23 October 2009. The public hearing will involve a formal presentation by the Commission on its grant methodology and discussion on Council's submission, if it chooses to submit one.

Comment:

The actual dates have yet to be finalised by the Commission and it has advised that further details and a draft itinerary will be forwarded to Council in due course.

The CEO has already contacted Mr Ray Hadlow, Council's Consultant who assists Council in the preparation of Submissions and he has indicated his willingness to again prepare a submission on behalf of Council.

Staff will now commence preparing relevant information to assist Mr Hadlow in the development of the submission. It is proposed that a submission briefing to Council by Mr Hadlow will take place on Friday, 16 October 2009, the scheduled date for the October Council meeting. It is expected that the briefing will take approximately 2 hours and therefore, a 10.00am meeting time has been earmarked subject to Council approval.

Friday, 16 October is the last meeting of the current Council and therefore it would be prudent to invite those persons who have nominated for Council in order that they are aware of the Submission details and Grants Commission Hearing process should they be elected to Council the following day.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council notes the correspondence received from the Grants Commission regarding a Public Hearing on or around Tuesday, 20 October 2009 and that in engaging the services of Mr Ray Hadlow to assist Council in the preparation of a submission to the Commission, he be invited to deliver a briefing to Council on Friday, 16 October 2009.

Voting Requirements

Simple Majority

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The CEO advised that the Grants Commission had confirmed that the Hearing in Southern Cross would take place on Thursday, 22 October 2009 between 3.30pm and 5.00pm.

213/2009

Moved Kenward Seconded Cr Fairless that Council notes the correspondence received from the Grants Commission regarding a Public Hearing on Thursday, 22 October 2009 and that in engaging the services of Mr Ray Hadlow to assist Council in the preparation of a submission to the Commission, he be invited to the deliver a briefing to Council on Friday, 16 October 2009.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday, 18 September 2009
Agenda Reference:	7.3
Subject:	Use of Council's Common Seal
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 September 2009

Background

Between Council meetings, and to expedite matters, Council's Common Seal was required to be placed on the following two official documents:-

- Application for New Title Document - Lot 5 on Deposited Plan 223122 Council Precinct bound between Achernar, Antares, Spcia and Canopus Streets, Southern Cross.
- Agreement with Country Arts WA for the staging of the show "Road Train" in October 2009.

Comment:

As per Council Policy, the use of the Common Seal between Council meetings needs to be endorsed by Council at a subsequent meeting.

Statutory Environment

Council Policy No.1.8 relating to the "Use of Council's Common Seal".

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council endorses the use of the Common Seal which was required to be placed on the above documentation to enable both issues to be actioned accordingly.

Voting Requirements

Simple Majority

214/2009

Moved Cr Kenward Seconded Cr Truran that Council endorses the use of the Common Seal which was required to be placed on the above documentation to enable both issues to be actioned accordingly.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 18 September 2009
Agenda Reference:	7.4
Subject:	2009 Council Elections
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 September 2009

Background

Nominations for the 2009 Council Elections closed at 4.00pm on Thursday, 10 September 2009. At the close of Nominations, the following nominations were received:-

District Election
4 Councillors for 4 year terms

Patroni, Peter Romolo
Auld, David Gregory
Della Bosca, Julie
Della Bosca, Wayne

Comment:

The CEO, in his capacity as Returning Officer for the 2009 Elections, made the following declaration at 4.00pm on Thursday, 13 September in respect to the above nominations:-

“That as the required number of nominations for the vacancies available have been received, Romolo Patroni, David Auld, Julie Della Bosca and Wayne Della Bosca are declared Elected to the position of Councillor of the Shire of Yilgarn for a period of 4 years from Saturday, 17 October 2009 to October 2013.

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Statutory Environment

As per the *Local Government Act 1995* and the *Local Government Electoral Regulations*.

Policy Implications

Nil

Financial Implications

Nil

RECEIVED FOR INFORMATION

Submission to:	Ordinary Meeting of Council - Friday, 21 September 2007
Agenda Reference:	7.5
Subject:	Swearing -In of Newly Elected Councillors, Election of Shire President, Deputy Shire President and Election of Committees
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 September 2009

Background

In the first week following the Council Elections, it has been the practice of Council to conduct a Special Meeting to undertake the swearing-in process of newly elected and returned Councillors and to also conduct the election of the Shire President, Deputy Shire President and election of various Committee positions. Spouses and family members have also been invited to the meeting to witness the Swearing-In process.

In the past, the Special Meeting has been scheduled to commence at 6.00pm and has normally taken approximately one hour to complete. Following the procedural process as outlined above, Councillors, spouses and other guests have joined Councillors for alight meal in the Chambers.

Comment:

Saturday, 17 October 2009 is Council Election Day. It is suggested that if Council wishes to conduct the Special Meeting for the Swearing-In process, it be held as soon as possible following Election Day, with the most appropriate date being Wednesday, 21 October 2009.

This would allow new Councillors the opportunity of partaking in a meeting before their first official Ordinary Council meeting which is scheduled for Friday, 13 November 2009.

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Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council schedules a Special Meeting of Council to be held on **Wednesday, 21 October 2009 commencing at 6.00pm** for the purposes of conducting the Swearing-In process of newly elected and returned Councillors, the election of the Shire President and Deputy Shire President positions and election of various Committee positions.

Voting Requirements

Simple Majority

215/2009

Moved Cr Pasini Seconded Cr Truran that Council schedules a Special Meeting of Council to be held on Monday, 19 October 2009 commencing at 6.00pm for the purposes of conducting the Swearing-In process of newly elected and returned Councillors, the election of the Shire President and Deputy Shire President positions and election of various Committee positions.

CARRIED (7/0)

REASON FOR ALTERATION TO RECOMMENDATION

Council considered that it would be preferable to conduct the Special Meeting as soon as was possible after Council Election Day which would then enable the new appointed Shire President to prepare for the preparation of the presentation of Council's submission to the Local Government Grants Commission on Thursday, 22 October 2009.

Submission to:	Ordinary Meeting of Council - Friday, 18 September 2009
Agenda Reference:	7.6
Subject:	Department of Water - Dulyalbin Tank and Bore
File Reference:	13302
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 September 2009

Background

Mr David Hillier, Manager Rural Water Planning at the Department of Water, writes to advise that in the establishment of the production bore at Dulyalbin during phase II of the recent groundwater drilling program coordinated by Groundwater Consulting Services Pty Ltd., the Department of Water has produced an addendum to the Shire's Emergency Farmland Water Response Plan. Mr Hillier advises that the addendum describes the bore referred to as DR 4 and its location relative to the tank.

Mr Hillier advises that as indicated in the description, the bore is meant to be used only as a supplementary source of emergency farmland water and should not be accessed while water is available in the Dulyalbin Tank. It is also suggested that if the access to the bore is required because the tank supply is exhausted, then contact should initially be made with the Shire office.

Mr Hillier indicates that in respect to the overall management of water use from the tank and the bore, he believes that it would be appropriate that a management agreement be set up in consultation with the local landholders to ensure that water supplies are used appropriately, sustainably and in a manner that ensures an equitable distribution of water in the event of on-farm water shortages. The agreement should also cover such matters as maintenance of water assets, a process for dealing with disputes or inappropriate use of water and access arrangements.

Mr Hillier further advises that the Water Corporation has agreed to a request to transfer the care, control and management of Dulyalbin Rock Reserve 20212 to the Department of Water (DoW). An approach will be made to the State Lands Service in the very near future to effect the change in vesting.

Mr Hillier advises that the transfer of the Reserve to DoW will ensure that the water assets are protected as a strategic source of emergency farmland water for use by the local landholders and Shire. Once the transfer is formalised, it is intended to progress discussions with the Shire and local landholders on the development of a suitable management agreement for use of the water supplies on the Reserve. Apart from the water assets, DoW will also be seeking to engage in a consultative process with the Shire and other stakeholders regarding land management issues and future access arrangements for the site.

Comment:

Mr Hillier has requested that in the lead up to summer the contents of the addendum to the Emergency Farmland Water Response Plan be drawn to the attention of the landholders in the vicinity of the Dulyalbin water supply.

The Emergency Farmland Water Response Plan has been amended accordingly. Following adoption of the Plan at this Council meeting, it is intended to forward

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copies to the Secretary and President of the Mt. Hampton Progress Association for their comment and dissemination of the information to their community.

A copy of pro-forma management agreement as outlined by Mr Hillier has been obtained from the DoW and this will be developed to ensure that all parties are aware of the obligations of water usage at the Dulyalbin Tank and Bore.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council acknowledges the addendum documentation for the Emergency Farmland Water Response Plan and that this information be distributed to the Mt. Hampton Progress Association members for their information. Council also develops, in consultation with landholders, a Management Agreement for the appropriate and sustainable use of the Dulyalbin Tank and Bore Water in the event of on-farm water shortages.

Voting Requirements

Simple Majority

216/2009

Moved Auld Seconded Cr Kenward that Council acknowledges the addendum documentation for the Emergency Farmland Water Response Plan and that this information be distributed to the Mt. Hampton Progress Association members for their information. Council also develops, in consultation with landholders, a Management Agreement for the appropriate and sustainable use of the Dulyalbin Tank and Bore Water in the event of on-farm water shortages.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council – Friday, 18 September 2009
Agenda Reference:	7.7
Subject:	Dr Edward Soloman, MBBS, FRACGP – Proposal to Establish Private General Practitioner Practice in Southern Cross
File Reference:	7008
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 September 2009

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Background:

At the August 2009 Ordinary meeting of Council Dr Edward Soloman presented a proposal to Council for the future provision of health services to district.

Council at the above meeting resolved the following in respect to the proposal submitted:-

“Moved Cr Pasini Seconded Cr Truran that Council acknowledge the proposal put forward by Dr Edward Soloman, and defer further consideration on the matter for a period of one month to enable the CEO to seek further information from Dr Soloman regarding his proposal and to obtain legal advice on the development of a binding Agreement between the parties if Council was to accept the proposal. This deferral would also give Councillors the opportunity to consider the implications associated with a decision relating to the future provision of a Medical Practitioner to the Yilgarn community”.

Comment:

The CEO met with Dr Soloman and Cr Kenward to further discuss the proposal and from these discussions, a number of key points were listed and presented to Dr Soloman for his consideration should he wish to proceed further with his proposal.

At the time of preparing this report, no response had been received by Dr Soloman in relation to the above.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

The CEO and Cr Kenward advised Council that Dr Soloman had indicated that he was undertaking further investigations in relation to a number of specific key points that were listed by Council and until he had finalised these to his satisfaction, he would defer any further action on his proposal.

RECEIVED FOR INFORMATION

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Submission to:	Ordinary Meeting of Council - Friday, 18 September 2009
Agenda Reference:	7.8
Subject:	Southern Cross Recreation Precinct Re-Development Project - Department of Sport & Recreation - Community Sporting & Recreation Facility Fund (CSRFF)
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 September 2009

Background

The CEO has been in discussions with the Regional Manager for the Department of Sport and Recreation regarding the development of a funding application under the current CSRFF funding round for the Southern Cross Recreation Precinct Redevelopment project. Due to the size of the project, it was considered appropriate to stage the development and therefore, in consultation with MCG Architects and an appointed Quantity Surveyor, estimates have been prepared based upon the staged development.

Comment:

The CEO has almost completed the funding application based on the staged development as indicated on the attached site plan and estimates provided:-

Stage 1	\$ 3,087,384.00	2010/2011
Stage 2	\$ 460,529.00	2011/2012
Stage 3	\$ 2,046,010.00	2012/2013
	<u>\$ 5,593,923.00</u>	(This includes an allowance of \$757,855 for escalation costs)

The following timeline is associated with the CSRFF application process, whether it be a Council project to individual sporting association project:-

September 2009	<ul style="list-style-type: none"> • Applications to be lodged to Shire of Yilgarn on Wednesday, 30 September 2009.
October 2009	<ul style="list-style-type: none"> • Applications are assessed by the LGA and recommendations prepared. • Applications presented to LGA Council meeting • Applications to be lodged to DSR regional office by 30 October 2009
November 2009	<ul style="list-style-type: none"> • Applications forwarded to DSR Perth
December 2009	<ul style="list-style-type: none"> • Applications assessed by State Sporting Associations

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February/March 2010

• Successful applicants notified

It is intended that the grant application will be re-presented to Council at its October 2009 Ordinary meeting to keep the application in line with the approval timeline. In the meantime, the CEO will be meeting with the DSR Regional Manager to develop the funding application in order that it meets DSR requirements.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil at this stage. Once grant application submitted to DSR it will commit Council should it be successful in the CSRFF process.

Recommendation

That Council endorses the actions of the CEO to date in the development of the CSRFF grant application for the Southern Cross Recreation Precinct Re-development project and that the final application be presented to Council at its October 2009 meeting for final consideration.

Voting Requirements

Simple Majority

217/2009

Moved Cr Fairless Seconded Cr Kenward that Council endorses the actions of the CEO to date in the development of the CSRFF grant application for the Southern Cross Recreation Precinct Re-development project and that the final application be presented to Council at its October 2009 meeting for final consideration.

CARRIED (7/0)

The Shire President adjourned the meeting at 4.00pm for afternoon tea.

The meeting resumed at 4.20pm with all Councillors in attendance.

Miss Dallywater did not return to Chamber until 4.26pm.

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 18 th September 2009
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	4144
Author:	Adam M Seiler – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th September 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 31st August 2009, are enclosed as follows:

- Statement of Financial Position
- Statement of Investments,
- Statement of Surplus,
- Monthly Statement of Financial Activity (July 2009)
- Monthly Statement of Financial Activity (August 2009)
- and;
- Rates Receipt Statement (prepared to 10th September 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

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Recommendation

That the Various Financial Reports for the period ending 31st August 2009, in addition to the Monthly Statement of Financial Activity to 31 July 2009, as presented, be received.

218/2009

Moved Cr Kenward Seconded Cr Auld that the Various Financial Reports for the period ending 31st August 2009, in addition to the Monthly Statement of Financial Activity to 31 July 2009, as presented, be received.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	4132
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th September 2009

Background

Municipal Fund – Cheque Numbers 33882 to 34058, totalling \$753,007.90, Municipal Fund – Cheque Numbers 897 to 902, totalling \$113,750.00, Trust Fund – Cheque Numbers 401828 to 401837, totalling \$22,905.50 and Trust Fund – Cheque Numbers 5630 to 5635 (DPI Licensing), totalling \$81,985.90 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil.

Voting Requirements

Simple majority.

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Recommendation

That Council endorse the accounts covered by Municipal Fund - Cheque Numbers 33882 to 34058 totalling \$753,007.90, Municipal Fund - Cheque Numbers 897 to 902, totalling \$113,750.00, Trust Fund - Cheque Numbers 401828 to 401837, totalling \$22,905.50 and Trust Fund - Cheque Numbers 5630 to 5635 (DPI Licensing), totalling, \$81,985.90 as per the submitted list.

219/2009

Moved Cr Pasini Seconded Cr Truran that Council endorse the accounts covered by Municipal Fund - Cheque Numbers 33882 to 34058 totalling \$753,007.90, Municipal Fund - Cheque Numbers 897 to 902, totalling \$113,750.00, Trust Fund - Cheque Numbers 401828 to 401837, totalling \$22,905.50 and Trust Fund - Cheque Numbers 5630 to 5635 (DPI Licensing), totalling, \$81,985.90 as per the submitted list.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.3
Subject:	Provision of External Audit Services
File Reference:	4144
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not Applicable
Date of Report:	11 th September 2009

Background

Audit services provided by UHY Haines Norton expired on 30th June 2009, and Council is required to seek quotations for the appointment of an Engagement Partner to undertake this function.

One quotation was sought from UHY Haines Norton in Perth and the proposed fee structure, as highlighted on the attached correspondence is reasonable, and whilst higher than fees previously being charged, is considered reasonable for the service provided.

The fees quoted for the provision of audit services to the Shire of Yilgarn are as follows, with all prices inclusive of GST:

Year ended -	30 June 2010	\$16,280
	30 June 2011	\$17,435
	30 June 2012	\$18,590

Comment

Council's Chief Executive Officer and Deputy Chief Executive Officer have both experienced a long working relationship with Mr David Tomasi of Haines Norton.

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It is the opinion of the author that Mr Tomasi and his team are amongst the best in the business.

It is based on this fact that only one quotation has been sought, accordingly the author has no hesitation in recommending the appointment of UHY Haines Norton Perth as Council's Auditor for the three year period commencing 1 July 2010, and concluding 30 June 2012.

Statutory Environment

Section 7.8 'Terms of appointment of auditors' of the Local Government Act 1995

Policy Implications

Not Applicable

Financial Implications

Provision is made annually for the engagement of external auditors

Strategic Implications

Not Applicable

Voting Requirements

Simple Majority required

Recommendation

That for the purposes of conducting Council's External Audit in accordance with Section 7.8 of the Local Government Act, Mr D J Tomasi (Registered Company Auditor 15724) be appointed as Engagement Partner on behalf of UHY Haines Norton Perth.

220/2009

Moved Cr Kenward Seconded Cr Della Bosca that for the purposes of conducting Council's External Audit in accordance with Section 7.8 of the Local Government Act, Mr D J Tomasi (Registered Company Auditor 15724) be appointed as Engagement Partner on behalf of UHY Haines Norton Perth.

CARRIED (7/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.4
Subject:	Audit Report to the 30th June 2009
File Reference:	4123
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th September 2009

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Background

Mr Wen-Shien Chai, appointed representative of Council's Auditor, Mr David Tomasi of UHY Haines Norton Chartered Accountants, was in Southern Cross on Tuesday 25th and Wednesday 26th August 2009 to carry out Council's Final Audit.

Mr Chai indicated at the time he was very pleased with the concluded financial position of Council to the 30th June 2009, being in a reasonably strong financial position. Mr Chai conveyed this opinion to the Shire President during his discussions early on the second morning.

Comment

In concluding the Final Audit, Mr David Tomasi of Haines Norton Chartered Accountants is required to sign off on the completed Audit Report and Management Report to the 30th June 2009.

The Audit Report is expected to be signed on Tuesday 15th 2009 by Mr Tomasi, and provided this occurs, the recommendation contained within this report will be considered.

The Chief Executive Officer signed the Management Representation Letter as well as the 2009 Financial Report on the 11th September 2009, indicating that this report was complete to a point that Mr Chai was satisfied with.

Statutory Environment

Local Government Act 1995 Section 5.54 relating to the Acceptance of annual reports and Auditors Reports.

Policy Implications

None

Financial Implications

This document will form part of the Annual Report

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That Council receives the Audit Report to the 30th June 2009, as prepared by Mr David Tomasi of UHY Haines Norton Chartered Accounts, and this document be adopted as the Shire of Yilgarn's Audit Report for the year ended 30 June 2009.

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221/2009

Moved Cr Kenward Seconded Cr Fairless that Council receives the Audit Report to the 30th June 2009, as prepared by Mr David Tomasi of UHY Haines Norton Chartered Accounts, and this document be adopted as the Shire of Yilgarn's Audit Report for the year ended 30 June 2009.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.5
Subject:	Acceptance of the Annual Financial Report
File Reference:	15002
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th September 2009

Background

A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

This Report is now enclosed for Council's acceptance.

Statutory Environment

Local Government Act 1995 Section 6.4 Financial Report.

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That Council accepts the Annual Financial Report to the year ended 30th June 2009.

222/2009

Moved Cr Fairless Seconded Cr Kenward that Council accepts the Annual Financial Report to the year ended 30th June 2009.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.6
Subject:	Setting of the Annual Meeting of Electors 2009
File Reference:	15002
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th September 2009

Background

Council is required to accept the Annual Report, prior to the 31st December each year, and set a date for the convening of an Annual Meeting of Electors no later than 56 days after the Auditors Report becomes available for the immediately preceding financial year.

It is proposed to conduct the Annual Meeting of Electors on Thursday 29th October 2009, at which time the Annual Report will be formally presented to the community, in addition to being made available to the public prior to this date.

The Annual Report will be provided to Council at the October 2009 Ordinary Meeting.

Comment

There is a requirement to give at least 14 days local public notice of Council's intention to hold an Annual Meeting of Electors, with advertising to commence locally on Thursday 15th October 2009.

A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year. Accordingly, the latest Council could schedule the Annual Electors Meeting is the 10th December 2009.

Statutory Environment

Local Government Act 1995 Sections 5.27 'Electors' general meetings' and 5.54 'Acceptance of Annual Reports'.

Policy Implications

None

Financial Implications

None

Strategic Implications

None

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Voting Requirements

Absolute majority required

Recommendation

That Council convenes the Shire of Yilgarn Annual Meeting of Electors for the year ended 30th June 2009, on Thursday 29th October 2009, commencing at 8.00pm.

223/2009

Moved Cr Patroni Seconded Cr Della Bosca that Council convenes the Shire of Yilgarn Annual Meeting of Electors for the year ended 30th June 2009, on Thursday 29th October 2009, commencing at 8.00pm.

CARRIED BY ABSOLUTE MAJORITY (7/0)

Submission to:	Ordinary Meeting of Council - Friday 18 th September 2009
Agenda Reference:	8.7
Subject:	Transfer from Computer Hardware and Software Reserve
File Reference:	4118
Author:	Adam M Seiler - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th September 2009

Background

Within Council's 2009/2010 Budget, provision was made for the replacement of Computer Screens within the Administration Centre and Depot, with a view to replacing the Personal Computers in 2010/2011, as the Deputy CEO was hopeful they would survive this long.

Comment

Unfortunately, since July, three Personal Computers have had component failures, including Motherboards, Video Cards, Hard Drives and Local Area Network Controllers (Motherboard based, not external).

These failures are indicative of the fatigue six years of full-time use has on these machines, and unfortunately, Council has no choice but to replace these machines, which indicative quotations indicate are very affordable.

Council's preferred supplier, Perfect Computer Solutions have advised they are able to provide replacement Personal Computers for the indicative cost of \$12,045.50 plus GST plus Labour.

It is proposed to fund this emergency work from Council's Computer Hardware and Software Reserve, a facility established for exactly this purpose.

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Statutory Environment

Local Government Act 1995 Sections 6.8 'Expenditure from municipal fund not included in annual budget'

Policy Implications

None

Financial Implications

Approval will see \$12,000 transferred from the Computer Hardware and Software

Strategic Implications

None

Voting Requirements

Absolute majority required

Recommendation

That Council authorises the transfer of \$12,000 from the Computer Hardware and Software Reserve to meet the estimated shortfall associated with the replacement of Personal Computers within the Administration Centre and Depot.

224/2009

Moved Cr Pasini Seconded Cr Auld that Council authorises the transfer of \$12,000 from the Computer Hardware and Software Reserve to meet the estimated shortfall associated with the replacement of Personal Computers within the Administration Centre and Depot.

CARRIED BY ABSOLUTE MAJORITY (7/0)

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council - Friday 19th September 2009
Agenda Reference:	9.1
Subject:	Manager Works Vehicle
File Reference:	12301
Author:	Robert Bosenberg
Disclosure of Interest:	Not Applicable
Date of Report:	9 th September 2009

Background

In accordance to Councils Plant Replacement Program, a monetary allocation of \$22,000 (*GST inclusive*) has been allowed for in the 2009/2010 Financial Year Budget for the change over of councils Manager for Works current Toyota GXL Prado. At the time of this report this vehicle has a speedometer reading of 59,000km.

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In accordance to Councils Policy "*Executive Motor Vehicle Replacement 2.13*" it is proposed to replace this vehicle at intervals 80,000km or 24 months. The current Toyota Prado was purchased in 2007.

Comment

Quotations were sought to replace this vehicle with a similar type vehicle (*Prado GXL*) from Merredin Toyota and Goldfields Toyota

The vehicles quoted on as follows (*GST inclusive*):

Merredin Toyota

2009 Toyota Prado GXL (<i>automatic</i>), 3 litre turbo diesel	\$65,637.75
less trade	<u>\$44,002.75</u>
change over	<u>\$21,635.00</u>

Goldfields Toyota

2009 Toyota Prado GXL (<i>automatic</i>), 3 litre turbo diesel	\$65,103.44
less trade	<u>\$41,000.00</u>
change over	<u>\$24,103.44</u>

A budget estimate of \$22,000 (*GST Inclusive*) has been allowed for in the 2009/2010 Financial Budget for this vehicle.

Policy Implications:

Councils Finance Policy 4.5 Purchasing-Quotes and Tenders and Policy 2.13 Executive Motor Vehicle Replacement

Financial Implications:

Monetary allocation of \$22,000 (GST inclusive) has been allowed for in Councils 2009/2010 Financial Year Budget

Strategic Implications:

Plant Replacement Program

Voting Requirements

Simple Majority required

Recommendation

That Council accepts the quotation from Merredin Toyota to purchase the 2009 Toyota Prado GXL for the purchase cost of \$65,637.75 (*GST inclusive*) and trade Councils existing 2007 Toyota Prado for the quoted trade price of \$44,002.75 (*GST inclusive*) resulting in a change over cost of \$21,635.00 (*GST inclusive*)

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225/2009

Moved by Cr Della Bosca Seconded Cr Fairless that Council accepts the quotation from Merredin Toyota to purchase the 2009 Toyota Prado GXL for the purchase cost of \$65,637.75 (GST inclusive) and trade Councils existing 2007 Toyota Prado for the quoted trade price of \$44,002.75 (GST inclusive) resulting in a change over cost of \$21,635.00 (GST inclusive).

CARRIED (7/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 18 th September, 2009
Agenda Reference:	10.1
Subject:	Planning Application - Proposed Motel Units for the Palace Hotel
Location/Address:	Lot 501 Cnr Orion & Antares Streets, Southern Cross
Name of Applicant:	Mr Stan Davidenko - Owner & Manager of the Palace Hotel
File Reference:	10303
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th September, 2009

Background

For several years now Mr Stan Davidenko has considered installing motel units at the rear of the Palace Hotel to provide additional accommodation for travellers and employees/contractors of local businesses. Currently the Palace Hotel is completely booked out for accommodation, it has been totally booked for the past 3 months and is booked out for the next few months to come. Thus potential clients are being turned away as there is no available accommodation.

Mr Davidenko currently has the opportunity to purchase 3 second-hand accommodation units which are in reasonably good condition. These units are currently situated at the rear of Forman Brothers Plumbing Services property on Arcturus Street, Southern Cross. Mr Davidenko advised that two units will consist of 4 bedrooms with separate Ensuites, and the third unit consists of 2 large bedrooms with separate Ensuites.

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Mr Davidenko has advised that he intends to carry out any necessary repairs or re-painting to ensure that the units look presentable and blend with the Palace Hotel colour scheme. Mr Davidenko has advised that he is not intending to construct verandahs along the front of the units, but will be providing garden beds next to or near the proposed units. The proposed motel units will be installed on the south side of the lot. See attached application letter, proposed site plan, and coloured photographs of the motel accommodation units.

Comment

Lot 501 is located in the "Commercial" area of the Southern Cross townsite, and the land zoned "Special Use - Hotel/Motel". Thus the proposed motel units are permitted under this land use/zoning.

As these are second-hand transportable units/buildings, Council permission is required for them to be relocated permanently in the District.

The units appear to be in reasonably good condition, are constructed as purpose built transportable buildings, and therefore there should be no structural problem with them being relocated to a new location.

The units are skid mounted with plywood or chipboard floors, Colorbond exterior walls, and a metal skillon sloped roof with contrasting Colorbond fascia.

The fact that 15 car parking spaces will be lost with the installation of the proposed units should not be an issue for normal daily operations, as there is the car parking area to the west of the Hotel that rarely is used. The only time I believe it is likely to be an issue is when there is a large function at the Hotel, however, it is believed that near-by on-street parking will adequately cover any over-flow parking required as nearly all such functions occur after 5:00 p.m. and will therefore not impact on parking for other retail traders.

The inclusion of motel units at the rear of the Hotel is unlikely to increase the issue of noise generated from the property. If there are noisy occupiers of a unit(s) then the Hotel manager who lives on-site will be able to deal with the matter.

The Palace Hotel is listed on the Shire's Municipal Heritage Inventory and the Shire's Town Planning Scheme as a place of heritage significance. As the proposed units will not be connected to the Hotel building and will in the main be screened from general view by the Hotel building, the proposed units should not impact of the heritage significance of the Palace Hotel.

Due to the age of the units (the two 4 bedroom units were refurbished in October 2005) they may not meet the current energy efficiency requirements of part 3.12 Energy Efficiency of the Building Code of Australia 2009 Volume 2 and will need to be made to comply.

From a visual aspect as well as a practical aspect, I believe that a verandah should be constructed across the front of the proposed units to reduce the “donga” appearance of the units, and that the verandahs should be similar in appearance to the verandahs on the Hotel. The provisions of garden beds around or near the units will also help with the visual appearance. Ideally the proposed units should face north looking into the car parking area behind the Hotel so that the appearance of the units from either Orion Street or Antares Street is visually appealing. However, if the proposed units are positioned to face south (away from the Hotel) then a screen needs to be installed at the rear of the units to camouflage this fact and make it more visually acceptable.

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 Stan Davidenko to relocate the three second-hand transportable accommodation units with Ensuites comprising of a total of 9 or 10 accommodation rooms onto the rear of Lot 500 corner Orion & Antares Streets, Southern Cross on the condition that:-

- 1) a front verandah is constructed on each unit in a similar style to that on the Palace Hotel;
- 2) the proposed units should face north, however, if they face south then the rear of the units are to be screened to camouflage this fact;
- 3) the exterior colour scheme of the proposed units is to either be the same or compliment the colour scheme of the Palace Hotel;
- 4) one car parking bay per accommodation room will be allocated specifically for the units; and
- 5) a minimum of 10 per cent of the total development area is to be landscaped to the satisfaction of Council.

Voting Requirements

Simple Majority.

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226/2009

Moved Cr Pasini Seconded Cr Fairless that Council grants planning approval to Mr Stan Davidenko to relocate the three second-hand transportable accommodation units with Ensuites comprising of a total of 9 or 10 accommodation rooms onto the rear of Lot 500 corner Orion & Antares Streets, Southern Cross on the condition that:-

- 1) a front verandah is constructed on each unit in a similar style to that on the Palace Hotel;*
- 2) the proposed units should face north, however, if they face south then the rear of the units are to be screened to camouflage this fact;*
- 3) the exterior colour scheme of the proposed units is to either be the same or compliment the colour scheme of the Palace Hotel;*
- 4) one car parking bay per accommodation room will be allocated specifically for the units; and*
- 5) a minimum of 10 per cent of the total development area is to be landscaped to the satisfaction of Council.*

CARRIED (7/0)

CLOSURE

Prior to officially declaring the meeting closed, the Shire President advised that Cr Fairless had advised that he would be an apology for the October 2009 Ordinary meeting and therefore, this meeting would be the last meeting Cr Fairless would be attending in his capacity as a Councillor of the Shire of Yilgarn, with the Council Elections being conducted on the 17 October 2009 and Cr Fairless' decision not to re-nominate.

Therefore this being Cr Fairless' last meeting, the Shire President thanked Cr Fairless for his contribution during the past 4 years.

There being no further business to discuss, the Shire President declared the meeting closed at 5.09pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 18 September 2009 are confirmed as a true and correct record of that meeting on Friday, 16 October 2009.

Cr Romolo Patroni
SHIRE PRESIDENT