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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 19th March 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 19th March 2010.

PRESENT

Cr P R Patroni, Shire President

Cr D G Auld, Deputy Shire President

Crs G V Kenward, W A Della Bosca, D J Pasini, O T Truran

Council Officers: P R Clarke, Chief Executive Officer
V Murty, Deputy Chief Executive Officer
R J Bosenberg, Manager for Works
W J Dallywater, Manager Environmental Health & Building

ANDREW FISHER - GENERAL MANAGER, CLIFFS NR OPERATIONS

Prior to the Council meeting the General Manager of Cliffs Natural Resources Operations at Koolyanobbing, Mt. Jackson and Windarling, conducted a presentation to Council explaining different aspects of the Cliffs operations in the Yilgarn Shire.

The meeting was declared open for business at 2.08 pm.

PUBLIC QUESTION TIME

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

DISCLOSURE OF FINANCIAL INTEREST

Crs Truran and Auld together with the CEO and Manager for Works declared an Interest in Item 7.2 of the Chief Executive Officer's Report.

APOLOGIES & LEAVE OF ABSENCE

Cr J Della Bosca

CONFIRMATION OF PREVIOUS MINUTES

35/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 19th February 2010, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

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

36/2010

Moved Cr Auld Seconded Cr Della Bosca that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held Wednesday 24th February 2010 be received.

CARRIED (6/0)

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WALGA GREAT EASTERN COUNTRY ZONE MINUTES

37/2010

Moved Cr Kenward Seconded Cr Auld that the Minutes of the WALGA Great Eastern Country Zone Meeting held Thursday 4th March 2010 be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MINUTES

38/2010

Moved Cr Kenward Seconded Cr Della Bosca that the Minutes of the Tourism Advisory Committee Meeting held Monday 8th March 2010 be adopted.

CARRIED (6/0)

PRODUCTION OF STATIC/VISUAL DISPLAY - CENTRAL WHEATBELT VISITOR CENTRE

39/2010

Moved Cr Kenward Seconded Cr Truran that Council allocates sufficient funds in its 2010/2011 Budget to allow the Tourism Committee to engage a professional to produce a static/visual display depicting the Yilgarn district at the Central Wheatbelt Visitor Centre.

CARRIED (6/0)

INSTALLATION OF RV BLACKWATER DUMP SITE IN SOUTHERN CROSS

40/2010

Moved Cr Kenward Seconded Cr Truran that council allocates sufficient funds for the installation of a Blackwater RV dumpsite in Southern Cross (near Caravan Park) in its 2010/2011 Budget.

CARRIED (6/0)

BUSH FIRE OFFICERS ADVISORY COMMITTEE MEETING MINUTES

41/2010

Moved Cr Pasini Seconded Cr Truran that the Minutes of the Bush Fire Officers Advisory Committee Meeting Minutes held on 17th March 2010 be received.

CARRIED (6/0)

FESA GRANT FOR FIRE APPLIANCE SHED - BULLFINCH BRIGADE

42/2010

Moved Cr Kenward Seconded Cr Della Bosca that council advises FESA that it wishes to retain the \$50,000 grant awarded to the Shire of Yilgarn in 2007/2008 for the construction of a 2 Bay Fire Appliance Shed for the Bullfinch Brigade and that to meet State Government and FESA requirements, FESA investigates the proposal of a Caveat being placed on private land being annexed for the purpose of constructing the Fire Appliance Shed.

CARRIED (6/0)

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**YILGARN YOUTH SPORT AND RECREATION COMMITTEE MINUTES
43/2010**

Moved Cr Auld Seconded Cr Truran that the Minutes of the Yilgarn Youth Sport and Recreation Committee meeting held on Monday 15th March 2010 be received.

CARRIED (6/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- That together with the CEO he had attended the WEROC & WALGA Great Eastern Country Zone meetings.
- Together with other Councillors and Staff he had attended Ken Beaton's Induction to the Hall of Fame. There was a high attendance of family and friends from all around the state. Due to the great success of the day, it encouraged other families to enquire about the nomination process into the Hall of Fame.
- Together with other Councillors and Staff he had attended the Yilgarn Charity Ball. The event was very successful where the profit of the evening was going towards the Southern Cross Hospital Auxiliary. It was refreshing to see that the committee responsible for the evening were young local women wanting to make a difference in the community.

Cr Della Bosca advised that he had attended the Bush Fire Officers Advisory Committee Meeting where the new Fire Weather categories were discussed at length, particularly the catastrophic category and the difficulties that were being experienced by Shires and their Fire Officer's when catastrophic days were imposed.

Cr Della Bosca advised that he attended the Western Australian Farmers Federation meeting in Merredin and that the agreements would soon be sent out to landholders for their financial responsibility to the eradication of Skeleton Weed on their properties. In addition, there were concerns related to Susan Walsh's (DAFWA employee) contract being terminated and the management of the program no longer being at a local level.

Cr Kenward advised that he attended the Windarling Reference Group meeting held on the 18th March.

Cr Auld advised that he attended the Bodallin Landcare Group meeting on the 18th March. Cr Auld also advised that he together with the DCEO had attended a Be-Active Management Committee meeting and Wheatbelt Sports Council meeting in Kellerberrin and at that meeting Department of Sport and Recreation representatives were in attendance to discuss the recently announced CSRFF grants to which Council was one of the successful applicants.

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Cr Truran advised that she attended the Southern Cross District School Swimming Carnival held on the 15th March as Council's representative to present Awards. She had also met with representatives of the Southern Cross Occasional Day Care, who would like to forward their thanks to Council for the funds to purchase their new computer and accounting package.

44/2010

Moved Cr Patroni Seconded Cr Kenward that Council writes to the Yilgarn Charity Ball Committee congratulating them on the success of the event.

CARRIED (6/0)

45/2010

Moved Cr Auld Seconded Cr Della Bosca that Council writes to DAFWA requesting that the administrative position of the Skeleton Weed program remains based in Southern Cross for continuity purposes relating to maintaining the local Skeleton Weed Program records.

CARRIED (6/0)

CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday, 19 March 2010
Agenda Reference:	7.1
Subject:	Process for Amalgamation of Shires of Yilgarn and Westonia
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	3 March 2010

Background

Following the decision by the Shires of Yilgarn and Westonia to merge as part of the State Government's Local Government Reform process, the CEO's of Yilgarn and Westonia met with representatives from the Department for Local Government (DLG) and the Local Government Advisory Board (LGAB) to discuss the process for the amalgamation.

In the Reform submissions presented by both Shires to the Minister, it stated the Councils favoured a merge date of 1 July 2013. This would be acceptable to the Minister and the LGAB however, if the Councils wish, this date can be brought forward to 1 July 2011 or 1 July 2012.

There are a number of factors that will determine the Councils decision on the preferred date for the merge, namely the ability of the Councils to undertake the merge within a shortened timeframe and the availability of Government funding to assist with the entire merge process.

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Comment:

The following decisions need to be made by both Councils and then forwarded to the LGAB to progress the amalgamation proposal:-

1. Preferred date for amalgamation (eg, 1 July 2011, 1 July 2012 or 1 July 2013);
2. Whether the District is to be divided into Wards;
3. The number of Councillors and appropriate representation of the Wards;
4. Terms of Office of Councillors (dependent upon whether the Election date coincides with the normal bi-annual election process);
5. Commissioner Appointments (whilst not necessarily a decision of the Councils, they should have input and make appropriate recommendations to the LGAB);
6. Interim Chief Executive Officer appointment.

Whilst some of the above points have been addressed in the Reform Submissions, via the joint Discussion Paper titled "A Way Forward" and which were generally agreed to by both Shires, there needs to be formal adoption of the processes for submission to the LGAB in order that it can progress the Formal Inquiry process for amalgamation.

To assist Councillors with other aspects of the amalgamation process and the eventual decision making process, the additional information is provided:-

Local Government Advisory Board - Formal Inquiry Process

In discussing the merge process with Mr Ross Earnshaw, Executive Officer with the LGAB, he indicated that the Board must comply with the *Local Government Act 1995* inquiry requirements associated with an amalgamation and this timeframe is estimated to be between 26 and 33 weeks dependent upon the conduct of a Poll. (see attached timeframe)

Whilst the DLG and LGAB representatives indicated that the 26 - 33 week period does make the timeframe extremely tight for a 1 July 2011 merge, it could be achieved but would place significant pressures on all involved.

Appointment of Commissioner/s

Depending upon the number of local governments involved in an amalgamation, one or more Commissioner/s may be appointed. In recent amalgamations the Minister has appointed only one Commissioner to administer the newly constituted Shire however, if both Yilgarn and Westonia wished for additional Commissioners with representation from each Shire, then this would need to be included in the submission to the LGAB.

The Commissioner/s are appointed by the Governor on the recommendation of the Minister for Local Government. This appointment will generally apply from 1 July or an earlier date as specified in the Order. The Commissioner/s are appointed until such time as the inaugural election is held for the new local government. Section 4.3(2) of the *Act* requires that an inaugural election must be held not later than one year after the local government is established.

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Example

The Governor's Order in relation to the Shire of Broomehill-Tambellup amalgamation that was issued on 27 May 2008 was as follows:-

Commissioner Appointment – The appointment was effective from 1 July 2008 with a Ms Janet Grimoldby being appointed. The appointment made ends when the offices of members of the council of the new shire are filled for the first time and the council holds its first meeting.

Polling Day for inaugural election – Any poll needed for the elections to be held under section 4.2 of the Act to elect the councillors of the first council of the new shire is to be held on poll day 2008.

In the Broomehill-Tambellup case, the Commissioner was appointed for a 4 month period from 1 July 2008 to the 3rd Saturday in October 2008 being the Council Election day. The LGAB has advised that it is preferred to suspend the existing Council/s early in the amalgamation process as leaving it too late can lead to unwanted political involvement by the outgoing Councillors. This could mean appointed Commissioner/s may well be in office for a term of between 6 - 12 months but this is all dependent upon the Shires recommendations and advice from the LGAB.

Interim Chief Executive Officer

In recent amalgamations of local governments (eg. Northam Shire/Northam Town, Broomehill/Tambellup and Geraldton/Greenough) there has not been an issue in the appointment of an Interim CEO as one or both of the CEO's have stood down or one has retired allowing the remaining CEO to be appointed to the Interim position. In the case of the Yilgarn/Westonia merge, both CEO's have 3 years remaining on their Contract of Employment which means that their positions are guaranteed for 2 years as per the *Local Government Act*.

Unless one of the CEO's is prepared to stand down or take a lower position (same pay rate would apply), then the Local Governments would be required to pay out the CEO's and then advertise for an Interim CEO to work with the Commissioner/s until the new council is appointed.

Upon the election of the new Council, it could then advertise the CEO position to take the new Council beyond the Commissioner/s and Interim CEO period.

Statutory Environment

Schedule 2.1 of the *Local Government Act 1995* relating to Provisions about creating, changing the boundaries of, and abolishing districts.

Policy Implications

Nil

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Financial Implications

There will be considerable financial implications associated with the amalgamation process however it is anticipated that the State Government will adequately compensate Council for these costs. Both Yilgarn and Westonia Shires engaged Mr Gary Martin to provide an estimate of costs associated with the amalgamation and this was in the vicinity of \$800,000.

At the meeting with the DLG and LGAB both CEO's raised the possibility of immediate funding to appoint a Project Officer to assist the Shires in the amalgamation process and it was indicated that funding in the vicinity of \$100,000 would be provided almost immediately to assist the Council's in engaging this position.

Recommendation

That Council recommends to the Shire of Westonia the following processes for the amalgamation of the Shires of Yilgarn and Westonia and that these processes be forwarded to the Local Government Advisory Board and the Minister for Local Government to allow Schedule 2.1 of the *Local Government Act 1995* to be invoked as the commencement of the amalgamation process:-

1. That the date for the new district of the Shire of Westonia-Yilgarn be declared from 1 July 2012 with Elections for the new Shire being conducted on the 3rd Saturday in October 2012.
2. The new district be divided into Wards comprising the West and East Wards with the boundaries to be determined by mutual agreement.
3. That the number of offices of Councillor on the Council of the new Shire be 9 with the West Ward being comprised of 4 Councillors and the East Ward being comprised of 5 Councillors.
4. That the Shires of Yilgarn and Westonia request approval from the Minister for Local Government and the Local Government Advisory Board that composition of the Ward Representation of the new local government to remain in place for a period of 8 years (as per the *Act* requirements for Reviews on Wards and Representation) and following that period, a review be undertaken based on the one-vote one-value method of representation
5. That the Shires of Yilgarn and Westonia request the Minister and the Local Government Advisory Board that 3 Commissioners be appointed at the commencement of the newly created district with one Commissioner being totally independent of the previous local governments, with the remaining 2 positions being the former Shire Presidents of the Shires of Yilgarn and Westonia.
6. That the Local Government Advisory Board be advised that in respect to an Interim Chief Executive Officer position, negotiations are currently in progress with the incumbent CEO's of Yilgarn and Westonia and advice will be provided to the Board upon the conclusion of such negotiations but will be before the Governor's Order is Gazetted.

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Voting Requirements

Absolute Majority

That Council recommends to the Shire of Westonia the following processes for the amalgamation of the Shires of Yilgarn and Westonia and that these processes be forwarded to the Local Government Advisory Board and the Minister for Local Government to allow Schedule 2.1 of the Local Government Act 1995 to be invoked as the commencement of the amalgamation process:-

DECLARATION OF NEW SHIRE OF WESTONIA/YILGARN ENTITY

46/2010

1. *Moved Cr Kenward Seconded Cr Auld that the date for the new district of the Shire of Westonia-Yilgarn be declared from 1 July 2012 with Elections for the new Shire being conducted on the 3rd Saturday in October 2012.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

COMPOSITION OF WARDS

47/2010

2. *Moved Cr Truran Seconded Cr Kenward that the new district be divided into Wards comprising the West and East Wards with the boundaries to be determined by mutual agreement.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

NUMBER OF OFFICES OF COUNCILLOR

48/2010

3. *Moved Cr Pasini and Seconded Cr Truran that the number of offices of Councillor on the Council of the new Shire be 7 with the West Ward being comprised of 3 Councillors and the East Ward being comprised of 4 Councillors.*

CARRIED BY ABSOLUTE MAJORITY (5/1)

COUNCILLOR/WARD REPRESENTATION

49/2010

4. *Moved Cr Della Bosca Seconded Cr Pasini that the Shires of Yilgarn and Westonia request approval from the Minister for Local Government and the Local Government Advisory Board that composition of the Ward Representation of the new local government to remain in place for a period of 8 years (as per the Act requirements for Reviews on Wards and Representation).*

CARRIED BY ABSOLUTE MAJORITY (6/0)

ROLE OF THE CURRENT COUNCILS UP TO AND DURING THE NEW ENTITY BEING DECLARED

50/2010

5. *Moved Cr Pasini and Seconded Cr Kenward that the Shires of Yilgarn and Westonia elected members be retained rather than the appointment of a Commissioner/s until the elections are conducted for the new Shire Council. Council also submits the following alternative proposals to the Local Advisory Board for consideration:-*

- *That the Westonia and Yilgarn Councils work cooperatively in May/June of 2012 with an Extra Ordinary Election to be conducted on or about 30 June 2012 in order for the new Council to operate from 1 July 2012; or*
- *That the Westonia and Yilgarn Councils work cooperatively in May/June of 2012 and remain so from 1 July 2012 to the nominated Election Day in October 2012 where a complete spill will determine the newly Elected Council from that day on.*

CARRIED BY ABSOLUTE MAJORITY (5/1)

REASON FOR ALTERATION TO RECOMMENDATION

In respect to point 3, Council favoured a 7 Elected Member representation based on a 4 East Ward/3 West Ward split. In relation to Point 5, whilst Council was aware of the advice received by the CEO from the Local Government Advisory Board and Department of Local Government representatives with respect to the appointment of a Commissioner/s, Council was of the opinion that as they were elected by the residents of the district to manage the local affairs of the local government, they should be afforded the right, in conjunction with the Westonia Shire Council, to jointly manage the new entity with an Interim Chief Executive Officer to the Election Day of the new Shire of Westonia/Yilgarn.

R Bosenberg left the Council Chambers at 3.57 and returned at 3.59pm.

The Shire President advised that the Shire of Westonia had considered the same recommendations at its Council meeting conducted on Thursday, 18 March 2010 and had agreed to the same resolutions as Council except the preferred date for the new entity being declared. The Shire President indicated that the Shire of Westonia favoured 1 July 2013.

The Shire President advised that a joint meeting of Yilgarn and Westonia Councils would need to be conducted to discuss the declaration date in order that an agreement can be reached for presentation to the Local Government Advisory Board for its consideration and action of all of the above resolutions. At this joint meeting the Shire President indicated that both Councils should discuss the situation of the CEO positions in light of the Yilgarn CEO submitting his resignation.

Council adjourned for afternoon tea at 4.25pm and resumed the meeting at 4.32pm with all Councillors and staff in attendance.

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DECLARATIONS OF INTEREST

Cr Truran declared an Interest in the following Item indicating that she was a financial member and held the position of President of the Yilgarn Netball Association.

Cr Auld declared an Interest in the following Item indicating that he was a financial member and held the position of President of the Yilgarn Bowling Club.

The CEO and Manager of Works declared an Interest in the following Item indicating that they were financial members of the Yilgarn Bowling Club.

The above Councillors and officers remained in the meeting during the majority of the discussion relating to the Item. Prior to motions being moved in respect to the Item, Crs Auld and Truran were reminded of their possible conflicts as Presidents of their respective organisations and therefore took the option to remove themselves from the Chamber.

Crs Auld and Truran vacated the Chamber at 5.00pm.

Submission to:	Ordinary Meeting of Council – Friday, 19 March 2010
Agenda Reference:	7.2
Subject:	The Hon. Terry Waldron MLA, Minister for Sport & Recreation – Community Sporting & Recreation Facilities Fund (CSRFF)
File Reference:	3015
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	5 March 2010

Background:

The Minister has written to Council to thank it for the application for funding support through the CSRFF program to assist construction of a new synthetic bowling green, reconstruction of three tennis courts and construction of a new clubroom including change rooms, toilets function room and storage in Southern Cross.

The Minister advises that it is his pleasure to advise that Council's application for funding from the CSRFF has been successful and he has approved a grant of up to \$500,000 to assist with this project to be claimed in the 2011/2012 financial year. Funding was allocated towards the bowling green, tennis courts, storage and change rooms.

The Minister advises that the Shire of Yilgarn is to be commended for its commitment to the provision of quality community leisure facilities and that the State Government is pleased to contribute to the development of much needed facilities in the Yilgarn district.

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Comment

Council in its application detailed the project costs over a staged 3 year period and initially sought funding for the 2010/2011 financial for the construction of the co-located Clubhouse, construction of the Bowling Green/Tennis Courts and floodlighting of the facilities. The projected costs for Stage I was as follows:-

Shire of Yilgarn contribution	\$ 1,567,192
CSRFF contribution	\$ 1,567,192

TOTAL STAGE I COSTS	\$ 3,134,384

Following receipt of the advice from the Minister that Council had been successful in receiving \$500,000 instead of its requested application of \$1,567,192, the CEO contacted the Department of Sport & Recreation (DSR) to enquire whether the 2011/2012 financial year as stated in his correspondence was correct as Council's application sought funding in 2010/2011 financial year.

DSR confirmed that the grant amount would be made available in 2011/2012.

Initially the CEO thought that the decision to fund the project in 2011/2012 would create problems for the project to commence in 2010/2011 financial year however, discussions with Council's Architect, mcg Architects Pty Ltd, indicated that DSR's CSRFF grant would most likely not be required to expended by the granted year as the entire project would not be completed until that financial year.

The amount of funding that will be available to proceed with a revised version of Stage I of the project at the commencement of 2010/2011 is s follows:-

Shire of Yilgarn Recreation Facility Reserve Fund	\$1,680,721
CSRFF Funds	\$ 500,000

TOTAL FUNDS AVAILABLE	\$2,180,721

There could be another \$460,000 available in the 2010/2011 financial year via Council's 65% Royalties for Regions funding component.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

See above comments

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Recommendation

That Council engages its Architect to commence detailed planning for the Southern Cross Recreation Precinct Redevelopment Project based on the availability of \$2.5M of funds to undertake the following works:-

1. Construction of a new synthetic bowling Green with associated infrastructure;
2. Construction of a new Co-located Clubroom/Meeting Room to accommodate Bowls, Tennis and future Netball and Basketball sports, being Stage I of this facility; and
3. Reconstruction and surfacing of 3 tennis courts.

Voting Requirements

Simple Majority

Moved Cr Pasini Seconded Cr Della Bosca that Council engages its Architect to commence detailed planning for the Southern Cross Recreation Precinct Redevelopment Project based on the availability of \$2.5M of funds to undertake the following works:-

1. *Construction of a new synthetic bowling Green with associated infrastructure;*
2. *Construction of a new Co-located Clubroom/Meeting Room to accommodate Bowls, Tennis and future Netball and Basketball sports, being Stage I of this facility; and*
3. *Reconstruction and surfacing of 3 tennis courts.*

AMENDMENT TO MOTION

51/2010

Moved Cr Patroni Seconded Cr Kenward that additional information relating to up to date costing for the construction of the Southern Cross Recreation Precinct Redevelopment Project be obtained, including alternative options for a transportable type building for the proposed clubhouse prior to engaging Council's Architect to undertake detailed design plans.

VOTING (2/2)

The Shire President exercised the right under Section 5.21(3) of the *Local Government Act 1995* by having a casting vote based on the equal number of votes.

**THE AMENDMENT WAS CARRIED (3/2)
THE AMENDMENT BECAME THE MOTION
THE MOTION WAS DULY PUT AND CARRIED (4/0)**

Cr Truran and Cr Auld returned to the Chamber at 5.10pm.

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Submission to:	Ordinary Meeting of Council – Friday, 19 March 2010
Agenda Reference:	7.3
Subject:	Mr Peter Clarke - Resignation Chief Executive Officer Position
File Reference:	4103
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	9 March 2010

Background

On Tuesday, 9 March 2010, Mr Clarke informed the Shire President that he was tendering his resignation to take up a position as CEO of the Shire of Cocos (Keeling) Islands.

Mr Clarke advised the Shire President that he would give the obligatory 3 month notice period as per the current Contract of Employment with termination of employment with the Shire of Yilgarn being Friday, 4 June 2010 however, the last working day may be prior to Friday, 4 June as accumulated annual leave may be taken prior to this date.

Comment:

An advertisement appeared in the "*West Australian*" newspaper on Saturday, 13 March 2010 and will be again displayed on Saturday, 27 March 2010. Applications for the position will close on Friday, 9 April 2010.

Council will need to consider whether interviews will be conducted by the whole Council or a smaller Selection Panel be appointed to conduct same.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council appoints a Selection Panel to interview applicants for the CEO position and that the Selection Panel be granted power to appoint the preferred applicant within the parameters of salary package advertised.

Voting Requirements

Simple Majority

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52/2010

Moved Cr Della Bosca Seconded Cr Truran that Council appoints the Shire President and Deputy Shire President as the spokespersons for the Interview/Selection Panel with all other Councillors being invited to be observers of the interview process. The panel be granted the power to appoint within the parameters of the salary package however, the decision of appointment be presented to Council for appropriate endorsement. Council also invites Cr Louis Geier, Shire President of Westonia to participate in the interview process.

CARRIED (6/0)

APPOINTMENT OF RELIEVING CHIEF EXECUTIVE OFFICER

The Shire President advised that Mr Clarke's last official day with Council is Friday, 4 June 2010 however he has indicated that his last working day may well be some weeks prior to this date due to accumulated leave. Therefore, the Shire President advised that it would be necessary to appoint a relieving CEO to cover the period from the CEO's departure to the appointment and commencement of the new CEO.

The Shire President advised that contact had been made with Mr Eddie Piper, a former Director of Finance at the City of Kalgoorlie/Boulder who had retired and was providing relief services. The Shire President advised that Mr Piper was available to undertake the above work.

53/2010

Moved Cr Kenward Seconded Cr Auld that the Shire President be delegated the authority to appoint a Relieving CEO between the period of the current CEO vacates his position and the commencement of the newly appointed CEO.

CARRIED (6/0)

CEO FAREWELL FUNCTION

54/2010

Moved Cr Kenward Seconded Cr Della Bosca that Council conducts a farewell function for the CEO following the Council meeting on Friday, 16 April 2010, to include Councillors, all staff and partners of the Shire of Yilgarn.

CARRIED (6/0)

NOTE: The CEO has advised that he will be unavailable on the evening of the 16th April due to other commitments.

ADVERTISING CEO POSITION

55/2010

Moved Cr Kenward Seconded Cr Pasini that Council endorses the actions of the Shire President in commencing the advertising process for the CEO position immediately after notice was given of the incumbent CEO's resignation.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday, 19 March 2010
Agenda Reference:	7.4
Subject:	Fitz Gerald Strategies – Western Australian Country Shire Councils Representation
File Reference:	4001
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 March 2010

Background

Mr Mike Fitz Gerald, Principal of Fitz Gerald Strategies, writes to Council to advise that a number of his clients have commented on the perceived lack of representation of country Shires in respect to issues relevant to rural local government. Several have commented that they would prefer to see an association representing rural interests, whether in conjunction with or independent from the existing representational structures.

Mr Fitz Gerald advises that he has even been asked by a few clients to canvass the thoughts of country Shires to gauge the level of enthusiasm for the formation of such an organisation. To this end, Mr Fitz Gerald advises that he proposes to visit as many country Shires as he can to discuss an outline proposal with a view to facilitating the formation of an organisation if there is sufficient support for the proposal.

Comment:

Mr Fitz Gerald has requested Council to indicate its interest in the Shire President, Deputy Shire President and CEO in meeting with him to make a brief presentation to gauge Council's interest in the proposal.

It appears that there is dissention amongst some rural councils regarding the representation provided by WALGA but it is the CEO's opinion that the creation of another group would add further to fracturing the local government industry.

If rural local governments are not happy with their current level of representation, then the Zone State Council members should be brought to account for the lack of representation.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council receives the above correspondence from Fitz Gerald Strategies.

RECEIVED

Submission to:	Ordinary Meeting of Council – Friday, 19 March 2010
Agenda Reference:	7.5
Subject:	Mrs Donna Newbury HACC Coordinator Southern Cross – Yilgarn Men’s Social Club
File Reference:	10406
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 March 2010

Background

Mrs Donna Newbury in her position as HACC Coordinator has written to Council on behalf of the newly created Yilgarn Men’s Social Club seeking some financial assistance to help the group of elderly gentlemen establish the Club.

Mrs Newbury advises that the current Men’s Group may well develop into a formalised “Men’s Shed” however, current members need to find their way and before officially becoming an Incorporated Group under the “men’s Shed” banner. Mrs Newbury advises that the group of gentlemen involved have assisted Council with some townscape projects and are keen to assist in other community projects.

Apart from meetings, Mrs Newbury advises that there has been a social trip to Nungarin as well as a recent sundowner with approximately 20 people attending. There are other trips planned for 2010 and funds are required to enable the group to attend without having to solely fund the trips and activities themselves.

Comment:

To date, the Men’s Group has worked well and more interest is being shown by the elderly gentlemen in the community to be involved. As Mrs Newbury has stated, encouragement by Council and others within the community will determine whether a formalised Men’s Group eventuates, which would be a great thing for the elderly men of the Yilgarn community.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

Council has a Budget allocation for donations to community groups, which are allocated on an adhoc basis and upon request. There are sufficient funds available in the 2009/2010 Budget to afford a donation to the Men's Group to assist in their establishment.

Recommendation

That Council donates \$1,000 to the Yilgarn Men's Group to assist them in their establishment and allow them to undertake activities to encourage greater participation with the view to formalising themselves into a "Men's Shed".

Voting Requirements

Simple Majority

56/2010

Moved Cr Truran Seconded Cr Auld that Council donates \$1,000 to the Yilgarn Men's Group to assist them in their establishment and allow them to undertake activities to encourage greater participation with the view to formalising themselves into a "Men's Shed".

CARRIED (6/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday 19 th March 2010
Agenda Reference:	8.1
Subject:	Executive Review of the 2009/2010 Adopted Budget
File Reference:	15001
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th March 2010

Background

Council's Executive Management Team met in February 2010 to peruse the current 2009/2010 Adopted Budget and conduct a review of that document in terms of identifying any areas which required the need for additional expenditure, as well as areas where expenditure or income was not expected to be required between now and the end of the financial year to 30th June 2010.

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

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2009/2010 Budget Review - Consideration by Council

Completed by Council's Executive Team on Thursday 4th February 2010

INCOME

Account	Account Description	Budget Amount	New Budget	Affect to Budget	Progressive Total	Reason
				<i>Additional Income / deflation</i>		
E03112	Rates Discount	\$124,000	\$121,069	\$2,931	\$2,931	Less people taking up discount than expected
R03100	GRV Residential/Industrial	\$222,293	\$224,435	\$2,142	\$5,073	Three new properties generating valuation changes
R04100	Reimbursement of Expenses	\$1,500	\$5,131	\$3,631	\$8,704	Closure of SBEC Mukinbudin - returned contribution
R05400	Community Safety Audit	\$0	\$1,200	\$1,200	\$9,904	Received Subsidy towards Community Safety and Crime Prevention
R10600	Planning Application Fee	1,000.00	\$1,800	\$800	\$10,704	Substantial planning fee received for St Joephes library extension
R10604	Grant Funding	1,000.00	\$0	\$1,000	\$9,704	Grant funding not expected
R10700	Cemetery Fees/Charges	3,000.00	\$1,500	\$1,500	\$8,204	Less than expected deaths for the period
R11400	Library Penalties & Fees	\$0	\$250	\$250	\$8,454	More than expected library fees received
R12108	Third Party Contributions - Contributions Western area	10,000	\$5,000	\$5,000	\$3,454	Less than expected On cost works
R12110	Roadwise Funding	20,000	\$27,500	\$7,500	\$10,954	Grant received for Driver Reviver Van more than expected
R12401	Local User Fees	1,950	\$1,150	\$800	\$10,154	There are less Aero Club members than expected
R12403	Aerodrome Grant Funding	167,250	\$197,250	\$30,000	\$40,154	Unexpected RASP funding received for Airport Fencing and Lighting
R13203	Grant Polaris Lake Walk	-	\$9,880	\$9,880	\$50,034	Grant funding for Lotterywest Polaris Walk Trail received
R13600	Sale of Subdivided Land	80,000	\$60,000	\$20,000	\$30,034	An offer for sale has been made on Lots 5 & 6 Libra Place, if amalgamation is approved, 1 block remains unsold.
R13601	Sale of Land (SX Townsite)	20,000	\$0	\$20,000	\$10,034	Sale not expected in this financial year
R13700	State Skeleton Weed Ctte Fund	80,595	\$130,595	\$50,000	\$60,034	Additional \$50,000 has been sought after and approved
R14713	Transfer from Airport Reserve	457,000	\$467,420	\$10,420	\$70,454	Funds necessary to replace bunt out UPS system and furniture at Airport
R14717	Transfer from Computer Reserve	-	\$5,000	\$5,000	\$75,454	Funds used to cover Administration Bld computer upgrade
R14721	Transfer from HFA Rsv	-	\$52,587	\$52,587	\$128,041	Funds for Refurbishments of HFA
Various	Contra Item (Income)	1,275,950	\$278,690	\$997,260	\$869,219	Refer 'Contra Items' section of review

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2009/2010 Budget Review - Consideration by Council

Completed by Council's Executive Team on Thursday 4th February 2010

EXPENDITURE

Account	Account Description	Budget Amount	New Budget	Affect to Budget	Progressive Total	Reason
				Expenditure diminution / augmentation		
E03210	Grants Consultant	\$1,070	\$6,300	\$5,230	\$5,230	Additional expense due to presentation to Grant Commission
E04111	Members Travelling	\$1,030	\$2,380	\$1,350	\$6,580	Change of Council in October has lead to increased travelling costs
E04118	Chamber Maintenance	\$30,000	\$5,000	\$25,000	\$18,420	Chamber maintenance deferred until 2010/11
E04120	Public Relations	\$12,000	\$9,000	\$3,000	\$21,420	Contribution to Golden Pipeline Marketing Strategy and Other expenses not necessary
E04121	Subscriptions	\$38,000	\$33,000	\$5,000	\$26,420	Asset Management Programme deferred until 2010/11
E05251	EMA - VHF Radio expansion	\$26,000	\$11,000	\$15,000	\$41,420	Elevate Tower (West Coronthia) not likely to proceed
E07414	Lease on Doctors Vehicle	\$13,000	\$15,600	\$2,600	\$38,820	Insufficient budget allocated
E08114	Postage	\$1,000	\$2,000	\$1,000	\$37,820	Increase in postal costs and estimated outgoing mail
E08118	Computer Hardware/IT Equipment	\$2,500	\$1,500	\$1,000	\$38,820	Miscellaneous Upgrades not required
E08304	Senior Citz Centre - Depreciation	\$4,000	\$40,000	\$36,000	\$2,820	Insufficient budget allocated
E08412	Aged Persons Residence - Mtce	\$3,550	\$8,550	\$5,000	\$2,180	Additional maintenance costs related to unit 1 - 4
E08450	Refurbishment of HFA Units	\$94,605	\$184,605	\$90,000	\$92,180	Unforeseen costs related to refurbishments of HFA units
E09116	103 Altair St - Mtce	\$0	\$1,250	\$1,250	\$93,430	Property not sold and has generated unexpected maintenance costs
E09216	2 Libra Place - Mtce	\$0	\$2,300	\$2,300	\$95,730	Maintenance work undertaken on propety, initially expected to be sold.
E09504	Depreciation - Commercial Hse	\$3,500	\$7,400	\$3,900	\$99,630	Insufficient budget allocated
E09518	11 Andromeda Ct - Mtce	\$2,300	\$3,500	\$1,200	\$100,830	Unforeseen maintenance costs
E09604	Doctors Res - Depreciation	\$5,000	\$7,000	\$2,000	\$102,830	Expense relates to Scrap value of Disposal of Furniture & Depn on Dr's Residence
E10217	Purchase Bins (Sub & Other)	\$2,000	\$4,300	\$2,300	\$105,130	Additional 240Lt Rubbish Bins purchased
E10621	Community Funding Programme	\$10,500	\$12,100	\$1,600	\$106,730	Community sponsorship/funding requests exceeded budget
E10710	Cemetaries/Crematoriums	\$4,000	\$0	\$4,000	\$102,730	Mapping program completed and paid for in 2008/09
E10711	Rotary Park Toilet	\$6,200	\$4,200	\$2,000	\$100,730	Additional funds not required
E10950	SX Town Drainage	\$43,000	\$26,000	\$17,000	\$83,730	Extension work postponed
E11115	Bullfinch Hall - Operaions	\$500	\$2,500	\$2,000	\$85,730	Increase in utilities
E11118	Bodallin Hall - Mtce	\$1,000	\$4,600	\$3,600	\$89,330	Unforeseen maintenance costs
E11127	Masonic Lodge	\$7,000	\$3,000	\$4,000	\$85,330	Maintenance work deferred
E11151	SX Community Centre Upgrade	\$60,000	\$0	\$60,000	\$25,330	Royalties to Regions project not proceeding
E11211	Swimming Pool Repair	\$19,931	\$4,931	\$15,000	\$10,330	Auto Gas shut off project will not proceed in 2009/10
E11250	Swimming Pool Capital Works	\$15,000	\$0	\$15,000	\$4,670	Chlorine storage module will not proceed in 2009/10
E11325	Recreation Precint Development	\$0	\$2,600	\$2,600	\$2,070	Additional architectural / planning costs.
E11350	SX Youth Rec Works	\$65,000	\$58,300	\$6,700	\$8,770	Royalties to Regions project underspent.
E11351	Sports Complex Capital Upgrade	\$127,000	\$155,000	\$28,000	\$19,230	Additional costs associated to complex extensions
E11352	Playground Structures	\$12,000	\$0	\$12,000	\$7,230	Royalties to Regions project - CEO explanation
E11401	Library Salaries	\$21,000	\$2,000	\$19,000	\$11,770	Additional budget not necessary - allocation of Staff time working in Library overstated
E11550	Museum Upgrade	\$0	\$3,180	\$3,180	\$8,590	Additional maintenance costs related to museum upgrade
E12412	Aerodrome Maintenance	\$2,000	\$9,500	\$7,500	\$1,090	Unforeseen replacement of burnt out UPS System (airstrip lights) at the Airport
E12413	Aerodrome Other Expenses	\$80	\$3,000	\$2,920	\$1,830	Chairs for the Airport Terminal are required and were not budgeted.
E12450	Aerodrome Capital Upgrade	\$165,000	\$205,000	\$40,000	\$41,830	Additional costs associated to plumbing work and construction of verandah on terminal
E12601	RRU - Dual Use Footpath	\$97,429	\$92,429	\$5,000	\$36,830	Underspent on works
E12622	RRU - Ivey Road	\$60,532	\$56,343	\$4,189	\$32,641	Underspent on works
E12623	RRU - Old Marvel Loch Rd	\$29,899	\$17,399	\$12,500	\$20,141	Underspent on works
E13212	Caravan Pk Res Mtce	\$2,020	\$19,520	\$17,500	\$37,641	Timing issue - Associated with electrical work in 2008/09
E13214	Caravan Pk Improvements	\$0	\$6,000	\$6,000	\$43,641	Timing issue - Associated with replacement of vinyl flooring in 6 units in 2008/09
E13912	Consumable/Disposable/Chemical	\$9,000	\$5,500	\$3,500	\$40,141	Underspent on usage
E13913	Equipment Purchases	\$4,000	\$500	\$3,500	\$36,641	Anticipated equipment not required.
E14204	Public Works Depreciation	\$3,000	\$11,000	\$8,000	\$44,641	Yearly projection for depreciation was undertated for YL333
E14616	Advertising	\$3,500	\$8,000	\$4,500	\$49,141	Unforeseen advertising costs associated to employment of DCEO
E14619	Stationery	\$8,000	\$16,000	\$8,000	\$57,141	Unanticipated bulk paper and rate notices order was necessary
E14618	Other - Consultancy	\$2,000	\$15,000	\$13,000	\$70,141	Proposed Consultation with UHY Haines Norton for Financial Reports preparation
E14627	Administration Equipment	\$18,000	\$2,000	\$16,000	\$54,141	Defer purchase of Admin equipment until 2010/11 after Admin upgrade.
E14651	Depot Office Upgrade	\$55,000	\$78,000	\$23,000	\$77,141	Additional costs associated to the construction of Handyman Shed
E14622	Computer Software	\$33,500	\$52,500	\$19,000	\$96,141	Additional costs relating to installation and technical hours required for Computer upgrade.
E14706	Insurance Claims Excess	\$600	\$2,500	\$1,900	\$98,041	More than expected insurance claims over the six month period
E12456	Airport Security Fencing & Lighting	\$0	\$30,000	\$30,000	\$128,041	Security Fencing & Lighting funded by RLCIP grant
Various	Contra Item (Expenditure)	\$4,652,260	\$3,655,000	\$997,260	\$869,219	Refer 'Contra Items' section of review

Total increase in income of \$869,219 is offset to increased expenditure of \$869,219, resulting in a balanced Budget Review.

Note: The Royalties to Regions programme funding has been deferred for 09/10, although 10/11 are still scheduled to be received.

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CONTRA ITEMS

No impact on Council's Balanced Budget as the Contra Items balance each other out

Account	Account Description	Budget Amount	New Budget	Affect to Budget <i>Expenditure diminution / augmentation</i>	Progressive Total	Reason
R03302	Interest Earned	\$204,690	\$145,690	\$59,000	\$59,000	
E14711	Plant Reserve Interest	\$392,000	\$373,500	\$18,500	\$40,500	
E14712	Building Reserve Interest	\$439,000	\$420,000	\$19,000	\$21,500	
E14713	Airport Reserve Interest	\$50,000	\$44,500	\$5,500	\$16,000	Ongoing fluctuation in Interest earnings due to the Global Financial Market. Term Deposit Interest rates vary from 4.30% for short term (<6mths) to 6% for longer terms (>6mths)
E14714	Land Development Interest	\$122,000	\$118,600	\$3,400	\$12,600	
E14720	Rec Facility Reserve Interest	\$1,690,000	\$1,681,000	\$9,000	\$3,600	
E14721	Homes for the Aged Interest	\$195,500	\$191,900	\$3,600	\$0	
R03202	Royalties for Regions	\$453,869	\$0	\$453,869	\$453,869	Government have deferred R4R for 2009/2010
E14720	Transfer to Sport and Recreation Reserve	\$899,369	\$445,500	\$453,869	\$0	
R03203	Royalties to Regions (WEROC)	\$244,391	\$0	\$244,391	\$244,391	Government have deferred R4R for 2009/2010
E14712	Transfer to Building Reserve	\$554,391	\$310,000	\$244,391	\$0	
R09142	Proceeds on Sale of Asset	\$373,000	\$133,000	\$240,000	\$240,000	Sale of 103 Altair Street will not occur as the property may be required for the new Workshop Mechanic
E14712	Transfer to Building Reserve	\$310,000	\$70,000	\$240,000	\$0	
R09140	Profit on Sale of Asset	\$210,000	\$0	\$210,000	\$210,000	Sale of 103 Altair Street will not occur as the property may be required for the new Workshop Mechanic
R09140	Profit excluded from Balanced Budget			\$210,000	\$0	

Comment

The significant movement in accounts (\$869,219) is mainly due to the lag effects of the downturn in the Global Financial Markets, where \$698,260 was related to the deferral of Royalties to Regions funding for 2009/2010 and \$59,000 due to lower rated interest earnings. When you take into account only the income and expenditure budget variations, the movement amounts to \$128,041.

Statutory Environment

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

Policy Implications

None

Financial Implications

Will see a re-allocation of funds within the 2009/2010 Adopted Budget

Strategic Implications

None

Voting Requirements

Absolute majority required

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Recommendation

That the 2009/2010 Adopted Budget be amended to include the changes (\$869,219) proposed, resulting from a Budget Review completed on the 4th February 2010 by Council's Management Team. The total of the Municipal Budget remaining at \$12,425,000.

57/2010

Moved Cr Truran Seconded Cr Kenward that the 2009/2010 Adopted Budget be amended to include the changes (\$869,219) proposed, resulting from a Budget Review completed on the 4th February 2010 by Council's Management Team. The total of the Municipal Budget remaining at \$12,425,000.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th March 2010
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	4132
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th March 2010

Background

Municipal Fund – Cheque Numbers 34707 to 34813, totalling \$327,931.77, Municipal Fund – Cheque Numbers 931 to 935, totalling \$104,211.33, Trust Fund – Cheque Numbers 401856 to 401860, totalling \$6,947.75 and Trust Fund – Cheque Numbers 5659 to 5662 (DoT Licensing), totalling \$82,457.85 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 34707 to 347813 totalling \$327,931.77, Municipal Fund - Cheque Numbers 931 to 935, totalling \$104,211.33, Trust Fund - Cheque Numbers 401856 to 401860, totalling \$6,947.75 and Trust Fund - Cheque Numbers 5659 to 5662 (DoT Licensing), totalling, \$82,457.85 as per the submitted list.

58/2010

Moved Cr Auld Seconded Cr Della Bosca that Council endorse the accounts covered by Municipal Fund - Cheque Numbers 34707 to 347813 totalling \$327,931.77, Municipal Fund - Cheque Numbers 931 to 935, totalling \$104,211.33, Trust Fund - Cheque Numbers 401856 to 401860, totalling \$6,947.75 and Trust Fund - Cheque Numbers 5659 to 5662 (DoT Licensing), totalling, \$82,457.85 as per the submitted list.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th March 2010
Agenda Reference:	8.3
Subject:	Financial Reports
File Reference:	4144
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	15 th March 2010

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 28th February 2010 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 18th March 2010)

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

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Financial Implications

None

Strategic Implications

None

Voting Requirements

Simple majority required

Recommendation

That the Various Financial Reports for the period ending 28th February 2010, as presented, be received.

59/2010

Moved Cr Auld Seconded Cr Truran that the Various Financial Reports for the period ending 28th February 2010, as presented, be received.

CARRIED (6/0)

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council March 19 th 2010
Agenda Reference:	Works 9:1
Subject:	Authorisation Agreement - Works on Roads
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12801
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	Nil
Date of Report:	4th March 2010

Background

Correspondence has been received from Mr. Mario Marks Acting Road Safety Coordinator Main Roads advising that the Commissioner of Main Roads WA is the sole authority that may erect road signs, traffic control signals and other devices under section 297(1) of the Road Traffic Code. 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. Mr. Marks indicates that the Shire of Yilgarn does not have this authority to erect road signs, traffic control signals and other 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 two copies of the Instrument of Authorisation were provided to the Shire of Yilgarn to be signed by the Chief Executive Officer and for Councils Common Seal to be placed on the document.

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Statutory Environment: Nil

Policy Implications: Councils 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 the purpose of allowing Main Roads WA delegated authority to the Shire of Yilgarn for the erection of road signs, traffic control signals and other devices for works on roads.

Voting Requirements

Simple Majority

60/2010

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 the purpose of allowing Main Roads WA delegated authority to the Shire of Yilgarn for the erection of road signs, traffic control signals and other devices for works on roads.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council March 19 th 2010
Agenda Reference:	Works 9:2
Subject:	Southern Cross Airport Runway Lighting Un-Interrupted Power Supply (UPS)
Location/Address:	Southern Cross Airport
Name of Applicant:	N.A.
File reference:	12507
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	Nil
Date of Report:	8th March 2010

Background

As councillors would be aware the Southern Cross Airstrip is serviced by two runways these being 09/27 which is the secondary runway and 14/32 which is the main runway. Runway 14/32 is equipped with lighting to enable night time landing by the Flying Doctor Service and other services requiring runway lighting.

The runway lights can be activated either manually by a switch located externally on the bunker located at the airstrip or by approaching aircraft using a two way radio frequency. This system is called the Pilot Activated Airport Lighting System (PAAL).

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To ensure a continuous power supply to the runway lights the Pilot Activated Airport Lighting System is equipped with an Un-Interrupted Power Supply (*UPS*) unit and two large power storage batteries. In the event of a power failure the power stored in the batteries guarantee the runway lighting stays operational.

Comment

In late February the *UPS* unit ceased to operate. Council engaged Duey Electrical Contractors to investigate the fault and rectify. The prognosis of the fault with the *UPS* unit was it had "*fried*" itself, with the likely cause of this being the age of the unit and the extreme heat that was being experienced during February (*the PAAL and UPS are located in the bunker without cooling or dust proofing making the units subject to dust and extreme heat during summer. This equipment is to be re-located into the new terminal with the appropriate air-conditioning*).

In consultation with Duey Electrical and Ford Electronics (*Councils servicing agent for the PAAL system*) it was decided that given the extent of damage and age to the *UPS* it was unlikely that this unit could be repaired and therefore would have to be replaced.

To keep the runway lights operational the *UPS* has been by-passed and the Pilot Activated Airport Lighting System is being fed with power directly from the mains. This is a "*short term fix*" and the damaged *UPS* should be replaced as soon as possible. The *UPS* unit is a crucial part of the runway lighting as it guarantees a continuous power supply to the runway lighting operation during power failures.

Through Ford Electronics a replacement *UPS* has been sourced and placed on order and is estimated to cost \$7,500 plus GST. As this is an un-budgeted cost it is proposed to utilise the Airport Reserve Fund to pay for the replacement of the unit.

Financial Implications:

The monetary amount of \$7,500 GST exclusive to replace the damaged Un-Interrupted Power Supply (*UPS*) is to be sourced from the Airport Reserve Fund

Recommendation

As the Un-Interrupted Power Supply unit is a essential part of the runway lighting, Council endorses the actions of council staff to have a replacement Un-Interrupted Power Supply unit purchased at cost of \$7,500 (*GST exclusive*) with these funds be sourced from Councils Airport Reserve Fund.

Voting Requirements

Absolute Majority

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61/2010

Moved Cr Pasini Seconded Cr Truran that as the Un-Interrupted Power Supply unit is a essential part of the runway lighting, Council endorses the actions of council staff to have a replacement Un-Interrupted Power Supply unit purchased at cost of \$7,500 (GST exclusive) with these funds be sourced from Councils Airport Reserve Fund.

CARRIED BY ABSOLUTE MAJORITY (6/0)

SHIRE MECHANIC POSITION

The Manager for Works advised that following the resignation of Warren McDonald as Council's Mechanic, the position was advertised at an increased salary package however, minimal interest was received. The Manager for Works sought Council's approval to re-advertise the position based on a further increase in the salary package in an effort to encourage prospective applicants.

62/2010

Moved Cr Truran Seconded Cr Auld to approve proposed changes to the Mechanic Remuneration Package:

The components representing the Mechanic's Remuneration package:

	<i>Previously Advertised</i>	<i>Proposed</i>
<i>Salary (cash component)</i>	<i>\$60,000</i>	<i>\$65,000</i>
<i>Annual Leave Loading 17.5%</i>	<i>808</i>	<i>875</i>
<i>Overtime (min. per annum)</i>	<i>16,394</i>	<i>17,760</i>
<i>Superannuation 9% Compulsory</i>	<i>5,400</i>	<i>5,850</i>
<i>Superannuation Council</i>	<i>5,400</i>	<i>5,850</i>
<i>Location Allowance</i>	<i>925</i>	<i>925</i>
<i>Housing</i>	<i>3,380</i>	<i>3,380</i>
	<i>\$92,307</i>	<i>\$99,640</i>

Additional Benefits

Motor Vehicle to and from work (private use within shire)

CARRIED (6/0)

CAZALY RESOURCES MT.CAUDAN PROJECT

The Shire President advised that he had received a number of complaints, which were being forwarded to Council in writing, of the proposed transport route that Cazaly Resources had proposed in carting ore from their Mt. Caudan project to the Moorine Rock siding. The Shire President advised Councillors of the concerns raised and indicated that the correspondence will be presented to the May 2010 Ordinary Meeting for further consideration.

W Dallywater left Council Chambers at 6.00pm and returned 6.05pm.

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Submission to:	Ordinary Meeting of Council March 19th 2010
Agenda Reference:	Works 9:3
Subject:	Wheatbelt North Regional Road Group - Additional Road Works Funding
Location/Address:	N/A
Name of Applicant:	N/A
File reference:	12863
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	11 th March 2010

Background

Council has been notified that additional funding of \$375,577 has been allocated to the Wheatbelt North Sub Regional Road Group (WNSRRG) for Regional Road Group Programs in the coming 2010-2011 Financial Year.

The additional funding is to be split up between the eight shires that make up Wheatbelt North Sub Regional Road Group these being Koorda, Mukinbudin, Trayning, Mount Marshall, Nungarin, Westonia, Wyalkatchem and Yilgarn Shires. The additional funding can only be utilised on recognised 2025 Regional Road Programs either as a new project or extension of existing projects. Funding allocated to carry out roadwork projects under 2025 Regional Road Program is split 2/3 Main Roads WA through the Regional Road Groups and matched by 1/3 by councils receiving funding.

Comment

Shire of Yilgarn portion of the additional funding for the 2010/2011 Financial Year was to be \$80,000. The Westonia Shire have, notified the subgroup that at this stage they do not require their additional amount. As a consequence of this their allocated amount will now be split up between the other seven remaining councils that make up the Wheatbelt North Sub Regional Road Group.

Shire of Yilgarn's additional revised amount will now be \$94,000, along with councils matching funding the total will be \$141,000. It is proposed to utilise the additional funding to carry out 2.5 kilometres of bitumen reseal works on Bodallin North Road (\$66,521) and 2.2 kilometres of bitumen reseal works on the Moorine South Road (\$74,504)

Submitted for Councils information

RECEIVED

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MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 19 th March, 2010
Agenda Reference:	10.1
Subject:	Planning Application - Shire of Yilgarn Application to Amalgamate
Location/Address:	Lots 5 & 6 Leo Street, Southern Cross
Name of Applicant:	Western Australian Planning Commission - Ms Rosa Rigali
File Reference:	10316
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th March, 2010

Background

The Western Australian Planning Commission (WAPC) has written to Council to advise that it has received an application for planning approval as detailed below:-

Application Type	Subdivision	Application No	141553
Applicant(s)	Shire of Yilgarn		
Owner(s)	Shire of Yilgarn		
Locality	Lot 5 Leo Street, Southern Cross		
Lot No(s)	5 & 6	Purpose	Residential
Location		LG Zoning	Residential, Abuts Recreation
Volume/Folio No	2703/689, 2703/690	Local Gov	As above
Plan/Diagram No	P061953/5, P061953/6	Tax Sheet	Rankin 18.24
Centroid Coordinates	720736mE 6543503mN		
Other Factors			

The WAPC invites Council to provide any information, comment or recommended conditions pertinent to this application by Friday, 9 April 2010 being 42 days from the date of the correspondence. The WAPC will not determine the application until the expiry of this time unless all responses have been received from referral agencies. No response to this request may be taken as an indication that there is no comment to offer. See attached letter and plan of the proposed subdivision.

WAPC advises that this proposal has been referred to the following organisations for their comment:-

*Western Power,
Water Corporation, &
Department of Environment and Conservation.*

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Comment:

This amalgamation application was instigated by Council following the request by Mr Gary and Mrs Josie Kent's expression of interest in purchasing the lots on the proviso that they were amalgamated. The Kent's have indicated that they wish to build a dwelling on the amalgamated lot along with a shed and other residential type structures. Council resolved to proceed with the amalgamation process at its January 2010 ordinary meeting.

Planning Issues

Council developed the land to the west of Leo Street and Libra Place to provide additional vacant residential land in Southern Cross. Six lots were subdivided, with the area of the lots being between 700m² and 754m². The density rating for the lots would be R12.5 for a single dwelling development or R25 to allow for grouped dwelling development. The Shire of Yilgarn Town Planning Scheme No 2 has not been amended to include this subdivision as yet.

Other Issues

Both lots 5 & 6 Leo Street are connected to Council's deep sewer scheme, are connected to under-ground mains power supply, have potential for separate water metres, and are serviced by a formed sealed road. Stormwater drainage from buildings can be directed onto Leo Street if not collected on-site in stormwater tanks.

Statutory Environment

Planning and Development Act 2005 and Strata Titles Act 1985.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Western Australian Planning Commission that as the applicant, Council fully supports the proposed amalgamation of Lots 5 and 6 Leo Street, Southern Cross and does not wish to place any conditions on this application.

Voting Requirements

Simple Majority.

63/2010

Moved Cr Kenward Seconded Cr Pasini that Council advises the Western Australian Planning Commission that as the applicant, Council fully supports the proposed amalgamation of Lots 5 and 6 Leo Street, Southern Cross and does not wish to place any conditions on this application.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 19 th March, 2010
Agenda Reference:	10.2
Subject:	Planning Application – Re-Zoning of Residential Lot for Duplex Development
Location/Address:	Lot 457 (H/No 12) Altair Street, Southern Cross
Name of Applicant:	Mr Jarrod Gobetti (son of owner)
File Reference:	10303
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th March, 2010

Background

At the November 2009 Ordinary Meeting of Council an application was submitted by Mr Jarrod Gobetti, son of the owner of Lot 457 Altair Street, Southern Cross, for Planning Approval to place two new transportable dwellings on the lot with a double carport attached to the front of each unit, and a part side verandah connecting the carport to the front door of each unit. The lot is currently vacant with a large peppercorn tree in the middle of the lot. Lot 457 is 911 square metres in area. Mr Gobetti is aware of a shortage of rental accommodation in Southern Cross and believes that this proposed development will help provide some rental accommodation. See attached Application form, proposed site plan, McGrath Homes floor plan with elevation, and location map.

Council was advised that in respect to the application the following applied:-

Town Planning Issues

Lot 457 Altair Street, Southern Cross is zoned “Residential” with a density rating of R10 under the Shire of Yilgarn Town Planning Scheme No 2.

The R10 requires:-

Dwelling Type	Min Site Area per Dwelling	Min Lot Area/Rear Battleaxe	Min Frontage	Min % OpenSpace Of Total Site	Min Setback Primary St	Min Setback Other/Rear
Single House	1000 m ²	925 m ²	20m	60%	7.5m	Ref tables/6m
Grouped Dwelling	Min 875 m ² & av 1000 m ²	925m ²	20m	60%	7.5m	Ref tables/6m

Thus, the lot is not large enough as an R10 for 2 dwellings to be built on the site.

A suitable alternative density rate is R25 which requires:-

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Dwelling Type	Min Site Area per Dwelling	Min Lot Area/Rear Battleaxe	Min Frontage	Min % OpenSpace Of Total Site	Min Setback Primary St	Min Setback Other/Rear
Single House	350 m2	445 m2	8m	50%	6.0m	Ref tables
Grouped Dwelling	Min 320 m2 & av 350 m2	445m2	8m	50%	6.0m	Ref tables

Thus, a lot that is 911 square metres in area will allow for 350m2 as an average for each dwelling, which complies with the above requirements.

In 2001 Council re-zoned most residential corner lots from R10 to R30 to allow for additional residential development, especially as all lots would or would likely have a street frontage. Council did not believe re-zoning other lots was necessary at that time, and Council was investigating or looking for land that could be developed for future residential purposes. To date one person has taken advantage of the re-zoning to R30 and carried out a subdivision of the lot.

If Council grants approval for the re-zoning, Lot 457 will be the only lot with a density rating of R25. There are advantages to having a uniform density rating -

- building setbacks and development requirements are the same;
- the streetscape will be uniform and one development is unlikely to impact on a neighbouring development;
- those living in the rear dwelling are not subject to activities in neighbouring rear yards that could impact on their standard of living, in particular when the occupants are shift workers, and be likely to generate complaints from these people.

In considering this application, Council needs to consider the following extract under part 1.3.3 Density Control from the Residential Design Codes of Western Australia October 2002 -

“Density control is a principal tool of the Codes and is desirable for several reasons, including:

- *to preserve the residential character of an area, of which density is one aspect contributing to character;*
- *to increase (or decrease) the density of an existing area for reasons explained in a Local Planning Strategy;*
- *to ensure that a new housing area is used to its best advantage, in light of the findings of the Strategy;*
- *to cater for a demand for a particular form of housing in a given location; and*
- *to have regard to any limitations posed by the local street system or other infrastructure.”*

Care needs to be taken when selecting the boundary between adjacent areas with differing codes; for example, between an area coded R20 and one coded R30. As a general rule, the

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rear property boundary will be the preferred dividing line. For consistency of streetscape it is preferred that the same code applies along both sides of a streets."

As this is a single lot re-zoning and not part of a Scheme amendment, the applicant would be responsible for all costs associated with the re-zoning process.

Comment:

At the November 2009 Council meeting the following was resolved:-

273/2009

Moved Cr Truran Seconded Cr Kenward that Council advises Mr Jarrod Gobetti that it supports the application to re-zone Lot 457 Altair Street, Southern Cross by increasing its density rate from R10 to R25 on the condition that Mr Gobetti pays all associated costs.

As a requirement of the Shire of Yilgarn Town Planning Scheme No.2 and in accordance with Sections 81 to 84 of the *Town Planning & Development Act 2005*, an advertisement of the proposal had to be circularised seeking public comment prior to Council making a final decision on the application.

The attached notice was published in the Western Australian newspaper on Wednesday 27th January 2010, and was published in the local "Crosswords" publication on 18th February, 2010 and again on 4th March, 2010. The closing date for written comments was at 4:00 p.m. on Wednesday 10th March, 2010. Following the mandatory advertising period, no public comments were received from the advertising of the notice.

It was a requirement to also notify statutory agencies of the proposal seeking their comment and so letters were sent to the Environmental Protection Authority, Department of Indigenous Affairs, Department of Industry & Resources, Western Power Corporation, Water Corporation, Telstra, Main Roads Western Australia, and Department of Health Environmental Health Directorate.

The following is a summary of the comments received by post and E-mail at the close of the advertising period on Wednesday, 10th March 2010:-

Water Corporation – has no objections to or comments with regards to this amendment.

Western Power –

1. There are no objections to the changes proposed;
2. The respondent believed that the lot is un-serviced and an application to connect to power will need to be lodged with Western Power by the applicant; and
3. In the event the Western Power has to install an asset on this property to supply the lot Western Power will require 24 hour unencumbered access.

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Telstra - has sufficient infrastructure to allow for rezoning to 2 dwellings. The developer/builder/customer will be responsible to provide lead-in trench from both units back to existing Telstra pit on verge between lot 457/458 (10/12).

Environmental Protection Authority - considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1989 (EP Act) and that it is not necessary to provide any advice or recommendations.

Main Roads WA - have determined that the subject land does not have direct access to the MRWA road network and from the information provided, there will be no substantial increase in vehicle movement numbers. Therefore MRWA have no conditions required.

Department of Mines and Petroleum - DMP advised the tenement holder of the proposal, and they have not provided any comment. Therefore DMP has no objections to the proposed Amendment.

Statutory Environment

Town Planning & Development Act 2005 and the Shire of Yilgarn Town Planning Scheme No.2.

Policy Implications

Council Policy 6.2 - Buildings on Townsite Lots, which states:-

- "Planning consent will not be granted by the Council to applicants wishing to construct more than one (1) building on a lot within the townsite of the Yilgarn Shire unless:*
- a) setbacks and uses of the proposed buildings meet the requirements of the Building Code of Australia and Town Planning (Building Regulations;*
 - b) the buildings are constructed in a similar manner in terms of style, finish, appearance and method of construction as determined by the Council. Applicants are required to present such details including plans and photographs of proposed and existing buildings for Council perusal."*

Financial Implications

Currently the lot is vacant so the land is rated at the unimproved minimum rate. If there were two dwellings on the lot, Council would receive the improved rates for the property.

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Recommendation

That as there was no objections received in relation to the proposed Town Planning Scheme Amendment for the Re-zoning of Lot 457 Altair Street, Southern Cross from R10 to R25 density, Council proceeds with the next stage of the re-zoning process by engaging Council's Town Planning Consultant to prepare the necessary Town Planning Scheme Amendment documents.

Voting Requirements

Simple Majority.

64/2010

Moved Cr Pasini Seconded Cr Kenward that as there was no objections received in relation to the proposed Town Planning Scheme Amendment for the Re-zoning of Lot 457 Altair Street, Southern Cross from R10 to R25 density, Council proceeds with the next stage of the re-zoning process by engaging Council's Town Planning Consultant to prepare the necessary Town Planning Scheme Amendment documents.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th March, 2010
Agenda Reference:	10.3
Subject:	Planning Application - Directional Signs
Location/Address:	Various Roads in the Yilgarn District
Name of Applicant:	Mrs Mavis Goodhill - Southern Cross B & B Hampton View Homestead Farmstay
File Reference:	13107
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th March, 2010

Background

Mrs Mavis Goodhill has written to the Shire applying for permission to erect signs to direct customers to her Bed & Breakfast and Farmstay business at Mount Hampton. In total Mrs Goodhill is seeking to erect 5 directional finger signs at the following locations:-

- i) intersection Great Eastern Highway and Moorine South Road;
- ii) intersection Bodallin South Road and Moorine South Road;
- iii) intersection Sandalwood Rock Road and Moorine South Road;
- iv) intersection Sandalwood Rock Road and McKenzie Road;
- v) intersection Moorine South Road and McKenzie Road;

In addition to these signs, Mrs Goodhill is also proposing to erect 1 directional sign in the Shire of Merredin on the intersection of Carrabin South Road and Dulyalbin Road, and 3 signs in the Shire of Kondinin on the intersection of Soldiers Road and

Grays Road; the intersection Soldiers Road and Roe Dam Road, and on the edge of the Hyden townsite.

All the directional signs will simply read "B&B/Farmstay" except for the sign on the Great Eastern Highway and Moorine South Roads which will also state the distance to the B&B/Farmstay (as will the sign from Hyden).

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 requested finger sign locations are acceptable and generally can be readily fixed to the existing road name posts on the nominated road intersections.

The Shire Manager of Works, Mr Robert Bosenberg, is aware of this application and has agreed that installation of the proposed 5 finger signs will not be a problem. He has asked that a condition of approval be that the Shire installs the signs at the applicant's cost to ensure they are positioned the correct distance off the bitumen and gravel roadway, and from existing road signs, in particular the various caution/warning signs, plus the correct type of post is installed for the signs.

Statutory Environment

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.

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.

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Financial Implications

Nil

Recommendation

That Council grants approval to Mrs Mavis Goodhill of the Southern Cross B&B Hampton View Homestead Farmstay to erect five directional finger signs as stated in the application, on condition that:-

- 1) the signs are professionally produced, with the Shire purchasing the directional finger signs to ensure uniformity;
- 2) the signs are erected by the Shire of Yilgarn at the applicant's cost; and
- 3) Mrs Goodhill or the owner's of the B&B and Farmstay are responsible for the ongoing maintenance of the signs.

Voting Requirements

Simple Majority.

65/2010

Moved Cr Truran Seconded Cr Kenward that Council grants approval to Mrs Mavis Goodhill of the Southern Cross B&B Hampton View Homestead Farmstay to erect five directional finger signs as stated in the application, on condition that:-

- 1) the signs are professionally produced, with the Shire purchasing the directional finger signs to ensure uniformity;*
- 2) the signs are erected by the Shire of Yilgarn at the applicant's cost; and*
- 3) Mrs Goodhill or the owner's of the B&B and Farmstay are responsible for the ongoing maintenance of the signs*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th March, 2010
Agenda Reference:	10.4
Subject:	Planning Application - Relocation of a Second Hand Transportable Dwelling
Location/Address:	Lot 77 Fairless Road, Southern Cross
Name of Applicant:	Mr & Mrs Ken & Kerry Fairless
File Reference:	10303
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th March, 2010

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Background

Mr & Mrs Ken & Kerry Fairless have submitted an application to relocate a second-hand transportable dwelling from a caravan park in Perth onto their property of Lot 77 Fairless Road, Southern Cross. The dwelling was purchased by their daughter, Miss Monica Fairless, as a dwelling for herself. Miss Fairless proposes to construct a full length verandah along the front and rear of the dwelling. The dwelling is to be situated 15 metres from the southern (Fairless Road) boundary, 45 metres from the existing dwelling on the rural property, and 60 metres from the eastern lot boundary.

See attached site plan, floor plan, coloured photographs, and location map.

Comment

Town Planning Issues

Under the Shire of Yilgarn Town Planning Scheme No 2 approval needs to be obtained from Council prior to a relocatable building being placed on a lot in the District. In particular this application is for a second-hand transportable dwelling from a Perth caravan park. I understand that the building is in fairly good condition, as can be seen from the attached photographs.

Due to circumstances, the dwelling was required to be removed from the caravan park site a few weeks ago and has temporarily been placed on Lot 77.

Building Code of Australia 2009

The Building Code of Australia (BCA) is an Australian-wide building standard which is adopted under regulation 5(1) of the Building Regulations 1989 and applies to building classes 1 - 10. The proposed dwelling to be used as a residence will be a class 1A building.

Under regulation 5 (2) of the Building Regulations 1989 if the local government believes that any alteration, addition, restoration, or repair to a building is considered minor and does not adversely affect the safety of persons accommodated in or resorting to a building or property in or in the vicinity of the building then the local government may determine that the BCA does not apply in relation to such work and that the work shall conform to only such of the provisions of the Building Code as are specified by the local government. See attached copy of regulation 5 of the Building Regulations 1989.

In this instance the structure of the buildings complies with the BCA and the building are suitable for relocation. The building may not comply with part 3.12 of the BCA which deals with energy efficiency requirements. The thermal rating of different parts of the building that may not comply with the standards under part 3.12, which are outlined below:-

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Climate Zone 4

Specification Structure	Required BCA Thermal R Rating	Current Material Thermal R Rating	Required Added Thermal R Rating
Roof - flat Zinalume roof + plywood ceiling	R3.5	Unknown + R0.35 roof & ceiling materials	Unknown
Walls External - sandwich panels 75mm thick	R2.2	R1.97	R0.23
Floor Suspended Unenclosed - steel frame with particle board sheets	R2.0	R0.7	R1.3
Exhaust fans	To be self closing	Not self closing	To be self closing

Ideally the second-hand transportable dwelling should be renovated to comply with the required BCA Thermal R Ratings listed above. To achieve this you would need to

-
- For the Roof - take off the roof and install thermal batts of adequate thermal rating in the ceiling cavity, or fix sisalation or Air-cell sheets to the underside of the ceiling and then fix Gyprock sheeting and cornices to the ceiling frame.
- For the Walls (external) - fix Hardiflex or similar sheeting with sheet and corner joiners to the exterior of the walls from eaves to bottom of walls, or fix sisalation sheets to the external walls and then sheets of Colorbond from eaves to the bottom of the walls.
- For the Floor (suspended) - enclose around the frame of the floor from the bottom of the walls to the ground level with a solid material such as Hardiflex, Hardiplank, bricks, etc which would then have a required BCA thermal R rating of R1.0. The particle board sheets are covered with sheet vinyl which would have a thermal rating of approximately R0.2-0.3 which added to the structure's thermal rating of R0.7 basically achieves the required R1.0.
- For the Exhaust Fans - change the exhaust fans to ones that are self-closing when not in use.

Council could grant approval for the dwelling to remain as is based on the fact that the dwelling is an existing building, or it could grant approval on the condition that some renovation work is carried out. I would highly recommend that the enclosure of the suspended timber floor should be carried out as it is fairly simple and not an expensive job. I would also highly recommend that the exhaust fans in the bathroom and kitchen are changed to being ones that are self-closing when not in use as this is a relatively simple job. I would recommend that the insulation of the ceiling cavity be carried out but acknowledge that this will be a relatively expensive job. The external walls could be left as they are without any additions done, especially as full length verandahs are proposed to be added on the front and rear of the dwelling which will

reduce the heating impact during summer but will not improve the thermal impact during winter.

At this time I am unsure whether other factors of energy efficiency (in terms of glazing, hot water unit, lagging of hot water pipes, air conditioning unit(s), ceiling fans, etc) within the building comply with the BCA and the Australian Standards.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, the Building Regulations 1989 and the Building Code of Australia 2009 Volume 2.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

- 1) That Council grants planning approval to Mr & Mrs Ken & Kerry Fairless and Miss Monica Fairless to relocate a second-hand transportable dwelling onto Lot 77 Fairless Road, Southern Cross with the setback distance from the southern or front boundary of 15 metres, and to the eastern boundary of 60 metres and to the closest building of 45 metres, as per the submitted site plan for use by Miss Monica Fairless; and
- 2) That Council grants approval for the proposed second-hand dwelling to not comply fully with part 3.12 of the Building Code of Australia 2009 Volume 2, as the non-compliance is not structural and will not affect the safety of the building, on the condition that the thermal rating of the dwelling complies with the Building Code of Australia for the roof/ceiling space and the sub-floor space, and that the exhaust fans are changed to units that are self-closing when not in use.

Voting Requirements

Simple Majority.

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66/2010

Moved Cr Pasini Seconded Cr Kenward that Council grants approval for:

- 1) *Mr & Mrs Ken & Kerry Fairless and Miss Monica Fairless to relocate a second-hand transportable dwelling onto Lot 77 Fairless Road, Southern Cross with the setback distance from the southern or front boundary of 15 metres, and to the eastern boundary of 60 metres and to the closest building of 45 metres, as per the submitted site plan for use by Miss Monica Fairless; and*

- 2) *The proposed second-hand dwelling to not comply fully with part 3.12 of the Building Code of Australia 2009 Volume 2, as the non-compliance is not structural and will not affect the safety of the building, on the condition that the thermal rating of the dwelling complies with the Building Code of Australia for the roof/ceiling space and the sub-floor space, and that the exhaust fans are changed to units that are self-closing when not in use.*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 19 th March, 2010
Agenda Reference:	10.5
Subject:	Proposed Upgrade of Existing Telecommunications Facility for Mobile Telephone Service
Location/Address:	Location 907 No 7 Tank off Great Eastern Highway, Mount Palmer
Name of Applicant:	Daly International Pty Ltd - Ms Maria Engelbrecht, Town Planner
File Reference:	14001
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th March, 2010

Background

Daly International Pty Ltd on behalf of Optus Pty Ltd has written to the Shire advising that Optus will be upgrading the existing telecommunication facility on the existing Telstra site of Location 907 No 7 Tank off the Great Eastern Highway, Mt Palmer. The proposal is to install four panel antennas at 2.35 metre height on Telstra's existing lattice tower, plus install a new transportable equipment shelter with associated infrastructure. Telstra has given approval for the new installations.

Comment

While new telecommunications facility installations as a land use have an 'AA' symbol under the Shire of Yilgarn Town Planning Scheme No 2 and would require Council's approval, but as this is an addition to an existing installation that has previously been approved by Council, no further approvals are required. The

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installation of the new antennas and equipment shelter with associated infrastructure on the existing structure will have no visual, health or environmental impact.

Planning approval is not required in this instance as the upgrade is considered to be low level, which is exempt under the Town Planning and Development Act 1928.

Policy Implications

Nil

Statutory Requirements

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

Financial Implications

Nil

<p>Recommendation</p>

<p>For Council's information.</p>

RECEIVED

Other Business

SENIOR CITIZENS CENTRE GUTTERS

Cr Truran advised Council that the gutters at the Senior Citizen Centre may need to be checked prior to winter, as she had noticed debris cluttering gutters. The Manager for Environmental Health and Building Services advised that she would have them checked.

CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 6.24 pm.

I, Peter Romolo Patroni confirm the afore Minutes of the Meeting held on Friday, 19th March 2010 are confirmed as a true and correct record of that meeting on Friday, 16th April 2010.

Cr Romolo Patroni
SHIRE PRESIDENT