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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 21st May 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 21st May 2010.

PRESENT

Cr P R Patroni, Shire President

Cr D G Auld, Deputy Shire President

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

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

NEWLEY APPOINTED POLICE OFFICER IN CHARGE & CONSTABLE TO SOUTHERN CROSS POLICE STATION

Prior to the Council meeting Sergeant Andy Allison and Constable Jason Mora were welcomed to the District by the Council. Sergeant Allison introduced himself and gave an overview of his time in the police force, especially working in the country. Both Officers expressed that they were looking forward to serving the people of the Yilgarn District.

NEWLEY APPOINTED - ACTING CHIEF EXECUTIVE OFFICER

The Council welcomed Mr Eddie Piper to the Shire of Yilgarn. Mr Piper introduced himself and gave an overview of his background in Local Government.

The meeting was declared open for business at 2.02 pm.

PUBLIC QUESTION TIME

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

DISCLOSURE OF FINANCIAL INTEREST

Cr Auld declared an Interest in Item 7.1 and Item 7.7 of the Chief Executive Officer's Report.

Cr W Della Bosca declared an interest in Item 7.7 of the Chief Executive Officer's Report.

Cr J Della Bosca declared an interest in Item 7.9 of the Chief Executive Officer's Report.

APOLOGIES & LEAVE OF ABSENCE

Cr D J Pasini

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CONFIRMATION OF PREVIOUS MINUTES

98/2010

Moved Cr J Della Bosca Seconded Cr Kenward that the Minutes of the previous Meeting of Council held on Friday 16th April 2010, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

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

99/2010

Moved Cr Truran Seconded Cr Kenward that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held Wednesday 24th March 2010 be received.

CARRIED (6/0)

WALGA GREAT EASTERN COUNTRY ZONE MINUTES

100/2010

Moved Cr Kenward Seconded Cr J Della Bosca that the Minutes of the WALGA Great Eastern Country Zone Meeting held Thursday 25th March 2010 be received.

CARRIED (6/0)

WE-ROC COUNCIL MEETING

101/2010

Moved Cr W Della Bosca Seconded Cr Auld that the Minutes of the We-Roc Council Meeting held Wednesday 28th April 2010 be received.

CARRIED (6/0)

TOURISM ADVISORY COMMITTEE MINUTES

102/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the Tourism Advisory Committee Meeting held Monday 12th April 2010 be adopted.

CARRIED (6/0)

RECOMMENDATION TO COUNCIL

Moved K Crafter Seconded S Beaton that Council consider an allocation of funds for inclusion in the 2010/2011 Council Budget for the production of Entry Statement signage for Bodallin, Southern Cross, Marvel Loch, Bullfinch and Moorine Rock.

CARRIED

103/2010

Moved Cr Kenward Seconded Cr Truran that Council agrees to consider the cost for the Entry Statement signage for Bodallin, Southern Cross, Marvel Loch, Bullfinch and Moorine Rock in the 2010/2011 Budget deliberation process.

CARRIED (6/0)

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RECOMMENDATION TO COUNCIL

Moved K Crafter Seconded C Della Bosca that Council consider an allocation of funds of approximately \$180.00 for the purchase of a Memorial Plaque in honour of Harry Hines and approve the placement of the plaque on the first bench seat in the main street of Southern Cross.

CARRIED

104/2010

Moved Cr Truran Seconded Cr J Della Bosca that all future applications for memorial plaques to be installed on Council owned property are to gain Council approval first. Council believes that these types of costs should be the responsibility of the applicant or family, and does not wish to set a precedent by paying for Harry Hines memorial plaque.

CARRIED (6/0)

ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

The Shire President advised the following:-

- That together with the Works Manager they will be attending the Avon Sub-Group meeting on the 16th June 2010.
- He had received an email from the Department of Local Government clarifying action to be taken by a Councillor/Officer when a "Disclosure of Interest" is stated. It was explained that in the afore mentioned event, the Councillor should state their interest but may continue to take part in the discussions.
- He had received a letter from Ricky Burgess from WALGA requesting voting delegates for the Annual General Meeting. Crs Kenward and Patroni were nominated as the Shire of Yilgarn's Delegates.
- That he would like to commend Council Staff in their efforts in the publication of the Council News, in which Council considered the newsletter to be very well written.
- That he would be unable to attend the Great Eastern Country Zone telephone conference at 8.00am on the 28th May, and would like to request another Officer /Councillor to be in attendance. Cr Kenward agreed to attend the meeting.
- That he would like to congratulate Council Staff in their organisation of the Anzac Day events, the day was enjoyed by many residents.
- That he had requested Mr Piper (A/CEO) liaise with Mr Hastie (A/CEO) from the Shire of Westonia to write to the Minister of Local Government requesting start up funding for the amalgamation to cover ongoing preliminary costs, such as; advertising for Joint CEO, engaging a Project Officer, setting up business systems.

105/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council writes to the Minister of Local Government requesting Start Up funds to pay for the preliminary costs relating to the Amalgamation between the Shire of Yilgarn and the Shire of Westonia.

CARRIED (6/0)

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Cr Truran explained that she has made her application to become a member of the DE- HAC committee and will be attending her first meeting on the 1st July 2010.

Cr Auld and Sergeant Allison attended a HAY Committee Meeting last month, where it was recommended that any equipment purchased by the Hospital Auxiliary for the Southern Cross Hospital should be listed as a Shire asset on loan to the Hospital.

Cr Kenward advised that he had attended the Great Western Woodlands Meeting in Kalgoorlie on the 12th April 2010 and was meeting weekly with members of the Tourism Advisory Committee to work on the Tidy Town submission.

Cr W Della Bosca advised that he had attended the State Barrier Fence Meeting on the 20th April 2010, where estimated costs and associated funding for the erection of the State Barrier Fence was discussed.

DECLARATIONS OF INTEREST

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.

CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council - Friday, 21 May 2010
Agenda Reference:	7.1
Subject:	Yilgarn Bowling Club - Painting of Clubhouse
File Reference:	11204
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	10 May 2010

Background

Ms Ronice Blair, Secretary of the Yilgarn Bowling Club, has written to Council to advise that the Club held its Annual General Meeting on Thursday, 8 April 2010 and at that meeting the proposed new sporting complex and funding for same was discussed.

Ms Blair advises that it was generally agreed by the members that the new building, although approved and although funding is available, is still some years into the future, and therefore in the meantime the current club house, which is owned by the Shire, is deteriorating at a rapid rate. Ms Blair further advises that the club house, as it now stands, is an eyesore and the Club is requesting, in the interim while they are waiting on the new complex, for the exterior and interior to be painted.

Ms Blair advises that there is also broken asbestos on the club house which the members are exposed to on a regular basis and the fence surrounding the green does pose a hazard to passing pedestrians.

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The Club hopes that Council will consider all the above matters and rectify the problems as soon as possible.

Comment:

Whilst the Yilgarn Bowling Club has been deferring work on the club house in anticipation of the new facilities being constructed, the Bowling Club, as with all sporting organisations, is responsible for the maintenance of their premises. Council should not be responsible for the painting of the Clubhouse.

The Yilgarn Bowling Club has the capacity to pay for the painting works but should be discouraged from undertaking these works because more than painting needs to be undertaken at the Clubhouse and it could cost upwards of \$5,000 for such works which would be a waste of financial resources.

The perimeter fencing is definitely a problem with severe rust occurring throughout and either removal or new fencing installed is required.

Statutory Environment

The land on which the Yilgarn Bowling Club is situated is Reserve Land vested in Council for the purpose of Recreation. It is fair to say that Council has an obligation to the land but would only be responsible for the building and associated infrastructure if the Bowling Club was to fold.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council advises the Yilgarn Bowling Club that whilst it acknowledges its Club rooms require maintenance works, particularly in the way of painting and repairs/replacement to the perimeter fencing, Council is of the opinion that considerable expenditure on these items would be counter-productive until both Council and Bowling Club are satisfied with the future direction of sporting facilities in the Southern Cross town site.

Voting Requirements

Simple Majority

106/2010

Moved Cr Truran Seconded Cr J Della Bosca that Council advises the Yilgarn Bowling Club that Council acknowledges its Club rooms require maintenance works, particularly in the way of painting and repairs/replacement to the perimeter fencing, Council has no objection if the Bowling Club wish to self fund the maintenance and repairs and proceed with this work. **CARRIED (6/0)**

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Submission to:	Ordinary Meeting of Council – Friday, 21 May 2010
Agenda Reference:	7. 2
Subject:	Department of Regional Development & Lands (RDL) – Country Local Government Fund (CLGF) Acquittal – 2008-2009 Funds
File Reference:	10321
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	10 May 2010

Background:

Mr Michael Rowe, A/Director Regional Development Policy and Operations at RDL has forwarded a response to the letter that the CEO wrote to RDL on 27 April 2010 regarding details of the Shire of Yilgarn’s acquittal of their 2008/09 CLGF allocation.

Mr Rowe advises that the Shire submitted the Southern Cross Recreation Precinct Redevelopment Project as part its Acceptance Form and was approved by the then Department of Local Government and Regional Development, therefore expenditure on this project was approved. However the transferred proportion of its 2008/09 allocation for this project (\$305,000) is not acceptable.

Mr Rowe refers to Circular #26-2009 released by the Department of Local Government on 23 October 2009, which outlines that expenditure for the purpose of a CLGF acquittal is the use of resources to discharge a liability, acquire and asset or pay for a service. Mr Rowe further advises that RDL supports this position and subsequently will not accept and acquittal where funds have been transferred into a Reserve Fund, trust Account or Term Deposit as this is not classified as expenditure.

Should the above information alter the projects on which Council is to spend its 2008-09 CLGF allocation, the Shire must seek approval, in writing, from RDL for these changes.

Comment:

Following receipt of the above correspondence the CEO contacted Mr Geoff Comben, Manager Financial Assistance at RDL, seeking further clarification regarding the above response.

The CEO enquired as to whether Council’s 2010/11 CLGF allocation would be in jeopardy if the 2008/09 funds were not acquitted and stated that Council should not be penalised for planning projects of significance and not simply spending the funds for the sake of meeting deadlines for expenditure.

Mr Comben advised that the 2010/11 funding would likely be withheld if the 2008/09 funds were not acquitted by 30 June 2010 however, with the introduction of the requirement for Local Governments to produce a Forward Capital Works Plan prior to 31 December 2010, the inclusion of a identified major project within the Plan

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would then be sufficient to acquit funds being transferred to specific Reserves for the identified project.

Mr Comben indicated that RDL is still developing the Guidelines for the 2010/11 CLGF allocation and RDL was currently in discussions with Treasury to clarify the very situation that Council finds itself in with the acquittal of the \$305,000.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Until Council produces the Forward Capital Works Plan for the identification of major project works, the 2010/11 CLGF funding will be withheld by RDL as Council has not fully acquitted the 2008/09 CLGF allocation.

Recommendation

That in light of the information received from the Department of Regional Development and Lands relating to acquittals of the CLGF 2008/09 allocation, Council acknowledges that a pre-requisite to receiving the 2010/11 CLGF component is the preparation of a 5 Year Forward Capital Works Plan must be approved by the Department prior to 31 December 2010. Therefore, inclusion of the \$305,000 as a transfer to the Recreation Reserve Fund within the Forward Capital Works Plan will allow the 2008/09 acquittals to be completed.

Voting Requirements

Simple Majority

107/2010

Moved Cr Kenward Seconded Cr Truran that Council approves the acquittal of all the CLGF 2008/09 funds as being expended.

CARRIED (6/0)

108/2010

Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council transfers the CLGF 2008/09 funds of \$305,000 into the Recreational Reserve, in anticipation for the upcoming sporting project which will be included in the Forward Capital Works Plan.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday, 21 May 2010
Agenda Reference:	7.3
Subject:	Department of Sport & Recreation (DSR) - Community Sporting & Recreation Facilities Fund (CSRFF)
File Reference:	11201
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 May 2010

Background

Ms Jenifer Collins, Regional Manager – Wheatbelt at DSR, has written to advise Council that it would have recently received a letter from the Minister for Sport & Recreation approving the grant of up to \$500,000 for the Shire of Yilgarn to assist with the construction of a new synthetic bowling green, reconstruction of three tennis courts and the construction of a new clubroom including, change rooms, toilets, function room and storage in Southern Cross to be claimed in the 2011/12 financial year.

Comment

Ms Collins has forwarded a Grant Agreement to Council (received on Thursday, 22 April) indicating that it must be completed and returned to DSR prior to 30 April 2010. Ms Collins advises that in the Grant Agreement Council is required to indicate the month and year in which Council expects submitting claims for payment. Ms Collins indicates that Council should give careful consideration to these dates as the DSR is unable to guarantee the availability of funds if a variation of these dates is required.

The CEO contacted Mr Clayton White, CSRFF Consultant at DSR's Perth Office, seeking a one month extension to provide the signed Grant Agreement as it was in the opinion of the CEO that the timeframe was extremely tight for grant funding that would not be provided until the 2011/2012 financial year. Mr White was happy to provide Council with the one month extension.

The CEO also advised Mr White that Council was currently reviewing the project in light of the \$500,000 grant being only one third of the grant sought through the CSRFF program.

The CEO enquired if it was possible for Council to alter the project in any way based on the grant funding received. Mr White advised that Council could alter the project based on stages of development as the funding was considerably less than sought however, this would be on the proviso that it was in line with the whole long term concept and vision and was consistent with the collocation of facilities as originally proposed in the grant application.

At the March 2010 Ordinary Meeting of Council the following was resolved in respect to the Recreation Precinct re-development Project:-

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“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”.

Council’s Architect was contacted regarding alternative construction methods (transportable type buildings) for the proposed Clubrooms/Function Room and that the Architect indicated that this was possible and they would be happy to work with the Quantity Surveyor to establish cost comparisons for such structures. The Architect indicated that the transportable option may require plan changes to suit transportable modules.

The Architect indicated that to undertake the above investigations, the following hourly rates would apply for architectural and Quantity Surveyor works:-

Senior Architect	\$180.00/hour + GST
Architect	\$150.00/hour + GST
Draftsperson	\$ 90.00/hour + GST
Secretary	\$ 35.00/hour + GST
Quantity Surveyor	\$160.00/hour + GST

The above investigations could cost Council in the vicinity of \$6,000.00.

The main reasons for seeking alternate building options was based upon the fact that Council was of the opinion that it may find it difficult in attracting builders to tender for the construction of a conventional building in the current economic climate, as was the case when Council constructed the Senior Citizens Centre.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Whichever way Council proceeds in relation to this matter, there will be financial implications for Council.

Recommendation

That Council considers whether it signs the Grant Agreement as presented or it re-evaluates the Southern Cross Recreation Precinct Re-development Project in light of the \$500,000 grant being only one-third of the amount originally sought through the CSRFF grant application. Council also considers whether it wishes to engage the services of the Architect and Quantity Surveyor at additional cost to prepare plans for alternate building options.

Voting Requirements

Simple Majority

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109/2010

Moved Cr W Della Bosca Seconded Cr Kenward that Council engages the services of MCG Architect and Quantity Surveyor to prepare detailed plans and costings for stage 1 of the Southern Cross Recreation Precinct.

CARRIED (6/0)

110/2010

Moved Cr W Della Bosca Seconded Cr Truran that Council signs the CSRFF Grant Agreement, in acceptance of the \$500,000 to be used on the co-location of sporting facilities in Southern Cross.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday, 21 May 2010
Agenda Reference:	7.4
Subject:	Western Australian Planning Commission (WAPC) - Planning Approval for Amalgamation of Lots 5 and 6 Leo Street, Southern Cross
File Reference:	10303
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 May 2010

Background

The Secretary of the WAPC has written to Council to advise the application for the amalgamation of Lots 5 and 6 Leo Street, Southern Cross and is prepared to endorse a deposited plan once the condition(s) imposed have been fulfilled.

The WAPC advised that the following condition had been imposed in respect to the application:-

1. *That arrangements being made to the satisfaction of the Western Australian Planning Commission and to the satisfaction of Western Power for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and equipment, located on or near the lots shown on the approved plan.*

Comment:

The amalgamation of the above Lots relates to the offer of purchase by Mr & Mrs Gary Kent as per the following resolution of Council at its January 2010 Ordinary meeting:-

Moved Cr Kenward Seconded Cr W Della Bosca that Council advises Mr & Mrs Kent that it would support an application to the Western Australian Planning Commission for the amalgamation of Lots 5 and 6 Leo Street and accepts the offer of \$50,000 for the purchase of the two lots in question on the proviso that the amalgamation proceeds.

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Following receipt of the correspondence from WAPC, the CEO instructed Council's Surveyor's, Fugro Spatial Design to proceed with the preparation of the Deposited Plan. In respect to the Condition imposed, the CEO had instructed Western Power on Tuesday, 6 April 2010 to remove the electrical supply from one of the Lots in question as it was Western Power's policy that only one supply is provided per lot. Council's Surveyor's have also prepared the Condition clearance letter to Western Power.

In offering to purchase Lots 5 and 6 Leo, subject to them being amalgamated, Mr & Mrs Kent agreed to meet costs associated with the engagement of Surveyors and also WAPC costs. The costs associated with the removal of electrical services was unforeseen and it is questioned whether the Kent's should be responsible for these costs.'

To date the following amounts have been expended to secure amalgamation of the lots:-

WAPC - Amalgamation Fees	\$ 1,043.00
Western Power - Removal of one electrical service	\$ 2,671.00
Landgate - Registering of Deposited Plan Fee	\$ 260.00
WAPC - Lodgement of Deposited Plan	\$ 391.00

TOTAL	\$ 4,365.00

Fees for Fugro Spatial Design have yet to be received for survey design and preparation of the planning details to WAPC. These fees will be the responsibility of the Kent's to pay.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council continues to liaise with Mr & Mrs Kent for the sale of the newly created Leo Street Lot and that in respect to costs associated with the process for amalgamation, Council be responsible for the removal of the electrical service with all other costs being the responsibility of Mr & Mrs Kent as originally agreed.

Voting Requirements

Simple Majority

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111/2010

Moved Cr Kenward Seconded Cr W Della Bosca that Council continues to liaise with Mr & Mrs Kent for the sale of the newly created Leo Street Lot and that in respect to costs associated with the process for amalgamation, Council agrees to being responsible for the removal of the electrical service with all other costs being the responsibility of Mr & Mrs Kent as originally agreed.

CARRIED (6/0)

Cr Auld left the Chamber 4.10pm and returned at 4.12pm

Submission to:	Ordinary Meeting of Council - Friday, 21 May 2010
Agenda Reference:	7.5
Subject:	Eastern Wheatbelt Declared Species Group (EWDSG) - Recognised Biosecurity Group (RBG) Proposal
File Reference:	
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 May 2010

Background

Mr Adrian Chesson, Biosecurity Officer with DAFWA and Admin Support Officer to the EWDSG, has advised Council that at the EWDSG's meeting held on 14 April 2010 in Merredin it was resolved that the EWDSG begins the process to become an RBG and that as part of this process, the EWDSG becomes an Incorporated body.

Mr Chesson requests that member Councils of the EWDSG consider the supporting documentation provided and indicate formally whether they support the move to form an RBG or not.

Comment:

To provide Councillors with a better understanding of the process in becoming an RBG and its role, the attached documentation assists in this regard.

Council has previously supported the establishment of an RBG in line with the EWDSG boundary and this has also been supported by the Wheatbelt East Regional Organisation of Councils via correspondence to DAFWA.

Statutory Environment

Biosecurity and Agriculture Management Act 2007

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council reinforces its support for the formation of a Recognised Biosecurity Group being established in line with the EWDSG's current boundaries and advises the Administrative Officer of the Declared Species Group accordingly.

Voting Requirements

Simple Majority

112/2010

Moved Cr Patroni Seconded Cr Kenward that Council agrees to reinforce its support for the formation of a Recognised Biosecurity Group being established in line with the EWDSG's current boundaries and advises the Administrative Officer of the Declared Species Group accordingly.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 May 2010
Agenda Reference:	7.6
Subject:	Troy Turner - Application to Keep 3 Dogs at 96B Antares Street, Southern Cross
File Reference:	5101
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 May 2010

Background

Mr Troy Turner writes to Council seeking approval to keep 3 dogs at the above premises.

Mr Turner advises that her request is a result of a friend not being able to adequately keep his dog within the confines of his property boundary and has agreed to pass the dog onto Mr Turner.

Mr Turner advises that he currently has a Red Cloud Kelpie and a Jack Russell and the new dog is a Staffy X Boxer. The 3 dogs are all licensed.

Comment

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

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

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

“Where by a Local Law under this Act a council has placed a limit on the keeping of dogs in any specified area but the council is satisfied in relation to

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- any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the council may grant an exemption in respect of those premises but any such exemption-
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 5 dogs on those premises; and
 - (c) may be revoked or varied at any time.

The CEO contacted Council's Dog Ranger, Ms Michelle Day, to request that she inspect the property to ensure that it has suitable fencing to keep the animals within the confines of the property and whether the yard was big enough for the keeping of the 3 dogs.

Following the inspection Ms Day advised that she was concerned with the size of the yard and indicated that it was her opinion that the yard was too small to accommodate the 3 dogs and there is evidence now that the yard can only really accommodate 2 dogs. The duplex residence of Mr Turner is situated on Lot 529 Antares Street and is owned by the Department of Housing.

Ms Day indicated that her decision was based upon the size of the yard and the neighbours that were in close proximity to 96B Antares Street.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council rejects the application submitted by Mr Troy Turner to keep 3 dogs at 96B Antares Street, Southern Cross on the grounds that the yard of the duplex property is not large enough to accommodate the keeping of 3 dogs and that Mr Turner be instructed to re-house one of the animals within a 2 month period from this decision.

Voting Requirements

Simple Majority

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113/2010

Moved Cr Auld Seconded Cr Truran that Council rejects the application submitted by Mr Troy Turner to keep 3 dogs at 96b Antares Street, Southern Cross on the grounds that the yard of the duplex property is not large enough to accommodate the keeping of 3 dogs and that Mr Turner be instructed to re-house one of the animals within a 2 month period from this decision.

CARRIED (6/0)

DECLARATION OF INTEREST

Crs Auld and W Della Bosca declared an Interest in the following item indicating that they are financial members of the Southern Cross Golf Club.

Submission to:	Ordinary Meeting of Council - Friday, 21 May 2010
Agenda Reference:	7.7
Subject:	Southern Cross Golf Club (Inc) - Request for Financial Sponsorship
File Reference:	11204
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 May 2010

Background

The Secretary of the Southern Cross has written to Council enquiring as to whether Council would once again support the Southern Cross Golf Club's Open Day in July where golfers from as far away as Esperance, Perth and Geraldton will be coming to participate in the event.

Comment:

The Southern Cross Golf Club sought sponsorship in 2009 for the Open Day which was specifically held to commemorate its 50th Year at the current location on Bullfinch/Turkey Hill Road. The Club has now decided to conduct this event as an annual Open Day. In 2009 Council provided \$1,000 sponsorship to the 50th Anniversary event. Council could provide sponsorship based on a smaller level than it did in 2009.

Council already provides annual sponsorship via a \$75.00 donation to a Ladies Trophy for a championship event.

Statutory Environment

Nil

Policy Implications

Nil

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Financial Implications

Council would need to provide an allocation in its 2010/2011 Budget if it wished to again provide sponsorship to the Southern Cross Golf Club.

Recommendation

That Council advises the Southern Cross Golf Club that it acknowledges the importance of the Annual Open and that whilst it is prepared to provide financial sponsorship in 2010, it would not be at the level of the 2009 contribution and therefore, Council is prepared to provide \$200.00 towards the event.

Voting Requirements

Simple Majority

114/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council acknowledges the importance of the Southern Cross Golf Club's Annual Open and that whilst it is prepared to provide financial sponsorship in 2010, it would not be at the level of the 2009 contribution and therefore, Council is prepared to provide \$200.00 towards the event.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday, 21 May 2010
Agenda Reference:	7.8
Subject:	Shire of Merredin - Aged Accommodation Strategy
File Reference:	4030
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 May 2010

Background

Mrs Debbie Morris, Executive Manager of Community Services with the Shire of Merredin, writes to advise that recognising the need to consider future planning for aged accommodation, the Shire of Merredin engaged consultants, Community Perspectives, in November 2009 to undertake an Aged Accommodation Strategy.

Mrs Morris advises that the aim of the study was to analyse demographics and trends, housing preferences and needs, identification of supply and demand for accommodation including type and suitability of current housing, plans to move, housing preferences and location, along with levels of satisfaction with home support services and future priorities for home support, housing and hostel/nursing home places. The study area was defined as the residents of Merredin and towns within a 100km radius, as there was a need to plan for residents who may consider Merredin as a preferred location to the metropolitan area in their older years. It was also believed the information obtained would benefit those shires included in the study area.

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Mrs Morris advises that the Strategy was completed in March 2010 and adopted by the Merredin Shire Council at its April 2010 meeting, with the recommendation that a copy of the Strategy be provided to the Wheatbelt Development Commission, Health Department of WA, adjoining Councils and relevant Regional Organisation of Councils.

On behalf of the Merredin Shire Council, Mrs Morris advises that it is pleasing to provide a copy of the Strategy which contains demographics and statistics for individual shires within the study area and provides relevant "Planning Indicators", which will be beneficial for Shires and Regional Organisation of Councils to consider and may provide useful when considering funding for projects of regional benefit.

Comment:

The CEO was contacted by Elizabeth Volk, Director of Community Perspectives, the Consultant engaged by the Shire of Merredin to undertake the study on Friday, 18 December 2010 advising of the aims of the study and seeking input.

The CEO responded to the above email on Wednesday, 23 December 2009 advising Ms Volk that the Shire of Merredin had advised Council that they were planning to undertake the study and whilst the Shire of Yilgarn had no objections to the Consultant contacting Council for information to assist in the compilation of statistics, it should be understood that the information Council supplies will be for the provision of planning for facilities in Southern Cross and not in Merredin to accommodate the needs of aged accommodation.

Whilst it is obvious from the statistics and information contained within the Strategy the Consultants surveyed certain sectors within the Shire of Yilgarn, it was disappointing that the Consultant did not contact the CEO at any stage to seek Council's input into the Strategy.

A copy of the Strategy can be made available to Councillors should they wish to peruse the document.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That the Shire of Merredin's Aged Accommodation Strategy be received.

RECEIVED

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Cr Patroni requested that the CEO writes to Debbie Morris, Executive Manager of Community Services at the Shire of Merredin explaining that we had invited Mrs Volk to discuss the age accommodation needs of residence in the Yilgarn and had received no response.

DECLARATIONS OF INTEREST

Cr J Della Bosca declared an Interest in the following item indicating that she is a social member of the Southern Cross Football Club.

Submission to:	Ordinary Meeting of Council – Friday, 21 May 2010
Agenda Reference:	7.9
Subject:	Southern Cross Football Club (Inc) - Cropping of Airstrip Land
File Reference:	12501
Author:	PR Clarke - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	12 May 2010

Background:

Mr Bryan Close, President of the Southern Cross Football Club, seeks Council permission on behalf of the Club to crop the Southern Cross Airstrip land in the 2010 cropping season. Mr Close advises that the Club is aware of the developments being undertaken at the airstrip and would not interfere with such development during seeding and harvest times.

Comment:

All land required for the current development works has been taken however, if one of the mining companies decides to approach Council for the strip to be extended or widened to accommodate larger aircraft landing at the strip, the Football Club may be inconvenienced with the loss of land for cropping.

The Football Club cropped the airstrip property in 2009 and there were no issues with their use of the land. Approval to crop in 2010 would be based upon the same conditions as 2009.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council grants approval for the Southern Cross Football Club to crop the Southern Cross Airstrip land for the 2010 cropping season in consultation with the Works Manager. However, Council no longer requires the Football Club to spray crops for Skeleton Weed infestation, instead the Football Club pays Council for the cost of the chemicals approx. \$500 and Council will undertake spraying.

Voting Requirements

Simple Majority

115/2010

Moved Cr Truran Seconded Cr Kenward that Council approves Southern Cross Football Club to crop the Southern Cross Airstrip land for the 2010 cropping season in consultation with the Works Manager. However, Council no longer requires the Football Club to spray for Skeleton Weed infestation along the shoulders of the airstrip, instead the Football Club pays Council for the cost of the chemicals approx. \$500 and Council will undertake spraying.

CARRIED (6/0)

Council adjourned for afternoon tea at 4.22pm and resumed the meeting at 4.34pm

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

Submission to:	Ordinary Meeting of Council – Friday 21 st May 2010
Agenda Reference:	8.1
Subject:	Proposed Draft Budget Timetable – 2010/2011
File Reference:	15001
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th May 2010

Background

Work has commenced in preparation of Council's 2010/2011 Annual Budget. A timetable has been established, with key milestones identified as follows:

- *Fri 16th April 2010 Ten-Year Strategic Plant Replacement Programme presented by Manager for Works to Council for consideration and adoption.
- Mon 10th May 2010 Preparations to be well under way on the budget in terms of obtaining quotations for products and estimates of Capital Works Projects.
- *Fri 21st May 2010 Council endorses application by Deputy CEO to advertise Differential Rates and make application to the Minister for Local Government.
- Thu 27th May 2010 Advertising for Council's Proposed Differential Rates commences for the required period of 21 days, closing for public comment on Friday 25th June 2010 at 4pm.
- Fri 28th May 2010 Staff Housing Budget to be completed by the Manager Environmental Health and Building Services and forwarded to Deputy CEO for inclusion in the Draft Budget.

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Fri 28 th May 2010	Road Construction, Road Maintenance and Townscape Budgets to be completed by the Manager for Works and forwarded to Deputy CEO for inclusion in the Draft Budget.
Thur 10 th June 2010	Initial notice for a Special Meeting of Council to be held 9 th July 2010.
Mon 14 th June 2010	Senior Management to hold their first budget deliberation meeting.
Fri 25 th June 2010	Estimate of Rates Income to be determined with different scenarios established displaying increases / decreases applicable.
Fri 25 th June 2010	Further deliberation meeting to be held, identifying major projects to be included and a list of excluded items prepared and updated.
Fri 25 th June 2010	Period for submissions on Differential Rates is exhausted.
Fri 2 nd July 2010	Anticipate Final Meeting of Senior Staff to discuss the 1 st Draft Budget. Finalise accounts for Year End and update actual costs in Budget.
Mon 5 th July 2010	Final Draft Budget deliberation meeting with Team Executive. All expenditure accounted and Rating Scenarios finalised with the preferred option considered by the Deputy CEO included in the Draft Budget.
Tue 6 th July 2010	List of Priority Items (Primary, Secondary and Tertiary) is finalised by Executive Management Team.
*Wed 7 th July 20	Circulate final Draft Budget to Council directly (DCEO).
Thu 8 ^h July 2010	Subsequent Notice of a Special Meeting of Council, 9 th July 2010.
*Fri 9 th July 2010	1.00pm Lunch, 2.00pm Special Meeting of Council to finalise the budget.
*Fri 16 th July 2010	Council Adopt the 2010/2011 Annual Budget at the Ordinary Meeting of Council to be held on this day.

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

Comment

As can be seen from the above timetable, there is a requirement to hold a Special Meeting of Council on Friday 9th July 2010, to carry out the Budget Deliberation process. This meeting will commence at 2.00pm, with lunch from 1.00pm.

Statutory Environment

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

Policy Implications

None

Financial Implications

Will see the completion of Councils 2010/2011 Budget

Strategic Implications

None

Voting Requirements

Simple Majority Required

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Recommendation

That the proposed Draft Budget Timetable is noted, and Council holds a Special Meeting of Council on Friday 9th July 2010, commencing at 2.00pm.

116/2010

Moved Cr Auld Seconded Cr Truran that Council approves the proposed Draft Budget Timetable and the "Special Meeting of Council" that will be held on Friday 9th July 2010, commencing at 2.00pm.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday 21 st May 2010
Agenda Reference:	8.2
Subject:	Proposal to impose Differential Rates for the year ending 30th June 2011
File Reference:	3001
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th May 2010

Background

It is proposed to impose Differential Rates for the year ending 30th June 2011 under the various rating categories within the Shire of Yilgarn.

Under Section 6.33 (3) of the Local Government Act 1995, a Local Government is not, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

With the Differential General Rates proposed in the 2010/2011 Budget, as has been the practice in previous years, Council falls under the umbrella of this section of the Act. Accordingly, Ministerial approval is required and the proposal to impose this rate must be advertised for a period of not less than 21 days.

Comment

Initial estimates have indicated the following proposed Differential Rates for the year ended 30th June 2011 would be appropriate:

<i>Land Category</i>	<i>Proposed Rate</i>	<i>Last Years Rate</i>	<i>% Adjustment</i>
GRV – Townsite	8.88	8.40	4.5%
GRV – Central Business District	6.00	5.60	6.0%
GRV – Improved Mining Tenement	32.00	30.00	6.5%
GRV – Transient Staff Accommodation	32.00	30.00	6.5%
UV – Rural	1.54	1.50	4.5%
UV – Unimproved Mining Tenement	16.00	15.00	6.5%

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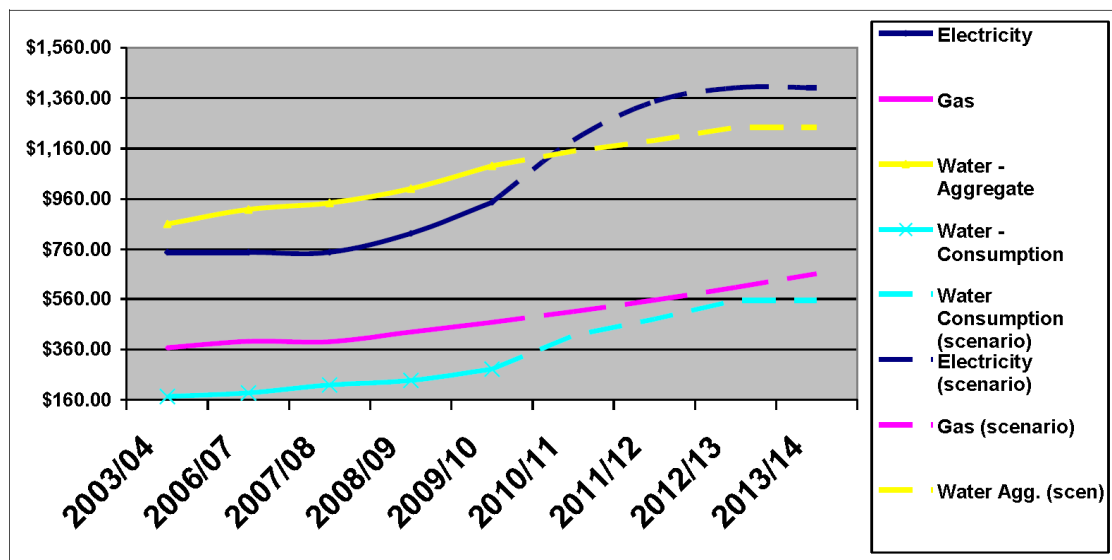
As has been the case in the past, the Rate in the Dollar for UV Improved Mining Tenement has been based on 50% of the Rate in the Dollar applicable GRV Transient Staff Accommodation.

The proposed minimum has been increased from \$330 per assessment to \$345 during the Differential Rating Process, an increase of 4.5% in line with the lowest increase proposed for Differential Rates in 2010/2011.

There were several factors taken into consideration when setting the proposed Differential Rates. Firstly, ensuring that Council Rates are kept in line with the Local Government Cost index which has been forecast at 3.3% – 3.7% through 2010/2011. Secondly, the scheduled increases in utilities costs which will have an escalating effect to Council’s operational costs. For example, the cost for electricity has risen 7.5% from 1st April and a further 10% from 1st July 2010 and gas tariffs will increase 7%.

The below graph depicts the increased trend of utility charges scheduled for upcoming years.

Figure 2.2: Graphed data and projections from Figure 1.



Source: WACOSS Briefing Paper – The Rising Costs of Essential Services

Thirdly, there will be an increase of 7% in the Council’s property insurance premiums for 2010/2011, due to the excessive storm damage claims made in Perth in March. Finally, it is important for Council to build reserve funds for the planning and implementation of the merger between the Shire of Westonia and the Shire of Yilgarn scheduled for 2012.

Summary

As there were substantial increases in Council Rates in 2009/2010, only minor increases are scheduled for the upcoming financial year. Council has to be cognisant of the need to plan for the future, and ensure buffers are created to allow for a softening of increases throughout future years.

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The advertising requirement for the proposal to impose Differential Rates will be carried out on Thursday 27th May 2010, with submissions to be received by 4pm on Friday 25th June 2010.

The final determination of Rates in the Dollar will not be made until the Draft Budget Meeting on Friday 9th July 2010.

Statutory Environment

Section 6.33 of the Local Government Act 1995 relating to levying Differential General Rates

Policy Implications

None

Financial Implications

Will form the basis of the Rate in the Dollar for Councils 2010/2011 Rating Year

Strategic Implications

None

Voting Requirements

Simple Majority Required

Recommendation

That Council proposes the following Differential General Rates for the year ending 30 June 2011 and seeks Ministerial approval for proposed rating levels:

<u>Land Category</u>	<u>Proposed Rate</u>	<u>Proposed Minimum Payment</u>
GRV - Townsite	8.88	\$345
GRV - Central Business District	6.00	\$345
GRV - Improved Mining Tenement	32.00	\$345
GRV - Transient Staff Accommodation	32.00	\$345
UV - Rural	1.54	\$345
UV - Unimproved Mining Tenement	16.00	\$345

117/2010

Moved Cr Kenward Seconded Cr Auld that Council agrees to the proposed Differential General Rates for the year ending 30 June 2011 and seeks the Minister for Local Government's approval for the following proposed rating levels:

<u>Land Category</u>	<u>Proposed Rate</u>	<u>Proposed Minimum Payment</u>
<i>GRV - Townsite</i>	<i>8.88</i>	<i>\$345</i>
<i>GRV - Central Business District</i>	<i>6.00</i>	<i>\$345</i>
<i>GRV - Improved Mining Tenement</i>	<i>32.00</i>	<i>\$345</i>
<i>GRV - Transient Staff Accommodation</i>	<i>32.00</i>	<i>\$345</i>
<i>UV - Rural</i>	<i>1.54</i>	<i>\$345</i>
<i>UV - Unimproved Mining Tenement</i>	<i>16.00</i>	<i>\$345</i>

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - Friday 21 st May 2010
Reference:	8.3
Subject:	LGIS Insurance Declaration for 2010/2011 Renewals
File reference:	4115
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	14 th May 2010

Background

The Shire of Yilgarn's insurance policies are due to expire on the 30th June 2010, at the end of March the Insurance Declaration and associated schedules were received from LGIS outlining the Council's current insurance cover and itemised asset listings including sum insured.

The DCEO in consultation with the Manager for Works and Manager Environmental Health & Building Services have reviewed the Council's assets and insurance needs to ensure that the Council is adequately covered.

Comment

The Insurance Declaration for 2010/2011 from LGIS requires the signature of the Chief Executive Officer and for Councils Common Seal to be placed on the document.

Statutory Environment: Nil

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

Financial Implications: Nil

Voting Requirements

Simple Majority

Recommendation

That Council endorses the CEO signing and placing of the Shire of Yilgarn's Common Seal on LGIS Insurance Declaration for 2010/11, authorising the upcoming year's insurance requirements for the Shire of Yilgarn.

118/2010

Moved Cr Truran Seconded Cr W Della Bosca that Council agrees to the CEO signing and placing the Shire of Yilgarn's Common Seal on LGIS Insurance Declaration for 2010/11, authorising the upcoming year's insurance requirements for the Shire of Yilgarn.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 21 st May 2010
Agenda Reference:	8.4
Subject:	Accounts for Payment
File Reference:	4132
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	14 th May 2010

Background

Municipal Fund – Cheque Numbers 34940 to 35064, totalling \$671,609.24, Municipal Fund – Cheque Numbers 939 to 943, totalling \$149,753.66, Trust Fund – Cheque Numbers 401861 to 401867, totalling \$7,686.03 and Trust Fund – Cheque Numbers 5669 to 5672 (DoT Licensing), totalling \$68,860.75 are presented for endorsement as per the submitted list.

Statutory Environment

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

Policy Implications / Delegation Register

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

Financial Implications

Reduction to Bank Accounts balances.

Strategic Implications

Nil.

Voting Requirements

Simple majority.

Recommendation

That Council endorse the accounts covered by Municipal Fund – Cheque Numbers 34940 to 35064 totalling \$671,609.24, Municipal Fund – Cheque Numbers 939 to 943, totalling \$149,753.66, Trust Fund – Cheque Numbers 401861 to 401867, totalling \$7,686.03 and Trust Fund – Cheque Numbers 5669 to 5672 (DoT Licensing), totalling \$68,860.75 as per the submitted list.

119/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council agrees to endorse the accounts covered by Municipal Fund – Cheque Numbers 34940 to 35064 totalling \$671,609.24, Municipal Fund – Cheque Numbers 939 to 943, totalling \$149,753.66, Trust Fund – Cheque Numbers 401861 to 401867, totalling \$7,686.03 and Trust Fund –

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Cheque Numbers 5669 to 5672 (DoT Licensing), totalling \$68,860.75 as per the submitted list.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 21 st May 2010
Agenda Reference:	8.5
Subject:	Financial Reports
File Reference:	4144
Author:	Vivienne Murty - Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	13 th May 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 30th April 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 13/5/10)

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 30th April 2010, as presented, be received.

120/2010

Moved Cr W Della Bosca Seconded Cr Kenward that the various Financial Reports for the period ending 30th April 2010, as presented, be received.

CARRIED (6/0)

MANAGER OF WORKS REPORTS

Submission to:	Ordinary Meeting of Council May 21st 2010
Agenda Reference:	Works 9:1
Subject:	Driver Reviver Caravan
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12818
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	7th May 2010

Background

In Councils 2009/2010 Financial Year Plant Replacement Program a monetary allocation was allowed for the replacement of Councils current aging Driver Reviver Van. The current Driver Reviver Van was built in 1974 and purchased by Council secondhand in 1996 and is considered to be nearing the "end of its life".

The concept of the Driver Reviver Van originated in the Shire of Yilgarn as a road safety initiative, with the first Driver Reviver Van commencing operation in the Yilgarn district on the Great Eastern Highway during the Easter period of 1996. The success of this venture resulted in other Driver Reviver Vans coming into operation statewide over the past thirteen years.

The Driver Reviver Program in the Yilgarn is run in conjunction with the Shire of Yilgarn, Health Agencies of the Yilgarn and RoadWise. The van is manned by volunteers of the Yilgarn and is run over Christmas and Easter periods.

The Driver Reviver Van is also utilised by other community bodies during major events held in the Yilgarn (Aero Club, Motor Cycle Club, and Agriculture Society)

Comment

The old van is reaching the "end of its life" and with the arrival of the new van it is considered to be surplus to requirements. The new van will be presented to council at the May 2010 meeting for inspection.

As the old van is surplus to requirements and has very little value it is proposed to recommend to council to offer this van to the Southern Cross Motor Cycle Club for use during major events such as Bike Trails and the King of the Cross weekend. If the

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Motor Cycle Club has no use for the old van then council should consider disposing of this van via the tendering process.

The new van will be housed at the Shire depot and on request be made available to community bodies for use.

Statutory Environment

If the Motor Cycle Club do not require the old van then council dispose of it through the tender process.

Recommendation

As the old Driver Reviver Caravan is surplus to requirements and has very little value to Council it be offered to the Southern Cross Motor Cycle Club for use during major events such as bike trails and the King of the Cross weekend. If the Motor Cycle Club has no use for the old van then Council dispose of the van via tendering.

Voting Requirements

Simple Majority

121/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council agrees to offer the old Driver Reviver Caravan to the Southern Cross Motor Cycle Club, and in the event they do not want the Caravan then Council will dispose of the van through the tendering process.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council 21 st May 2010
Agenda Reference:	Works 9:2
Subject:	Marvel Loch Hotel - One Hundred Year Celebration
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	12809
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	8th May 2010

Background

Council has received correspondence from Mr. Ron King the Manager of the Marvel Loch Hotel advising Council of the hotels one hundred year old celebrations. The celebrations will be carried out over a period of four days, these being 8th, 9th, 10th and 11th October 2010. Mr. King proposes to have live music bands, street stalls, rock drilling competition and machinery displays during the four days.

Comment

For the hundred year old celebrations, Mr. King has requested assistance from Council in the way of permission to close Aurum Street from Lennenberg Street to

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Marvel Loch Town Hall to cater for live music bands, street stores and a licensed bar area, the grassed area adjacent to the Marvel Loch Hotel to be mowed with the intent to have a machinery display, rock drilling competition and a display marquee of which he has invited Council to have a display of some sort located in the marquee.

The closure of Aurum Street from Lennenberg Street to Marvel Loch Town Hall would not be a problem as long as the following points are addressed:

1. Road closures and detours routes to be clearly sign posted.
2. Through access to pathways is to remain accessible to members of the public at all times.
3. Access to private property located in the proposed road closure area must be maintained.
4. Entry/exit point must be provided and clearly marked for emergency vehicles. These entry/exit points are not to be obstructed in anyway.
5. Traffic management plans must be supplied to Shire of Yilgarn and emergency service agencies a minimum of two weeks prior to the event
6. Road closure to be advertise in "Crosswords" two weeks prior to the event, by the applicant

If the Marvel Loch Hotel wish to serve alcohol outside of their perimeter licensed area they will be required to obtain the necessary permits from the relevant governing agencies i.e. Liquor and Gaming, Register Office, Police and Shire of Yilgarn.

Mr. King has also requested permission to utilise the Marvel Loch Town Hall for accommodation to help cater for the influx of people that they are expecting for the celebrations.

The issue of utilizing the Marvel Loch Town Hall for accommodation has been discussed with Councils Environmental Health and Building Manager Miss Wendy Dallywater who has indicated that all other accommodation options should be exhausted before allowing the Town Hall to be used for the purpose of accommodation. One of these options would be to allow caravans to park on the oval or the vacant lots adjacent to the oval were Council has its ablution/toilet building located.

Mr. King has also requested that mowing of the vacant blocks and street sweeping be undertaken by council before the celebration event takes place. He has also requested shire personnel to assist with the erecting of the marquee. The mowing of the vacant lot and sweeping of the street will be carried out by council staff prior to the celebration event but Mr. King should be encouraged to source assistance within his organization or the community in erecting the marquee.

Recommendation

That Council grants permission for the closure Aurum Street from Lennenberg to the Marvel Loch Hotel for the one hundred year celebrations activities subject to the following points are being adhered to:

- 1) Road closures and detours routes to be clearly sign posted
- 2) Access to pathways is to remain accessible to members of the public at all Times.
- 3) Access to private property located in the proposed road closure area must be Maintained.
- 4) Entry/exit point must be provided and clearly marked for emergency vehicles, and these entry/exit points are not to be obstructed in anyway.
- 5) Traffic management plans must be supplied to Shire of Yilgarn and emergency service agencies a minimum of two weeks prior to the event.
- 6) Road closure to be advertise in "Crosswords" two weeks prior to the event, by the applicant.

Also,

Mr. Ron King representing the Marvel Loch Hotel be advised that Council would not be in favour of the Marvel Loch Town Hall been utilised for accommodation until all other accommodation options are exhausted. These options include allowing caravans to park on the oval and the vacant lots adjacent to the oval where council has its ablution/toilet building located.

Voting Requirements

Simple Majority

122/2010

Moved Cr Truran Seconded Cr Kenward that Council agrees to grant permission for the closure Aurum Street from Lennenberg to the Marvel Loch Hotel for the one hundred year celebrations activities subject to the following points are being adhered to:

- 1) Road closures and detours routes to be clearly sign posted*
- 2) Access to pathways is to remain accessible to members of the public at all Times.*
- 3) Access to private property located in the proposed road closure area must be Maintained.*
- 4) Entry/exit point must be provided and clearly marked for emergency vehicles, and these entry/exit points are not to be obstructed in anyway.*
- 5) Traffic management plans must be supplied to Shire of Yilgarn and emergency service agencies a minimum of two weeks prior to the event.*
- 6) Road closure to be advertise in "Crosswords" two weeks prior to the event, by the applicant.*

Also,

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Mr. Ron King representing the Marvel Loch Hotel be advised that Council would not be in favour of the Marvel Loch Town Hall been utilised for accommodation until all other accommodation options are exhausted. These options include allowing caravans to park on the oval and the vacant lots adjacent to the oval where council has its ablution/toilet building located.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – Friday, 21 May 2010
Agenda Reference:	9.3
Subject:	Cazaly Resources – Proposed Transportation Route – Mt. Caudan Iron Ore Project
File Reference:	
Author:	R Bosenberg – Manager for Works
Disclosure of Interest:	Not applicable
Date of Report:	12 th May 2010

Background

Cazaly Resources have submitted a proposal for the preferred transportation route for the iron ore from their Mt. Caudan project to the Moorine Rock railway siding.

The proposed route that Cazaly have submitted (*Route 5A as attached*) has been determined following consultation with concerned property owners at the Stakeholders meeting held in Southern Cross on Tuesday, 20 April 2010 and recent individual consultation with those landholders most impacted by the transportation route.

Comment:

The briefing paper that Cazaly has provided is attached to this report. A hard copy will be distributed separately to Councillors at Councils May meeting for their consideration.

The transport route that Cazaly proposed to utilise to haul ore to Moorine Rock Rail Terminal from Mt Caudan is Road Route 5A (as attached). This route entails a large portion of the Parker Range Road along with private land belonging to Mr. Glen Nicholson Block N^o 61 and Mr. Kim Stephens Block Location N^o located on the western end of the route.

As Council is aware the proposed route has highlighted areas of concern with landowners owning land along the route in the way of haulage trucks verses farming vehicles, school bus activity, movement of stock and social impact with residents residing in and around Moorine Rock.

In light of the areas of concern Cazaly Resources have been having meetings with landowners to sort through and find solutions for these areas of concern via stakeholder meetings or private individual meetings.

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It should be noted that at the time of this report that although Cazaly Resources have resolved the majority of the issues with rural landowners most affected by the transport route, there is still some minor issues been discussed with Mr. Glen Nicholson. Mr. Nicholson will advise Council of the outcome of theses discussion prior to Council's May meeting.

Cazaly Resources have indicated that there will be 96 road train movements per day (24 hour period) on the proposed route. This will have a major impact on Council in the way of the construction to a sealed standard the gravel section of the Parker Range Road, the ongoing maintenance cost to the Parker Range Road as a result in the increased heavy haulage activity, and the haul road intersecting Councils roads from private land on the western end of the proposed transport route. Council staff has carried inspections of the proposed private haul road intersection locations and have found that there is adequate sight distances for these intersections.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council allows Cazaly Resources to utilise the Parker Range Road (Route 5A as attached) as the proposed transport route for haulage of ore to Moorine Rock Rail Terminal subject to the company being able to show evidence to Council that it has come to agreement with the proposed stakeholders.

And

All private haul road intersections intersecting Council's roads and upgrade of the gravel section of the Parker Range Road to a sealed standard, designed to meet Main Roads Western Australia and Shire of Yilgarn requirements/standards to cater for heavy haulage activity as proposed by Cazaly Resources.

Cost associated with such upgrades are met by Cazaly Resources and a suitable agreement between Shire of Yilgarn and Cazaly Resources will be required to be agreed upon to meet the expected increase in ongoing maintenance cost for repairs to the Parker Range Road as a result of the increased heavy haulage activity expected from the Mt Caudan mining venture.

Voting Requirements

Simple Majority

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123/2010

Moved Cr Kenward Seconded Cr W Della Bosca that Council allows Cazaly Resources to utilise the Parker Range Road (Route 5A as attached) as the proposed transport route for haulage of ore to Moorine Rock Rail Terminal subject to the company being able to show evidence to Council that it has come to an agreement with all the proposed stakeholders.

And

All private haul road intersections intersecting Council's roads and upgrade of the gravel section of the Parker Range Road are to be to a sealed standard, designed to meet Main Roads Western Australia and Shire of Yilgarn requirements/standards to cater for heavy haulage activity as proposed by Cazaly Resources. Cost associated with such upgrades are to be met by Cazaly Resources and a suitable agreement between the Shire of Yilgarn and Cazaly Resources will be required to be agreed upon to meet the expected increase in ongoing maintenance cost for repairs to the Parker Range Road as a result of the increased heavy haulage activity expected from the Mt Caudan mining venture.

CARRIED (6/0)

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

Submission to:	Ordinary Meeting of Council - Friday 21 st May, 2010
Agenda Reference:	10.1
Subject:	Proposal to Sell Reserve Land in Bullfinch
Location/Address:	Reserve 13303 Lot 151 Nicholls Street, Bullfinch
Name of Applicant:	Department of Regional Development and Lands - Mr Kim Treloar, Senior State Land Officer
File Reference:	10313, 10317 & 13306
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th May, 2010

Background

The Department of Regional Development and Lands (DRDL) has written to the Shire advising that it has received advice from the Department of Water that it wishes to sell Reserve 13303 Lot 151 Nicholls Street, Bullfinch on the open market. This lot is surplus to the Department of Water's needs. DRDL is seeking Council's comments on this proposal. See attached location map.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 all land within the townsite is zoned "Townsite". Reserve 13303 Lot 151 Nicholls Street has been designated for the purpose of "Goldfield Water Supply Administration". Whether this means that

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the Water Corporation intended to at some point in time build an office here or a dwelling for an administration officer is unclear.

Lot 151 is located in an area of town which while under-developed, would be considered residential. Mr & Mrs P & M Hockley own Lots 14-16 Nicholls Street located opposite this lot. This street block is made up of reserve lots and UCL lots and has no development on any lots within the street block. There is a dirt track running through the front portion of the lot heading west -north-west from Nicholls Street.

Statutory Environment

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

Policy Implications

Council Policy 2.10 Reserves – Notification to Surrounding Land Owners

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

Residents have not been notified at this time as I expect that the process of changing the reserve into UCL land ready for sale will take some time with Native Title investigation and other studies.

Financial Implications

Nil

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objection to the Department of Water selling as freehold Reserve 13303 Lot 151 Nicholls Street, Bullfinch.

Voting Requirements

Simple Majority.

124/2010

Moved Cr W Della Bosca Seconded Cr Auld that Council advises the Department of Regional Development and Lands that it has no objection to the Department of Water selling as freehold Reserve 13303 Lot 151 Nicholls Street, Bullfinch.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 21 st May, 2010
Agenda Reference:	10.2
Subject:	Request to Purchase Unclassified Crown Land (UCL)
Location/Address:	Lot 282 Polaris Street, Southern Cross
Name of Applicant:	Department of Regional Development and Lands – Ms Kerrie Bridger
File Reference:	10313
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	11 th May, 2010

Background

The Department of Regional Development and Lands (DRDL) has received a request from Mr David Latter to purchase UCL Lot 282 Polaris Street, Southern Cross. The DRDL is considering selling the lot on a 'stand alone basis' if deemed suitable for release. The DRDL is seeking Council's comments on this proposal. See attached location map.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 Lot 282 is zoned "Residential" with a density rating of R10.

The lot is 1505m² in area which is more than the minimum area required (1012m²) for an on-site wastewater disposal system such as a septic tank and leach drain system.

Scheme water, power, and telephone services are available to this lot as they run pass the property. Likewise the rubbish collection and school bus services would also be available. Polaris Street is a formed sealed road.

Mr Latter currently owns Lot 249 Polaris Street, Southern Cross, which is the adjoining lot to the south of Lot 282. I believe that if the DRDL agrees to sell the lot, that Mr Latter will be required to develop the lot in accordance with its criteria. I believe that Mr Latter is looking to build a dwelling on Lot 282 which should meet DRDL development criteria.

I am not aware of any reason to object to Lot 282 Polaris Street being sold and developed by constructing a dwelling on it.

Statutory Environment

Shire of Yilgarn Town Planning Scheme No 2.

Policy Implications

Nil

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Financial Implications

Nil

Recommendation

That Council advise the Department of Regional Development and Lands that it has no objections to Unclassified Crown Land Lot 282 Polaris Street, Southern Cross being sold as freehold on a 'stand alone basis'.

Voting Requirements

Simple Majority.

125/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council advises the Department of Regional Development and Lands that it has no objections to Unclassified Crown Land Lot 282 Polaris Street, Southern Cross being sold as freehold on a 'stand alone basis'.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - Friday 21 st May, 2010
Agenda Reference:	10.3
Subject:	Retrospective Building Application for Existing Building Work
Location/Address:	Lot 617 Doolette Street, Bullfinch
Name of Applicant:	Mr R P Smylie
File Reference:	13201
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	12 th May, 2010

Background

Mr Robert Smylie, now the previous owner of Lot 617 Doolette Street, Bullfinch which has recently been sold to Mr Ryan Nutt, has applied for a retrospective building licence. The application is for an existing double carport situated slightly south of the existing dwelling on Lot 617 Doolette Street, Bullfinch which was built without a Building Licence being issued. While it is unclear whether Mr Smylie constructed the carport or whether it was the previous owners, Mr Richard Cooper & Ms Cheryl Dunkley, as it was discovered during the ownership of Mr Smylie he is therefore responsible.

Comment

Goldfields Settlements Pty Ltd of Kalgoorlie was handling the sale of Lot 617 Doolette Street on behalf of both parties. It was established during their investigations that the carport had been built without a building licence being issued. I advised Goldfield Settlements that under Regulation 11A of the Building

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Regulations 1989 Local Governments can now formally grant approval for unauthorised building work. Normally such an application being presented to Council would require:-

- i) Full construction plans of the unauthorised structure/building.
- ii) A qualified Building Surveyor or Structural Engineer would need to inspect the structure and determine whether the structure complies with the building plans submitted, the Building Code of Australia 2009, and prove a written statement confirming that the building work complies.

Mr Smylie, the then owner was asked to submit a Building Application form and building plans of the structure, which he did. See attached copy of the Application form, building plans, and location map.

In this instance, due to the simple nature of the structure, and that all elements of the building are exposed for inspection, I waived the requirement for the owners to engage a qualified Building Surveyor or Structural Engineer. The carport has been in existence for a number of years and appears to be structurally sound. The plans comply with the Building Code of Australia also.

Due to the fact that settlement on the property was to occur on 6th May 2010 and that there was no issue with the Building Application or plans submitted, I approved the plans without first gaining Council's approval and issued a Retrospective Building Licence to Mr Smylie so as not to hold up the settlement.

Statutory Environment

Building Regulations 1989, Local Government (Miscellaneous Provisions) Act 1995, and the Building Code of Australia.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council endorse the actions of the Manager Environmental Health & Building Services in this instance in waiving the need for the unauthorised building to be independently inspected and assessed by a qualified Building Surveyor or Structural Engineer due to the simple nature of the structure which complied with the Building Code of Australia and so as to not hold up the settlement of the property, and then the issuing of the Retrospective Building Licence to Mr R Smylie.

Voting Requirements

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Simple Majority.

126/2010

Moved Cr Kenward Seconded Cr W Della Bosca that Council endorses the actions of the Manager for Environmental Health & Building Services in this instance, in waiving the need for the unauthorised building to be independently inspected and assessed by a qualified Building Surveyor or Structural Engineer, due to the simple nature of the structure which complied with the Building Code of Australia and so as to not hold up the settlement of the property, and then the issuing of the Retrospective Building Licence to Mr R Smylie. **CARRIED (6/0)**

Submission to:	Ordinary Meeting of Council - Friday 21 st May, 2010
Agenda Reference:	10.4
Subject:	Building Licenses Issued Between 8/4/10 and 13/5/10
File Reference:	13201
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	13 th May, 2010

Background

For Council's information, below is a summary of the Building Licenses issued for the Shire of Yilgarn between 8/4/10 and 13/5/10.

Licence No	Owner	Address	Builder	Description of Building Work	Area m2
23/0910	Department of Housing 99 Plain Street, EAST PERTH WA 6000	Lot (H/No 63) Spica Street, SOUTHERN CROSS WA 6426	Cepi & Drakeford Building Contractors 5 Endersbee St MERREDIN WA 6415	New steel frame, iron sheet roof Carport (Free Standing).	21.600
24/0910 Retrospective Licence	Robert & Jillian Smylie 75 Spica Street, SOUTHERN CROSS	Lot 617 (H/No 17) Doolette Street, BULLFINCH WA 6484	Mr RP Smylie (Owner/Builder)	New steel frame, iron roof, earth floor Double Carport adjacent to existing dwelling.	30.720
25/0910	Mrs Cathy Coward 43 Altair St, SOUTHERN CROSS	Lot 61 (H/No 43) Altair Street, SOUTHERN CROSS	Fredo Pedrin Lot 705 Polaris Street, SOUTHERN CROSS	New steel frame, iron sheet roof, concrete floor Double Carport attached to existing dwelling.	32.200

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No Demolition Licenses were issued during this same period.

Statutory Requirements

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

<p>Recommendation</p>

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

RECEIVED

CARRIED (6/0)

Other Business

FORMATION OF AUSTRALIA RURAL WIDE ROAD GROUP

The CEO received a letter from Mr Sean Fletcher CEO from the Shire of Lake Grace on the 21st of April 2010 explaining that a meeting was held in March in Canberra to discuss a new funding program for those local governments whose districts contributed more than \$100M agricultural production per annum to the Nation's Gross Domestic Product (GDP). The Shire of Yilgarn was identified as one of the districts in that category, contributing \$105.0M.

Mr Fletcher met with the member for O'Connor Wilson Tuckey and discussed the formation of Australia Rural Wide Road Group for those Local Governments in Western Australia that are identified in the '100 Club' and may be eligible for a new platform for road funding in Australia.

Mr Fletcher advised that the next meeting of the Group will be at the National Congress during 14th - 17th June 2010.

127/2010

Moved Cr Kenward Seconded Cr Truran that the CEO writes to Mr Fletcher and explains that the Shire of Yilgarn may not be able to send a representative to the National Congress, but would be very interested in being a member of the Australian Rural Wide Road Group.

CARRIED (6/0)

MOORINE FIRE TRUCK

Cr W Della Bosca explained that the Moorine Bush Fire Brigade has been having water pressure problems with the Fire Truck, which have been reported to Trevor Tasker from FESA. Cr Della Bosca has been advised; that in accordance with FESA's 10 Year Replacement program it would be possible to replace the Moorine Fire Truck as it is a priority, before replacing the Bodallin Fire Truck which is currently in good working condition.

128/2010

Moved W Della Bosca Seconded Cr Kenward that Council agrees with prioritising the replacement of the Moorine Fire Truck under FESA's Replacement Program.

CARRIED (6/0)

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CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.44 pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 21st May 2010 are confirmed as a true and correct record of that meeting on Friday, 18th June 2010.

Cr Romolo Patroni
SHIRE PRESIDENT