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SHIRE OF YILGARN
MINUTES - ORDINARY MEETING OF COUNCIL
FRIDAY, 16th July 2010

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 16th July 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, D J Pasini

Council Officers: E W Piper, Acting Chief Executive Officer
R J Bosenberg, Manager for Works
W J Dallywater, Manager Environmental Health & Building
T L Johnson, Receptionist (Minute taker)

DR GRAHAM JACOBS - MINISTER FOR MENTAL HEALTH AND WATER - MINISTER FOR EYRE

Dr Graham Jacobs Minister for Mental Health and Water and Minister for Eyre was in attendance, speaking with Council and public guests about the medical services issue in the Yilgarn district.

Reaching the outcome that there will be a doctor in Southern Cross, the surgery will be run by the Wheatbelt GP Network working with the Royal Flying Doctor Service to recruit doctors. There will be a pool of four doctors who will work on a rotational basis.

The meeting was declared open for business at 2.12pm.

PUBLIC QUESTION TIME

The below Community members were in attendance at the meeting to listen to and ask questions about Dr Graham Jacobs discussion regarding the Medical Services in the Yilgarn.

Rob Pownall, Southern Cross Sub Centre

Kay Crafter, Southern Cross Agricultural Society

Brian Close, Southern Cross Football Club

Vera Carlson, Southern Cross IGA

Geoff Metzke, Thrifty Link

John Williamson, Southern Cross trader's former owner

DISCLOSURE OF FINANCIAL INTEREST

Nil

APOLOGIES & LEAVE OF ABSENCE

Ms Vivienne Murty - Deputy Chief Executive Officer

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At 2.28pm Mr Eddie Piper, Acting CEO left the meeting and returned a couple of seconds later at 2.28pm

At 2.34pm Cr Julie Della Bosca left and returned at 2.35pm

CONFIRMATION OF PREVIOUS MINUTES

159/2010

Moved Cr Kenward Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 18th June 2010, be confirmed as a true and correct record of that meeting.

CARRIED (7/0)

RETENTION OF A DOCTOR IN SOUTHERN CROSS

160/2010

Moved Cr Truran Seconded Cr J Della Bosca that Council endorse the directions that the Chief Executive Officer and Shire President have taken, and prepare and seal any necessary agreements.

CARRIED (7/0)

SOUTHERN CROSS AREO CLUB

161/2010

Moved Cr W Della Bosca Seconded Cr Auld that Council get a lease agreement and a financial agreement set up between the two bodies.

CARRIED (7/0)

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

162/2010

Moved Cr Truran Seconded Cr Pasini that the Minutes of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held Wednesday 23rd June 2010 be received.

CARRIED (7/0)

SPECIAL MEETING OF COUNCIL

163/2010

Moved Cr Truran Seconded Cr Auld that the Minutes of the Special Meeting of Council held Friday 9th July 2010 be received.

CARRIED (7/0)

TOURISM ADVISORY COMMITTEE MINUTES

164/2010

Moved Cr Kenward Seconded Cr W Della Bosca that the Minutes of the Tourism Advisory Committee Meeting held Monday 12th June 2010 be received.

CARRIED (7/0)

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ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

- Westonia celebrations on Sunday 1st August all day, starting at 8.30am, 1.30pm official opening. (Ministers will be there until 2.30pm then off to Merredin.)
- Need to write a letter to Merredin Shire Council regarding their homes for aged accommodation telling them of Councils disappointment that the Shire of Yilgarn was not included in their survey.
- Received an invite from cabinet, along with Cr Auld, Cr Truran and Mr Eddie Piper Acting CEO from cabinet, the Premier to attend a minister's lunch.
- There will be a meeting in Merredin for sporting clubs and associations regarding the features and benefits of corporations etc.
- Southern Cross Fire and Rescue sent letter asking for assistance (funding) for Perth events, travel etc (passed this letter onto Danielle for \$2000.00 Community Grant paperwork.)
- Department of Agriculture and Fisheries - drought reform stronger Rural Community Grants information - up to \$300,000.00 available to help Local Government Authorities and Communities.
- Stated that he and Robert Bosenberg attended the Sub Regional Road Group Meeting - there have been changes, setting aside 25% of funds for preservation works and 75% for enhancement or building of new roads.
- Gave Council's appreciation to the Acting CEO and Deputy CEO for all their work on the 2010-2011 Financial Budget.

Cr W Della Bosca

- Skeleton Weed committee has just employed Rebecca Poole to work 25 hours a week as administrator with options to do some Council work.

Cr Kenward

- On Sunday 11th July there was a public meeting & barbeque held at the Southern Cross Airstrip to show the community members the work that has been done to the airstrip. This was a good opportunity to thank Robert Bosenberg the works manager and his crew.

Mr Eddie Piper left the meeting at 3.24pm and returned at 3.27pm

Cr Auld

- Attended State Skeleton Weed committee in Perth, still stuck on contribution for straw and hay, haven't come up with a final resolution yet.

Cr Truran

- Attended first Department of Health Advisory Committee and Health Agencies of the Yilgarn Committee meetings.
- Suggested through the HAY committee to advertise the committee members in the Crosswords so the community understands who they are and what they are about.

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- The Department of Health Advisory Committee bought up the issues with Merredin not accepting patients from other hospitals.
- Attended Child Care Centre meeting along with Cr J Della Bosca earlier in July and they are having issues with their funding being withdrawal, at this stage they looking to try and keep open until the end of this current year, December 2010. They will address that problem as they go along, and have a review and an AGM in October and make a decision then.

SOUTHERN CROSS CHILD CARE CENTRE

165/2010

Moved Cr Truran Seconded Cr J Della Bosca that Council raises the issue of the withdrawal of funds from the Occasional Day Care Centre funding withdrawal, and writes to the Minister and Local member.

CARRIED (7/0)

CHIEF EXECUTIVE OFFICERS REPORT

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday, 16 th July 2010 |
| Agenda Reference: | 7.1 |
| Subject: | Annual Policy Manual Review |
| File Reference: | |
| Author: | E W Piper – Acting Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Date of Report: | 5 July 2010 |

Background

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

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

Comment:

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

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council opts not to hold a designated Policy Review Committee Meeting in view of the current status of the Policy Manual and as an alternative method for review, the Policy Manual be assessed/reviews by Council's Management Team and be presented to the August 2010 Ordinary Meeting of Council for consideration.

166/2010

Moved Cr Pasini Seconded Cr Kenward that Council opts not to hold a designated Policy Review Committee Meeting in view of the current status of the Policy Manual and as an alternative method for review, the Policy Manual be assessed/reviews by Council's Management Team and be presented to the August 2010 Ordinary Meeting of Council for consideration.

CARRIED (7/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday, 16 th July 2010 |
| Agenda Reference: | 7.2 |
| Subject: | 2010-11 Notional Financial Assistance Grants (FAG Grant) |
| File Reference: | |
| Author: | E W Piper – Acting Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 5 July 2010 |

Background

Each year Council is notified of its Notional Financial Grant to assist with Budgeting. The 2009-10 grants first payment was released in late 2009 as an advanced payment to assist Councils with cash flow issues prior to the rate billing process.

Comment:

Council has been notified by email on 24th June 2010 that its FAG grant for 2010-11 would be \$1,529,016 with \$391,998 being released in late June 2010 as an advanced payment. The advanced payment was lodged with the Councils bank on 28th June 2010. A copy of the email is attached.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

The receipt of the advance funding of the first installment will need to be treated as restricted cash in the 2008-09 Annual Financial Statements.

Recommendation

That Council receive the information and advise the Manager Finance to ensure that the advanced funding be treated as "Restricted Cash" in the Financial Statements for the Year Ended 30th June 2009.

167/2010

Moved Cr Kenward Seconded Cr Auld that Council receive the information and advise the Manager Finance to ensure that the advanced funding be treated as "Restricted Cash" in the Financial Statements for the Year Ended 30th June 2009.

CARRIED (7/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council – Friday, 16 th July 2010 |
| Agenda Reference: | 7.3 |
| Subject: | Financial Support – Shire of Yilgarn Medical Services |
| File Reference: | |
| Author: | E W Piper – Acting Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 5 July 2010 |

Background

The Acting Chief Executive Officer has written to a number of major employers in the Shire requesting that the company consider making an annual contribution to the Shire to assist in providing a general practitioner in Southern Cross. A copy of the letter is attached.

Comment:

A letter has been received by the Acting Chief Executive Officer from WA SALT – KOOYANOBBING that the Company would be please to support the Shire in its endeavours and will commit \$15,000 for 2010-11. A copy of the letter is attached.

As is indicated in the letter of response by the Acting Chief Executive Officer a requested for a durable copy of its logo for display at the surgery has been made.

The 2010-11 Draft Budget included provision for the creation of a Reserve Account to hold such contributions separate and enable and enable interest to be earned and expended in the provision of Health Services in the Shire.

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Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Establish a Reserve Account in accordance with the provisions of the Local Government Act 1995.

Recommendation

That Council;

1. Acknowledge the offer for W.A Salt Koolyanobbing for a contribution of \$15,000 for the 2010-11 financial year.
2. Authorise the Chief Executive Officer to establish a Reserve Account in accordance with the provisions of the Local Government At 1995 titles "Health Services Reserve Account" for the purpose of either receipt of contributions from other parties or budget transfers by the Shire of Yilgarn for the purpose of assisting in the provision of Health Services including a General Practitioner.

168/2010

Moved Cr Truran Seconded Cr Kenward that Council Acknowledge the offer for W.A Salt Koolyanobbing for a contribution of \$15,000 for the 2010-11 financial year. Authorise the Chief Executive Officer to establish a Reserve Account in accordance with the provisions of the Local Government At 1995 titles "Health Services Reserve Account" for the purpose of either receipt of contributions from other parties or budget transfers by the Shire of Yilgarn for the purpose of assisting in the provision of Health Services including a General Practitioner.

CARRIED WITH ABSOLUTE MAJORITY (7/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday, 16 th July 2010 |
| Agenda Reference: | 7.4 |
| Subject: | Review of Wheatbelt Development Corporation |
| File Reference: | |
| Author: | E W Piper - Acting Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 5 July 2010 |

Background

"On May 26th 2010, the Minister for Regional Development announced a review of the Regional Development Commission Act. This review will be chaired by the Hon Wendy Duncan MLC and be undertaken within a relatively short time frame. In summary, the scope of the review is:

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The review committee will consider and report on the functions, responsibilities and structures of Regional Development Commissions (RDC's), having regard to:

- 1. The **effectiveness and cost efficiency** of the RDC's in achieving their object and functions specified in Section 23 of the Act*
- 2. The **effectiveness** of the existing model in achieving the Liberal National Government's commitments to regional development, having regard to any overlap, duplication of effort and approaches in other jurisdictions*
- 3. Any **improvements in government service delivery** for regional development considering governance arrangements, administrative operations, regional decision making, regional accountability, avoidance of duplication and the roles and responsibilities of other agencies and organizations*
- 4. **Legislative amendments** that may be required*

Submissions have been called for the review, and close on July 9th 2010.

The local governments in Western Australia have been granted an extension to 30th July 2010 to lodge their submissions.

The Department of Regional Development has been supplied a "Submission Form" (copy attached) which calls for two (2) main area to be addressed, however further areas can be included if thought appropriate. The two areas are:

1. How should Government be organised to improve services and support regional development?
 - When addressing this, consideration should be given to:
 - What the model for delivering regional development should look like,
 - To what extent is regional governance being currently achieved and how could it be improved,
 - In thinking about alternative models are there services and functions that should be grouped, and
 - Are there any models of delivery that you do not support and why is this.
2. How are Regional Development Commission performing?
 - When addressing this, consideration should be given to:
 - How well are the RDC's achieving these functions, are there any gaps,
 - How well do RDC's work with local stakeholders and to achieve there role,
 - What optimal size and resources do RDC's need to operate effectively,
 - To what extent are there areas of overlap with Local, Sate and Commonwealth governments,
 - If there is overlap, is this affecting flexibility and responsiveness,

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- Are there other services or activities that can be delivered on

For the information of Elected Members, below are the expectations of Regional Development Commissions:

- Maximise job creation and improve career opportunities.
- Develop and broaden the economic base.
- Identify infrastructure services to promote economic and social development.
- Provide information and advice to promote business development.
- Seek to ensure that the general standard of government services and access to those services is comparable to that which applies in the metropolitan area.
- Generally take steps to encourage, promote, facilitate and monitor the economic development.

Comment:

The ACEO will address each area below:

1. How should Government be organised to improve services and support regional development?

- a. The Shire of Yilgarn has for some time, sought answers to the question of where it stands in relation to Department control. In some cases, departments have directed that the Shire of Yilgarn be included in the Wheatbelt and in other cases the Goldfields. In deed, there are some cases where towns in the Shire fall into one area of control while the balance in another.

Examples of this are as follows:

- Health -
- Police -
- Education -

It would appear obvious that a common allocation would assist not only the local government but State Government Departments when consulting and considering change implication.

- b. The State Government should, as is the case in most states (certainly Victoria) be responsible for the positioning of a Doctor in its hospitals, thus relieving the local governments of responsibility for supporting and funding General Practitioners because of resident's expectations in lieu of State reluctance or a lack of direction. The Shire of Yilgarn currently supplies a fully maintained house, surgery and motor vehicle and motor vehicle plus a considerable cash outlay to a semi resident GP.

It is a State or Federal Government responsibility for the health of a community and it is time those responsible accepted that role. No doubt local government could be encouraged to play a role of possibly continuing to provide housing, but the time has come to relieve local government of the whole burden.

2. How are Regional Development Commissions performing?

As a general statement, the Shire of Yilgarn is pleased with the endeavours of the Wheatbelt Development Commission in that it certainly looks for opportunities to promote, improve and develop business within the Shire. The Shire sees the Commission as somewhat hamstringed because of Government directions (refer 1 previews) in relation to the provision of services compared to the metropolitan area.

The biggest issue the Shire of Yilgarn has, is that the Wheatbelt Development Commission covers too big an area and therefore too many local governments each with their own agendas. It is difficult enough to get local government to agree within their own smaller region, let alone bringing 43 local governments together in common thought. It is time that the Wheatbelt Development Commission was rationalized to allow more specific targeting within regions of some commonality. A division into four or five Commissions should be created in lieu of the existing one.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council authorise the Acting Chief Executive Officer to submit the comments included in the comments above as Council's submission on the "Review of Development Commissions" and the Wheatbelt Development Commission in particular.

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169/2010

Moved Cr Patroni Seconded Cr Kenward that Council authorise the Acting Chief Executive Officer to submit the comments included in the comments above as Council's submission on the "Review of Development Commissions" and the Wheatbelt Development Commission in particular.

CARRIED (7/0)

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday, 16 th July 2010 |
| Agenda Reference: | 7.5 |
| Subject: | Local Government Industry Award 2010 Impact of Shire of Yilgarn Employees. |
| File Reference: | |
| Author: | E W Piper - Acting Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 8 July 2010 |

Background

The Local Government industry have for many years operated on various awards to cover "inside" and "outside" workers.

Introduced on 1st January 2010 but effective from 1st July 2010 a new Modern Award had been introduced to Local Government and a translation from the old award is necessary.

The Shires H R consultants Workplace Solutions have submitted to Council an "Award Translation Guide" to assist in the conversation process

Comment:

The Translation Guide on pages 22 & 23 outlines the conversation appropriate to the two (2) major awards under which the Shire of Yilgarn operates. They are "Local Government Officers (WA) Awards 1999" and "Municipal Employees (WA) Award 1999"

The new award outlines minimum rates of pay which on the straight conversion outlined on page 22 and 23 of the Translation Guide are far less than the old award and consequently less than staff are being paid.

Details below are the impacts on the two (2) awards and Council's employees.

Former Local Government Officers Award (WA) 1999

Attached is a schedule of the impact which clearly shows the discrepancy. A concern of the Acting Chief Executive Officer is that when seeking new staff and quoting a rate of pay which is non competitive with others the Shire will not be able to complete. To overcome this problem Elected Members will see in the attached Schedule a Yilgarn Allowance of 5% of the base (minimum) rate and then 3 steps within the level allowing a progression or an appointment on a rate higher than the minimum.

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Existing employees cannot have their “take home” pay reduces and therefore the difference between their current gross pay and that under the new transition will be paid as a “Personal Allowance”. Any future increases that are expressed in percentage (%) terms must flow not only to the current rate of pay but also to the “Personal Allowance”.

Former Municipal Employees (WA) 1999

The Transition Schedule attached carries the same comments as for the Former Local Government Officers (WA) Awards 1999.

The Shire of Yilgarn entered into an agreement with the “outside” employees effective from 1st July 2007 which includes automatic increases and therefore the implications of the Modern Local Government Industry Award 2010 do not apply until the expiration of the current agreement which is 30th June 2013 unless the staff continue with the current or enter into a new agreement.

The only other item that needs to be brought to Council’s attention is the matter of the 2 days which have been traditionally paid as a public holidays for January 2nd and Easter Tuesday. These have been omitted from the new award however Council could continue to enjoy the benefit under the current Agreement. As their Agreement ceases on 30th June 2013 Council could consider continuing the 2 days leave practice until 30th June 2013 and then be reviewed with an overall view of all employees.

The Acting Chief Executive Officer has forwarded the assumptions and calculations to Workplace Solutions (WALGA) for their comments and they have responded as follows that they are satisfied the assumptions and calculations correct.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council;

1. Adopt the Modern Local Government Industry Award translations and conversions as detailed in attachments 2 and 3.
2. Advise staff who are not covered under the “Shire of Yilgarn operational Works Crew collective Agreement 2007” and were entitled to the 2 days in lieu of public holidays being the 2nd January and Easter Tuesday that they will continue to be entitled to those two days until the expiration of the afore mentioned agreement

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being 30th June 2013 when the matter will be addressed on a whole of Council basis.

Voting Requirements

Simple Majority

170/2010

Moved Cr Truran Seconded Cr Kenward that Council

- 1. Adopt the Modern Local Government Industry Award translations and conversions as detailed in attachments 2 and 3.*
- 2. Advise staff who are not covered under the "Shire of Yilgarn operational Works Crew collective Agreement 2007" and were entitled to the 2 days in lieu of public holidays being the 2nd January and Easter Tuesday that they will continue to be entitled to those two days until the expiration of the afore mentioned agreement being 30th June 2013 when the matter will be addressed on a whole of Council basis.*

CARRIED (7/0)

DEPUTY CHIEF EXECUTIVE OFFICERS REPORT

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July 2010 |
| Agenda Reference: | 8.1 |
| Subject: | Financial Reports |
| File Reference: | 4144 |
| Author: | Vivienne Murty - Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 12 th July 2010 |

Background

Council has generally presented the Monthly Financial Statement to the first meeting following the end of the month. That is to say the statements for the 12 months ending 30th June would be presented to the July meeting of Council.

Comment

The Officers of Council have been very busy producing the 2010-11 Budget and will not be able to present the 30 June 2010 statements to the July 2010 Meeting of Council. To further compound the problems the Manager of Finance was on sick leave on Monday 12 July 2010.

The Local Government Act 1995 Financial Regulation 35 (4) reads as follows:

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"A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –

- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- b) recorded in the minutes of the meeting at which it is presented."*

It can be seen that Council must receive the monthly statements with 2 months after the end of June 2010 and therefore it is quite legal to present 30 June 2010 Financial Statements to the August 2010 Meeting of Council.

Statutory Environment

Local Government Act 1995 Financial Regulation 35 and particularly Regulation 35 (4).

Policy Implications

None.

Financial Implications

None.

Strategic Implications

None.

Recommendation

That Council require the Financial Statement to 30 June 2010 to be presented to Council at its meeting to be held on 20th August 2010.

Voting Requirements

Simple majority required.

171/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council require the Financial Statement to 30 June 2010 to be presented to Council at its meeting to be held on 20th August 2010.

CARRIED (7/0)

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council – Friday 16 th July 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: | 12 th July 2010 |

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Background

Municipal Fund - Cheque Numbers 35168 to 35329 totalling \$598,778.39, Municipal Fund - Cheque Numbers 947 to 951 totalling \$108,804.58, Trust Fund - Cheque Number 401872 to 401876, totalling \$2,123.40 and Trust Fund - Cheque Numbers 5678 to 5682 (DPI Licensing), totalling \$104,797.20 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.

Recommendation

That Council endorse the accounts covered by Municipal Fund - Cheque Numbers 35168 to 35329 totalling \$598,778.39, Municipal Fund - Cheque Numbers 947 to 951 totalling \$108,804.58, Trust Fund - Cheque Number 401872 to 401876, totalling \$2,123.40 and Trust Fund - Cheque Numbers 5678 to 5682 (DPI Licensing), totalling \$104,797.20 are presented for endorsement as per the submitted list.

Voting Requirements

Simple majority.

172/2010

Moved Cr W Della Bosca Seconded Cr Truran that Council endorse the accounts covered by Municipal Fund - Cheque Numbers 35168 to 35329 totalling \$598,778.39, Municipal Fund - Cheque Numbers 947 to 951 totalling \$108,804.58, Trust Fund - Cheque Number 401872 to 401876, totalling \$2,123.40 and Trust Fund - Cheque Numbers 5678 to 5682 (DPI Licensing), totalling \$104,797.20 are presented for endorsement as per the submitted list.

CARRIED (7/0)

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|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July 2010 |
| Agenda Reference: | 8.3 |
| Subject: | Adoption of the 2010/2011 Budget |
| File Reference: | 15001 |
| Author: | Vivienne Murty- Deputy Chief Executive Officer |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 12 th July 2010 |

Background

Further to the Special meeting of Council held on Friday 9th July 2010, the Draft Budget for 2010/2011 has been reviewed and amended as necessary, and is now ready to present to Council for adoption.

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

Comment

As was indicated at the Special Council Meeting held on 9th July 2010, the Acting Chief Executive Officer has found an anomaly in the construction of the Net Current Assets carried forward from 30th June 2010. In the previous year, the Deputy Chief Executive Officer bought the provision for the Employee Entitlements to account however, the Acting Chief Executive Officer did not include this amount in the 2010-11 calculation. In accordance with previous calculations this could be bought to account with the current provision of this liability amounting to \$243,078 (approximately). The ACEO has in the past and on advice from the Department of Local Government and Auditors omitted the "Employee Provisions" from the calculation of the "Net Current Assets Carried Forward".

The Acting Chief Executive Officer sought opinion from the Department of Local Government (Officer, Mr Peter Hayes) who confirmed that provided a full year salary and any relief for a major leave absence was included in the budget then there was no requirement to include the non cash liability of employee provisions. In fact, by including them thus reducing the net current assets carried forward and accounting for a full year salary was "double dipping".

The ACEO strongly recommends omitting "employee provisions" from the calculation of net carried assets forward.

Should Council determine that they wish to include the employee provisions, then adjustments are required.

Thus from the "balance" position of the Special Council Meeting adjustments need to be made and the ACEO suggests the following:

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1. *Plant Reserve transfer be reduced from \$1,020,000 to \$920,000 exclusive of interest earned.*
2. *Recreation Reserve transfer be reduced from \$560,000 to \$460,000 exclusive of interest earned.*
3. *Schedule 12 Rural Road Construction (A/C E12630) be reduced from \$72,530 to nil.*
4. *Interest on investments be increased from \$244,565 to \$251,713.*

This Draft Budget also funded excess from the Airport Reserve account leaving the Reserve in deficit which cannot be the case and consequently the transfer to Municipal Account needs to be reduced from \$136,080 to \$111,080.

In summary the following is the case if the Employee Provision are included:

- | | | |
|----|--|--------------------------|
| 1. | <i>Reduce transfer to Plant Reserve by:</i> | <i>-\$100,000</i> |
| 2. | <i>Reduce transfer to Recreation Reserve by:</i> | <i>-\$100,000</i> |
| 3. | <i>Reduce transfer from Airport Reserve by:</i> | <i>\$ 25,000</i> |
| 4. | <i>Reduce Rural Road Construction by:</i> | <i>-\$ 72,530</i> |
| 5. | <i>Increase interest on Investment by:</i> | <i>-\$ 7,148</i> |
| 6. | <i>Reduce Provision for Medical Equip & ...:</i> | <i><u>-\$ 20,000</u></i> |
| | | <i><u>-\$274,678</u></i> |

The difference between the above (\$274,678) and the Employee Provision (\$243,078) represents further expenditure processed as of this date (Monday 12th July 2010).

As of Monday 12th July 2010, the Net Current Assets carried forward is estimated at \$1,000,923 compared with the estimate included in the Draft Budget of \$1,038,253. The result and adjustments from the Special Council Meeting plus the reduction of \$37,330 and the reduction of \$25,000 from the Airport have required a slight increase to interest earned of \$3,600 to bring the Budget into balance.

Should Council determine to omit the employee provisions then adjustments will need to be made for the Airport Reserve situation and any funding shortfall should the estimated creditors be less than the actual, which will be determined by the end of July 2010.

Statutory Environment

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

Policy Implications

None.

Financial Implications

Will form the basis for Income and Expenditure for the period 1 July 2010 to 30 June 2011.

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Strategic Implications

None.

Recommendation

1. That Council adopt the 2010-11 Budget incorporating a Net Current Assets carried forward of \$1,000,923.

Absolute Majority Required

173/2010

Moved Cr Pasini Seconded Cr W Della Bosca that Council adopt the 2010-11 Budget incorporating a Net Current Assets carried forward of \$1,000,923.

CARRIED ABSOLUTE MAJORITY (7/0)

2. Reaffirm the adoption of the Fees and Charges for 2010-11 at its meeting on 18th June 2010 and included in the Special Meeting on 9th July 2010.

Absolute Majority Required

174/2010

Moved Cr Kenward Seconded Cr W Della Bosca that Council reaffirm the adoption of the Fees and Charges for 2010-11 at its meeting on 18th June 2010 and included in the Special Meeting on 9th July 2010.

CARRIED ABSOLUTE MAJORITY (7/0)

3. Adopt the following Rates for the 2010-11 Financial Year and as recommended by the Special Council Meeting held on 9th July 2010:

That the following Rates in the Dollar be adopted by Council for the 2010/11 Financial Year:

| | | |
|-----|-----------------------------------|---------|
| GRV | Townsite (Residential/Industrial) | \$0.088 |
| GRV | Townsite (Commercial) | \$0.060 |
| GRV | Minesite | \$0.320 |
| GRV | Single Persons Quarters | \$0.320 |
| UV | Rural | \$0.015 |
| UV | Mining | \$0.160 |
| GRV | Minimum Rate | \$345 |
| UV | Minimum Rate | \$345 |

Absolute Majority Required

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175/2010

Moved Cr Pasini Seconded Cr Kenward that Council Adopt the following Rates for the 2010-11 Financial Year and as recommended by the Special Council Meeting held on 9th July 2010:

That the following Rates in the Dollar be adopted by Council for the 2010/11 Financial Year:

| | |
|---------------------------------------|---------|
| GRV Townsite (Residential/Industrial) | \$0.088 |
| GRV Townsite (Commercial) | \$0.060 |
| GRV Minesite | \$0.320 |
| GRV Single Persons Quarters | \$0.320 |
| UV Rural | \$0.015 |
| UV Mining | \$0.160 |
| GRV Minimum Rate | \$345 |
| UV Minimum Rate | \$345 |

CARRIED ABSOLUTE MAJORITY (7/0)

Discount, Interest and Penalties

- Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.
- Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2010/2011 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2010/2011 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2010 in accordance with the requirements stipulated by the Office of State Revenue.

Absolute Majority Required

176/2010

- *Moved Cr Truran Seconded Cr Auld that Council Council grant a 5% discount on rates paid on or before the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*
- *Council charge an 11% penalty charge per annum, calculated by simple interest on rates paid after the 35th day of service of the rate notice in accordance with the Local Government Act 1995.*

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- Council charge a \$10.00 Administration Fee per remittance notice, per instalment, for rates levied in the 2010/2011 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.5% interest charge per annum, calculated by simple interest on instalment payments for rates levied in the 2010/2011 financial year in accordance with the Local Government Act 1995.
- Council charge a 5.4% interest charge per annum, calculated by simple interest on deferred rates held after 1 July 2010 in accordance with the requirements stipulated by the Office of State Revenue.

CARRIED ABSOLUTE MAJORITY (7/0)

Sewerage Scheme Rates and Charges

That Council impose the following Sanitation Rates and Charges on a per annum basis:

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

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

| | |
|---|----------|
| Minimum Charge per vacant land | \$200.00 |
| Minimum Charge per residential property | \$260.00 |
| Non-Rated Class 1 st Fixture | \$160.00 |
| Non-Rated Class Additional Fixtures | \$80.00 |
| Non-Rates Class 2 and 3 Fixture | \$850.00 |

Southern Cross Sewerage Scheme Charge (Commercial):

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

| | |
|--|----------|
| Minimum Charge per commercial property | \$550.00 |
|--|----------|

Marvel Loch Effluent Scheme Maintenance Charges:

5.8 cents in the dollar on GRV properties within the Marvel Loch Townsite

| | |
|---|---------|
| Minimum Charge per property | \$85.00 |
| Non-Rated Class 1 st Fixture | \$85.00 |
| Non-Rated Class Additional Fixtures | \$43.00 |

Absolute Majority Required

177/2010

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

Southern Cross Sewerage Scheme Charge (Residential/Industrial):

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

| | |
|--|-----------------|
| <i>Minimum Charge per vacant land</i> | <i>\$200.00</i> |
| <i>Minimum Charge per residential property</i> | <i>\$260.00</i> |
| <i>Non-Rated Class 1st Fixture</i> | <i>\$160.00</i> |
| <i>Non-Rated Class Additional Fixtures</i> | <i>\$80.00</i> |

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| | |
|--|-----------------|
| <i>Non-Rates Class 2 and 3 Fixture</i> | \$850.00 |
| <u><i>Southern Cross Sewerage Scheme Charge (Commercial):</i></u> | |
| <i>4.6 cents in the dollar on GRV (Commercial) properties within the Southern Cross Townsite</i> | |
| <i>Minimum Charge per commercial property</i> | \$550.00 |
| <u><i>Marvel Loch Effluent Scheme Maintenance Charges:</i></u> | |
| <i>5.8 cents in the dollar on GRV properties within the Marvel Loch Townsite</i> | |
| <i>Minimum Charge per property</i> | \$85.00 |
| <i>Non-Rated Class 1st Fixture</i> | \$85.00 |
| <i>Non-Rated Class Additional Fixtures</i> | \$43.00 |
| CARRIED ABSOLUTE MAJORITY (7/0) | |

Recommendation

Sanitation Rates and Charges

That Council impose the following Sanitation Rates and Charges on a per annum basis:

| | | | |
|---|-----------------|---------------------------|-----------------|
| <i>Domestic Collection per bin, per service</i> | \$200.00 | <i>Additional Service</i> | \$220.00 |
| <i>Commercial Collection per bin, per service</i> | \$218.00 | <i>Additional Service</i> | \$240.00 |
| <i>Industrial Collection per bin, per service</i> | \$218.00 | <i>Additional Service</i> | \$240.00 |
| <i>Non-Rateable Collection per bin, per service</i> | \$335.00 | <i>Additional Service</i> | \$375.00 |

Voting Requirements

Absolute majority required

178/2010

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

| | | | |
|---|-----------------|---------------------------|-----------------|
| <i>Domestic Collection per bin, per service</i> | \$200.00 | <i>Additional Service</i> | \$220.00 |
| <i>Commercial Collection per bin, per service</i> | \$218.00 | <i>Additional Service</i> | \$240.00 |
| <i>Industrial Collection per bin, per service</i> | \$218.00 | <i>Additional Service</i> | \$240.00 |
| <i>Non-Rateable Collection per bin, per service</i> | \$335.00 | <i>Additional Service</i> | \$375.00 |

CARRIED ABSOLUTE MAJORITY (7/0)

ADOPTION OF 2010-2011 FINANCIAL BUDGET

179/2010

Moved Cr Kenward Seconded Cr Truran that Council adopt the 2010-11 Budget as presented incorporating a Net Current Assets carried forward of \$1,000,923.

CARRIED ABSOLUTE MAJORITY (7/0)

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STATUTORY COMPLIANCE OBLIGATION

180/2010

Moved Cr Pasini Seconded Cr J Della Bosca that Council confirms it is well satisfied the services and facilities it provides: -

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

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

CARRIED (7/0)

Cr Pasini left meeting at 4.39pm and returned at 4.41pm

SPORTING PRECINCT

181/2010

Moved Cr Kenward Seconded Cr J Della Bosca that Council acknowledge the information report that the Chief Executive Officer presented in updating the Sporting Precinct.

CARRIED (7/0)

MANAGER OF WORKS REPORTS

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council July 16th 2010 |
| Agenda Reference: | Works 9:1 |
| Subject: | Southern Cross Police - Altair and Canopus Street Road Closure for the purpose of Southern Cross "Billy Cart Races" |
| Location/Address: | Canopus Street |
| Name of Applicant: | Southern Cross Police |
| File reference: | 12809 |
| Author: | Robert Bosenberg - Manager of Works |
| Disclosure of Interest: | N.A. |
| Date of Report: | 8 th July 2010 |

Background

Notification has been received from Southern Cross Police seeking Council's permission to hold a "Billy Cart Race" event in Southern Cross on the Saturday 11th September 2010 on roads under Council's control. The "Billy Cart Race" event is to raise funds for Princess Margret Hospital for the purchasing of a *Molecular Imaging Machine* to help fight against childhood cancer. The location of the event is the Wimmera Hill Access Road and Canopus Street. To accommodate the running of the "Billy Cart Race" event the Police have requested Canopus Street from Three Boys

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Road through to Altair Street along with the access road leading to Wimmera Hill to be closed from 8:00am to 4:00pm.

Comment

The closure of Canopus Street will have an impact on the Southern Cross Motel in relation to access to the Motel off Canopus Street. Council staff has contacted the Manager of the Southern Cross Motel in Mr. Ross Baker to discuss the “*Billy Cart Race*” event and the closure of Canopus Street. Mr. Baker indicated that as Saturday’s are not renowned busy periods he would not have any objections with the closure of Canopus Street as long as there is clearly marked detour route allowing customer’s access to and from the Motel.

Following further discussion with Mr. Baker it was agreed that a suitable marked detour route leading to the Southern Cross Motel can be accessed via the gravel section of Achernar Street and Altair Street laneway (*refer to attachment one*)

The proposed road closure will also have a minor affect on FESA parking and vehicle access to a private resident located in Canopus Street. With FESA the road closure will restrict car parking along Canopus Street. For the period of the proposed Canopus Street road closure if required FESA volunteers can park in the gravel section of Altair Street opposite the FESA building.

The organizers of the “*Billy Cart Race*” event will be required to have discussions with the private resident affected by the proposed road closure for alternative vehicle access to the private resident’s property. If an alternative option can not be found then access to the private property within the proposed road closure must be maintained.

There is some concern about the length of the proposed road closure from 8:00am through to 4:00pm. It is felt that the time period of the road closure is considered to be a bit long and should be shortened with the suggested time being from 10:00am through to 3:00pm. This will result is less inconvenience to members of the public utilizing Canopus Street and also allow for additional time for Council staff to install and remove road closure and detour signage as required.

It is felt that the proposed road closure 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 on pedestrian pathways are to remain accessible to members of the public at all times
- 3) Unless alternative vehicle access is agreed upon between the applicant for the proposed road closure and private residents affected by the proposed road

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closure, current access to private property located in the proposed road closure area must be maintained.

- 4) Entry/exit point must be provided 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

Recommendation

That Councils grants permission to the Southern Cross Police for the closure of Canopus Street from Three Boys Road Intersection to Altair Street Intersection from 10:00am to 3:00pm on Saturday 11th September 2010 for the purpose of the proposed "*Billy Cart Race*" event on the proviso that the following points are adhered to:

- 1) Road closures and detours routes to be clearly sign posted
- 2) Through access to pedestrian pathways are to remain accessible to members of the public at all times.
- 3) Unless alternatives vehicle access is agreed upon between the applicant for the proposed road closure and private residents affected by the proposed road closure, current access to private property located in the proposed road closure area must be maintained
- 4) Entry/exit point must be provided 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.

Voting Requirements

Simple Majority

182/2010

Moved Cr Auld Seconded Cr Truran that Council grants permission to the Southern Cross Police for the closure of Canopus Street from Three Boys Road Intersection to Altair Street Intersection from 10:00am to 3:00pm on Saturday 11th September 2010 for the purpose of the proposed "Billy Cart Race" event on the proviso that the following points are adhered to:

- 1) *Road closures and detours routes to be clearly sign posted*
- 2) *Through access to pedestrian pathways are to remain accessible to members of the public at all times.*

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- 3) *Unless alternatives vehicle access is agreed upon between the applicant for the proposed road closure and private residents affected by the proposed road closure, current access to private property located in the proposed road closure area must be maintained*
- 4) *Entry/exit point must be provided 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*

CARRIED (7/0)

Cr W Della Bosca & Cr Patroni left the meeting at 4.56 and both returned at 4.58pm
Mr Robert Bosenberg let the meeting at 4.58pm and returned at 5.01pm

MANAGER OF ENVIRONMENTAL HEALTH AND BUILDING REPORTS

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July, 2010 |
| Agenda Reference: | 10.1 |
| Subject: | Planning Application - Additional Advertising Road Signs & Directional Signs |
| Location/Address: | Along Great Eastern Highway, and within the Southern Cross Townsite |
| Name of Applicant: | Railway Tavern - Mr & Mrs Robert & Jo Notley |
| File Reference: | 10303 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 7 th July, 2010 |

Background

I refer to Agenda Item 10.2 of the Ordinary Meeting of Council held on 18th June 2010 when an application from Mr & Mrs Robert & Jo Notley, owners of the Railway Tavern, was considered for the erection of 2 additional advertising signs, one either side of Southern Cross along the Great Eastern Highway approaches to town, and for another directional sign to be installed on the intersection of Phoenix & Spica Streets. At this Meeting Council passed the following motion:-

"That Council considers adopting a new policy for the control of advertising signs along approach roads to townsites and for directional finger signs both within a townsite and on rural roads within the Yilgarn District, and that a draft policy is presented for Council's consideration at the July 2010 Ordinary Council Meeting."

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Mr Notley has been advised of Council's proposal and that a decision on his application has been deferred until the new Policy has been approved.

Attached is Mr & Mrs Notley's letter, the layout of the proposed new advertising sign, and a photograph of the existing advertising sign for the Railway Tavern on the western approach to Southern Cross on the Great Eastern Highway.

Comment

After reviewing Council's existing policies it is recommended that rather than developing a new policy the existing Council Policy 5.4 Advertising & Directional Signs be amended.

Attached is the proposed amended Policy 5.4 for Council's consideration. Shire's Manager of Works, Mr Robert Bosenberg, has reviewed the amendments to the Policy and is in agreement with the proposed amendments.

Statutory Environment

Nil

Policy Implications

If Council accepts the amendments to Council Policy 5.4 and adopts it, it will be included in the Council Policy Manual.

Financial Implications

Nil

Recommendation

That Council adopts the proposed amendments to Council Policy 5.4 Advertising & Directional Signs and that the amended Policy is included in the Council Policy Manual.

183/2010

Moved Cr Auld Seconded Cr Kenward that Council adopts the proposed amendments to Council Policy 5.4 Advertising & Directional Signs and that the amended Policy is included in the Council Policy Manual.

CARRIED (7/0)

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Recommendation

That Council advise Mr & Mrs Robert & Jo Notley that their application to erect two additional advertising signs along the Great Eastern Highway is not approved as there is already an advertising sign for the Railway Tavern on the eastern and western approaches to Southern Cross on the Great Eastern Highway, and that in keeping with Council's amended Policy 5.4 Advertising & Directional Signs each business is only to have one advertising sign on any approach road to town, and that in regards to the request for an additional directional sign that this request is approved.

Voting Requirements

Simple Majority.

184/2010

Moved Cr Auld Seconded Cr Kenward that Council advise Mr & Mrs Robert & Jo Notley that their application to erect two additional advertising signs along the Great Eastern Highway is not approved as there is already an advertising sign for the Railway Tavern on the eastern and western approaches to Southern Cross on the Great Eastern Highway, and that in keeping with Council's amended Policy 5.4 Advertising & Directional Signs each business is only to have one advertising sign on any approach road to town, and that in regards to the request for an additional directional sign that this request is approved.

CARRIED (7/0)

| | |
|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July, 2010 |
| Agenda Reference: | 10.2 |
| Subject: | Proposed Management Plan and Change of Vesting |
| Location/Address: | Reserve 18692 Lot 41 & 240 Great Eastern Highway, Bodallin |
| Name of Applicant: | Department of Regional Development and Lands - Mr David Foster, Senior Project Officer State Land Services |
| File Reference: | 10002 & 10316 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 7 th July, 2010 |

Background

The Department of Regional Development and Lands (DRDL) has written to Council regarding Reserve 18692 Lot 41 & 240 Great Eastern Highway which was set aside for the purpose of "Racecourse, Recreation and Showground" in 1927. A recent inspection of the Reserve found that -

- A Hall has been constructed on the Reserve on Lot 41;

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- Tennis Courts are located to the north west of the Hall on Lot 240 and appear to be in an usable condition;
- A small shed is located nearby on Lot 240;
- Extraction of gravel has been carried out over a considerable portion of the Reserve on Lot 240;
- Two tip sites are located on the Reserve on Lot 240 – one site with herbicide containers visible, and the other site appears to be for general household debris.

The DRDL is seeking Council's comments on the following:-

- Is the Shire of Yilgarn prepared to accept a Management Order for the recreation facility located upon Reserve 18692?
- Does the Shire have appropriate approvals and clearances in place for the portions of Reserve 18692 presently utilized as rubbish tips?
- Does the Shire wish to excise the rubbish tips from Reserve 18692 to enable the creation of a separate reserve with the purpose compatible with landfill and rubbish disposal, with care, control and management placed in the Shire?

See attached letter with location map and aerial photograph of the Reserve.

Comment

Proposed Management Order

A search of the Shire's records found no mention of Reserve 18692 being vesting in the name of the Shire of Yilgarn.

A Management Order is the current version of a "Vesting Order" and would give authority or control of use of the land to the Shire of Yilgarn. The Shire has numerous Vesting Orders for reserves that are vested in the name of the Shire.

Council should advise the DRDL that it would be prepared to accept a Management Order for the recreation facilities located upon Reserve 18692.

Appropriate Approvals for the Landfill Site

Reserve 19674 Lot 143 Ivey Road, Bodallin, which is located directly south of Reserve 18692 Lot 41, was vested in the name of the Shire on 25th May 1993 for the purpose of "Quarry (Gravel)". There is no amendment to this vesting order that includes the use of Lot 143 for a landfill site. However, this lot is registered with the Department of Environment and Conservation as the location of the Bodallin Landfill site. The site has been used as a landfill site for many years.

While the Shire may have some approvals for the landfill site on Lot 143, it may be that the vested purpose of the land was never changed and that would need to be done to complete and obtain all the necessary approvals.

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It appears from the aerial photograph provided by the DRDL that the gravel quarry began on Lot 143 but has been extended onto Lot 240. Gravel is still extracted from this pit.

Excising of the Area Used for Landfill Site

Assuming that a change of vesting for Lot 143 was never obtained, the Shire would need to apply for this change. At the same time it should ask if the area of land occupied by the current and old gravel quarry and the landfill site could be excised from Reserve 18692 Lot 240 and amalgamated into Reserve 19674 Lot 143 so that the land use is consistent with the purpose of the land.

The Shire may be asked to carry out a heritage survey of the land to be excised.

Statutory Environment

Compliance with Section 49 of the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

If a Heritage Survey or other survey is required by the Department of Regional Development and Lands there will be a cost involved but the cost is unknown at present.

Recommendation

That Council advises the Department of Regional Development and Lands that

- 1) it would be prepared to accept a Management Order for the recreation facilities located upon Reserve 18692;
- 2) it requests a change to the vesting of Reserve 19674 Lot 143 from "Quarry (Gravel)" to "Gravel Quarry and Sanitary Landfill Site"; and
- 3) it requests that the area of land occupied by the gravel quarry and the landfill site is excised from Reserve 18692 Lot 240 and amalgamated into Reserve 19674 Lot 143 so that the land use is consistent with the purpose of the land and then the registration of the landfill site with the Department of Environment and Conservation will be correct.

Voting Requirements

Simple Majority.

185/2010

Moved Cr Pasini Seconded Cr Kenward that Council advises the Department of Regional Development and Lands that

- 4) *it would be prepared to accept a Management Order for the recreation facilities located upon Reserve 18692;*

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5) *it requests a change to the vesting of Reserve 19674 Lot 143 from "Quarry (Gravel)" to "Gravel Quarry and Sanitary Landfill Site"; and it requests that the area of land occupied by the gravel quarry and the landfill site is excised from Reserve 18692 Lot 240 and amalgamated into Reserve 19674 Lot 143 so that the land use is consistent with the purpose of the land and then the registration of the landfill site with the Department of Environment and Conservation will be correct.*

CARRIED (7/0)

| | |
|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July, 2010 |
| Agenda Reference: | 10.3 |
| Subject: | Proposal to Sell Leased Property |
| Location/Address: | Lot 939 McInnes Street, Moorine Rock |
| Name of Applicant: | Department of Regional Development and Lands - Ms Eileen Lemoine, Manager Wheatbelt Region |
| File Reference: | 10313 & 10316 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 7 th July, 2010 |

Background

The Department of Regional Development and Lands (DRDL) has written advising that it is proposing to sell Lot 939 McInnes Street, Moorine Rock to the current lessee, which is Mr Brian Bebek. The DRDL has leased this property for the purpose of "Residential" since 1984. Council's comments on this proposal are being sought. See attached letter and location map.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 the land is zoned "Townsite". Under this zoning the only permitted land use without Council approval are "Public Recreation" and "Residential Single House". There is an old timber frame and compressed cement sheet dwelling on the site, plus a small timber and weatherboard shed to the east of the dwelling and another small shed butting up to the east side of the dwelling.

The Shire has not received any complaints regarding this property.

At the December 2004 Council Meeting Council considered a proposal from the then Department for Planning and Infrastructure to issue a replacement lease for a term of 5 years. At this time Council noted that there were several old vehicles stored at the back of the property. Council advised the Department that it had no objections to the new lease being issued, and requested that the tenant be asked to remove the old vehicles from the property and generally tidy the yard. The Department was also

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asked for the tenant to straighten the small weatherboard shed to the east of the dwelling which is leaning to one side.

I believe the Department did ask the tenant to remove the old vehicles and tidy the yard, which did occur in 2005. I also believe that the tenant was asked to straighten the shed but while some work may have been carried out to straighten it, it has not been permanent and the building is still leaning. Currently there is one old vehicle parked on the north-east corner of the lot plus a number of 44 gallon drums stacked closer to the dwelling.

The other issue is that any proposed expansion of the Great Eastern Highway will be planned to occur on the north side of the road and will therefore impact on this property. In 2008 Main Roads proposed to carry out some widening of the Highway and move the road 1 metre closer to the property so that the setback would be approximately 7 metres from the edge of the verandah/carport at the front of the dwelling to the edge of the bitumen. Mr Bebek was very concerned when the road was being widened and approached the Shire to help stop the road from being widened. It is possible that the road could be widened further in the future and would therefore impact on the owner of the land through traffic noise, head light beams shining into rooms, vibration from large/heavy vehicles travelling on the road. Drivers often park near this property, which I believe is also an issue for Mr Bebek.

I have been advised verbally by the DRDL that the current lease will expire in September 2010 and that rather than renewing the lease the DRDL is wishing to sell the property to the lessee. The DRDL has also verbally advised that Main Roads WA was asked to comment on the proposed sale and that Main Roads has advised "that it has no comment on the sale".

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Land Administration Act 1997.

Policy Implications

Nil

Financial Implications

Currently Mr Bebek pays Council rates on this property, as would be the case if Mr Bebek owned the property.

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Recommendation

That Council advise the Department of Regional Development and Lands that it has concerns regarding the sale of this property as it is likely to be adversely affected by any future widening of the Great Eastern Highway, but requests that the Department have the small weatherboard shed straightened and made safe or removed from the site, and the yard is to be cleaned and tidied with grassed cut, disused vehicles and 44 gallon drums to be removed, and for the property to be maintained in this manner.

Voting Requirements

Simple Majority.

186/2010

Moved Cr W Della Bosca Seconded Cr J Della Bosca that Council advise the Department of Regional Development and Lands that it has concerns regarding the sale of this property as it is likely to be adversely affected by any future widening of the Great Eastern Highway, but requests that the Department have the small weatherboard shed straightened and made safe or removed from the site, and the yard is to be cleaned and tidied with grassed cut, disused vehicles and 44 gallon drums to be removed, and for the property to be maintained in this manner.

CARRIED (7/0)

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|--------------------------------|--|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July, 2010 |
| Agenda Reference: | 10.4 |
| Subject: | Proposed New Single Persons Camp |
| Location/Address: | Old Railway Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross |
| Name of Applicant: | Mr David Forman of DR & KB Forman Plumbing Contractors |
| File Reference: | 10303 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 8 th July, 2010 |

Background

Mr David Forman of DR & KB Forman Plumbing Contractors has written seeking planning approval to establish a new village type accommodation facility on the area of land previously occupied by Minesite Catering on the Old Railway Reserve Land Lot 966 (previously Reserve 5917 Lot 708) Sirius Street, Southern Cross, next to the Water Corporation Depot and opposite the Railway Tavern. Mr Forman has been purchasing and acquiring new and second-hand accommodation units for various mining companies throughout Western Australia for many years. Mr Forman

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believes that there is a demand for this type of accommodation and would like to do the development. See attached letter, and location map.

Mr Forman is interested in leasing the area of land with an option to purchase the land, or preferably to purchase the land initially.

Mr Forman has not supplied any concept layout plans of the proposed accommodation development, but will supply them if Council supports his proposal.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 Reserve 5917 Lot 708 is zoned "Residential" with a density rating of R12.5, and therefore has been identified for future residential development.

The proposed accommodation camp development is similar to a motel development. Under the Town Planning Scheme Table 1 Zoning Table a motel land use has an 'AA' symbol for land zoned "Commercial" and "Townsite". The 'AA' symbol means that the development requires Council's approval. A motel is not a permitted land use on land zoned "Residential".

I believe the previous accommodation camp owned and operated by Minesite Catering was operating with a "non-conforming land use right" approved by Council as it was probably established prior to the current Scheme being adopted in July 1998. Minesite Catering removed the camp from the site in 2007, which is longer than 6 months, therefore the "non-conforming land use right" has lapsed.

I have advised Mr Forman that this land will likely be developed by Council sometime in the future for residential development and therefore it would be unlikely that Council would sell the land to him, but may consider offering him a long lease term if Council supported his application.

The demand for additional accommodation in Southern Cross fluctuates and generally coincides with either additional contractors for mining development, servicing/maintenance on utility infrastructure such as the water pipeline, Great Eastern Highway, or the railway line, or with special events in the District such as the "King of the Cross".

The Golden Valley Boarding House is soon to sell and I understand that the new owners intend to continue the business in its current form. An additional accommodation camp will impact on the existing businesses in town that offer accommodation.

Deep sewer, scheme water, power, and a sealed access road are available to this land.

Statutory Environment

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

Policy Implications

Nil

Financial Implications

If a new development proceeds on this land, Council will receive rates from the lessee.

Recommendation

That Council advises Mr David Forman that his proposal to establish a new accommodation camp on Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross is supported on the condition that -

- 1) Council receives and approves a site development plan or concept plan that also shows the design/style of the buildings,
- 2) the development is for a maximum of 40 people,
- 3) Council would only be offering a lease agreement for the land of 10 years with an option to extend the lease for a further 10 years,
- 4) that at the termination of the lease all buildings and infrastructure is to be removed from the site and left as a clean block, and
- 5) the proposed development is advertised locally through "Crosswords" for and receives community support.

Voting Requirements

Simple Majority.

187/2010

Moved Cr Auld Seconded Cr Kenward that Council advises Mr David Forman that his proposal to establish a new accommodation camp on Lot 966 (Previously Reserve 5917 Lot 708) Sirius Street, Southern Cross is supported on the condition that -

- 6) Council receives and approves a site development plan or concept plan that also shows the design/style of the buildings,*
 - 7) the development is for a maximum of 40 people,*
 - 8) Council would only be offering a lease agreement for the land of 10 years with an option to extend the lease for a further 10 years,*
 - 9) that at the termination of the lease all buildings and infrastructure is to be removed from the site and left as a clean block, and*
- the proposed development is advertised locally through "Crosswords" for and receives community support.*

CARRIED (7/0)

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|--------------------------------|---|
| Submission to: | Ordinary Meeting of Council - Friday 16 th July, 2010 |
| Agenda Reference: | 10.5 |
| Subject: | Proposed State Cat Control Legislation - Consultation Paper |
| Location/Address: | Western Australia |
| Name of Applicant: | Department of Local Government and Western Australian Local Government Association |
| File Reference: | 4023 |
| Author: | Manager Environmental Health & Building Services - W J Dallywater |
| Disclosure of Interest: | Not applicable |
| Date of Report: | 12 th July, 2010 |

Background

The Minister for Local Government; Heritage; Citizenship and Multicultural Interests, Mr John Castrilli, recently released a consultation paper on the proposal for cat control legislation in Western Australia. A consultation paper has been produced and is attached as a separate document to the Agenda for Council's information.

The proposal, if enacted, will require the:

- Compulsory identification of cats;
- Compulsory registration of cats; and
- Compulsory sterilization of cats.

Local Governments may be required to undertake the following activities:

- Handling complaints from members of the community regarding stray/wandering cats;
- Seizing and impounding cats;
- Registering cats, and establishing and maintaining a database of registered cats;
- Purchasing of equipment (e.g. a microchip reader/scanner) and
- Training of staff.

Comments on the proposed legislation are to be received by Friday 30th July 2010.

Comment

Attached is a completed Consultation Feedback Form on the proposed legislation presented for Council's comment/amendment.

Also attached for Council's information is a copy of letter from the Shire of Merredin to the Department of Local Government regarding the proposed legislation, plus a copy of the Feedback Form from the City of Gosnells.

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The Shire of Yilgarn does not have any local laws regarding cat control. The only local legislation is under the Shire's Health Local Laws which deals with the number of cats allowed per property.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Unknown at this time.

Recommendation

That Council agrees with the information stated in the prepared Consultation Feedback Form and that it is submitted as Council's views on the proposed cat control legislation.

Voting Requirements

Simple Majority.

188/2010

Moved Cr Kenward Seconded Cr Pasini that Council agrees with the information stated in the prepared Consultation Feedback Form and that it is submitted as Council's views on the proposed cat control legislation.

CARRIED (7/0)

WHEATBELT GP NETWORK

189/2010

Moved Cr Truran Seconded Cr Auld that Council endorse that Acting Chief Executive Officer to finalise negotiations with the Wheatbelt GP Network in the provisions of a General Practitioner Service in Southern Cross based on the submission by them dated 14th July 2010 and included in the written report to Council titled "Medical Services - Confidential" dated 15th July 2010.

CARRIED (7/0)

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CLOSURE

There being no further business to discuss, the Shire President declared the meeting closed at 5.20pm.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday, 16th July 2010 are confirmed as a true and correct record of that meeting on Friday, 20th August 2010.

Cr Romolo Patroni
SHIRE PRESIDENT