

MINUTES
ORDINARY COUNCIL MEETING
Friday 18th November 2011

Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Friday, 18th November 2011.

PRESENT

Cr P R Patroni, Shire President
Crs W Della Bosca, D Auld, J Della Bosca, D Pasini, O Truran

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

The meeting was declared open for business at 2.12 pm.

PUBLIC QUESTION TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE

None

DISCLOSURES OF INTEREST

None

SPECIAL MEETING OF COUNCIL MINUTES

229/2011

Moved Cr J Della Bosca Seconded Cr Truran that the Minutes of the Special Meeting of Council held on Friday 21st October 2011, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

230/2011

Moved Cr Pasini Seconded Cr Truran that the Minutes of the previous Meeting of Council held on Friday 21st October 2011, be confirmed as a true and correct record of that meeting.

CARRIED (6/0)

YILGARN LOCAL ACTION GROUP OF THE SKELETON WEED MANAGEMENT COMMITTEE MEETING MINUTES

231/2011

Moved Cr W Della Bosca Seconded Cr Auld that the minutes of the Yilgarn Local Action Group of the Skeleton Weed Management Committee held on the 20th September 2011, be received.

CARRIED (6/0)

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**JOINT MEETING OF WESTONIA YILGARN REGIONAL COUNCIL
MINUTES**

232/2011

Moved Cr Auld Seconded Cr Pasini that the Minutes of the Joint Meeting of Westonia Yilgarn Regional Council Meeting held on the 14th November 2011, be received.

CARRIED (6/0)

**ANNOUNCEMENTS BY THE PRESIDING MEMBER AND
COUNCILLORS:**

The Shire President advised the following:-

- He along with the Manager for Works attended a sub-group meeting in Mukinbudin, where they discussed several issues, including the endorsement of funding for 2011/12.
- That he, the CEO and MEBS attended a meeting at Western Australia's Intractable Waste Disposal Facility at Mt Walton East, where they explained Intractable wastes, purpose of IWDF and how the wastes are disposed of and the monitoring systems.
- That he had received a letter from the Moorine Rock Primary school asking if a representative from Council will present an award at their end of year ceremony. Cr Auld and Cr W Della Bosca offered to be available to present the award.
- That he had been advised that Council's nomination for local representative for the Wheatbelt Development Commission, Ms Karin Day has been approved by the Minister.

Cr W Della Bosca advised that he had reviewed the FESA report outlining brigades, names of volunteers, unit locations and incidents. This report will be forwarded to FESA to keep their records up to date.

In addition, Cr W Della Bosca advised that he heard that bus drivers needed to have F Class licences for insurance purposes, is this the case for drivers of the Community bus? Council asked if the DCEO could make the enquiry with our LGIS account manager, and bring the answer to the YYSRA meeting on Monday night.

Cr J Della Bosca advised that she had attended a SX Tennis & Bowls Club meeting, where they discussed colours for the new Sporting clubhouse. She had also attended the HAY Committee Annual General Meeting.

Cr Truran had attended the St Joseph Primary School Library opening on Thursday, 17th November.

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Submission to:	Ordinary Meeting of Council – 18 th November 2011
Agenda Reference:	7.1
Subject:	Merger Update
File Reference:	2.5.1.1
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	16 th November 2011

Background

The next Westonia Yilgarn Regional meeting was held on Monday 14th November, 2011 and matters for decision from that meeting will require endorsement from the Council.

Comment:

The minutes of the Joint Meeting of the Westonia Yilgarn Regional Council have been circulated to members and two matters arising there from are referred to Council for endorsement:

State Barrier Fence - Yilgarn Gap

The resolution of the Committee was:

“that the Shires of Westonia and Yilgarn formally resolve to allocate the Regional Allocation for 2011/2012 under the Country Local Government Fund, of \$720,573 to the State Barrier Fence- Yilgarn Section as the priority project for the region.”

The allocation to the Shire of Yilgarn is \$392,361 and therefore the recommendation is that this amount be committed to the project.

Joint Chief Executive Officer

The resolution of the Committee was:

- 1. That the offer of the Joint Chief Executive Officer to stand down from this position effective from close of business on the 9th December, 2011 be endorsed.*
- 2. That the Shire of Westonia accepts the resignation of the Joint Chief Executive Officer.*
- 3. That the Shire of Yilgarn accepts the resignation of the Joint Chief Executive Officer and offer a new contract to Jeffery Sowiak as Acting Chief Executive Officer of the Shire of Yilgarn for the period up to 30th June, 2012.*
- 4. That the accrued employment entitlements of Mr Sowiak be carried forward and that the salary package for this position be \$186,379 per annum. Existing entitlements to 6 weeks annual leave, housing etc to continue as at present.*
- 5. That the Deputy Chief Executive Officer of the Shire of Yilgarn takes an active role in the merger process going forward and that the Acting Chief Executive Officer facilitate this by providing assistance as required with this officer’s normal functions.*

The matters that directly relate to this Council are items 1,3,4 & 5 and accordingly the recommendation is that this action is formally endorsed.

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Statutory Environment

Local Government Act

Policy Implications

Nil

Financial Implications

Nil

Recommendations:

State Barrier Fence:

1. That Council resolve to allocate the Regional Allocation for the 2011/2012 under the Country Local Government Fund of \$392,361 to the State Barrier Fence – Yilgarn Section as the priority project for the region.

Joint Chief Executive Officer:

2. That the offer of the Joint Chief Executive Officer to stand down from this position effective from close of business on the 9th December , 2011 be endorsed.
3. That the Shire of Yilgarn accept the resignation of the Joint Chief Executive Officer and offer a new contract to Jeffery Sowiak as Acting Chief Executive Officer of the Shire of Yilgarn for the period up to 30th June, 2012.
4. That the accrued employment entitlements of Mr Sowiak be carried forward and that the salary package for this position be \$186,379 per annum. Existing entitlements to 6 weeks annual leave, housing etc to continue as at present.
5. That the Deputy Chief Executive Officer of the Shire of Yilgarn takes an active role in the merger process going forward and that the Acting Chief Executive Officer facilitates this by providing assistance as required with this officer's normal functions.

Voting Requirements

Absolute Majority

233/2011

Moved Cr W Della Bosca seconded Cr Truran that in relation to the State Barrier Fence, Council agrees to allocate the Regional Allocation for the 2011/2012 under the Country Local Government Fund of \$392,361 to the State Barrier Fence – Yilgarn Section as the priority project for the region.

Moved Cr J Della Bosca Seconded Cr Truran that Council accepts the resignation of the Joint CEO as listed below:

- *That the offer of the Joint Chief Executive Officer to stand down from this position effective from close of business on the 9th December , 2011 be endorsed.*
- *That the Shire of Yilgarn accept the resignation of the Joint Chief Executive Officer and offer a new contract to Jeffery Sowiak as Acting Chief Executive Officer of the Shire of Yilgarn for the period up to 30th June, 2012.*

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- *That the accrued employment entitlements of Mr Sowiak be carried forward and that the salary package for this position be \$186,379 per annum. Existing entitlements to 6 weeks annual leave, housing etc to continue as at present.*
- *That the Deputy Chief Executive Officer of the Shire of Yilgarn takes an active role in the merger process going forward and that the Acting Chief Executive Officer facilitates this by providing assistance as required with this officer's normal functions.*

CARRIED BY ABSOLUTE MAJORITY (6/0)

Submission to:	Ordinary Meeting of Council – 18 th November 2011
Agenda Reference:	7.2
Subject:	Extraordinary Election
File Reference:	2.2.1.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	11 th November 2011

Background

An extraordinary election has been scheduled to be held on Saturday 25th February, 2012 to fill the vacancy left following the resignation of Councillor Kenward last month.

The timing of the election over the Christmas period has provided some challenges in terms of the critical election dates however, working with the Electoral Commissioner, a date just outside the four month period has been agreed.

The following timetable is provided for Councillors information:-

Election day	Saturday, 25 February 2012
Statewide advertising start	Saturday, 17 December 2011
Roll close	Friday, 6 January 2012
nomination open	Thursday, 12 January 2012
nominations close	Thursday, 19 January 2012
Statewide notice of election	Monday, 6 February 2012

Statutory Environment

Part 4 of the *Local Government Act 1995*, and the *Local Government (Elections) Regulations 1997*

Policy Implications

Nil

Financial Implications

Council has made provision in the budget for an election.

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Council Information Only

Received

Submission to:	Ordinary Meeting of Council – 18th November 2011
Agenda Reference:	7.3
Subject:	Council Meetings 2012 – Dates & Times
File Reference:	2.1.2.4
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th November 2011

Background

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates on which and the time and place at which –

- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

Comment:

The dates for the 2012 monthly Council meetings are proposed as follows, subject to consideration of meeting times:-

Friday, 20 January 2012	Friday, 20 July 2012
Friday, 17 February 2012	Friday, 17 August 2012
Friday, 16 March 2012	Friday, 21 September 2012
Friday, 20 April 2012	Friday, 19 October 2012
Friday, 18 May 2012	Friday, 16 November 2012
Friday, 15 June 2012	Friday, 21 December 2012

In submitting the above meeting dates for 2012, Council also may wish to review meeting times and whether the current format is suitable. Over the years Council has made a number of changes to meeting times to reflect the change in the order of business.

It is considered that the current format has worked well and should be continued for a further 12 months.

Statutory Environment

Section 12 of the *Local Government (Administration) Regulations 1996* relating to advertising meeting dates and times.

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Policy Implications

Nil

Financial Implications

Nil

Recommendation

That in accordance with Section 12 of the *Local Government (Administration) Regulations 1996* relating to the advertising of meeting times and dates of monthly Ordinary Council meetings, the following schedule of times and dates be adopted for the 2012 year:-

- Luncheon to commence at 12.30pm and conclude at 1.30pm
- Information Session to commence at 1.30pm to 2.00pm
- Monthly Council meetings to commence at 2.00pm on the following dates:-

Friday, 20 January 2012	Friday, 20 July 2012
Friday, 17 February 2012	Friday, 17 August 2012
Friday, 16 March 2012	Friday, 21 September 2012
Friday, 20 April 2012	Friday, 19 October 2012
Friday, 18 May 2012	Friday, 16 November 2012
Friday, 15 June 2012	Friday, 21 December 2012

Voting Requirements

Simple Majority

234/2011

Moved Cr W Della Bosca seconded Cr J Della Bosca that Council in accordance with Section 12 of the Local Government (Administration) Regulations 1996 relating to the advertising of meeting times and dates of monthly Ordinary Council meetings, the following schedule of times and dates be adopted for the 2012 year:-

- *Luncheon to commence at 12.30pm and conclude at 1.30pm*
- *Information Session to commence at 1.30pm to 2.00pm*
- *Monthly Council meetings to commence at 2.00pm on the following dates:-*

<i>Friday, 20 January 2012</i>	<i>Friday, 20 July 2012</i>
<i>Friday, 17 February 2012</i>	<i>Friday, 17 August 2012</i>
<i>Friday, 16 March 2012</i>	<i>Friday, 21 September 2012</i>
<i>Friday, 20 April 2012</i>	<i>Friday, 19 October 2012</i>
<i>Friday, 18 May 2012</i>	<i>Friday, 16 November 2012</i>
<i>Friday, 15 June 2012</i>	<i>Friday, 21 December 2012</i>

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council, 18 th November 2011
Agenda Reference:	7.4
Subject:	Community Funding Program 2011/2012 Budget Allocation
File Reference:	8.2.6.22
Author:	Jeff Sowiak, Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	8 th November 2011

Background

The Shire of Yilgarn Community Funding Program was developed to provide a source of funding for non-profit organisations operating within the district. As part of the 2011/2012 Budget, Council agreed to make available \$13,750 (Gst incl) for two categories of funding - 'Essential Equipment' (\$13,200) and 'Travel Assistance' (\$550).

Application forms were made available to the public from the 29 September 2011 and the closing date for return of these applications was Friday 28 October 2011.

Comment

At the close of applications, submissions were received from the organisations below. The submissions for funding in the "Essential Equipment Category" are within the budgeted amount of \$4,000.

Essential Equipment Category -

SX Motorcycle Club (4 x Two way radios)	\$ 2,000.00
Yilgarn History Museum - Computer	<u>\$ 2,000.00</u>
TOTAL (Essential Equipment):	\$4,000.00

Travel Assistance Category -

TOTAL (Travel Assistance):	\$0
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On assessing all applications based both organisations have provided sufficient justification for the purchase and are therefore recommended for approval.

The recommendation is for the payment of \$4,000, which is \$8,500 below budget. The balance will be held for any other projects that might be eligible in the balance of the year.

Statutory Environment

Nil

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Policy Implications

Nil

Financial Implications

2011/2012 Budget allocation of \$12,500 for the Community Funding Program is to be costed to E10621 and allocated as outlined below.

Recommendation

That Council provides funding under the 2011/2012 Shire of Yilgarn Community Funding Program to the following community and sporting organisations:-

Essential Equipment Category -

SX Motorcycle Club (4 x Two way radios)	\$2,000.00
Yilgarn History Museum - Computer	\$2,000.00
TOTAL (Essential Equipment):	\$4,000.00

Voting Requirements

Simple Majority

235/2011

Moved Cr Truran seconded Cr Auld that Council provides funding under the 2011/2012 Shire of Yilgarn Community Funding Program to the following community and sporting organisations:-

Essential Equipment Category -

<i>SX Motorcycle Club (4 x Two way radios)</i>	<i>\$2,000.00</i>
<i>Yilgarn History Museum - Computer</i>	<i>\$2,000.00</i>
<i>TOTAL (Essential Equipment):</i>	<i>\$4,000.00</i>

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – 18 th November 2011
Agenda Reference:	7.5
Subject:	Investments
File Reference:	8.2.4.3
Author:	Jeff Sowiak - Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	13 th November 2011

Background

A query has been raised with respect to the manner in which Council funds are invested and the report provides explanation of the investment strategy and the reasons that underpin this.

Comment:

Council currently has four types of banking accounts:

- Cheque Account for Municipal Funds (Westpac) – From which all day to day transactions are made.
- Cheque Account for Trust funds (Westpac) – From which bonds deposits and other trust monies are held.
- A Cash Management account with Westpac. – For day to day surplus cash that needs to be available “at call”.
- Term Deposits with Westpac and ANZ for fixed periods of 30 , 60, 90 days etc

As evidenced by the monthly bank and investment reconciliation, on any one day there can be in the order of \$7m invested.

Council’s normal monthly creditors are in the order of \$500k and the fortnightly payroll is around \$60k.

The management of Council’s investments is the responsibility of the DCEO and in that role it is her responsibility is to maximise investment returns through shrewd investments whilst at the same time ensuring that there is sufficient fund in the day to day cheque account to cover expected accounts.

It is general practice that Council pays all accounts well within normal trading terms so the Council is not adversely impacting on money due to creditors. However there are funds that are available and not required for immediate needs and can be invested.

The difference rates of interest applicable to the types of investments are significant: Currently money held in the Cheque account earns 0.35% on the minimum monthly balance. Money held in the Cash Management Account earns a higher rate which varies from month to month and is currently 4.5% on the daily balance. Council also currently has money invested in term deposits at 6%.

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On a \$7m investment portfolio a 4% better rate of interest will mean an additional \$280,000 in investment income for the year. Or to put it another way for every \$1,000,000 that earns an additional 4%, this correlates to an additional \$769 per week. Therefore it is in the Council's best interest to try and minimise the amount held in the Cheque account and maximise the amount held in term deposits. Similarly, any surplus funds that are not required immediately to pay current accounts, should as a minimum be invested in the Cash Management account.

The move to direct EFT payments has also improved cash flow management as money can be held in an investment right up until the date of payment.

On this basis the Council's funds are examined on a daily basis to predict when best to transfer funds to or from the "At Call", term deposits and cheque accounts.

It should always be remembered if there is an unexpected bill or purchase that requires additional funds to be available, Council can, at any time, suffer an interest penalty and call in a Term Deposit before the due date.

All transfers or payments made from banking accounts whether by electronic or other means, must be authorised by two cheque signatories approved by Council.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

For Council Information Only

Received

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Submission to:	Ordinary Meeting of Council – Friday 18 th November 2011
Agenda Reference:	8.1
Subject:	Financial Reports
File Reference:	8.2.3.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th November 2011

Comment

Enclosed for Council's information are various financial reports that illustrate the progressive position of Council financially on a month-by-month basis.

The following reports are enclosed and have been prepared as at the 31st October 2011:

- Rates Receipt Statement (prepared to 11/11/2011)
- Statement of Investments,
- Amalgamation Financial Summary
- Monthly Statement of Financial Activity

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

Recommendation

That the Various Financial Reports for the period ending 31st October 2011 as presented, be received.

236/2011

Moved Cr Auld seconded Cr Pasini that Council accepts the various Financial Reports for the period ending 31st October 2011.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – 18 th November 2011
Agenda Reference:	8.2
Subject:	Accounts for Payment
File Reference:	8.2.1.2
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	11 th November 2011

Background

Municipal Fund – Cheque Numbers 37281 to 37357 totalling \$208,976.36, Municipal Fund EFT numbers 35 to 72 totalling \$635,484.47, Municipal Fund – Cheque Numbers 1013 to 1016 totalling \$195,288.41, Trust Fund – Cheque Number 401953 to 401957, totalling \$4,463.68 and Trust Fund – Cheque Numbers 5756 to 5760 (DPI Licensing), totalling \$70,524.80 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

Municipal Fund – Cheque Numbers 37281 to 37357 totalling \$208,976.36, Municipal Fund EFT numbers 35 to 72 totalling \$635,484.47, Municipal Fund – Cheque Numbers 1013 to 1016 totalling \$195,288.41, Trust Fund – Cheque Number 401953 to 401957, totalling \$4,463.68 and Trust Fund – Cheque Numbers 5756 to 5760 (DPI Licensing), totalling \$70,524.80 are presented for endorsement as per the submitted list.

Voting Requirements

Simple Majority

237/2011

Moved Cr W Della Bosca Seconded Cr Truran that Council endorses the accounts covered by Municipal Funds– Cheque Numbers 37281 to 37357 totalling \$208,976.36, Municipal Fund EFT numbers 35 to 72 totalling \$635,484.47, Municipal Fund – Cheque Numbers 1013 to 1016 totalling \$195,288.41, Trust Fund – Cheque Number 401953 to 401957, totalling \$4,463.68 and Trust Fund – Cheque Numbers 5756 to 5760 (DPI Licensing), totalling \$70,524.80 are presented for endorsement as per the submitted list.

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – Friday 18 th November 2011
Agenda Reference:	8.3
Subject:	Acceptance of the 2010/2011 Annual Report
File Reference:	8.2.3.3
Author:	Vivienne Murty – Deputy Chief Executive Officer
Disclosure of Interest:	Not applicable
Date of Report:	16 th November 2011

Background

Council is required to accept the Annual Report, no later than 31 December each year. Council accepted the Auditors Report in October 2011 and determined the Annual Meeting of Electors would be held on Friday 18th November 2011.

Further, the CEO is required under section 5.55 of the Act to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Statutory Environment

Local Government Act 1995 5.54 ‘Acceptance of Annual Reports’ and 5.55 ‘Notice of Annual Reports’.

Policy Implications

None

Financial Implications

None

Strategic Implications

None

Voting Requirements

Absolute majority required

Recommendation

That Council adopts the Shire of Yilgarn Annual Report for the year ended 30th June 2011 and the CEO provides local public notice of the availability of the Annual Report.

238/2011

Moved Cr J Della Bosca seconded Cr W Della Bosca that Council endorses the adoption of the Shire of Yilgarn Annual Report for the year ended 30th June 2011 and the CEO provides local public notice of the availability of the Annual Report.

CARRIED BY ABSOLUTE MAJORITY (6/0)

Council Adjourned from Chambers at 3.40pm for afternoon tea and reconvened at 4.05pm.

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Submission to:	Ordinary Meeting of Council – 18 th November 2011
Agenda Reference:	9.1
Subject:	Road Hierarchy Development Strategy
File Reference:	6.3.2.11
Author:	Bret Howson Consulting Engineer/ Robert Bosenberg – Manager for Works
Disclosure of Interest:	N/A
Date of Report:	7 th October 2011

Background

At Councils October Meeting Mr. Bret Howson (*consulting engineer*) presented an overview on a draft copy of Shire of Yilgarn proposed Road Hierarchy. The overview was presented to council at the October Meeting for any comments of which were to be received before Council November Meeting when it is proposed to present a final Road Hierarchy Development Strategy for adoption.

The Road Hierarchy Development Strategy has been prepared to provide functional classification for the Shire of Yilgarn's road network and strategy direction for council's management staff and community of Shire of Yilgarn road network objectives.

The Road Hierarchy Development Strategy document has been produced as a multi-year strategy and contains programming information necessary to prepare the strategy, however these programs have been produced as a "snapshot" of today's conditions. They should only be considered as a reference or guidance material for the preparation of actual working programs when required.

Comment:

In the past five years it has become important to focus on good planning for council's assets and expenditure. This has seen the Shire of Yilgarn produce a number of documents to satisfy statutory and external funding requirements. A Road Hierarchy Strategy is now becoming a necessary planning document for councils to demonstrate at a regional level that the council has a good understanding of its road network in regards to community, district and regional needs.

In adopting the Road Hierarchy Development Strategy it will assist council management staff with sound council and community direction for seeking multi-year funding from external agencies such and Regional Road Group and Road to Recovery. It also provides consistency of travel routes throughout the shire.

The strategy also identifies road expenditure, network condition and depreciation and the level of service expected by the community. The Road Hierarchy Development Strategy is a working document and should be reviewed every three years.

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Statutory Environment

There are no direct statutory implication with this item, however this strategy is considered as a third tier planning document to support the Council's statutory requirements of producing accurate and timely first tier planning documents.

Policy Implications

There are no policy implications at the time of this report.

Financial Implications

There are no known financial implications at the time of this report.

Recommendation

That Council adopts the Road Hierarchy Development Strategy for 2011/12 to 2015/16 as presented.

Voting Requirements

Simple Majority

239/2011

Moved Cr W Della Bosca Seconded Cr Pasini that council adopts the Road Hierarchy Development Strategy for 2011/12 to 2015/16 as presented, and is to be reviewed every three years.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - 18 th November 2011
Agenda Reference:	9:2
Subject:	WALGA Preferred Supply Contract - TPS0815 - 2011/2012 Eight Wheel Tip Truck
Location/Address:	N.A.
Name of Applicant:	N.A.
File reference:	6.6.3.3 and 6.4.1.5
Author:	Robert Bosenberg - Manager for Works
Disclosure of Interest:	N.A.
Date of Report:	11 th November 2011

Background

In accordance with Councils 2011/2012 Financial Year Plant Replacement Program quotations were invited through WALGA'S Preferred Supply Contract - TPS0815 to supply and deliver one only Eight Wheel Tip Truck and to trade Councils current Mitsubishi FS 8x4 Tip Truck.

An allocation of \$220,000 (*GST Inclusive*) has been allowed for in Councils 2011/2012 Financial Year Budget for the change over of this vehicle.

The trade vehicle (*Mitsubishi 8x4 Tip Truck*) was purchased in 2003 under Councils Plant Replacement Program. At the time of this report the Mitsubishi 8x4 Tip Truck

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had a speedometer reading of 160,000km. This tip truck is currently utilized by council staff for gravel carting, as a water truck for water binding works and aggregate spreading on bitumen sealing programs. It is expected, the proposed replacement vehicle will be carrying out similar functions. Visually the trade vehicle is well presented and appears mechanically sound.

Comment

Specifications for new, Eight Wheel Tip Truck been: -

Make / Model tendered (must be 2011)8-wheel Tip Truck
 GCM (minimum 50000 kg)kg
 Engine Make: Capacity: litres
 Engine output, (minimum 400hp)hp

TRANSMISSION

(manual/automated manual)Make: Gears per range:
 Power Divider to drive wheels yes
 Tow Bar Ringfeeder tow bar, 50 mm, including connections for trailer air brakes and lights
 Tyres 11 R 22.5 Dunlop 16PR (deep tread) to all wheels
(if not available specify other)
 Mud flaps To all wheels
 Equipment Two jacks, one wheel brace
 One external tool box, fitted to chassis, to suit
 pad lock
 Two fire extinguishers: one fitted externally (4 kg), one fitted in cab (2 kg)
 Two flashing amber beacon in protective cage, cab roof mounted
 Bullbar Steel, painted black
 Bar work is not to interfere with service requirements of cab or engine
 Sun Protection Light window tint to side and rear windows, sun visor fitted over windscreen
 Airconditioning Yes
 AM/FM Radio/CD Yes
 Two-Way GME Electraphone TX 3440, complete with aerial and microphone, fitted

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Colour	TAIT TM 8200, complete with aerial and microphone, fitted, equipped with bush fire frequencies, channel 32, 45 and 59 white
Seat Covers	Canvas seat covers fitted to all seats
<u>Body</u>	
Tipping Body	Minimum capacity 12 m ³ Maximum legal internal width to allow transport of machinery Top and side hinges to tail gate, air operated Full height cab shield with Spare tyre and manual winch fitted <i>(reduction winch)</i> Shovel bracket fitted Floor - minimum 4 mm Hardox steel (if not available alternative must be specified) Sides - minimum 4 mm Hardox steel (if not available alternative must be specified) Tie-rail along top of both sides Steps to left and right side near middle of body <i>(Please contact Mr. Will Winch Buist workshop information for more details)</i> One full length canvas cover to be supplied with tip body
<u>Tipping Operation - Hoist</u>	
Make	Location: outside of tip body
Controls	Cab controls for air operated tailgate. There will also be a requirement for two additional air lines to run from the rear of the truck chassis, to the cab connecting to two controls valves/switches (contact should be made with councils Work Shop Supervisor Mr. Will Winch Buist to further discuss locations of the cab mounted controls valves/switches)
<u>Drive</u>	PTO pump, tank and valves as required per relevant standards <i>(the truck is also utilised as a water truck the PTO must be capable of driving auxiliary pumps)</i>
Optional	Cab operated <i>(air activated no camera)</i> automated tailgate spreader box for bitumen seal works <i>(cost must be included in quotation listed separate)</i>

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The following quotes were received (*GST inclusive*): -

1. Truck Centre - (companies submitting quotations for the change over of this vehicle have been requested to include a cost for a cab operated automated tailgate spreader box. Truck Centre has not included this in their quotation)

Volvo FM (with Howard and Porter Body)	\$307,535.00
Spreader Box (no cost supplied)	\$
	<i>Less Trade</i> <u>\$ 74,800.00</u>
	<i>Net changeover</i> <u>\$232,735.00</u>

Engine - Volvo D11C six cylinder Diesel engine, 13 litre displacement
 Net power output 410hp-300kw
 GCM 60000 kg
 Transmission Volvo I shift 12 speed automated
 Body 14 m3 Capacity
 4mm hardox sides - 5mm hardox floor
 EDBRO front mounted 24 tonne hoist
 Warranty no information supplied

2. Truck Centre - (companies submitting quotations for the change over of this vehicle have been requested to include a cost for a cab operated automated tailgate spreader box. Truck Centre has not included this in their quotation)

Mack Granite 435 MP8 Day Cab (with Howard and Porter Body)

	\$289,715.00
Spreader Box (no cost supplied)	\$
	<i>Less Trade</i> <u>\$ 74,800.00</u>
	<i>Net changeover</i> <u>\$214,915.00</u>

Engine - MACK MP8 435hp six cylinder Diesel engine, 13 litre displacement
 Net power output 435hp-320kw
 GCM 50000 kg
 Transmission Mack TmD12AD 12 speed automated
 Body 14 m3 Capacity
 4mm hardox sides - 5mm hardox floor
 EDBRO front mounted 24 tonne hoist
 Warranty no information supplied

3. Skipper Trucks (companies submitting quotations for the changeover of this vehicle have been requested to include a cost for a cab operated automated tailgate spreader box)

FUSO FS52SS3VF AA (with P&G Body)	\$266,651.00
Spreader Box	<u>\$ 27,384.50</u>
	<i>Total</i> <u>\$294,035.50</u>
	<i>Less Trade</i> <u>\$ 93,280.00</u>
	<i>Net changeover</i> <u>\$200,755.50</u>

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Specification FUSO FS52SS3VFAA

Engine - Fuso OM457-T3, 12 litre 6 cylinder, turbo-charged, diesel engine

Net power output 295kw/400hp

GCM 53,000 kg

Transmission Fuso G230-12, 12 speed automated manual

Body 14m³ Capacity
 4mm hardox sides - 5mm hardox floor
 EDBRO 30 tonne front mounted hoist

Warranty 3 years or 200,000km

4. WA HINO - (companies submitting quotations for the change over of this vehicle have been requested to include a cost for a cab operated automated tailgate spreader box)

Hino 700 Series Fy 3248 (with P&G Body)	\$275,072.00
Spreader Box	<u>\$ 28,600.00</u>
<i>Total</i>	<u>\$303,672.00</u>
<i>Less Trade</i>	<u>\$102,000.00</u>
<i>Net changeover</i>	<u>\$201,672.00</u>

Engine - Hino E13CVG six cylinder Diesel engine, 12.9 litre displacement

Net power output 353kw

GCM 72000 kg

Transmission Eaton manual 18 double override constant mesh speed

Body 14 m3 Capacity
 4mm hardox sides - 5mm hardox floor
 EDBRO Front Mounted 24 Tonne Hoist

Warranty 3 years or 500,00km - 5 years 750,000km engine component

Please note: in WA Hino quotation, provision has been made for the tip body and accessories to be fabricated from two engineering companies Bengineer or P&G Body

Builders, the preferred option as far as Council is concerned is from P&G Body Builders

(cost listed for WA Hino and Skipper Trucks are inclusive of spreader box cost)

Truck Centre	Volvo FM	\$307,535.00	\$74,800.00	\$232,735.00
Truck Centre	Mack Granite 435 MP8	\$289,715.00	\$74,800.00	\$214,915.00
Skipper Trucks	FUSO FS52SS3VFAA	\$294,035.50	\$93,280.00	\$200,755.50
WA Hino	Hino 700 Series Fy 3248	\$303,672.00	\$102,000.00	\$201,672.00

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As seen from the above summary the lowest quote received for the change over cost of councils current Mitsubishi 8x4 Tip Truck is from Skipper Trucks for the Fuso FS52SS3VFAA for the monetary amount of \$200,755.50 (GST inclusive). The next lowest is from WA Hino for the Hino 700 Series Fy 3248, the changeover cost of \$201,672 a difference of \$916.50.

The warranty offered by WA Hino for the Hino 700 Series Fy 3248 slightly better (3 years or 500,00km – 5 years 750,000km engine component) than that offered by Skipper Trucks for the Fuso FS52SS3VFAA (3 years or 200,000km)

Although the warranty offered by WA Hino is better than that offered by Skipper Trucks, the following recommendation is based on the present performances and back-up service of Council's two current Mitsubishi Fuso 8x4 tip trucks.

The performances of council's two current Mitsubishi Fuso Tip Trucks has been good with minimum down time and the back-up service supplied by Skipper Trucks has been excellent to date.

Statutory Environment: *In accordance to Councils "Finance Policy 3.5 Purchasing and Tendering"*

Financial Implications: *A monetary allocation of \$220,000 (GST Inclusive) has been allowed for in Councils 2010/2011 Plant Replacement Program for the change over of this vehicle.*

Strategic Implications: *Ten Year, Plant Replacement Program*

Recommendation

Council accepts the quote submitted by Skipper Trucks, and trade its current Mitsubishi 8x4 Tip Truck for the quoted trade price of \$93,280 (GST inclusive), and purchase the Fuso FS52SS3VFAA as per the quotation submitted, for the change over cost of \$200,755.50 (GST inclusive)

Voting Requirements

Simple Majority

240/2011

Moved Cr Pasini Seconded Cr Auld that Council accepts the quote submitted by Skipper Trucks, and trade its current Mitsubishi 8x4 Tip Truck for the quoted trade price of \$93,280 (GST inclusive), and purchase the Fuso FS52SS3VFAA as per the quotation submitted, for the change over cost of \$200,755.50 (GST inclusive)

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council - 18 th November 2011
Agenda Reference:	9:3
Subject:	Beverly Soaring Society – Southern Cross Airstrip
Location/Address:	Southern Cross Airstrip
Name of Applicant:	Beverly Soaring Society
File reference:	6.3.2.1
Author:	Robert Bosenberg - Manager of Works
Disclosure of Interest:	N.A.
Date of Report:	9 th November 2011

Background

Correspondence has been received from the Beverly Soaring Society seeking Council permission to utilise the Southern Cross Airstrip from Friday the 25th until Sunday 4th December 2011.

The Beverly Soaring Society has utilised the Southern Cross Airstrip with Councils permission in the past (2007, 2008, and 2009). In previous visits the Beverly Soaring Society have managed to set two WA records.

In their proposed 2011 visit the Beverly Soaring Society intend bringing 13 gliders, 14 pilots and one tow-plane to launch the gliders. They have arranged to stay at the Southern Cross Caravan for the period of their visit.

Comment

In the correspondence received by council the Beverly Soaring Society has requested if council could assist them on the following points with their visit as what has been done in previous years:

- 1) Give permission to operate from the Southern Cross Airstrip and leave their gliders tied down overnight at the airstrip.
- 2) Waive the landing fees
- 3) Clear a tie down area on the northern side of runway 14 between existing hangar and the north western end of the runway
- 4) Supply a water truck for dust control at their launch point before commencement of operation each morning (*before 9:00am*)

It is proposed to recommend to Council that Council can assist the Beverly Soaring Society with the above listed request except with point item four as at this time due to council's work load a council water truck will not be available, therefore if they require a water truck they will have to engage outside assistance.

Recommendation

That Council advises the Beverly Soaring Society that Council can assist with their list of requests as listed below

- 1) Give permission to operate from the Southern Cross Airstrip and leave their gliders tied down overnight at the airstrip.
- 2) Waive the landing fees
- 3) Clear a tie down area on the northern side of runway 14 between existing hangar and the north western end of the runway

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but advise the Beverly Soaring Society that council will not be able to supply a water truck, therefore if they require a water truck they will need to source it themselves

Voting Requirements

Simple Majority

241/2011

Moved Cr W Della Bosca Seconded Cr Pasini that Council advises the Beverly Soaring Society that Council can assist with there list of requests as listed below:

- 1) Give permission to operate from the Southern Cross Airstrip and leave there gliders tied down overnight at the airstrip.***
- 2) Waive the landing fees***
- 3) Clear a tie down area on the northern side of runway 14 between existing hangar and the north western end of the runway***

but advise the Beverly Soaring Society that Council will not be able to supply a water truck, therefore if they require a water truck they will need to source it themselves.

CARRIED (6/0)

SOUTHERN CROSS AERODROME - RUNWAY UPGRADE

The Manager for Works advised Council that he had received a letter from Mr R Pownall the President of the Southern Cross St John Ambulance, requesting that Council look into applying for the Commonwealth Department of Infrastructure and Transport's remote Aerodrome upgrade grants, and he suggested that it can be used to improve the safety of the Southern Cross airstrip by making it an all-weather strip, so that the airstrip can be open all year around for emergency fly outs with RFDS.

The Manager for Works advised that upgrading the current runway to an asphalt surface would be very costly (over \$1M) as well as the ongoing maintenance on the runway which would not be covered by grants funding. He suggested an alternative option, where we stage the works;

- | | |
|---------|---|
| Stage 1 | upgrading the 9/27 runway to a gravel standard – so that in the event that the 14/32 runway cannot be used the 9/27 runway will be an alternative option, with the possibility of installing lighting on the 9/27. |
| Stage 2 | to asphalt the apron area leading to the St John Ambulance Shed and Terminal. |
| Stage 3 | upgrade runway 14/32 from gravel standard to bitumen/asphalt standard and at the same time upgrading existing lights to meet Australian Standards. This work would involve taking the airstrip out from the existing 18 metre width, out to a 30 metre width. |

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Moved Cr Truran Seconded Cr J Della Bosca that Council requests that the Manager for Works develop a plan with costings related to staging the proposed upgrade to the runways and landing lights to be reviewed at the December Council meeting.

In addition, the Manager for Works contact Mr Pownall and advise him of the procedure to follow if the airstrip is required for emergency landing by RFDS, in the event that the airstrip is closed due to bad weather. Furthermore, advise him that Council is considering options in relation to upgrading the runway.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council – 18 th November, 2011
Agenda Reference:	10.1
Subject:	Application to Change Zoning of Commercial Property in Bullfinch
Location/Address:	Bullfinch Exchange Hotel - Lots 119 & 120 (H/No 32-34) Doolette Street, Bullfinch
Name of Applicant:	Mrs Tamara Gladish (Frewen)
File Reference:	3.1.1.7
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	9 th November, 2011

Background

Mrs Tamara Gladish (Frewen), along with husband Wayne, own the Bullfinch Exchange Hotel locate on Lots 119 & 120 corner Doolette & Shallcross Streets, Bullfinch. Mrs Gladish has written to the Shire asking if the property can be re-zoned from “Commercial” to “Residential”.

The reason for this is that the Hotel has been closed since 23rd May 2011, they do not want to operate the business again, and only want to use the building as a dwelling for her and her immediate family. Mrs Gladish is hoping to change her bank loan from a commercial loan to a residential loan which will have a lower interest rate. However, the bank will not approve the change while the property is zoned “Commercial”. See attached letter.

Comment

Under the Shire of Yilgarn Town Planning Scheme No 2 the whole townsite of Bullfinch is zoned “Townsite”. There are no separate zonings of “Residential” or “Commercial”.

Therefore the zoning of the lots as “Commercial” is one that the Shire has used for rating purposes based on the land use activity.

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Mrs Gladish has stated that she and her husband do not want to operate the premises as a commercial concern, whether as a bar, restaurant, or temporary accommodation. Mrs Gladish only want to occupy the premises and use it as a dwelling for her immediate family.

The permanent liquor licence for the Bullfinch Exchange Hotel is still active as of today.

If Council agrees to the request and changes the zoning of the property on the Shire's computer rating system, then the Shire will need to request a re-valuation of the property from the Valuer General's Office. This may cause a few questions to be asked but should not stop the process.

Statutory Environment

Shire of Yilgarn's Town Planning Scheme No 2, and the Liquor Licensing Regulations 1989.

Policy Implications

Nil

Financial Implications

It is expected that the change of zoning classification and the re-valuation of the property would see less rates coming into the Shire.

Recommendation

That Council agrees to the re-zoning or re-classification of Lots 119 & 120 Doolette Street, Bullfinch due to the change of land use on the condition that the owners of the property are not to change the land use back to being a commercial use without seeking and obtaining Council's approval, and that the Hotel's Liquor Licence is cancelled forthwith.

Voting Requirements

Simple Majority

REASON FOR AMENDMENT

Council believed that this proposal needs to be advertised for public comment as it is a significant change to a premises that has been a commercial business for many years. It was felt that the community had the right to know about the proposed change and to make comment.

AMENDMENT TO THE MOTION

Moved Cr Pasini Seconded Cr W Della Bosca that the re-zoning proposal for the Bullfinch Exchange Hotel is to be advertised in Crosswords for a minimum of two editions for public comment and then to be reviewed at the December Council meeting.

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243/2011

Moved Cr W Della Bosca Seconded Cr Auld that Council agrees that the re-zoning proposal for the Bullfinch Exchange Hotel is to be advertised in Crosswords for a minimum of two editions for public comment and then to be reviewed at the December Council meeting. **CARRIED (6/0)**

Submission to:	Ordinary Meeting of Council – 18 th November, 2011
Agenda Reference:	10.2
Subject:	Retrospective Building Application for Existing Building Work
Location/Address:	Lot 892 (H/No 27) Taurus Street, Southern Cross
Name of Applicant:	Ms Roslyn Walker
File Reference:	4.2.1.8
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th November, 2011

Background

Ms Roslyn Walker is the owner of Lot 892 Taurus Street, Southern Cross and has recently applied for a retrospective building licence. The application is for an existing patio attached to the rear of the existing transportable dwelling, plus an above-ground swimming pool and pool fencing which were built without a Building Licence being issued. It is unknown as to who built the rear patio, however, Ms Walker installed the above-ground swimming pool and fencing.

Comment

While carrying out swimming pool inspections it was identified that not only had the swimming pool been installed without a Building Licence but so had the rear patio. Ms Walker advised that the rear patio was already erected prior to her purchasing the property in 2007. Therefore Ms Walker was asked to submit an application for retrospective approval for the rear patio, and the above-ground swimming pool and fencing, which she has now done.

The rear patio is a timber framed structure (12.0m long x 3.6m deep), with metal sheet roofing, and a concrete floor. The timber rafters of the patio are attached to the bargeboard on the existing transportable dwelling via metal angle brackets and 2 hexagonal screws in both sides of the bracket. The timber posts are bolted onto steel stirrups which have been concreted into the ground approximately 300mm x 300mm x 300mm deep, and there is a 100mm thick concrete floor.

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The above-ground swimming pool is a standard kit style with construction consisting of steel posts, a metal sheet frame, and an internal vinyl lining. There is a removal step ladder that is generally not used but stored in the small garden shed behind the pool.

Ms Walker has ensured that the boundary fences, internal fences, and gates around the rear of the property comply with the Building Code of Australia. Ms Walker has installed a fence around the rear patio to prevent a small child accessing the pool from the dwelling. The gate from the patio is a self-closing gate that complies with the Building Code of Australia. Looking at the neighbours' yards there is no way a small child can climb over the fence and access Ms Walker's yard and possibly access the swimming pool.

In this instance, due to the simple nature of the structure and that all the elements of the building are exposed for inspection, I waived the requirement for Ms Walker to engage a qualified Building Surveyor or Structure Engineer to certify the structures. I believe that the structures are sound and comply with the Building Code of Australia. Attached is a copy of the submitted plans, a location map, and coloured photographs of the structures.

This Application is submitted before Council under Regulation 11A of the Building Regulations 1989 seeking approval to issue a Retrospective Building Licence for the rear patio, and the above-ground swimming pool and fencing.

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 grants approval for a Retrospective Building Licence to be issued to Ms Roslyn Walker for the construction of a timber and iron patio attached to the rear of the existing transportable dwelling, and for an above-ground swimming pool and fencing in the rear yard on Lot 892 Taurus Street, Southern Cross.

Voting Requirements

Simple Majority

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244/2011

Moved Cr J Della Bosca Seconded Cr Truran that Council grants approval for a Retrospective Building Licence to be issued to Ms Roslyn Walker for the construction of a timber and iron patio attached to the rear of the existing transportable dwelling, and for an above-ground swimming pool and fencing in the rear yard on Lot 892 Taurus Street, Southern Cross.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - 18 th November, 2011
Agenda Reference:	10.3
Subject:	Planning Application - Entry Statement Sign
Location/Address:	Edge of the Great Woodlands Area with the Yilgarn Shire
Name of Applicant:	Department of Environment and Conservation - Mr Mathew Harding
File Reference:	7.2.1.19
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th November, 2011

Background

The Shire has received a request from Mr Mathew Harding of the Department of Environment and Conservation (DEC) to install a road side Entry Statement Sign for the Great Western Woodlands. The proposed sign will be installed on the west side of Southern Cross on the Great Eastern Highway, however, the exact location has not been identified.

The sign will be sheet metal (2.50m x 2.0m) on two steel posts. The sign will read "You are entering ... Great Western Woodlands" plus there will be a floral depiction on the left hand side of the sign. It is unknown what the specific colour scheme will be used for this sign but it will be a combination of redy-brown, olive green, beige, white, and black with the main colour being either redy-brown or olive green, and the writing will be beige. See attached E-mail request, map indicating the general sign location, and the different colour designs for the signs to be used for this project.

The DEC has contacted the Department of Main Roads WA for approval to erect the signs and been advised that it requires local government approval before it will give approval.

Comment

Town Planning Scheme – Advertising Signs Issues

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Under the Shire of Yilgarn Town Planning Scheme No 2 clause 5.2 advertising signs require prior approval from Council. Under the Shire's Town Planning Scheme the definition of -

an advertisement

"means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements."

a sign

"means a notice, message or display be means of a freestanding or fixed sign or hoarding."

The entry statement sign seem to meet the criteria of an advertising sign in that it is for the purpose of an announcement, however, it is not for a commercial activity.

The Entry Statement Sign will be the same as other signs that the DEC has erected on land under its management. The size of the sizes (5.0 m² in area) means that it would be a Category 2 sign.

I believe that an interpretation panel will also be installed at the site is suitable which will include contact details as well as the Shire's logo.

Other Issues

In his E-mail Mr Harding has asked:-

- 1) Would the Shire be willing to install the sign at the location indicated?
- 2) What would be the general cost of installing this individual sign?

The Shire Manager of Works, Mr Robert Bosenberg, has indicated that his staff are too busy and therefore the DEC will need to contract someone else to do the installation of the sign. Mr Bosenberg is willing to assist with advice and direction as to the location and siting of the sign only.

Statutory Environment

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

Policy Implications

Council Policy 5.4 Advertising Signs states -

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

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

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

Financial Implications

I understand that the DEC intends to fund the installation costs of the entry signs so there would be no cost to Council.

Recommendation

That Council grants planning approval to the Department of Environment and Conservation to erect a new entry statement sign 2.5m wide x 2.0m high on 2 steel posts located on the Great Eastern Highway west of Southern Cross on the condition that:-

- 1) that approval is obtained from Main Roads WA for the sign location on Great Eastern Highway,
- 2) the sign complies with the Department of Main Roads' Roadside Advertising Guidelines,
- 3) the sign is professionally produced with lettering size in accordance with the Australian Standards for Road Signs',
- 4) the Department of Environment and Conservation is responsible for the ongoing maintenance of the sign and is responsible for insurance cover in case of accidents involving the sign.

Voting Requirements

Simple Majority

245/2011

Moved Cr Pasini Seconded Cr J Della Bosca that Council grants planning approval to the Department of Environment and Conservation to erect a new entry statement sign 2.5m wide x 2.0m high on 2 steel posts located on the Great Eastern Highway west of Southern Cross on the condition that:-

- 1) *that approval is obtained from Main Roads WA for the sign location on Great Eastern Highway,*

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- 2) *the sign complies with the Department of Main Roads' Roadside Advertising Guidelines,*
- 3) *the sign is professionally produced with lettering size in accordance with the Australian Standards for Road Signs',*
- 4) *the Department of Environment and Conservation is responsible for the ongoing maintenance of the sign and is responsible for insurance cover in case of accidents involving the sign.*

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - 18 th November, 2011
Agenda Reference:	10.4
Subject:	Application to Conduct Exploration Drilling & Prospecting Activities - Mineral Deposits
Location/Address:	Yilgarn Shire
Name of Applicant:	St Barbara Limited; Austwide Mining Title Management Pty Ltd on behalf of AFL Resources Pty Ltd; Austwide Mining Title Management Pty Ltd on behalf of Talga Gold Limited; McMahon Mining Title Services Pty Ltd on behalf of Strategic Resource Management Pty Ltd; M & M Walter Consulting Tenement & Native Title Management on behalf of Pembery Prospecting Pty Ltd; M & M Walter Consulting Tenement & Native Title Management on behalf of Southern Cross Goldfields Ltd; and Hetherington Exploration & Mining Title Services Pty Ltd on behalf of Urban Minerals Pty Ltd.
File Reference:	3.2.1.6
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	10 th & 17 th November, 2011

Background

- 1) St Barbara Limited has submitted an application for Mining Licence M77/534 to conduct drilling on the west side of the existing mine site north of Pearce Road and south of the Corinthia West Road, Corinthia. There are no Council controlled roads within this Licence. This is an active lease, not a pending lease such as all the leases listed below. See attached application and aerial view map.

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- 2) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of AFL Resources Pty Ltd for Exploration Licence E77/2011 which lies north-east of Mt Holland and includes two unnamed Council controlled roads. See attached letter, application and map.
- 3) Austwide Mining Title Management Pty Ltd has submitted an application on behalf of Talga Gold Limited for Prospecting Licence P77/4106 which lies east off the Forresteria Southern Cross Road, Southern Cross, and is east of the power sub-station. See attached letter, application, and map.
- 4) McMahon Mining Title Services Pty Ltd has submitted an application on behalf of Strategic Resource Management Pty Ltd for Exploration Licence E77/2006 which lies north of Holleton townsite and includes Council controlled roads - Nulla Nulla South Road, and Meranda North Road. See attached letter, application, and map.
- 5) M & M Walter Consulting Tenement & Native Title Management has submitted an application on behalf of Pembery Prospecting Pty Ltd for Exploration Licence E77/2007 which lies north of the Holleton townsite, and includes Council controlled roads - Nulla Nulla South Road, Meranda North Road, and the Moorine South Road.
- 6) M & M Walter Consulting Tenement & Native Title Management has submitted an application on behalf of Southern Cross Goldfields Ltd for Prospecting Licence P77/4107 which lies between Lake Baladji & Lake Deborah West, and includes part of the Mt Jackson Road. See attached letter, application, and map.
- 7) Hetherington Exploration & Mining Title Services Pty Ltd has submitted applications on behalf of Urban Minerals Pty Ltd for Exploration Licenses -
 - a. E77/2015 which includes part of Panizza Road, Marvel Loch;
 - b. E77/2016 which includes part of the Forresteria Southern Cross Road and the Frog Rock Marvel Loch Road, Marcel Loch; plusProspecting Licenses -
 - c. P77/4108 which lies east of but does not include the Forresteria Southern Cross Road, Marvel Loch;

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- d. P77/4109 which lies east of but does not include the Forrestania Southern Cross Road, Marvel Loch and is north of P77/4108;
 - e. P77/4110 which lies north of P77/4109 and includes a small section of the Forrestania Southern Cross Road, Marvel Loch; and
 - f. P77/4111 which north of E77/2015 and includes part of the Parker Range Road and Panizza Road, Marvel Loch.
- See attached letters and maps.

It is unknown whether drilling is expected to occur on any Council controlled roads, therefore the applications are being treated as if drilling may occur along the roadways.

Comment

Under the Mining Act any works within a gazetted townsite or within 2Kms of the boundary of a gazetted townsite requires comment from the Local Government. In these instances, the proposed drilling operations will be well outside any designated townsite, and there may be proposed drilling operations along the road reserves within the exploration licence areas. The abovementioned roads are all controlled by the Shire.

In line with similar applications previously received from other applicants, Council should grant approval to each applicant to carry out any roadside drilling based on the following general conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;

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- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter “Crosswords” prior to any work commencing to notify the general public of this work.

The Manager of Works is aware of these applications and has raised no issues in regards to the possibility of any drilling along these Council roads.

Statutory Environment

Compliance with the Environmental Protection (Noise) Regulations 1997, and the Environmental Protection Act 1986.

Policy Implications

Nil

Financial Implications

Nil

Recommendation

That Council

- a) has no objections to St Barbara Limited’s (M77/534); Austwide Mining Title Management Pty Ltd for AFL Resources Pty Ltd’s (E77/2011) and Talga Gold Limited’s (P77/4106); Hethering Exploration & Mining Title Services Pty Ltd for Urban Minerals Pty Ltd’s (P77/4108 & P77/4109) applications as outlined;

and

- b) grants approval to McMahon Mining Title Services Pty Ltd for Strategic Resource Management Pty Ltd (E77/2006); M & M Walter Consulting Tenement & Native Title Management for Pembery Prospecting Pty Ltd (E77/2007); M & M Walter Consulting Tenement & Native Title Management for Southern Cross Goldfields Ltd (P77/4107); and Hetherington Exploration & Mining Title Services Pty Ltd for Urban Minerals Pty Ltd (E77/2015 & E77/2016 plus P77/4110 & P77/4111) to carry out drilling along sections of Council controlled road reserves with

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their respective Exploration and Prospecting Leases as shown on the attached maps on the following conditions:-

- 1) That dust suppression is carried out so that others are not adversely affected;
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- 3) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner;
- 6) A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;
- 8) Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/ visitors;
- 9) All drill holes are to be capped as soon as possible/practical after drilling;
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and
- 11) That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.

Voting Requirements

Simple Majority.

246/2011

Moved Cr Pasini Seconded Cr J Della Bosca that Council:

- a) has no objections to St Barbara Limited's (M77/534); Austwide Mining Title Management Pty Ltd for AFL Resources Pty Ltd's (E77/2011) and Talga Gold Limited's (P77/4106); Hethering Exploration & Mining Title Services Pty Ltd for Urban Minerals Pty Ltd's (P77/4108 & P77/4109) applications as outlined;*

and

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b) *grants approval to McMahon Mining Title Services Pty Ltd for Strategic Resource Management Pty Ltd (E77/2006); M & M Walter Consulting Tenement & Native Title Management for Pembery Prospecting Pty Ltd (E77/2007); M & M Walter Consulting Tenement & Native Title Management for Southern Cross Goldfields Ltd (P77/4107); and Hetherington Exploration & Mining Title Services Pty Ltd for Urban Minerals Pty Ltd (E77/2015 & E77/2016 plus P77/4110 & P77/4111) to carry out drilling along sections of Council controlled road reserves with their respective Exploration and Prospecting Leases as shown on the attached maps on the following conditions:-*

- 1) *That dust suppression is carried out so that others are not adversely affected;*
- 2) *That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;*
- 3) *Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;*
- 4) *All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;*
- 5) *All rubbish is to be disposed of at the local landfill site in the appropriate manner;*
- 6) *A fire fighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;*
- 7) *No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) - refer to Typical Cross Section of Road Formation diagram;*
- 8) *Safety signs are to be erected in accordance with Australian Standards - to warn both mining staff, contractors, and the public/visitors;*
- 9) *All drill holes are to be capped as soon as possible/practical after drilling;*
- 10) *If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00 p.m. and 7:00 a.m.; and*
- 11) *That the proposed drilling work is advertised in the local newsletter "Crosswords" prior to any work commencing to notify the general public of this work.*

CARRIED (6/0)

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Submission to:	Ordinary Meeting of Council – 18 th November, 2011
Agenda Reference:	10.5
Subject:	Request for Commitment to Regional Groups – Strategic Waste Management Plans – Implementation of Recommendations and Grant Funding
Location/Address:	Yilgarn and Wheatbelt Region
Name of Applicant:	Waste Authority – Mr Bernard Ryan, Manager Waste Management Branch
File Reference:	4.1.9.17, 7.2.1.4 & 1.6.25.1
Author:	Manager Environmental Health & Building Services – W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th November, 2011

Background

The Waste Authority, part of the Department of Environment and Conservation, has written to all local governments seeking advice as to whether they have agreed to work with one or more other local governments for the implementation of strategies for waste management and minimization of waste to landfill. The reason the Waste Authority wants to know this is so that it is aware of which local governments would be eligible for future funding through its waste grants. Notification must be received by close of business on 6th January 2012 otherwise groups and local governments will not be eligible for future grant funding through DEC's programs. See attached copy of the letter.

Comment

The WEROC Group of local governments, of which Yilgarn is part of, has already taken steps towards a regional approach to waste management to some degree by achieving:-

- o In 2008/2009 the Group completed a Strategic Waste Management Plan (SWMP) for the Region as well as for each individual local government;
- o Table 36 pages 79 – 106 of the Regional SWMP contains the recommendations for better waste management in the Region;
- o In November 2009 an audit of the kerbside waste stream, both general waste and recyclable waste, was carried with the final report completed in April 2010;
- o From the audit it was identified that a lot of the general waste going to landfill in each district was recyclable and so better education tools were to be drafted and maybe look at employing someone to handle this aspect for the Region;

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- o Grant funding received for the SWMPs and implemented actions totals nearly \$150,000.00.

Other actions have been considered from a Regional point of view and it is hoped that WEROC can source grant funding to purchase plant and/or implement other strategies as agreed to in the future. In order to be eligible for future grant funding through the DEC Council needs to advise DEC that it is committed to a regional grouping for waste management and waste minimization strategies.

Council will be aware that the Shire of Merredin is considering the setting up of a material resource recovery centre (commonly referred to as a MRF) incorporating modern techniques for the sorting and packaging of recyclable materials.

Consideration has been given to the Group purchasing or hiring a shredder to handle green waste and old tyres (if possible); a crusher for crushing concrete, glass, and other rubble so that the crushed material can be used as cover at landfill sites or possibly as road base material; and a baler for baling cardboard and aluminium cans for easier storage and transport to Perth.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Failure to advise the Waste Authority by Friday 6th January 2012 will reduce grant funding opportunities for future waste management projects.

Recommendation

That Council agrees to continue to work with the regional group of local governments that are WEROC for the purposes of considering and implementing the agreed recommendations of the Regional Strategic Waste Management Plan 2009 - 2013, and that a letter stating this is to be forwarded to WEROC administration staff so that the matter can be raised at the next WEROC Meeting for consideration and hopefully gain support from all members.

Voting Requirements

Simple Majority

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247/2011

Moved Cr Truran Seconded Cr J Della Bosca that Council agrees to continue to work with the regional group of local governments that are WEROC for the purposes of considering and implementing the agreed recommendations of the Regional Strategic Waste Management Plan 2009 - 2013, and that a letter stating this is to be forwarded to WEROC administration staff so that the matter can be raised at the next WEROC Meeting for consideration and hopefully gain support from all members.

CARRIED (6/0)

Submission to:	Ordinary Meeting of Council - 18 th November, 2011
Agenda Reference:	10.6
Subject:	Planning Application - Proposed New Extra Large Garage/Shed - Residential
Location/Address:	Lot 10 (H/No 12) Leo Street, Southern Cross
Name of Applicant:	Mr & Mrs G & J Kent
File Reference:	3.1.7.5
Author:	Manager Environmental Health & Building Services - W J Dallywater
Disclosure of Interest:	Not applicable
Date of Report:	16 th November, 2011

Background

I refer to Agenda Item 10.1 of the March 2011 Council Meeting where Mr & Mrs Gary & Josie Kent applied for permission to erect a new 150 square meter (15.0 long x 10.0m wide x 3.5m wall height) garage/shed on the east side of their dwelling situated on Lot 10 Leo Street, Southern Cross. The proposed garage/shed will be setback approximately 11.2 metres from the front boundary, 11.5 metres from the rear boundary, and 750mm from the eastern boundary. Construction will steel frame, Colorbond sheeting walls and roof, and concrete floor. The purpose of the garage/shed is to house 2 personal cars, one vintage car, and a boat.

At this Meeting Council passed the following motion:-

"64/2011

Moved Cr Pasini Seconded Cr Auld that council grants planning approval to Mr & Mrs Gary & Josie Kent to erect a new Colorbond wall and roof clad garage/shed of up to 90 square metres in area on Lot 10 Leo Street, Southern Cross for the purpose of storing motor vehicles and a boat, plus having an area to store surplus household items or to have a small workbench area, on the condition that :-

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- 1) *the building is positioned on the lot having a minimum setback from the front (southern) boundary of 18.0m, minimum setback from the eastern side boundary of 1.0m, and a minimum setback from the rear (northern) boundary of 3.0m;*
 - 2) *no commercial or industrial activity/business will be carried out from this building; and*
- that this approval is given on the merits of the application and any similar application in the future will be assessed on its merits but not necessarily approved.*

CARRIED (6/1)"

Council has received a letter dated 14th November 2011 from Mr & Mrs Kent stating their disappointment in Council's decision that the proposed garage/shed is to be setback from the front a minimum of 18.0 metres. The Kent's are asking for Council to reconsider this decision and are asking for the setback from the front boundary to be 14.0 metres (in line with the Yilgarn Shire's building regulations). See attached copy of this letter.

Comment

Following the March 2011 Council the attached letter was sent to Mr & Mrs Kent stating Council's decision. I spoke to Mr Kent some days after this letter was posted and asked if he had any comments or problems with the outcome of his application. While he was disappointed the he could not have the size building he wanted, he understood the reasons.

While Mr Kent was submitting his building application, at one time I spoke to him reminding him of the planning requirement for the garage/shed to be setback from the front boundary a minimum of 18.0 metres. Basically this would mean that the front of the garage/shed would basically be in line with the toilet between the laundry and the bathroom. Mr Kent queried whether it needed to be this far from the front boundary as he wanted to install a couple of rainwater tanks between the end of the shed and the rear fence and to allow some clearance around the rainwater tanks. I advised Mr Kent that that was Council's decision which only Council could change, and that to me there appeared to be adequate room for the proposed rainwater tanks.

When Mr Kent spoke to me asking about his Building Licence and if I could contact Highline Limited to confirm that a licence was forthcoming I advised him that I had amended the stated setback distance of the proposed garage/shed from 14 metres to 18 metres in line with the planning approval. Measuring the distance on the site plan submitted, Mr Kent has drawn the proposed garage/shed with an 18 metre setback from the front boundary.

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The Kent's have referred to "the Yilgarn Shire's building regulations" for the requested 14 metre setback from the front boundary. I believe that this measurement has come from a general information document that I have written and include with the Building Application form as a guide to submitting a complete Building Application. Attached is a copy of this document and I refer Council to page 7 under the heading Outbuildings where it is stated that it is a general requirement for garages and carports to be 14 metres from the front boundary, however, an applicant can apply for a different setback distance. This is from the Uniform Building By-laws which along with stating building requirements, it also covered a number of town planning issues. The Uniform Building By-laws are no longer in force. I am not aware of any other reference to 14 metre setback for outbuildings.

The Kent's have the right to appeal a decision of Council. Normally that appeal would be received shortly after receiving the planning decision in March 2011. However, Council is also able to review or reconsider a decision after 3 months from the original decision.

Initially the Kents asked for the setback to be approximately 11.2 metres. Council's decision at the March Meeting was for the setback to be increased to 18.0 metres. A middle or compromise setback distance between the two distances would be 14.6 metres. Council may believe that this is a reasonable solution and

The previous decision of Council was made based on good planning decisions, in trying to reduce the visual impact of the proposed garage/shed on the adjoining or neighbouring lots; reducing the potential over-shadowing effect of the garage/shed on a future dwelling erected on the adjoining lot; and therefore provides greater flexibility of design and positioning of a future dwelling on the adjoining lot; thus keeping the adjoining lot viable to sell; as well as in main providing the applicants with their desired outcome.

Statutory Environment

Compliance with the Shire of Yilgarn Town Planning Scheme No 2, and the Residential Design Codes of Western Australia 2002.

Policy Implications

Nil

Financial Implications

Nil

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Recommendation

That Council, after considering this letter of appeal advise Mr & Mrs Kent that it's decision made at the March 2011 Council Meeting is correct and still stands without amendment

Or

has been rescinded and Council will approve an amended setback for the proposed garage/shed from the front boundary of 14.6 metres.

Voting Requirements

Simple Majority

248/2011

Moved Cr Patroni Seconded Cr Truran that Council delegate's authority to the Acting CEO to determine if a variation to the Planning approval of Mr and Mrs Kent's garage/shed is warranted. The decision relating to the setback of the garage on the property should be made after consultation with the owners and Senior Staff on site.

CARRIED (6/0)

There being no further business to discuss, the Shire President declared the meeting closed at 4.40.

I, Peter Romolo Patroni confirm the above Minutes of the Meeting held on Friday 18th November 2011, are confirmed on Friday the 16th December 2011 as a true and correct record of the November Ordinary Meeting of Council.

Cr Romolo Patroni
SHIRE PRESIDENT