

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

.....Minutes of the Ordinary Meeting of the Yilgarn Shire Council held in the Council Chambers, Antares Street, Southern Cross on Thursday, 20th August 2015.

**PRESENT**

Shire President Cr O Truran, Cr's W A Della Bosca, J Della Bosca, B Close, D Pasini, G Guerini, K Crisp

Council Officers:           E Piper, Acting Chief Executive Officer  
                                  J Bingham, Deputy Chief Executive Officer  
                                  W J Dallywater, Manager Environmental Health & Building  
                                  R Bosenberg, Manager for Works  
                                  E Garner, Finance Manager

**APOLOGIES AND LEAVE OF ABSENCE**

**DISCLOSURES OF INTEREST**

Acting CEO – Agenda Ref 7.3 & 7.4  
President Cr O Truran – Agenda Ref 10.2

**INFORMATION SESSION**

Bret Howson gave an overview of the Forward Capital Works Plan (FCWP) covering the period 2015/16 to 2019/20.

The meeting was declared open for business at 3.30pm.

**PUBLIC QUESTION TIME**

Sandy Ciabbari expressed her displeasure about her job as the swimming pool manager being advertised in the local Crosswords magazine. She advised that she will not be applying for the position, but she believed she should have received a letter informing her and not just a telephone call only days before.

Cr O Truran explained that Council were obligated to advertise her role because she was on a yearly contract and that previously Council had made a mistake by not advertising it in prior years.

Sandy announced she will be removing all her items from the pool office/shed. However, she wants to continue to use the pool facility for private swimming lessons, including the swimming squad.

Cr O Truran advised that the shire staff needed to make that decision, rather than the Councillors.

The Acting CEO answered various questions relating to:

- Giving notice by telephone
- The reason for the advert indicating Council could pay for training
- There would probably be a charge for private swimming lessons (lane hire)

Cr B Close arrived at 4.12pm

Cr K Crisp arrived at 4.21pm

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**CONFIRMATION OF PREVIOUS COUNCIL MINUTES**

**138/2015**

**Moved Cr D Pasini**

*Seconded Cr W A Della Bosca*

*That the Minutes of the previous meeting of Council held on Thursday 16<sup>th</sup> July 2015 be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**139/2015**

**Moved Cr W A Della Bosca**

*Seconded Cr B Close*

*That the Action Sheet for the meeting held on Thursday 16<sup>th</sup> July 2015 be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**140/2015**

**Moved Cr K Crisp**

*Seconded Cr B Close*

*That the Minutes of the previous meeting of Wheatbelt Communities held on Wednesday 24<sup>th</sup> June be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**141/2015**

**Moved Cr W A Della Bosca**

*Seconded Cr G Guerini*

*That the Minutes of the previous meeting of WEROC held on Wednesday 24<sup>th</sup> June be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**142/2015**

**Moved Cr D Pasini**

*Seconded Cr B Close*

*That the Minutes of the previous meeting of GECZ held on Thursday 25<sup>th</sup> June be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**143/2015**

**Moved Cr G Guarini**

*Seconded Cr W A Della Bosca*

*That the Minutes of the previous meeting of CEACA held on Wednesday 22<sup>nd</sup> July be confirmed as a true and correct record of that meeting.*

**144/2015**

**Moved Cr K Crisp**

*Seconded Cr B Close*

*That the Minutes of the previous meeting of WEROC held on Wednesday 19<sup>th</sup> August be confirmed as a true and correct record of that meeting.*

**CARRIED (7/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**ANNOUNCEMENTS**

The Shire President advised she attended the following meetings:

- DHAC on 21<sup>st</sup> July;
- CEACA on 22<sup>nd</sup> July;
- A meeting with Brenda Bradley - Merredin Hospital Operations Manager on 30<sup>th</sup> July;
- Local Government week held in Perth on 5<sup>th</sup> – 7<sup>th</sup> August;
- GECZ on 6<sup>th</sup> August;
- Planning meeting on 13<sup>th</sup> August;
- YYSRAC on 17<sup>th</sup> August;
- WEROC on 19<sup>th</sup> August.

The Deputy Shire President advised he attended the following meetings:

- Local Government week held in Perth on 5<sup>th</sup> – 7<sup>th</sup> August;
- Planning meeting on 13<sup>th</sup> August;
- WEROC on 19<sup>th</sup> August.

Cr J Della Bosca advised she attended the following meetings:

- Tourism meeting on 4<sup>th</sup> August;
- Planning meeting on 13<sup>th</sup> August.

Cr B Close advised he attended the following meetings:

- Tourism meeting on 4<sup>th</sup> August;
- Planning meeting on 13<sup>th</sup> August.

Cr G Guerini advised he attended the following meetings:

- Tourism meeting on 4<sup>th</sup> August;
- Planning meeting on 13<sup>th</sup> August.

The meeting was adjourned at 4.37pm for taking of group photographs (**Moved Cr D Pasini, Seconded Cr W A Della Bosca**)

The meeting resumed at 5.12pm (**Moved Cr K Crisp, Seconded Cr J Della Bosca**)

Cr B Close left the meeting at 5.12pm

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.1
<b>Subject:</b>	<b>Request for Council to Purchase a Property</b>
<b>File Reference:</b>	2.4.3.2
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

The Acting CEO has received a letter from a ratepayer's sister requesting Council purchase his property. A copy of the letter is attached.

**Comment:**

The property in question is lot 2, 99 Canopus Street, Southern Cross and is owned by Stephen Edward ROSSER. The property is situated opposite the Southern Cross swimming pool.

The vacant block is not large and has a small frontage and it is the opinion of the Acting CEO that it would not be very useful to Council. Furthermore to establish a precedent of purchasing properties where the resident has a problem could be fraught with problems considering the vacant lots in Southern Cross and other outlying towns.

There is always the possibility that if Mr Rosser does not pay his future rates, Council will be faced with a situation in three (3) years of outstanding rates and the costs involved in collecting the rates by sale of the block. Outstanding rates and costs are recoverable from a sale if that occurs.

The offer is for Council to “take” the land and pay the transfer costs including any legal and/or settlement costs. This cost could be up to \$2,000, however, there are complications because he resides in New Zealand.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

Could cost Council up to \$2,000 plus unknowns because Mr Rosser resides in New Zealand.

**Recommendation:**

**That Council advise Mr Stephen Rosser, through his sister, that having considered the matter of taking over the property 99 Canopus Street Southern Cross Council will refuse the offer and advise him to continue to seek a purchaser and pay the rates as they are rendered.**

**Voting Requirements**

Simple Majority

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**145/2015**

*Moved Cr J Della Bosca*

*Seconded Cr G Guerini*

*That Council advise Mr Stephen Rosser, through his sister, that having considered the matter of taking over the property 99 Canopus Street Southern Cross Council will refuse the offer and advise him to continue to seek a purchaser and pay the rates as they are rendered.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.2
<b>Subject:</b>	<b>Senior Staff Reviews</b>
<b>File Reference:</b>	1.1.10.10, 1.1.10.19, 1.1.10.63
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	27 <sup>th</sup> July 2015

**Background:**

The CEO is required to report to Council annually on the completion of the performance and remuneration review of Senior Staff (other than the CEO) that are employed by Council

**Comment:**

Council has determined that the Manager for Works, the Manager for Environmental Health and Building Services and the Deputy CEO are Senior Staff positions at the Shire of Yilgarn and as such are required to undergo an annual performance review. The ACEO is conducting the necessary performance reviews of these officers. The review of the Manager for Works was conducted on 12<sup>th</sup> August 2015 The review of the Manager for Environmental Health and Building Services is scheduled for 17<sup>th</sup> August 2015

The review of the Deputy CEO is scheduled for 24<sup>th</sup> August 2015

**Statutory Environment**

Division 4 of the Local Government Act 1995

**Policy Implications**

Employment is subject to policies of Council

**Financial Implications**

The increase is in line with budget provisions

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Recommendation:**

**That Council receive the information that the review of performance and remuneration of the Manager for Works, Mr Robert Bosenberg, Manager Environmental Health and Building Services, Ms Wendt Dallywater and the Deputy CEO, Mr John Bingham will be conducted during the month of August 2015**

**Voting Requirements**

Simple Majority

**146/2015**

*Moved Cr G Guerini*

*Seconded Cr J Della Bosca*

*That Council receive the information that the review of performance and remuneration of the Manager for Works, Mr Robert Bosenberg, Manager Environmental Health and Building Services, Ms Wendy Dallywater and the Deputy CEO, Mr John Bingham will be conducted during the month of August 2015.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.3
<b>Subject:</b>	<b>Acting Chief Executive Officer – Extension of Contract</b>
<b>File Reference:</b>	1.1.1.1
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Financial Interest of the Author
<b>Date of Report:</b>	28 <sup>th</sup> July 2015

**Background:**

Council has an employment contract in place with the Acting CEO which expires on 21<sup>st</sup> August 2015.

**Comment:**

The newly appointed CEO, Mr Brian JONES commences employment on 3<sup>rd</sup> September 2015 and it is necessary for Council to either extend the contract of Mr Eddie PIPER, the current Acting CEO to the 2<sup>nd</sup> September or appoint another person to the acting position.

Mr Piper is prepared to continue in the acting role until 3<sup>rd</sup> September 2015 under the same terms and conditions as are included in the existing contract.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The 2015/16 budget makes sufficient provision.

**Recommendation:**

**That Council engage Mr Eddie PIPER to the position of Acting Chief Executive Officer for a further period commencing 22<sup>nd</sup> August 2015 to 3<sup>rd</sup> September 2015 under the same terms and conditions as are included in the existing Employment Contract that expires on 21<sup>st</sup> August 2015.**

**Voting Requirements**

Simple Majority

**147/2015**

*Moved Cr W A Della Bosca*

*Seconded Cr G Guerini*

*That Council engage Mr Eddie PIPER to the position of Acting Chief Executive Officer for a further period commencing 22<sup>nd</sup> August 2015 to 3<sup>rd</sup> September 2015 under the same terms and conditions as are included in the existing Employment Contract that expires on 21<sup>st</sup> August 2015.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.4
<b>Subject:</b>	<b>Purchase of 11 Antares Street Southern Cross</b>
<b>File Reference:</b>	1.3.10.6
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Impartial Interest of the Author
<b>Date of Report:</b>	28 <sup>th</sup> July 2015

**Background:**

Council authorised the Acting Chief Executive Officer to negotiate the purchase of 11 Antares Street, Southern Cross to a maximum of two hundred and thirty thousand dollars (\$230,000) at its meeting of 18<sup>th</sup> June 2015. The resolution read as follows:

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

*“That Council in taking into account the additional operating costs on top of any capital costs including Loan Funding requirements:*

- 1. Determine not to continue with the construction of a Visitors/ CRC Centre at the cnr of Antares Street and the Great Eastern Highway and instruct the Acting Chief Executive Officer to investigate an alternative site at 11 Antares Street with the Acting Chief Executive Officer being authorised to negotiate the purchase of the said property to a maximum cost of \$230,000.*
- 2. Advise Brighthouse that it will not proceed with any new construction and request them not to incur any further expenditure on the project”*

**Comment:**

The Acting CEO arranged for a sworn valuation to be made of the property by Ron Lunt Valuers of Kalgoorlie and the valuation came in at \$220,000 (excl GST). A copy of the valuation is attached.

Discussions were held by the Acting CEO with the owners, Mr W and Mrs E Fogarty and an offer was made at the valuation of \$220,000. This offer has been accepted by Mr and Mrs Fogarty and the President and Acting CEO have signed the Offer and Acceptance on behalf of Council. Settlement is to take place on 31<sup>st</sup> October 2015. (a copy of the Offer and Acceptance is attached).

The Acting CEO has appointed the firm Bradshaw Kulynycz Settlements to act on Council's behalf. The Acting CEO needs to inform Elected Members that his sister is the Principal in that company and hence he has declared an interest.

The 2015/16 budget includes a provision of \$330,000 to purchase the building and undertake modifications in keeping with the future use being a visitors information centre, CRC, library and meeting room complex. Work may also be necessary to the house at the rear. The Acting CEO has included in the recommendation the authority to engage an architect/draft person/ interior designer to make recommendations for modifications and produce drawing suitable for undertaking building modifications.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

The 2015/16 budget makes sufficient provision.

**Recommendation:**

**That Council in relation to the purchase of 11 Antares Street Southern Cross:**

- 1. Endorse the actions of the President and Acting Chief Executive Officer in making an offer of Two hundred and twenty thousand dollars (\$220,000) with settlement on 31<sup>st</sup> October 2015**
- 2. Authorise the Acting Chief Executive Officer to engage the services of a suitably qualified company/ person to design and draw building plans for appropriate building modifications**



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**3. Form an internal Working Group reporting direct to Council to make recommendations and oversee the design of the interior of the building with such committee consisting of;**

- \* The Chief Executive Officer**
- \* The Manager Environmental Health and Building Services**
- \* The Co-ordinator of the CRC**
- \* Councillors \_\_\_\_\_**

**Voting Requirements**

Simple Majority

**148/2015**

*Moved Cr D Pasini*

*Seconded Cr K Crisp*

*That Council in relation to the purchase of 11 Antares Street Southern Cross:*

- 1. Endorse the actions of the President and Acting Chief Executive Officer in making an offer of Two hundred and twenty thousand dollars (\$220,000) with settlement on 31<sup>st</sup> October 2015*
- 2. Authorise the Acting Chief Executive Officer to engage the services of a suitably qualified company/ person to design and draw building plans for appropriate building modifications*
- 3. Form an internal Working Group reporting direct to Council to make recommendations and oversee the design of the interior of the building with such committee consisting of;*
  - \* The Chief Executive Officer*
  - \* The Manager Environmental Health and Building Services*
  - \* The Co-ordinator of the CRC*
  - \* Councillors J Della Bosca, G Guerini and President Onida Truran*

**CARRIED (6/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20th August 2015
<b>Agenda Reference:</b>	7.5
<b>Subject:</b>	<b>Local Government Elections Appointment of Returning Officer and Chief Polling Place</b>
<b>File Reference:</b>	2.2.1.3
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

Council resolved at a previous meeting to conduct the 2015 local government election by the “postal vote” method. This process can only be conducted by the State Electoral Commissioner.

**Comment:**

The 2015 Council election will be held on Saturday 17 October 2015.

The State Electoral Commission has advised the Acting Chief Executive Officer that they have appointed Mrs Susan BOSENBERG to the position of Returning Officer. Mrs Bosenberg is employed by the Shire on a part time basis and the roll of Returning Officer will not impinge on her work requirements at the Shire.

The Local Government Act 1995 requires that the Returning Officer is to appoint places for the delivery of postal votes and the counting of votes. This is known as the Chief Polling Place. Consultation with Mrs Bosenberg has established that the Council office would be best for the receiving of any postal votes not posted on time and the count would be conducted in the Council chambers. The Acting CEO has approved the use of the Council office and chambers on the cnr of Antares and Achenar Streets.

**Statutory Environment**

Local Government Act 1995 s4:23(a)

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation:**

**That Council:**

- 1. Receive the information of the appointment of Mrs Susan BOSENBERG as Returning Officer for the 2015 Council elections**
- 2. Approve the use of the Council office and chambers for the conducting of the 2015 Council elections**

**Voting Requirements**

Simple Majority

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**149/2015**

*Moved Cr W A Della Bosca*

*Seconded Cr D Pasini*

*That Council:*

- 1. Receive the information of the appointment of Mrs Susan BOSENBERG as Returning Officer for the 2015 Council elections**
- 2. Approve the use of the Council office and chambers for the conducting of the 2015 Council elections**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.6
<b>Subject:</b>	<b>Tender No RO2-2014/2015 Earthworks, etc for ILUs Development- Application of the Common Seal</b>
<b>File Reference:</b>	6.6.10.3 & 1.1.12.1
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Wednesday 29 <sup>th</sup> July 2015

**Background:**

Council resolved at a Special Council Meeting on 23<sup>rd</sup> June 2015 as follows;

*That Council:*

- 1. Accept the preferred Tender from A & P Wright Pty Ltd for the total price of \$730,453.90 subject to the Acting Chief Executive Officer being satisfied with the financial and reference checks and is authorised to sign the contract once the evaluation of the tender has been completed to the Acting CEO's satisfaction*
- 2. Instruct the Acting CEO to negotiate a variation to the original price*

**Comment:**

The Acting Chief Executive Officer interviewed the company Executives and was satisfied that it could carry out the works in a satisfactory manner. The Acting CEO reported this fact to Council and was given approval to enter into a contract with A&P Wright Pty Ltd.

A contract has been completed and the Acting CEO and President signed the document under seal.

The Acting CEO is now seeking Council's endorsement.

**Statutory Environment**

**Policy Implications**

Nil

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Financial Implications**

Nil

**Recommendation:**

**That Council endorse the actions of the President and Acting Chief Executive Officer in applying the common seal of the Shire of Yilgarn to the contract between the Shire and A & P Wright Pty Ltd in relation to Tender No RO2-2014/2015**

**Voting Requirements**

Simple Majority

**150/2015**

*Moved Cr K Crisp*

*Seconded Cr D Pasini*

**That Council endorse the actions of the President and Acting Chief Executive Officer in applying the common seal of the Shire of Yilgarn to the contract between the Shire and A & P Wright Pty Ltd in relation to Tender No RO2-2014/2015**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.7
<b>Subject:</b>	<b>Expression of Interest – Cropping lots 36, 44, and 88 (Airport)</b>
<b>File Reference:</b>	2.4.1.1
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday 3 <sup>rd</sup> August 2015

**Background:**

Council resolved at its meeting on 16<sup>th</sup> July 2015 to authorise the Acting Chief Executive Officer to call for Expressions of Interest (EOI) for the cropping of lots 36, 44 and 88 (Airport) for a three (3) year period under certain conditions. The resolution is as follows:

*“That Council*

- 1. Determine that Reserve lot 88 and lots 36 and 44 be left fallow for the 2015 year and that the Acting CEO seek submissions from Community Groups to chemically treat the three (3) lots in the years 2015, 2016, 2017 and 2018 and appropriate lease and other charges apply*
- 2. The agreement offered will cease on 31/01/2019 and submissions be called in June 2018 for the ensuing years”*

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Comment:**

The Acting Chief Executive Officer advertised for EOIs from any community organisation in the Crosswords and at closing time (Friday 31st July 2015) received only one (1) EOI from the Southern Cross Football Club (copy attached).

The Club addressed the criteria including the cost structure outlined in the advertised EOI. The Acting CEO recommends to Council to accept the application from the Southern Cross Football Club.

**Statutory Environment**

Nil

**Policy Implications**

Nil

**Financial Implications**

All costs will be recovered from the Football Club

**Recommendation:**

**That Council:**

- 1. Receive and accept the Expression of Interest lodged by the Southern Cross Football Club to crop lots 36, 44 and 88 (Airport) for the three year period commencing 1 July 2016 with the lots being left fallow for the 2015/ 2016 year**
- 2. Authorise the Acting CEO to arrange an agreement between the Shire of Yilgarn and the Southern Cross Football Club incorporating the conditions included in the EOI and to sign the agreement on behalf of Council**

**Voting Requirements**

Simple Majority

**151/2015**

*Moved Cr K Crisp*

*Seconded Cr G Guerini*

**That Council:**

- 1. Receive and accept the Expression of Interest lodged by the Southern Cross Football Club to crop lots 36, 44 and 88 (Airport) for the three year period commencing 1 July 2016 with the lots being left fallow for the 2015/ 2016 year**
- 2. Authorise the Acting CEO to arrange an agreement between the Shire of Yilgarn and the Southern Cross Football Club incorporating the conditions included in the EOI and to sign the agreement on behalf of Council**

**CARRIED (6/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	7.8
<b>Subject:</b>	<b>Rescission of a Clause in the Proposed Lease Between The Shire of Yilgarn and Hanking Gold Mining Pty Ltd</b>
<b>File Reference:</b>	3.2.1.15
<b>Author:</b>	Eddie Piper – Acting Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday 17 <sup>th</sup> August 2015

Elected Members Supporting Consideration of Rescission Motion:

President Cr O Truran

Deputy President Cr W Della Bosca

Councillor K Chrisp

**Background:**

Council resolved in part at a Council Meeting on 16th July 2015 as follows;

*That Council not adopt the officer's recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising Reserve R41098 Lot 206 Williamson Street, Marvel Loch as an accommodation village for its staff and contractors under the following terms and conditions:*

4. *Submit to Council a refundable performance bond of \$24,000 for the restoration of the site including the removal of all buildings and infrastructure*

**Comment:**

The Acting Chief Executive Officer has meet with the site Manager of the Hanking Gold Mining Pty Ltd and they have agreed to all conditions except for the request for a refundable deposit of \$24,000. A request has been made to replace the Bond with a legal agreement guaranteeing to rehabilitate the site at the expiration of the lease.

The Acting CEO sees no problem with acceding to the request provided Hanking meet all legal costs associated with drawing up the Agreement

**Statutory Environment**

Local Government Act 1995 Section 5:25(1) (e)

Local Government (Administration) Regulations 1996 Reg 10

**Policy Implications**

Nil

**Financial Implications**

Nil

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Recommendation:**

**That Council:**

**1. Rescind the Council Resolution made at its ordinary meeting of 16<sup>th</sup> July 2015 which read as follows:**

**That Council not adopt the officer's recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising reserve R41098 Lot 206 Williamson Street, Marvel Loch as an accommodation village for its staff and contractors under the following terms and conditions:**

- 1) Lease for a five year period**
- 2) Pay a lease fee of \$10'000 pa increasing by the percentage increase in the rate in the dollar on commercial GRV rates applied on 1<sup>st</sup> July each year**
- 3) Pay all rates and taxes on the lot**
- 4) Submit to Council a refundable Performance Bond of \$24,000 for the restoration of the site including the removal of all buildings and infrastructure**
- 5) Other conditions as normally applied to the lease of land**

**Voting Requirement**

Absolute majority

**152/2015**

*Moved Cr W A Della Bosca*

*Seconded Cr G Guerini*

**That Council:**

**1. Rescind the Council Resolution made at its ordinary meeting of 16<sup>th</sup> July 2015 which read as follows:**

**That Council not adopt the officer's recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising reserve R41098 Lot 206 Williamson Street, Marvel Loch as an accommodation village for its staff and contractors under the following terms and conditions:**

- 1) Lease for a five year period**
- 2) Pay a lease fee of \$10'000 pa increasing by the percentage increase in the rate in the dollar on commercial GRV rates applied on 1st July each year**
- 3) Pay all rates and taxes on the lot**
- 4) Submit to Council a refundable Performance Bond of \$24,000 for the restoration of the site including the removal of all buildings and infrastructure**
- 5) Other conditions as normally applied to the lease of land**

**CARRIED (6/0)**

**AND REPLACE IT WITH**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**That Council not adopt the Officer's Recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising reserve R41098 Lot 206 Williamson Street' Marvel Loch as an accommodation Village for its staff and contractors under the following terms and conditions:**

- 1. Lease for a five year period**
- 2. Pay a lease fee of \$10,000pa increasing by the percentage increase in the rate in the dollar on commercial GRV rates applied on 1<sup>st</sup> July each year**
- 3. Pay all rates and taxes on the lot**
- 4. Guarantee to make full restoration of the site including the removal of all buildings and infrastructure**
- 5. Other conditions as normally applied to the lease of land**

**Voting Requirement**  
Simple Majority

**153/2015**

*Moved Cr K Crisp*

*Seconded Cr G Guerini*

**That Council not adopt the Officer's Recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising reserve R41098 Lot 206 Williamson Street' Marvel Loch as an accommodation Village for its staff and contractors under the following terms and conditions:**

**That Council not adopt the Officer's Recommendation and that Council advise Hanking Gold Mining Pty Ltd that it has no objection to that company utilising reserve R41098 Lot 206 Williamson Street' Marvel Loch as an accommodation Village for its staff and contractors under the following terms and conditions:**

- 1. Lease for a five year period**
- 2. Pay a lease fee of \$10,000pa increasing by the percentage increase in the rate in the dollar on commercial GRV rates applied on 1st July each year**
- 3. Pay all rates and taxes on the lot**
- 4. Guarantee to make full restoration of the site including the removal of all buildings and infrastructure**
- 5. Other conditions as normally applied to the lease of land**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	8.1



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

<b>Subject:</b>	<b>Financial Reports</b>
<b>File Reference:</b>	8.2.3.2
<b>Author:</b>	John Bingham – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

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 will be tabled at the meeting and have been prepared as at the 30<sup>th</sup> June 2015:

- Rates Receipt Statement
- Statement of Investments
- Monthly Statement of Financial Activity
- Own Source Revenue Ratio

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.

During the 2012/2013 audit it was noted by the Shire's Auditors that the own source revenue was below acceptable. Council asked for the ratio to be monitored and is therefore included as part of this report.

**Statutory Environment**

Local Government (Financial Management) Regulations 1996 Regulation 34(i)(a) and Regulation 17.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council endorse the various Financial Reports as presented for the period ending 31st July 2015.

**Voting Requirements**

Simple Majority

**154/2015**

*Moved Cr K Crisp*

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

*Seconded Cr G Guerini*

*That Council endorse the various Financial Reports as presented for the period ending 31st July 2015.*

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	8.2
<b>Subject:</b>	<b>Accounts for Payment</b>
<b>File Reference:</b>	8.2.1.2
<b>Author:</b>	John Bingham – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

Municipal Fund – Cheque Numbers 39803 to 39830 totalling \$39,578.91, Municipal Fund-EFT numbers 3840 to 3980 totalling \$664,064.50, Municipal Fund – Cheque Numbers 1228 to 1230 totalling \$201,332.58, Municipal Fund Direct Debit numbers 9844.1 to 9860.10 totalling \$54,442.70, Trust Fund – 402121 to 402144 totalling \$22,744.28 and Trust Fund – Cheque Numbers 5963 to 5967 (DPI Licensing), totalling \$52,625.80 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**

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

**Financial Implications**

Drawdown of Bank funds

**Recommendation**

Municipal Fund – Cheque Numbers 39803 to 39830 totalling \$39,578.91, Municipal Fund-EFT numbers 3840 to 3980 totalling \$664,064.50, Municipal Fund – Cheque Numbers 1228 to 1230 totalling \$201,332.58, Municipal Fund Direct Debit numbers 9844.1 to 9860.10 totalling \$54,442.70, Trust Fund – 402121 to 402144 totalling \$22,744.28 and Trust Fund – Cheque Numbers 5963 to 5967 (DPI Licensing), totalling \$52,625.80 are presented for endorsement as per the submitted list.

**Voting Requirements**

Simple Majority

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**155/2015**

*Moved Cr W A Della Bosca*

*Seconded Cr D Pasini*

**That Council approve the following accounts for payment: Municipal Fund – Cheque Numbers 39803 to 39830 totalling \$39,578.91, Municipal Fund- EFT numbers 3840 to 3980 totalling \$664,064.50, Municipal Fund – Cheque Numbers 1228 to 1230 totalling \$201,332.58, Municipal Fund Direct Debit numbers 9844.1 to 9860.10 totalling \$54,442.70, Trust Fund – 402121 to 402144 totalling \$22,744.28 and Trust Fund – Cheque Numbers 5963 to 5967 (DPI Licensing), totalling \$52,625.80 are presented for endorsement as per the submitted list.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	8.3
<b>Subject:</b>	<b>Community Resource Centre Coordinators Report</b>
<b>File Reference:</b>	1.3.4.1
<b>Author:</b>	John Bingham – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

To advise what activities, planning and training the Community Resource Centre has undertaken in the previous month.

**Comment:**



**COORDINATOR REPORT JULY 2015**

---

Prepared by: Ronice Blair  
01.7.2015 – 31.07.2015  
Southern Cross Community Resource Centre

---

**Monthly Statistics**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

Secretarial Services	\$132.00
Room hire	\$140.00
Activities & Events	\$65.00
Internet	\$132.00
Crosswords	\$369.85
Advertising	\$1810.00
Donation	\$200.00

- I was on leave 20<sup>th</sup> to 27<sup>th</sup> and again 29<sup>th</sup> to 31<sup>st</sup> July.

**ACTIVITIES & EVENTS**

***Soup and Rivergum Nursery Plant Sale:*** Elizabeth Oldcorn from Nungarin who was due to come to Southern Cross in June came across and set up a stall in the Seniors Centre, a light lunch of a selection of soups was offered for sale to interested community members. This activity was deemed a success, and we had several people coming during their lunch breaks to join us for soup. .

***Seniors Exercises:*** . Our volunteer instructor, Marg Pasini returned in the latter half of the month, numbers for these activities remained steady during July.

***First Monday Craft Group & Third Monday Knitting Group:*** We are finding the evening timeslot is allowing people who work during the day to be able to participate, numbers do fluctuate dependant on a number of factors.

***Junk Art Competition:*** A mail-out to Men Sheds in surrounding regions and to a few Art Groups has been conducted with the hope of attracting outside interest. A radio advertising program is expected to be put in place within the next week.

***July 4<sup>th</sup> Market Day:*** Although we had a good number of stalls booked (21) numbers through the doors were disappointing. Most of those who attended were people who regularly attend CRC activities, whether at the Seniors Centre or in the Library.

***Reflexology Workshop:*** This activity was held in the library with local Masseuse, Julie Quartermaine, presenting the workshop. We had good numbers attending, and a variety of ages, from 15 through to 75 and everything in between. Feedback to this activity was very positive.

***H & R Block:*** booked our meeting room for 2.5 days over the first weekend in August. This continues to be well received service provided to the community.

Ronice Blair  
Coordinator  
7 August 2015

**Statutory Environment**

Nil

**Policy Implications**

Nil

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Financial Implications**

Nil

**Recommendation**

That the Co-ordinators report for the month of July 2015 be received.

**Voting Requirements**

Simple Majority

**156/2015**

*Moved Cr J Della Bosca*

*Seconded Cr G Guerini*

**That the Co-ordinators report for the month of July 2015 be received.**

**CARRIED (7/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	8.4
<b>Subject:</b>	<b>Forward Capital Works Plan 2015/16 to 2019/20</b>
<b>File Reference:</b>	8.2.5.6
<b>Author:</b>	John Bingham – Deputy Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	Monday, 14 September 2015

**Background:**

It is a requirement for local governments to produce and review their Forward Capital Works Plan (FCWP) annually.

**Comment:**

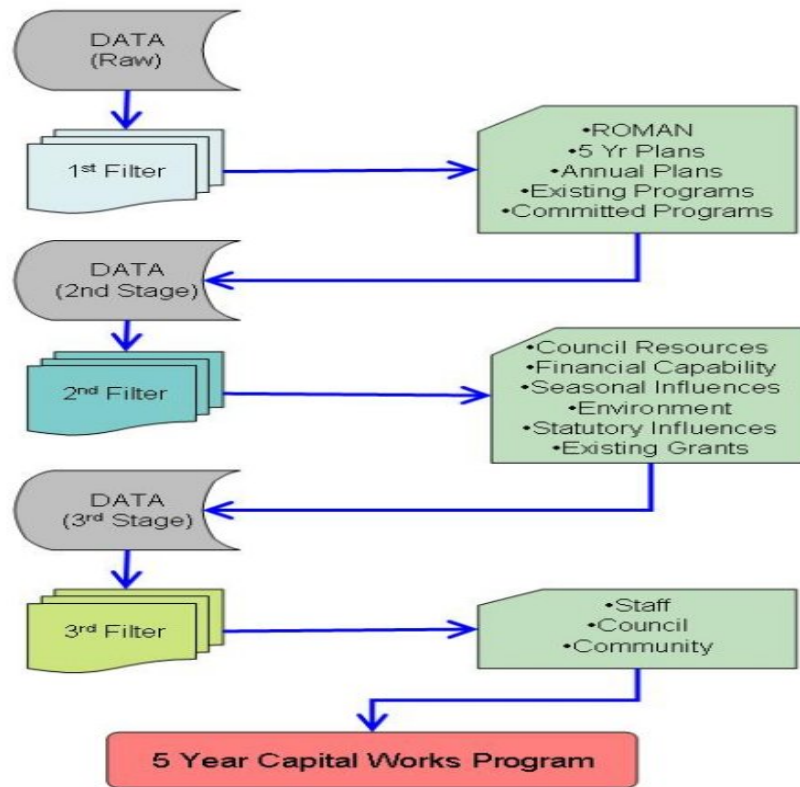
The preparation of the 5 year Forward Capital Works Plan (FCWP) is to identify actual capital projects, and then add actual costs and timeframes against them to create a working document for realistic forward planning. This document becomes the key to the timely provision of services and infrastructure for the community as well as the efficient, accurate use of available funds.

The FCWP lists the capital projects and allocates time and funds to the activities and tasks associated with each project. These projects have been determined by Council and senior

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

staff in accordance with the broader objectives of the Community Strategic Plan 2013 to attempt to achieve the vision of Council's Strategic planning.

The Shire of Yilgarn's FCWP has been created in three stages which are the general controls of project in Local Government:



### **Forward Capital Works Plan - Methodology**

In accordance with the Departments' guidelines, the Shire of Yilgarn FCWP addresses:

- Infrastructure items only, not plant and equipment.
- Infrastructure that is owned by Council. (If not, reasons should be provided for Council wishing to spend funds on assets which it does not own. – i.e. Wild Dog Fence)
- Expenditure for 5 years, commencing in 2015/16.
- Council approval of the FCWP.
- Capital works actual expenditure in 2014/15.

The FCWP contains an opening statement on what the plan covers and confirms Council approval for it with a signature by the Shire President and Chief Executive Officer.

A summary table has been provided as an overview of the Forward Capital Works Plan by the grouping of projects (e.g. Roads and Bridges, Footpaths, Drainage, Tourism, Recreation, Buildings, Sewerage, Drainage, Waste and Other). The tables include a total expenditure figure for each year and identifies whether capital works expenditure is either for, Renewal, New Assets or Asset Expansion, or Upgrade.

The FCWP has a summary page for each project providing the following information:

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

- Purpose of the project.  
*(Information on whole-of-life cost has not been included on each project as the injection of capital funds from CLGF in the past will renew or replace many aging assets, and in return will clearly reduce the on-going costs to Council.*

*In many cases there is little historical data relating precisely to whole of life costs of the existing or new assets, and producing these types of cost models can only be created accurately when specific to a certain scenario. Reviewing these scenarios at a later date may result in misleading or incorrect data being taken forward into following plans or budgets.*

*Each capital project will be presented to Council during normal annual budget deliberations with the relative costing models for consideration at that time.)*

- Background on the project.
- Explain how the project meets the intent of the Council's strategic plan. Expenditure (actual and budgeted) on the project in 2014/2015.
- Breakdown of funding sources and amount of funding from each source for each year.
- A risk management assessment of each project, including an analysis which addresses scenarios where one or more funding source for a project is reduced, not available or delayed.
- An indication of whether a project involves expenditure for renewal, new assets, or asset expansion or upgrade.
- Any other issues relating to the project.

### **Statutory Environment**

Whilst Forward Capital Works Plans do not have a statutory requirement at this stage, it is good practice to improve the process of planning for the future of the district, which is a requirement under the Local Government Act 1995, Section 5.56(1)

### **Policy Implications**

There are no policy implications with the item.

### **Financial Implications**

There are no specific financial implications with the item, however many projects listed in the FCWP will require additional or matching funds from "other" sources. Council should develop a procedure so funding applications are made in a timely fashion and in accordance with the procedures of the funding agency to ensure that Council's projects are not deferred.

### **Recommendation**

That Council receives the Shire of Yilgarn Forward Capital Works Plan 2015/2016 to 2019/2020.

### **Voting Requirements**

Simple Majority

**157/2015**

*Moved Cr G Guerini*

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

*Seconded Cr K Crisp*

**That Council receives the Shire of Yilgarn Forward Capital Works Plan 2015/2016 to 2019/2020.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council - Thursday 20 <sup>th</sup> August
<b>Agenda Reference:</b>	Works 9:1
<b>Subject:</b>	Supply of Granite Aggregate for the 2015/2016 Financial Year Construction/Maintenance Program
<b>Location/Address:</b>	N.A.
<b>Name of Applicant:</b>	N.A.
<b>File reference:</b>	6.6.7.6
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	5 <sup>th</sup> August 2015

**Background**

Quotations were invited for the annual supply of washed Granite Aggregate in accordance with council's 2015/2016 Financial Year Road Construction/Maintenance Program.

Aggregate demand for the 2015/16 Financial Year Road Construction Programs is for bitumen seal works on Moorine Rock South Road, Koolyanobbing Road, Parker Range Road, Frog Rock Marvel Loch Road, Bodallin North Road and Southern Cross South Road. The estimated total of both 10mm and 14mm aggregate quantities required for these works is 3,000 tonnes.

The quotation requested is for supply only as once again council will be utilizing local contractors to deliver the washed aggregate. The use of local contractors was done in 2014/15 with very good results and positive feedback from the community.

**Comments**

Invitation for quotations to supply Council with washed aggregate for the 2015/2016 Financial Year were sent out to Little Industries and Hanson. Aggregate specifications are in accordance with relevant Australian Standards and Main Roads Western Australian specifications.

The following quotations have been received at the time of this report (*GST exclusive*)

---

**Hanson**

<b><i>Volume</i></b>	<b><i>Description</i></b>	<b><i>Unit Price</i></b>	<b><i>Total</i></b>
2450 tonne	10 mm washed aggregate	\$29.50 per tonne	\$72,275.00
450 tonne	14 mm washed aggregate	\$28.50 per tonne	\$12,825.00
		<b>Total</b>	<b>\$85,100.00</b>



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

Unit price for 5mm washed aggregate and cracker dust (*this aggregate is used for maintenance purposes only and is sourced as required*)

	<b>Unit Price</b>
5mm washed aggregate	\$36.50 per tonne
Cracker Dust	\$6.50 per tonne

---

**Little Transport**

<b>Volume</b>	<b>Description</b>	<b>Unit Price</b>	<b>Total</b>
2450 tonne	10 mm washed aggregate	\$58.00 per tonne	\$142,100.00
450 tonne	14 mm washed aggregate	\$53.00 per tonne	\$23,850.00
		<b>Total</b>	<b>\$165,950.00</b>

Unit price for 5mm washed aggregate and cracker dust (*this aggregate is used for maintenance purposes only and is sourced as required*)

	<b>Unit Price</b>
5mm washed aggregate	N/A
Cracker Dust	\$21.00 per tonne

---

As shown in the calculations above Hanson's total amount of \$85,100.00 (*GST exclusive*) is by far the lesser of the two quotations received.

Both Hanson and Little Industries aggregate specifications are in accordance with relevant Australian Standards and Main Roads Western Australian specifications.

Hanson supplied council with its required aggregate for the 2014/2015 Financial Year. The quality of the aggregate supplied by Hanson was very good.

In Councils 2015/2016 construction budget an estimated monetary allocation of \$91,500 (*GST exclusive*) has been allowed for the supply only of washed aggregate for bitumen reseals.

**Policy Implications:** *In line with Council's Policy, "Finance 3.5 Purchasing Quotes and Tenders"*

**Financial Implications:** *Monetary costs associated for the supply of washed aggregate have been allowed for in council's 2015/2016 Construction Program*

**Strategic Implications:** *2015/2016 Construction Program*

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Recommendation**

Council accepts the Quotation submitted by Hanson for the supply only, of washed aggregate required for the 2015/2016 Financial Year.

**Voting Requirements**

Simple Majority

**158/2015**

*Moved Cr W A Della Bosca*

*Seconded Cr G Guerini*

**That Council accepts the Quotation submitted by Hanson for the supply only, of washed aggregate required for the 2015/2016 Financial Year.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday, 20 <sup>th</sup> August 2015
<b>Agenda Reference:</b>	Works 9.2
<b>Subject:</b>	WALGA Preferred Supply Contract: 1/2015-2016 Hot Sprayed Bitumen
<b>Location/Address:</b>	N.A.
<b>Name of Applicant:</b>	N.A.
<b>File reference:</b>	6.6.2.7
<b>Author:</b>	Robert Bosenberg - Manager for Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	7 <sup>th</sup> August 2015

***Background***

Tenders were invited through WALGA Preferred Supply Contract for the supply and spraying of hot bitumen for the 2015/2016 Financial Year Road Construction Program. Bitumen required for the 2015/2016 Road Construction Program is for the Moorine Rock South Road, Cramphorne Road, Bodallin North Road, Parker Range Road, Koolyanobbing Road, Frog Rock Marvel Loch Road, Southern Cross South Road, Southern Cross and Marvel Loch Townsites.

It is estimated 503,015 litres of bitumen is required for 2015/2016 of which 428,015 litres will be sprayed in lots of above 25,000 litres and the remaining 75,000 litres will be sprayed in lots off between 10,000 to 25,000 litres.

Included in the form of tender is a requirement for companies tendering to submit a cost per tonne to carry out pre-coating of 3000 tonnes of aggregate.

The following companies were invited to submit tenders to supply and spray bitumen; Boral, Fulton Hogan and Bitutek

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Comments**

The following two tenders from Bitutek Pty Ltd and Fulton Hogan were received (*GST exclusive*): -

**1. Bitutek (*GST exclusive*)**

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.30 per litre	\$ 1.30 per litre
10,000 25,000	\$ 1.10 per litre	\$ 1.05 per litre
over 25,000	\$ 1.05 per litre	\$ 1.00 per litre

Adhesive Agent - \$ 0.0055 per litre

Pre-coating Aggregate \$ 2.25 per tonne

**Expected total cost to Council's Construction Program**

75,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 82,500.00
428,015 litres in job lots above 25,000 litres of 98/2:	\$ 428,015.00
503,015 litres x \$0.0055 per litre adhesive agent	\$ 2,766.60
3000 tonnes aggregate x \$2.25 per tonne	<u>\$ 6,750.00</u>
Total	<u>\$ 520,031.60</u>

Rates for pre-coating are based on the following:

Shire of Yilgarn to supply at no cost to Bitutek:

- 1) Loader
- 2) Wetting agent (diesel) for the pre-coating

---

**2. Fulton Hogan (*GST exclusive*)**

<u>Hot Sprayed Bitumen</u>	<u>95/5-Primer Seal</u>	<u>98/2-Seal</u>
up to 10,000	\$ 1.46 per litre	\$ 1.45 per litre
10,000 25,000	\$ 1.18 per litre	\$ 1.19 per litre
over 25,000	\$ 1.10 per litre	\$ 1.09 per litre

Adhesive Agent - \$ 0.00475 per litre

Pre-coating Aggregate \$ 4.75 per tonne

**Expected total cost to Council's Construction Program**

75,000 litres in job lots of 10,000 to 25,000 litres of 95/5:	\$ 88,500.00
428,015 litres in job lots above 25,000 litres of 98/2:	\$ 466,536.35
503,015 litres x \$0.00475 per litre adhesive agent	\$ 2,389.30
3000 tonnes aggregate x \$4.75 per tonne	<u>\$ 14,250.00</u>
Total	<u>\$ 571,675.65</u>

Shire of Yilgarn to supply at no cost to Boral Contracting:

- 3) Loader
- 4) Wetting agent (diesel) for the pre-coating

---

As it can be seen from the above calculations the tender submitted by Bitutek (*\$520,031*) is the lowest tender submitted.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

When setting the 2015/2016 Financial Year Construction Budget an estimated monetary allocation of \$603,618 has been allowed for in councils construction program for the supply and spray of hot bitumen and pre-coating of aggregate.

- Policy Implications:** In line with Council's Policy, "*Finance 3.5 Purchasing Quotes and Tenders*"
- Financial Implications:** Monetary costs associated for the supply, and spraying of hot bitumen has been allowed for in councils 2015/2016 Construction Program Budget
- Strategic Implications:** 2015/2016 Construction Program

**Recommendation**

That Council accepts the tender submitted by Bitutek Pty Ltd for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2015/2016 Financial Year.

**Voting Requirements**

Simple Majority

**159/2015**

*Moved Cr D Pasini*

*Seconded Cr K Crisp*

**That Council accepts the tender submitted by Bitutek Pty Ltd for the supply and spraying of hot bitumen and pre-coating of aggregate for the 2015/2016 Financial Year.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council Thursday August 20 <sup>th</sup> 2015
<b>Agenda Reference:</b>	Works 9:3
<b>Subject:</b>	Roads to Recovery – Additional Funding
<b>Location/Address:</b>	Southern Cross
<b>Name of Applicant:</b>	
<b>File reference:</b>	1.6.14.6
<b>Author:</b>	Robert Bosenberg - Manager of Works
<b>Disclosure of Interest:</b>	N.A.
<b>Date of Report:</b>	28 <sup>th</sup> August 2015

Correspondence has been received notifying Council that from the Federal Government Fuel Excise there has been an additional \$464,700 allocated to Shire of Yilgarn through the Roads to Recovery Program to be spent on roads in 2015/16.

The funding can only be spent on road upgrades, bitumen reseals, gravel sheeting, footpaths (*which are part of road upgrades*) or road maintenance.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Comment**

Although the additional funding allocation of \$464,700 has been included in the total amount of Roads to Recovery - \$1,550,000 in the Deputy Chief Executive Officer's "Agenda 8.4 - 2015-2016 Budget Adoption" presented at the July 2015 Ordinary Meeting of Council, it has not been allocated to roadworks projects in the 2015 2016 Financial Year Budget.

It is proposed to allocate the additional funding to two projects, Southern Cross South Road and Unkovich Road

Southern Cross South Road has seen an increase in vehicle movements with traffic counts taken at SLK 3km (*at the end of the bitumen past motor bike track turn off*) in 2014 showing Average Daily Traffic count of 44 vehicles per day.

The proposed works on this road will include upgrading 2.5 kilometres to a seven metre bitumen standard from SLK 2.7 kilometres (*the end of the bitumen*) heading south to SLK 5.2 kilometres.

This will take the bitumen pavement past the landfill site access road intersection. In the coming years if council decided to close the current transfer station and relocate all waste activities to the new landfill site then there will be a requirement to upgrade this section of Southern Cross South to a bitumen standard all weather road.

Cost to carry out the 2.5 kilometre bitumen upgrade works to Southern Cross South Road is estimated at \$378,698.

Unkovich Road has also seen a marked increase in both light and heavy haulage traffic both from the rural and mining sector (*there is no traffic count data on this road*) The road surface is made up of sections of gravel and heavy clay and in its current state following a few millimeters of rain it becomes very slippery and impassable. To address this it is proposed to carry out gravel sheeting to 2.5 kilometre section of this road to bring to bring it up to a good trafficable standard. Cost to carry out 2.5 kilometres of gravel sheeting upgrades is estimated at \$88,069

**Financial Implications:** Funding to carry out the upgrade works on Southern Cross South Road and Unkovich Road to be sourced from the additional funding allocation through the Roads to Recovery Program in 2015 - 2016

**Strategic Implications:** 2015/2016 Construction Program

**Recommendation**

That Council resolves to include both the Southern Cross South Road upgrades works to bitumen standard at the estimated cost of \$378,698 and Unkovich Road gravel sheeting upgrades works at the estimated cost of \$88,069 in the 2015-2016 Financial Budget, with the funding to carry out these works to be sourced from the additional funding allocation through the Roads to Recovery Program been received by Shire of Yilgarn in the 2015/2016 Financial Year.

**Voting Requirements**

Simple Majority.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**160/2015**

*Moved Cr G Guerini*

*Seconded Cr D Pasini*

**That Council resolves to include both the Southern Cross South Road upgrades works to Bitumen standard at the estimated cost of \$378,698 and Unkovich Road gravel sheeting upgrades works at the estimated cost of \$88,069 in the 2015-2016 Financial Budget, with the funding to carry out these works to be sourced from the additional funding allocation through the Roads to Recovery Program been received by Shire of Yilgarn in the 2015/2016 Financial Year.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday 20 <sup>th</sup> August, 2015
<b>Agenda Reference:</b>	10.1
<b>Subject:</b>	<b>Proposed Scheme Amendment 2 to the Shire of Yilgarn Town Planning Scheme No 2</b>
<b>Location/Address:</b>	Lots 250, 251, 650, 252, & 55 Antares Street, Southern Cross
<b>Name of Applicant:</b>	Manager Environmental Health & Building Services
<b>File Reference:</b>	1.3.3.18, 3.1.3.6, & 3.1.1.7
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	9 <sup>th</sup> August, 2015

**Background**

At the March 2015 Ordinary Council Meeting Council agreed to initiate Amendment 2 to the Shire of Yilgarn Town Planning Scheme No 2 pursuant to Section 75 of the Planning and Development Act 2005 to –

- 1) Re-classify a portion of Lot 250 Antares Street, Southern Cross from ‘Local Scheme Reserve – Recreation’ to ‘Residential’ with an R30 density code, and re-code the ‘Residential’ zoned portion of Lot 250 Antares Street from an ‘R10’ density code to an ‘R30’ density code; and
- 2) re-coding Lots 251, 650, 252 and 55 Antares Street, Southern Cross from Residential with an ‘R10’ density code to an ‘R30’ density code.

The Amendment documents were signed and the Shire of Yilgarn Common Seal was affixed and forwarded with a covering letter to the Environmental Protection Authority seeking advice as whether the proposed Amendment required a formal environmental assessment or not. The Authority responded advising that the Amendment did not require a formal environmental assessment.

**Comment**

The purpose of this report is for Council to consider final adoption of Amendment 2, and to consider all submissions that were lodged during formal advertising.

The proposed Scheme Amendment is essentially required to facilitate an R30 development on the subject land. The amendment will simply change the legal density code from Residential ‘R10’ to ‘R30’ on the Shire’s Town Planning Scheme Map of Southern Cross.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

The amendment will facilitate a grouped dwelling development on the Shire's land, provide for greater housing choice for seniors, maximize the use of existing infrastructure, and create new housing opportunities in close proximity to the town centre.

The proposed Amendment has been advertised for 42 days from 20<sup>th</sup> June 2015 to 3<sup>rd</sup> August 2015. Advertising included:-

1. A public notice published in the Kalgoorlie Miner published on 20<sup>th</sup> June 2015. The submissions period closed at 5:00 p.m. on Monday 3<sup>rd</sup> August 2015. See attached copy of the public notice (Attachment 1);
2. A public notice was displayed on the Shire Office's Public noticeboard outside the front entrance and also displayed on a board inside the Shire Office front foyer;
3. Letters were sent to relevant service authorities and government agencies on 19<sup>th</sup> June 2015 (by Gray & Lewis on behalf of the Shire); and
4. Individual letters to affected and nearby landowners were sent on 19<sup>th</sup> June 2015 by the Shire.

During the advertising period a total of 6 written submissions were received which were all from service authorities and/or relevant government agencies. Two local residents or landowners verbally asked for more information or clarification. No objections have been received.

A summary of the submissions is included in the attached table (Attachment 2), and it is recommended that the submissions be noted, however no changes to the Amendment are proposed as a result of the submissions received. Copies of the written submissions are also attached (Attachment 3).

It is recommended that Council adopt Amendment 2 for final approval without any modification. The Amendment is based on sound planning grounds and will introduce diversified housing stock and increase housing choice in Southern Cross.

### **Statutory Environment**

Shire of Yilgarn Town Planning Scheme No 2 – Clause 4.1 requires residential development to comply with the Residential Design Codes. The applicable density codes are shown on the Scheme maps.

Planning and Development Act 2005 – legislative requirements for scheme amendments.

Town Planning Regulations 1967 (as amended) – legislative procedural requirements for scheme amendments.

Environmental Protection Act 1986 (as amended) – environmental assessment requirements.

### **Strategic Implications**

Community Business Plan – Theme – Social

Our Goals – Cultivating an inclusive secure and welcoming community that encourages families, youth and the aged to remain and contribute to our Shire in the long term.

Strategy 1.11 Secure funding from either State or Federal Governments to ensure aged care facilities are maintained in the region.

In 2001 Scheme Amendment No 1 was approved which changed the density code of all corner lots within the Residential area of Southern Cross from R10 to R30. The introduction of an R30 density through a scheme amendment allowed for greater housing choice and diversity of housing stock within the town.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

The proposed Amendment No 2 will allow the Shire to develop the land more effectively, providing more aged appropriate housing within Southern Cross, which is currently not available, and which a need for such housing has been identified through community consultation.

**Policy Implications**

In accordance with Council Policy 1.4 “Use of Council’s Common Seal” which states:-

“Where a Council approved or authorised activity or occurrence requires the Common Seal to be affixed (or where the Shire President and Chief Executive Officer determine it would be appropriate to so affix the Seal) the Shire President and Chief Executive Officer shall be authorised to sign and seal the document or item, on Council’s behalf.

That when the Common Seal is used for official documents, it is to be referred to Council for endorsement.”

**Financial Implications**

Council will be responsible for paying all costs associated with any scheme amendment, including consultancy fees and public advertising costs.

**Recommendation**

That Council:

1. Adopt Amendment 2 to the Shire of Yilgarn Town Planning Scheme No 2 for final approval (without modifications) pursuant to Section 75 of the Planning and Development Act 2005 by re-classifying a portion of Lot 250 Antares Street, Southern Cross from ‘Local Scheme Reserve – Recreation’ to ‘Residential’ with and R30 density code, and re-code the ‘Residential’ zoned portion of Lot 250 Antares Street from an ‘R10’ density code to an ‘R30’ density code; and re-coding Lots 251, 650, 252 and 55 Antares Street, Southern Cross from Residential with an ‘R10’ density code to an ‘R30’ density code.
2. Note the submissions lodged during the advertising as summarised in ‘Attachment 2 – Table of Submissions’ however resolve not to modify the amendment as a result of any submissions.
3. Authorise the Shire Chief Executive Officer and Shire President to execute the (3) formal scheme amendment documents under the ‘Final Approval’ heading and stamp the documents with the Shire seal.
4. Authorise Gray & Lewis Landuse Planners to lodge Amendment 2 to the Western Australian Planning Commission seeking final approval by the Minister for Planning with a WAPC advertising checklist, copies of Council reports, and copies of all submissions.
5. Authorise the Chief Executive Officer to advise the Shire’s contractors Fleetwood ? and A & P Wright that the Shire has adopted Amendment 2 for final approval, and that the Amendment will be lodged with the Western Australian Planning Commission as it requires Ministerial approval.

**Voting Requirements**

Simple Majority.



**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**161/2015**

*Moved Cr J Della Bosca*

*Seconded Cr G Guerini*

**That Council:**

- 1. Adopt Amendment 2 to the Shire of Yilgarn Town Planning Scheme No 2 for final approval (without modifications) pursuant to Section 75 of the Planning and Development Act 2005 by re-classifying a portion of Lot 250 Antares Street, Southern Cross from ‘Local Scheme Reserve – Recreation’ to ‘Residential’ with and R30 density code, and re-code the ‘Residential’ zoned portion of Lot 250 Antares Street from an ‘R10’ density code to an ‘R30’ density code; and re-coding Lots 251, 650, 252 and 55 Antares Street, Southern Cross from Residential with an ‘R10’ density code to an ‘R30’ density code.**
- 2. Note the submissions lodged during the advertising as summarised in ‘Attachment 2 – Table of Submissions’ however resolve not to modify the amendment as a result of any submissions.**
- 3. Authorise the Shire Chief Executive Officer and Shire President to execute the (3) formal scheme amendment documents under the ‘Final Approval’ heading and stamp the documents with the Shire seal.**
- 4. Authorise Gray & Lewis Landuse Planners to lodge Amendment 2 to the Western Australian Planning Commission seeking final approval by the Minister for Planning with a WAPC advertising checklist, copies of Council reports, and copies of all submissions.**
- 5. Authorise the Chief Executive Officer to advise the Shire’s contractors Fleetwood ? and A & P Wright that the Shire has adopted Amendment 2 for final approval, and that the Amendment will be lodged with the Western Australian Planning Commission as it requires Ministerial approval.**

**CARRIED (7/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday 20 <sup>th</sup> August, 2015
<b>Agenda Reference:</b>	10.2
<b>Subject:</b>	<b>Planning Application – Proposed Shop/Warehouse Development (Re-development)</b>
<b>Location/Address:</b>	Lot 759 Spica Street, Southern Cross
<b>Name of Applicant:</b>	Mr Bernie Dorazio
<b>File Reference:</b>	3.1.3.1
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	President Cr O Truran
<b>Date of Report:</b>	11 <sup>th</sup> August, 2015

**Background**

Mr Bernie Dorazio, owner of Bernies Mobile Mechanical Service and owner of Lot 759 Spica Street, Southern Cross, has submitted plans for the proposed re-development of Lot 759. The current development consists of a small workshop shed that fronts onto Spica Street. The new proposed development will consist of a shop and warehouse/storeroom (12.0m wide x 15.0m long with a 1.80m long verandah across the front = 201.60m<sup>2</sup>) for the sale of various items for motor vehicles such as batteries, oil, oil filters, belts, spark plugs, sealants, etc, plus a separate shed (10.0m wide x 9.0m long = 90.0m<sup>2</sup>) at the rear of the property. This development will support the mechanical repair business carried out in the larger workshop situated on the adjacent property of Lot 760 Spica Street. See attached letter, plans, and area view of the property.

**Comment**

Under the Shire of Yilgarn Town Planning Scheme No 2 Lot 759 Spica Street is zoned “Commercial”. The proposed shop with warehouse/storeroom is a permitted land use for this zoning.

The setback of the shop/warehouse will be:-

- Front boundary – 12.5m
- Side boundaries – 5.119m and 3.001m
- Rear boundary – 20.70m

The setback for the separate shed will be:-

- From shop/warehouse – 8.699m
- Side boundaries – 7.119m and 3.001m
- Rear boundary – 3.001m

From the Shire’s Scheme text, Table 2 – Development Table states that for a shop the setback distances are to be determined by Council, as is the minimum plot ratio and minimum landscaped area, and on-site car parking is to be 1 bay for every 15m<sup>2</sup> of gross floor area.

The plot ratio of the shop/warehouse is 0.20039; an area of 25.52m<sup>2</sup> has been identified for landscaping which 2.5% of the total area; and there are 2 staff car parking bays at the rear of the property near the separate shed, plus 4 parking bays in front of the shop, 2 parking bays between the rear of the shop/warehouse and the shed, and 2 parking bays in front of the staff parking bays at the rear of the property giving a total of 8 customer parking bays. Based on Table 2 there should be a minimum of 7 parking bays separate to the staff bays of 2 based on the number of staff who would regularly work at premises.

The existing shop and storeroom situated on Lot 757 corner Spica & Orion Streets will eventually be demolished and left as a vacant site.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

The proposed re-development of Lot 759 meets the criteria for development on land zoned “Commercial” and there is no reason to not approve the application.

**Statutory Environment**

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

**Strategic Implications**

Community Business Plan – Theme 3 – Economic

Our Goal

Encourage a thriving and vibrant local economy through programs that support and develop businesses in the Shire.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Recommendation**

That Council grants planning approval to Mr Bernie Dorazio of Bernies Mobile Mechanical Service to re-develop Lot 759 Spica Street, Southern Cross by removing the existing workshop and building a new shop/warehouse building in the front half of the property and a new storage shed at the rear of the property as per the submitted plans.

President Cr O Truran declared a financial interest and left the meeting. Deputy President W A Della Bosca assumed the chair.

**Voting Requirements**

Simple Majority.

**162/2015**

*Moved Cr G Guerini*

*Seconded Cr D Pasini*

**That Council grants planning approval to Mr Bernie Dorazio of Bernies Mobile Mechanical Service to re-develop Lot 759 Spica Street, Southern Cross by removing the existing workshop and building a new shop/warehouse building in the front half of the property and a new storage shed at the rear of the property as per the submitted plans.**

**CARRIED (5/0)**

President Cr O Truran returned and assumed the chair.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
 Thursday, 20th August 2015

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday 20 <sup>th</sup> August, 2015
<b>Agenda Reference:</b>	10.3
<b>Subject:</b>	<b>Replace Open Overflow Dam with Enclosed Pipe Storage System at Arcturus Street Pump Station (PS No 1)</b>
<b>Location/Address:</b>	Reserve 41128 Lot 943 off Arcturus Street, Southern Cross
<b>Name of Applicant:</b>	Manager Environmental Health & Building Services
<b>File Reference:</b>	10.2.5.4
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	11 <sup>th</sup> August, 2015

**Background**

At the May 2015 Council Meeting in the Status Report Council was advised that two investigation reports had been received from GHD in Perth and Rivers Engineer of Perth regarding problems of sewerage overflow into the open overflow dam on a regular basis and possible enclosure of the open dam.

Both contractors agreed that the best method of handling any overflow of sewage from the pump pit would be to have it contained in a series of pipes that would be placed within the existing open dam.

**Comment**

The table below gives a summary of the estimates for this work were (copies of the estimates are also attached):-

Contractors	Storage Time based on Inflow	Total Available Emergency Storage	Number	Cost per DN1800 x 2.4m long pipe	20% Contractors Contingencies	Total Cost for Equivalent Storage
GHD	6 hrs	84m <sup>3</sup>	14 DN1800 x 2.4m long pipes	\$6,000	\$17,000	\$100,000 excl GST
Rivers Engineering	5.6 hrs at peak flow	140m <sup>3</sup>	4 DN1800 x 14.4m long pipes		\$5,000	\$99,700 excl GST

The preference is to have a total of 4 pipes rather than 14 pipes.

This project was included in the Council 2015/2016 Budget and Council needs to accept an estimate so that work can commence.

**Statutory Environment**

Nil

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Strategic Implications**

Community Business Plan – Theme 3 – Economic

Our Goals -

Maintaining existing infrastructure to ensure its suitability and usability for residents and community groups across the Shire.

**Policy Implications**

Council Policy No 3.5 Purchasing and Tendering Policy

**PURCHASING THRESHOLDS:**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

<b>Amount of Purchase</b>	<b>Policy</b>
Up to \$10,000	Where practicable, obtain verbal or written quotations
\$10,000 to \$99,999	At least one written quotation.
\$100,000 and Above	Conduct a public tender process

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

**\$10,001 to \$99,999**

Chief Executive Officer and a Delegated Senior Manager may approve purchases where the value exceeds \$10,001 but is less than \$99,999, with at least one quotation containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

**Financial Implications**

An amount of \$131,670.00 has been allocated in the Council 2015/2016 Budget for this project, which includes funds for the supply and installation of an SMS fault warning system to also be installed at the Arcturus Street Pump Station.

**Recommendation**

That Council accepts the estimate from Rivers Engineering for the amount of \$99,700 plus GST for the supply and installation of a series of 4 pipes to act as the sewage overflow from the pump pit at the Arcturus Street Pump Station in Southern Cross.

**Voting Requirements**

Simple Majority.

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**163/2015**

*Moved Cr J Della Bosca*

*Seconded Cr G Guerini*

**That Council not accept the officer's recommendation because the quote is only an estimate and as the amount is over \$100,000 it must go to tender.**

**CARRIED (6/0)**

<b>Submission to:</b>	Ordinary Meeting of Council – Thursday 20 <sup>th</sup> August, 2015
<b>Agenda Reference:</b>	10.4
<b>Subject:</b>	<b>Renewal of Telstra Corporation Limited Lease and Use of Council's Common Seal</b>
<b>Location/Address:</b>	Lot 40 Corner Lenneberg & Aurum Streets, Marvel Loch
<b>Name of Applicant:</b>	Telstra Corporation Limited of Melbourne, Victoria
<b>File Reference:</b>	10.2.2.5
<b>Author:</b>	Manager Environmental Health & Building Services – W J Dallywater
<b>Disclosure of Interest:</b>	Not applicable
<b>Date of Report:</b>	12 <sup>th</sup> August, 2015

**Background**

Telstra Corporation Limited currently leases Lot 40 corner of Lenneberg & Aurum Streets, Marvel Loch from the Shire for the Marvel Loch Small Country Automatic Telephone Exchange infrastructure consisting of a tower and transportable equipment hut. The current lease will expire on 30<sup>th</sup> June 2016 and Telstra would like to renew the lease on the property. The new lease will be for a 10 year period commencing on 1<sup>st</sup> July 2016 and expiring on 30<sup>th</sup> June 2026 with the option of two further terms of five years each. The rent of \$1,600.00 is to be paid annually, with a 2.5% increase applied on each rent review date during the term. Attached is a copy of the new lease document.

**Comment**

The Shire renewed the lease in 2006 for a rent sum of \$500.00 per annum. Telstra paid \$1,600.00 last year for the lease of this property.

The new lease would be similar to the old lease and seems a standard lease. There is one proposed change/amendment to the lease document which is on page 11 of the document –

3.3 Reinstate and Make Good

(a) Within 3 months after the Terminating Date or earlier determination of the Lease the Lessee must remove that part of the Facility located above the surface [add “and below the surface to a depth of 2 metres”] of the Land, and make good at its cost any damage to the Land or Premises caused by such removal.

The lease must be signed by the Shire President and Chief Executive Officer, and the Council Common Seal affixed. It is therefore recommended that the Council Common Seal is affixed to the three copies of the lease document before returning them to Telstra for signing.

**Statutory Environment**

Nil

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

**Strategic Implications**

Community Business Plan – Theme 3 – Economic

Our Goals

Maintaining existing infrastructure to ensure its suitability and usability for residents and community groups across the Shire.

**Policy Implications**

Policy 1.4 Use of Council's Common Seal

"That when the Common Seal is used for official documents, it be referred to Council for endorsement."

**Financial Implications**

If the lease is renewed Council will receive \$1,600.00 per annum rent for at least the next 10 years.

**Recommendation**

That Council authorise the execution of the new lease documents between the Shire of Yilgarn and Telstra Corporation Limited of Melbourne for the lease of Lot 40 corner of Lenneberg & Aurum Streets, Marvel Loch for a term of ten years with two five year options for \$1,600.00 per annum rent, signed under the Council Common Seal.

**Voting Requirements**

Simple Majority.

**164/2015**

*Moved Cr G Guerini*

*Seconded Cr W A Della Bosca*

**That Council authorise the execution of the new lease documents between the Shire of Yilgarn and Telstra Corporation Limited of Melbourne for the lease of Lot 40 corner of Lenneberg & Aurum Streets, Marvel Loch for a term of ten years with two five year options for \$1,600.00 per annum rent, signed under the Council Common Seal, subject to the rent being reviewed annually from the date of signing.**

**CARRIED (6/0)**

**MINUTES**  
**ORDINARY COUNCIL MEETING**  
Thursday, 20th August 2015

As there was no further business to discuss, the Shire President declared the meeting closed at **6.41pm.**

I, Onida T Truran confirm the above Minutes of the Meeting held on Thursday 20<sup>th</sup> August 2015, are confirmed on \_\_\_\_\_ 2015 as a true and correct record of the July Ordinary Meeting of Council.

Cr Onida Truran  
SHIRE PRESIDENT