



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Wednesday 16 December 2015, in the Bencubbin Recreation Complex, Marsh Street, Bencubbin commencing at 3:02pm.

Cr RM Kirby

President

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been left blank
intentionally**

DISCLAIMER

MEMBERS OF THE PUBLIC ARE REQUESTED TO READ THROUGH AND FAMILIARISE THEMSELVES WITH THE DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Mt Marshall for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mt Marshall disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Mt Marshall during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Mt Marshall. The Shire of Mt Marshall warns that anyone who has an application lodged with the Shire of Mt Marshall must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Mt Marshall in respect of the application.

Dirk Sellenger
Chief Executive Officer

Chairman Initial

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1.0	Declaration of Opening / Announcement of Visitors
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The Presiding Member declared the meeting open at 3:02pm, welcomed the members of the public present in the gallery and brought their attention to the disclaimer.

2.0	Record of Attendance / Apologies / Approved Leave of Absence
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In Attendance

Cr RM Kirby	President / Presiding Member
Cr SE Faulkner	Deputy President
Cr PA Gillett	Councillor
Cr ARC Sachse	Councillor
Cr WJ Beagley	Councillor
Cr HJ Shemeld	Councillor
Cr CT Lumsden	Councillor (3.12pm – 4.18pm)
Mr Dirk Sellenger	Chief Executive Officer
Ms Nadine Richmond	Executive Assistant
Ms Tanika McLennan	Finance and Administration Manager
Miss Sally Morgan	Community Development Officer
Mr Noel Miguel	Member of the public
Mr Des Miguel	Member of the public
Mr Irwin Andrews	Member of the public
Mr Martin Grant	Member of the public
Mr Andrew Dunne	Member of the public
Mrs Leeanne Gobbart	Member of the public
Mrs Tracy Tranter	Member of the public
Mrs Deanne Breakell	Member of the public
Mrs Amanda Sanders	Member of the public
Mr Chris Jack	Member of the public
Mr David Walker	Member of the public
Mr Craig Walker	Member of the public
Mr Lynton Beagley	Member of the public
Mrs Melissa Beagley	Member of the public
Mrs Sharnee Beard	Member of the public
Mr Luke Yates	Member of the public
Mr Nick Gillett	Member of the public
Mr Michael Putt	Member of the public
Mr Benjamin Sachse	Member of the public
Mrs Jeanette Beagley	Member of the public
Mrs Margaret Jeffries	Member of the public
Miss Rebecca Watson	Member of the public
Mrs Deanne Morgan	Member of the public
Mrs Charisse Walker	Member of the public
Mrs Sharon Kett	Member of the public
Mrs Tanya Gibson	Member of the public
Miss Tamara Linaker	Member of the public
Mr Stuart Putt	Member of the public
Mrs Michelle Faulkner	Member of the public

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Mrs Megan Beagley	Member of the public	
Mrs Jenni Bunce	Member of the public	
Mrs Petrina Poole	Member of the public	
Mrs Vicki Miguel	Member of the public	
Mr David Dunne	Member of the public	
Ms Jenny Hogan	Member of the public	
Mr Jon Tranter	Member of the public	
Miss Sinead Scally	Member of the public	
Miss Morgann Tranter	Member of the public	
Mr Chase Avery	Member of the public	
Mr Peter Waters	Member of the public	
Mrs Shannon Waters	Member of the public	
Mr Len Cargeeg	Member of the public	
Mrs Louise Sellenger	Member of the public	
Mrs Nola Lock	Member of the public	(3.12pm – 3.58pm)

Apologies

Mrs Lauren Grylls	Member of the public
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3.0 Standing Orders

2015/144 COUNCIL DECISION:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items in the agenda.
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Moved Cr SE Faulkner	Seconded Cr HJ Shemeld	Carried 6/0
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4.0 Public Questions

4.1 Response to Public Questions Taken on Notice

4.1.1 Summary of Question from Mr Peter Waters:

Having had time to look at the Budget, does the new Council feel that the Bencubbin Recreation Complex Redevelopment project will put the Shire in to financial difficulty?

Summary of Response from the Presiding Member by email 1 December 2015:

The Bencubbin Complex project was included in the Long Term Financial Plan endorsed by Council in 2013. The plan takes into account a scenario of a \$1.22 million budget for the complex project, anticipating one third grant funding, \$560,000 from reserves and \$255,000 loan funding. Based on the existing debt, loans of approximately \$580,000 for the renewal of the Aquatic Centre and \$255,000 for the Complex project, the Shire does not exceed the borrowing thresholds applied to the local government industry and all key financial indicators relating to debt continue to be positive. The impact of a loan of \$1.3 million is being investigated.

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4.1.2 Summary of Question from Mr Peter Waters:

What was the response from NSRF in wanting to scale back this project?

Summary of Response from the Presiding Member by email 1 December 2015:

NSRF have confirmed, as outlined in their funding agreement, that any "cost savings" delivered by reducing the project budget would be shared between all funding partners at a rate proportional to their contribution. The following table has been provided by NSRF in the event Council reduce the project to \$1.99 million as resolved at the September 2015 Ordinary meeting of Council.

Funding Partners	Original Contributions	Pro-rata %	Pro-rata Share of Proposed Savings	Proposed Reduced Contributions
Australian Government	\$990,000	35.87%	\$276,195.65	\$713,804.35
Bencubbin Community Recreation Council	\$15,000	0.54%	\$4,184.78	\$10,815.22
Shire of Mt Marshall	\$1,755,000	63.59%	\$489,619.57	\$1,265,380.43
Original Total Project Cost	\$2,760,000			
Revised Total Project Cost	\$1,990,000			\$1,990,000.00
Cost Savings	770,000			

NSRF require the Shire to forward a revised proposal outlining any changes to the budget along with any changes to the project outcomes by December 22nd for consideration. They will then make a recommendation to Government regarding whether the project still merits funding and if so, draw up a revised funding agreement for signing by the end of January 2016. Although there is a small risk that NSRF may not recommend the revised project for funding, this is unlikely to occur based on the outcome of the teleconference.

4.1.3 Summary of Question from Mr Peter Waters:

If Council decides to give back the funding or part thereof, what implications will this have on the Shire obtaining any future funding?

Summary of Response from the Presiding Member by email 1 December 2015:

It is not possible to comment on how funding bodies will perceive a budget reduction or withdrawal from the funding, however, the NSRF Deed of Agreement for funding has several provisions outlining the procedure for refunds of unexpended money, budget reductions where other contributions from funding partners are not obtained and returning cost savings on a pro-rata basis which may be applicable in this event.

4.1.4 Summary of Question from Mr Peter Waters:

Mt Marshall is one of only five Shires in the State and one of only 2 Shires in the Durack Electorate to receive funding from the NSRF in an extremely competitive market. This decision was made for projects they believe had merit, value and were worthy in our case of \$1 million in federal funding. Why

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does the Council see any differently to this Canberra based funding body to make them think this is not a worthy project at its original costing of \$2.8 million dollars?

Summary of Response from the Presiding Member by email 1 December 2015:

The Council has the responsibility of making decisions based on the best interests of the whole Shire. Two democratic processes have recently occurred in our Shire. A Special Elector's meeting, which was well attended by a large number of concerned residents and rate payers, at which a number of motions were carried regarding scaling down the Bencubbin Complex project and limiting the financial risk to the Shire. This meeting was closely followed by the Local Government Elections. Based on the fact the Shire of Mt Marshall had the highest Elector turnout in the State it is likely that the election was heavily influenced by this single issue and that the election result indicates that there is limited support for the magnitude of the project.

4.1.5 Summary of Question from Mr Peter Waters:

Is Council willing to obtain an independent opinion of their auditors regarding the Shires capacity to carry out a project of the original budget \$2.8 million. Comments from some Councillors that Council is not able to afford the full scope of works of the original budget amount, on what basis and what evidence exists to justify these statements and opinions?

Summary of Response from the Presiding Member by email 1 December 2015:

As per the answer to question 4.2.1, the impact of the budget outlined in the Long Term Financial Plan is known. The financial impact of a budget of \$2.76M is unknown, however, the Council are seeking further independent information.

4.1.6 Summary of Question from Mr Peter Waters:

What does the Bencubbin Recreation Council need to do to have the project completed in its entirety of the full \$2.8 million as per the plans?

Summary of Response from the Presiding Member by email 1 December 2015:

The Bencubbin CRC are one of the funding partners and they are able to decide:

1. Whether to commit \$300,000 or a higher or lower amount to the project.
2. What in-kind their members are able to commit.
3. Input into the design/plan of the building.
4. Whether to withdraw from the project.

It will be up to the Council, taking into consideration the best interests of the whole Shire, to decide:

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1. The financially responsible level of debt exposure. Striking a balance between the outcomes of this project and future needs of the Shire.
2. Whether this debt will be repaid by whole of Shire or Specified Area Rates and in this instance, what the Specified Area would be.
3. What level of reserves and cash flow to commit to the project.
4. Input into the design/plan of the building.
5. Whether to withdraw from the project.

Some scenarios that have been suggested to retain the whole budget include:

1. Increase BCRC portion from \$300k to \$1 million; whole of Shire portion increase from \$750 to \$770K.
2. Increase BCRC portion from \$300 to \$500K; whole of Shire portion match this at \$500K; SAR loan for \$770K.
3. BCRC portion to remain at \$300K; whole of Shire portion \$700K; SAR loan for \$770.
4. BCRC portion at \$590K; whole of Shire portion at \$590K; SAR loan for \$590K
5. BCRC portion at \$473K; whole of Shire loan at \$473K plus \$350K from other sources to total whole of Shire portion of \$824K; SAR loan for \$473K

It is important for BCRC to give consideration to a budget lower than \$2.76M as many Councillors have indicated a preference to work towards a suitable project outcome with a lower budget. The view is that this is already a compromise from the Long Term Financial Plan and takes into consideration the financial risk to the Shire and the views of the Electors as expressed at the Special Electors Meeting and the LG Elections.

While a SAR is an option that Council can consider, the magnitude of the SAR may prove to be unacceptable eg. SAR on half of the Shire rates of \$590-\$770 increases rates of the affected rate payers by approx. 7-9%, therefore the only solution may be to agree to a more moderate budget and borrow less to start with.

Some ideas to consider to reach a compromise:

1. BCRC portion at \$300K; BCRC to identify in-kind contributions from budget; Shire to take on some in-kind project management and in-kind contributions; seek further funding; Shire funds and SAR to cover balance.
2. Compromise and reduce the budget to 2.4M.

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3. Budget is fixed at \$2M with Shire to make up the shortfall of the NSRF funding.
4. Work through the costings to see what items the community can complete and identify other cost savings - potentially \$500K of savings.

Some questions from Councillors to the BCRC:

1. What in-kind contributions can BCRC make to the project?
2. What do you envisage is the future of sport in the Wheatbelt? If we reach a point where winter sports is no longer sustainable, what impact will this have on the commitment of BCRC and it's volunteers?
3. What assurances can you give that underwriting partners are committed to the 20 year life of the loan repayment? Will this be a formal contract agreement?

4.2	Public Question Time
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Public Question Time opened at 3:14pm

Summary of Question from Mr Chris Kirby:

With regard to the budget allocations for the Bencubbin Recreation Complex Redevelopment being finalised, if any over runs occur, where will the funds come from to cover these?

Summary of Response from the Presiding Member:

During recent meetings between Councillors and Bencubbin Recreation Council representatives, there was agreement from all stakeholders that every effort will be made to deliver cost-savings throughout the project and ensure that overruns do not occur. The tender will be very cost focussed when tenders are called.

Council will consider options for distribution of cost savings to each of the stakeholders and also make provision for a 10% contingency as requested by NSRF.

A working group will be created early in the new year to closely oversee the project which will be project managed by the CEO.

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Summary of Question from Mrs Megan Beagley:

There have been public comments made by the Shire regarding need to repair the Mt Marshall Swimming pool, and mention (in the draft Tredwell recommendations) that this could cost in excess of \$3 million dollars. There is at the same time a plan to construct a new complex at the Bencubbin Recreation Centre for \$2.6 million of which \$317 000 will be funded through a shire loan. Can you please outline full intent of the Mt Marshall Shire toward the swimming pool upgrades, both immediate and long term, and whether it is anticipated that any further loans or rate rises will be needed to be taken out by the Mt Marshall Shire to realize this project?

Summary of Response from the Presiding Member:

Council intend to fully investigate the options for the Mt Marshall pool in order to determine the best outcome for the whole of Shire. There are several options for the pool including:

- upgrade the pool in situ
- upgrade the pool to a modern 25m design in the current location
- relocate and construct a 25m pool at an alternate location
- close the pool

Every endeavour will be made to conduct thorough community consultation prior to any decision being made, including an opportunity for the Council to engage with community in the new year during the review of the Community Strategic plan.

Council will investigate the cost and funding opportunities for various options for upgrading the pool. It is anticipated that costs could be upward of \$2-2.5m. The 15/16 budget outlines a closing balance of \$727,864 in the Bencubbin Aquatic Centre Development Reserve

Summary of Question from Mrs Megan Beagley:

Has this potential for a further loan over the repayment period of the Complex been taken into consideration when making a decision on the scale of the commitment by the Shire towards the Bencubbin Complex loan?

Summary of Response from the Presiding Member:

As a point of clarification, Council will be considering a loan \$1,017,000 to fund the Bencubbin Complex Project. This loan will be comprised of \$317,000 to be serviced by whole of Shire, a loan of \$550,000 to be serviced by a specified area rate and a loan of \$150,000 as a self supporting loan serviced by Bencubbin Recreation Council.

There has been some consideration given to the Shire's capacity to conduct other major projects due to the large loan commitment being made to the Bencubbin Complex Project. Preliminary long term financial plan modelling indicates that the Shire may be able to borrow further funds for a pool project while still maintaining the Debt Service Coverage Ratio above the target of 5. However, as outlined above, Council would give careful consideration to any large project to ensure that it meet the needs of the community within the available resources.

Public Question time closed at 3.18pm

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5.0	Applications for Leave Of Absence
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Nil

6.0	Declarations of Interest
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Cr PA Gillett declared a financial interest in item 12.1.1 being that Nick Gillett is helping Mr Michael Lanoue establish a new business. Nick Gillett is currently leasing the farm Cr Gillett resides on.

Cr ARC Sachse declared an impartiality interest in item 12.1.1 being that Cr Sachse is a major client of Bencubbin Truck and Autos and is distantly related to Craig Sachse.

7.0	Confirmation of Minutes of Previous Meetings
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7.1	Minutes of the Ordinary Meeting held on Tuesday 24 November 2015
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2015/145 COUNCIL DECISION / OFFICER RECOMMENDATION:
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That the Minutes of the Ordinary Meeting of Council held on Tuesday 24 November 2015 be confirmed as a true and correct record of proceedings.

Moved Cr PA Gillett

Seconded Cr CT Lumsden

Carried 7/0

8.0	Announcements by Presiding Person Without Discussion
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At the recent meeting of the Great Eastern Country Zone of WALGA, elections were held to determine the Zone's representation on State Council. I would like to acknowledge the service of Cr Eileen O'Connell, President of Nungarin who has filled this role for several years and will continue in the role of Deputy State Council Representative and to wish all the best to Cr Stephen Strange, President of Bruce Rock who was elected to represent the Zone at State Council.

9.0	Petitions / Deputations / Presentations / Submissions
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Nil

10.0	Reports of Committees
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Nil

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11.0	Reports of Officers
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11.1	Environmental Health Officer / Building Surveyor
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11.1.5	Shire of Mt Marshall Health Amendment Local Law 2015
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LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/4
AUTHOR:	Bill Hardy – Principal Environmental Health Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	25 November 2015
ATTACHMENT NUMBER:	11.1.5 – Shire of Mt Marshall Health Local Law 2014
CONSULTATION:	Department of Local Government and Communities, Joint Standing Committee on Delegated legislation.
STATUTORY ENVIRONMENT:	

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a

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copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

(5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law; and
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

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POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	An appropriate allowance has been made in the 2015/2016 Budget for advertising and gazettal of the amendments.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2015/146 OFFICERS RECOMMENDATION/COUNCIL DECISION:

That Council endorse giving 42 days state wide public notice under section 3.12 of the Local Government Act 1995 of intention to make the Shire of Mt Marshall Health Amendment Local Law 2015 with changes as requested by the Joint Standing Committee on Delegated legislation as follows:

- In clause 3.2.4(2)(b), delete the reference to AS1668.2; 1991 and insert instead AS 1668.2 2012;
- In clause 3.2.4(3)(a), delete the reference to AS/NZS 3666.2; 1995 and insert instead, AS/NZS 3666.2:2011;
- In clause 3.5.1(2)(b), and 10 other clauses, delete the reference to "Part 12" and insert instead "Part 11";
- In clause 5.1.2 delete the word "maintain" and insert instead the word "keep";
- In clause 5.1.9, delete the word "of" and insert instead "or";
- In clause 5.1.10 insert the words "Unless transporting a pet animal or bird, " at the beginning of the clause;
- In clause 7.1.3(3) move the words "the officer may, by notice in writing, direct as the case may be -" to a new line aligned with the first word of subclause (3);
- Again in clause 7.1.3(3) align the words "within the time and in the manner specified in the notice" with paragraphs (i) and (ii);
- In clause 8.1.2(b), delete the reference to clause 8.1.4 and insert instead 8.1.3;
- Not enforce the local law contrary to these undertakings;
- Make all consequential amendments arising from the above undertakings;
- Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and

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- Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of these undertakings.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

Council considered the Shire of Mt Marshall Health Local Law 2014 in October 2014 and resolved as follows

2014/140 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

1. Council 'Make' the Shire of Mt Marshall Health Local Law 2014 as presented in 11.1.5a;
2. Council authorises the Shire of Mt Marshall Seal to be affixed to the Shire of Mt Marshall Health Local Law 2014, signed and dated by the Shire President and Chief Executive Officer and;
3. The signed and sealed Shire of Mt Marshall Health Local Law 2014 be forwarded to the Executive Director of Public Health for his/her signature of consent and presented to State Law Publishers for gazettal.

Moved Cr Gillett
Absolute Majority

Seconded Cr Beagley

Carried 7/0

Once approved by Council the document was forwarded to the Joint Standing Committee on Delegated Legislation who requested a number of changes to the document. These amendments were considered and approved at the July 2015 ordinary meeting of Council as follows:

2015/087 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council endorse the Principal Environmental Health Officer making the following corrections to the Shire of Mt Marshall Health Local Law 2014 as requested by the Joint Standing Committee on Delegated Legislation:

- In clause 3.2.4(2)(b), delete the reference to AS1668.2; 1991 and insert instead AS 1668.2 2012;
- In clause 3.2.4(3)(a), delete the reference to AS/NZS 3666.2; 1995 and insert instead, AS/NZS 3666.2:2011;
- In clause 3.5.1(2)(b), and 10 other clauses, delete the reference to "Part 12" and insert instead "Part 11";
- In clause 5.1.2 delete the word "maintain" and insert instead the word "keep";
- In clause 5.1.9, delete the word "of" and insert instead "or";

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- In clause 5.1.10 insert the words "Unless transporting a pet animal or bird, " at the beginning of the clause;
- In clause 7.1.3(3) move the words "the officer may, by notice in writing, direct as the case may be -" to a new line aligned with the first word of subclause (3);
- Again in clause 7.1.3(3) align the words "within the time and in the manner specified in the notice" with paragraphs (i) and (ii);
- In clause 8.1.2(b), delete the reference to clause 8.1.4 and insert instead 8.1.3;
- Not enforce the local law contrary to these undertakings;
- Make all consequential amendments arising from the above undertakings;
- Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and
- Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of these undertakings.

Moved Cr PA Gillett
Absolute Majority

Seconded Cr JW Munns

Carried 6/0

The items specified below are the changes required by the Joint Standing Committee on Delegated legislation to the Shire of Mt Marshall Health Local Law 2014.

- *In clause 3.2.4(2)(b), delete the reference to AS1668.2; 1991 and insert instead AS 1668.2 2012,*
- *In clause 3.2.4(3)(a), delete the reference to AS/NZS 3666.2; 1995 and insert instead, AS/NZS 3666.2:2011.*
- *In clause 3.5.1(2)(b), and 10 other clauses, delete the reference to "Part 12" and insert instead "Part 11"*
- *In clause 5.1.2 delete the word "maintain" and insert instead the word "keep".*
- *In clause 5.1.9, delete the word "of" and insert instead "or".*
- *In clause 5.1.10 insert the words "Unless transporting a pet animal or bird, " at the beginning of the clause.*
- *In clause 7.1.3(3) move the words "the officer may, by notice in writing, direct as the case may be -" to a new line aligned with the first word of subclause (3).*
- *Again in clause 7.1.3(3) align the words "within the time and in the manner specified*

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in the notice" with paragraphs (i) and (ii).

- *In clause 8.1.2(b), delete the reference to clause 8.1.4 and insert instead 8.1.3.*
- *Not enforce the local law contrary to these undertakings.*
- *Make all consequential amendments arising from the above undertakings.*
- *Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertakings; and*
- *Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of these undertakings.*

COMMENT:

The amendments to the Health Local Law 2014 which have been recommended by the Joint Standing Committee on Delegated Legislation and endorsed by Council must now be made public, inviting submissions. Once public submissions are closed the amendments will go to gazettal with State Law Publisher as the **Shire of Mt Marshall Health Amendment Local Law 2014**. This process is outlined in the Statutory Environment section of this item.

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11.2 Community Development Officer

Nil

11.3 Finance and Administration Manager
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11.3.33 Statement of Financial Activity to 30 November 2015
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LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	F1/4
AUTHOR:	Tanika McLennan - Finance and Administration Manager
DISCLOSURE OF INTEREST:	Nil
DATE:	8 December 2015
ATTACHMENT NUMBER:	11.3.33 – Statement of Financial Activity to 30 November 2015
CONSULTATION:	Sue Voloczi – Accounting Contractor Dirk Sellenger – Chief Executive Officer
STATUTORY ENVIRONMENT:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	The statement presented to Council is the most up to date information on its current financial position.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2015/147 OFFICER RECOMMENDATION/COUNCIL DECISION:
--

That Council endorse the Statement of Financial Activity for the month ending 30 November 2015.

Moved Cr PA Gillett

Seconded Cr WJ Beagley

Carried 7/0

BACKGROUND:

Under Regulation 34 of the Local Government (Financial Management) Regulations 1996 a local government is to prepare each month a statement of financial activity which includes annual budget estimates, year to date budget estimates, actual amounts expenditure, revenue and income, material variances and net current assets.

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11.3.34 Accounts Paid

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: F1/4
AUTHOR: Sandy Wyatt – Administration Officer
DISCLOSURE OF INTEREST: Nil
DATE: 8 December 2015
CONSULTATION: Tanika McLennan – Finance and Administration Manager
STATUTORY ENVIRONMENT: Financial Management Regulations and the Local Government Act 1995
POLICY IMPLICATIONS: Nil
FINANCIAL IMPLICATIONS: An appropriate allowance has been made in the current year's budget to fund and authorise expenditure.
STRATEGIC IMPLICATIONS: Nil
VOTING REQUIREMENT: Simple Majority

2015/148 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Accounts Listed

Municipal Fund	\$ 195,960.34	EFT 10461-10587 Chq's 18635-18639
Trust Fund	\$ 11,895.50	EFT 10456-10460/10477/10513/10542/10544-10549/10592-10594
Mastercard	\$ 3,031.56	Detailed statement provided in Council Information.
Total	\$ 210,887.40	

Be endorsed.

Moved Cr ARC Sachse

Seconded Cr PA Gillett

Carried 7/0

BACKGROUND:

Following is a List of Accounts submitted to Council on Wednesday 16 December 2015 for the Municipal Fund, Trust Fund and Mastercard.

Councillor questions regarding any payments can be directed to Finance and Administration Manager, Tanika McLennan, prior to the meeting.

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1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
EFT10461	10/11/2015	SHERIDAN'S	VARIOUS GOODS-NOVEMBER'15	267.85
EFT10462	10/11/2015	BENCUBBIN SPORTS CLUB INC.	REFRESHMENTS-NOVEMBER'15	203.00
EFT10463	10/11/2015	AUSTRALIAN TAXATION OFFICE	BAS-SEPTEMBER'15	13778.00
EFT10464	10/11/2015	WA TREASURY CORPORATION	LOAN FIXED COMPONENT-BENNY MART	975.84
EFT10465	10/11/2015	ICS CARPENTRY	VARIOUS REPAIRS-NOVEMBER'15	1182.50
EFT10466	10/11/2015	CR PA GILLETT	MEETING FEES & ALLOWANCES 4.11.15	533.18
EFT10467	10/11/2015	5RIVERS PLUMBING AND GAS	VARIOUS REPAIRS-NOVEMBER'15	335.40
EFT10468	10/11/2015	CR WJ BEAGLEY	MEETING FEES & ALLOWANCES 4.11.15	515.18
EFT10469	10/11/2015	NADINE RICHMOND	VARIOUS GOODS-NOVEMBER'15	120.80
EFT10470	10/11/2015	WALLIS COMPUTER SOLUTIONS	TECHNICAL SUPPORT-NOVEMBER'15	669.90
EFT10471	10/11/2015	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE 11.11.15-10.12.15	570.63
EFT10472	10/11/2015	QC ULTIMATE CLEAN	VARIOUS CLEANING BENCUBBIN-NOVEMBER'15	297.00
EFT10473	10/11/2015	CR RM KIRBY	MEETING FEES & ALLOWANCES 4.11.15	1700.90
EFT10474	10/11/2015	CR SE FAULKNER	MEETING FEES & ALLOWANCES 4.11.15	612.50
EFT10475	10/11/2015	CR HJ SHEMELD	MEETING FEES & ALLOWANCES 4.11.15	581.18
EFT10476	10/11/2015	CR CT LUMSDEN	MEETING FEES & ALLOWANCES 4.11.15	493.18
EFT10478	13/11/2015	AVON WASTE	RUBBISH COLLECTION-OCTOBER'15	5405.85
EFT10479	13/11/2015	BOC GASES	GAS CYLINDERS-OCTOBER'15	72.13
EFT10480	13/11/2015	NINGHAN SPRAYING & AG SERVICES	VARIOUS GOODS-OCTOBER'15	901.39
EFT10481	13/11/2015	KTY ELECTRICAL SERVICES	VARIOUS REPAIRS-OCTOBER'15	137.43
EFT10482	13/11/2015	JASON SIGNMAKERS	VARIOUS GOODS-OCTOBER'15	577.28
EFT10483	13/11/2015	SHIRE OF TRAYNING	DOCTORS VEHICLE & MEDICAL PRACTICE EXPENSE-SEPTEMBER'15-25%SHARE	1394.39
EFT10484	13/11/2015	BENCUBBIN NEWS & POST	VOUCHERS	120.50
EFT10485	13/11/2015	MOBILE MASTERS	VARIOUS REPAIRS-OCTOBER'15	2732.18
EFT10486	13/11/2015	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	CARAVAN PARK VOUCHERS	20.00
EFT10487	13/11/2015	BEACON CO-OPERATIVE LTD	CARAVAN PARK VOUCHERS	677.63
EFT10488	13/11/2015	BENCUBBIN BULK HAULIERS	CARTAGE-OCTOBER'15	19567.90

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Chq/EFT	Date	Name	Description	Amount
EFT10489	13/11/2015	MOORE STEPHENS (WA) PTY LTD	ROADS TO RECOVERY ANNUAL RETURN 30.6.15	2475.00
EFT10490	13/11/2015	STAR TRACK EXPRESS	FREIGHT-OCTOBER'15	96.69
EFT10491	13/11/2015	ALL-WAYS FOODS	VARIOUS GOODS-AUGUST'15	80.12
EFT10492	13/11/2015	FUJI XEROX AUSTRALIA PTY LTD	PHOTOCOPY CHARGES-SEPTEMBER'15	1754.46
EFT10493	13/11/2015	AUSTRALIA'S GOLDEN OUTBACK	EDITORIAL & ADVERTISING-OCTOBER'15	2374.00
EFT10494	13/11/2015	D & D TRANSPORT	FREIGHT-OCTOBER'15	93.10
EFT10495	13/11/2015	JR & A HERSEY	VARIOUS GOODS-OCTOBER'15	308.00
EFT10497	13/11/2015	BENCUBBIN AG SUPPLIES	VARIOUS GOODS-OCTOBER'15	3989.08
EFT10498	13/11/2015	RADIOWEST BROADCASTERS PTY LTD	ADVERTISING-OCTOBER'15	66.00
EFT10499	13/11/2015	GERALDTON FUEL	FUEL-OCTOBER'15	517.66
EFT10500	13/11/2015	5RIVERS PLUMBING AND GAS	VARIOUS REPAIRS-OCTOBER'15	4044.40
EFT10501	13/11/2015	BENNY MART	VARIOUS GOODS-OCTOBER'15	172.54
EFT10502	13/11/2015	GREAT SOUTHERN FUELS	FUEL-OCTOBER'15	12942.35
EFT10503	13/11/2015	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-OCTOBER'15	2057.00
EFT10504	13/11/2015	SALLY MORGAN	MEALS-LIWA POOL SEMINAR	106.50
EFT10505	13/11/2015	WURTH AUSTRALIA PTY LTD	VARIOUS GOODS-OCTOBER'15	797.85
EFT10506	13/11/2015	SUE VOLOCZI	VARIOUS ACCOUNTING SUPPORT- OCTOBER'15	6237.00
EFT10507	13/11/2015	MELISSA KETT	VARIOUS GOODS'-OCTOBER'15	22.54
EFT10508	13/11/2015	MARKETFORCE PTY LTD	ADVERTISING-OCTOBER'15	342.04
EFT10509	13/11/2015	CORRIGIN WINDMILL MOTEL	ACCOMMODATION-LIWA POOL SEMINAR	220.00
EFT10510	13/11/2015	GRACE REMOVALS GROUP	RELOCATION EXPENSES	2916.10
EFT10511	13/11/2015	DC PAYMENTS AUSTRALASIA	ONGOING FEES FOR ATM-SEPTEMBER'15	95.91
EFT10512	13/11/2015	BANKWEST CORPORATE MASTERCARD	VARIOUS GOODS-OCTOBER'15	3031.56
EFT10514	19/11/2015	COURIER AUSTRALIA	FREIGHT-NOVEMBER'15	44.92
EFT10515	19/11/2015	WESFARMERS KLEENHEAT GAS P/L	ANNUAL FACILITY FEE	136.40
EFT10516	19/11/2015	BENCUBBIN SPORTS CLUB INC.	REFRESHMENTS	54.00
EFT10517	19/11/2015	SHIRE OF TRAYNING	DOCTORS HOUSE RENT 25% SHARE 30.9.15- 27.10.15	640.00
EFT10518	19/11/2015	BENCUBBIN NEWS & POST	NEWSPAPERS-OCTOBER'15	144.10

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Chq/EFT	Date	Name	Description	Amount
EFT10519	19/11/2015	METAL ARTWORK CREATIONS	DESK NAME PLAQUE	15.40
EFT10520	19/11/2015	MERREDIN TELEPHONE SERVICES	VARIOUS REPAIRS-NOVEMBER'15	55.00
EFT10521	19/11/2015	SIGMA CHEMICALS	VARIOUS GOODS-NOVEMBER'15	2261.39
EFT10522	19/11/2015	DIELECTRIC SECURITY SERVICES	VARIOUS GOODS-NOVEMBER'15	130.00
EFT10523	19/11/2015	MOORE STEPHENS (WA) PTY LTD	2014/15 LOCAL GOVERNMENT RATES COMPARISON REPORT	203.50
EFT10524	19/11/2015	STAR TRACK EXPRESS	FREIGHT-NOVEMBER'15	233.88
EFT10525	19/11/2015	TJ & JG CASHMORE & SONS	GRAVEL	2693.35
EFT10526	19/11/2015	POOL CONTROLS	VARIOUS GOODS-NOVEMBER'15	142.66
EFT10527	19/11/2015	DANIEL & CLAIRE HEGARTY	GRAVEL PURCHASES	2997.83
EFT10529	19/11/2015	5RIVERS PLUMBING AND GAS	VARIOUS REPAIRS-NOVEMBER'15	342.10
EFT10530	19/11/2015	BENNY MART	PLANT & PROPERTY MAINTENANCE VOUCHERS	200.00
EFT10531	19/11/2015	MERREDIN PANEL AND PAINT	VARIOUS-NOVEMBER'15	5322.71
EFT10532	19/11/2015	ECHELON AUSTRALIA PTY LTD	REGIONAL RISK COORDINATION PROGRAMME2015/16-1ST INSTALMENT	2820.40
EFT10533	19/11/2015	PETE'S SHED	KEYS	32.00
EFT10534	19/11/2015	KC SALES	VOUCHERS	572.00
EFT10535	19/11/2015	WA CONTRACT RANGER SERVICES	RANGER SERVICES 28.10.15-9.11.15	631.12
EFT10536	19/11/2015	SUE VOLOCZI	VARIOUS ACCOUNTING SUPPORT- NOVEMBER'15	7203.90
EFT10537	19/11/2015	MICHAEL PUTT	GRAVEL PURCHASES	487.85
EFT10538	19/11/2015	LAUREL SMITH	TRANSCRIPT OF ORAL HISTORY	180.00
EFT10539	19/11/2015	TALIS CONSULTANTS PTY LTD	ASSET VALUATION	880.00
EFT10540	19/11/2015	CR ARC SACHSE	MEETING FEES & ALLOWANCES 4.11.15	519.18
EFT10543	24/11/2015	AUSTRALIAN TAXATION OFFICE	BAS-OCTOBER'15	10556.00
EFT10550	26/11/2015	COVS	VARIOUS GOODS-NOVEMBER'15	170.02
EFT10552	26/11/2015	CJD EQUIPMENT PTY LTD	VARIOUS REPAIRS-NOVEMBER'15	1198.45
EFT10553	26/11/2015	MUKA TYRE MART	VARIOUS	816.00
EFT10554	26/11/2015	NINGHAN SPRAYING & AG SERVICES	PLANT & PROPERTY MAINTENANCE VOUCHER	100.00
EFT10555	26/11/2015	KTY ELECTRICAL SERVICES	VARIOUS REPAIRS-NOVEMBER'15	4841.11

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Chq/EFT	Date	Name	Description	Amount
EFT10556	26/11/2015	BENCUBBIN NEWS & POST	POSTAGE 16.11.15-20.11.15	99.85
EFT10557	26/11/2015	BUNNINGS BUILDING SUPPLIES	VARIOUS GOODS-NOVEMBER'15	314.00
EFT10558	26/11/2015	BURGESS RAWSON (WA) PTY LTD	UTILITY CHARGES 8.9.15-6.11.15	61.74
EFT10559	26/11/2015	ICS CARPENTRY	VARIOUS REPAIRS-NOVEMBER'15	676.50
EFT10560	26/11/2015	STAR TRACK EXPRESS	FREIGHT-NOVEMBER'15	138.69
EFT10561	26/11/2015	PORKY'S ENTERPRISES	HIRE OF DOZER-NOVEMBER'15	1608.75
EFT10562	26/11/2015	CR PA GILLET	MEETING FEES & ALLOWANCES 24.11.15	533.18
EFT10563	26/11/2015	BENCUBBIN TRUCK N AUTO'S	VARIOUS GOODS-NOVEMBER'15	1684.00
EFT10564	26/11/2015	VISIMAX SAFETY PRODUCTS	VARIOUS GOODS-NOVEMBER'15	191.50
EFT10565	26/11/2015	HOWARD PORTER	VARIOUS GOODS-NOVEMBER'15	348.61
EFT10566	26/11/2015	IT VISION	TECHNICAL SERVICES-NOVEMBER'15	2200.00
EFT10567	26/11/2015	PAUL KRAFT & ASSOCIATES	SURVEY-ASKEW & HYMAS STS BEACON	3685.00
EFT10568	26/11/2015	TUDOR HOUSE	VARIOUS GOODS-NOVEMBER'15	2361.70
EFT10569	26/11/2015	BENCUBBIN AG SUPPLIES	VARIOUS GOODS-NOVEMBER'15	2402.95
EFT10570	26/11/2015	ADVANCED AUTOLOGIC PTY LTD	VARIOUS GOODS-NOVEMBER'15	344.00
EFT10571	26/11/2015	5RIVERS PLUMBING AND GAS	VARIOUS REPAIRS	1468.22
EFT10572	26/11/2015	JENNI BUNCE - CLEANING	VARIOUS CLEANING BEACON 22.10.15-4.11.15	2747.50
EFT10573	26/11/2015	KUNUNOPPIN MEDICAL PRACTICE	PRE-EMPLOYMENT MEDICAL-T.MCLENNAN	143.00
EFT10574	26/11/2015	KARNI ENGINEERING	VARIOUS REPAIRS-NOVEMBER'15	162.80
EFT10575	26/11/2015	H BREAKELL & CO	GRAVEL	2288.05
EFT10576	26/11/2015	CR WJ BEAGLEY	MEETING FEES & ALLOWANCES 24.11.15	515.18
EFT10577	26/11/2015	PETE'S SHED	KEYS	160.00
EFT10578	26/11/2015	FOLEY ADMIN SERVICES	PLANT & PROPERTY MAINTENANCE VOUCHER	100.00
EFT10579	26/11/2015	SALLY MORGAN	REIMBURSEMENT-VARIOUS GOODS	161.44
EFT10580	26/11/2015	ECOWATER SERVICES	MAINTENANCE BIOMAX SYSTEM-229 MURRAY ST	161.80
EFT10581	26/11/2015	SUE VOLOCZI	VARIOUS ACCOUNTING SUPPORT-NOVEMBER'15	6162.75
EFT10582	26/11/2015	MARKET CREATIONS	BUSINESS CARDS	198.00
EFT10583	26/11/2015	CR ARC SACHSE	MEETING FEES & ALLOWANCES 24.11.15	507.22

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Chq/EFT	Date	Name	Description	Amount
EFT10584	26/11/2015	CR RM KIRBY	MEETING FEES & ALLOWANCES 24.11.15	1700.90
EFT10585	26/11/2015	CR SE FAULKNER	MEETING FEES & ALLOWANCES 24.11.15	752.50
EFT10586	26/11/2015	CR HJ SHEMELD	MEETING FEES & ALLOWANCES 24.11.15	493.18
EFT10587	26/11/2015	CR CT LUMSDEN	MEETING FEES & ALLOWANCES 24.11.15	583.18
18635	10/11/2015	WATER CORPORATION	UTILITY CHARGES 1.9.15-2.11.15	87.89
18636	10/11/2015	SYNERGY	STREETLIGHTS 25.9.15-24.10.15	1812.55
18637	19/11/2015	WATER CORPORATION	UTILITY CHARGES 8.9.15-6.11.15	11194.82
18638	26/11/2015	TELSTRA	UTILITY CHARGES-NOV'15	70.00
18639	27/11/2015	SHIRE OF MT MARSHALL	CHRISTMAS BONUS-CURRENT STAFF 23.11.15	2030.00
				195,960.34

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2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT10456	03/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151102	1543.85
EFT10457	04/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151103	18.80
EFT10458	05/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151104	485.45
EFT10459	06/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151105	198.00
EFT10460	09/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151109	1942.00
EFT10477	12/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151110	2211.60
EFT10513	13/11/2015	NADINE RICHMOND	REIMBURSE-SOCIAL CLUB	57.00
EFT10542	19/11/2015	JILL TICHBORNE & TONY DEL PAUL	REFUND OF BOND	600.00
EFT10544	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151118	557.25
EFT10545	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151124	904.75
EFT10546	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151111	24.70
EFT10547	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151113	618.85
EFT10548	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151120	132.00
EFT10549	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151123	399.25
EFT10592	27/11/2015	DEPARTMENT OF TRANSPORT	20151127	1158.75
EFT10593	30/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151130	307.25
EFT10594	25/11/2015	DEPARTMENT OF TRANSPORT	MMSO20151125	736.00
				11,895.50

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3. Mastercard Summary

Details	Amount
SNACKS & NAPKINS - MEETINGS	28.30
SUBS-AGE FRIENDLY/SAFETY	5.50
LGMA- STATE CONFERENCE – D SELLENGER	1685.00
ACCOMMODATION-LGMA-D.SELLENGER	785.40
MANCHESTER	108.00
MANCHESTER	108.00
QUILT	99.00
FUEL	97.37
TELEPHONE COVER	35.00
SEAT COVER	79.99
	3,031.56

This List of Accounts Paid under Delegation 14 and covering vouchers and direct debits as above was submitted to each Member of the Council for the Ordinary Meeting of **16 December 2015**. All invoices, being the subject of payments made, have been duly certified as to the receipt of goods and services, and prices, computations and costings have been checked against the expenditure authority (i.e. budget, purchase order, delegation).

Dirk Sellenger
Chief Executive Officer

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11.3.35 Annual Report

LOCATION/ADDRESS:	Nil
NAME OF APPLICANT:	Nil
FILE REFERENCE:	F1/2
AUTHOR:	Tanika McLennan – Finance and Administration Manager
DISCLOSURE OF INTEREST:	Nil
DATE:	9 December 2015
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Dirk Sellenger – Chief Executive Officer Sue Veloczi – Consulting Accountant Moore Stephens - Auditors
STATUTORY ENVIRONMENT:	Local Government Act 1995

5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2015/149 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council acknowledge that the Auditors Report for the financial year 2014/15 is not available for the Annual Report to be accepted prior to 31 December 2015.

Moved Cr PA Gillett

Seconded Cr SE Faulkner

Carried 7/0

BACKGROUND:

Council's Audit was conducted from 28th to 30th October 2015, in accordance with the Local Government Act 1995, however the Auditors Report has not yet been received.

COMMENT:

Council is asked to acknowledge that the Auditors Report is not available in time for the Annual Report to be accepted by 31 December 2015, noting that the Annual Report must be accepted within 2 months of the Audit Report becoming available.

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11.4 Chief Executive Officer

11.4.38 2016/2017 Regional Road Group Allocation of Surplus Funds

LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	W1/6
AUTHOR:	Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	8 December 2015
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Mr Rod Munns – Contract Engineer / Technical Assistance. Cr Stuart Faulkner – Regional Road Group Representative. Allan Monson – Works Supervisor
STATUTORY ENVIRONMENT:	Local Government Act 1995
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	The allocation of Surplus Regional Road Group Funding would form part of the 2016/2017 Budget Document.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Absolute Majority

2015/150 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council :

- 1. accept the surplus funding of \$51,520 from the Regional Road Group funding pool; and**
- 2. make an allowance of \$77,280 in the 2016/2017 Budget which includes \$25,760 (1/3) of Council own funding for resealing works associated in the vicinity of 2.20 to 3.70SLK of the Bencubbin-Kellerberrin Road.**

**Moved Cr WJ Beagley
Absolute Majority**

Seconded Cr SE Faulkner

Carried 7/0

BACKGROUND:

At a recent Wheatbelt North East Sub Regional Road Group (WNE SRRG) meeting held in Mukinbudin on 16 November 2015 member Councils were made aware of surplus funding in the 2016/2017 year of \$125,520 that requires allocation.

The CEO discussed this with Cr Stuart Faulkner after the meeting and the CEO suggested that Council should attempt to secure approximately \$50,000 of this funding pool.

The CEO requested this from the Regional Road Group and the funding was allocated as follows in an email received on 7 December 2015:

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Dear CEO's & Works Managers,

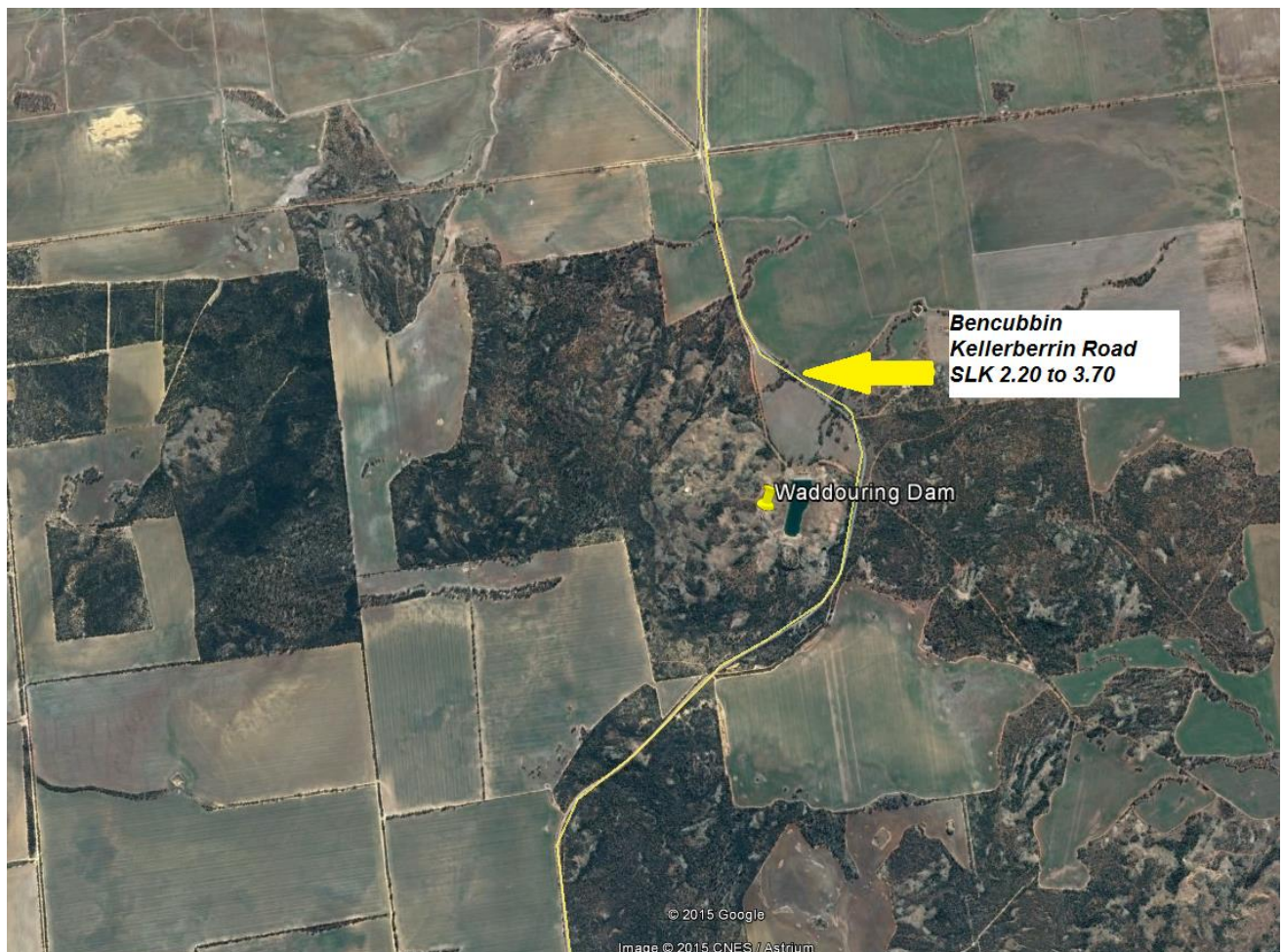
Just letting you know that all of this unallocated funding has now been taken up, as follows:

- 1) Shire of Wyalkatchem - \$44K
- 2) Shire of Koorda - \$30K
- 3) Shire of Mt Marshall - \$51.52K

Thanks & Regards

Rod Munns
Secretary – WNE SRRG

The Works Supervisor has identified a section of road on the Bencubbin-Kellerberrin Road which is in need of significant repairs and Rod Munns has indicated this section of road would be appropriate and supported as a use for this additional RRG Funding.



COMMENT:

For Council to accept the RRG funding of \$51,520, Council will need to allocate 1/3 of the Shire's own funding towards this project which equates to \$25,760 and a total project budget of \$77,280.

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The section of road identified is known to the Works Supervisor and the CEO as a section which will require attention in the very near future as photos suggest.



Above: Stripping is evident in the area.

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Above: Stripping in need of reseal.

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11.4.39 Bencubbin Recreation Complex Redevelopment

LOCATION/ADDRESS:	Mt Marshall District	
NAME OF APPLICANT:	N/A	
FILE REFERENCE:	A6/18a	
AUTHOR:	Dirk Sellenger –	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil	
DATE:	11 December 2015	
ATTACHMENT NUMBER:	Nil	
CONSULTATION:	Cr Rachel Kirby –	Shire President
	Cr Stuart Faulkner –	Deputy Shire President
	Cr Helen Shemeld	
	Cr Tony Sachse	
	Cr Paul Gillett	
	Cr John Beagley	
	Cr Callum Lumsden	
	Ms Tanika McLennan –	Finance and Admin Manager
	Miss Sally Morgan –	Community Development Officer
	Bencubbin Community Recreation Council Committee (BRBC)	
	Ms Teresa Curtin –	National Stronger Regions Funding
	WALGA – Procurement Division	
STATUTORY ENVIRONMENT:	Local Government Act 1995	

Division 2 — Annual budget

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government; and
 - (b) the revenue and income, independent of general rates, of the local government; and

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- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Council has already adopted its 2015/2016 Budget in accordance with Section 6.2 of the Local Government Act 1995. Any decision of Council to alter the scale of the project will have direct and significant financial implications.

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENT: Absolute Majority

OFFICER RECOMMENDATION:

That:

1. the scale of the Bencubbin Complex Redevelopment project be reduced from the original 2015/2016 Budget amount of \$2,797,000 to \$2,600,000 and that National Stronger Regions be advised of this change accordingly;
2. Council fund \$550,000 (five hundred and fifty thousand dollars) of the borrowings towards the redevelopment of the project with a Specified Area Rate based on the Localities of Welbungin, Bencubbin and Gabbin with this portion of the loan being payable over 20 years;
3. Council enter into an agreement with the Bencubbin Community Recreation Council for repayments of \$150,000 (one hundred and fifty thousand dollars) of loan proceeds towards the Bencubbin redevelopment project as a self-supporting loan payable over 20 years;
4. the Bencubbin Community Recreation Council contributes a further \$100,000 (one hundred thousand) in cash to the project;

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5. the Shire of Mt Marshall contribute reserve funds totalling \$250,000 (two hundred and fifty thousand) towards the Bencubbin complex redevelopment project as follows:

Reserve Funds – Public Amenities	\$	243,000
Reserve Funds – Bencubbin Rec Complex	\$	7,000
6. Council continues to commit \$100,000 (one hundred thousand dollars) from the 2015/2016 Budget as per the original Budget document.
7. Council borrow the remaining project balance of \$317,000 (three hundred and seventeen dollars) to be paid over a period of 20 years.
8. an in kind commitment of \$100,000 (one hundred thousand dollars) be endorsed for Shire staff to manage the project.
9. an in kind commitment of \$100,000 (one hundred thousand dollars) be endorsed for Bencubbin Recreation Council to carry out allowable works.

10. A summary of the new project Budget follows:

Loan Proceeds – Specified Area Rate	\$	550,000
Loan Proceeds – Bencubbin Recreation Council	\$	150,000
Cash – Bencubbin Recreation Council	\$	100,000
Loan Proceeds – All of Shire of Mt Marshall	\$	317,600
Council Reserve Funds	\$	250,000
2015/2016 Budget Allocation	\$	100,000
In Kind – Project Management	\$	100,000
In Kind – Bencubbin Recreation Council	\$	100,000
National Stronger Regions Grant Funding	\$	<u>932,400</u>
Total Budget	\$	2,600,000

Moved Cr

Seconded Cr

Carried

2015/151 COUNCIL DECISION:

That:

1. **the scale of the Bencubbin Complex Redevelopment project be reduced from the original 2015/2016 Budget amount of \$2,797,000 to \$2,600,000 and that National Stronger Regions be advised of this change accordingly;**
2. **Council fund \$550,000 (five hundred and fifty thousand dollars) of the borrowings towards the redevelopment of the project with a specified area rate with this portion of the loan being payable over a maximum of 25 years;**
3. **Council enter into an agreement with the Bencubbin Community Recreation Council for repayments of \$150,000 (one hundred and fifty thousand dollars) of loan proceeds towards the Bencubbin redevelopment project as a self-supporting loan payable over a maximum of 25 years;**

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4. the Bencubbin Community Recreation Council contributes a further \$100,000 (one hundred thousand) in cash to the project;
5. the Shire of Mt Marshall contribute reserve funds totalling \$250,000 (two hundred and fifty thousand) towards the Bencubbin complex redevelopment project as follows:

Reserve Funds – Public Amenities	\$ 243,000
Reserve Funds – Bencubbin Rec Complex	\$ 7,000;
6. Council continues to commit \$100,000 (one hundred thousand dollars) from the 2015/2016 Budget as per the original Budget document;
7. Council borrow the remaining project balance of \$317,000 (three hundred and seventeen dollars) to be paid over a period of 20 years;
8. an in kind commitment of \$100,000 (one hundred thousand dollars) be endorsed for Shire staff to manage the project;
9. an in kind commitment of \$100,000 (one hundred thousand dollars) be endorsed for Bencubbin Recreation Council to carry out allowable works; and
10. A summary of the new project Budget follows:

Loan Proceeds – Specified Area Rate	\$550,000
Loan Proceeds – Bencubbin Recreation Council	\$150,000
Cash – Bencubbin Recreation Council	\$100,000
Loan Proceeds – All of Shire of Mt Marshall	\$317,600
Council Reserve Funds	\$250,000
2015/2016 Budget Allocation	\$100,000
In Kind – Project Management	\$100,000
In Kind – Bencubbin Recreation Council	\$100,000
National Stronger Regions Grant Funding	<u>\$932,400</u>
Total Budget	<u>\$2,600,000</u>

Moved Cr ARC Sachse

Seconded Cr PA Gillett

Carried 6/1

Absolute Majority

Opposed: Cr HJ Shemeld

Reason Council decision different from officer recommendation:

Council believes a loan over a twenty five year period may be more suitable and this option should be at least considered prior to committing to the loan from treasury.

The specified area location requires further consideration and modelling. This will be considered at the February 2016 Council meeting.

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2015/152 COUNCIL DECISION:

That Council contact NSRF and request that the full grant of \$990,000 be made available for the project. This would result in an overall budget of \$2,657,600 if this request was granted.

Moved Cr ARC Sachse
Opposed: Cr HJ Shemeld

Seconded Cr WJ Beagley

Carried 6/1

2015/153 COUNCIL DECISION:

That:

1. If the cost of the completed project is less than the cost estimate in the NSRF Funding Agreement, the cost savings will be returned to each stakeholder (all of Shire of Mt Marshall; Specified Area Rate; BCRC and NSRF) on a pro rata basis for each of the stakeholders who request funds to be returned; and
2. The 10% contingency plan for over runs, required by NSRF, will be contributed by three stake holders, being all of Shire of Mt Marshall, Specified Area Rate and Bencubbin Community Recreation Council on a pro rata basis relative to the total non-grant funds of \$1,667,600 on the cost estimate.

Moved Cr SE Faulkner
Opposed: Cr HJ Shemeld

Seconded Cr CT Lumsden

Carried 6/1

2015/154 COUNCIL DECISION:

That a Council committee be formed to help with project management of the Bencubbin Recreation Complex Redevelopment including members of Council, Bencubbin Community Recreation Council members and Shire staff with appointments to be made at the Ordinary Meeting of Council in February 2016.

Moved Cr SE Faulkner
Opposed: Cr HJ Shemeld

Seconded: Cr ARC Sachse

Carried 6/1

BACKGROUND:

Much discussion has taken place during the 2015/2016 year with regards to the Redevelopment of the Bencubbin Complex. Council has been presented with a Petition and held a Special Meeting of Electors in accordance with the Local Government Act 1995. Council considered the matter at the September Ordinary Meeting of Council and resolved as follows:

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2015/121 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

1. the scale of the Bencubbin Complex Redevelopment project be staged to limit expenditure of Stage 1. to a maximum of \$1,990,000 including the \$990,000 NSRF funding (down from the previous amount of \$2,797,000). That the NSRF funding body be advised of the Shire's desire to reduce the scale of the project and the 2015/2016 Budget be amended as follows:

As Per 2015/2016 Adopted Budget

Bencubbin Rec Council Self Supporting Loan	\$ 300,000
Shire Loan	\$ 1,000,000
NSRF Grant / Donation	\$ 990,000
Reserve Funds	\$ 407,000
2015/16 Budget Allocation	<u>\$ 100,000</u>

Total Project Budget	<u>\$ 2,797,000</u>
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Proposed Amended Project Budget

Bencubbin Rec Council Self Supporting Loan	\$ 250,000
Shire Loan	\$ 400,000
NSRF Grant / Donation	\$ 990,000
Reserve Funds – Public Amenities	\$ 243,000
Reserve Funds – Bencubbin Rec Complex	\$ 7,000
2015/16 Budget Allocation	<u>\$ 100,000</u>

Total Project Budget	<u>\$ 1,990,000</u>
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2. the Bencubbin Recreation Complex Redevelopment project budget be amended to reduce the draw on reserves from the Public Amenities Reserve of \$407,000 (as per 2015/16 Budget) to \$250,000 and the Budget be amended accordingly, as per the proposed budget amendment.
3. the CEO prepare a detailed breakup of the proposed reduced Budget, including rate comparison with neighbouring Shires, total interest payable on the loan, and advertise the updated financial implications accordingly by way of conventional means (Newsletters, Social Media, and 1098 Radio).
4. the Shire continue to provide thorough and effective communication via Social Media (Facebook and Twitter), Shire Webpage, Newsletters in The Beacon Bulletin and The Gimlet along with staff continuing to provide fortnightly updates on 1098 Radiowest.
5. Shire staff make every possible effort to procure grants and external financial assistance towards projects included within the Sporting and Recreation Master Plan.

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6. the Bencubbin Recreation Complex Redevelopment proceed with the reduction in the 2015/2016 Budget accordingly:

Proposed Amended Project Budget

Bencubbin Rec Council Self Supporting Loan	\$	250,000
Shire Loan	\$	400,000
NSRF Grant / Donation	\$	990,000
Reserve Funds – Public Amenities	\$	243,000
Reserve Funds – Bencubbin Rec Complex	\$	7,000
2015/16 Budget Allocation		\$100,000

Total Project Budget	\$	<u>1,990,000</u>
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Moved Cr RN Breakell

Seconded IC Sanders

**Carried 4/0
Absolute Majority**

The CEO advised National Stronger Regions of the intention to scale back the project at which time they advised of the need to reduce the funding on a pro rata basis as follows:

Good Morning Dirk

Thank you very much for your email dated 30 September 2015 providing the Department with information on the outcomes of the Special Electors Meeting and the Council's decision for a proposed scale back for Development of the Bencubbin Multipurpose Complex project.

We understand the difficult situation that the Council faces. However, should the Council decide to scale down the scope of work and project cost as originally stated in the application the Australian Government contribution under the NSRF funding would be reduced accordingly on a prorata basis.

We look forward to receiving your formal advice as to how Council is proceeding with the project.

Regards

Teresa Curtin

Community Programmes

In October 2015, Local Government Ordinary Elections took place resulting in the election of 5 (five) new Elected Members. To allow the new Councillors to familiarise themselves with the project before voting and eventual execution of the Deed of Agreement, a time extension was requested by the Shire.

Teresa Curtin provided the following response on 27 November 2015 including details of how the pro-rata process would affect the project.

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Good Morning Dirk

We would like to advise that Mr Robbie Bolton, Programme Manager, National Stronger Regions Fund Programme, has approved your request to extend the execution of the Deed of Agreement until the end of January 2016.

The proposed variation indicated cost savings of \$770,000 which reduces the total project cost of \$2,760,000 to \$1,990,000. As the result of the reduction in scope and cost, the cost savings will be shared between the Commonwealth and the Shire of Mt Marshall on a pro-rata basis.

The pro-rata share of proposed savings is calculated against the original partner funding contributions submitted in your grant application. Details are as follows:

Funding Partners	Original Contributions	Pro-rata %	Pro-rata Share of Proposed Savings	Proposed Reduced Contributions
Australian Government	\$990,000	35.87%	\$276,195.65	\$713,804.35
Bencubbin Community Recreation Council	\$15,000	0.54%	\$4,184.78	\$10,815.22
Shire of Mt Marshall	\$1,755,000	63.59%	\$489,619.57	\$1,265,380.43
Original Total Project Cost	\$2,760,000			
Revised Total Project Cost	\$1,990,000			\$1,990,000.00
Cost Savings	770,000			

To enable the Department to make a recommendation to seek Government's approval of the proposed variation, detailed information on the proposed changes in project scope and total cost estimates are required by 22 December 2015 prior to negotiations of the Deed of Agreement.

Please do not hesitate to contact me if you have any queries or concerns.

Regards

Teresa Curtin
Community Programmes

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COMMENT:

As National Stronger Regions were unable to commit to the full funding the motion, as passed at the September Council meeting, is not a reality with funding reduced by approximately \$276,195.00 should Council resolve to proceed with the September motion.

Several discussions have taken place between Council and the Bencubbin Community Recreation Council (BCRC) in the past few weeks and considerable developments have been made as a result of these meetings. An informal agreement was met at a discussion between the Council and the BCRC and is the subject of this agenda item. This agreement reduces the overall total of the project and therefore will mean a reduction in funding from National Stronger Regions of \$57,600.

Once the funding agreement is signed the CEO will arrange to call tenders for the redevelopment works early in the 2016 year accordingly.

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11.5 Executive Assistant

11.5.11 Shire of Mt Marshall Freedom of Information Statement

LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/14
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Nil
DATE:	1 December 2015
ATTACHMENT NUMBER:	11.5.11a Current Shire of Mt Marshall Freedom of Information Statement 11.5.11b Proposed Shire of Mt Marshall Freedom of Information Statement
CONSULTATION:	Dirk Sellenger – Chief Executive Officer
STATUTORY ENVIRONMENT:	Freedom of Information Act 1992 s94 – 97 Local Government Act 1995 s5.94 – 5.97
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2015/155 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Shire of Mt Marshall Freedom of Information Statement 2015 as attached (11.5.11b) be received.

Moved Cr SE Faulkner

Seconded Cr PA Gillett

Carried 7/0

BACKGROUND:

Under the Freedom of Information Act 1992 the Shire of Mt Marshall is required to cause an up to date information statement to be published at intervals of no more than 12 months.

The statement must contain certain information including, amongst other things:

- a) The structure and functions of the agency;
- b) A description of the ways in which the functions of the agency affect members of the public;
- c) A description of the arrangements enabling the public to participate in the formulation of shire policies;
- d) The types of documents held by the agency;
- e) A description of the ways in which members of the public can access documents / information; and
- f) A description of the procedures for amending personal information.

The Shire is required to submit a statistical return annually, reporting any access applications and allowing the Office of the Information Commissioner to be appraised of

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where the Shire stands in relation to its obligations under sections 94 through to 97 of the Freedom of Information Act 1992.

Certain information contained in the attached information statement has become out of date since its last review in July 2014 due to the 2015 Local Government Ordinary Election. Changes in staffing have the organisation structure flowchart no longer being current along with other minor updates as detailed in attachment 11.5.11b.

A brief statement is published annually forming part of the Shire's Annual Report. The statement provided in the Annual Report refers to the Shire's full Freedom of Information Statement being available for viewing on our website or by request at the Shire office.

COMMENT:

Certain information contained in the current information statement (attachment 11.5.11a) has become out of date since its last review in July 2014 due to the 2015 Local Government Ordinary Election. Changes in staffing have the organisation structure flowchart no longer being current along with other minor updates as detailed below:

- Update the current Councillors;
- Update of the Organisation Structure to reflect new staff members and roles;
- Amend the regular meeting day to the *fourth Tuesday* of every month;
- Update the current Council committees and working groups;
- Update the charge per hour of staff time dealing with FOI requests to reflect the 2015/2016 Fees and Charges Schedule; and
- More general emphasis and encouragement to use the website and social media to access documents and information.

The Shire's Freedom of Information (FOI) Statement was not reviewed within the recommended 12 month time frame, which would have the review falling due in July again. The author has chosen to review the FOI statement annually in the November – December period due to the Local Government Ordinary Elections falling in October biennially. This will ensure the most up to date Council information is included in the FOI Statement.

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11.5.12 Appointments to Off-Road Racing Working Group
--

LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A1/3
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Nil
DATE:	3 December 2015
ATTACHMENT NUMBER:	11.5.12a – Nomination, Leeanne & Terry Gobbart 11.5.12b – Nomination, Ian Sanders 11.5.12c – Nomination, Jack Walker 11.5.12d – Nomination, Tracy Tranter
CONSULTATION:	Sally Morgan – Community Development Officer
STATUTORY ENVIRONMENT:	Local Government Act 1995

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).* Absolute majority required.
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local

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- government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

POLICY IMPLICATIONS: Nil
FINANCIAL IMPLICATIONS: Nil
STRATEGIC IMPLICATIONS: Nil
VOTING REQUIREMENT: Absolute Majority

2015/156 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Mrs Leeanne Gobbart, Mr Terry Gobbart, Mr Jack Walker, Mrs Tracy Tranter and Mr Ian Sanders be appointed as community representatives on the Off-Road Racing Working Group.

Moved Cr WJ Beagley
Absolute Majority

Seconded Cr PA Gillett

Carried 7/0

BACKGROUND:

Following the Local Government Elections in October, Council were required to consider appointments to their various committees and working groups, which it did at their meeting held on 4 November 2015. At this time, Council resolved that where community positions existed to a) Approach current members inviting them to continue their membership; and b) Advertise seeking expressions of interest where any vacancies occurred.

The functions of the Off Road Racing Working Group are:

- Liaising with the Western Australia Off Road Racing Association (WAORRA);
- Booking and hire of venues and equipment;
- Liaising with stakeholders, WAORRA and land owners to determine a track;
- Negotiating use of land terms and conditions with land owners;
- Obtaining quotes for track clean up and informing the shire of these prices;
- Organising catering;
- Organising a licensed bar (including obtaining all permits required);
- Contacting the shire requesting road closures;
- Organising the setting up and packing up required for the event;
- Liaising with stakeholders and holding meetings when required.

Meetings are held as required.

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Council representation was removed from this working group at the November meeting.

COMMENT:

Correspondence was sent to each of the previous working group members inviting them to renominate. Due to the removal of Council representation the number of members of this group has decreased. An invitation was sent out to Mr Ian Sanders who had previously been a member of the group as a Councillor, to nominate for the group as a community member.

Written nominations were received from each community member that was sent an invitation (attachments 11.5.12a-d). The nominations received will fill all vacancies eliminating the need to advertise for further nominations.

Council are required to make appointments to committees by absolute majority.

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11.5.13 Appointments to Mt Marshall History Working Group
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LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A1/3
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Nil
DATE:	3 December 2015
ATTACHMENT NUMBER:	11.5.13a – Nomination, Berwyn & Jennie Walker 11.5.13b – Nomination, Ron Collins 11.5.13c – Nomination, Donna Cooper 11.5.13d – Nomination, Len Cargeeg 11.5.13e – Correspondence received from Kaye Gracie
CONSULTATION:	Sally Morgan – Community Development Officer
STATUTORY ENVIRONMENT:	Local Government Act 1995

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).* Absolute majority required.
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a

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- member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

POLICY IMPLICATIONS: Nil
FINANCIAL IMPLICATIONS: Nil
STRATEGIC IMPLICATIONS: Nil
VOTING REQUIREMENT: Absolute Majority

2015/157 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Mr Berwyn and Mrs Jennie Walker, Mrs Donna Cooper, Mr Ron Collins and Mr Len Cargeeg be appointed as community representatives on the Mt Marshall History Working Group.

Moved Cr SE Faulkner
Absolute Majority

Seconded Cr PA Gillett

Carried 7/0

BACKGROUND:

Following the Local Government Elections in October, Council were required to consider appointments to their various committees and working groups, which it did at their meeting held 4 November 2015. At this time, Council resolved that where community positions existed to a) Approach current members inviting them to continue their membership; and b) Advertise seeking expressions of interest where any vacancies occurred.

The functions of the Mt Marshall History Working Group is:

- To record, store and maintain recollections and personal observations of memories, places and events in the history of the Shire of Mt Marshall, before it is lost forever.

Meetings are held every second month, or as deemed necessary.

COMMENT:

Written nominations were received from Berwyn and Jennie Walker, Ron Collins, Donna Cooper and Len Cargeeg (attachments 11.7.4a-e).

Correspondence was received from Mrs Kaye Gracie advising she did not wish to renominate.

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A community position remain unfilled. An advertisement will therefore be placed in both local newspapers seeking nominations in February 2016 to fill the vacancy, or as this is a less formal working group Council might choose to leave any further calls for representation.

Council representation was removed from this working group at the November 4 meeting.

Council are required to make appointments to committees by absolute majority.

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The Presiding Member changed the order of business to consider item 14.1.1 at this stage of the meeting.

2015/158 COUNCIL DECISION:

That the late item 14.1.1 be considered as presented.

Moved Cr PA Gillett

Seconded Cr ARC Sachse

Carried 7/0

14.0 New Business of an Urgent Nature Introduced by Decision of the Meeting

14.1.1 Hymas Street, Beacon – Name Spelling

LOCATION/ADDRESS:	Hymas Street, Beacon Town site
NAME OF APPLICANT:	N/A
FILE REFERENCE:	W1/32
AUTHOR:	Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	13 December 2015
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Local Government Act 1995
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	No costs are associated with the changing of a name other than administrative time which is expected to be minimal in this instance.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2015/159 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council make a formal request to the Geographical Names Committee requesting that Hymas Street within the Beacon Town site be changed to Hymus Street as it is strongly believed this was the intention based on the Pioneering Hymus family who farmed within the Shire of Mt Marshall in the early 1900's, and this request for a change is considered a minor spelling correction.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 7/0

BACKGROUND:

Council Works Staff recently commenced the construction of two unmade roads within the Beacon Town site in accordance with the 2015/2016 Budget. When advertising these works it became apparent that a potential spelling mistake exists with regards to Hymas Street and the following email was received from a local shire resident.

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From: MarianKirby [<mailto:bearznmouse@reachnet.com.au>]

Sent: Wednesday, 25 November 2015 10:28 AM

To: Nadine Richmond <ea@mtmarshall.wa.gov.au>

Cc: Rachel Kirby <crkirby@mtmarshall.wa.gov.au>

Subject: Attn.C.E.O. Re Street name in Beacon

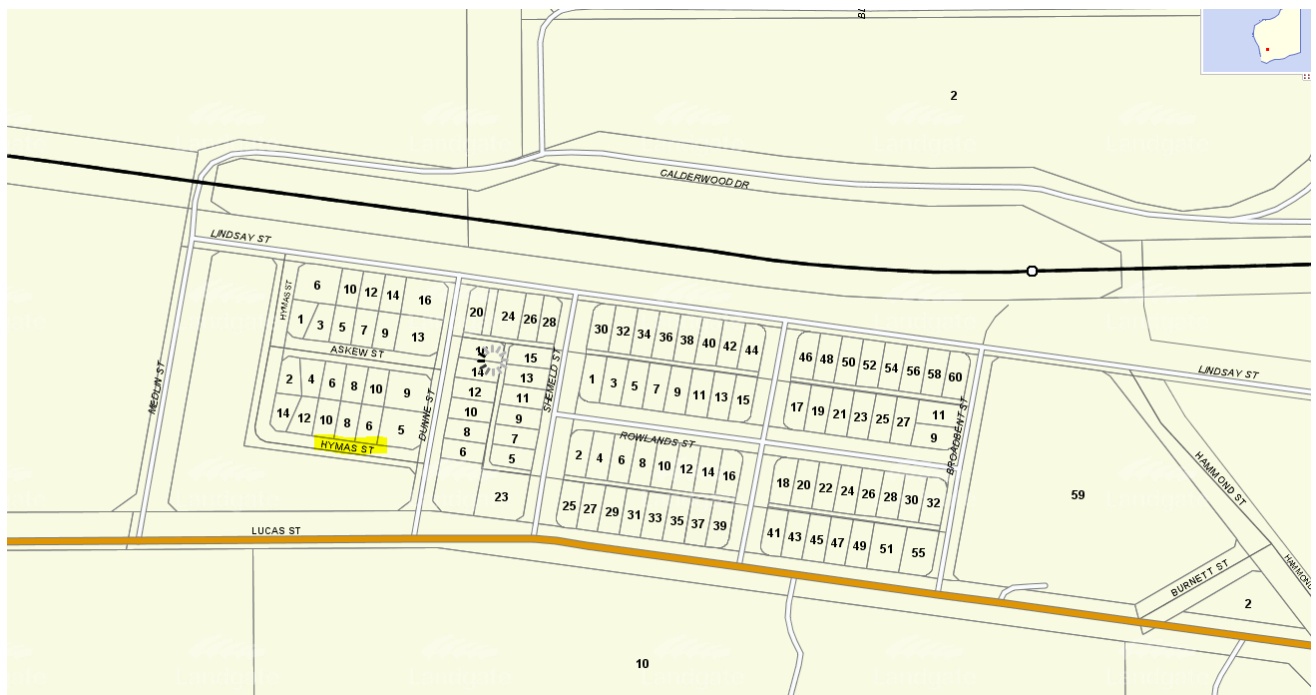
C.E.O. Mt Marshall Shire

Dirk Sellenger

Dear Dirk,

As a follow up to my comment regarding the naming of the newly developed street in Beacon town site I would like to request that the Council formally apply to the Landgate Geographical Names to have the spelling corrected to the true form "HYMUS", as confirmed by Len Cargeeg's historic information.

Please present this to Council on my behalf. Yours sincerely Marian Kirby



An extract from the Shire of Mt Marshall Facebook page follows:

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Marian Kirby Please check with the History Group but I think that "Hymus" street was named after early settlers of this name and the spelling on this map needs correcting. Thanks.

Like · Reply · November 24 at 8:54am



Shire of Mt Marshall Hello Marian,
Below is an extract from the Landgate Webpage which shows the road listed as Hymas. If this is not the intention due to historical family names or any other reason then this is something that will need to be considered by Council. If they agree to change the Road name to Hymus an application would need to be made to Geographical Names to have this spelling / road name changed.



Like · Reply · November 24 at 12:22pm



Marian Kirby Thankyou. I would like to see this matter followed up on if possible.

Like · Reply · November 24 at 12:37pm



Shire of Mt Marshall Our local Historian, Mr Len Cargeeg has been asked to provide information regarding the Hymus and Hymas names and provided information as follows:

"Good evening Dirk

Broomhall's Mt Marshall book included three Hymus names in the Biographical Index:

1. Hymus. G.M. Had a farm in North Welbungin.
2. Hymus H.K. (Bluey) had a shop in Beacon and also farmed his father's farm.
3. Hymus S.C. Father of Bluey.

Mt Marshall Road Board Rate Book 1932:

Assessment Number 288 Hymus George M Welbungin Cancelled
Govt Gazette 30.10.31 Loc 588 837 acres, Loc 3458, 160 acres.

Assessment Number 507 Hymus, Sydney Charles, N. Bencubbin Loc
2719, 1240 acres, Loc 2748, 160 acres, Loc 2821, 1618 acres

AIF Website:

4825 Private George Moore Hymus 51st Australian Infantry Battalion
AIF

724 Private Sydney Charles Hymus, 44th Australian Infantry Battalion.

So it would appear that Hymus is the true spelling.

Kind regards
Len Cargeeg"

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COMMENT:

With the information available it would appear that Hymas Street in Beacon should be spelt **Hymus** based on the Historical information provided by Local Historian, Mr Len Cargeeg.

It should be noted Mr Cargeeg is unable to find any historical reference within the Shire of Mt Marshall to the Hymas family.

Should Council wish to change this name, an application requesting the change needs to be made to the Geographical Names Committee. In this instance it seems as though the name has simply been spelt incorrectly from that intended and for this reason the CEO does not believe Geographical Names Committee will provide any objection to the requested amendment.

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13.0 Elected Members Motions of Which Previous Notice Has Been Given

Nil

15.0 Next Meeting – Tuesday 9 February 2016 commencing at 3:00pm in Council Chambers, 80 Monger St, Bencubbin
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2015/160 COUNCIL DECISION:

That the meeting adjourn for a short recess at 3.58pm.

Moved Cr PA Gillett	Seconded Cr WJ Beagley	Carried 7/0
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2015/161 COUNCIL DECISION:

That the meeting resume at 4.04pm.

Moved Cr PA Gillett	Seconded Cr SE Faulkner	Carried 7/0
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Those in attendance when the meeting resumed:

Cr Rachel Kirby	Presiding Member
Cr Stuart Faulkner	Deputy President
Cr Callum Lumsden	Councillor
Cr Anthony Sachse	Councillor
Cr Helen Shemeld	Councillor
Cr Paul Gillett	Councillor
Cr John Beagley	Councillor
Mr Dirk Sellenger	Chief Executive Officer
Ms Tanika McLennan	Finance and Administration Manager

12.0 Matters for which Members of the Public to be Excluded
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Cr Paul Gillett left the meeting at 4:05pm due to a financial interest in agenda item 12.1.1, taking no part in discussion or voting on this item.

Cr Anthony Sachse left the meeting at 4:06pm due to an impartiality interest in agenda item 12.1.1, taking no part in discussion or voting on this item.

2015/162 COUNCIL DECISION:

That in accordance with the Local Government Act 1995 Section 5.23(2)(b) and (c), Council resolve to exclude members of the public to discuss agenda item 12.1.1 as it is considered matters affecting the personal affairs of any person/s and a lease which may be entered into.

Moved Cr SE Faulkner	Seconded Cr WJ Beagley	Carried 5/0
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2015/163 COUNCIL DECISION:

That Council endorse:

- 1. awarding the lease of the Shire owned Industrial Shed at Lot 39 Monger Street, Bencubbin to Mr Michael Lanoue to allow for the establishment of a new business to include welding / fabrication and any other works, provided they are not deemed an offensive trade in accordance with the Shire of Mt Marshall Health Local Law 2014; and**
- 2. the Shire entering into a tenancy agreement with Michael Lanoue to lease the Industrial Shed for a period of up to two years (24 months) at a rate of \$120 (one hundred and twenty dollars) per week and that this amount remain unchanged throughout the initial 24 month lease period.**

Moved Cr WJ Beagley

Seconded Cr CT Lumsden

Carried 5/0

Cr PA Gillett and Cr ARC Sachse returned to the meeting at 4.18 pm.

16.0 Closure of Meeting

The Presiding Member declared the meeting closed at 4.18 pm

These Minutes were confirmed by the Council at its Ordinary Meeting held on

Date

Cr RM Kirby

President