



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 14 February 2017, in Council Chambers, 80 Monger Street, Bencubbin commencing at 4:00pm.

Cr RM Kirby

President

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intentionally*

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John Nuttall
Chief Executive Officer

Chairman Initial

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1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 4:00 pm and welcomed the members of the public present in the gallery.

2.0 Record of Attendance / Apologies / Approved Leave of Absence

In Attendance

Cr RM Kirby	President / Presiding Member	
Cr SE Faulkner	Deputy President	4.00 – 5.45, 5.48 – 5.57pm
Cr NR Gillett	Councillor	
Cr ARC Sachse	Councillor	
Cr WJ Beagley	Councillor	
Mr John Nuttall	Chief Executive Officer	
Ms Nadine Richmond	Executive Assistant	
Ms Tanika McLennan	Finance and Administration Manager	
Mrs Tanya Gibson	Member of the public	4.00 – 5.48pm
Mrs Jenni Bunce	Member of the public	4.00 – 5.48pm
Mr Desmond Miguel	Member of the public	
Mrs Vicki Miguel	Member of the public	
Mr Andrew Johnson	Works Supervisor	4.13 – 4.18pm

Apologies

Cr HJ Shemeld	Councillor
Cr CT Lumsden	Councillor

3.0 Standing Orders

2017/001 COUNCIL DECISION:

That Standing Order number 9.2 - Limitation of Number of Speeches be suspended for the duration of the meeting to allow for greater debate on items in the agenda.

Moved Cr SE Faulkner Seconded Cr WJ Beagley Carried 5/0

4.0 Public Questions

4.1 Response to Public Questions Taken on Notice

4.1.1 Summary of question from Mr Noel Miguel – President of the Beacon Progress Association:

Is the Council prepared to reconsider the reallocation of planned CEACA housing from Bencubbin to Beacon, given existing demand?

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Summary of response to Mr Noel Miguel – President of the Beacon Progress Association provided in writing dated 25 January 2017:

In response to your question it appears that the demand for housing was based on 2011 Census data which recorded 39 people and 78 people aged 55 years and over for the aggregated census collection districts of Beacon and Bencubbin respectively. Accordingly, the housing allocation between the two communities has been made on the relative aged person population proportions i.e. 1:2.

The actual demand for aged housing in both communities appears to be highly volatile and is not to be unexpected for the relatively small population of 470 for the Shire of Mt Marshall. In 2012 all four aged persons units in Bencubbin were occupied and there was a waiting list. At the same time, Beacon had two aged persons units and one of those was vacant.

As you may be aware, there is currently higher actual demand for aged persons in Beacon than there is in Bencubbin. However given the volatility in demand from time to time, it appears prudent to allocate aged persons based on relative numbers of aged persons rather than current demand which is considered to be volatile.

On that basis it is unlikely that Council will reconsider the reallocation of planned CEACA housing from Bencubbin to Beacon.

4.2	Public Question Time
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Public Question Time opened at 4.02pm.

4.2.1 Question from Mrs Tanya Gibson:

Bencubbin Rec Complex Reserve, Is the Mt Marshall shire going to make the final budget and over run costs transparent to the public holding steadfast to the motion between Mt Marshall Shire and Bencubbin Community Recreation Complex Memorandum of understanding (MOU) and financial obligations 2016?

Response from the Presiding Member:

Yes, as with all Council expenditure and budgeting the figures will be reported through the monthly 'statement of financial activity' and the annual audited accounts.

4.2.2 Question from Mrs Tanya Gibson:

Is there a safe guard and contingency plan in place for ratepayers/residents for financial security with the Bencubbin Recreation Complex overruns financially outside the SAR boundary?

Response from the Presiding Member:

As with every project undertaken within Local Government a budget is set and must be adhered to. Any deviation away from the budget (especially any potential overspend) has to be agreed in advance by Council. As any such budget amendment would be presented to a public Council meeting, this safeguard can be overseen by the public.

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4.2.3 Question from Mrs Tanya Gibson:

Is the Beacon Community able to have a Mt Marshall Shire Community Bus situated in Beacon all year round?

Response from the Presiding Member:

A review into the usage of the current community bus, and the potential effect upon local bus companies will have to be undertaken prior to any budget item being considered for this request. This will be undertaken prior to the next budget.

4.2.4 Question from Mrs Tanya Gibson:

When was the last whole shire employees training in custom service, training in code of conduct, and training in community interaction?

Response from the Presiding Member:

Employee training records have not been reviewed in time to answer this question, but the new CEO as part of his role will be reviewing the training records of all staff. He will be responsible for determining what training if any is required.

4.2.5 Question from Mrs Tanya Gibson:

Is the shire concerned with people living in black spot network coverage reception, do not receive Fire or Harvest Ban, Vehicle movement ban, severe weather warnings notifications?

Who is liable is a fire ban is imposed and no communication is available?

Is this a safety issue the shire is unaware of?

Response from the Presiding Member:

The Councillors are concerned about all of the residents. Council have worked closely with Telstra with the outcome that a new 60m tower is to be installed in Beacon by the end of this financial year. This will provide much better coverage for many residents in and around Beacon.

It is vital to note that the responsibility of being aware of fire bans lies with the individual. Whilst the Shire will make efforts to disseminate that information as best as it can, it is not responsible if an individual does not receive that notice for whatever reason.

Public Question time closed at 4.06pm

5.0	Applications for Leave Of Absence
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Nil

6.0	Declarations of Interest
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CEO, John Nuttall declared a financial interest in item 14.1 being that he is the party (CEO) to whom this item relates. The item includes leave arrangements which give rise to a financial interest.

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Cr SE Faulkner declared a financial interest in item 12.7.1 being that he has entered into an agreement with Q-Stone Pty Ltd worth \$30,000 annually.

7.0	Confirmation of Minutes of Previous Meetings
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7.1	Minutes of the Ordinary Meeting held on Tuesday 20 December 2016
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2017/002 OFFICER RECOMMENDATION / COUNCIL DECISION:
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That the Minutes of the Ordinary Meeting of Council held on Tuesday 20 December 2016 be confirmed as a true and correct record of proceedings.

Moved Cr ARC Sasche

Seconded Cr SE Faulkner

Carried 5/0

8.0	Announcements by Presiding Person Without Discussion
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I would like to officially welcome John Nuttall to the Shire and congratulate him on his appointment as CEO. John rapidly made his mark in Local Government as Executive Manager of Corporate Services at the Shire of Carnarvon and was highly respected by his colleagues. From what I have seen so far, I am confident that John will make a smooth transition into his role at the Shire of Mt Marshall, building on the strengths of the existing team and identifying areas for improvement. I am looking forward to working with John into the future.

On behalf of the Shire I would like to extend condolences to the family and friends of Peter Hargrave who passed away in January. Peter moved to the district in the early 70's, share farming near Mollerin. In 1976 he moved onto a land allocation north east of Beacon and began clearing and farming the block. Droughts in 1976/77 made it tough going so he also operated the Hannaford Seed Grader. Peter loved the bush and was very knowledgeable about the land. In his younger years, he was involved with the Mukinbudin gun club and then later the Beacon gun club but for the most part he kept to himself. He was fiercely independent and truly was "living on the edge", enjoying a quiet retirement on his property tucked up against the emu proof fence.

Lastly, I would like to make mention of the large amount of rain that has been received across our state recently resulting in loss of lives and major damage to road infrastructure through flooding.

9.0	President's Report
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Purpose:

This report is prepared by the President to provide Council and the community of Mt Marshall with information about activities undertaken.

Comment:

The President represented the Shire at the following meetings and training opportunities from December 21st to February 14th:

7th February - NEWROC Telecommunications Meeting, Merredin with CEO John Nuttall

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10.0	Petitions / Deputations / Presentations / Submissions
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Nil

11.0	Reports of Committees
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Nil

12.0	Reports of Officers
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12.1	Environmental Health Officer / Building Surveyor
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12.1.1	Public Health Act 2016 Delegations
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LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/23
AUTHOR:	Llew Withers - Principal Environmental Health Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	8 February 2017
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Public Health Act 2016

17. Appointment of environmental health officers

- (1) A local government may appoint one or more persons as environmental health officers.
- (2) An appointee may be —
 - (a) a person employed by the local government under the *Local Government Act 1995* section 5.36; or
 - (b) a person engaged by the local government under a contract for services.
- (3) A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.
- (4) Two or more local governments may enter into arrangements for one or more persons to be appointed as environmental health officers for each of those local governments.

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STATUTORY ENVIRONMENT: (5) This section does not limit the *Local Government Act 1995* section 5.36.

21. Enforcement agency may delegate

(1) A power or duty conferred or imposed on an enforcement agency may be delegated

—

- (a) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or
- (b) if the enforcement agency is a local government, to —
 - (i) the chief executive officer of the local government; or
 - (ii) an authorised officer designated by the local government;

24. Designation of authorised officers

(1) An enforcement agency may designate a person or class of persons as authorised officers —

- (a) for the purposes of this Act or another specified Act; or
- (b) for the purposes of the specified provisions of this Act or another specified Act; or
- (c) for the purposes of the provisions of this Act or another specified Act other than the specified provisions of that Act.

(2) The Chief Health Officer may designate a person or class of persons under subsection (1) only if the person or, as the case requires, the persons in that class are public health officials.

(3) An enforcement agency that is a local government may designate under subsection (1) —

- (a) an environmental health officer or environmental health officers as a class; or
- (b) a person who is not an environmental health officer or a class of persons

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STATUTORY ENVIRONMENT:

who are not environmental health officers; or

(c) a mixture of the two.

- (4) Enforcement agencies that are local governments may act jointly in the designation of persons or classes of persons as authorised officers.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: C 3.1 Provide responsive high level customer service (ongoing)
C 3.2 Enhance the capacity and effectiveness of administrative processes (short term)

VOTING REQUIREMENT: Absolute majority

2017/003 OFFICER RECOMMENDATION / COUNCIL DECISION:

That:

1. subject to Section 21(1)(b)(i) of the *Public Health Act 2016* the Chief Executive Officer be given delegated authority to appoint authorised officers under Section 17 of the *Public Health Act 2016*; and
2. subject to Section 21(1)(b)(i) of the *Public Health Act 2016* the Chief Executive Officer be given delegated authority to issue authority cards to those authorised officers under Section 24 of the *Public Health Act 2016*.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

**Carried 5/0
Absolute Majority**

BACKGROUND:

New legislation, the Public Health Act 2016, has replaced the Health Act 1911. As Council has appointed a relieving Environmental Health Officer, the appointment needs to be ratified by Council as current delegation to the Chief Executive Officer is no longer valid for the new Act. This information is timely to update the Council delegation to the Chief Executive Officer under the new legislation.

Local governments received correspondence from the Department of Health advising of the staged implementation of the *Public Health Act 2016*. The gazettal of the *Public Health Act 2016* represents a significant update and change to the implementation of environmental health legislation, replacing the *Health Act 1911*. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old *Health Act 1911* (which will be known as the *Health (Miscellaneous Provisions) Act 1911*), and all regulations made under the Health Act, will continue to be the main

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enforcement tool used by the Environmental Health Officer until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* coming into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*. This includes gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 was expected to occur on 24th January 2017, with works needed to be undertaken to effect this transition within the Shire of Mount Marshall.

Stage 4 will adopt changes to the *Public Health Act 2016* relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the *Health (Miscellaneous Provisions) Act 1911* to the *Public Health Act 2016*. The development of new regulations under the *Public Health Act 2016* relating to environmental health matters will commence, and feature provisions for:

- the built environment
- water
- body art and personal appearances
- pests and vectors.

Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The following provisions will also commence with the enforcement provisions:

- Public Health Planning
- Public Health Assessments and
- Registration and licensing

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using section 21(1)(b)(i) Part 2 of the new *Public Health Act 2016*, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor

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(sign the certificate), however as further provisions are gazetted to expand the powers of the *Public Health Act 2016*, this delegation will provide for the smooth implementation of these provisions as they come in to effect.

Precedent for this is already in place with the current delegation to the CEO made under Section 26 of the *Health Act 1911* which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the *Health Act 1911*. The current delegation will need to remain in place during the transition to the new *Public Health Act 2016*.

COMMENT:

The designation of authorised officers and the appointment of EHOs is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHOs/authorised officers.

Stage 3 came into effect on 24th January 2017, and all designations will need to be made under the *Public Health Act 2016*, and no longer under the *Health Act 1911* (to be renamed the *Health (Miscellaneous Provisions) Act 1911*).

Section 17 of the new *Public Health Act 2016*, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Department of Health. As such Council will need to provide delegation to the CEO enabling him to undertake this new function.

Section 24 of the new *Public Health Act 2016* provides Council the ability to designate a person or class of persons as Authorised Officers and to issue authority cards to those officers. This function was previously carried out by the Department of Health. Council will now need to provide delegation to the CEO enabling him to undertake this new function.

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12.1.2 Appointments of Officers – Health Asbestos Regulations 1992

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/23
AUTHOR:	Llew Withers - Principal Environmental Health Officer
DISCLOSURE OF INTEREST:	Nil
DATE: 8 FEB 2017	8 February 2017
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Health (Asbestos) Regulations 1992 Criminal Procedure Act 2004. Public Health Act 2016
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	C 3.1 Provide responsive high level customer service (ongoing) C 3.2 Enhance the capacity and effectiveness of administrative processes (short term)
VOTING REQUIREMENT:	Absolute majority

2017/004 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. appoint the Chief Executive Officer as an approving officer under the *Criminal Procedure Act 2004* for the purpose of modifying or rescinding infringement notices caused by breaches of the *Health (Asbestos) Regulations 1992*; and**
- 2. appoint the Environmental Health Officer as an authorised officer under the *Criminal Procedure Act 2004* for the purpose of issuing infringement notices caused by breaches of the *Health (Asbestos) Regulations 1992*;**

Moved Cr SE Faulkner

Seconded Cr NR Gillett

**Carried 5/0
Absolute Majority**

BACKGROUND:

Amendments to the *Health (Asbestos) Regulations 1992* were published in the Government Gazette on 24 January 2017. The primary purpose was to introduce the provision for Infringement Notices where a prosecution is not intended (unless the Infringement Notice is not paid within the prescribed time period).

COMMENT:

Modified Penalties or Infringement Notices can only be issued by an Authorised Officer, e.g. the Environmental Health Officer, and modified or rescinded by an Approved Officer, e.g. the Chief Executive Officer of the Local Government. Council must make the appointment of both positions in writing in accordance with the *Criminal Procedure Act 2004*.

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The Department of Health entered a rigorous review of the *Health (Asbestos) Regulations 1992* as part of the review of all Regulations made under the Health Act 1911. The process of reviewing all regulations will take another 3 – 5 years from July 2016 when the new *Public Health Act 2016* was enacted. This new Act will come into being in stages to allow for an orderly transition from old legislation to new.

Local Government had requested the Chief Health Officer (formerly the Executive Director Public Health) to increase fines and introduce modified penalties with urgency in advance of the regulation review process.

Environmental Health Officers appointed under the Health Act are considered appropriately skilled and qualified to enforce the *Health (Asbestos) Regulations 1992*. An appointment under these Regulations can be included in the general provisions of appointment of an Authorised Officer under the new Public Health and shall be addressed separately.

The Chief Executive Officer appointment to be an Approving Officer and the Environmental Health Officer as an Authorised Officer is a new requirement under the *Criminal Procedure Act 2004* (Not sure what section of the Act he refers to here – not sure if it is required) to allow infringement notices to be issued. These appointments must be in writing.

Issuing of Infringement Notices would be an encouragement to resolve issues of a less serious nature that require a quick resolution.

Mr Andrew Johnson entered Council Chambers at 4.13pm.

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12.2	Works Supervisor
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12.2.1	Works Report February 2017
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LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Andrew Johnson – Works Supervisor
DISCLOSURE OF INTEREST:	Nil
DATE:	8 February 2017
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	C 1.1 Enhance open and interactive communication between Council and the community (ongoing) C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)
VOTING REQUIREMENT:	Simple majority

2017/005 OFFICER RECOMMENDATION / COUNCIL DECISION:
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That the February report of the Works Supervisor be received.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

BACKGROUND:

In the interest of better communications the following report of activities and tasks carried out by the Shire's works department is provided to Council.

COMMENT:

Roads:

Over the Christmas break we had most staff away and we were running on a skeleton crew doing general hit and miss maintenance grading and ground preparation for upcoming construction jobs.

The reconstruction and realigning of Mukinbudin / Wialki Road from SLK 4.40 TO 7.00 (2.60km) will commence on 20 February. All ground preparations and access tracks to the gravel and water are in place.

Preparations for other construction projects are underway with the clearing and access tracks for materials being put into place before the commencement of these projects. With the help of Rod Munns a 7 month review of all remaining projects has found that with the savings made so far in this financial year we are able to expand on several existing projects and include additional works that are of significant importance.

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To complete these works I will need to engage cartage contractors and we will be running more than one project at a time to get all these projects finished before the end of financial year.

Town Maintenance

We have been clearing and servicing all of our drainage around the town sites and after the recent rains they all performed as expected.

The reticulation system on the Bencubbin oval has had a few issues and I have asked Total Eden to check the flow rates and to give some advice on what we will need to connect the system onto the new tank when that has been commissioned.

All major tree works for this financial year have been completed.

Waste Sites

Both Beacon and Bencubbin are functioning well, with no big issues except for a few people dropping waste away from the face that makes it difficult for other users.

We will need to look at new fencing arrangements down the track.

Plant

Delivery of the new grader and roller is planned for 15th of February 2017.

The 2013 Mitsubishi Triton 4x4 Crew Cab has experienced some overheating issues. We have since discovered there has been a recall after 50,000 km to rectify this problem and in some cases replacement of the engine is required.

Other Items of Interest

The 10 year Plant Replacement Program has been progressing well and a draft will be available before the next scheduled Council meeting.

Good progress has been made on the 10 year Road Maintenance Program. After studying the program I've now decided to move the program for sealed roads out to a 20 year program to capture the whole of life cycle of the roads in question. Reconstruction to reseal then back to reconstruction.

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Mr Andrew Johnson left Council Chambers at 4.18pm.

12.3	Community Development Officer
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Nil

12.4	Finance and Administration Manager
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12.4.1	Fees and Charges – Short Term Accommodation
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LOCATION/ADDRESS:	N/A	
NAME OF APPLICANT:	N/A	
FILE REFERENCE:	F1/3	
AUTHOR:	Tanika McLennan –	Finance & Administration Manager
DISCLOSURE OF INTEREST:	Nil	
DATE:	10 January 2017	
ATTACHMENT NUMBER:	Nil	
CONSULTATION:	Morgann Tranter – Customer Service Officer Sally Morgan – Community Development Officer	
STATUTORY ENVIRONMENT:	Local Government Act 1995	

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

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- STATUTORY ENVIRONMENT:**
- (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Dependant on bookings

STRATEGIC IMPLICATIONS: C 2.4 Use resources efficiently and effectively (ongoing)
C 2.5 Operate in a financially sustainable manner (long term)

VOTING REQUIREMENT: Absolute majority

2017/006 OFFICER RECOMMENDATION / COUNCIL DECISION:

That

1. the Fees and Charges Schedule be amended to include the following fees:

	<u>Fee</u>	<u>GST</u>	<u>Total</u>	
Bencubbin Worker's Camp Single Cabin	\$90	\$9	\$99	per night
Bencubbin Worker's Camp Single Cabin	\$540	\$54	\$594	per week
Bencubbin & Beacon Single Cabin	\$100	\$10	\$110	per night
Bencubbin & Beacon Single Cabin	\$600	\$60	\$660	per week
Bencubbin & Beacon Double Cabin	\$120	\$12	\$132	per night
Bencubbin & Beacon Double Cabin	\$720	\$72	\$792	per week;
and				

2. the above fees be advertised as effective from 1 March 2017.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0
Absolute Majority

BACKGROUND:

Council adopted the following fees in its 2016/17 Annual Budget:

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Address	Fee	GST	Total
Collins Street Units - per night	\$ 100.00	\$ 10.00	\$ 110.00
Collins Street Units - per week	\$ 600.00	\$ 60.00	\$ 660.00
Bencubbin & Beacon Caravan Park Powered Site - per night	\$ 23.64	\$ 2.36	\$ 26.00
Bencubbin & Beacon Caravan Park Powered Site - per week	\$ 140.91	\$ 14.09	\$ 155.00
Bencubbin & Beacon Caravan Park Unpowered Site - per night	\$ 10.00	\$ 1.00	\$ 11.00
Bencubbin & Beacon Caravan Park Unpowered Site - per week	\$ 40.00	\$ 4.00	\$ 44.00
Casual Shower Fee	\$ 5.00	\$ 0.50	\$ 5.50
Bencubbin Work Camp Single Cabin - per night	\$ 104.54	\$ 10.45	\$ 114.99
Bencubbin Work Camp Single Cabin - per week	No Fee Set		
Bencubbin & Beacon Single Cabin - per night	\$ 122.73	\$ 12.27	\$ 135.00
Bencubbin & Beacon Single Cabin - per week	\$ 627.27	\$ 62.73	\$ 690.00
Bencubbin & Beacon Double Cabin - per night	\$ 140.90	\$ 14.09	\$ 154.99
Bencubbin & Beacon Double Cabin - per week	\$ 845.45	\$ 84.55	\$ 930.00
Beacon Barracks Single Room - per night	\$ 42.73	\$ 4.27	\$ 47.00
Beacon Barracks Single Room - per week	\$ 254.54	\$ 25.45	\$ 279.99
Beacon Barracks Shared/Double Room - per night	\$ 60.00	\$ 6.00	\$ 66.00
Beacon Barracks Shared/Double Room - per week	\$ 354.54	\$ 35.45	\$ 389.99
Beacon Barracks Exclusive Use - per week	\$2,060.00	\$ 206.00	\$2,266.00
Beacon Barracks Exclusive Use - bond	\$2,720.00		

At the ordinary Council meeting, held 20 December 2016, the Acting CEO, Stephen Tindale, presented item 13.5.30 in relation to a request from the Bencubbin Community Recreation Council to waive or discount the fees at the Bencubbin Worker's Camp during the upcoming construction phase of the Bencubbin Multipurpose Complex redevelopment. This item was left lying on the table to be represented in the February 2017 agenda. During the debate however, it was requested that a comparison of the Shire of Mt Marshall's fees with fees for similar accommodation at neighbouring shires be prepared, to allow for a review of the current pricing structure.

COMMENT:

Fees were obtained from the Shires of Koorda, Trayning, Nungarin and Mukinbudin. The Shire of Wyalkatchem does not own a caravan park or any short term accommodation. The following is a comparison where an equivalent exists in another shire:

	KD	KTY	NA	MBL	MM	Average
Powered site - per night	\$ 26.00	\$ 22.00	\$ 19.50	\$ 25.00	\$ 26.00	\$ 23.70
Powered site - per week	\$ 100.00	\$ 100.00		\$ 150.00	\$ 155.00	\$ 126.25
Unpowerd site - per night	\$ 15.00	\$ 7.50	\$ 13.50	\$ 12.00	\$ 11.00	\$ 11.80
Unpowerd site - per week				\$ 72.00	\$ 44.00	\$ 58.00
Single Unit - per night (Collins St)	\$ 90.00			\$ 90.00	\$ 110.00	\$ 96.67
Single Unit - per week (Collins St)	\$ 250.00			\$ 540.00	\$ 660.00	\$ 483.33
Barracks				\$ 42.00	\$ 47.00	\$ 44.50

Note: Linen supplied in Mt Marshall and Mukinbudin units but not in Koorda.

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Whilst a comparison of this nature is useful in determining what the market is willing to pay, it is not the only factor that should be considered when setting fees and charges and the cost of supplying the service must also be considered. The following table shows a comparison of cost per night to income per night, for the 2015/16 financial year:

2015/16	\$ Expenditure	No. of nights	\$ Ave cost per night	\$ Income	\$ Ave Income Per night	Profit/(Loss) per night
Bencubbin						
C/Park Site	18,800.65	25	752.03	1,406.80	56.27	-695.75
Single Units (Collins St)	20,726.43	98	211.49	6,506.00	66.39	-145.11
Workers Camp	72,762.52	2,712	26.83	271,504.57	100.11	73.28
Cabins	18,463.74	317	58.25	34,126.16	107.65	49.41
Beacon						
C/Park Site	16,686.24	366	45.59	9,694.56	26.49	-19.10
Cabins	23,119.75	333	69.43	26,312.68	79.02	9.59
Barracks	15,479.03	390	39.69	17,657.29	45.28	5.59

It should be noted that the Bencubbin Caravan Park was unavailable for much of this period due to its exclusive use by the Water Corporation/RCR, making the data largely irrelevant in this instance. The statistics for the Beacon Caravan Park are considered more accurate and representative of “normal” usage.

The single units in Bencubbin are often used by shire consultants who are non-paying customers and therefore the income does not match the number of nights they were used.

The Worker’s Camp and Bencubbin Cabins were very profitable and this is largely attributed to their high usage which spreads overheads such as insurance and rates over more nights, bringing the cost per night down.

The Beacon Cabins were used a similar number of nights to Bencubbin, however the average nightly income suggests the majority of stays were long term, taking advantage of the weekly rate.

In each town the losses made by the caravan parks are being offset by the other forms of accommodation.

The Shire’s recent audit identified the need to increase its own source revenue and reduce reliance on grants. Any decrease in fees would need to be carefully weighed against any anticipated increase in usage as a result.

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2017/007 COUNCIL DECISION:

That Council lift item 13.5.30 from the December 2016 ordinary meeting (now renumbered as 12.4.2) from the table for debate.

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 5/0

12.4.2 Bencubbin Caravan Park and Beacon Barracks - Discount Request

LOCATION/ADDRESS:

Bencubbin Caravan Park

NAME OF APPLICANT:

Stuart Putt – President Bencubbin Community Recreation Council (BCRC)

FILE REFERENCE:

B2/8 & B2/18

AUTHOR:

Stephen Tindale – Acting CEO

DISCLOSURE OF INTEREST:

Nil

DATE:

15 December 2016

ATTACHMENT NUMBER:

Nil

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide...

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government...

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
(b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods; and

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STATUTORY ENVIRONMENT:

- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider...

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

No provision was made in the 2016/17 annual budget for additional income from the workers camp arising from the proposed redevelopment of Bencubbin Multi-purpose Complex. The majority of the income that is shown in the budget relates to the Water Corporation's use of the camp in 2016.

STRATEGIC IMPLICATIONS:

The redevelopment of the Bencubbin Multi-purpose Complex is intended to give effect to S 4.2 of the 2013 Corporate Business Plan - *maintain service levels, major upgrade to Bencubbin Sporting complex 2017/18.*

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That a 30% discount be provided on the fees and charges for accommodation at the Bencubbin Caravan Park and the Beacon Barracks for contractors and subcontractors engaged on the proposed redevelopment of the Bencubbin Multi-purpose Complex.

Moved Cr

Seconded Cr

Carried

2017/008 COUNCIL DECISION:

That a 20% discount be provided on the fees and charges for accommodation at the Bencubbin Workers Camp and the Beacon Barracks for contractors and subcontractors engaged on the proposed redevelopment of the Bencubbin Multi-purpose Complex.

Moved Cr ARC Sachse

Seconded Cr WJ Beagley

**Carried 4/1
Absolute Majority**

Reason Council decision is different to officer recommendation: Council believed a 20% discount is fair after reducing short term accommodation rates in the previous agenda item 12.4.1. Council resolved to not apply the discount to the cabin accommodation to encourage use of the Bencubbin Workers Camp facilities.

BACKGROUND:

The President of the BCRC, Stuart Putt, has requested the following.

The BCRC committee is working hard to ensure we are doing our upmost in regards to progressing the redevelopment of our building and keeping on top of our commitments. As part of our regular committee meetings and ever conscious of

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complying to the budget we are always looking to maximise the return that the BCRC and the Shire of Mt Marshall will get for the money that we are spending.

As you are aware the cost of relocating the work force required to complete this project next year will come at a considerable cost to the budget for the BCRC redevelopment. The BCRC would like to think that the shire will be helping the community by allowing the use of the workers camp at the Bencubbin Caravan Park for the entirety of the construction in 2017. As stated in the Shire of Mt Marshalls budget for 2016/17 the workers camp is budgeted to cost the shire \$51,734 including depreciation.

Less depreciation this equates to \$3,144/month or for a four month build \$12,578 actual cash cost to the shire. The BCRC think it is an imperative action to take for the shire to utilise the asset that is the workers camp in this situation. For this small cost to the shire it will greatly benefit the community by allowing the redevelopment to maximise the return from the current budget. Aside from budget ramifications the flow on benefits to the businesses in the town, with an influx of workers for the duration of the build cannot be understated.

The BCRC committee strongly urge the steering committee to consider and take this proposal to council. The BCRC are committed to providing the best redevelopment possible for the Shire of Mt Marshall and are looking forward to the coming months working with the steering committee and council to ensure the community is presented with a building that we as a shire can be proud of.

The Bencubbin Caravan Park has a small cabin which sleeps up to two people. The large cabin can sleep up to 4 or 5 people dependent on the use of a fold out bed. There are 12 single-room dongas which have a king single bed in each and their own toilet and shower in each.

The fees and charges for the large cabin are \$155 per night (\$930 per week), for the small cabin it is \$135 per night (\$690 per week) and for the dongas it is \$115 per night (\$690).

A 30% reduction in these fees and charges for these three types of accommodation becomes \$110.00 (\$650), \$95.00 (\$485) and \$80.00 (\$485) respectively rounded to the nearest five dollars.

The Beacon Barracks has eight cabins that are either single or double. For a single cabin the fees and charges are \$135 per night (\$690) week and for a double \$155 per night (\$930 per week).

A 30% reduction in these fees and charges for these two types of accommodation becomes \$95.00 (\$485) and \$110.00 (\$650) respectively rounded to the nearest five dollars.

COMMENT:

The mathematics presented in the request from the BCRC cannot be relied upon as the costs associated with maintenance of the workers camp accommodation are largely those associated with the use of the accommodation by the Water Corporation in the last half of

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2016. They also ignore administrative overheads of \$40,774 which must be taken into account.

In addition we have no understanding of the likely use of these facilities by those contractors and subcontractors engaged on the proposed redevelopment of the Bencubbin Multi-purpose Complex. In other words it is difficult to gauge what the true costs and income for the camp are likely to be during construction.

However, the principle of providing discounted accommodation is a good one.

Existing legislation requires that Council take into consideration the following factors when setting fees and charges:

- a) the cost to the local government of providing the service or goods; and
- b) the importance of the service or goods to the community; and
- c) the price at which the service or goods could be provided by an alternative provide.

Any contractor appointed for the proposed redevelopment of the Bencubbin Multi-purpose Complex will need to make an allowance for the provision of accommodation for the contractor's workers and any subcontractors when submitting their tender bid. In the absence of any adequate information on the availability of accommodation the tenderer is likely to set a provisional amount for accommodation plus a premium for any uncertainty of supply.

To the extent that the Shire can provide nominated and discounted accommodation the contractor can reduce the sum of his/her tender bid accordingly.

It also assists the Shire in obtaining better usage of existing assets of the Shire that are intended to support local economic development.

The 30% discount figure is an arbitrary one but one that is nevertheless intended to recover costs in a large part.

There is no point in providing free or heavily discounted accommodation simply because the accommodation may sit idle during the construction period at the expense of the Shire and those who may have made use of it in the interim.

The 30% discount is not proposed to be applied the accommodation at the Beacon Caravan Park. It is understood that the Beacon community places considerable importance on the cabin accommodation at the Beacon Caravan Park being used for tourism and local business purposes.

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12.4.3 Accounts Paid to 31 December 2016

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: F1/4
AUTHOR: Sandy Wyatt – Administration Officer
DISCLOSURE OF INTEREST: Nil
DATE: 16 January 2017
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: C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)
VOTING REQUIREMENT: Simple Majority

2017/009 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Accounts Listed

Municipal Fund	\$ 480,406.16	Detailed statement provided in Councillor Information.
Trust Fund	\$ 18,316.55	
Mastercard	\$ 1,745.65	
Total	\$ 500,468.36	

Be endorsed.

Moved Cr ARC Sachse

Seconded Cr SE Faulkner

Carried 5/0

BACKGROUND:

Following is a List of Accounts submitted to Council on Tuesday 14 February 2017 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
7	01/12/2016	BANK FEES - BANK FEES	BANK FEES	10.00
7	01/12/2016	BANK FEES - BANK FEES	BANK FEES	10.00
7	31/12/2016	BANK FEES - BANK FEES	BANK FEES	217.94
25	05/12/2016	TELSTRA	UTILITY CHARGES-NOVEMBER16	2227.08
26	05/12/2016	WATER CORPORATION	UTILITY CHARGES 15.9.16-15.11.16	548.21
27	05/12/2016	SYNERGY	UTILITY CHARGES 20.10.16-16.11.16	838.95
28	08/12/2016	SHIRE OF MT MARSHALL	CHRISTMAS BONUS-CURRENT SHIRE STAFF AS AT 29.1116	1330.00
29	14/12/2016	WATER CORPORATION	UTILITY CHARGES 23.9.16-21.11.16	296.66
30	14/12/2016	SYNERGY	UTILITY CHARGES 3.9.16-21.11.16	31.15
31	14/12/2016	RN & JB WHYTE	PUSHING GRAVEL	4686.00
32	21/12/2016	TELSTRA	UTILITY CHARGES-DECEMBER16	2536.16
33	21/12/2016	SYNERGY	UTILITY CHARGES-7.10.16-9.12.16	9258.20
34	22/12/2016	DEPARTMENT OF LANDS	10% DEPOSIT ON BEACON LOTS 300-309	550.00
EFT10728	16/12/2016	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	196.60
EFT10729	16/12/2016	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	154.31
EFT10730	16/12/2016	ONEPATH	SUPERANNUATION CONTRIBUTIONS	1496.73
EFT11873	05/12/2016	CJD EQUIPMENT PTY LTD	NOVEMBER SUPPLIES	586.07
EFT11874	05/12/2016	STEWART & HEATON CLOTHING CO PTY LTD	PROTECTIVE CLOTHING	445.15
EFT11875	05/12/2016	SHIRE OF MERREDIN	LIBRARY ACTIVITY PLAN	330.00
EFT11876	05/12/2016	SHIRE OF TRAYNING	DOCTORS VEHICLE & MEDICAL EXPENSES-OCTOBER16 PLUS DOCTORS RENT	8792.05
EFT11877	05/12/2016	BENCUBBIN NEWS & POST	POSTAGE 21.11.16-25.11.16	54.85
EFT11878	05/12/2016	STAPLES AUSTRALIA	NOVEMBER SUPPLIES	154.98
EFT11879	05/12/2016	ICS CARPENTRY	NOVEMBER REPAIRS	23555.95
EFT11880	05/12/2016	PORKY'S ENTERPRISES	VARIOUS CLEANING BEACON 17.11.16-23.11.16	1578.50
EFT11881	05/12/2016	METROCOUNT	NOVEMBER SUPPLIES	577.50
EFT11882	05/12/2016	5RIVERS PLUMBING AND GAS	NOVEMBER REPAIRS	1608.47

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Chq/EFT	Date	Name	Description	Amount
EFT11883	05/12/2016	TRUCK CENTRE (WA) PTY LTD	NOVEMBER SUPPLIES	302.50
EFT11884	05/12/2016	NADINE RICHMOND	REIMBURSEMENT FOR MEAL-IT VISION WORKSHOP	20.45
EFT11885	05/12/2016	GREAT BEGINNINGS FAMILY DAY CARE SERVICE	ATTENDANCE BOOK	25.00
EFT11886	05/12/2016	HANDS ON THERAPEUTIC MASSAGE	PLANT & PROPERTY MAINTENANCE VOUCHER	100.00
EFT11887	05/12/2016	MORGANN SHAYNE TRANTER	REIMBURSEMENT FOR UNIFORMS	116.00
EFT11888	05/12/2016	GRACIE MECHANICAL SERVICES	DELLIVERY-PIPE	1452.00
EFT11889	05/12/2016	SHARNEE BEARD	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	151.99
EFT11890	05/12/2016	DOUGLAS PARTNERS PTY LTD	GEOTECHNICAL INVESTIGATION	5731.00
EFT11891	05/12/2016	RDA WHEATBELT INC	BENEFIT COST ANALYSIS COURSE	1100.00
EFT11892	05/12/2016	SHIRE OF MINGENEW	REIMBURSEMENT FOR MEAL-LGMA CONFERENCE DINNER 10.11.16	49.40
EFT11898	07/12/2016	TREND CORPORATE	DECEMBER SUPPLIES	1457.50
EFT11902	14/12/2016	BENCUBBIN COMMUNITY RECREATION COUNCIL	RELOCATING GYM	225.00
EFT11903	14/12/2016	AVON WASTE	RUBBISH COLLECTION-NOVEMBER16	6039.63
EFT11904	14/12/2016	BOC GASES	GAS CYLINDERS-NOVEMBER16	83.56
EFT11905	14/12/2016	CJD EQUIPMENT PTY LTD	NOVEMBER SUPPLIES	1215.94
EFT11906	14/12/2016	MUKA TYRE MART	REPAIR TO GRADER TYRE	97.00
EFT11907	14/12/2016	WESFARMERS KLEENHEAT GAS P/L	FACILITY FEE-GAS CYLINDERS	138.60
EFT11908	14/12/2016	NINGHAN SPRAYING & AG SERVICES	PLANT & PROPERTY MAINTENANCE VOUCHER	422.90
EFT11909	14/12/2016	KTY ELECTRICAL SERVICES	NOVEMBER REPAIRS	430.19
EFT11910	14/12/2016	CSE CROSSCOM	NOVEMBER SUPPLIES	1138.50
EFT11911	14/12/2016	BEACON CO-OPERATIVE LTD	CARAVAN & MAINTENANCE VOUCHERS	418.65
EFT11912	14/12/2016	DEPARTMENT OF FIRE & EMERGENCY SERVICES	ESLB 2ND QTR CONTRIBUTION	10105.20
EFT11913	14/12/2016	ICS CARPENTRY	NOVEMBER REPAIRS	3586.00
EFT11914	14/12/2016	STAR TRACK EXPRESS	FREIGHT-NOV16	459.75

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Chq/EFT	Date	Name	Description	Amount
EFT11915	14/12/2016	ALL-WAYS FOODS	NOVEMBER SUPPLIES	919.90
EFT11916	14/12/2016	BENCUBBIN TRUCK N AUTO'S	NOVEMBER SUPPLIES	45.00
EFT11917	14/12/2016	HILLS FIRE EQUIPMENT SERVICE	SERVICE FIRE EQUIPMENT	3314.30
EFT11918	14/12/2016	DALGOURING FARMS	PUSHING GRAVEL	10751.21
EFT11919	14/12/2016	LANDGATE	RURAL UV CHARGEABLE	64.70
EFT11920	14/12/2016	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	CEO RECRUITMENT	7641.70
EFT11921	14/12/2016	BENCUBBIN AG SUPPLIES	NOVEMBER SUPPLIES	1231.81
EFT11922	14/12/2016	REFUEL AUSTRALIA	FUEL-NOVEMBER16	25.52
EFT11923	14/12/2016	5RIVERS PLUMBING AND GAS	NOVEMBER REPAIRS	822.96
EFT11924	14/12/2016	BENNY MART	NOVEMBER SUPPLIES	73.55
EFT11925	14/12/2016	KUNUNOPPIN MEDICAL PRACTICE	PRE-EMPLOYMENT MEDICAL- R.BARNINGHAM	143.00
EFT11926	14/12/2016	ORBIT HEALTH & FITNESS SOLUTIONS	SERVICE & SAFETY AUDIT	1881.50
EFT11927	14/12/2016	KOORDA COMMUNITY RESOURCE CENTRE	ADVERTISING	100.00
EFT11928	14/12/2016	GREAT SOUTHERN FUELS	FUEL-NOVEMBER	19365.83
EFT11929	14/12/2016	ASTRO ALLOYS	NOVEMBER SUPPLIES	798.80
EFT11930	14/12/2016	AMPAC DEBT RECOVERY PTY LTD	DEBT RECOVERY COSTS	25097.76
EFT11931	14/12/2016	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-NOVEMBER16	594.00
EFT11932	14/12/2016	GRIFFIN VALUATION ADVISORY	VALUATION-LAND & BUILDINGS-INITIAL 50%	6600.00
EFT11933	14/12/2016	SUE VOLOCZI	FAIR VALUE-PLANT & EQUIPMENT	6311.25
EFT11934	14/12/2016	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE 11.12.16- 10.1.17	596.30
EFT11935	14/12/2016	MORGANN SHAYNE TRANTER	REIMBURSEMENT-CHRISTMAS LOLLIES FOR FRONT COUNTER	28.97
EFT11936	14/12/2016	ASPHALT IN A BAG	ASPHALT	1718.75
EFT11937	14/12/2016	JOHN NUTTALL	REIMBURSEMENT FOR AIRFARE AND CAR HIRE	1179.42
EFT11938	14/12/2016	NAOMI MICHELLE VANCE	REIMBURSEMENT-PRE-EMPLOYMENT MEDICAL	143.00

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Chq/EFT	Date	Name	Description	Amount
EFT11939	14/12/2016	JANE PUTT	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	150.00
EFT11940	14/12/2016	BRENDAN GERAGHTY	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	150.00
EFT11941	21/12/2016	BENCUBBIN COMMUNITY RECREATION COUNCIL	ANNUAL ELECTRICITY ALLOWANCE- BENCUBBIN GYM	250.00
EFT11942	21/12/2016	TWO DOGS HOME HARDWARE	CUTTING OF KEYS	116.36
EFT11943	21/12/2016	CJD EQUIPMENT PTY LTD	DECEMBER SUPPLIES	566.53
EFT11944	21/12/2016	COURIER AUSTRALIA	FREIGHT-DECEMBER16	20.48
EFT11945	21/12/2016	KTY ELECTRICAL SERVICES	DECEMBER REPAIRS	2360.85
EFT11946	21/12/2016	BENCUBBIN NEWS & POST	POSTAGE 28.11.16-2.12.16	249.70
EFT11947	21/12/2016	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	810.00
EFT11948	21/12/2016	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	DECEMBER SUPPLIES & CARAVAN PARK VOUCHERS	26.50
EFT11949	21/12/2016	METAL ARTWORK CREATIONS	DESK NAME PLAQUE	15.40
EFT11950	21/12/2016	WA HINO SALES & SERVICE	DECEMBER SUPPLIES	118.45
EFT11951	21/12/2016	BEACON CO-OPERATIVE LTD	NOVEMBER SUPPLIES	25.36
EFT11952	21/12/2016	MOORE STEPHENS (WA) PTY LTD	FINAL BILLING IN RESPECT OF THE AUDIT	11401.50
EFT11953	21/12/2016	STAPLES AUSTRALIA	DECEMBER SUPPLIES	203.74
EFT11954	21/12/2016	ICS CARPENTRY	DECEMBER REPAIRS	8626.75
EFT11955	21/12/2016	STAR TRACK EXPRESS	FREIGHT-DECEMBER16	62.39
EFT11956	21/12/2016	RYLAN PTY LTD	KERBING	30304.16
EFT11957	21/12/2016	BENCUBBIN TRUCK N AUTO'S	TYRES	3812.00
EFT11958	21/12/2016	PEERLESS JAL PTY LTD	DECEMBER SUPPLIES	265.50
EFT11959	21/12/2016	D & D TRANSPORT	FREIGHT-NOVEMBER	164.78
EFT11960	21/12/2016	IPLEX PIPELINES	PIPE	13238.60
EFT11961	21/12/2016	PLANWEST (WA) PTY LTD	PLANNING SERVICES	2541.00
EFT11962	21/12/2016	NAUGHTY BUGS PEST CONTROL	PEST CONTROL	55.00
EFT11963	21/12/2016	ADVANCED AUTOLOGIC PTY LTD	DECEMBER SUPPLIES	172.00
EFT11964	21/12/2016	5RIVERS PLUMBING AND GAS	DECEMBER REPAIRS	3109.74
EFT11965	21/12/2016	NORTHAM CARPETS PTY LTD	BLINDS	2521.60
EFT11966	21/12/2016	TUTT BRYANT EQUIPMENT	DECEMBER SUPPLIES	392.83

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Chq/EFT	Date	Name	Description	Amount
EFT11967	21/12/2016	TRUCK CENTRE (WA) PTY LTD	DECEMBER SUPPLIES	281.88
EFT11968	21/12/2016	MW GRANT	PUSH GRAVEL	25720.75
EFT11969	21/12/2016	KC SALES	PROTECTIVE CLOTHING	1333.28
EFT11970	21/12/2016	WURTH AUSTRALIA PTY LTD	DECEMBER SUPPLIES	59.25
EFT11971	21/12/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES 18.11.16 & 1.12.16	561.00
EFT11972	21/12/2016	ECOWATER SERVICES	MAINTENANCE BIOMAX SYSTEM-229 MURRAY ST	226.30
EFT11973	21/12/2016	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE 11.1.17- 10.2.17	596.30
EFT11974	21/12/2016	QC ULTIMATE CLEAN	CARPET CLEANING	316.25
EFT11975	21/12/2016	SARAH MARY MOUG	ITEMS FOR LITTLE BEE'S	41.00
EFT11976	21/12/2016	WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPY CHARGES	418.86
EFT11977	21/12/2016	ASPHALT IN A BAG	ASPHALT	1718.75
EFT11978	21/12/2016	SITE ARCHITECTURE	DESIGN DEVELOPMENT/CONSTRUCTION DOCUMENTS	63758.20
EFT11979	21/12/2016	KOORDA AG PARTS	ASBESTOS REMOVAL	6545.00
EFT11980	21/12/2016	DOUGLAS PARTNERS PTY LTD	GEOTECHNICAL INVESTIGATION	7447.00
EFT11981	21/12/2016	NOT TOO DUSTY PLANT HIRE	DRY HIRE-WATER TRUCK	2200.00
EFT11982	21/12/2016	KELVIN DEAN HOPE	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	150.00
EFT11983	21/12/2016	EMILY MILLAR	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	10.50
EFT11984	23/12/2016	SHIRE OF KOORDA	BUILDING FEES OCTOBER-DECEMBER16	1210.00
EFT11985	23/12/2016	AUSTRALIAN TAXATION OFFICE	BAS-NOVEMBER16	4262.00
EFT11986	23/12/2016	ICS CARPENTRY	DECEMBER REPAIRS	1743.50
EFT11987	23/12/2016	BENCUBBIN TRUCK N AUTO'S	DECEMBER SUPPLIES	49.50
EFT11988	23/12/2016	5RIVERS PLUMBING AND GAS	DECEMBER REPAIRS	308.55
EFT11989	23/12/2016	CR WJ BEAGLEY	MEETING FEES & ALLOWANCES 7.12.16- 20.12.16	537.18
EFT11990	23/12/2016	R MUNNS ENGINEERING CONSULTING SERVICES	CONSULTANCY WORK FOR OCT/NOV/DEC16	4050.02

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Chq/EFT	Date	Name	Description	Amount
EFT11991	23/12/2016	CR ARC SACHSE	MEETING FEES & ALLOWANCES 7.12.16-20.12.16	597.18
EFT11992	23/12/2016	CR RM KIRBY	MEETING FEES & ALLOWANCES 7.12.16-20.12.16	2030.90
EFT11993	23/12/2016	CR SE FAULKNER	MEETING FEES & ALLOWANCES 24.11.16-20.12.16	882.50
EFT11994	23/12/2016	CR HJ SHEMELD	MEETING FEES & ALLOWANCES 24.11.16-20.12.16	751.18
EFT11995	23/12/2016	CALLUM THOMAS LUMSDEN	MEETING FEES & ALLOWANCES 20.12.16	493.18
EFT11996	23/12/2016	AVON VALLEY MITSUBISHI	PURCHASE-MITSUBISHI TRITON UTE	29928.35
EFT11997	23/12/2016	AUSTRALIAN FLAG MAKERS	2 FLAGS	210.00
EFT11998	23/12/2016	CR NICK GILLET	MEETING FEES & ALLOWANCES 20.12.16	531.18
EFT11999	14/12/2016	BENDIGO BANK	NOVEMBER SUPPLIES	1745.65
EFT12007	01/12/2016	DC PAYMENTS AUSTRALASIA	ONGOING FEES FOR ATM-NOVEMBER16	97.83
EFT12008	28/12/2016	WA TREASURY CORPORATION	LOAN 119 & 118	31956.21
EFT12009	07/12/2016	TONY BUCHERT	RENT-GYM	100.00
EFT12010	14/12/2016	TONY BUCHERT	RENT-GYM	100.00
EFT12011	21/12/2016	TONY BUCHERT	RENT-GYM	100.00
EFT12012	28/12/2016	TONY BUCHERT	RENT-GYM	100.00
DD8577.1	07/12/2016	WALGS PLAN	PAYROLL DEDUCTIONS	5906.13
DD8577.2	07/12/2016	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1037.40
DD8577.3	07/12/2016	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07
DD8577.4	07/12/2016	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8577.5	07/12/2016	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78
DD8577.6	07/12/2016	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	183.84
DD8589.1	21/12/2016	WALGS PLAN	PAYROLL DEDUCTIONS	9690.52
DD8589.2	21/12/2016	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1037.40
DD8589.3	21/12/2016	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07

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Chq/EFT	Date	Name	Description	Amount
DD8589.4	21/12/2016	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8589.5	21/12/2016	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78
DD8589.6	21/12/2016	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	183.84
				480,406.16

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT11897	06/12/2016	MICHAEL SREDOJEVIC	REFUND OF BOND	340.00
EFT11900	14/12/2016	TANYA GIBSON	REFUND OF NOMINATION DEPOSIT	80.00
EFT11901	14/12/2016	SHIRE OF MT MARSHALL	REFUND TO MUNI ACCOUNT	845.00
EFT12013	31/12/2016	DEPARTMENT OF TRANSPORT	MMSO20161229	17051.55
				18,316.55

3. Mastercard

Details	Amount
Foxtel	155.00
Foxtel	200.00
Bank fees	4.00
Seal kit power auto valve	24.20
Xmas party invitations	44.97
Mattress protectors-Beacon cabins	119.00
Filters	185.51
Lollies & Snacks for Council	32.50
Childrens behaviour course S.Moug	45.00
Fire Safety/Manage.S.Moug	10.00
Bank fees	4.00
Fees to shift gym	147.00
Building fees-Beacon Mens Shed	199.29
Accom.& Meals-J.Walker	154.00

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Windscreen-Captiva	330.00
BCITF levy-Beacon Mens Shed	87.18
Bank Fees	4.00
	1,745.65

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 **14 February 2017**. 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).

John Nuttall
Chief Executive Officer

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12.4.4 Accounts Paid to 31 January 2017

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: F1/4
AUTHOR: Sandy Wyatt – Administration Officer
DISCLOSURE OF INTEREST: Nil
DATE: 7 February 2017
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: C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)
VOTING REQUIREMENT: Simple Majority

2017/010 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Accounts Listed

Municipal Fund	\$ 660,492.63	
Trust Fund	\$ 18,226.35	
Mastercard	\$ <u>908.31</u>	Detailed statement provided in Councillor Information.
Total	\$ 679,627.29	

Be endorsed.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

BACKGROUND:

Following is a List of Accounts submitted to Council on Tuesday 14 February 2017 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
8	31/01/2017	BANK FEES - BANK FEES	BANK FEES	158.28
8	01/01/2017	BANK FEES - BANK FEES	BANK FEES	1.75
35	25/01/2017	TELSTRA	UTILITY CHARGES-JANUARY17	2256.60
36	25/01/2017	WATER CORPORATION	UTILITY CHARGES 2.11.16-9.1.17	11884.93
37	25/01/2017	SYNERGY	UTILITY CHARGES 22.11.16-18.1.17	620.10
EFT12014	11/01/2017	CJD EQUIPMENT PTY LTD	REPAIRS TO GRADER-P002	4694.92
EFT12015	11/01/2017	COURIER AUSTRALIA	FREIGHT-DECEMBER16	49.07
EFT12016	11/01/2017	ST JOHN AMBULANCE AUSTRALIA	PHOTO COMPETITION WINNINGS-DONATION	150.00
EFT12017	11/01/2017	NINGHAN SPRAYING & AG SERVICES	DECEMBER SUPPLIES	889.90
EFT12018	11/01/2017	KTY ELECTRICAL SERVICES	DECEMBER REPAIRS	1780.56
EFT12019	11/01/2017	WHEATBELT SIGNS	UPDATE HONOUR BOARD	88.00
EFT12020	11/01/2017	SHIRE OF TRAYNING	DOCTORS VEHICLE EXPENSES PLUS DOCTORS RENT-NOVEMBER16	915.94
EFT12021	11/01/2017	BENCUBBIN NEWS & POST	POSTAGE 19.12.16-23.12.16	36.70
EFT12022	11/01/2017	BUNNINGS BUILDING SUPPLIES	DECEMBER SUPPLIES	130.64
EFT12023	11/01/2017	CSE CROSSCOM	DECEMBER REPAIRS	132.00
EFT12024	11/01/2017	MIDALIA STEEL	DECEMBER SUPPLIES	923.69
EFT12025	11/01/2017	BEACON PROGRESS ASSOCIATION INC.	DAYCARE-ROOM HIRE	242.00
EFT12026	11/01/2017	BEACON CO-OPERATIVE LTD	CARAVAN PARK VOUCHERS	209.71
EFT12027	11/01/2017	MOORE STEPHENS (WA) PTY LTD	AUDIT COMMITTEE MEETING-DECEMBER16	930.80
EFT12028	11/01/2017	ICS CARPENTRY	DECEMBER REPAIRS	853.05
EFT12029	11/01/2017	STAR TRACK EXPRESS	FREIGHT-DECEMBER16	91.76
EFT12030	11/01/2017	AG IMPLEMENTS	DECEMBER SUPPLIES	277.88
EFT12031	11/01/2017	MELISSA BEAGLEY	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	68.00
EFT12032	11/01/2017	BENCUBBIN TRUCK N AUTO'S	DECEMBER SUPPLIES	260.00
EFT12033	11/01/2017	D & D TRANSPORT	FREIGHT-DECEMBER16	308.68
EFT12034	11/01/2017	PB & DM SACHSE	MEALS-SHIRE CHRISTMAS FUNCTION	1320.00
EFT12035	11/01/2017	LANDGATE	RURAL UV'S CHARGEABLE	64.70
EFT12036	11/01/2017	BENCUBBIN AG SUPPLIES	DECEMBER SUPPLIES	1083.50

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Chq/EFT	Date	Name	Description	Amount
EFT12037	11/01/2017	ROAD SIGNS AUSTRALIA	SIGNS	4862.66
EFT12038	11/01/2017	REFUEL AUSTRALIA	FUEL-DECEMBER16	144.48
EFT12039	11/01/2017	BENNY MART	DECEMBER SUPPLIES	84.45
EFT12040	11/01/2017	R MUNNS ENGINEERING CONSULTING SERVICES	CONSULTANCY WORK	836.00
EFT12041	11/01/2017	GREAT SOUTHERN FUELS	FUEL-DECEMBER16	13973.24
EFT12042	11/01/2017	MW GRANT	GRADING STORM DAMAGE	2359.50
EFT12043	11/01/2017	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-DECEMBER16	1650.00
EFT12044	11/01/2017	TRACY LEE TRANTER	CATERING-DESSERTS FOR CHRISTMAS FUNCTION	500.00
EFT12045	11/01/2017	SPORTS SURFACES	REPAIR & GROOM-BEACON TENNIS COURTS	6710.00
EFT12046	11/01/2017	MARKETFORCE PTY LTD	ADVERTISING	147.43
EFT12047	11/01/2017	ASPHALT IN A BAG	ASPHALT	1718.75
EFT12048	11/01/2017	ERIKA CLARK	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016.17	150.00
EFT12049	11/01/2017	KARRIE LEAH STEWART	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	62.50
EFT12050	11/01/2017	COLAS WA	BITUMEN SEALING WORK	530015.82
EFT12051	14/01/2017	BENDIGO BANK	DECEMBER SUPPLIES	908.31
EFT12052	23/01/2017	WA TREASURY CORPORATION	GOVERNMENT GUARANTEE FEE FOR PERIOD ENDING 31.12.16	759.69
EFT12053	25/01/2017	WESTRAC PTY LTD	REPAIRS TO BACKHOE	907.50
EFT12054	25/01/2017	SHIRE OF MT MARSHALL	PETTY CASH 15.3.16-12.12.16	147.90
EFT12055	25/01/2017	AVON WASTE	RUBBISH COLLECTION-DECEMBER16	4961.14
EFT12056	25/01/2017	BOC GASES	GAS CYLINDERS-DECEMBER16	86.35
EFT12057	25/01/2017	SHIRE OF KOORDA	EHO EXPENSES OCTOBER-DECEMBER'16	8700.13
EFT12058	25/01/2017	CJD EQUIPMENT PTY LTD	REPAIRS TO GRADER-P002	2482.35
EFT12059	25/01/2017	SHIRE OF MERREDIN	HIRE OF ROAD SWEEPER	2136.75
EFT12060	25/01/2017	SHERIDAN'S	NAME BADGE	61.00

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Chq/EFT	Date	Name	Description	Amount
EFT12061	25/01/2017	SHIRE OF TRAYNING	DOCTORS VEHICLE/MEDICAL PRACTICE EXPENSES PLUS DOCTORS RENT 26.11.16-31.12.16	10114.56
EFT12062	25/01/2017	BENCUBBIN NEWS & POST	POSTAGE 3.1.17-6.1.17	50.60
EFT12063	25/01/2017	BUNNINGS BUILDING SUPPLIES	JANUARY SUPPLIES	65.16
EFT12064	25/01/2017	MT MARSHALL & DISTRICTS AGRICULTURAL SOCIETY	DONATION-2017 MT MARSHALL COMMUNITY SHOW	7500.00
EFT12065	25/01/2017	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	DECEMBER SUPPLIES	16.00
EFT12066	25/01/2017	DIELECTRIC SECURITY SERVICES	MONITORING FEES 1.2.17-30.4.17	101.20
EFT12067	25/01/2017	STAPLES AUSTRALIA	JANUARY SUPPLIES	304.11
EFT12068	25/01/2017	BURGESS RAWSON (WA) PTY LTD	UTILITY CHARGES 8.11.16-7.1.17	39.14
EFT12069	25/01/2017	ICS CARPENTRY	JANUARY REPAIRS	1549.90
EFT12070	25/01/2017	ALL-WAYS FOODS	AUSTRALIA DAY BREAKFAST-BENCUBBIN	132.10
EFT12071	25/01/2017	BENCUBBIN TRUCK N AUTO'S	JANUARY SUPPLIES	33.50
EFT12072	25/01/2017	5RIVERS PLUMBING AND GAS	JANUARY REPAIRS	1374.89
EFT12073	25/01/2017	DEPARTMENT OF LANDS	LEASE FOR FUEL DEPOT 1.1.17 TO 30.6.17	715.00
EFT12074	25/01/2017	PETRINA POOLE	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	54.50
EFT12075	25/01/2017	SALLY MORGAN	REIMBURSEMENT FOR AUSTRALIA DAY ITEMS	23.00
EFT12076	25/01/2017	WA CONTRACT RANGER SERVICES	RANGER SERVICES 16.12.16 & 5.1.17	561.00
EFT12077	25/01/2017	SANDPRINTS	ALUMALUX PRINT-P.GILLET	320.00
EFT12078	25/01/2017	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE 11.2.17-10.3.17	596.30
EFT12079	25/01/2017	WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPY CHARGES	1012.10
EFT12080	25/01/2017	EMILY MILLAR	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	10.50
EFT12081	25/01/2017	THE BIG BOUNCE	HIRE OF GIANT WATERSLIDE FOR AUSTRALIA DAY EVENTS-BENCUBBIN & BEACON	1200.00

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Chq/EFT	Date	Name	Description	Amount
EFT12082	25/01/2017	AMANDA JEAN SANDERS	AQUATIC CENTRE REIMBURSEMENT SCHEME 2016/17	13.00
EFT12083	25/01/2017	DC PAYMENTS AUSTRALASIA	ONGOING FEES FOR ATM-DECEMBER16	94.24
EFT12084	27/01/2017	WA TREASURY CORPORATION	LOAN 119	975.84
EFT12085	30/01/2017	SHIRE OF MT MARSHALL	PAYROLL DEDUCTIONS	240.00
EFT12086	30/01/2017	LGRCEU	PAYROLL DEDUCTIONS	135.80
EFT12087	30/01/2017	BENCUBBIN AG SUPPLIES	DECEMBER SUPPLIES	2149.03
EFT12088	30/01/2017	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	860.00
DD8619.1	04/01/2017	WALGS PLAN	PAYROLL DEDUCTIONS	6083.14
DD8619.2	04/01/2017	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	829.92
DD8619.3	04/01/2017	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07
DD8619.4	04/01/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8619.5	04/01/2017	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78
DD8619.6	04/01/2017	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	108.69
DD8623.1	18/01/2017	WALGS PLAN	PAYROLL DEDUCTIONS	6426.09
DD8623.2	18/01/2017	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	829.92
DD8623.3	18/01/2017	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07
DD8623.4	18/01/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8623.5	18/01/2017	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78
DD8623.6	18/01/2017	CARESUPER	SUPERANNUATION CONTRIBUTIONS	105.21
				660,492.63

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT12089	31/01/2017	DEPARTMENT OF TRANSPORT	MMSO20170116	18226.35
				18,226.35

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3. Mastercard

Details	Amount
Bank fees	4.00
Key Deposit Safe-Beacon Barracks	41.95
Ipad charging cable	33.95
Wall plug for ipad-N.Gillett	30.83
Bank fees	4.00
Uniforms-N.Richmond	143.00
Uniforms-S.Wyatt	205.00
Uniforms-T.McLennan	203.21
Change of plates	16.60
Uniforms-T.McLennan	81.79
Foxtel-Lot 224 Rowlands St	139.98
Bank fees	4.00
	908.31

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 **14 February 2017**. 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).

 John Nuttall
 Chief Executive Officer

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12.4.5 Write off Outstanding Debt

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: F1/20
AUTHOR: Tanika McLennan – Finance and Administration Manager
DISCLOSURE OF INTEREST: Nil
DATE: 20 January 2017
ATTACHMENT NUMBER: Nil
CONSULTATION: Nil
STATUTORY ENVIRONMENT: Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

POLICY IMPLICATIONS: Nil
FINANCIAL IMPLICATIONS: Loss of Income - \$5,692.00 accounted for in provision for doubtful debts

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STRATEGIC IMPLICATIONS: C 2.4 Use resources efficiently and effectively (ongoing)
C 2.5 Operate in a financially sustainable manner (long term)

VOTING REQUIREMENT: Simple Majority

2017/011 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the amount of \$5692.00 outstanding against Debtor Number 81039, Smith Shearing Services, be written off.

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 5/0

BACKGROUND:

The Finance Administration Manager routinely checks the outstanding debtors and pursues overdue debts. Debts which staff have been unable to successfully recover are handed over to a debt collection agency.

After spending considerable time looking into this matter, the following has been received by email on 20 January 2017, from AMPAC Debt Recovery, in relation to Debtor Number 81039, Smith Shearing Services:

"We can confirm the company is still listed as deregistered.

Since there was no contract drawn and the company is deregistered, I believe the Shire may need to consider writing off the debt. We cannot pursue Mr Smith personally if the debt was accumulated in the Company name."

The debt amounts to \$5,692.00 and relates to accommodation at the Beacon Barracks in February 2014 and includes an amount of \$198 for legal fees.

COMMENT:

Delegation FIN 002, delegates authority to the Chief Executive Officer under section 6.12 (1)(c), to write off any amount of money owed to the Shire, provided that it is less than \$10.00. As this amount is great than \$10.00, Council approval is required to write it off.

A process requiring payment in advance or a formal credit application has now been implemented for all short term accommodation.

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12.4.6 Statement of Financial Activity to 31 December 2016

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:	30 January 2017
ATTACHMENT NUMBER:	12.4.6 – Statement of Financial Activity to 31 December 2016
CONSULTATION:	Nil
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

2017/012 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council endorse the Statement of Financial Activity for the month ending 31 December 2016.

Moved Cr NR Gillett

Seconded Cr SE Faulkner

Carried 5/0

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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12.4.7 Statement of Financial Activity to 31 January 2017

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:	9 February 2017
ATTACHMENT NUMBER:	12.4.7 – Statement of Financial Activity to 31 January 2017
CONSULTATION:	Nil
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

2017/013 OFFICER RECOMMENDATION / COUNCIL DECISION:
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That Council endorse the Statement of Financial Activity for the month ending 31 January 2017.

Moved Cr SE Faulkner

Seconded Cr WJ Beagley

Carried 5/0

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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12.4.8 Budget Review as at 31 December 2016

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	F1/3
AUTHOR:	Tanika McLennan – Finance and Administration Manager
DISCLOSURE OF INTEREST:	Nil
DATE:	8 February 2017
ATTACHMENT NUMBER:	12.4.8a - 6 Month Budget Review 12.4.8b - 7 Month Road Budget Review
CONSULTATION:	Andrew Johnson – Works Supervisor Rod Munns – Consultant Engineer
STATUTORY ENVIRONMENT:	Local Govt. Act 1995 section 6.2 and Financial Management Regulations 33A

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Estimated budget surplus \$170,145
STRATEGIC IMPLICATIONS:	C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term) C 2.4 Use resources efficiently and effectively (ongoing)

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C 2.5 Operate in a financially sustainable manner
(long term)

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That:

1. the Budget Review document for the period ending 31 December 2016 be accepted as presented;
2. the amount of \$85,000 be transferred to the Bencubbin Aquatic Centre Redevelopment Reserve;
3. the Roadworks budget review for the period ending 31 January 2017 be accepted as presented; and
4. the following roadworks jobs be approved, utilising funds saved on Roads to Recovery and Council funded jobs to date:

R2R013 Ingleton Road - SLK 0.00-2.55 1433 C/Back Seal	\$63,520
R2R014 Monger/Padbury Intersection – Asphalt	\$27,200
R2R015 Burakin Wialki/Bencubbin Beacon Intersection – Asphalt	\$22,639
RCC002 Cleary Gabbin Road – SLK 0.93-2.23 14mm S45R C/Rubber Seal	\$25,898

Moved Cr

Seconded Cr

Carried

2017/014 COUNCIL DECISION:

That:

1. the Budget Review document for the period ending 31 December 2016 be accepted as presented;
2. the amount of \$60,000 be transferred to the Bencubbin Aquatic Centre Redevelopment Reserve;
3. the Roadworks budget review for the period ending 31 January 2017 be accepted as presented; and
4. the following roadworks jobs be approved, utilising funds saved on Roads to Recovery and Council funded jobs to date:

R2R013 Ingleton Road - SLK 0.00-2.55 1433 C/Back Seal	\$63,520
R2R014 Monger/Padbury Intersection – Asphalt	\$27,200
R2R015 Burakin Wialki/Bencubbin Beacon Intersection – Asphalt	\$22,639
RCC002 Cleary Gabbin Road – SLK 0.93-2.23 14mm S45R C/Rubber Seal	\$25,898

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 5/0
Absolute Majority

Reason Council decision is different to officer recommendation: Council reduced the amount transferred to the Bencubbin Aquatic Centre Redevelopment Reserve to ensure funds are readily available to cover consultant expenses when conducting future feasibility studies in relation to location of the proposed new aquatic facility.

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BACKGROUND:

The Local Government Act 1995 requires a local government to prepare a review of the Approved Budget each year for consideration by Council.

The purpose of this review is to ensure the Shire is on track to achieve the objectives outlined in the adopted budget and to make any adjustments as required as a result of actual events unfolding.

COMMENT:

The six monthly budget review shows a significant projected surplus of \$170,145 of which \$85,159 is attributed to the non operation of the Aquatic Centre. As a result it has been recommended that \$85,000 be transferred to the Bencubbin Aquatic Centre Redevelopment Reserve. The remaining approx. \$85,000 projected surplus is the result of other minor operating savings as detailed in the Variances report in the budget review document. It is suggested that this amount be retained as a buffer for any unplanned expenditure.

A seven month review of the roadworks budget has also been conducted and is attached at 12.4.7b. A number of Roads to Recovery and Council funded jobs have come in under budget and as a result an additional four road jobs have been proposed to utilise this funding. Note that for the purpose of the budget review, these changes are not shown as they have a nil impact on the operating result.

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12.5 Chief Executive Officer

12.5.1 Shire of Mt Marshall Planning Scheme No.3 – Proposed Amendment No.1

LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	Not applicable
FILE REFERENCE:	TP1/2
AUTHOR:	Paul Bashall – Town Planning Consultant to the Shire
DISCLOSURE OF INTEREST:	Nil
DATE:	31 January 2017
ATTACHMENT NUMBER:	12.5.1a - Scheme Amendment Document 12.5.1b - Standard Amendment
CONSULTATION:	Stephen Tindale – Acting CEO
STATUTORY ENVIRONMENT:	Planning and Development Act 2005
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	B 1.1 Align land use and infrastructure planning (ongoing)
VOTING REQUIREMENT:	Simple Majority

2017/015 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council:-

- 1. pursuant to Section 75 of the *Planning and Development Act 2005*, amend Shire of Mt Marshall Planning Scheme No.3 by:
 - 1) modifying Table 1 – Zoning Table to permit ‘Group Housing’ in a rural zone as a ‘D’ use, and**
 - 2) inserting provisions to outline conditions under which group housing may be approved in a rural zone.****
- 2. submits the documents to the EPA for environmental clearance prior to forwarding the Amendment to the WA Planning Commission for approval to advertise.**

Moved Cr ARC Sachse

Seconded Cr SE Faulkner

Carried 5/0

BACKGROUND:

The Shire of Mt Marshall Planning Scheme No 3 was gazetted on 27 December 2013. The Scheme is consistent with the Model Scheme Text as outlined in the Town Planning Regulations, and is currently the subject of a basic Amendment (No 2) to bring the Scheme into line with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In the existing Scheme a Grouped dwelling is not a permitted use in a Rural zone. In the previous Scheme (gazetted on 14 June 1996) a Dwelling was designated as a ‘P’ use in a Rural zone, however no other dwelling or house type was listed in Table 1 - Zoning Table.

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The previous Scheme (Scheme No 2) was a simple Scheme that provided flexibility in the translation of the permissibility of dwellings in a Rural zone.

Under the provisions of the Residential Design Codes (R Codes) there are 3 types of dwellings. These include;

Single house – a house on a lot when it is the only house.

Grouped dwelling – the houses on a lot where there are 2 or more.

Multiple dwelling – a house that is partly built on top of another (ie flats or units).

The latter is not involved in this proposal, nor does this proposal affect ancillary dwellings (as defined in the RCodes).

At the present time a second dwelling is not permitted on a lot where it is in the Rural zone. Regardless of size or remoteness of the location the Council is only allowed to approve a single house – even if it supported a second or third dwelling.

The reason for this blanket policy of the WA Planning Commission is to avoid the increase in residential development in rural areas. This is based on the possibility that an increase in houses and/or residents in rural areas may escalate pressures for urban services and amenities.

Often these services and amenities are unsustainable and impractical to provide – especially in remote areas.

However, there are many instances where there is a valid justification for the Council being able to approve an additional dwelling.

These reasons may include;

- The need for family members, working on the farm, to be able to live on the farm.
- The provision of accommodation for farm workers.

The proposed Scheme Amendment No 1 (attachment 12.5.1a) seeks to control additional dwellings on a single lot by adding the following provision in the Scheme.

5.11 Development in a Rural Zone

Notwithstanding the right to develop a single house on an existing lot, residential development in the Rural zone shall comply with the specific requirements of the Council, however these shall not be less than the setback requirements specified for the Residential Design Code R2.

The erection of more than one (1) single house per lot will generally not be supported, except where it can be demonstrated that the additional house(s) is for workers' accommodation or a family member. A maximum of 3 group dwellings will be permitted on a lot in a Rural zone.

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The approval of a grouped dwelling in a Rural zone will not be a consideration for the Council to support a subdivision application.

The Shire of Mt Marshall considers that there is minimal risk of promoting a surge of such applications as people do not generally want to live in a rural area unless they are related to the owners or have employment on site. The approval of an additional dwelling will not be a basis on which the Council will support subdivision of the land, however this does **not** impact the application of the WA Planning Commission's 'Homestead Lots' policy.

STANDARD AMENDMENT

According to the *Planning and Development (Local Planning Schemes) Regulations 2015* this amendment is considered to be a 'standard amendment'.

A standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) any other amendment that is not a complex or basic amendment.*

This amendment is classed as a Standard Amendment as;

- a) The amendment is not inconsistent with any zone or reserve objectives identified in the scheme for that zone or reserve;
- b) The proposal is not inconsistent with the local planning strategy;
- c) There is no region scheme for the Shire;
- d) The amendment does not deal with plans or structure plans;
- e) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- g) It is an amendment that is not a complex or basic amendment.

ACTING CEO COMMENT:

As identified by the consultant in the report above, the reasons for wanting to provide an additional dwelling on a single lot or location include the need for family members working

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on the farm, to be able to live on the farm and the provision of accommodation for farm workers.

There are already many instances of an additional dwelling existing on a single location for family members of farm workers within the Shire.

With the consolidation of rural land into larger holdings it is likely that the demand for an additional dwelling on a single location will continue to grow as older farm dwellings are abandoned and economies of scale are sought with centralised labour, plant and machinery.

In the existing Scheme a second dwelling on an existing is considered to be Grouped dwelling and as such, is not a permitted use in a rural zone.

The proposed amendment is intended to overcome this limitation and allow the Council to approve an additional dwelling on a single location.

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12.5.2 Shire of Mt Marshall Planning Scheme No.3 – Proposed Amendment No.2

LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	Not applicable
FILE REFERENCE:	TP1/2
AUTHOR:	Paul Bashall – Town Planning Consultant to the Shire
DISCLOSURE OF INTEREST:	Nil
DATE:	24 January 2017
ATTACHMENT NUMBER:	12.5.2a - Amendment No. 2 12.5.2b - Schedule A – Supplemental Provisions 12.5.2c - Scheme 3 with track changes on
CONSULTATION:	Stephen Tindale – Acting CEO
STATUTORY ENVIRONMENT:	Planning and Development Act 2005
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	B 1.1 Align land use and infrastructure planning (ongoing)
VOTING REQUIREMENT:	Simple Majority

2017/016 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council:-

- 1. pursuant to Section 75 of the *Planning and Development Act 2005*, amend Shire of Mt Marshall Planning Scheme No.3 by:**
 - 1.1 *Inserting reference to the deemed provisions in the preamble to the Scheme as follows:***
 - ***First paragraph: "This Local Planning Scheme of the Shire of Mt Marshall consists of this Scheme Text, the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire."***
 - ***Second paragraph, first sentence: "Part 2 of the deemed provisions..."***
 - ***Third paragraph, last sentence: "The Scheme also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses."***
 - 1.2 *Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting new sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:***
 - ***1.4(b) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;***
 - ***1.4(c) the supplemental provisions contained in Schedule A; and***
 - ***1.4(d) the Scheme Map (Sheets 1-12).***
 - 1.3 *Inserting reference to the Regulations accordingly:***

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- **1.7.1 (b) (ii) in Schedule 1 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations);**
- **1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary in Schedule 1, the Regulations and the meaning of that word or expression in the Residential Design Codes -**
- **1.7.3 A copy of Schedule 1 Part 6 of the Regulations is to be kept and made available for public inspection at the offices of the local government.**
- 1.4 Correcting Schedule references as follows:**
 - **Clause 1.5(g): Schedule Seven of the Planning and Development Act**
 - **Clause 5.6.1: Schedule 6**
- 1.5 Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:**
 - **Parts 2, 7, 8, 9, 10 and 11 in their entirety**
 - **Clauses 5.10**
 - **Schedules 6, 7, 8 and 9.**
- 1.6 Removing the following clauses from the Scheme Text, as they have been inserted into Schedule A – Supplemental Provisions:**
 - **Clauses 8.2(b)(iii)**
- 1.7 Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:**

Clause 61(1):

 - (k) the signage and advertisements contained in Schedule 5 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of local government will affect such a place.**
 - (l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:**
 - (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or**
 - (ii) the subject of an order under Part 6 of the Heritage of Western Australian Act 1990; or**
 - (iii) included on a heritage list prepared in accordance with this Scheme; or**
 - (iv) within an area designated under the Scheme as a heritage area; or**
 - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.**
 - (vi) deemed by the local government to be inappropriate or inadequate in any way including, the use of materials, landscaping, aesthetics or any other aspect that the local government considers appropriate to impose a planning condition.**

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- (m) *the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:*
- (i) *entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or*
 - (ii) *the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or*
 - (iii) *included on a heritage list prepared in accordance with this Scheme; or*
 - (iv) *within an area designated under the Scheme as a heritage area; or*
 - (v) *the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.*
- 1.8 *Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:*
- *Clause 3.3.1(b): Part 7 of the deemed provisions*
 - *Clause 3.3.2(a): clause 67 of the deemed provisions*
 - *Clause 4.3.3 Note 3: clause 67 of the deemed provisions*
 - *Clause 4.4.2(b): clause 64 of the deemed provisions*
 - *Clause 4.8(c): clause 80 of the deemed provisions*
 - *Clause 4.9.2: clause 64 of the deemed provisions*
 - *Clause 5.4.2: clause 64 of the deemed provisions*
 - *Clause 5.5.2(a): clause 64 of the deemed provisions*
 - *Clause 5.5.3(a): clause 67 of the deemed provisions*
- 1.9 *Delete reference to the following terms and replace them with the corresponding term throughout the scheme:*
- *'planning approval' replaced with 'development approval';*
 - *'council' replaced with 'local government';*
 - *'Town Planning Act' with 'Planning and Development Act'.*
- 1.10 *Modify the zoning table to update the following use class names to correspond with the appropriate definition within the Schedule 1 Part 6 of the Model Provisions for Local Planning Schemes:*
- *'Short stay accommodation' to 'Tourist development'*
 - *'Restaurant' to 'Restaurant/cafe'*
 - *'Industry-mining' to 'Industry-mining operations'*
 - *'Industry-rural' to 'Industry-primary production'*
 - *'Warehouse' to 'Warehouse/storage'*
 - *'Agroforestry' to 'Tree farm'*
 - *'Rural pursuit' to 'Rural pursuit/hobby farm'*

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1.11 Delete the following use classes and their permissibility from the zoning table as they are covered by other use classes:

- **Storage**
- **Plantation**

1.12 Remove clause 8.5 and insert as clause 4.10.

1.13 Amend Schedule 1 as follows:

- **First sentence: "Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

- **Insert the following definitions:**

"Industry: cottage" - means a trade or light industry producing arts and crafts which does not fall within the definition of a home occupation which:

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;**
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;**
- (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put;**
- (d) does not occupy an area in excess of 50 square metres; and**
- (e) does not display a sign exceeding 0.2 square metres in area.**

"Industry: service" - means:

- (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or**
- (b) premises which have a retail shop front and used as a depot for receiving goods to be serviced.**

1.14 Renumbering the scheme provisions and schedules sequentially and updating any cross referencing to the new clause numbers and deemed provisions as required and updating the Table of Contents.

- 2. resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 2 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;**
- 3. authorise Shire officers to prepare the scheme amendment documentation;**
- 4. authorise the affixing of the common seal to and endorse the signing of the amendment documentation;**

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| <p>5. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 2 to the Environmental Protection Authority; and</p> <p>6. pursuant to r.58 of the Regulations, provides Amendment 2 to the Western Australian Planning Commission.</p> |
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Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

BACKGROUND:

In summary, Council is asked to consider proposed Amendment No. 2 to the Town Planning Scheme No.3 to align the scheme with the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) and to provide an overview of the regulations.

In detail, Section 256 of the *Planning and Development Act 2005* provides for the Minister for Planning to make regulations in regard to planning schemes.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme amendments

The regulations introduce a track based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment.

The amendment types are defined in Regulation 34, and can be summarised as follows:

Basic: an amendment of an administrative nature including:

- correction of an administrative error
- incorporating model provisions
- compliance with the deemed provisions
- compliance with an Act or State Planning Policy
- zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes

Standard: an amendment that is:

- consistent with a zone or reserve

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- consistent with a local planning strategy
- consistent with a structure plan but the zones do not exist within the scheme
- considered to have minimal impact on surrounding land
- not basic or complex

Complex: an amendment that is:

- not consistent with a local planning strategy
- not addressed in a local planning strategy
- to be made at the direction of the Minister
- for a development contribution area or development contribution plan
- of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and WA Planning Commission (WAPC) for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required <small>Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt</small>	N/A	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days <small>*WAPC approval required prior to advertising</small>	90 days post end date of submission period	90 days

A local government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves, objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

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Deemed Provisions

Section 257B of the *Planning and Development Act 2005* provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From the 19 October 2015, the deemed provisions contained in Schedule 2 of the regulations, form part of Scheme No.3. Where there is a conflict or inconsistency between the provisions of Scheme No.3 and the deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme.

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment No. 2 proposes to delete provisions which are inconsistent with the prevailing deemed provisions and amend others to ensure consistency with the deemed provisions.

COMMENT:

In respect to Amendment No. 2 it is recommended that it be classified by Council as a basic amendment pursuant to Regulation 34 (c), given that it proposes to delete provisions of the Scheme which have been superseded by the deemed provisions.

In respect to the form which Council's resolution to prepare the amendment must take, new regulation 35 (1) requires that this be in a form approved by the WAPC. The Department of Planning has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a basic amendment requires:

- the amendment to be forwarded to the WAPC within 21 days of passing of the resolution to prepare the amendment;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act.

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12.5.3	Central East Aged Care Alliance – Acquisition of Freehold Title for Reserves 22783 & 23238
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LOCATION/ADDRESS: Beacon and Bencubbin
NAME OF APPLICANT: Central East Aged Care Alliance (CEACA)
FILE REFERENCE: A5/15
AUTHOR: Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST: Nil
DATE: 25 January 2016
ATTACHMENT NUMBER: Nil
CONSULTATION: Grant Arthur – Wheatbelt Development Commission
Rob Baker – Department of Lands

STATUTORY ENVIRONMENT:

Local Government Act 1995

Sec 3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Sec 3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Estimated cost of \$6,500 each in acquiring the freehold title of two reserves inclusive of conveyancing costs.

STRATEGIC IMPLICATIONS: One of the social objectives of the Shire's 2013 Strategic Community Plan is to *Create an environment that provides for a caring and healthy community*. One of the strategies to achieve this objective is to *Facilitate provision of infrastructure for aged persons and people with disabilities*.

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VOTING REQUIREMENT: **Officer Recommendation (1)** - Minimum 3 Council members required
 Officer Recommendation (2) – Absolute majority required.
 Officer Recommendation (3) – Absolute majority required for unbudgeted expenditure.

2017/017 OFFICERS RECOMMENDATION (1) / COUNCIL DECISION:

Subject to Local Government (Administration) Regulations 1996 Section 10(1)(b) Council allow the motion to consider revoking the decision made in 2016/137 at the Ordinary Council Meeting of September 2016.

Moved Cr SE Faulkner

Seconded Cr NR Gillett

Carried 5/0

2017/018 OFFICER RECOMMENDATION (2) / COUNCIL DECISION:

Subject to Local Government (Administration) Regulations 1996 Section 10(2)(b) Council revoke its decision of 20 September 2016 namely:

That the Shire of Mt Marshall;

1. *surrender the management orders for Reserves 22783 (43 Brown St, Bencubbin) and Reserve 23238 (16 Rowlands St, Beacon) in favour of Central East Aged Care Alliance Inc for the purpose of “Aged Persons Accommodation”; and*
2. *that the surrender be made conditional on the care, control and management of the land being returned to the Shire of Mt Marshall (either as Crown land reserves or freehold title land) in the event that construction of aged persons accommodation is not commenced within four years or such later date approved by the Shire of Mt Marshall.*

Moved Cr NR Gillett

Seconded Cr SE Faulkner

Carried 5/0
Absolute Majority

2017/019 OFFICERS RECOMMENDATION (3) / COUNCIL DECISION:

That the Shire of Mt Marshall seek the freehold title of Reserves 22783 (43 Brown St, Bencubbin) and Reserve 23238 (16 Rowlands St, Beacon) to enable the freehold disposal of the land to the Central East Aged Care Alliance Inc for the purpose of “Aged Persons Accommodation”.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0
Absolute Majority

BACKGROUND:

This matter was last considered by Council at its September 2016 meeting.

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The Central East Aged Care Alliance (CEACA) is a partnership of eleven Wheatbelt Shires (Bruce Rock, Kellerberrin, Koorda, Merredin, Mt Marshall, Mukinbudin, Nungarin, Trayning, Westonia, Wyalkatchem and Yilgarn) formed in 2012 and formalised as an Incorporated Association in mid-2015.

CEACA has formulated a staged 6 year program to construct 187 Independent Living Units (ILUs) across the eleven Shires to address private market failure to meet the increasing demand for age appropriate accommodation and services.

In Stage 1 of the project, CEACA was successful in obtaining funding of \$2,075,800 from Royalties for Regions' Southern Investment Initiative, managed by the Shire of Merredin on CEACA's behalf, for the land assembly and servicing of 54 lots across the eleven Shires for the construction of the ILU's. Work on Stage 1 has commenced with a Project Manager appointed to progress the works.

CEACA has since been successful in obtaining a further \$19,986,439 in funding from Royalties for Regions' Growing our South program, which will again be managed by the Shire of Merredin on CEACA's behalf. The funding is for the preparation and servicing of 21 lots for construction of ILUs by June 2019, and the construction of 75 ILUs by June 2020 across the eleven Shires.

Currently the Shire of Mt Marshall is eligible for three ILUs – two in Bencubbin and one in Beacon.

The sites previously identified for the independent units in Mt Marshall were in Askew St, Beacon (new subdivision) and Collins St, Bencubbin (old Freemasons Hall).

The Bencubbin site was chosen because of its size and capacity to contain 4 ILUs on land in close proximity to the existing Aged Persons Home in Bencubbin. The Beacon site was similarly chosen for its capacity to contain 2 ILUs on land that has recently been opened up by the Shire with the construction of a sealed road into a new land subdivision.

A July 2016 report prepared by River Engineering identified the costs in preparing the land for construction of the three ILU's as being \$151,900 in Bencubbin and \$158,500 in Beacon.

It was reported to Council that a better and less expensive site for the two Bencubbin ILUs would be adjacent to the existing Aged Persons Homes land at 43 Brown St, Bencubbin where there is spare capacity for the construction of two ILUs.

In Beacon, the Beacon Progress Association indicated that a vacant block at 3 Rowlands St of 1026m² (capable of containing 3 or possibly 4 ILUs) could be made available to the Shire in order to make the most of the land's centrally convenient location and to keep development costs down.

As a consequence, Council resolved to substitute 43 Brown St, Bencubbin and 3 Rowlands St, Beacon as alternative sites for the construction of the three proposed independent living units.

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In addition, Council decided to surrender the management orders for Reserves 22783 (43 Brown St, Bencubbin) and Reserve 23238 (16 Rowlands St, Beacon) in favour of Central East Aged Care Alliance for the purpose of "Aged Persons Accommodation".

The proposed surrender was made conditional on the return of the land to the Shire of Mt Marshall in the event that the construction of the ILU's is not commenced within four years or a later date approved by the Shire of Mt Marshall.

The September 2016 meeting of Council was also informed that:

1. the Shire of Merredin had advised that it had been in discussions with the Department of Lands regarding the potential for the conversion of Crown land to freehold title for CEACA's use in its Aged Housing Project. Discussions had been positive with the Department offering to assist in achieving the conversion and transfer of Crown land to CEACA.
2. The process would rely on an officer within the Wheatbelt Development Commission's Northam office smoothing the way through the various government agencies that have an interest in the conversion of Crown land to freehold title.
3. It was open to the Shire to convert these reserves to freehold title for transfer to CEACA as advocated by the Shire of Merredin. However the business of converting reserves to freehold title at the individual local government level is likely to be fragmented, delayed and entirely dependent on the capacity of each local government to deal with Native Title clearance, the power to lease for x amount of years and the change in purpose of some reserves which is likely to be questioned by the Department of Lands. Accordingly the Acting CEO's preference was for the conversion of Crown land to freehold title is for a collective effort to be coordinated by the Wheatbelt Development Commission.

COMMENT:

It has now become evident that the reliance placed on an officer within the Wheatbelt Development Commission's Northam office smoothing the way through the various government agencies that have an interest in the conversion of Crown land to freehold title was misplaced.

If the land in question is to be transferred in freehold title to CEACA, then it is the Shire of Mt Marshall which must manage the process by first obtaining freehold title to the two reserves for on-selling to CEACA.

The early indications are that, with Ministerial approval, both parcels of land could be obtained for a 50% discount given that the land is to be on-sold to a charitable non-profit association.

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12.5.4 South West Native Title Settlement – Mandiga Reserve No. 16805

LOCATION/ADDRESS:	Mandiga Townsite – Bencubbin-Gabbin Road
NAME OF APPLICANT:	Department of Lands
FILE REFERENCE:	A3/3
AUTHOR:	Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST:	Nil
DATE:	31 Jan 2017
ATTACHMENT NUMBER:	12.5.4a – Correspondence from Department of Lands 12.5.4b – Mandiga Townsite Aerial Map 12.5.4c – Reserve No. 16805 Map 12.5.4d – Ballardong People ILUA Map
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Land Administration (South West Native Title) Act 2016
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple majority

2017/020 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Shire of Mt Marshall advise the Department of Lands that it has no objection to the transfer of the management of Reserve No. 16805 to the Noongar Boodja Trust with the power to lease.

Moved Cr ARC Sachse

Seconded Cr WJ Beagley

Carried 5/0

BACKGROUND:

The Department of Lands has written to the Shire of Mt Marshall (see attachment 12.5.4a) seeking comments on a proposal to transfer a Department of Water (DoW) managed reserve (Reserve No. 16805) to the Noongar Boodja Trust with the power to lease.

A response is required from the Shire by 21 February 2017.

COMMENT:

From the attached maps it can be seen that Reserve No. 16805 adjoins the Mandigo-Marindo Road close to its intersection with the Bencubbin-Gabbin Road.

The enlarged railway corridor to the north of the reserve was once the site of the Mandiga Railway Station. Further north and on the other side of the Bencubbin-Gabbin Road is the site of the old Mandiga townsite,

The reserve is heavily treed and contains an old earthen water reservoir presumably fed by a water catchment that once provided water for steam trains and/or the tiny population of Mandiga - hence the current management of the reserve by the Department of Water.

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12.5.5	2015/2016 Annual Report
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LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	N/A
FILE REFERENCE:	F1/1
AUTHOR:	John Nuttall - Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	6 February 2017
ATTACHMENT NUMBER:	12.5.5 – 2015/2016 Annual Report
CONSULTATION:	Nadine Richmond – Executive Assistant
STATUTORY ENVIRONMENT:	Local Government Act

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and

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STATUTORY ENVIRONMENT:

(iii) any other details that the regulations may require;

and

(i) such other information as may be prescribed.

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.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)

VOTING REQUIREMENT: Absolute Majority

2017/021 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Annual Report for the year 2015/2016 be accepted.

Moved Cr ARC Sachse

Seconded Cr SE Faulkner

**Carried 5/0
Absolute Majority**

BACKGROUND:

The Local Government Act 1995 dictates that a local government is to prepare an Annual Report for each financial year. S.5.53 lists the items required to be contained within that report. S.5.54 further dictates that the report must be adopted by 31 December or two (2) months after receipt of the auditor's report. It should be noted that the annual financial report was adopted at the Ordinary Council Meeting held in December. Presented now is the final, full report for adoption prior to the Annual Electors Meeting.

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COMMENT:

The Annual Report, as determined by legislation, is to contain a report from the mayor or president; a report from the CEO; an overview of the plan for the future; the financial report for the financial year; information on payments made to employees that total more than \$100,000; the auditor's report for the financial year; a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; details of entries made into the register of complaints.

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12.5.6 Audit of Shire Works, Services and Social Capital

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/18
AUTHOR:	Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST:	Nil
DATE:	1 February 2017
ATTACHMENT NUMBER:	12.5.6a – Infrastructure spreadsheet 12.5.6b – Social Capital spreadsheet 12.5.6c – Community submissions
CONSULTATION:	Submissions on the Interim Audit were invited from: Beacon Progress Association Beacon Community Recreation Council Bencubbin Progress Association Bencubbin Community Recreation Council, and the general community
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	
STRATEGIC IMPLICATIONS:	2013 Strategic Community Plan has the objective of <i>'build a sense of place through public infrastructure and facilities'</i> and the strategy of <i>'Develop and maintain sustainable assets and infrastructure (medium term)'</i>
VOTING REQUIREMENT:	Simple Majority

2017/022 OFFICER RECOMMENDATION / COUNCIL DECISION:

That:

- 1. Council Acknowledge an historic equity imbalance in the provision of facilities between the towns of Beacon and Bencubbin;**
- 2. A desktop review be undertaken on proposed infrastructure upgrades for Beacon and that a further report be made to Council with a view to implementing a 5 year development program for the town;**
- 3. That the Shire's Community Development Officer investigate and report on other local government models for the development and support of volunteers in both communities; and**
- 4. That any agreed infrastructure development program and volunteer support program be incorporated into the Shire's Community Strategic Plan**

**Moved Cr SE Faulkner
Against CR WJ Beagley**

Seconded Cr ARC Sachse

Carried 3/2

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BACKGROUND:

At the August 2016 meeting of Council it was resolved:

2016/121 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council endorse the Shire undertaking an audit of the Shire's works, services and social capital within the towns of Beacon and Bencubbin to assist in the development of the Shire's Strategic Community Plan.

Moved Cr PA Gillett

Seconded Cr SE Faulkner

Carried 7/0

At the November 2016 meeting of Council it was resolved:

2016/174 OFFICER RECOMMENDATION/COUNCIL DECISION:

- 1. That the Interim Audit of Shire Works, Services and Capital be circulated to the Beacon Progress Association, the Bencubbin Progress Association and the broader community seeking feedback on the interim audit including the nomination of other non-Shire services and facilities for inclusion in the final report.**
- 2. That pending community input, a further report be presented to Council in February 2017.**

Moved Cr HJ Shemeld

Seconded Cr ARC Sachse

Carried 6/0

As resolved by Council, a further report is now presented to Council.

DETAIL:

Attached to this report are two spreadsheets.

The first spreadsheet is a listing of all of the Shire's land, building and improvement assets centred on the townships of Beacon and Bencubbin (including Wialki, Welbungin and Gabbin). Plant and equipment assets are not included for the purposes of this report.

The spreadsheet shows a "Fair Value" assigned to each of the assets by the Shire's independent valuation consultants, Griffin Valuation Advisory.

"Fair Value" is defined as "the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date" which in this case is 30 June 2014. Underlying the definition of "Fair Value" is a presumption that the entity is a going concern without any intention or need to liquidate or otherwise wind up its operations or undertakes a transaction on adverse terms.

Using fair values it is possible to measure the Shire's relative investment in physical infrastructure in the towns of Beacon and Bencubbin as summarised in the following table. The detail for each facility can be found in the spreadsheet.

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Note: The table and spreadsheet have been updated since last presented to Council in November 2016.

Facility	Bencubbin	Beacon
Shire Operations	885,850	84,000
Halls, Buildings & Community Facilities	2,241,200	1,322,750
Caravan Park & Transient Accommodation	656,100	447,000
Recreation Facilities	2,291,700	1,801,450
Aquatic Facilities	982,300	
Shire Housing - Staff	1,305,000	75,000
Shire Housing - Non staff	310,000	345,000
Public Housing	1,265,000	345,000
Vacant Land	267,000	
Welbungin	385,000	
Gabbin	177,000	
Wialki		364,000
Total	10,766,150	4,784,200

The Fair Value of all facilities (totalling \$14,136,607) does not equate to Reinstatement with New Value. Reinstatement with New Value is in excess of \$30m.

The table also lacks values for Road and Roadside Infrastructure (kerbing, street lighting, drainage, footpaths and kerbing etc.). That's because the Shire's accounting system does not allow the extraction of figures that can be readily assigned to each townsite.

The second spreadsheet provides a brief history of the more significant facilities in both towns, community groups and businesses associated with those facilities, estimated membership levels and the management arrangements.

It provides an insight into the social capital attached to facilities maintained by the Shire noting that in three instances, the Shire does not actually own the land on which the service is provided (Bencubbin Masonic Lodge, old Bencubbin Police Station and Datjoin Rock radio repeater).

COMMENT:

The table shown above reflects the development of the district with the establishment of the Mt Marshall Road Board in May 1923. With the construction of the railway through Bencubbin to Mukinbudin, Bencubbin was chosen as the administrative centre of the Shire. It was not until 1929 during the construction of the railway eastward of Kulja to Bonnie Rock that the Beacon townsite was first occupied.

Over the years both towns became central to their surrounding communities as smaller townships (e.g. Welbungin, Gabbin and Wialki) lost population and services were centralised in either Beacon or Bencubbin.

In recognising these historic accidents the table shown above can be reduced to an essential core by omitting those facilities related to Shire Operations, Shire Housing for Staff, Aquatic Facilities, Vacant Land and the townships of Gabbin, Welbungin and Wialki.

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Facility	Bencubbin	Beacon
Halls, Buildings & Community Facilities	2,241,200	1,322,750
Caravan Park & Transient Accommodation	656,100	447,000
Recreation Facilities	2,291,700	1,801,450
Shire Housing - Non staff	310,000	345,000
Public Housing	1,265,000	345,000
Total	6,764,000	4,261,200

Based on the table above, the difference in value of physical infrastructure between the two towns is approximately \$2.5m.

As Fair Values have been used, the figure of \$2.5m can be escalated to \$5.3m as an indicator of New Value cost. In other words an argument can be made for expending in excess of \$5m in Beacon in order to 'equalise' the two towns.

However a simple equalisation of values between the two towns through the allocation of new or upgraded facilities in Beacon would be a waste of money and effort if the provision of those facilities is based on 'wants' or squaring the ledger rather than 'needs' or establishing what's a fair deal.

In a similar vein the 'benefits' (both tangible and intangible) of any new or upgraded facilities in Beacon have to outweigh the 'costs' of providing and maintaining them.

The following considerations also need to be taken into account.

- total rateable values of the rural properties surrounding the two communities,
- the township populations and surrounding populations that the two communities serve,
- the historic downward trend of the Shire's total population, and
- the relative values of engineering infrastructure in both towns (i.e. sealed roads, footpaths, drainage and street lighting).

Community Submissions

Community submissions on the Interim Community Audit closing Friday 3rd February 2017 were sought. Copies of the submissions received are attached.

The first submission from Michelle Kirby as President of the Silver Chain Beacon Branch Committee, seeks continued support for health care in both towns and in particular, the district doctor and the Silver Chain nurses in both towns.

The second submission is from Chris Kirby as President of the Beacon Community Recreation Council. He thanks the Shire for undertaking essential maintenance to the Beacon Recreation Centre and expects "...this level of support to continue and grow."

The third submission is from Chris Kirby in a personal capacity and makes particular reference to the demands placed on volunteers in managing community services and facilities that might otherwise be managed by the Shire or private business. In his words "The Shire will need to be open to helping support infrastructure not controlled by the Shire into the future."

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This need for Shire support into the future is restated in the fourth submission from Noel Miguel as President of the Beacon Progress Association when referring to community owned facilities in Beacon valued at \$2.45m.

“As a community we believe the Shire should not take control of these community assets, but provide assistance in maintaining these buildings into the future. Volunteer efforts from the community in the past to keep these buildings maintained has been enormous and we feel the community deserves more financial assistance to assist in the ongoing upkeep of these assets.”

If one adds the \$2.45m value of community assets put forward by the Beacon Progress Association to the \$4.26m total of Shire-owned Beacon assets in the table last shown above, then the difference in the Fair Value of community assets between the two towns is negligible i.e. approximately \$6.7m each.

A simple transfer of the Beacon community owned assets to the Shire would then fix the equity problem.

However it's more complicated than that. Bencubbin's assets need to be increased by the value of its Sports Club (not accounted for in the tables above) and the redeveloped Bencubbin Multipurpose Complex when it becomes operational - which would still leave a significant multi-million dollar gap between the two towns.

More importantly, the Beacon Progress Association is not inclined towards transferring any assets to the Shire. They have had to work hard in winning a significant part of their community facilities (approximately 1/3 of the Beacon total in dollar values) irrespective of any Shire contributions made towards those facilities. To the extent that there is little evidence of an equivalent effort in Bencubbin, there would seem to be some justification for the angst generated by the degree of continuous improvement that occurs in Bencubbin as opposed to Beacon.

If it is agreed at Council level that there is an equity imbalance between the two towns, then another way to redress the imbalance would be through new or upgraded facilities in Beacon. Those facilities would need to be practicable, affordable and grounded in an agreed 5 or 10 year development plan for the town.

However there is no clamour for any new Shire facilities (other than housing) coming from within the Beacon community.

With the exception of funds to renovate the old shop premises in Lindsay Street, Beacon most of the things that have been identified by the Beacon Progress Association as needing attention in Beacon are already well known to the Shire i.e.

- Serviced land for housing
- Housing and aged care units
- Street, kerbing, bitumising and lighting
- Industrial land development
- A better distribution of staff between the two communities.

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In relation to serviced land for housing, the Shire is in the process of acquiring 10 vacant Crown land lots in Askew St, Beacon. A recent report by River Engineering for the Central East Aged Care Alliance (CEACA) has identified water and power connection costs for some of the lots. Subject to review, these costs could be used for budgeting further development of the land by the Shire and/or others.

Once the land is developed, housing and aged care units could be further developed using the Joint Venture model which is well known to the Shire in conjunction with the Housing Authority or CEACA.

Street lighting, the sealed width of roads, kerbing, footpaths, parking and drainage all need attention. The difference in standards between the two towns is contrasted in the photographs below.

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Beacon



Bencubbin



Beacon



Bencubbin

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Upgrading existing infrastructure will not be without its challenges as Beacon sits on a fairly flat landscape which lacks good natural drainage. It is understood that town drainage was the subject of 1991 GHD engineering report but there is no corporate memory of the report or what eventuated from it. The report and any other similar engineering reports should be re-examined.

It is the author's opinion that improvements to Beacon should build on Beacon's strong community spirit and "living on the edge" as the Wheatbelt's most north-eastern town.

Ideally any infrastructure upgrades should take place within the context of a developed streetscape plan that also deals with landscaped public open space on both Shire and not-for-profit community land. A sound streetscape plan should make the town more desirable as a tourism destination.

Beacon deservedly has currency as a tourism destination in its own right. As part of the "Wheatbelt Way" tourism in and around Beacon also serves a broader purpose in enhancing the viability of the town, the Shire and the region. The Shire of Mt Marshall has established a Beacon Accommodation Reserve fund for the Beacon Caravan Park and transient accommodation. A development plan for the caravan park in its highly attractive natural setting and additional reserve funds are needed.

Significant work has already been undertaken by the Shire's former Economic Development Officer in relation to the development of industrial land in Kirby Street north of the existing developed industrial land (Porkys). This work doesn't seem to have seen the light of day and should be revisited. There is also a significant parcel of Unallocated Crown Land south east of the intersection of the Burakin-Wialki Road and Kirby Street which may warrant further investigation for the purposes of providing more industrial land.

In relation to a better distribution of staff between the two communities, the Shire is currently appointing an additional staff member into Beacon.

In some shires, the shires works crew is based in a different geographic location to that of its administration. It is not inconceivable that the shires works crew could be based in Beacon while the Shire's administration staff could remain in Bencubbin. Any decision (or not) to relocate staff would have to be grounded in a thorough cost/benefit analysis report which could be easily obtained from any one of several larger engineering consultancies.

Social Capital

The second spreadsheet attached to this report is an audit of the social capital tied up in the management of community based facilities. It demonstrates a significant amount of community involvement in the management of various community facilities in both Bencubbin and Beacon.

The two notable differences are the industrial shed in Bencubbin (there is no Shire-owned equivalent in Beacon) and the ownership of other buildings used for commercial purposes.

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In Bencubbin the Sandalwood Shops and the Town Hall are leased out to businesses while in Beacon the Co-op is owned and managed by community members. This is matter of happenstance and should not be a source of undue concern.

In both communities however, volunteerism is a source of concern. Volunteers are aging in place and for a number of community based activities, finding younger recruits to take up the mantle is being made harder by population decline. There is an issue here in “future-proofing” both communities - particularly in relation to fire, health and ambulance services.

The community submissions (see attached) articulate these concerns.

The Officer Recommendations that have been made are intended to address a real difference in the way both townships have developed – at least in terms of the provision of physical infrastructure to Beacon. It would be a mistake to simply duplicate facilities in both towns. Both towns should focus on their comparative advantages and build on them.

For Beacon its being that little bit different to the norm.

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12.5.7	NEWROC South Western Wireless Project
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LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	NEWROC
FILE REFERENCE:	A6/22
AUTHOR:	John Nuttall - Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	8 February 2017
ATTACHMENT NUMBER:	12.5.7 – PowerPoint Presentation, South Western Wireless
CONSULTATION:	Rachel Kirby - Shire President
STATUTORY ENVIRONMENT:	Local Government Act 1995

Section 6.2

- (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
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	A contribution of \$18,718 to be considered in the budget for the 2017/18 financial year towards the project
STRATEGIC IMPLICATIONS:	SOCIAL - Provide services and processes to enhance public safety

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STRATEGIC IMPLICATIONS: S 3.1 Support provision of emergency services such as bush fire brigades, ambulance and LEMC (ongoing)

ECONOMIC - Actively support and develop local and new business

E 1.2 Lobby for the technological infrastructure (such as mobile telephone) necessary to support commercial and business growth (ongoing)

E 1.7 Build the capacity to develop and implement communication and marketing initiatives (medium term)

VOTING REQUIREMENT: Simple Majority

2017/023 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. acknowledge the resolution passed by email on 28 January during the out of session NEWROC meeting.**
- 2. direct the Chief Executive Officer to include the sum of \$18,718 into the budget deliberations for the 2017/18 financial year.**
- 3. direct the Chief Executive Officer to write a letter of 'in principal' support for the South Western Wireless project to assist the NEWROC grant application being made to the Building Better Regions Fund.**

Moved Cr SE Faulkner

Seconded Cr NR Gillett

Carried 5/0

BACKGROUND:

The NEWROC vision is to *create a strong, cohesive regional leadership group that fosters economic prosperity of member Councils*

Telecommunications has been a strategic priority for the NEWROC for the last few years. The following activities have occurred to progress this strategic priority:

- Identification by the NEWROC that telecommunications is a priority and documentation in strategy plans
- Advocacy to various politicians, regional stakeholders, Telstra and NBN representatives
- Investigation into ADSL upgrades in each town, including costings by Telstra
- Completion of a Telecommunications Business Case 2016 (funded partly by the NEWROC and Royalties for Regions)
- Close work with Regional Development Australia (Wheatbelt) and Wheatbelt Development Commission regarding the issue
- Presentation by Telstra (2014) and Optimi Digital (Jim Wyatt) in 2016

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The Building Better Regions Fund was announced in late 2016. The NEWROC expressed an interest in pursuing this funding opportunity.

A workshop by Regional Development Australia (Wheatbelt) was delivered in Wyalkatchem in December 2016 to discuss developing a benefit cost analysis and the Building Better Regions Fund guidelines. At the December NEWROC Council meeting the possibility of an application to the fund was discussed with the priority and most “shovel ready” project being telecommunications improvements for each of the member Shires.

To progress an application for the Building Better Regions Fund a number of activities needed to occur, an out of session NEWROC meeting was held via email with the following resolution passed on the 28 January 2017:

RESOLUTION

That:

- 1) A BBRF application for a total of \$938,500+gst be submitted seeking \$703,875 from the BBRF on behalf of the NEWROC with the lead applicant/proponent being the Shire of Nungarin;*
- 2) The project be submitted as a two phase approach; Phase 1 – Detailed Scope; Phase 2 – Implementation*
- 3) NEWROC contribute \$6000.00+gst to complete the Cost Benefit Analysis (CBA) required to support the grant application and RPS be endorsed to complete the CBA*
- 4) NEWROC contribute \$4200+gst to write the BBRF Application and Tammy King be endorsed to complete the application;*
- 5) Other funding opportunities (government and corporate) be explored and pursued to fund Phase 1 totalling \$21,500 (SWW quote)*
- 6) Each member local government commit administration support for the scoping and implementation of the project;*
- 7) The NEWROC write a letter of support for the project;*
- 8) Each member local government submit a letter of support for the project;*
- 9) A meeting be held with the Shire of Merredin seeking support through commitment of land for the Data Centre and a financial contribution. David Burton, Stephen Tindale and two Presidents be nominated to meet with Greg Powell and Shire of Merredin President Ken Hooper;*
- 10) Bendigo Bank be approached for a minimum \$6000 contribution if funding is successful and a letter of support for the project;*
- 11) Identified stakeholders be approached for financial contributions to the project, a minimum of \$10,000 in total be secured from external contributors to support the application; and*
- 12) Letters of support be obtained from state and federal politicians, key franchise businesses, WBN and other key groups within the NEWROC*

Resolution supported by:

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Shire of Wyalkatchem
Shire of Trayning
Shire of Mukinbudin
Shire of Mt Marshall

Shire of Nungarin absent during the period
Shire of Koorda supported Resolution 1 in initial correspondence (above resolution
removes Council contribution)

As of the 31 January 2017 the following activities have occurred:

- RPS has been engaged to complete the Cost Benefit Analysis for the project and the funding application
- Rebekah Burges has been engaged to update the Business Case
- South Western Wireless is adding information to the Business Case and asset management plans, procurement plans, risk management plan etc
- Tammy King, Grants Empire has been engaged to write the BBR grant application

COMMENT:

At the NEWROC Executive Meeting on the 7 February 2017, Jeremy Devenish, WA State Manager, South Western Wireless was invited to present (SWW is the infrastructure developer for the proposed telecommunications upgrade in the NEWROC). The following is a summary of his presentation:

- SWW is currently working in 22 regions on the east coast. They have been rolling out this type of infrastructure for the past 5 years, with improvements being made along the way
- SWW works with NextGen who have fibre, with immense capacity running through Merredin and Kellerberrin
- With this in mind Merredin or Kellerberrin are possible locations for the data centre (\$300,000) to be located as both towns have fibre running through them and have a node which can be accessed. The Data Centre has a 300 kilometer (km) radius with the support of repeaters
- For the NEWROC telecommunications project 11 repeaters are proposed (no power source required, they run on solar power)
- The 11 repeaters can be relocated / redeployed in the future
- Distance between repeaters “speaking” to each other is 30km, 15km from the repeaters for residents to access
- The repeaters work in emergencies when other systems fail
- SWW requires 200 subscribers across the network for it to be feasible

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- Subscribers need a line of sight to the repeater (approx. 30m high) and subscribers can put an aerial on their premise to be in this line of sight (suggestion made for the repeaters to go on CBH grain silos)
- Highest latency in the system is 10 milliseconds – as data is going through repeaters. The 300km radius is the maximum distance between the data centre and repeaters or else data transmission is effected
- SWW provides a unique symmetrical service – download and upload speeds are the same (where as NBN has varying download and upload speeds)
- Towers “seem” to be exempt from planning laws – 30m maximum
- Where the repeaters do not service households, there is the option for private networks to be established (between \$6,000-\$10,000)
- Discussion regarding the involvement of neighbouring Shires in the project, time constraints for the funding and future partnerships with other Shires wishing to access the service - SWWW are open to discussions about a profit sharing model
- David Burton and Graham Merrick are meeting the Shire of Merredin and Cr Ken Hooper on the 7 February to discuss the Data Centre
- Suggestion from the Shire of Mukinbudin that SWW should identify the gaps in NEWROC where the service is not being delivered and that the project should be a truly NEWROC project
- Discussion around a staged project and ensuring the residents in the areas that are not being serviced are serviced in the future (possible State Funding)
- SWW need to still complete a land survey to identify the locations for the repeaters, but have a general idea of location. This will cost \$21,500 up front however if the BBR application is successful and the project rolls out, it will come off the cost of the \$300,000 data centre
- All the data within the network stays within in the network, it can then act like an intranet. Additionally data is cached e.g. if a resident downloads a movie such as Grease in Nungarin, and a resident in Koorda also wants to download this movie, then because the data is cached it can be retrieved and no further data is used
- Residential contracts are for 24mths and business contracts are 36mths
- SWW indicated they are in the project for a long term investment
- In the future the Data Centre upgrade is not onerous and SWW is responsible for the upgrades to the Data Centre and repeaters

Indicative Map - Important to note this particular image below is indicative only. The detailed onsite work is still required with a final map to be presented. Once the work is done and consultation has taken place to ensure the absolute best coverage possible then

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- Discussion around future proofing telecommunications in each of the member Shires
- Discussion regarding financial contributions by each Shire as well as the NEWROC and what is required for the BBR funding application (minutes of Council meetings are required confirming contributions)

The following motion was passed after the discussions:

MOTION

The NEWROC be responsible for the cost of the South Western Wireless land survey (cost of \$21,500) which will identify the locations of the proposed repeaters. Funding to be allocated from the NEWROC Term Deposit

Each member Shire allocate \$18,718 in their 2017/18 budgets (totalling \$112,308) and the NEWROC contribute \$112,308 (to be allocated from the NEWROC Term Deposit) for the 25% contribution required to support the Building Better Regions fund 2017 application

Moved Graham Merrick

Seconded John Nuttall

CARRIED 6/0

This agenda item therefore seeks Council support for the above actions and NEWROC motions, along with 'in principal' support to assist the grant application and a resolution to include the sum of \$18,718 (one twelfth contribution towards the project) in the budget deliberations for next financial year.

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12.6	Executive Assistant
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12.6.1	Development Assessment Panel Nominations
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LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	N/A
FILE REFERENCE:	B1/2
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	No Interest to Disclose
DATE:	10 January 2017
ATTACHMENT NUMBER:	12.6.1 – Correspondence from Director General Gail McGowan.
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Planning & Development (Development Assessment Panels) Regs. 2011
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2017/024 OFFICER RECOMMENDATION / COUNCIL DECISION:
--

That Cr RM Kirby and Cr SE Faulkner be renominated to the Development Assessment Panels (DAP) committee, and Cr CT Lumsden and Cr WJ Beagley be renominated as Deputies to the DAP committee.
--

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 5/0

BACKGROUND:

In July 2011 fifteen Development Assessment Panels (DAP) came into operation to determine development applications that meet a certain threshold value.

Appointments of all local government DAP members expire on 26 April, 2017.

Under regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, Council is requested to nominate four elected members of the Council, comprising two local members and two alternate (deputy) local members to sit on your local DAP as required.

COMMENT:

The current Council members are Cr RM Kirby and Cr SE Faulkner with Cr CT Lumsden and Cr WJ Beagley as deputies. The requirements for the DAP to meet are very minimal and it is recommended to renominate the current members.

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12.6.2 Policy Manual – Admin.1.5 Risk Management

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/24
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Nil
DATE:	11 January 2017
ATTACHMENT NUMBER:	12.6.2 – Proposed Policy Admin.1.5 Risk Management
CONSULTATION:	Stephen Tindale – Former Acting CEO
STATUTORY ENVIRONMENT:	Local Government (Audit) Regulations 1996
POLICY IMPLICATIONS:	Formulation of New Policy – Admin.1.5
FINANCIAL IMPLICATIONS:	To be ascertained
STRATEGIC IMPLICATIONS:	C 2.2 Promote a culture of continuous improvement processes (ongoing) C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)
VOTING REQUIREMENT:	Simple Majority

2017/025 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the proposed policy Admin.1.5 – Risk Management (Attachment 12.6.2) be adopted.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

BACKGROUND:

Regulation 17 of the Local Government (Audit) Regulations 1996 requires the CEO to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal controls and legislative requirements. The review is to be carried out at least once every two (2) calendar years and the results of the review are to be presented to the Shire's Audit Committee.

At the December meeting of the Shire's Audit Committee it was resolved as follows:

Audit2016/008 OFFICER RECOMMENDATION/COMMITTEE DECISION:

That:

- (1) Council review and adopt the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria;**
- (2) the CEO implement an action plan to address each of the Key Controls within the 15 identified risk profile areas that are currently "Not Rated" or are "Inadequate" and report back to the next meeting of the Audit Committee on the implementation of that plan; and**

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(3) for purpose of Regulation 17(3) of the Local Government (Audit) Regulations 1996 the Audit Committee note that this report fulfils the requirement of the CEO to review the appropriateness and effectiveness of the Shire of Mt Marshall's systems and procedures in relation to risk management, internal control and legislative compliance, and to report to the Audit Committee on the result of that review.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

COMMENT:

The Shire's current Policy Manual is silent on risk management policies and procedures. The proposed policy was considered by the Audit Committee on 20 December 2016 and is now presented to Council for review and formal adoption.

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12.6.3 Minutes of NEWROC Council Meeting held 13 December 2016

LOCATION/ADDRESS:	NEWROC District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	Nil
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Nil
DATE:	2 February 2016
ATTACHMENT NUMBER:	12.6.3 – Minutes of NEWROC Council Meeting held 13 December 2016
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2017/026 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the minutes of the NEWROC Council meeting held on 13 December 2016 be noted.

Moved Cr ARC Sachse

Seconded Cr SE Faulkner

Carried 5/0

BACKGROUND:

The Shire of Mt Marshall is a member of the North Eastern Wheatbelt Regional Organisation of Councils (NEWROC). NEWROC is not a formal organisation but was formed for the purpose of collaboration and joint initiatives between the Shires of Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning and Wyalkatchem, and is governed by a Memorandum of Understanding (MOU) between these Shires.

NEWROC Council and NEWROC Executive meetings alternate on a bi-monthly basis.

COMMENT:

The Minutes of the NEWROC Council meeting held on 13 December are submitted (attachment 12.6.4) in order to keep all members abreast of the activities of the NEWROC Council.

The next meeting of the NEWROC Council is scheduled to be held on Tuesday 28 February 2017 at the Shire of Trayning.

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12.6.4 Status Report December 2016

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	No Interest to Disclose
DATE:	2 February 2017
ATTACHMENT NUMBER:	12.6.4 – Status Report December 2016
CONSULTATION:	Stephen Tindale - Acting Chief Executive Officer Sally Morgan – Community Development Officer Tanika McLennan - Finance and Administration Officer Jack Walker – Regulatory Officer
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	C 3.3 Provide reporting processes in a transparent, accountable and timely manner (short term)
VOTING REQUIREMENT:	Simple Majority

2017/027 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Status Report for December 2016 be noted.

Moved Cr SE Faulkner

Seconded Cr WJ Beagley

Carried 5/0

BACKGROUND:

The status report is a register of Council resolutions that are allocated to Shire staff for actioning. When staff have progressed or completed any action in relation to Council's decision, comments are provided until the process is completed or superseded by more recent Council resolutions.

COMMENT:

In the interest of increased transparency and communication with the community, the status report is provided for information.

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Cr SE Faulkner declared a financial interest in item 12.7.1 due to having entered an agreement with Q-Stone Pty Ltd worth \$30,000 annually.

CR SE Faulkner left Council Chambers at 5.45pm and took no part in discussion or voting.

12.7	Regulatory Officer
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12.7.1	Road Closure – Portion of Potts Road, Welbungin
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LOCATION/ADDRESS:	Potts Road - Welbungin
NAME OF APPLICANT:	John Guthrie – QStone Pty Ltd
FILE REFERENCE:	TP1/2
AUTHOR:	Jack Walker – Regulatory Officer
DISCLOSURE OF INTEREST:	No interest to disclose
DATE:	25 January 2017
ATTACHMENT NUMBER:	12.7.1a – Correspondence to Affected Land Owners 12.7.1b – Correspondence between Regulatory Officer - Jack Walker, Stuart Faulkner and the Dept of Planning 12.7.1c – Letters of No Objection from Assorted Service Providers
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer Helen Griffiths – Department of Planning Vaughan Smith – Parks and Wildlife Mark Moore – Parks and Wildlife Merredin Faulkner Brothers - Landowners PA Sachse - Landowner Western Power Main Roads WA Water Corporation Telstra Department of Mines and Petroleum
STATUTORY ENVIRONMENT:	Land Administration Act 1997

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the

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STATUTORY ENVIRONMENT:

publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

[Section 58 amended by No. 59 of 2000 s. 18(1) ⁹.]

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

E 3.1 Plan for the provision and delivery of transport services and infrastructure in the Shire in close consultation with the State and Federal governments and the local community (ongoing)
E 3.2 Maintain an efficient, safe and quality local road network (ongoing)

VOTING REQUIREMENT:

Simple majority

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2017/028 OFFICERS RECOMMENDATION / COUNCIL DECISION:

That Council direct the CEO to write to the Minister of Regional Development and Lands requesting the formal closure of the unconstructed portion of Potts Road from the Welbungin-Wialki Road to the Mukinbudin Shire boundary and the said land be returned to the crown.

Moved Cr ARC Sachse

Seconded Cr WJ Beagley

Carried 4/0

BACKGROUND:

At the July 2016 ordinary meeting of Council, approval was given to QStone Pty Ltd's Development Application allowing an extractive industry on Ninghan locations 606, 3029 and 2643 Potts Road, Welbungin for the purpose of extracting pegmatite aggregate.

The developers had indicated that during the life of the project it would be necessary to excavate across the Potts Road Reserve and as a result an additional condition was included that the road reserve be subject to a separate development approval application. The section of road being the subject of this item is included in the Potts Road Reserve and although it is unconstructed, requires formal closure to allow the development application to proceed.

A request has been received from Qstone Pty Ltd to close an unconstructed portion of Potts Road and at the September Ordinary meeting of Council the following was resolved:

2016/149 OFFICER RECOMMENDATION / COUNCIL DECISION:

That:

- 1. the Shire of Mt Marshall request the Minister for Regional Development and Lands to permanently close an unconstructed portion of Potts Road as shown in attachment 12.6.3, reverting the road reserve to crown land; and**
- 2. the Shire of Mt Marshall advertise the proposed closure, seeking community feedback.**

Moved Cr WJ Beagley

Seconded Cr ARC Sachse

Carried 5/0

Under subsection (1) of the *Land Administration Act 1997* a local government is required to allow a period of 35 days to lapse after public notice detailing the proposed closure has been circulated. Should any submissions be received, these are to be considered by Council before resolving to submit a request to the Minister of Regional Development and Lands. The submission period ended 25 November 2016.

COMMENTS:

At the conclusion of the submission period two submissions were received. The Department of Planning raised concerns regarding access to locations 3028, 3029 (Faulkner Bros) and 4204 (DPAW Flora and Fauna Reserve), as they all rely solely on Potts Road for access and the properties could become landlocked should the closure proceed. A copy of the Department of Planning's concerns were forwarded to Faulkner Bros seeking their comments as they would be the affected landowners. Their response

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was then forwarded to the Department. The Department of Planning was happy with the response received and confirmed that the Shire could proceed with the road closure. The only other submission was received from Parks and Wildlife, however it was more of a suggestion than a submission. Their suggestion was for the track/closed road to be retained as a firebreak to divide up the bush.

Access to the reserve by Parks and Wildlife staff is currently through property owned by Faulkner Bros and they have indicated there is no intention to change this arrangement.

All service providers have been advised of the intended road closure and have no objections.

Mr PA Sachse, as an adjoining landowner, has also been advised of the proposed road closure and did not submit any objection.

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Cr SE Faulkner entered Council Chambers at 5.48pm.

Mrs Jenni Bunce and Mrs Tanya Gibson left Council Chambers at 5.48pm.

12.7.2 Extractive Industries Local Law

LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/4
AUTHOR:	Jack Walker – Regulatory Officer
DISCLOSURE OF INTEREST:	No interest to disclose
DATE:	31 January 2017
ATTACHMENT NUMBER:	12.7.2 – Shire of Collie Extractive Industries Local Law 2015
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer John Nuttall – Chief Executive Officer Elizabeth Kania – WALGA Governance Advisor
STATUTORY ENVIRONMENT:	Local Government Act 1995

Division 2 — Legislative functions of local governments

Subdivision 1 — Local laws made under this Act

3.5. Legislative power of local governments

- (1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

3.8 Local laws may adopt codes etc.

- (1) A local law made under this Act may adopt the text of —
 - (a) any model local law, or amendment to it, published under section 3.9; or
 - (b) a local law of any other local government; or
 - (c) any code, rules, specifications, or standard issued by Standards Australia or by such other body as is specified in the local law.
- (2) The text may be adopted —
 - (a) wholly or in part; or
 - (b) as modified by the local law; or

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STATUTORY ENVIRONMENT:

- (c) as it exists at a particular date or, except if the text of a model local law is being adopted, as amended from time to time.

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.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (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 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.

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STATUTORY ENVIRONMENT:

- (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; No. 26 of 2016 s. 5.]

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly

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STATUTORY ENVIRONMENT:

different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the *Gazette* or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the *Gazette* or on such later day as may be specified in the local law.

[Section 3.14 amended by No. 1 of 1998 s. 9.]

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
 - (a) the local government proposes to review the local law; and
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
 - (c) submissions about the 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.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

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STATUTORY ENVIRONMENT:

- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.

** Absolute majority required.*

[Section 3.16 amended by No. 64 of 1998 s. 7; No. 49 of 2004 s. 24.]

3.17. Governor may amend or repeal local laws

- (1) The Governor may make local laws to amend the text of, or repeal, a local law.
- (2) Subsection (1) does not include the power to amend a local law to include in it any provision that bears no reasonable relationship to the local law as in force before the amendment.
- (3) The Minister is to give a local government notice in writing of any local law that the Governor makes to amend the text of, or repeal, any of the local government's local laws.
- (4) Section 5.94 applies as if a local law made under this section by the Governor were a local law made by the local government in accordance with section 3.12.

POLICY IMPLICATIONS:
FINANCIAL IMPLICATIONS:
STRATEGIC IMPLICATIONS:

Nil
Nil
S 2.6 Provide to the community quality regulatory services
N 1.2 Perform sustainable resource use and land management practices
Absolute Majority

VOTING REQUIREMENT:

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2017/029 OFFICERS RECOMMENDATION / COUNCIL DECISION:

That:

- 1. subject to Section 3.12(3) of the *Local Government Act 1995* the Shire of Mt Marshall advertise its intention to adopt the Shire of Collie Extractive Industries Local Law 2015 with the following amendments:**
 - (a) Delete “Shire of Collie” wherever it occurs and substitute “Shire of Mt Marshall”**
 - (b) Delete Clause 1.4 “Repeal” as the Shire of Mt Marshall does not have a current Extractive Industries Local Law to Repeal.**
 - (c) Delete “2015” and substitute with “2017”**
- 2. the Shire of Mt Marshall notes that the purpose of the proposed Extractive Industries Local Law 2017 is to prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government; regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples’ health and property; and provide for the restoration and reinstatement of any excavation site.**
- 3. that the Shire of Mt Marshall notes the effect of the proposed Extractive Industries Local Law 2017 is that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of the local law.**

Moved Cr NR Gillett

Seconded Cr SE Faulkner

Carried 5/0

BACKGROUND:

In the interest of good governance it was resolved by Council at its December 2016 meeting that staff investigate the adoption of a suitable Extractive Industries Local Law.

2016/198 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Administration investigate the adoption of a suitable Extractive Industries Local Law for the Shire of Mt Marshall and report back to Council on the same.

Moved Cr CT Lumsden

Seconded Cr HJ Shemeld

Carried 7/0

COMMENTS:

A number of fellow local governments Extractive Industries Local Laws were reviewed by staff and the Shire of Collie Extractive Industries Local Law 2015 appeared to be the most suitable example for which the proposed law of Shire of Mt Marshall be based. Some minor amendments would need to be made.

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The proposed local law is to be advertised for public comment for a minimum period of 6 weeks. Following the public submission period, Council will consider any submissions made prior to making a final decision on the adoption of the local law.

As a number of extractive industries already operate within the Shire, a local law of this type is relevant to the Shire of Mt Marshall.

A new charge will need to be included in the Shire's schedule of fees and charges as Part 3 – Determination of Application, Section 3.1 (5) of the proposed local law allows for the collection of an annual licence fee.

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13.0	Elected Members Motions of Which Previous Notice Has Been Given
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Nil

14.0	New Business of an Urgent Nature Introduced by Decision of the Meeting
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2017/030 COUNCIL DECISION:

That the late item 14.1 be considered as presented.

Moved Cr WJ Beagley

Seconded Cr Sachse

Carried 5/0

CEO, John Nuttall declared a financial interest in item 14.1 being that he is the party (CEO) to whom this item relates. The item includes leave arrangements which give rise to a financial interest.

14.1 Authorisation of CEO Leave
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LOCATION/ADDRESS:	Shire of Mt Marshall
NAME OF APPLICANT:	John Nuttall
FILE REFERENCE:	Staff
AUTHOR:	John Nuttall – Chief Executive Officer
DISCLOSURE OF INTEREST:	The author has an interest as this item relates to the way Council deals with authorisation of leave entitlement for the CEO
DATE:	14 February 2017
ATTACHMENT NUMBER:	1
CONSULTATION:	Cr. Rachel Kirby, Shire President
STATUTORY ENVIRONMENT:	Local Government Act s5.39 provides the requirement for the CEO to be employed under a contract of employment
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	CIVIC LEADERSHIP - Provide efficient and effective management C 3.4 Recruit, retain and develop suitably qualified, experienced and skilled staff C 3.5 Provide flexible and attractive work conditions in a supportive work environment
VOTING REQUIREMENT:	Simple Majority

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2017/031 OFFICER RECOMMENDATION / COUNCIL DECISION:

That Council authorise the Shire President to approve leave of five (5) working days or less for the Chief Executive Officer without the need for the request to be presented formally to Council

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

BACKGROUND:

Council will be aware that the CEO is employed under a contract of employment. Below is an extract from that contract:

9.1 Approval for leave

Leave by You is to be taken at a time, or during periods that are approved by the Council (or, if the Council so resolves, by the President).

9.2 Annual leave

- (a) You are entitled to five weeks' paid annual leave each year.
- (b) Annual leave accrues progressively and is cumulative.
- (c) The Council may direct You to take any annual leave that You have accrued in excess of 30 days' entitlement.

This item requests Council to resolve that for periods of leave of five (5) working days or less the Shire President is able to approve the leave without the need for the matter to be presented to Council.

COMMENT:

In order that short leave entitlements do not require an agenda item to be prepared, and the matter to take the time of full Council it is suggested that the Shire President should be able to approve such leave. Any leave longer than that time, which may have some effect upon the running of the organisation, would then be presented to Council for approval.

Nil

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15.0	Next Meeting – Tuesday 21 March 2017 commencing at 3:00pm in Council Chambers, 80 Monger St, Bencubbin
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16.0	Closure of Meeting
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The Presiding Member declared the meeting closed at 5.57pm

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

Date

Cr RM Kirby

President