



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 17 November 2020, at the Beacon Country Club, Shemeld St, Beacon, commencing at 4:00pm.

Cr ARC Sachse

President

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intentionally**

DISCLAIMER

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

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

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

John Nuttall
Chief Executive Officer

Chairperson Initial

Minutes of the Ordinary Meeting of Council
held on Tuesday 17 November 2020

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- 12.7 Development
 - 12.7.3 Application for Development Approval – Horizon Surveys Subdivision
- 12.8 Environmental Health Officer
- 13. Matters for Which Members of the Public are Excluded

In accordance with the Local Government Act 1995 Section 5.23(2)(a) it is appropriate for Council to resolve, by procedural motion, to exclude members of the public.

 - 13.1 Chief Executive Officer Contract
- 14. Elected Members' Motions of Which Previous Notice Has Been Given
- 15. New Business of an Urgent Nature Introduced by Decision of the Meeting
- 16. Next Meeting – Tuesday 15 December 2020 commencing at 3:00pm in Council Chambers, Monger St, Bencubbin
- 17. Closure of Meeting

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held on Tuesday 17 November 2020

1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 4.00pm and welcomed all those present.

2.0 Record of Attendance / Apologies / Approved Leave of Absence

In Attendance

Cr ARC Sachse	President	4.00-5.04, 5.06-5.11pm
Cr NR Gillett	Deputy President	
Cr LN Gobbart	Councillor	4.00-4.36, 5.01-5.11pm
Cr TM Gibson	Councillor	
Cr IC Sanders	Councillor	4.00-4.36, 5.01-5.11pm
Cr SR Putt	Councillor	
Mr John Nuttall	Chief Executive Officer	4.00-5.07, 5.10-5.11pm
Ms Nadine Richmond	Executive Assistant	
Ms Tanika McLennan	Finance and Administration Manager	4.00-5.07pm
Miss Rebecca Watson	Community Development Officer	4.00-5.07, 5.10-5.11pm
Mr Len Cargeeg	Member of the Public	4.00-5.07pm
Mrs Megan Beagley	Member of the Public	4.00-5.07pm

Apologies

Nil

3.0 Standing Orders

2020/11-001 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 TM Gibson

Seconded Cr SR Putt

Carried 6/0

4.0 Public Questions

4.1 Response to Public Questions Taken on Notice

Nil

4.2 Public Question Time

The Presiding Member declared public question time open at 4.01pm

The following questions were received prior to the meeting.

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4.2.1 Summary of question from Mr Len Cargeeg:

The older shed at the Shire Depot in Bencubbin was built around the last years of the 1950s. About 70 years ago. The shed had doors that would keep the dust and rain out. The doors have been replaced by wire gates with what appears to be barbed wire atop.

- a. Does the Shire think that these wire gates will be able to keep out the rain and the dust?
- b. Who suggested the change to wire gates?

Summary of response from the Presiding Member:

Thanks for your question. This is a question that relates to an operational decision not a Council decision. I am therefore not in a position to provide an answer today but the administration will forward an answer to you by email within the next few days.

The Presiding Member declared public question time closed at 4.03pm.

5.0 Applications for Leave of Absence

Nil

6.0 Declarations of Interest

Cr NR Gillett declared an impartiality interest in item number 12.5.6 being that he is a member of Lake McDermott Catchment Group.

Cr ARC Sachse declared an impartiality interest in item number 12.5.6 being that he is a member of the Lake McDermott Catchment Group and the Bencubbin Sports Club.

Cr ARC Sachse declared a proximity interest in item 12.7.3 being that he owns land that borders land in proposed sub-division.

Cr SR Putt declared an impartiality interest in item number 12.5.6 being that he is a member of the Lake McDermott Catchment Group and the Bencubbin Sports Club.

Cr LN Gobbart declared a financial interest in item number 12.5.6 being that she is the Treasurer of the Bencubbin Sports Club.

Cr IC Sanders declared a financial interest in item number 12.5.6 being that his company, ICS Carpentry has quoted on works for the Bencubbin Sports Club who are applicants for the Club Support Funding.

Cr TM Gibson declared an impartiality interest in item number 12.5.6 being that she is a member of the Beacon Progress Association.

7.0 Confirmation of Minutes of Previous Meetings

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Minutes of the Ordinary Meeting of Council
held on Tuesday 17 November 2020

7.1 Minutes of the Ordinary Meeting held on Tuesday 20 October 2020

2020/11-002 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 20 October 2020 be confirmed as a true and correct record of proceedings.

Moved Cr LN Gobbart

Seconded Cr NR Gillett

Carried 6/0

8.0 Announcements by Presiding Person Without Discussion

The Shire of Mt Marshall would like to thank everyone for their understanding and compliance with recent harvest and movement of vehicles in paddocks bans, and road closures to heavy vehicles greater than 4.5 Tonnes. Thank you to our Chief Bush Fire Control Officer, and the other Bush Fire Control Officers, for their continued monitoring of dangerous fire conditions, with the end goal of keeping our community safe both in terms of personal injury and property damage. Weather conditions have been very challenging over recent weeks and it is to be hoped that the 2020 grain harvest can continue without further very high or extreme weather events.

The Shire of Mt Marshall would like to extend our condolences to the family of Martin Hogan, who passed away suddenly on Saturday 31 October, 2020. Martin lived on the family farm near Bencubbin, attended the Bencubbin Primary School, and has been part of the community over his lifetime. He will be sadly missed. His brother Michael was a Councillor for the Shire of Mt Marshall. Martin's funeral is to be held in Bencubbin this coming Friday, 20 November 2020. Rest in Peace.

The Shire of Mt Marshall extends our deepest sympathy and heartfelt condolences to former Councillor Stuart Faulkner and his family on the sudden passing of wife and mother, Michelle. Michelle has lived with her family on their farm near Beacon for many years, and is much loved by the Beacon community. Michelle has been a staunch supporter of the Beacon Netball Club, was heavily involved in Beacon Theatre Arts, the Kununoppin Hospital Women's Auxiliary and many other community organisations. Michelle passed away on Monday, 9 November 2020. Rest in Peace.

9.0 Report's of Councillors

9.1 President's Report

Purpose:

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

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Comment:

The President represented the Shire at the following meetings and training opportunities 21 October to 17 November 2020.

- 20/10/2020 Presentation of Volunteer Bush Fire Service Medals and Medallions, Bencubbin Recreation Complex with Mr Dave Gossage President of the Volunteer Association of Bush Fire Brigades, Mr Daniel Hendrickson Department of Fire and Emergency Services Area Officer – Upper Wheatbelt, Cr Tanya Gibson, Cr Leeanne Gobbart, Cr Stuart Putt, CEO John Nuttall, RO Jack Walker, Shire Staff and Bush Fire Brigade Volunteers from Bencubbin, Cleary, Gabbin, Tampu and Welbungin.
- 21/10/2020 Wheatbelt District Emergency Management Committee (DEMC) Meeting, Northam.
- 27/10/2020 Operational Area Support Group (OASG) Wheatbelt Meeting, Zoom Electronic.
- 28/10/2020 North Eastern Wheatbelt Regional Organisation of Councils (NEWROC) Meeting, Wyalkatchem with CEO John Nuttall.
Emergency Management Exercise – North Eastern Regional Organisation of Councils (NEWROC), Trayning with CEO John Nuttall, RO Meg Wyatt, other members of the Mt Marshall Local Emergency Committee including Bencubbin Police, Bencubbin Primary School, District Emergency Advisor DFES, Department of Communities and other agencies.
- 29/10/2020 WALGA Breakfast with Directors General, Perth.
- 10/11/2020 Send Off for retiring Regulatory Officer, Jack Walker, Bencubbin SportsClub, with Shire Staff and Councillors.
Operational Area Support Group (OASG) Wheatbelt, COVID-19 State of Emergency Meeting, Zoom.
- 11/11/2020 Mt Marshall Local Emergency Management Committee, Council Chambers with CEO John Nuttall, RO Meg Wyatt, CDO Rebecca Watson and other members of the Committee.
Remembrance Day Service, Bencubbin War Memorial with CEO, John Nuttall.
- 12/11/2020 WALGA Great Eastern Country Zone (GECZ) Executive Committee Meeting, Teleconference.

9.2 Councillors

Nil

10.0 Petitions / Deputations / Presentations / Submissions

Nil

11.0 Reports of Committees

Nil

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12.0 Reports of Officers

12.1 Chief Executive Officer

12.1.29 Appointment of Elected Members to the Eastern Wheatbelt Biosecurity Group and the Wheatbelt North Sub Regional Road Group

File No:	4.0081
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

Section 5.10 Local Government Act 1995 provides for the appointment of committee members. A decision to appoint committee members requires an absolute majority decision of Council.

At any given time each Council member is entitled to be a member of at least one (1) committee that comprises Council members only, or Council members and employees. If a Council member nominates him/herself to be a member of such committee/s, the Council is to include that Council member to at least one of those committees as the Council determines.

If the Council is to make an appointment to a committee that has, or could have a Council member as a member and the President informs Council of his/her wish to be a member of the committee, the Council is to appoint the President to be a member of the committee.

If the Council is to make an appointment to a committee that has or will have an employee as a member and the Chief Executive Officer informs the Council of his/her wish:

- a. to be a member of the committee; or
- b. that a representative of the Chief Executive Officer be a member of the committee, the Council is to appoint the Chief Executive Officer or the Chief Executive Officer's representative, as the case may be, to be a member of the committee.

In September of this year Mr Brendan Geraghty resigned from his role as Councillor of the Shire of Mt Marshall. The WA Electoral Commission has given permission for the vacancy to remain until the ordinary election of October 2021.

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Mr Geraghty was a Council representative on both the Eastern Wheatbelt Biosecurity Group and the Wheatbelt North Sub Regional Road Group. This item recommends Council appoint replacement representatives until committee and group appointments are reviewed at the first meeting following Local Government Ordinary Elections as required.

Consultation:

Executive Assistant – Nadine Richmond

Statutory Environment:

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* Absolute majority required.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

(1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

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- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.

Relevant Plans and Policy:

Nil

Financial Implications:

Meeting and Travel Allowances are included in the 2019/2020 Budget

Risk Assessment:

There would be a breach of legislation if Council did not make committee appointments as required.

Community & Strategic Objectives:

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

4.3.1 Promote and support elected members and staff participation in training, education and professional development

4.3.3 Ensure compliance with all relevant legislation

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Comment:

Given the resignation of Cr Geraghty it is necessary to fill the vacancies on the committees he served on.

2020/11-003 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council in accordance with Section 5.10 of the Local Government Act 1995, endorse the following working group appointments as listed below:

Wheatbelt North Sub-Regional Road Group
Elected Member Cr. SR Putt

Eastern Wheatbelt Biosecurity Group
Deputy Elected Member Cr. NR Gillett

<i>Moved Cr SR Putt</i>	<i>Seconded Cr TM Gibson</i>	<i>Carried 6/0</i>
<i>Absolute Majority</i>		

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12.1.30 Request to Leave Vacancy Unfilled – Response

File No:	N/A
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.30 - Correspondence from WA Electoral Commission
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

After the resignation of Brendan Geraghty from his position as a councillor with the Shire of Mt Marshall council resolved as follows:

2020/10-006 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Note the resignation of Cr Brendan Geraghty from his position as a councillor effective as of 12 October 2020; and*
- 2. Resolve, subject to sections 4.17 (3), 4.17 (4) and 4.17 (4A) Local Government Act 1995, to apply to the Electoral Commissioner for permission to allow the vacancy to be unfilled until the Local Government Elections to be held in October 2021*

Moved Cr SR Putt

Seconded Cr NR Gillett

Carried 5/1

As a result, the Chief Executive Officer wrote to the Electoral Commissioner requesting permission as per the resolution.

By cover of letter (**attachment 12.1.30**) dated 23 October 2020 the Electoral Commissioner gave the permission sought to leave the vacancy unfilled until the Ordinary Council Elections in October 2021.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

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Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

4.3.2 Provide sufficient resources to facilitate effective governance

4.3.3 Ensure compliance with all relevant legislation

4.3.5 Use resources efficiently and effectively

4.3.6 Operate in a financially sustainable manner

Comment:

By this report Council are provided the response to the application to leave the vacancy unfilled and are asked to receive the documentation.

2020/11-004 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council receive the letter from the Electoral Commissioner confirming permission to leave the current Councillor vacancy unfilled until the next Ordinary Council Elections.

Moved Cr IC Sanders

Seconded Cr SR Putt

Carried 5/1

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12.1.31 Application for Rates Exemption – U1, 43 Brown Street Bencubbin

File No:	4.0243, A6994
Location/Address:	U1, 43 Brown Street Bencubbin
Name of Applicant:	Central East Aged Care Alliance Inc (CEACA)
Name of Owner:	CEACA
Author:	John Nuttall – Chief Executive Officer
	12.1.31a - Application for Rates Exemption – Unit 1, 43 Brown St, Bencubbin
Attachments:	12.1.31b - Information Supporting Application for Rates Exemptions on CEACA Units in Mt Marshall
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

On 19 October 2020 the following email (with attachments) was received from CEACA:

Good Afternoon,

RATES EXEMPTION

Please find attached in support of our application for Shire rates exemption in relation to the above property:

1. *Application for Rates Exemption.*
2. *Site Plan.*
3. *CEACA Certificate of Incorporation.*
4. *CEACA ATO Endorsement Charity Tax Exemptions.*
5. *CEACA ACNC Certificate.*
6. *CEACA Constitution.*
7. *CEACA Operations – Written Statement*

Please note that we have not included the following:

1. *Copy of tenant lease. This breaches the Privacy Act and the Agency will not provide individual tenant leases to send to you. We would be happy to confirm that the tenant is not responsible for paying rates and can provide a blank copy of the Residential Tenancy Application if this helps. Please advise.*
2. *Current year audited financial statements. These have not yet been completed. We would be happy to provide you with a copy at a later date.*

We trust this information is sufficient for your purposes, however if there is anything else we need to provide in support of our application, please let us know.

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Kind Regards,

Jo Trachy
Operations Manager
Central East Aged Care Alliance Inc.

A copy of the attachments (**12.1.31a and 12.1.31b**) to that email are provided for Council.

Consultation:

There has been some previous discussion with the CEACA Chief Executive Officer and Operations Manager as a previous application was rejected as it was not in the correct form and did not include the necessary documentation.

Statutory Environment:

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land-

(a) land which is the property of the Crown and-

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except-

I. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

II. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister

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- of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
- (e) land used exclusively by a religious body as a school for the religious instruction of children;
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;
 - (g) land used exclusively for charitable purposes;
 - (h) land vested in trustees for agricultural or horticultural show purposes;
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

LGA : s6.47 – Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Relevant Plans and Policy:

Nil

Financial Implications:

In the annual budget for the current financial year allowance has been made for payment of rates on this property. However, the amount is relatively small.

Risk Assessment:

There is a risk that if Council refuse the application an appeal would be made by CEACA to the State Administrative Tribunal. This would be a very costly and time consuming legal matter.

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Community & Strategic Objectives:

Outcome 1.2 An environment that provides for a caring and healthy community

1.2.2 Provision of affordable housing for aged persons and people with disabilities

1.2.3 Lobby for affordable community housing

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

4.3.3 Ensure compliance with all relevant legislation

4.3.6 Operate in a financially sustainable manner

Comment:

At the request of members legal advice was sought by CEACA prior to properly completed applications for rate exemption were lodged. Without providing the full advice, which is property of CEACA, a pertinent paragraph from that advice is as follows:

Our opinion based on the relevant authorities is that CEACA should qualify for a rate exemption under s. 6.26(2)(g) of the LG Act for the 54 Properties it owns or leases to tenants who qualify under the priority categories of the Eligibility Criteria of Very Low Income, Low Income, Disability and Age.

On the basis of this legal advice it is recommended that Council resolve to allow the application for rate exemption.

2020/11-005 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Subject to Local Government Act 1995, Section 6.26,2,(g) approve the Central East Aged Care Alliance rate exemption application for U1, 43 Brown Street, Bencubbin as the land is deemed to be used exclusively for charitable purposes in accordance with as of 1 July 2020***
- 2. Advise Central East Aged Care Alliance of Council's decision by completing the relevant forms***

Moved Cr NR Gillett

Seconded Cr TM Gibson

Carried 6/0

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12.1.32 Application for Rates Exemption – U1, Lot 31, 3 Rowlands Street Beacon

File No:	4.0243, A6616
Location/Address:	U1, Lot 31, 3 Rowlands Street Beacon
Name of Applicant:	Central East Aged Care Alliance Inc (CEACA)
Name of Owner:	CEACA
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.32 – Application for Rates Exemption – Unit 1, Lot 31, 3 Rowlands St, Beacon
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

On 19 October 2020 the following email (with attachments) was received from CEACA:

Good Afternoon,

RATES EXEMPTION

Please find attached in support of our application for Shire rates exemption in relation to the above property:

1. *Application for Rates Exemption.*
2. *Site Plan.*
3. *CEACA Certificate of Incorporation.*
4. *CEACA ATO Endorsement Charity Tax Exemptions.*
5. *CEACA ACNC Certificate.*
6. *CEACA Constitution.*
7. *CEACA Operations – Written Statement*

Please note that we have not included the following:

1. *Copy of tenant lease. This breaches the Privacy Act and the Agency will not provide individual tenant leases to send to you. We would be happy to confirm that the tenant is not responsible for paying rates and can provide a blank copy of the Residential Tenancy Application if this helps. Please advise.*
2. *Current year audited financial statements. These have not yet been completed. We would be happy to provide you with a copy at a later date.*

We trust this information is sufficient for your purposes, however if there is anything else we need to provide in support of our application, please let us know.

Kind Regards,

Jo Trachy
Operations Manager

Chairperson Initial

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Central East Aged Care Alliance Inc.

A copy of the attachments (12.1.32) to that email are provided for Council.

Consultation:

There has been some previous discussion with the CEACA Chief Executive Officer and Operations Manager as a previous application was rejected as it was not in the correct form and did not include the necessary documentation.

Statutory Environment:

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

(7) Except as provided in this section all land within a district is rateable land.

(8) The following land is not rateable land-

(a) land which is the property of the Crown and-

(j) is being used or held for a public purpose; or

(ii) is unoccupied, except-

III. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

IV. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;

(g) land used exclusively for charitable purposes;

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- (h) land vested in trustees for agricultural or horticultural show purposes;
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (9) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (10) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (11) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (12) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

LGA : s6.47 – Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Relevant Plans and Policy:

Nil

Financial Implications:

In the annual budget for the current financial year allowance has been made for payment of rates on this property. However, the amount is relatively small.

Risk Assessment:

There is a risk that if Council refuse the application an appeal would be made by CEACA to the State Administrative Tribunal. This would be a very costly and time consuming legal matter.

Community & Strategic Objectives:

- Outcome 1.2 An environment that provides for a caring and healthy community*
- 1.2.2 Provision of affordable housing for aged persons and people with disabilities
 - 1.2.3 Lobby for affordable community housing

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

- 4.3.3 Ensure compliance with all relevant legislation

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4.3.6 Operate in a financially sustainable manner

Comment:

At the request of members legal advice was sought by CEACA prior to properly completed applications for rate exemption were lodged. Without providing the full advice which is property of CEACA, a pertinent paragraph from that advice is as follows:

Our opinion based on the relevant authorities is that CEACA should qualify for a rate exemption under s. 6.26(2)(g) of the LG Act for the 54 Properties it owns or leases to tenants who qualify under the priority categories of the Eligibility Criteria of Very Low Income, Low Income, Disability and Age.

On the basis of this legal advice it is recommended that Council resolve to allow the application for rate exemption.

2020/11-006 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Subject to Local Government Act 1995, Section 6.26,2,(g) approve the Central East Aged Care Alliance rate exemption application for U1, Lot 31, 3 Rowlands Street, Beacon as the land is deemed to be used exclusively for Charitable purposes in accordance with as of 1 July 2020***
- 2. Advise Central East Aged Care Alliance of Council's decision by completing the relevant forms***

Moved Cr SR Putt

Seconded Cr LN Gobbart

Carried 6/0

Chairperson Initial

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12.1.33 Application for Rates Exemption – U1, Lot 40, 16 Rowlands Street Beacon

File No:	4.0243, A6621
Location/Address:	U1, Lot 40, 16 Rowlands Street Beacon
Name of Applicant:	Central East Aged Care Alliance Inc (CEACA)
Name of Owner:	CEACA
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.33 – Application for Rates Exemption on Unit 1, Lot 40, 16 Rowlands St, Beacon
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

On 19 October 2020 the following email (with attachments) was received from CEACA:

Good Afternoon,

RATES EXEMPTION

Please find attached in support of our application for Shire rates exemption in relation to the above property:

1. *Application for Rates Exemption.*
2. *Site Plan.*
3. *CEACA Certificate of Incorporation.*
4. *CEACA ATO Endorsement Charity Tax Exemptions.*
5. *CEACA ACNC Certificate.*
6. *CEACA Constitution.*
7. *CEACA Operations – Written Statement*

Please note that we have not included the following:

1. *Copy of tenant lease. This breaches the Privacy Act and the Agency will not provide individual tenant leases to send to you. We would be happy to confirm that the tenant is not responsible for paying rates and can provide a blank copy of the Residential Tenancy Application if this helps. Please advise.*
2. *Current year audited financial statements. These have not yet been completed. We would be happy to provide you with a copy at a later date.*

We trust this information is sufficient for your purposes, however if there is anything else we need to provide in support of our application, please let us know.

*Kind Regards,
Jo Trachy
Operations Manager*

Chairperson Initial

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Central East Aged Care Alliance Inc.

A copy of the attachments (12.1.33) to that email are provided for Council.

Consultation:

There has been some previous discussion with the CEACA Chief Executive Officer and Operations Manager as a previous application was rejected as it was not in the correct form and did not include the necessary documentation.

Statutory Environment:

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land-

(a) land which is the property of the Crown and-

(k) is being used or held for a public purpose; or

(ii) is unoccupied, except-

V. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or

VI. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;

(e) land used exclusively by a religious body as a school for the religious instruction of children;

(f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;

(g) land used exclusively for charitable purposes;

(h) land vested in trustees for agricultural or horticultural show purposes;

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- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

LGA : s6.47 – Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Relevant Plans and Policy:

Nil

Financial Implications:

In the annual budget for the current financial year allowance has been made for payment of rates on this property. However, the amount is relatively small.

Risk Assessment:

There is a risk that if Council refuse the application an appeal would be made by CEACA to the State Administrative Tribunal. This would be a very costly and time consuming legal matter.

Community & Strategic Objectives:

Outcome 1.2 An environment that provides for a caring and healthy community

1.2.2 Provision of affordable housing for aged persons and people with disabilities

1.2.3 Lobby for affordable community housing

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

4.3.3 Ensure compliance with all relevant legislation

4.3.6 Operate in a financially sustainable manner

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Comment:

At the request of members legal advice was sought by CEACA prior to properly completed applications for rate exemption were lodged. Without providing the full advice which is property of CEACA, a pertinent paragraph from that advice is as follows:

Our opinion based on the relevant authorities is that CEACA should qualify for a rate exemption under s. 6.26(2)(g) of the LG Act for the 54 Properties it owns or leases to tenants who qualify under the priority categories of the Eligibility Criteria of Very Low Income, Low Income, Disability and Age.

On the basis of this legal advice it is recommended that Council resolve to allow the application for rate exemption.

2020/11-007 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Subject to Local Government Act 1995, Section 6.26,2,(g) approve the Central East Aged Care Alliance rate exemption application for U1, Lot 40, 16 Rowlands Street, Beacon as the land is deemed to be used exclusively for Charitable purposes in accordance with as of 1 July 2020***
- 2. Advise Central East Aged Care Alliance of Council's decision by completing the relevant forms***

Moved Cr TM Gibson

Seconded Cr NR Gillett

Carried 6/0

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12.2 Works Supervisor

12.2.8 Works Report November 2020

File No:	N/A
Location/Address:	Mt Marshall District
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Aaron Wootton – Works Supervisor
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

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.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

ECONOMIC - Provide an effective and efficient transportation network

E 3.2 Maintain an efficient, safe and quality local road network

CIVIC LEADERSHIP - Provide efficient and effective management

C 3.3 Provide reporting processes in a transparent, accountable and timely manner

Comment:

Roads/Streets

The sealing contractor was originally set to start spraying on Monday 9th November however, because of wet conditions over the past week this has had to be put back until

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the 11th. At this stage we are still not certain where the sealing will commence and this will be determined when the contractor arrives on Tuesday 10th.

Scotsmans Rd.

Will require a light trim and water bind before sealing works can commence.

Welbungin-Wialki Rd

The wet mixing contractor is due to mix this road on Thursday 12th and the water binding and trimming should be completed by the end of the week.

Koorda-Bullfinch Rd

As of Friday 6th there are still 2 sections to final trim, dependent on weather. We are hopeful that this road will be ready to seal later this week.

Gillett Rd

Works will commence here as soon as the 3 primer sealing jobs above have been completed and should be finalised late into December.

Other Sealing Works

The bitumen contractor has agreed in principal to carry out all the seal works on our program with the one mobilisation however, Scotsmans Rd, Koorda-Bullfinch Rd and Welbungin-Wialki Rd will only get a primer seal in this program and the second coat seal will be sprayed in late February/early March. Ongoing works at the Bencubbin Complex have pushed those sealing works back to the same time and that should be completed before the Mt Marshall Show.

Gardening

The gardeners have been busy with spraying, mowing and raking leaves as to their individual maintenance schedules. Unfortunately one of our gardeners had an accident in a Shire utility and has subsequently been off work for quite some time. Other staff members have been helping out around town when they are not busy with their own work load.

Maintenance Works

Staff have been out assisting with traffic management, replacing worn out and erecting new signs and guideposts, patching of roads and also assisting with cleaning on the cleaners day off. This has been mainly at the gym and toilets to make sure they are clean and disinfected before use.

Maintenance Grading

They are currently working in the following locations

Stretch- is working in the Mouroubra Rd area.

Kevin- is currently along the Gillett Rd area

Bill- is currently grading along Breakell Rd

2020/11-008 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the November 2020 report of the Works Supervisor be received.

Moved Cr SR Putt

Seconded Cr TM Gibson

Carried 6/0

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12.3 Executive Assistant

12.3.17 Status Report – October 2020

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.17 – Status Report October 2020
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

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.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

C 3.3 Provide reporting processes in a transparent, accountable and timely manner

Comment:

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

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2020/11-009 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Status Report for October 2020 be received.

Moved Cr IC Sanders

Seconded Cr SR Putt

Carried 6/0

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12.3.18 Minutes of the NEWROC Meeting held 27 October 2020

File No:	N/A
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.18 – Minutes of NEWROC Meeting held 27 October 2020
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

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. The Shire of Dowerin has recently become a member of NEWROC.

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

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

C 3.3 Provide reporting processes in a transparent, accountable and timely manner

Comment:

The Minutes of the NEWROC Council meeting held on Tuesday 27 October 2020 are submitted (**Attachment 12.3.18**) in order to keep all members abreast of the activities of the NEWROC Council.

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The next meeting of the NEWROC Council is scheduled to be held on Tuesday 8 December 2020 at the Shire of Koorda.

2020/11-010 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The minutes of the NEWROC Council meeting held on 27 October 2020 be received.

Moved Cr TM Gibson

Seconded Cr LN Gobbart

Carried 6/0

Chairperson Initial

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12.4 Finance and Administration Manager

12.4.24 Accounts Paid to 31 October 2020

File No: 4.0042
Location/Address: N/A
Name of Applicant: Nil
Name of Owner: N/A
Author: Sandy Wyatt – Finance Officer
Attachments: Nil
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previously Considered: Nil

Background:

Following is a List of Accounts submitted to Council on Tuesday 17 November 2020 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.

1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
53	31/10/2020	BANK FEES - BANK FEES	BANK FEES	697.51
190	07/10/2020	TELSTRA	UTILITY CHARGES-AUGUST20	1409.97
191	15/10/2020	WATER CORPORATION	UTILITY CHARGES 23.7.20-23.9.20	212.99
192		CANCELLED		
193	28/10/2020	TELSTRA	UTILITY CHARGES-SEPTEMBER20	1451.99
194	28/10/2020	BEACON COMMUNITY REC COUNCIL	ANNUAL CONTRIBUTION-POWER USAGE BEACON GYM & RETIC FOR BEACON OVAL	1220.00
EFT16709	01/10/2020	SYNERGY	UTILITY CHARGES 22.7.20-9.9.20	112.33

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Chq/EFT	Date	Name	Description	Amount
EFT16710	01/10/2020	CRISP WIRELESS PTY LTD	BUSINESS LITE SUBSCRIPTION-INTERNET ACCESS	328.90
EFT16711	12/10/2020	EASISALARY	PAYROLL DEDUCTIONS	396.17
Eft16712		TRUST PAYMENT BELOW		
EFT16713	15/10/2020	NADINE RICHMOND	REIMBURSEMENT-UNIFORM	69.00
EFT16714	15/10/2020	SANDRA WYATT	REIMBURSEMENT-CUTTING OF KEYS	35.80
EFT16715	15/10/2020	KATRINA E FREE	REFUND-ACCOMMODATION	11.00
EFT16716	15/10/2020	SHIRE OF WYALKATCHEM	EHO RENT 7.7.20-28.9.20 & WATER 8.6.20 & 6.8.20	2191.06
EFT16717	15/10/2020	SHIRE OF MT MARSHALL	ACCOMMODATION-AUDITORS	580.80
EFT16718	15/10/2020	AVON WASTE	RUBBISH COLLECTION-SEPTEMBER20	6202.68
EFT16719	15/10/2020	EASTERN HILLS SAWS & MOWERS PTY LTD	SEPTEMBER REPAIRS	525.00
EFT16720	15/10/2020	NINGHAN SPRAYING & AG SERVICES	SEPTEMBER SUPPLIES	899.36
EFT16721	15/10/2020	KTY ELECTRICAL SERVICES	SEPTEMBER REPAIRS	705.65
EFT16722	15/10/2020	MUKA MATTERS	ADVERTISING	25.00
EFT16723	15/10/2020	BENCUBBIN SPORTS CLUB INC.	CARAVAN PARK VOUCHERS	120.00
EFT16724	15/10/2020	BENCUBBIN NEWS & POST	POSTAGE 21.9.20-25.9.20	188.75
EFT16725	15/10/2020	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	2120.00
EFT16726	15/10/2020	BEACON CO-OPERATIVE LTD	CARAVAN PARK VOUCHERS	1110.00
EFT16727	15/10/2020	BENCUBBIN BULK HAULIERS	TRANSPORT ROLLERS	594.00
EFT16728	15/10/2020	MOORE AUSTRALIA (WA) PTY LTD	AUDIT CERTIFICATION-ROADS TO RECOVERY 30.6.20	2200.00
EFT16729	15/10/2020	WINC AUSTRALIA PTY LTD	SEPTEMBER SUPPLIES	87.10
EFT16730	15/10/2020	ICS CARPENTRY	SEPTEMBER REPAIRS	4570.50
EFT16731	15/10/2020	WA DISTRIBUTORS PTY LTD-ALL-WAYS FOODS	SEPTEMBER SUPPLIES	635.40
EFT16732	15/10/2020	BENCUBBIN COMMUNITY RESOURCE CENTRE	CONTRIBUTION TOWARDS MENTAL HEALTH EVENT-17/10/20	664.80
EFT16733	15/10/2020	LGIS PROPERTY	WORKERS COMP	32698.70
EFT16734	15/10/2020	PROTECTOR FIRE SERVICES PTY LTD	AUGUST SUPPLIES	155.32
EFT16735	15/10/2020	NEWROC	SUBSCRIPTION 2020/21	14300.00
EFT16736	15/10/2020	BENCUBBIN TRUCK N AUTO'S	SEPTEMBER REPAIRS	5697.15

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Chq/EFT	Date	Name	Description	Amount
EFT16737	15/10/2020	CIVIC LEGAL	PROFESSIONAL FEES	275.00
EFT16738	15/10/2020	D & D TRANSPORT	FREIGHT-AUGUST20	330.29
EFT16739	15/10/2020	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	ELEARNING ENROLMENT	585.00
EFT16740	15/10/2020	BENCUBBIN AG SUPPLIES	SEPTEMBER SUPPLIES	559.92
EFT16741	15/10/2020	SLATER-GARTRELL SPORTS	FREIGHT-AUGUST20	62.82
EFT16742	15/10/2020	REFUEL AUSTRALIA	FUEL-SEPTEMBER20	327.84
EFT16743	15/10/2020	BEACON GARAGE	SEPTEMBER REPAIRS	4064.33
EFT16744	15/10/2020	NORTHAM CARPETS PTY LTD	SEPTEMBER SUPPLIES	3068.00
EFT16745	15/10/2020	LOCAL PEST CONTROL	PEST CONTROL	195.00
EFT16746	15/10/2020	CORSIGN WA PTY LTD	SIGNS	2820.40
EFT16747	15/10/2020	GREAT SOUTHERN FUELS	FUEL-SEPTEMBER20	6814.84
EFT16748	15/10/2020	FABCO PTY LTD	UAT/SHOWER BUILDING	22705.10
EFT16749	15/10/2020	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-SEPTEMBER20	352.00
EFT16750	15/10/2020	KC SALES	CARAVAN PARK VOUCHERS	180.00
EFT16751	15/10/2020	WA CONTRACT RANGER SERVICES	RANGER SERVICES 7.9.20 & 21.9.20	607.75
EFT16752	15/10/2020	PALM PLUMBING	SEPTEMBER REPAIRS	978.21
EFT16753	15/10/2020	MARKET CREATIONS	COMPUTER SERVICES	2821.86
EFT16754	15/10/2020	MODUS AUSTRALIA	TOILET-WADDOURING DAM-DEPOSIT	3655.52
EFT16755	15/10/2020	MARKETFORCE PTY LTD	ADVERTISING-SEPTEMBER20	247.50
EFT16756	15/10/2020	ASPHALT IN A BAG	SEPTEMBER SUPPLIES	1718.75
EFT16757	15/10/2020	PETER TOBOSS	FUEL-SEPTEMBER20	45.24
EFT16758	15/10/2020	JAMES BOYD	CLEANING & BOOKING AGENT FEE-SEPTEMBER20	5273.85
EFT16759	15/10/2020	NJAKI-NJAKI ABORIGINAL CULTURAL TOURS	SHIRE OF MT MARSHALL CULTURAL DAY-25.9.20	1600.00
EFT16760	15/10/2020	SALLY J DESIGN	DESIGN-SIGNAGE	150.00
EFT16761	15/10/2020	AUSTRALIA POST	POSTAGE-BEACON LIBRARY	33.35
EFT16762	15/10/2020	TOLL TRANSPORT PTY LTD	FREIGHT-SEPTEMBER20	563.98
EFT16763	15/10/2020	THE BENCUBBIN SHOP	SEPTEMBER SUPPLIES	593.61
EFT16764	15/10/2020	SCUD AG SUPPLIES	SEPTEMBER SUPPLIES	21.93

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Chq/EFT	Date	Name	Description	Amount
EFT16765	15/10/2020	MINERAL CRUSHING SERVICES (WA) PTY LTD	AGGREGATE	51455.36
EFT16766	15/10/2020	CR TM GIBSON	MEETING FEES & ALLOWANCES 19.8.20-15.9.20	1096.99
EFT16767	15/10/2020	DYNAMIC POOLS AUSTRALIA PTY LTD	MT MARSHALL AQUATIC CENTRE UPGRADE	53921.99
EFT16768	15/10/2020	MODULAR WA	CONSTRUCTION & SITING OF EXECUTIVE HOUSE	6706.00
EFT16769	15/10/2020	QUALITY PRESS	DFES #15 PERMITS	264.00
EFT16770	15/10/2020	WJ & J BEAGLEY	GRAVEL	1942.60
EFT16771	15/10/2020	INTERFIRE AGENCIES	HELMET	1280.00
EFT16772	15/10/2020	SPECIALE SMASH REPAIRS	SEPTEMBER REPAIRS	385.00
EFT16773	15/10/2020	HOSPEQUIP PTY LTD	SEPTEMBER SUPPLIES	1232.40
EFT16774	15/10/2020	BLUE FROG INNOVATIONS	BUSHFIRE MODEL	1065.00
EFT16775	15/10/2020	GREEN LOO	C2020 ENVIROLOO SYSTEM	4771.16
EFT16776	14/10/2020	BENDIGO BANK	SEPTEMBER SUPPLIES	10522.41
EFT16777	09/10/2020	PERKBOX AUSTRALIA	STANDARD L&W BUNDLE	198.00
EFT16778	21/10/2020	AUSTRALIAN TAXATION OFFICE	BAS-SEPTEMBER20	39183.00
EFT16779	28/10/2020	CJD EQUIPMENT PTY LTD	OCTOBER SUPPLIES	48.93
EFT16780	28/10/2020	THE ROYAL LIFE SAVING SOCIETY	WATCH AROUND WATER REGISTRATION	330.00
EFT16781	28/10/2020	STEWART & HEATON CLOTHING CO PTY LTD	PROTECTIVE CLOTHING	240.57
EFT16782	28/10/2020	NINGHAN SPRAYING & AG SERVICES	OCTOBER SUPPLIES	1028.50
EFT16783	28/10/2020	KTY ELECTRICAL SERVICES	OCTOBER REPAIRS	4471.23
EFT16784	28/10/2020	SHIRE OF TRAYNING	DOCTORS HOUSE RENT 30.8.20-3.10.20 & VEHICLE EXPENSES-SEPTEMBER20	1220.74
EFT16785	28/10/2020	BENCUBBIN NEWS & POST	POSTAGE 13.10.20-16.10.20	235.50
EFT16786	28/10/2020	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	720.00
EFT16787	28/10/2020	BEACON PROGRESS ASSOCIATION INC.	CONTRIBUTION-FUTURE UPGRADE-BEACON CENTRAL CRC	10156.00
EFT16788	28/10/2020	DIELECTRIC SECURITY SERVICES	MONITORING FEES 1.11.20-31.1.21	101.20
EFT16789	28/10/2020	WINC AUSTRALIA PTY LTD	OCTOBER SUPPLIES	44.10
EFT16790	28/10/2020	DEPARTMENT OF FIRE & EMERGENCY SERVICES	ESL ON SHIRE PROPERTIES 2020/21	3864.00

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Chq/EFT	Date	Name	Description	Amount
EFT16791	28/10/2020	ICS CARPENTRY	OCTOBER REPAIRS	10906.50
EFT16792	28/10/2020	WA DISTRIBUTORS PTY LTD-ALL-WAYS FOODS	OCTOBER SUPPLIES	100.65
EFT16793	28/10/2020	BENCUBBIN COMMUNITY RESOURCE CENTRE	CARAVAN PARK VOUCHERS	30.00
EFT16794	28/10/2020	PORKY'S ENTERPRISES	HIRE OF DOZER TO PUSH GRAVEL	17892.60
EFT16795	28/10/2020	LGIS PROPERTY	PROPERTY	35867.06
EFT16796	28/10/2020	BENCUBBIN TRUCK N AUTO'S	TYRE	3214.94
EFT16797	28/10/2020	D & D TRANSPORT	FREIGHT-SEPTEMBER20	164.78
EFT16798	28/10/2020	RURAL WATER COUNCIL OF WA INC	ANNUAL MEMBERSHIP SUBSCRIPTION 2020	300.00
EFT16799	28/10/2020	LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE	253.67
EFT16800	28/10/2020	RN & JB WHYTE	HIRE OF DOZER TO PUSH GRAVEL	7810.00
EFT16801	28/10/2020	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	INTRODUCTION TO LOCAL GOVERNMENT- ONLINE-S.MOUG	215.00
EFT16802	28/10/2020	BENCUBBIN AG SUPPLIES	OCTOBER SUPPLIES	441.80
EFT16803	28/10/2020	KUNUNOPPIN MEDICAL PRACTICE	PRE-EMPLOYMENT MEDICAL-L.SCARI	165.00
EFT16804	28/10/2020	NORTHAM CARPETS PTY LTD	OCTOBER SUPPLIES	15589.00
EFT16805	28/10/2020	CR IC SANDERS	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	493.18
EFT16806	28/10/2020	GREAT SOUTHERN FUELS	FUEL-OCTOBER20	10142.36
EFT16807	28/10/2020	BOB WADDELL & ASSOCIATES PTY LTD	VARIOUS ACCOUNTING SUPPORT	9471.00
EFT16808	28/10/2020	KC SALES	CATERING	957.61
EFT16809	28/10/2020	PALM PLUMBING	OCTOBER REPAIRS	1050.83
EFT16810	28/10/2020	MARKET CREATIONS	OCTOBER SUPPLIES	649.00
EFT16811	28/10/2020	CR ARC SACHSE	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	1713.77
EFT16812	28/10/2020	WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES	277.09
EFT16813	28/10/2020	CR NICK GILLET	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	721.41
EFT16814	28/10/2020	CR STUART PUTT	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	701.45

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Chq/EFT	Date	Name	Description	Amount
EFT16815	28/10/2020	LEEANNE NOLA GOBBART	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	493.18
EFT16816	28/10/2020	WHEATBELT LIQUID WASTE MANAGEMENT	SEPTIC PUMP OUT	759.00
EFT16817	28/10/2020	KOMATSU AUSTRALIA PTY LTD	OCTOBER SUPPLIES	731.41
EFT16818	28/10/2020	TOLL TRANSPORT PTY LTD	FREIGHT-OCTOBER20	189.92
EFT16819	28/10/2020	NOVUS AUTOGLASS	WINDSCREEN REPLACEMENT	1371.61
EFT16820	28/10/2020	AFGRI EQUIPMENT AUSTRALIA	OCTOBER SUPPLIES	357.30
EFT16821	28/10/2020	CR TM GIBSON	MEETING FEES & ALLOWANCES 16.9.20-20.10.20	923.11
EFT16822	28/10/2020	BERRY BOWLING SYSTEMS PTY LTD	UPGRADE OF BENCUBBIN BOWLING GREEN	28005.12
EFT16823	28/10/2020	OAKS CIVIL CONSTRUCTION PTY LTD	TRAFFIC CONTROL	28825.23
EFT16824	28/10/2020	ACCREDIT BUILDING SURVEYING & CONSTRUCTION SERVICES PTY LTD	BUILDING PERMIT FOR PLANT ROOM	385.00
EFT16825	29/10/2020	EASISALARY	PAYROLL DEDUCTIONS	396.17
EFT16826	28/10/2020	WA TREASURY CORPORATION	LOAN NO. 121 INTEREST PAYMENT - SAR BENCUBBIN MULTIPURPOSE COMPLEX REDEV	42350.36
EFT16827	08/10/2020	SYNERGY	UTILITY CHARGES	962.59
EFT16828	22/10/2020	SYNERGY	UTILITY CHARGES 14.7.20-9.9.20	439.66
EFT16829	23/10/2020	SYNERGY	STREETLIGHTS 25.7.20-24.9.20	1969.03
Eft16830		NOVEMBER PAYMENT		
Eft16831		NOVEMBER PAYMENT		
Eft16832		TRUST PAYMENT BELOW		
EFT16833	30/10/2020	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-SEPTEMBER20	49.63
DD10221.1	07/10/2020	WALGS PLAN	PAYROLL DEDUCTIONS	7585.93
DD10221.2	07/10/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	781.09
DD10221.3	07/10/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	208.56
DD10221.4	07/10/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	255.17
DD10221.5	07/10/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	88.66
DD10221.6	07/10/2020	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	584.60
DD10221.7	07/10/2020	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	191.71

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Chq/EFT	Date	Name	Description	Amount
DD10238.1	21/10/2020	WALGS PLAN	PAYROLL DEDUCTIONS	7584.22
DD10238.2	21/10/2020	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	781.78
DD10238.3	21/10/2020	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	209.35
DD10238.4	21/10/2020	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	255.17
DD10238.5	21/10/2020	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	88.42
DD10238.6	21/10/2020	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	584.60
DD10238.7	21/10/2020	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	191.71
DD10238.8	21/10/2020	ASGARD INFINITY EWRAP SUPER ACCOUNT	SUPERANNUATION CONTRIBUTIONS	133.91
				586,215.60

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT16712	13/10/2020	Loren Northover	REFUND BOND	250.00
EFT16832	30/10/2020	DEPARTMENT OF TRANSPORT	MMSO20201012	30,814.95
				31,064.95

3. Mastercard

Details	Amount
Tourism Convention-S.Moug	249.00
Advertising facebook	11.99
Pool lifeguard requal-R.Watson	159.00
Tourism Convention-R.Watson	249.00
Pool items-various	924.90
Pool items-various	65.01
Dropbox renewal 25.9.20-25.9.21	184.67
Bank fees	4.00
Advertising facebook	30.00
Roboform subscription	33.77
Farewell invites	35.97
Hospital & rescue blanket	282.70

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Linen	471.00
Linen	471.00
coffee-reimbursed	5.50
Audiological assess.B.Hayman	250.00
Shower/eye wash station	1668.37
Folding stretcher	365.39
Toilet roll dispenser	84.10
Toilet roll dispenser	84.09
Bank fees	4.00
Accom.&meals-P.Walker	146.89
Kestrell 3000 weather meters	3420.00
Two ways	242.55
Two ways	242.55
Two ways	242.55
Two ways	242.55
Chargers	44.99
Chargers	44.99
Chargers	44.99
Chargers	44.99
Bank fees	4.00
Little hotelier	81.95
Little hotelier	81.95
Bank fees	4.00
	10,522.41

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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 **17 November 2020**. 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

Consultation:

Tanika McLennan – Finance and Administration Manager

Statutory Environment:

Financial Management Regulations and the Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

An appropriate allowance has been made in the current year's budget to fund and authorise expenditure.

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

C 3.3 Provide reporting processes in a transparent, accountable and timely manner

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Comment:

Nil

2020/11-011 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That the Accounts Listed

<i>Municipal Fund</i>	<i>\$ 586,215.60</i>
<i>Trust Fund</i>	<i>\$ 31,064.95</i>
<i>Mastercard</i>	<i>\$ <u>10,522.41</u></i>
<i>Total</i>	<i>\$ 627,802.96</i>

Be endorsed.

Moved Cr SR Putt

Seconded Cr IC Sanders

Carried 6/0

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12.4.25 Statement of Financial Activity to 31 October 2020

File No:	4.0042
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	12.4.25 – Statement of Financial Activity to 31 October 2020
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

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.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

Relevant Plans and Policy:

Nil

Financial Implications:

The statement presented to Council is the most up to date information on its current financial position.

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

C 3.3 Provide reporting processes in a transparent, accountable and timely manner

Comment:

Nil

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2020/11-012 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Statement of Financial Activity for the month ending 31 October 2020 be endorsed.

Moved Cr SR Putt

Seconded Cr IC Sanders

Carried 6/0

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12.4.26 Grant of Right of Burial Fees

File No:	4.0239
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Tanika McLennan – Finance and Administration Manager
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

Council adopted its schedule of Fees and Charges for 2020/21 at the Special Meeting of Council, held 31 July 2020. This included a fee of \$65, inclusive of GST, for a Grant of Right of Burial.

The Australian Taxation Office (ATO) has recently made a private ruling, confirming that the fee for a Grant of Right of Burial and a renewal of a Grant of Right of Burial is exempt from GST.

Consultation:

Nil

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;
 - (e) supplying goods;

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- (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.*

Relevant Plans and Policy:

N/A

Financial Implications:

Immaterial variance in income

Risk Assessment:

Non Compliance with ATO ruling

Community & Strategic Objectives:

Outcome 4.3 A local government that is highly respected, professional, trustworthy and accountable

4.3.3 Ensure compliance with all relevant legislation

4.3.6 Operate in a financially sustainable manner

Comment:

A key consideration in this decision is that Grant of Right of Burial fees are applied for the purposes of cost recovery for regulatory services provided on behalf of the WA Government and for the benefit of the community. Therefore, the GST exemption applies to the Grant of Right of Burial fee but does not apply to the Interment Fee or other fees and charges that a cemetery board may charge for goods and/or services.

In order to comply with the recent ATO ruling, it is recommended that Council adopt a fee of \$65, exclusive of GST, for the issue of a Grant of Right of Burial.

2020/11-013 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That:

- 1. The Fees and Charges Schedule be amended as follows:***

	<u><i>Fee</i></u>	<u><i>GST</i></u>	<u><i>Total</i></u>
<i>Grant of Right of Burial</i>	<i>\$65.00</i>	<i>\$0.00</i>	<i>\$65.00</i>

- 2. The above fee be advertised as effective from 1 December 2020.***

Moved Cr NR Gillett
Absolute Majority

Seconded Cr TM Gibson

Carried 6/0

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12.5 Community Development Officer

Cr NR Gillett declared an impartiality interest in item number 12.5.6 being that he is a member of Lake McDermott Catchment Group.

Cr ARC Sachse declared an impartiality interest in item number 12.5.6 being that he is a member of the Lake McDermott Catchment Group and the Bencubbin Sports Club.

Cr SR Putt declared an impartiality interest in item number 12.5.6 being that he is a member of the Lake McDermott Catchment Group and the Bencubbin Sports Club.

Cr LN Gobbart declared a financial interest in item number 12.5.6 being that she is the Treasurer of the Bencubbin Sports Club.

Cr IC Sanders declared a financial interest in item number 12.5.6 being that he has quoted on works for the Bencubbin Sports Club who are applicants for the Club Support Funding.

Cr TM Gibson declared an impartiality interest in item 12.5.6 being that she is a member of the Beacon Progress Association.

Cr IC Sanders and LN Gobbart left the meeting at 4.36pm

12.5.6 Club Support Fund November 2020

File No:	4.0301
Location/Address:	N/A
Name of Applicant:	Beacon Progress Association Bencubbin Sports Club Lake McDermott Catchment Group
Name of Owner:	N/A
Author:	Rebecca Watson – Community Development Officer 12.5.6a - Beacon Progress Association Application
Attachments:	12.5.6b - Bencubbin Sports Club Application 12.5.6c - Lake McDermott Catchment Group Application 12.5.6d - Assessment Sheets
Declaration of Interest:	Rebecca Watson is a financial member of the Bencubbin Sports Club.
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The Shire of Mt Marshall Club Support Fund is an initiative by the Shire to provide support and assistance to sport and recreational clubs within the community. A similar scheme called the 'Community Support Fund' was run by the Shire between 2003-2008 and assisted many community projects and events. The Club Support Fund aims to facilitate and encourage growth within our sport and recreation programs, communities and facilities to provide access to recreational opportunities for all.

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Every year the Shire receives funding requests from different community groups to assist them with various projects. The intent of this fund was to streamline this process and ensure all groups receive an equal opportunity for funding, aside from the budget submission process which is usually for larger scale projects. Applying for financial assistance for smaller projects can often be very time consuming for the volunteers in committee roles and the Club Support Fund is a local opportunity only open to incorporated clubs or associations within our Shire.

A total fund pool of \$15,000 (ex GST) was allocated in the 2020/21 budget, with clubs invited to apply for a grant of up to \$8,000. Applications closed on the 6th November 2020. Shire staff have assessed the applications to ensure all meet eligibility requirements and the final decision is to be awarded by Council. Successful applicants will be required to acquit the funding by the 31st May 2021.

Consultation:

John Nuttall – Chief Executive Officer

Statutory Environment:

Nil

Relevant Plans and Policy:

Policy CS 1.6-Club Support Fund
Sport and Recreation Master Plan
Strategic Community Plan
Corporate Business Plan

Financial Implications:

\$15,000 (ex GST) allocated within the 2020/21 budget.

Risk Assessment:

The Club Support Fund scheme provides the community with the opportunity to request funds from Council to assist with particular projects. This process eliminates Council receiving numerous applications for assistance during the year with no formal assessment or acquittal process.

Community & Strategic Objectives:

Outcome 1.3 Active and passive recreation facilities and services

- 1.3.1 Develop, maintain and support appropriate recreation facilities throughout the Shire in line with the Sporting & Recreation Master Plan
- 1.3.2 Partner with stakeholders to achieve greater community participation in recreational facilities and services
- 1.3.3 Provide support for community owned facilities

Comment:

Three (3) applications were received for the current Club Support Fund round requesting a total of \$20,530.26 (ex GST). A total fund pool of \$15,000.00 (ex GST) has been allocated in the 20/21 budget, Council have discretion as to how this funding is awarded

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and how much of the fund is allocated. A copy of the applications can be seen in the attachments.

A summary of the funding amounts requested are below.

Group Name	Project Description	Amount Requested (Ex GST)	Total Project Amount (Ex GST)	Eligibility & Submission of Required Documents
Beacon Progress Association	Tools for the Trade - Men's Shed Equipment	\$6,640.81	\$6,740.81	Yes
Bencubbin Sports Club	Power Upgrade at Sports Club	\$8,145.00 Note- organisations are eligible to apply for a maximum amount of \$8000 (ex GST). This request exceeds this amount.	\$12,005.93	No – missing endorsed financial statements (have provided 4 months of bank statements instead.
Lake McDermott Catchment Group	Community Shade Shelter Upgrades	\$5,744.45	\$9,979.00	Yes

The total funds requested exceeds the amount of available budgeted Club Support Funding. Council will need to consider each of the attached applications and determine the successful recipients of the 2020/21 Club Support Funding.

Policy SC.1.6 – Club Support Funding indicates that sport and recreation organisations are eligible to apply for funding to the maximum value of \$8,000.00 (ex GST) if:

- They are wholly located within the Shire of Mt Marshall boundaries,
- The proposed work/project are of benefit to the community
- The proposed project meets at least one of the priority funding areas.
- They are incorporated

Priority funding areas for the program are

1. Purchase additional or better-quality equipment that will encourage greater participation in sporting activities or assist in reducing the strain on local volunteers
2. Activities, events or programs that encourage growth/professional development or increased participation within local sport and recreation clubs.
3. Develop new or upgrade or maintain existing facilities to provide good quality and high standard of facilities for the community.

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None of the applicants have any outstanding funding acquittals from previous funding rounds.

All applications are based on their individual merits, and Council reserves the right to use its discretion in accepting projects which may not fit all the criteria when it is felt the project provides significant community benefit.

On Council's approval of successful applicants, the Community Development Officer will notify each of the clubs of the outcome and work with them to complete and acquit their projects prior to 31 May 2021.

OFFICER'S RECOMMENDATION:

That Council consider the applications for the 2020/21 Club Support Funding.

2020/11-014 COUNCILLOR MOTION / COUNCIL DECISION:

- 1. The Beacon Progress Association be awarded \$6640.81**
- 2. The Lake McDermott Catchment Group be awarded \$5744.45**
- 3. The Bencubbin Sports Club not be made an award**

Moved Cr SR Putt

Seconded Cr NR Gillett

Carried 4/0

Cr IC Sanders and Cr LN Gobbart re-entered the meeting at 5.01pm

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12.6 Regulatory Officer

Nil

12.7 Development

Cr ARC Sachse declared a proximity interest in item 12.7.3 being that he owns land that borders land in proposed sub-division.

Cr NR Gillett assumed the Chair at 5.03pm.

Cr ARC Sachse left the meeting at 5.04pm.

12.7.3 Application for Development Approval – Horizon Surveys Subdivision (WAPC referral)

File No:	4.0210
Location/Address:	Lot 2757 Barbalin-Koonkoobing Road, Welbungin
Name of Applicant:	Horizon Surveys
Name of Owner:	Universal Enterprises Group Co Pty Ltd
Author:	Paul Bashall, Planwest (WA) Pty Ltd
Attachments:	12.7.3a - Correspondence from WA Planning Commission
	12.7.3b - Location Plan
	12.7.3c - Application for Subdivision
	12.7.3d - Required Information Checklist
	12.7.3e - Subdivision Plan
	12.7.3f - Bushfire Management Plan
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The WA Planning Commission (WAPC) has forwarded a proposed subdivision application for Council's comment prior to it making a determination. The purpose of these referrals is to consult with local government to ensure that any reasonable requirements of the local government (as well as other agencies) can be imposed as a condition of subdivisional approval.

The proposal has been submitted by Horizon Surveys on behalf of the owners Universal Enterprises Group Co Pty Ltd to create a 'homestead lot'.

Location and Land Use

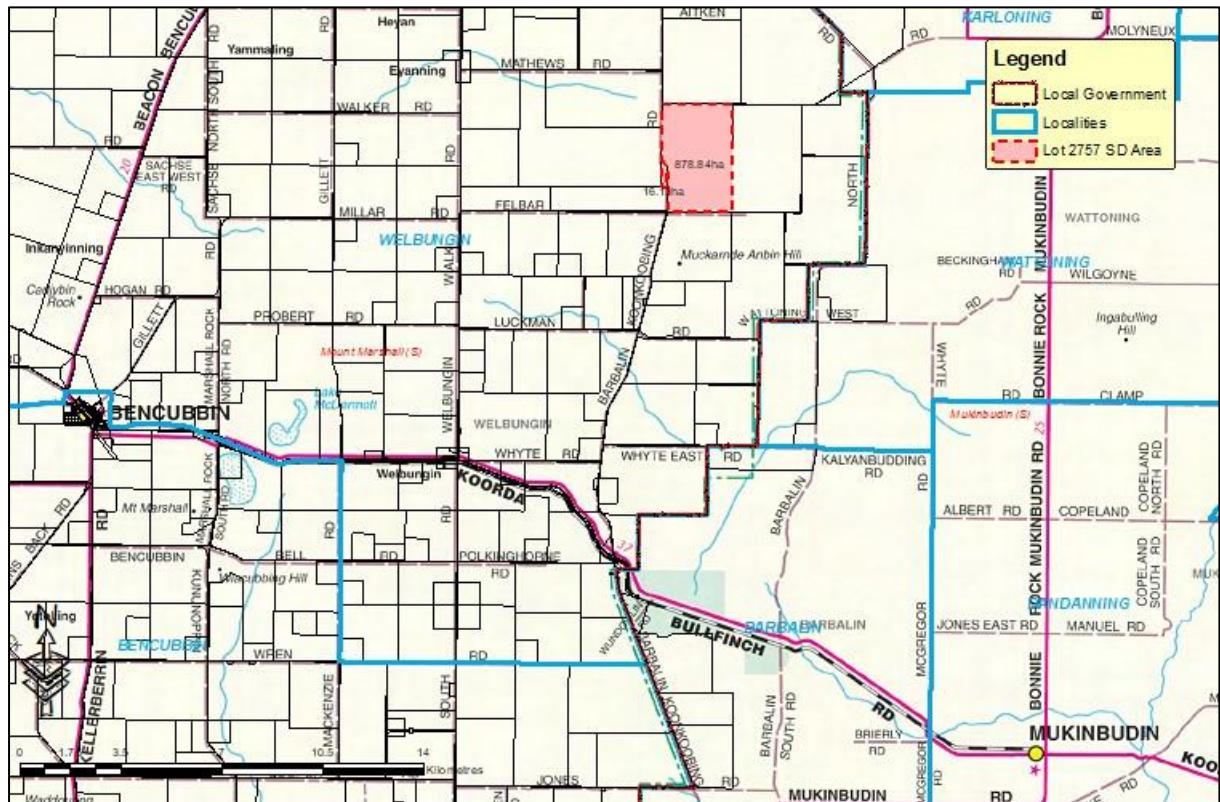
The subject land is located about 22 kilometres northeast of Bencubbin townsite and 24 kilometres North West of Mukinbudin townsite. The land is in two parcels of 16.5 hectares and 875.1 hectares. These two parts are separated by Barbalin-Koonkoobing Road. The

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property appears to have several improvements including two dwellings, both of which will be contained within the new homestead lot.

Figure 1 shows a location plan of the proposed subdivision whilst **Figure 2** shows an aerial photograph of the subject land. As the photograph demonstrates the land is currently used for rural purposes. **Figure 3** provides an oblique view of the development on the property.

Figure 1 – Aerial Photograph of Site



Source: Landgate, PLANWEST

Homestead Lots

The definition of a homestead lot is as set out in Appendix 1 of the Development Control Policy 3.4 (DC 3.4) as published by the WA Planning Commission in December 2016. The definition is as follows:

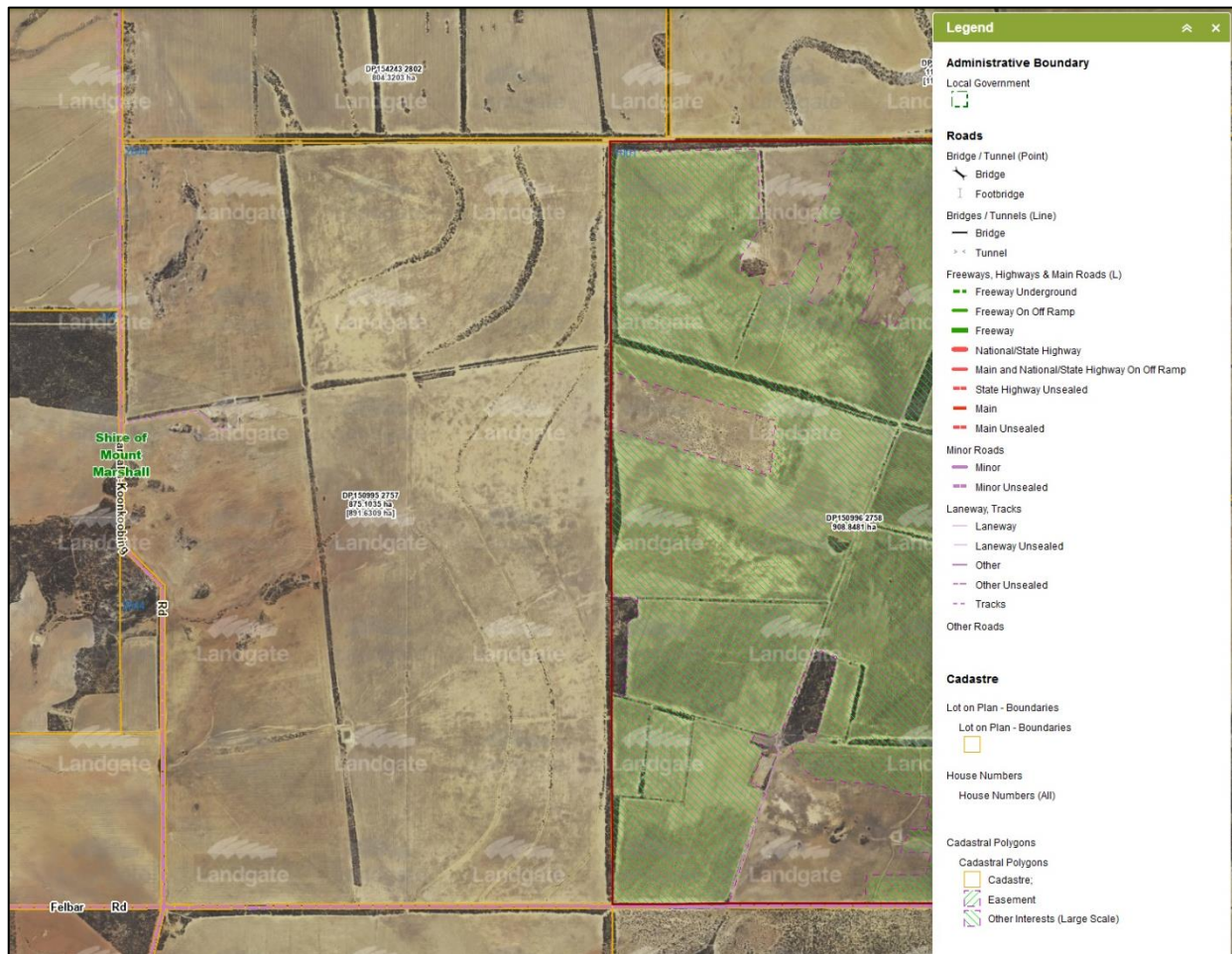
Homestead lot is a small lot generally ranging from one to four hectares, but may be up to 20 hectares in size depending on site specific circumstances, which is excised from a larger farm holding for separate occupation, such as by a retiring farmer wishing to remain in an approved existing dwelling.

This policy only applies to a specific area of the State and is defined in Appendix 2 of DC 3.4. The whole of the Shire of Mt Marshall is within the Homestead Lot Policy Area.

The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase.

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Figure 2 – Aerial Photograph of Property



Source: Landgate, PLANWEST

Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot

DC 3.4 states that homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:

- (a) the land is in the DC 3.4 Homestead lot policy area (refer Appendix 2);
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;
- (c) there is an adequate water supply for domestic, land management and fire management purposes;
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;
- (e) the homestead lot has access to a constructed public road;

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- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;
- (g) a homestead lot has not been excised from the farm in the past;
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application.

Figure 3 – Oblique view of development on Lot 2757



Source: Google Earth, PLANWEST

Bushfire Management Plan

The application includes a Bushfire Management Plan prepared by Bal Rating.com.au (Roderick Cameron BPAD37279). The report states that the assessment meets the requirements of the State Planning Policy 3.7 (SPP 3.7).

The report concludes that the required risk management measures, as detailed in Table 6A, are illustrated in the following Bushfire Management Strategies Map (Figure 6A). The recommendations suggest the inclusion of several requirements including;

- Asset Protection Zones to be implemented.
- Driveway passing lanes and turnarounds

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- Firefighting water tanks to be installed.

The following Table 6A and Figure 6A are extracts from the Bushfire Management Plan.

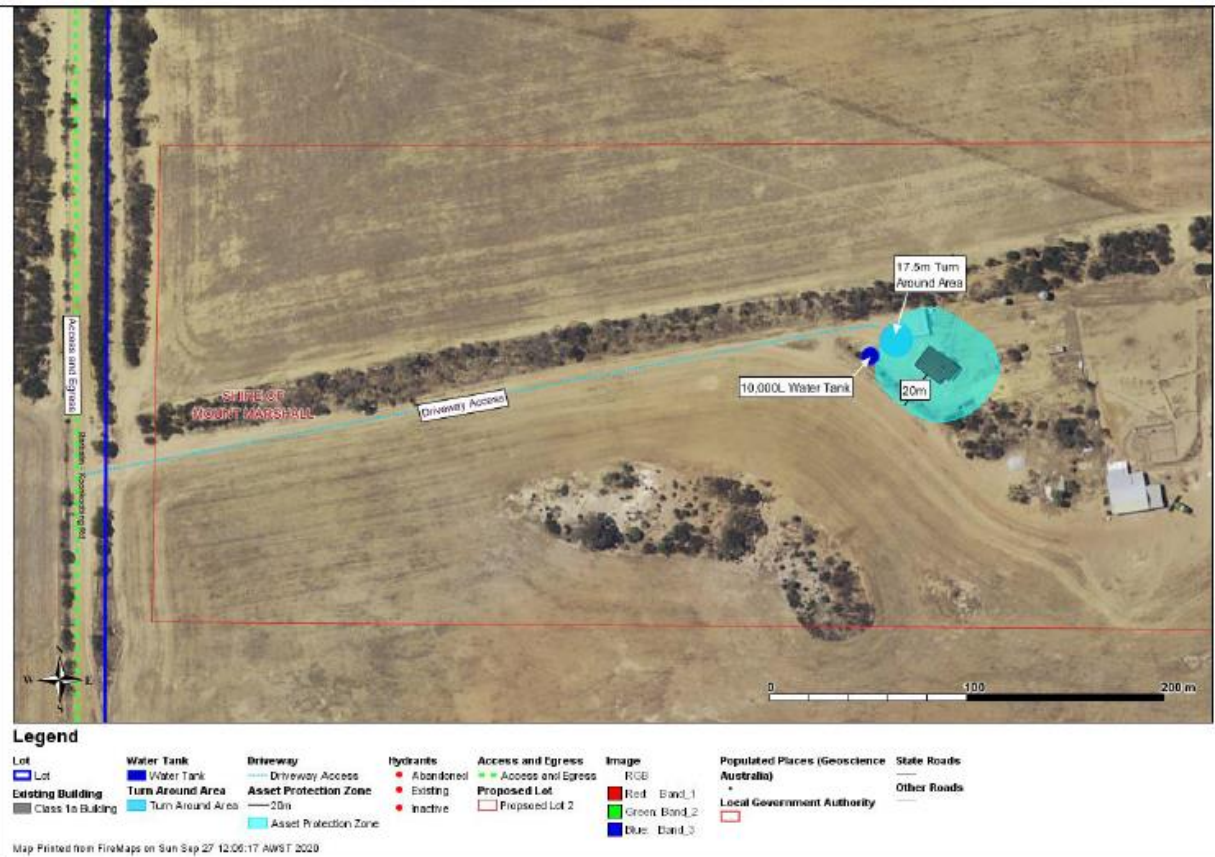
Table 6A (extract from Bushfire Management Plan).

Element	Acceptable Solution (A)	Compliance	Notes
1. Location	A1.1 Development location	YES	The development location is assessed as capable of achieving a BAL rating of BAL-29 or less subject to appropriate siting.
2. Siting of Development	A2.1 Asset Protection Zone	YES	APZs to be implemented prior to the clearance of subdivision for affected lots in accordance with Figure 6A and is to be maintained in accordance with the specifications detailed in Appendix 1.
3. Vehicular Access	A3.1 Two access routes	YES	Both lots can be directly accessed from Barbalin-Koonkoobing Rd with connections to Mathews Rd to the North and Felbar Rd to the South. These routes connect to the greater area public road network providing access in multiple directions
	A3.2 Public road	N/A	Public roads are existing do not form part of this subdivision.
	A3.3 Cul-de-sac	N/A	No cul-de-sacs are part of this subdivision.
	A3.4 Battle-axe	N/A	battle-axe are not part of this subdivision
	A3.5 Private driveways longer than 50m	YES	Driveway is over 200m and will need a passing lane to comply – Please see Appendix 3 - Driveway Access for more information
	A3.6 Emergency access way	N/A	No emergency access ways are required.
	A3.7 Fire service access routes	N/A	No fire service access routes are required.
	A3.8 Firebreak widths	N/A	Firebreaks are not required to be installed
4. Water	A4.1 Reticulated areas	N/A	The lot is located in a reticulated area
	A4.2 Non-reticulated areas	N/A	Water tanks for firefighting purposes with a hydrant or standpipe are to be provided (50,000 litres capacity tank)
	A4.3 Individual lots within non-reticulated areas	YES	A dedicated water tank for firefighting with the effective capacity of 10,000 litres.

Figure 4 provides an extract from the subdivision application plan with the fire prone mapping overlaid.

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Figure 6A: Bushfire Management Strategies Map



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Consultation:

Principal Environmental Health Officer, Peter Toboss

Statutory Environment:

Shire of Mt Marshall Local Planning Scheme No. 1

Planning and Development Act 2005

Relevant Plans and Policy:

Nil.

Financial Implications:

Nil

Risk Assessment:

There is a risk that should Council fail to approve this application an appeal might be made to SAT.

Community & Strategic Objectives:

Outcome 3.2 A sense of place through public infrastructure and facilities

3.2.1 Align land use and infrastructure planning

Comments:

The application appears to comply with the criteria set out in DC 3.4 as follows;

- The land is currently zoned 'Rural' in the Council's Local Planning Scheme No 3; and the land falls within the Homestead Lot Policy Area.
- The proposed lot is 17 hectares (ie within the acceptable range of up to 20 hectares).
- The two existing dwellings are serviced with an adequate domestic water supply for land management and fire management purposes supply.
- The dwellings are connected to a reticulated electricity supply or an acceptable alternative is demonstrated.
- The homestead lot is connected to Barbalin-Koonkoobing Road. This is a gravel road considered by the Council to adequately service the existing dwellings.
- No dwelling is closer than about 60m to the proposed lot boundaries.
- There is no evidence that a homestead lot has previously been excised from the land.
- The balance of the land (about 874 hectares) is considered adequate to continue existing farming land use.
- The dwellings are habitable and are so certified by the local government.

As the criteria outlined in DC 3.4 appear to be satisfied, the author recommends Council raises no objection to the proposed subdivision.

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2020/11-015 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Shire of Mt Marshall advise the WAPC that it has no objection to the proposed subdivision, subject to the following conditions;

- 1. The landowner/applicant installing suitable rural fencing of good standard in accordance with the subdivision application plan to the satisfaction of the Western Australian Planning Commission:***
- 2. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation:***
- 3. Asset Protection Zones (APZ) to be implemented prior to the clearance of subdivision for affected lots in accordance with Figure 6A (of the Bushfire Management Plan) and is to be maintained in accordance with the specifications to the satisfaction of the Local Government;***
- 4. Water tanks for firefighting purposes with a hydrant or standpipe are to be provided (50,000 litres capacity tank); and***
- 5. Construction of passing lanes to comply with SPP 3.7 requirements for driveway access ways.***

Footnote:

The applicant is advised that each year, compliance is necessary with the relevant local government Annual Firebreak and Fuel Load Notice issued under s33 of the Bush Fires Act 1954.

Moved Cr IC Sanders

Seconded Cr SR Putt

Carried 5/0

Cr ARC Sachse re-entered the meeting at 5.06 pm and resumed the Chair.

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12.8 Environmental Health Officer

Nil

13.0 Matters for Which Members of the Public are Excluded

2020/11-016 RECOMMENDATION / COUNCIL DECISION:

That members of the public be excluded to discuss agenda item 13.1 as it is a matter affecting an employee.

Moved Cr SR Putt

Seconded Cr NR Gillett

Carried 6/0

Mr John Nuttall, Miss Rebecca Watson, Ms Tanika McLennan, Mrs Megan Beagley, Mr Len Cargeeg left the meeting at 5.07pm.

13.1 CONFIDENTIAL – Chief Executive Officer Contract

2020/11-017 RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Subject to Sections 5.36(2) and 5.39 Local Government Act 1995 renew the contract of employment of Mr John Nuttall as the Chief Executive Officer for a period of two (2) years from 1 February 2021 to 31 January 2023***
- 2. Subject to Sections 5.36(2) 5.39 Local Government Act 1995 determine that renewal should be on the same terms and conditions as the current contract of employment as amended at the Chief Executive Officer annual review held in February 2020.***

Moved Cr IC Sanders
Absolute Majority

Seconded Cr SR Putt

Carried 6/0

2020/11-018 RECOMMENDATION / COUNCIL DECISION:

That the meeting comes out from behind closed doors.

Moved Cr TM Gibson

Seconded Cr SR Putt

Carried 6/0

Mr John Nuttall and Miss Rebecca Watson re-entered the meeting at 5.10pm.

14.0 Elected Members' Motions of Which Previous Notice Has Been Given

Nil

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

Nil

16.0 Next Meeting – Tuesday 15 December 2020 commencing at 3:00pm in Council Chambers, 80 Monger St, Bencubbin

17.0 Closure of Meeting

The Presiding Member thanked everyone for attending and declared the meeting closed at 5.11pm.

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

Date

Cr ARC Sachse

President