



**SHIRE OF MT MARSHALL**

# **AGENDA**

**Notice is hereby given that the next Ordinary Meeting of Council will be held at 3:00pm in Council Chambers, 71 Monger St, Bencubbin on Tuesday 18 July 2023.**

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Ben McKay  
Chief Executive Officer

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# SHIRE OF MT MARSHALL

## QUESTION TIME FOR THE PUBLIC

❖ {Please Write Clearly}

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### QUESTIONS TO THE PRESIDENT:-

❖ {GENERAL QUESTION / QUESTION RELATED TO THE AGENDA}

❖ {Strike out unnecessary words}

ITEM NO: \_\_\_\_\_

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PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 9:30AM ON THE DAY OF THE MEETING AT THE SHIRE OF MT MARSHALL OFFICE, MONGER STREET, BENCUBBIN.

**NATURE OF COUNCIL'S ROLE IN DECISION MAKING**

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

**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 license, 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.

Ben McKay  
Chief Executive Officer

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## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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**Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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**1.0 Declaration of Opening / Announcement of Visitors**

**2.0 Announcements by Presiding Person Without Discussion**

**3.0 Record of Attendance**

**3.1 Apologies**

**3.2 Approved Leave of Absence**

Cr MR Beagley.

**4.0 Declarations of Interest**

**5.0 Public Questions**

**5.1 Public Question Time**

**5.2 Response to Previous Public Questions Taken on Notice**

**6.0 Confirmation of Minutes of Previous Meetings**

**6.1 Minutes of the Ordinary Meeting held on Tuesday 20 June 2023**

**OFFICER RECOMMENDATION:**

*That the Minutes of the Ordinary Meeting of Council held on Tuesday 20 June 2023 be confirmed as a true and correct record of proceedings.*

Voting Requirement: Simple Majority

**7.0 Petitions, Presentations and Deputations**

**7.1 Petitions**

Nil

**7.2 Presentations**

Nil

**7.3 Deputations**

Nil

## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

### 8.0 Reports

### 8.1 Council Committees

#### 8.1.3 Minutes of Local Emergency Management Committee Meeting held on 28 June 2023

<b>File Ref:</b>	4.0071
<b>Applicant/Proponent:</b>	Nil
<b>Author:</b>	Nadine Richmond – Executive Assistant
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.1.3 - Minutes of Local Emergency Management Committee Meeting held on 28 June 2023

#### **Report Purpose:**

A meeting of the Local Emergency Management Committee was held on Wednesday 28 June and this report seeks Council endorsement of the minutes.

#### **Background:**

Nil

#### **Consultation:**

Nil

#### **Statutory Environment:**

*Local Government Act (1995)*

Section 5.8: Establishment of Committees

A local government may establish committees of three (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.

#### **Relevant Plans and Policy:**

Nil

#### **Financial Implications:**

Nil from this report.

#### **Risk Assessment:**

Failure to have Council endorse the minutes of a Council appointed committee would be a breach of the *Local Government Act 1995*.



## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

### **Community & Strategic Objectives:**

#### *Governance and Leadership*

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

### **Comment:**

The minutes of the Mt Marshall Local Emergency Management Committee meeting held on Tuesday 28 June 2023 are submitted for Council information.

### **Voting Requirements:**

Simple Majority

### **OFFICER RECOMMENDATION:**

***The minutes of the Local Emergency Management Committee meeting held on Wednesday 28 June 2023 be endorsed.***

**8.2 Chief Executive Officer**

**8.2.13 Avongro Inc – Request for Waiver of Charge**

<b>File Ref:</b>	4.0236
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Ben McKay – Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.2.13 - Email from Avongro Requesting Waiver

**Report Purpose:**

The purpose of this report is to seek Council’s support to waive the fees for the hire of two portable toilets and the per kilometre hire fee for the community bus for the weekend of 21 to 23 July when Avongro Inc. are holding their annual tree planting festival.

**Background:**

Correspondence has been received from Liz Kington, Deputy Chair Avongro Inc (copy attached) requesting that Council consider again waiving the fees for the hire of two portable toilets and to waive the per kilometre hire fee for the community bus for the weekend of 21st to 23rd July when they are holding their annual tree planting festival.

The cost for hiring the two toilets for a weekend would be \$344 (GST inclusive). Arrangements for the collection and return of the toilets will have to be made by the group (as they have been previously) so this would be the only cost involved.

A similar request was made in 2021 and at the 15 June 2021 Ordinary Meeting, Council decided:

*That Council subject to section 6.12 Local Government Act 1995 waive the charge of \$294 to Avongro Inc. for the hire of two portable toilets for the weekend of 3 and 4 July 2021.*

An amended motion was proposed that would provide a 10% discount on the community rate for the hire of buses, however this motion was defeated.

**Consultation:**

No consultation has been undertaken on this matter.

**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

## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

- (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.

### **Relevant Plans and Policy:**

There are no plan or policy implications for this matter.

### **Financial Implications:**

There would be a reduction of income to the Shire of \$344 for the hire of the toilets and \$1.30 per km of travel for the buses should this request be granted.

### **Risk Assessment:**

As with any request of this nature it can create a precedent for the Shire when considering future similar applications.

### **Community & Strategic Objectives:**

#### *Governance and Leadership*

Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.

### **Comment:**

Given the nature of the work that Avongro Inc are undertaking and the fact that they are a small not-for-profit organisation it is recommended that Council consider their request favourably and provide a similar level of support as previous years. The loss of income involved is minimal and it will certainly assist the function to run in an appropriate manner.

### **Voting Requirement:**

Absolute Majority

### **OFFICER'S RECOMMENDATION:**

***That Council subject to section 6.12 Local Government Act 1995 waive the charge of \$344 to Avongro Inc. for the hire of two portable toilets for the weekend of 21st to 23rd July when they are holding their annual tree planting festival.***

**8.2.14 Voting Delegates at WALGA Annual General Meeting**

<b>File Ref:</b>	4.0628
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Ben McKay – Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <span style="float: right;"><input type="checkbox"/> Review</span> <input type="checkbox"/> Executive/Strategic <span style="float: right;"><input type="checkbox"/> Quasi-Judicial</span> <input checked="" type="checkbox"/> Legislative <span style="float: right;"><input type="checkbox"/> Information Purposes</span>
<b>Attachments:</b>	Nil

**Report Purpose:**

The purpose of this report is to seek Council's nomination of two voting delegates for the Annual General Meeting (AGM) of the WA Local Government Association (WALGA) to be held on Monday, 18 September 2023 at Crown Perth.

**Background:**

The annual WALGA Local Government Convention will take place between 17th and 19th September 2023. The AGM will be held at Crown Perth on Monday, 18 September 2023 at 2pm.

All Member Councils are entitled to be represented by two (2) voting delegates at the AGM. Where a registered voting delegate is unable to attend, provision is made for registered proxy delegates to vote on behalf of the Member Council. Only registered Voting Delegates (or Proxies) are permitted to exercise voting entitlements on behalf of Members. Delegates must be Elected Members or serving officers.

**Consultation:**

No consultation has been undertaken on this matter.

**Statutory Environment:**

There are no statutory implications for this matter.

**Relevant Plans and Policy:**

There are no plan or policy implications for this matter.

**Financial Implications:**

There are no financial implications in relation to voting at the AGM.

**Risk Assessment:**

There is a risk that Mt Marshall would not be able to register to vote should this item not be considered.

**Community & Strategic Objectives:**

*Governance and Leadership*

Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.

**Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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**Comment:**

The theme for the 2023 WA Local Government Convention is Local Futures. It will explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

All Member Local Governments are entitled to be represented by two Voting Delegates (and up to two Proxies) at the AGM. All Voting Delegates will need to present at the WALGA Delegate Service Desk prior to the AGM to collect their electronic voting device (keypad) for voting and identification tag to gain entry into the Annual General Meeting.

**Voting Requirement:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

***That Council Appoint ..... and  
..... as the voting delegates at the WALGA  
Annual General Meeting to be held on Monday 18 September 2023.***

**8.2.15 Register of Delegated Authority 2023**

<b>File Ref:</b>	4.0260
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Ben McKay – Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.2.15a - Proposed Register of Delegated Authority 2023 8.2.15b - Current Delegation Register 2022 8.2.15c - Current Sub-Delegation Register 2023

**Report Purpose:**

The purpose of this report is to provide additional direction for the administration to efficiently perform the required functions of the local government. Officers have reviewed Council’s Delegation Register and recommends that Council adopts the new proposed register.

**Background:**

Council is required, subject to Local Government Act 1995 Section 5.46(2), to review the register of delegations annually. The last review was undertaken in May 2022 and is now due again to comply with legislation.

A delegation is the process prescribed in legislation for assigning authority to exercise and express power or duty from the delegate (Council) to another person (Chief Executive Officer (CEO)). The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

In line with the Local Government Act 1995, a Council is required to provide good governance to the people in the district and be predominantly concerned with higher level policy matters for their local government. Duties and powers which are operational in nature, but exercise a discretion, should be delegated to the CEO. Powers and duties can be delegated to CEOs with conditions attached which limits the exercise of powers or discharge of duties to circumstances prescribed by the Council. For example, a permit application which does not satisfy the conditions attached to a delegation, must be referred to the Council for determination.

**Consultation:**

No consultation has been undertaken on this matter.

**Statutory Environment:**

*Local Government Act 1995*

5.46. Register of, and records relevant to, delegations to CEO and employees

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to

## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

### **Relevant Plans and Policy:**

There are no plan or policy implications for this matter.

### **Financial Implications:**

Whilst there are no direct financial implications relating to endorsing the attached delegation register, several of the delegations relate to financial functions across the Shire administration.

### **Risk Assessment:**

Should Council fail to review the Register of Delegated Authority as required by the *Local Government Act 1995*, a breach of the *Act* would be noted by the Auditors.

### **Community & Strategic Objectives:**

#### *Governance and Leadership*

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

### **Comment:**

The Administration has reviewed the entire suite of delegations, using the WALGA Delegations Template, as well as the comprehensive review of informing and subsidiary legislation against the existing delegations.

It has been suggested that the current delegations register in respect to scope, style and presentation is no longer fit-for-purpose. As such the review has considered the addition and revocation of several delegations. These changes are recommended to assist the Shire in performing its functions and improve compliance.

In respect to the proposed approach, it is worth noting that the number of delegations contained within the new draft has increased when compared to the existing delegations.

### **Voting Requirement:**

Absolute Majority

### **OFFICER'S RECOMMENDATION:**

***That, by Absolute Majority, in accordance with sections 5.42, 5.44 and 5.46 of the Local Government Act 1995, Council adopts the Register of Delegated Authority 2023 as presented in Attachment 8.2.15a.***

**8.2.16 Draft Local Planning Strategy**

<b>File Ref:</b>	4.0627
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Ben McKay – Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <span style="margin-left: 150px;"><input type="checkbox"/> Review</span> <input type="checkbox"/> Executive/Strategic <span style="margin-left: 100px;"><input type="checkbox"/> Quasi-Judicial</span> <input checked="" type="checkbox"/> Legislative <span style="margin-left: 100px;"><input type="checkbox"/> Information Purposes</span>
<b>Attachments:</b>	8.2.16 - Draft Local Planning Strategy

**Report Purpose:**

The purpose of this report is for Council to endorse the Draft Local Planning Strategy (the Strategy) for submission to the Western Australian Planning Commission for approval to commence formal community consultation under the Planning and Development (Local Planning Schemes) Regulations 2015.

**Background:**

The Shire of Mt Marshall Local Planning Strategy was adopted in September 2013 and Local Planning Scheme No 3 (LPS3) was gazetted on the 27 December 2013. The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), requires that, in each 5th year following the date a Scheme was last published in the Government Gazette, a local government shall prepare a review by way of a report to the Western Australian Planning Commission (WAPC) on the operation of the Scheme. The review of LPS3 was due 20 June 2018.

Hames Sharley were appointed by the Shire to prepare a 'Report of Review' and on 16 November 2021, Council resolved:

*That Council Pursuant to Regulation 66 of the Planning and Development (Local Planning Schemes) Regulations 2015 approve the Report of Review contained in Attachment 12.1.32 and forward a copy of the Report to the Western Australian Planning Commission.*

The resolution was subsequently conveyed to the WAPC together with the report of review' to which they advised that:

- (a) they agree with the recommendation in the Shire's scheme review report to prepare a new local planning strategy for the Shire; and
- (b) following the update to the Strategy, Local Planning Scheme No. 3 may be updated by way of an omnibus amendment, keeping the majority of the scheme intact, but updating discrete components, as necessary.

Community drop-in sessions were held in Bencubbin on Tuesday 21 June 2022 and in Beacon on Wednesday 22 June 2022. Following these sessions Hames Sharley has been developing the Strategy to respond to the feedback received from the community, Elected Members and the Department of Planning, Lands and Heritage (DPLH).



## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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### **Consultation:**

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, following certification from the Western Australian Planning Commission (the WAPC), a local government is required to undertake formal community consultation. The State Government requirements for community consultation include:

- a. Publishing the Strategy on the local government website
- b. Ensuring a copy of the Strategy is available to the public for inspection
- c. Publishing a notice in the local newspaper (if considered warranted by the local government)
- d. Notifying relevant public authorities
- e. Advertising the Strategy for a period of 21 days

### **Statutory Environment:**

Various sections of *Planning & Development Act 2005* and Regulations 11, 12 and 13 of *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **Relevant Plans and Policy:**

There are no plan or policy implications for this matter.

### **Financial Implications:**

The Shire will incur minor administrative costs in publishing the notice of the draft Local Planning Strategy for public inspection as required under the Regulations.

### **Risk Assessment:**

There is a compliance risk associated with this item because the Shire is required to review its local planning scheme every five (5) years under the Act, and it has not been reviewed for ten (10) years. This risk will be mitigated by the adoption of the officer's recommendation.

### **Community & Strategic Objectives:**

#### *Governance and Leadership*

Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community.

### **Comment:**

The draft Strategy will guide land use planning and decision-making for the Shire over the next 10-15 years. In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, the Strategy must:

- a. Set out the long-term planning directions for the local government.
- b. Apply any State or Regional Planning Policy that is relevant to the strategy.
- c. Provide the rationale for any rezoning or classification of land uses under the Local Planning Strategy.

The Strategy consists of two parts in accordance with DPLH requirements. Part 1 contains the strategy vision, planning directions, and actions for implementation. Part 2 contains the background research, evidence and rationale that supports Part 1.

## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

The Strategy is a pre-requisite to preparing the omnibus amendment to the LPS3. The outcomes and recommendations of the Strategy will inform the preparation of the amendment and supporting planning policies, which will set out the controls and guidelines for development in the Shire.

This report represents the midway point for the Strategy and LPS3 project as defined by phases outlined in planning legislation and regulations. The resolution includes a section to forward copies of the draft Strategy and Scheme to the Commission for certification to advertise the documents. Finally, subject to favourable advice from the Commission, the Shire can proceed to advertise the draft Strategy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. Further opportunities for engagement will be available in the next phase of the project to provide input into the draft Strategy, which will be carried out as a matter of course following this resolution.

### **Voting Requirement:**

Simple Majority

### **OFFICER'S RECOMMENDATION:**

***That Council delegates powers to the Chief Executive Officer to achieve the requirement of Regulation 12, 13 and 14 of the Planning and Development (Local Planning Schemes) Regulations 2015 with regards to attachment 8.2.16 Draft Local Planning Strategy as follows:***

- i) provide a copy of the Strategy to the Western Australian Planning Commission (Commission) and seek the Commission's certification of the Strategy.***
- ii) make modifications to the Strategy as required by the Commission to enable certification, and prior to the commencement of advertising.***
- iii) provide public notice of the Strategy and ensure arrangements are in place for the Strategy to be made available for inspection by the public for a period of not less than 21 days. And***
- iv) report back to Council at the expiry of the consultation period with a final version of the Strategy, with or without modifications, having regard to any submissions made.***

## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

### 8.3 Executive Assistant

#### 8.3.7 Minutes of NEWROC Council Meeting held 27 June 2023

<b>File Ref:</b>	N/A
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Nadine Richmond – Executive Assistant
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.3.7 - Minutes of NEWROC Council Meeting held 27 June 2023

#### **Report Purpose:**

The purpose of this report is to have Council receive the minutes of the NEWROC Council meeting held 27 June 2023.

#### **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, Wyalkatchem and Dowerin and is governed by a Memorandum of Understanding (MOU) between these Shires.

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

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Relevant Plans and Policy:**

There are no relevant plans or policies for this matter.

#### **Financial Implications:**

Nil

#### **Risk Assessment:**

Nil

#### **Community & Strategic Objectives:**

##### *Economy*

Work with local business and other stakeholders to attract investment; create jobs and support business growth.

Encourage, promote, and deliver activities and events that promote our region and have a positive economic and social benefit.

## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

Continue to work with regional partners to advocate for improved energy reliability and telecommunications coverage.

### **Comment:**

The Minutes of the NEWROC Council meeting held on 27 June 2023 are submitted (Attachment 8.3.7) 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 21 August in Merredin.

### **Voting Requirement:**

Simple Majority

### **OFFICER'S RECOMMENDATION:**

***That Council receive the minutes of the NEWROC Council meeting held on 27 April 2023.***

## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

### 8.4 Finance and Administration Manager

#### 8.4.16 Accounts Paid to 30 June 2023

<b>File Ref:</b>	4.0557
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Paula Harris – Finance Officer
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.4.16 - Monthly Schedule of Accounts Paid to 30 June 2023

#### Report Purpose:

Council is required to have produced a Schedule of Accounts Paid each month containing relevant information, as legislated. The purpose of this report is to present the:

- Schedule of Creditor Accounts Paid for 30 June 2023,
- Trust Fund Payments for 30 June 2023, and
- Corporate Credit Card Reconciliations for 30 June 2023.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as presented.

#### Background:

The Local Government (Financial Management) Regulations 1996 require Shire officers, monthly and within a prescribed timeframe, to prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

#### Consultation:

Tanika McLennan – Finance and Administration Manager  
Ben McKay – Chief Executive Officer

#### Statutory Environment:

Regulation 12 and 13 of the Local Government (Financial Management) Regulations 1996 requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

#### Relevant Plans and Policy:

Finances have been managed in accordance with the Shire of Mt Marshall policies. Payments have been made under delegated authority.

#### Financial Implications:

Funds expended are in accordance with Council's adopted 2022/2023 Budget.

## Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023

### **Risk Assessment:**

The Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* should this item not be presented.

### **Community & Strategic Objectives:**

#### *Governance and Leadership*

- Provide informed and transparent decision making that, meets our legal obligations, reflect the level of associated risk, and are adequately explained to community
- Implement systems and processes that meet our legal and audit obligations and the needs of the community.

### **Comment:**

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION:**

***That Council, in accordance with Local Government (Financial Management) Regulations 1996 Regulation 13, confirms the Monthly Schedule of Accounts Paid for 30 June 2023, totalling \$374,146.71 as included at Attachment 8.4.16.***

**8.4.17 Statement of Financial Activity to 30 June 2023**

<b>File Ref:</b>	4.0651
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Tanika McLennan – Finance and Administration Manager
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <span style="margin-left: 150px;"><input type="checkbox"/> Review</span> <input type="checkbox"/> Executive/Strategic <span style="margin-left: 100px;"><input type="checkbox"/> Quasi-Judicial</span> <input type="checkbox"/> Legislative <span style="margin-left: 100px;"><input checked="" type="checkbox"/> Information Purposes</span>
<b>Attachments:</b>	8.4.17 - Statement of Financial Activity to 30 June 2023

**Report Purpose:**

The purpose of this report is to have Council approve the monthly statement of financial activity.

**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:**

*Governance and Leadership*

Implement systems and processes that meet our legal and audit obligations and the needs of the community.

**Comment:**

Nil

**Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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**Voting Requirement:**

Simple Majority

**OFFICER'S RECOMMENDATION:**

***The Council endorse the Statement of Financial Activity for the month ending 30 June 2023.***



**8.4.18 Adoption of Annual Budget 2023/24**

<b>File Ref:</b>	4.0265
<b>Applicant/Proponent:</b>	N/A
<b>Author:</b>	Tanika McLennan – Finance and Administration Manager
<b>Declaration of Interest:</b>	Nil
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	8.4.18 - Annual Budget 2023/24

**Report Purpose:**

To adopt the Annual Budget for the 2023/24 financial year.

**Background:**

A workshop took place on 12 July 2023 with Councillors Gillett, Putt, Gibson and Sachse present. The meeting reviewed the draft budget as prepared by staff.

**Consultation:**

Shire of Mt Marshall Officers  
Shire of Mt Marshall Councillors

**Statutory Environment:**

*Local Government Act 1995*  
*Local Government (Financial Management) Regulations 1996*  
*Local Government (Administration) Regulations 1996*  
*Rates and Charges (Rebates and Deferments) Act 1992*

**Relevant Plans and Policy:**

Subject to Council policies

**Financial Implications:**

Adoption of budget

**Risk Assessment:**

Risk of noncompliance with the Local Government Act 1995 if not adopted by 31 August.

**Community & Strategic Objectives:**

*Governance and Leadership*  
Implement systems and processes that meet our legal and audit obligations and the needs of the community.

**Comment:**

The budget includes a rates increase of 7% for the 2023/24 financial year. It should be noted that whilst the total rates raised will increase by 7%, individual property results may vary as a result of changes to valuations.

## **Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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*The Local Government Act 1995, requires that the Annual Budget is prepared and adopted no later than 31 August each financial year.*

The 2023/24 Annual Budget is presented for Council's adoption.

### **Voting Requirement:**

Absolute Majority

### **OFFICER'S RECOMMENDATION:**

*That*

- 1) ***Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopt the attached Municipal Fund Budget for the Shire of Mt Marshall for the 2023/24 financial year, which includes the following:***
  - ***Statement of Comprehensive Income by Nature and Type***
  - ***Statement of Comprehensive Income by Program***
  - ***Statement of Cash Flows***
  - ***Rate Setting Statement***
  - ***Notes to and Forming Part of the Budget***
  - ***Budget Program Schedules***
  - ***Transfers to and from Reserve Accounts***
  
- 2) ***For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at part 1) above, Council, pursuant to sections 6.32, 6.33, 6.34, 6.35 of the Local Government Act 1995, impose the following rate levels:***
  - a) ***Where the General Rate is to apply, for all rateable properties with a Gross Rental Valuation a rate of 15.1015 cents in the dollar and a Minimum Rate of \$458.00 be applied.***
  
  - b) ***Where the General Rate is to apply, for all the rateable properties with Unimproved Valuations a rate of 1.3060 cents in the dollar and a Minimum Rate of \$458.00 be applied.***
  
  - c) ***Where the Specified Area Rate for the Bencubbin area is to apply, for all rateable properties with Gross Rental Valuations, a rate of 0.6945 cents, in the dollar be applied.***
  
  - d) ***Where the Specified Area Rate for the Bencubbin area is to apply, for all rateable properties with Unimproved Valuations, a rate of 0.0557 cents in the dollar be applied.***
  
  - e) ***Where the service charge for domestic refuse collection is to apply, a charge of \$459.00 be applied.***

**Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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- f) Where the service charge for commercial refuse collection is to apply, a charge of \$459.00 plus GST be applied.**
- g) Where the service charge for domestic recycling bin collection is to apply, a charge of \$265.00 be applied.**
- h) Where the service charge for commercial recycling bin collection is to apply, a charge of \$265.00 plus GST be applied.**
- 3) Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:**

<b>Full Payment and/or First Instalment</b>	<b>28 August 2023</b>
<b>Second Instalment</b>	<b>28 October 2023</b>
<b>Third Instalment</b>	<b>28 December 2023</b>
<b>Fourth Instalment</b>	<b>28 February 2024</b>
- 4) Pursuant to Section 6.46 of the Local Government Act 1995, Council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears, waste and service charges, within 21 days of the issue date of the rate notice.**
- 5) Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through and instalment option of \$16 for each instalment after the initial instalment is paid.**
- 6) Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner elected to pay rates and service charges through the instalment option.**
- 7) Pursuant to section 6.51(1) and subject to section 5.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulation 1996, Council adopts an interest rate of 7% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**
- 8) Pursuant to section 6.16 of the Local Government Act 1995, Council notes the Fees and Charges schedule adopted 20 June 2023.**
- 9) Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, Council notes the individual meeting attendance fees adopted 20 June 2023.**
- 10) In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2023/24 for reporting material variances shall be 10% and \$10,000.**

**Agenda for the Ordinary Meeting of Council on Tuesday 18 July 2023**

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**8.5 Coordinator of Community Development**

Nil

**8.6 Regulatory Officer**

Nil

**9.0 Applications for Leave of Absence**

Nil

**10.0 Elected Members' Motions of Which Previous Notice Has Been Given**

Nil

**11.0 New Business of an Urgent Nature Introduced by Decision of the Meeting**

Nil

**12.0 Matters for Which Members of the Public are Excluded**

Nil

**13.0 Next Meeting – Tuesday 15 August 2023 commencing at 3.00pm in Council Chambers, 71 Monger St, Bencubbin**

**14.0 Closure of Meeting**