



**SHIRE OF MT MARSHALL**

# **UNCONFIRMED MINUTES**

**Notice is hereby given that a Special Electors Meeting was held on Thursday 10 September 2015, at the Bencubbin Recreation Complex, Dampier Street, Bencubbin commencing at 6:48pm.**

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Cr RN Breakell

President

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intentionally**

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# DISCLAIMER

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

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

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

Dirk Sellenger  
Chief Executive Officer

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Chairman Initial

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**held on Thursday 10 September 2015**

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

The Presiding Member declared the meeting open at 6:48pm, welcoming fellow Councillors, the members of the public and Mr Tony Brown, Executive Manager Governance & Organisational Services at Western Australian Local Government Association (WALGA).

**2.0 Record of Attendance / Apologies**

**In Attendance**

Cr RN Breakell	President / Presiding Member
Cr IC Sanders	Deputy President
Cr PA Gillett	Councillor
Cr WJ Beagley	Councillor
Mr Dirk Sellenger	Chief Executive Officer
Ms Nadine Richmond	Executive Assistant
Mr Tony Brown	Executive Manager Governance & Organisational Services - WALGA
Miss Loren Northover	Customer Service Officer
Miss Sally Morgan	Member of the public
Mr William Hardy	Member of the public
Ms Tanika McLennan	Member of the public
Mr John O'Neil	Member of the public
Mr Kim Sawyer	Member of the public
Mr Nicholas Spark	Member of the public
Mr Scott Sullivan	Member of the public
Mr Grant Whyte	Member of the public
Mr Phillip Aitken	Member of the public
Mr Craig Anderson	Member of the public
Mr Ben Andrews	Member of the public
Mr Dale Andrews	Member of the public
Mr Irwin Andrews	Member of the public
Mrs Kerry Andrews	Member of the public
Miss Krista Arthur	Member of the public
Mrs Jeanette Beagley	Member of the public
Mr Lynton Beagley	Member of the public
Mrs Megan Beagley	Member of the public
Mr Nigel Beagley	Member of the public
Mrs Sharnee Beard	Member of the public
Mr James Curwen	Member of the public
Mrs Deanne Breakell	Member of the public
Mrs Jennifer Bunce	Member of the public
Mr Terence Bunce	Member of the public
Mrs Anne Cashmore	Member of the public
Mr Gerald Cashmore	Member of the public
Mr John Cashmore	Member of the public
Mr Tim Cashmore	Member of the public
Mr Brett Clark	Member of the public

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Miss Faye Clark	Member of the public
Mr William Clark	Member of the public
Mr Ronald Collins	Member of the public
Mr Murray Cooper	Member of the public
Mr Jelle DeJong	Member of the public
Mrs Ruth Dejong	Member of the public
Mrs Dorothy Denton	Member of the public
Mr Robert Michael Denton	Member of the public
Mr Robert Peter Denton	Member of the public
Mrs Alisa DeSan Miguel	Member of the public
Mr Daniel DeSan Miguel	Member of the public
Mr Ian DeSan Miguel	Member of the public
Mr Ryan DeSan Miguel	Member of the public
Mrs Vicki DeSan Miguel	Member of the public
Mr Andrew Dunne	Member of the public
Mr David Dunne	Member of the public
Mrs Gemma Dunne	Member of the public
Mr John Dunne	Member of the public
Mrs Karley Dunne	Member of the public
Mrs Marilyn Dunne	Member of the public
Mrs Arlene Faulkner	Member of the public
Mr Jason Faulkner	Member of the public
Mrs Michelle Faulkner	Member of the public
Mr Raymond Faulkner	Member of the public
Mr Stuart Faulkner	Member of the public
Mrs Tania Faulkner	Member of the public
Mr Gordon Francis	Member of the public
Mrs Tania Francis	Member of the public
Ms Kylie Gee	Member of the public
Mrs Jaclyn Geraghty	Member of the public
Mr Andrew Gibson	Member of the public
Mrs Tanya Gibson	Member of the public
Mr Nichols Gillett	Member of the public
Mrs Phillipa Gillett	Member of the public
Mrs Tryphena Gillett	Member of the public
Mr Kris Gobbart	Member of the public
Mrs Leeanne Gobbart	Member of the public
Mr Ryan Gobbart	Member of the public
Mr Terrence Gobbart	Member of the public
Mrs Angela Grant	Member of the public
Mr Thomas Grant	Member of the public
Mrs Lauren Grylls	Member of the public
Mr Garry Huckstep	Member of the public
Mrs Kelly Huckstep	Member of the public
Mr Kenneth Huckstep	Member of the public
Miss Samantha Huckstep	Member of the public
Miss Carly Hymus	Member of the public
Mr Chris Jack	Member of the public
Mrs Deborah Jacob	Member of the public
Mr Darrel Kett	Member of the public

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Ms Melissa Kett	Member of the public
Mr Michael Kett	Member of the public
Mrs Sharon Kett	Member of the public
Mr Brian Kirby	Member of the public
Mrs Marian Kirby	Member of the public
Mrs Rachel Kirby	Member of the public
Mr Ty Kirby	Member of the public
Mr Brandon Lancaster	Member of the public
Ms Joanne Lancaster	Member of the public
Mr Joel Lancaster	Member of the public
Mr Max Lancaster	Member of the public
Mr John Lauro	Member of the public
Ms Tamara Linaker	Member of the public
Ms Nola Lock	Member of the public
Mr Callum Lumsden	Member of the public
Mr Brett Millar	Member of the public
Mr Courtney Millar	Member of the public
Mrs Emily Millar	Member of the public
Mrs Susan Mitchell	Member of the public
Mr Hugh Morgan	Member of the public
Alby Munns	Member of the public
Ms Anna Munns	Member of the public
Mr Daniel Munns	Member of the public
Mr Jeffrey Munns	Member of the public
Mr Peter Munns	Member of the public
Mr Rodney Munns	Member of the public
Mrs Sarah Munns	Member of the public
Mr Shane Munns	Member of the public
Mrs Susan Munns	Member of the public
Mrs Vanessa Munns	Member of the public
Ms Tanya Piller	Member of the public
Mr Clinton Poole	Member of the public
Mr Gavin Lewis	Member of the public
Mrs Joanna Poole	Member of the public
Mrs Petrina Poole	Member of the public
Mr Calvin Potter	Member of the public
Mr Bradley Probert	Member of the public
Mr Michael Putt	Member of the public
Mr Stuart Putt	Member of the public
Ms Christal Rann	Member of the public
Mr Anthony Sachse	Member of the public
Mr Benjamin Sachse	Member of the public
Mr Craig Sachse	Member of the public
Mrs Margo Sachse	Member of the public
Mr Peter Sachse	Member of the public
Mrs Amanda Sanders	Member of the public
Mrs Cindylee Sawyer	Member of the public
Mr Jeremy Schmidt	Member of the public

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Ms Hilda Scrivener	Member of the public
Mr Lyle Scrivener	Member of the public
Mrs Helen Shemeld	Member of the public
Ms Jessica Sing	Member of the public
Mr Paul Smith	Member of the public
Mrs Karrie Stewart	Member of the public
Mr Shayne Tollarzo	Member of the public
Ms Morgann Tranter	Member of the public
Mrs Tracy Tranter	Member of the public
Mrs Charisse Walker	Member of the public
Mr Craig Walker	Member of the public
Mr David Walker	Member of the public
Mr John Walker	Member of the public
Mr Peter Waters	Member of the public
Ms Rebecca Watson	Member of the public
Mr Andrew West	Member of the public
Mr Grant Wyatt	Member of the public
Mrs Sandra Wyatt	Member of the public
Mr David Burton	Member of the public
Mr Andrew Schmidt	Member of the public
Miss Sinead Scully	Member of the public
Mr Glen Green	Member of the public
Mrs Dianne Burnett	Member of the public
Mr John Burnett	Member of the public
Mr Dean Shankland	Member of the public
Mr Anthony Jack	Member of the public
Mrs Jenane Jack	Member of the public
Mr David Thirwell	Member of the public
Mrs Brooke Lumsden	Member of the public
Mrs Marie Arnold	Member of the public
Mr Allan Stewart	Member of the public
Mrs Celine Murray	Member of the public
Mr Sean Munns	Member of the public
Mr Ryan Gatterell	Member of the public
Mr Murray Junk	Member of the public
Mrs Kerry Junk	Member of the public
Mr Luke Jefferies	Member of the public
Mr John Haggerty	Member of the public

**Apologies**

Mr Geoff Shadbolt	Member of the public
Mrs Annie Millar	Member of the public
Mr Jeff Gillett	Member of the public
Mr Robert Grylls	Member of the public
Mrs Lousie Sellenger	Member of the public
Mr Desmond Miguel	Member of the public
Mr Martin Grant	Member of the public
Mrs Valda Heal	Member of the public







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Local Government (Administration) Regulations 1996  
Schedule 1 Forms

**Schedule 1 — Forms**  
**Form 1**

[reg. 16]

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**REQUEST FOR A SPECIAL MEETING OF ELECTORS**

TO: The <sup>(1)</sup> Mayor/President of <sup>(2)</sup> SHIRE OF MT MARSHALL

1. Under section 5.28 of the *Local Government Act 1995*, the electors of <sup>(3)</sup> SHIRE OF MT MARSHALL whose names, addresses and signatures are set out in the attached list and who comprise <sup>(1)</sup> 100 electors/5% of the number of electors request that a special meeting of the electors of the district be held.

2. The details of the matter to be discussed at the special meeting are —

AS STATED ON ATTACHED PETITION

- DISCUSS THE BUILDING AND OPERATIONAL COSTS OF THE BENGUBBIN MULTIPURPOSE COMPLEX
- CONSULTATION AND COMMUNICATION TO RATEPAYERS AND RESIDENTS REGARDING FINANCIAL IMPLICATIONS OF THE COMPLEX
- SPECIFIED AREA RATE TO FUND THE COMPLEX

3. This request is served on behalf of the listed signatories by —

Name STUART FAULKNER, PRESIDENT BEACON PROGRESS ASSOCIATION  
Signature [Signature]  
Contact details ph: 0427 189182  
Date 31/08/2015

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert name of district

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The Beacon Progress Association Incorporated, of 11 Rowlands Street, BEACON, in the State of Western Australia, on behalf of the electors of the Shire of Mt Marshall, are the promoters of this petition which contains 20 signatures. ON THIS PAGE. 82 IN TOTAL

**PETITION TO CALL A SPECIAL ELECTORS MEETING OF THE SHIRE OF MT MARSHALL IN RELATION TO THE PROPOSED BUILDING AND OPERATIONAL COSTS OF THE NEW BENCUBBIN MULTIPURPOSE CENTRE**

To: The Shire of Mt Marshall Council Ceo Dirk Sellinger, Shire President Robert Breakell and Shire Councillors, Desmond Miguel, Jeffery Munns, Paul Gillett, Ian Sanders and John Beagley

We the undersigned ratepayers and residents of the Shire of Mt Marshall, in the State of Western Australia, request that:

1. Further consultation and clearer communication by the Shire of Mt Marshall occur with regards to the proposed building of the Bencubbin Multipurpose Complex by means of a personally addressed survey of all the ratepayers and residents of the Mt Marshall Shire, stating clearly the financial implications of a project this size on our current and future finances, shire rates and our ability to consider other potential projects that may benefit the whole or other parts of the shire and then ask the following:

A) Do you support the extensions to the Bencubbin Multipurpose Complex? Yes/No

B) Do you support a specified area rate to be applied to the pre-determined zone South of Andrews Tank Rd to be raised to pay for this proposal?

2. That the Mt Marshall Shire raise the remainder of the funds required for the proposed Bencubbin Multipurpose Complex through specified area rates of the southern area only, and that ordinary council budgets, road funding or cash reserves are not to be allocated to this project.

NAME	ADDRESS	SIGNATURE	DATE
Megan Beagley	100 Steneld St Beacon	M Beagley	25/6/15
Sueann Green	5 Lindsay St Beacon	Sueann Green	25/6/15
Vicki Miguel	1312 CLARK RD BEACON	Vicki Miguel	25/6/15
Stephen Mitchell	71 Cook St Beacon	Stephen Mitchell	25/6/15
Carly Hymas	271 Barnley Bore Rd BAN	Carly Hymas	25.6.15
Dan Munns	" " "	Dan Munns	25.6.15
Brooke Lumden	5 Rowlands St Beacon	Brooke Lumden	25.6.15
Callum LUMDEN	" " "	Callum Lumden	25.6.15
Gemma Dunne	425 BEACON BACK RD BEACON	Gemma Dunne	25.6.15
Zeta Miguel	12 Cook St Beacon	Zeta Miguel	25.6.15
RYAN MIGUEL	7298 Boralwin/Windmill Rd	Ryan Miguel	25.6.15
Matthew O'Rourke	3476 Bimbijy Rd Beacon	Matthew O'Rourke	25.6.15
Vanessa Munns	13 ASKEW ST BEACON	Vanessa Munns	25.6.15
BRANDON LANCASTER	9 DUNNE ST BEACON	Brandon Lancaster	25.6.15
BEN ANDREWS	410 BEACON ROCK ROAD BEACON	Ben Andrews	25.6.15
NIGEL BEAGLEY	100 STEMELD ST BEACON	Nigel Beagley	25.6.15
FR KIRBY	258 Bimbijy Rd BEACON	Fr Kirby	25/6/15
IAN NICK DE-SIN MIGUEL	7874 BURLING-BONNF ROAD ROAD	Ian Nick De-Sin Miguel	25.6.2015
CEO CASHMORE	5991 Durkay - Boralwin Rd	CEO Cashmore	25.6.2015
Harry Lumden	5 Rowlands St Beacon	Harry Lumden	25.6.2015

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The Presiding Member invited Mr Stuart Faulkner from the Beacon Progress Association (BPA) to address the meeting.

Mr Faulkner addressed the meeting covering issues that concerned the BPA including:

- Not enough community consultation had taken place regarding the financial implications of the Bencubbin Recreation Complex redevelopment.
- The Shire receiving a letter from the Department of Local Government and Communities (DLGC) regarding their financial concerns of the 2014/2015 audit.
- The Shire's operating losses over the last 3 years and the 2015/2016 Budget predicting the losses will continue.
- Questions as to why the President and CEO have stated there is "no better time to borrow"
- Auditors report shows a decrease in revenue with no decrease in spending
- The Shire's lack of plan to generate revenue from the proposed facility
- The future maintenance costs of the facility and who pays them.

**2015/001 ELECTOR MOTION:**

**Further consultation and clearer communication by the Shire of Mt Marshall occur with regards to the proposed redevelopment of the Bencubbin Recreation Complex by means of a personally addressed survey of all the ratepayers and residents of the Mt Marshall Shire, stating clearly the financial implications of a project this size on our current and future finances, shire rates and our ability to consider other potential projects that may benefit the whole or other parts of the Shire and then ask the following:**

**A. Do you support the development of the Bencubbin Multipurpose Complex in its current form?**

**B. Do you support the funding plan which Council has adopted in the 2015/2016 budget for the Bencubbin Recreation Complex Redevelopment?**

**Moved Mr Stuart Faulkner**

**Seconded Mrs Rachel Kirby**

**Carried**

**2015/002 ELECTOR MOTION:**

**That the Bencubbin Recreation Complex Redevelopment be put on hold until all financial and social implications all financial and social implications can be properly considered and an appropriate amount of consultation with all stakeholders has occurred in line with the Shire of Mt Marshall's Corporate Plan, Business Plan and Asset Management Plan.**

**Moved Stuart Faulkner**

**Seconded Mr Tom Grant**

**Carried**

Mr Tony Sachse addressed the meeting against the motion indicating he did not consider the use of the word 'stakeholder' appropriate. If the Shire was to consult every stakeholder it would take considerable time as the term 'stakeholder' is very broad terminology.

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Mr Stuart Faulkner replied stating that by 'stakeholder he was referring to all residents and ratepayers of the Shire.

The Presiding member spoke against the motion referring to the consideration and that has taken place through the Shire's integrated planning. He also made mention of Council's decision at the September 2014 Ordinary Meeting of Council which was carried 7/0 to place the redevelopment of the Bencubbin Recreation Complex as the number one (1) recreation priority in the Shire. He believes the project will be of considerable benefit for the Shire.

Mr Dirk Sellenger spoke to the meeting regarding financial sustainability of the Shire. The Debt Service Ratio after the 2014/2015 financial year is now in excess of seven times the target ratio as set by the Department of Local Government. The Shire's Reserves now far exceed all previous balances increasing by approximately \$920,000 since 2012 representing an increase of over 78%.

The Presiding Member spoke regarding the ongoing costs of the facility:

- The electricity charges will be covered by users.
- The water will be paid for by the Shire.
- Ongoing maintenance will be minimal due to a new building – for at least 10 years.

He also spoke regarding the loan repayments required of the Shire stating that the repayments are just 1% of Shire budget expenditure in the 2015/2016 year.

Mr Noel Miguel addressed the meeting. In summary he stated that 60% of the Shire's ratepayers are north of Andrews Tank Road and that people of Bencubbin will be getting the most use from the proposed facility. He believes a specified area rate should be applied and put the motion:

**2015/003 ELECTOR MOTION:**

**The Shire of Mt Marshall raise a specified area rate to be applied to an area representative of the main users of the Bencubbin Recreation Complex, EG. South of Andrews Tank Road and excluding Eastern and Western ratepayers within approximately 8 klm of the Shire boundary, to fund the repayment of loans established for the proposed project.**

**Moved Noel Miguel**

**Seconded Jenni Bunce**

**Carried**

Mr Tony Brown spoke to the meeting regarding specified area rates, explaining how they work. General areas are considered unsuitable to apply specified area rates too, however this is permitted.

Mr Tony Sachse spoke against the motion believing that setting specified area rates in regard to this project could set a precedence and should be treated with caution.

Mr Noel Miguel spoke for the motion stating that specified area rates have been used before around Beacon and can't see why they cannot be applied regarding this project.

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Mrs Rachel Kirby put the following motion:

**2015/004 ELECTOR MOTION:**

**That the scale of the Bencubbin Recreation Complex Redevelopment project be staged to limit the expenditure development of Stage 1. to a maximum of \$1,980,000 including the \$990,000 NSRF funding. This meets the minimum requirement of the NSRF funding whole of Shire funded loan.**

**The matching dollar for dollar funding must come from sources other than a whole of Shire funded loan.**

**Moved Rachel Kirby**

**Seconded Megan Beagley**

**Carried**

Mrs Rachel Kirby spoke for the motion and in summary stated that while the complex redevelopment was in the Shire's Long Term Planning the project was never planned to be this expensive. No funds have been put aside in preparation for the project. A loan such as this will put a large burden on the community. The Bencubbin Recreation Complex does need some renovations, yes. Does the project need to go ahead so soon, when we have until 2019 to complete the project?

Congratulations to the Shire Staff in being awarded such a large grant.

Mr Brett Millar spoke against the motion in summary stating that he believes that the longer the project is delayed then the less value for money the Shire will receive with this project.

Mr John Dunne addressed the meeting mentioning he didn't believe that using the Shire's reserve funds was appropriate.

The Presiding Member spoke for the motion stating in summary that due diligence had been taken in consideration of this project and staging the project will cause further delays. It is in the Shire's best interest to go ahead.

Mrs Megan Beagley put the following motion and addressed the meeting:

**2015/005 ELECTOR MOTION:**

**That any further development of the Bencubbin Recreation Complex (such as that which is proposed in the Draft Sport and Recreation Master Plan) is to be carried out with thorough and effective communication and community consultation prior to any commitment of Shire funds, and that every possible effort is made to procure grants and external financial assistance towards this project before it can occur**

**Moved Megan Beagley**

**Seconded Noel Miguel**

**Carried**

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In summary, Mrs Megan Beagley was concerned about the lack of consultation with the community, and believed the Shire had not made enough reference to the scale and magnitude of the project. Information about the project has not been forthcoming and the Councillors had not been given enough information to make an informed decision.

The Presiding Member spoke against the motion and in summary stated he believes the Shire carried out substantial communication.

Mrs Rachel Kirby put the following motion and addressed the meeting:

**2015/006 ELECTOR MOTION:**

**That the Bencubbin Recreation Complex Redevelopment project budget be amended to use a maximum of \$291,000 reserve funds, including \$7000 from the Bencubbin Recreation Complex Reserve.**

**Moved Rachel Kirby**

**Seconded Stuart Faulkner**

**Carried**

In summary Mrs Rachel Kirby stated that she believed the project could be funded differently and noted that building maintenance reserves were allocated to fund the project. Also of note was that the 2015/2016 Budget will result in a decrease in the reserve funds to \$1,600,000.

Mrs Kirby made mention of the Council's explanation at the August Council Meeting regarding a difference in the project budget of \$37,000 as 'rounding' and felt this was not appropriate.

No one spoke against the motion.

Mrs Jenni Bunce put the following motion and addressed the meeting:

**2015/007 ELECTOR MOTION:**

**That the Mt Marshall Shire supply clear information which outlines the impact of the Bencubbin Recreation Complex Redevelopment on ratepayers. The rate increases, the rate comparisons and the total interest and maintenance costs to individual ratepayers before the project is to continue.**

**Moved Jenni Bunce**

**Seconded Stuart Faulkner**

**Carried**

Mrs Bunce in summary stated that it had not been made clear what the actual cost of the project to the ratepayers would be.

**5.0 Questions of Which Prior Notice Was Received**

Nil

**6.0 Motions from the Floor**

There were no further motions from the floor.



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<b>7.0</b>	<b>Closure of Meeting</b>
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The Presiding Member declared the meeting closed at 8.00pm

These Minutes were confirmed by the Council at its XXXXX Meeting held on XXXXXX 2015.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cr RN Breakell                      President