



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 20 December 2016, in Council Chambers, 80 Monger Street, Bencubbin commencing at 3:00pm.

Cr RM Kirby

President

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been left blank
intentionally*

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Stephen Tindale
Acting Chief Executive Officer

Chairman Initial

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- 14. Matters for which Members of the Public to be Excluded

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to exclude members of the public as this Agenda Item is considered as being a matter regarding a person's personal affairs.

 - 14.1 CONFIDENTIAL – 2017 Mt Marshall Citizenship Award
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- 17. Next Meeting – Tuesday 14 February 2017 commencing at 4:00pm in Council Chambers, 80 Monger St, Bencubbin
- 18. Closure of Meeting

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1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 3:00pm, and welcomed the members of the public present in the gallery.

2.0 Declarations of Office by Elected Members

Nil

3.0 Record of Attendance / Apologies / Approved Leave of Absence

In Attendance

Cr RM Kirby	President / Presiding Member	
Cr SE Faulkner	Deputy President	
Cr NR Gillett	Councillor	
Cr ARC Sachse	Councillor	
Cr WJ Beagley	Councillor	
Cr HJ Shemeld	Councillor	3.00 – 5.12, 5.14 – 5.58pm
Cr CT Lumsden	Councillor	3.00 – 5.21, 5.22 – 5.58pm
Mr Stephen Tindale	Acting Chief Executive Officer	
Ms Nadine Richmond	Executive Assistant	
Ms Tanika McLennan	Finance and Administration Manager	
Mr Peter Waters	Member of the public	3.00 – 4.40pm
Mrs Sharon Kett	Member of the public	3.00 – 4.40pm
Mrs Deanne Breakell	Member of the public	3.00 – 4.40pm
Mrs Charisse Walker	Member of the public	3.00 – 4.40pm
Mr Ben Sachse	Member of the public	3.00 – 4.40pm
Mrs Rebecca Watson	Member of the public	3.00 – 3.33, 3.34 – 4.40pm
Mrs Leeanne Gobbart	Member of the public	3.00 – 4.40pm
Mr Lynton Beagley	Member of the public	3.00 – 4.40pm
Mrs Sally Putt	Community Development Officer	3.01 – 4.43pm
Mr Andrew Johnson	Works Supervisor	3.02 – 3.26pm

Apologies

Nil

4.0 Standing Orders

2016/184 COUNCIL DECISION:

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

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

5.0 Public Questions

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5.1	Response to Public Questions Taken on Notice
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Nil

5.2	Public Question Time
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Public Question Time opened at 3.02pm.

5.2.1 Summary of question from Mr Peter Sachse:

Has Douglas Partners been made aware of the calamity of errors at the current site that have caused the demise of the pool?

Summary of response from the Presiding Member:

The Presiding Member informed the meeting that they were not made aware.

5.2.2 Summary of question from Mr Noel Miguel, President of the Beacon Progress Association:

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

Summary of response from the Presiding Member:

The Presiding Member advised the meeting that she will take Mr Miguel's question on notice and address it at the next ordinary meeting of Council.

5.2.3 Summary of question from Mrs Deanne Breakell:

Could the President please elaborate on Mr Sachse's question?

Summary of response from the Presiding Member:

The Presiding Member invited the Acting CEO to respond. The Acting CEO informed the meeting as follows:

Essentially there is nothing new in Peter Sachse's assessment and he is correct in many respects. However I am not sure that he has fully understood the geotech report. All 5 sites have reactive soil and the over-excavation method of building a new pool is intended to deal with reactive soil.

The pool at the Mt Marshall Aquatic Centre appears to sit very close to rock at the northern end while the diving bowl at the southern end appears to sit on deeper soil. It appears that the loss of water into a reactive soil and the difference in soil depths underneath the pool to the underlying rock has broken the back of the pool as evidenced by the widespread fine cracking near the bowl. The loss of water that caused the problem is consistent with the failure of the unprotected return pipe to the pool. In other words, the loss of water, subsequent undermining of the pool and the presence of reactive soil has seen the pool sink at its southern end with significant stress fracturing exacerbated by the presence of relatively stable rock at one end and reactive soils at the other.

The geotech response to the proximity of solid rock is to use micropiles or possibly screw piles to obtain the necessary stability. The method is dependent on the presence of suitable rock within 4m of the pool surface. Where the rock is not

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present the piles have to go deeper into the soil in order to avoid reactive soil that may be affected by the presence of ground or storm water.

I have no idea of the expense of this response to the presence of rock or indeed its feasibility in that particular location – but it does seem complicated and therefore potentially problematic. To present the site to the community as a potential option becomes problematic for the Shire if it can't deliver a cost-effective solution for the site.

5.2.4 Summary of question from Miss Rebecca Watson:

When conducting the feasibility study into a new pool site, will the number of privately owned pools existing in each town site be taken into consideration? If not, can we request that it be?

Summary of response from the Presiding Member:

The Acting CEO responded and advised the meeting that the number of pools that exist in each town could be obtained from the Shire's register of pools.

5.2.5 Summary of question from Mr Peter Waters:

Has the education department been contacted regarding the possibility of the schools being a site for the new pool? Should they be contacted before the Shire spends money on a feasibility study for a new pool site in case the department does not welcome such a proposal?

Summary of response from the Presiding Member:

The Acting CEO responded letting the meeting know that it was preferred to first carry out geo-technical testing to see if the school sites were suitable. Testing has been completed and both school sites are deemed not suitable due to the presence of shallow rock posing a drainage problem for stormwater.

Public Question time closed at 3.11pm

6.0	Applications for Leave Of Absence
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Nil

7.0	Declarations of Interest
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As the author of the report, Executive Assistant, Nadine Richmond declared a financial interest in Agenda item 13.6.18, being that she may benefit from a staff annual bonus scheme up to a maximum of \$500 annually.

8.0	Confirmation of Minutes of Previous Meetings
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8.1	Minutes of the Ordinary Meeting held on Tuesday 15 November 2016
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Minutes of the Ordinary Meeting of Council
held on Tuesday 20 December 2016

2016/185 COUNCIL DECISION / OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 15 November 2016 be confirmed as a true and correct record of proceedings.

Moved Cr CT Lumsden

Seconded Cr HJ Shemeld

Carried 7/0

8.2 Minutes of the Special Meeting held on Wednesday 7 December 2016

2016/186 COUNCIL DECISION / OFFICER RECOMMENDATION:

That the Minutes of the Special Meeting of Council held on Wednesday 7 December 2016 be confirmed as a true and correct record of proceedings.

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 7/0

9.0 Announcements by Presiding Person Without Discussion

On behalf of the Shire I would like to extend condolences to the family of Lynton Green who passed away on Monday 12th December after a short battle with cancer. Lynton lived and farmed at Cleary with wife Lyn for many years before retiring to Mundaring. Deepest sympathy to Lyn, Karen and Kim and their families.

I would like to acknowledge the impending departure of a family who have made a significant contribution to the Shire of Mt Marshall, Rod and Sarah Munns and their children. Rod was employed as the Shire Engineer for 10 years until his departure in 2011. During that time, he provided the Shire with a high level of expertise, managing all aspects of the roadworks program which constitutes the vast majority of the annual budget. He also provided engineering input into infrastructure projects and Acted as CEO on several occasions. In the past five years he has continued to be a valuable resource for the Shire of Mt Marshall and the larger region as a consultant Engineer and secretary of the NE Sub-Regional Road Group.

Sarah has been employed as a teacher since 2001, varying from full to part-time as their family arrived. The students at Beacon Primary School have benefited from her dedication, enthusiasm and professionalism as a teacher and other roles within the school.

In addition to their professional contribution, Rod and Sarah have contributed significantly to the community of Beacon and the wider Central Wheatbelt community through their heavy involvement in sport and other community organisations.

Rod, Sarah and their family are moving to Narrogin to access high school education. I would like to wish them all the best for their new adventure. Their contribution to the community will be well remembered and sorely missed.

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10.0	President's Report
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Purpose:

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

Comment:

The President represented the Shire at the following meetings and training opportunities from November 14th to December 20th:

1st December - GEC Zone Meeting, Teleconference with ACEO Stephen Tindale

7th December - Special Council Meeting, Bencubbin

8th December - Benefit Cost Analysis Training Workshop, Wyalkatchem with Cr Sachse, ACEO Stephen Tindale and CDO Sally Putt

9th December - Beacon Primary School Concert, presentation of Masonic Lodge Award

13th December - NEWROC Council Meeting and Christmas Function, Nungarin with Cr Faulkner and Cr Sachse

14th December - BMC Steering Committee Meeting with Site Architecture, Bencubbin with Cr Sachse, Cr Lumsden (by phone) and ACEO Stephen Tindale

15th December - CEACA Executive Meeting, and additional meetings with key consultants (joined by Teleconference)

16th December - CSRFF funding cheque presentation by Hon Mia Davies MLA, Welbungin, with Cr Faulkner, Cr Sachse, Cr Beagley and Cr Lumsden

20th December - Strategic Planning Workshop with Ron Back, Bencubbin with all Councillors

20th December - Audit Committee Meeting, Bencubbin with all Councillors

11.0	Petitions / Deputations / Presentations / Submissions
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Nil

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12.0 Reports of Committees

12.1 Audit Committee

12.1.1 Audit Committee Meeting held 20 December 2016

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: A1/3
AUTHOR: Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST: No Interest to Disclose
DATE: 15 December 2016
ATTACHMENT NUMBER: 12.1.1a – Audited Financial Report to June 2016
12.1.1b – Independent Audit Report and
Management Letter
CONSULTATION: Stephen Tindale – Acting Chief Executive Officer
STATUTORY ENVIRONMENT: ***Local Government Act 1995***

5.54. Acceptance of annual reports

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

* Absolute majority required.

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

AUDIT COMMITTEE RECOMMENDATIONS:

That:

1. the following items be adopted:
 - Audited Financial Report for the year ended 30 June 2016;
 - Independent Audit Report for the year ended 30 June 2016 and;
 - Management Letter for the year ended 30 June 2016.
2. the unconfirmed minutes of the Audit Committee Meeting held 20 December 2016 be noted.

2016/187 AMENDMENT/COUNCIL DECISION:

That:

1. the following items be adopted:
 - Audited Financial Report for the year ended 30 June 2016;
 - Independent Audit Report for the year ended 30 June 2016 and;

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- | | |
|----|--|
| - | Management Letter for the year ended 30 June 2016. |
| 2. | the unconfirmed minutes of the Audit Committee Meeting held 20 December 2016 be noted. |
| 3. | the Annual Electors General Meeting be held on 14 February 2017 at 6pm. |

Moved Cr HJ Shemeld

Seconded Cr ARC Sachse

Carried 7/0
Absolute Majority

Reason Council decision differs from Officer Recommendation: To include Council's decision to nominate a date for the Annual Electors General Meeting to be held within not more than 56 days of adopting the Annual Financial Report.

BACKGROUND:

The Audit Committee met immediately prior to the ordinary meeting of Council to consider the 2015/16 Annual Financial Report.

COMMENT:

The audited Annual Financial Report is presented for adoption. Section 5.54 of the Local Government Act 1995 requires adoption of the Annual Report no later than 31 December each year unless prior approval has been sought.

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13.0 Reports of Officers

13.1 Environmental Health Officer / Building Surveyor
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Nil

13.2 Works Supervisor

13.2.4 Works Report December 2016
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LOCATION/ADDRESS:	Mt Marshall District
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Andrew Johnson – Works Supervisor
DISCLOSURE OF INTEREST:	Nil
DATE:	14 December 2016
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	N/A
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2016/188 OFFICER RECOMMENDATION/COUNCIL DECISION:
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That the December report of the Works Supervisor be noted.

Moved Cr SE Faulkner

Seconded Cr WJ Beagley

Carried 7/0

BACKGROUND:

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

COMMENT:

ROADS

Resealing projects completed and within budget with extra sealing completed with savings made by the selected tenderer Colas. On the first day of resealing near Welbungin we had some heat issues, with the road temperature at 65 degrees which caused the stone to roll while packing it in. This left black lines on the new seal on a 200m section but this didn't compromise the structure and it will hold up well in the cold months and not laminate.

The 100m section of Monger Street was not resealed, due to Brookfield's being difficult and not supplying a flagman for the crossing to coincide with the planned works. These works would have taken approximately 1 hour to complete. This will be resealed when the contractors are back next year for our other construction primer seal projects.

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We had a bit of bleeding on certain corners and streets throughout the Shire, we dusted them with small stone and they seem to of held up.

Shoulder widening and primer sealing completed Burakin/Wialki road.

Dampier Street, Bencubbin - reconstruction, including primer sealing with new curbing completed. This will now prevent water running into the recreation complex when we have larger downpours and help with the general drainage on that lower side of town.

We had several areas of unsealed road fail during the harvest which were patch re-sheeted and made as safe as possible. We were also able to highlight deficiencies in the network that will be included in our future programs.

We did get caught out with the opening of the Gabbin bin for oats only. Which created a lot more traffic than expected using the north/south routes of Mandiga/ Marindo and Gabbin/Cleary earlier in the harvest. Most other roads held up pretty good considering we had no rain to help with compaction or dust suppression.

All the gravel required for upcoming re-sheeting and construction works have been sourced and pushed. We're hoping to get some decent summer rains to help wet the gravel before the projects begin. Thus minimise the reliance on the watercart and utilising this prime mover and the 2 side-tippers to cart the gravel.

We're in the process of hiring a street sweeper from Merredin Shire to give the Bencubbin streets a tidy up and remove the loose stone on Monger Street and to vacuum out some side entry pits, I haven't included Beacon in this as there are not enough curbed streets and the benefits would be minimal.

We have our culvert pipes ready to be installed at various locations in the Shire and we will be conducting drainage works over the summer months.

New signage will be installed up to the Christmas break and a review will be conducted in the New Year on other areas that may require signs and be included in the budget review.

New line marking will be completed when the MRWA contractors are in the area, hopefully in the not too distant future.

WASTE SERVICES

Both Beacon and Bencubbin are functioning well, we are pushing Bencubbin twice a week - after the domestic run on Monday and also on the Friday to try and prevent loose items getting blown around.

TOWN MAINTENANCE

Beacon and Bencubbin are both reasonably tidy except for the amount of gum leaves that are dropping at the moment which make things seem a little worse than what they are. Summer storm activity should rectify this.

PLANT

A new Mitsubishi Triton Ute has been purchased for one of the Maintenance Grading crews.

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After the quotes were finalised we selected Avon Valley Mitsubishi as the supplier with their price being very competitive.

We did put the old ute out to tender, but after much discussion decided to keep the trade and utilise it for the new position that will be opening in Beacon for a Cleaner/ Gardener. The old Ute has 85,000ks and will be ideal for the position as there will not be a lot of long distance travel involved. We went with the Triton again because we have a fleet already which makes it cheaper to service plus the clearance for a 2 wheel drive is good.

OTHER ITEMS OF INTEREST

We have been lucky enough to have three new staff members commence with us over the last 4 weeks. We have struggled to recruit locals and quality employees in the past, however, now we can plan a bit better with the works crew back to full capacity.

I'm in the process of completing our 10 year road maintenance program and this should be completed early in the New Year.

I've made a start on our 10 year plant replacement program and I've set myself a goal to have it completed in March 2017.

I'd like to thank Rod Munns for all of his help over the past 9 months. With Rods local knowledge and guidance my introduction to Mt Marshall has been a smoother transition. I wish him and his family all the best with their move into the future.

Mr Andrew Johnson left the Chambers at 3.26pm.

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13.3 Community Development Officer

13.3.7 Resurfacing of Welbungin Tennis Courts

LOCATION/ADDRESS:	Welbungin
NAME OF APPLICANT:	N/A
FILE REFERENCE:	F1/15
AUTHOR:	Sally Morgan - Community Development Officer
DISCLOSURE OF INTEREST:	No Interest to Disclose
DATE:	14 December 2016
ATTACHMENT NUMBER:	13.3.7a – Advice of successful funding application 13.3.7b – Sports Surfaces Quote
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer Mark Fitzpatrick – Welbungin Sports & Progress Association
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	\$36,020 from the 2016/17 Budget (\$26,700 is currently allocated within the budget)
STRATEGIC IMPLICATIONS:	One of the strategies of the Mt Marshall Sporting and Recreation Master Plan is to <i>Continue to support sport and recreation clubs and groups with upgrades and enhancements to existing sport and recreation facilities.</i>
VOTING REQUIREMENT:	Absolute Majority

2016/189 OFFICER RECOMMENDATION/COUNCIL DECISION:

That;

- The Welbungin tennis courts resurfacing project commences in March 2017 with the amended budget as follows;

Shire of Mt Marshall	\$36,020
Welbungin Sports & Progress Association Cash	\$26,500
Welbungin Sports & Progress Association In-kind	\$10,260
CSRFF	<u>\$15,000</u>
Total	<u>\$87,780</u>
- Any cost savings to the project are split between the Shire of Mt Marshall and the Welbungin Sports & Progress Association.

Moved Cr CT Lumsden

Seconded Cr ARC Sachse

Carried 7/0

BACKGROUND:

Established in 1953, the Welbungin Sports & Progress Association are a very active club within our Shire and continue to maintain a thriving membership base. The club operates its season between October – April each year with social and competitive tennis on offer. The club is part of the Central Wheatbelt Tennis Association and participates in interclub events and the Pennants competition. The club had 51 members in the 2015/16 season,

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membership has remained steady over the last 5 years with 46 members in 2014/15 and 52 in 2013/14.

The Welbungin Sports & Progress Association approached the Shire in late 2015 requesting assistance and funding for the resurfacing of 4 synthetic grass tennis courts located at their club in Welbungin. The existing courts were laid in 1995 and have been in use for 21 seasons, lasting well beyond the advised life expectancy of 8-10 years. The courts have deteriorated quickly over the last 3 years, with joins and rolls becoming more noticeable and an uneven and slippery surface. Small mounds and hollows have formed under the surface, making a more unpredictable court to play on with an inconsistent ball bounce.

The Shire sourced quotes for the resurfacing work and prepared a funding application in mid-2016. The most appropriate funding program for the project was the Department of Sport and Recreation Community Sport and Recreation Facility Fund (CSRFF). At the August 2016 Ordinary Meeting, Council resolved the following;

2016/116 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Community Sport and Recreation Facilities Funding application for the resurfacing of the Welbungin Tennis Courts be endorsed for submission to the Department of Sport and Recreation, in the form as presented to the 16 August 2016 Ordinary Meeting of Council.

Moved Cr SE Faulkner

Seconded Cr CT Lumsden

Carried 7/0

On the 6th December 2016 the Shire was advised we were successful with our grant application. As stated in the letter in attachment 13.3.7a we were successful in obtaining \$15,000 of the \$29,000 requested meaning there is a shortfall in the project budget which will need to be adjusted for the project to go ahead.

COMMENT:

To enable the resurfacing project to proceed in 2016/17 the shortfall in funding must be met by the Shire of Mt Marshall and/or Welbungin Sports & Progress Association.

The Shire allocated \$26,700 towards the project in the 2016/17 budget. As the quotes for the resurfacing come in higher than anticipated and the CSRFF funding application required escalation to be included on the total project budget, the Shires allocation was increased to \$29,000. The Welbungin Sports & Progress Association committed to contributing \$23,909 in cash and \$10,260 in-kind with the CSRFF application requesting \$29,000 in funding. The total project was \$92,169 excl GST which included a 5% escalation component.

In sourcing quotes, Sports Surfaces were identified as the preferred contractor for the project. Since receiving the notification of our funding application Sports Surfaces have been contacted to provide an updated quote, they have advised that there are no changes. Their quote for the project is \$77,520 excl GST, this includes a generous allocation of \$6000 for any remedial work that may be required once the existing turf has been removed. As Sports Surfaces have advised no changes are required to their quote, the escalation component of the budget has been removed.

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Savings to the project can be made through the in-kind work being completed by Welbungin Sports & Progress Association members when they pull up and remove the existing courts and transport the turf off site. Other potential savings can be made through assisting with the transportation of sand and/or synthetic turf rolls or providing accommodation and meals for the workers, this needs to be discussed further with Sports Surfaces to identify if this is achievable.

Sports Surfaces have conveyed that the \$6000 to assess the base and complete any remedial work to the surface once the turf has been lifted is a generous sum and this figure may be reduced, however until the existing court is pulled up this remains an unknown.

The Welbungin Sports & Progress Association are eager to proceed with the resurfacing project. After discussing the shortfall in funding, the club are able to commit an additional \$2,591 to their contribution. This is in addition to their in-kind contribution. The club have also committed to assisting with any other cost-saving opportunities that may arise throughout the project.

It is recommended that the project proceed with the following budget:

Welbungin Tennis Court Resurfacing

Sports surfaces quote:	\$77,520
Labour/donated materials:	\$10,260
	\$87,780

Source of funding	Requested \$ Amount ex GST	Approved \$ Amount ex GST	Proposed \$ Amount ex GST	Difference \$\$
Local government	\$29,000	\$29,000	\$36,020	\$7,020
Applicant cash (Welbungin S&P Ass)	\$23,909	\$23,909	\$26,500	\$2,591
Club Volunteer labour	\$4,800	\$4,800	\$4,800	
Club Donated materials	\$5,460	\$5,460	\$5,460	
CSRFF requested	\$29,000	\$15,000	\$15,000	-\$14,000
Total project funding (minus escalation)	\$87,780	\$4,389	\$0	\$4,389
Total project funding	\$92,169*	\$67,909	\$87,780	\$0

**includes \$4389 cost escalation*

This budget requires additional funds of \$7,020 from the Shire which could be found in the budget review in February 2017.

The CSRFF funding we have received is part of the Small Grants round which is required to be acquitted by the 15th of June 2017. If the project is not completed within this timeframe then we have not met the funding terms and will be ineligible to receive the grant.

Miss Rebecca Watson left Chambers at 3.33 and returned at 3.34pm.

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13.3.8 Needs Assessment & Feasibility Study - Mt Marshall Aquatic Centre

LOCATION/ADDRESS:	1 Brown Street, Bencubbin
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A6/19
AUTHOR:	Sally Morgan - Community Development Officer
DISCLOSURE OF INTEREST:	No Interest to Disclose
DATE:	8 December 2016
ATTACHMENT NUMBER:	13.3.8a – Needs Assessment & Feasibility Study Criteria for the Mt Marshall Aquatic Centre 13.3.8b – Geotechnical Investigation
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	TBA
STRATEGIC IMPLICATIONS:	One of the strategies of the Mt Marshall Sporting and Recreation Master Plan is to <i>Identify best value options for the future sustainable and equitable provision of aquatic facilities for the Shire.</i>
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATIONS:

That:

1. the Shire of Mt Marshall engage a consultant to undertake a Needs Assessment & Feasibility Study for a new Mt Marshall Aquatic Centre based on the methodology and deliverables outlined in the Needs Assessment & Feasibility Study Criteria; and
2. for the purposes of the study, the site for any new aquatic facility be confined to the Beacon Recreation Complex site and the Bencubbin Recreation Complex site.

Moved Cr HJ Shemeld

Seconded Cr SE Faulkner

2016/190 AMENDMENT/COUNCIL DECISION:

That:

1. the Shire of Mt Marshall engage a consultant to undertake a Needs Assessment & Feasibility Study for a new Mt Marshall Aquatic Centre based on the methodology and deliverables outlined in the Needs Assessment & Feasibility Study Criteria; and
2. for the purposes of the study, the site for any new aquatic facility be confined to the Beacon Recreation Complex site, the Bencubbin Recreation Complex site and the current aquatic centre site.

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 7/0

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Reason Council decision differs from officer recommendation: To include the current aquatic centre in the feasibility study.

BACKGROUND:

The condition of the existing Mt Marshall Aquatic Centre is known to be deteriorating, with the facility nearing the end of its useful life. The facility was opened in November 1976. Since its establishment, various maintenance and repairs have been undertaken on the pool bowl and surrounds, most of which have occurred in the last 10 years. Nonetheless, the pool continues to lose substantial amounts of water with the pool floor displaying cracks and the water treatment system providing a poor water turnover rate.

In August 2016, Geoff Ninnes Fong & Partners were engaged to review all documentation on the condition of the pools, to inspect the aquatic facility and to prepare a brief report on the options available to the Shire of Mt Marshall. After receiving his report, Council resolved the following at the September 2016 Ordinary Meeting;

2016/140 COUNCIL DECISION:

That Council endorse the appointment of Douglas Partners to undertake a geotechnical investigation of the following potential sites for the construction of new aquatic facilities:

**Mt Marshall Aquatic Centre
Bencubbin Primary School
Bencubbin Recreation Complex
Beacon Primary School
Beacon Recreation Complex**

Moved Cr CT Lumsden

Seconded Cr HJ Shemeld

Carried 7/0

The report on the results of the geotechnical investigation (without its appendices) is attached.

Significant findings of the Douglas Partners report were that:

- *All test locations had reactive soils and as such, surface movement from shrinking and swelling with seasonal variation in the moisture content of the ground should be expected.*
- *In general, earthworks can be carried out to reduce the surface movement at the sites by over-excavating reactive material and replacing with compacted non-reactive material.*
- *Without suitable site preparation, the reactivity of the in-situ soil will result in seasonal soil movement at the walls (lateral movement) and base of the pool (vertical movement).*
- *One solution to reduce or eliminate ground movement could include over-excavation and replacement with non-reactive material. If granular material is used a suitable subsoil drainage system should be considered.*
- *Another solution is the construction of the pool on piers (suspended pool). A suspended pool will require further geotechnical investigation.*

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- *An alternative approach to reduce ground movement of the in-situ material could be to undertake lime stabilisation on the reactive materials underlying the pool. The lime stabilisation method will require further testing.*
- *The report makes a number of technical recommendations in relation to earth retaining walls, groundwater, site preparation, foundation design and soil permeability and drainage.*
- *In terms of soil permeability and drainage the Beacon Recreation Complex site was considered to be the most suitable site while the two school sites were considered to be the least suitable because of the presence of shallow rock.*
- *Other than the Beacon school site which has moderate soil aggressivity to buried concrete structures, all other sites are non-aggressive.*
- *Testing at the existing Mt Marshall Aquatic site indicated variable thicknesses of filling and sandy clay and different depths to the underlying rock.*
- *The subsoil conditions encountered also suggest that construction of a swimming pool in this area would have required excavation into rock. If part of the pool is sitting on rock (say, the eastern side) and part of the pool on either reactive material or filling (say, the western side) there is potential for differential movement due to the variation in founding materials*
- *Either variations in seasonal surface movement across the pool footprint or variations in founding materials for the pool foundations could cause differential movement of the pool, in turn causing cracking.*

COMMENT:

The Douglas Partners report rules out the Beacon and Bencubbin Primary school sites for a new pool because of the presence of shallow rock.

If the existing Mt Marshall Aquatic Centre site is to be revisited with the construction of a new pool, then a suspended pool resting on piers or piles to the underlying rock appears to be achievable subject to additional geotechnical investigation. However the age and location of the kiosk, the age and condition of the change rooms and toilets and the potential technical complexity of the new pool all suggest that this site could be highly problematic.

Given the above, the simplest sites to deal with in terms of avoiding underlying rock and the use of conventional “over-excavation” technology are the Beacon Recreation Complex site and the Bencubbin Recreation Complex site.

On that basis it is recommended that the Needs Assessment and the Feasibility Study be confined to these two sites in order to establish which site represents the best-value option for the future of aquatic facilities within the Shire.

Prior to commissioning the Needs Assessment and Feasibility Study, an agreement is sought on the methodology and deliverables of the reports. Attachment 13.3.8a outlines the approach and outputs required for the Shire of Mt Marshall. The next step is to seek quotes for the project and engage a consultant in early 2017.

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13.4 Finance and Administration Manager

13.4.36 Statement of Financial Activity to 30 November 2016

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	F1/4
AUTHOR:	Tanika McLennan - Finance and Administration Manager
DISCLOSURE OF INTEREST:	Nil
DATE:	12 December 2016
ATTACHMENT NUMBER:	13.4.36 – Statement of Financial Activity to 30 November 2016
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	The statement presented to Council is the most up to date information on its current financial position.
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2016/191 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council endorse the Statement of Financial Activity for the month ending 30 November 2016.

Moved Cr WJ Beagley

Seconded Cr SE Faulkner

Carried 7/0

BACKGROUND:

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

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13.4.37 Accounts Paid to 30 November 2016

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: F1/4
AUTHOR: Sandy Wyatt – Administration Officer
DISCLOSURE OF INTEREST: Nil
DATE: 13 December 2016
CONSULTATION: Tanika McLennan – Finance and Administration Manager
STATUTORY ENVIRONMENT: Financial Management Regulations and the Local Government Act 1995
POLICY IMPLICATIONS: Nil
FINANCIAL IMPLICATIONS: An appropriate allowance has been made in the current year's budget to fund and authorise expenditure.
STRATEGIC IMPLICATIONS: Nil
VOTING REQUIREMENT: Simple Majority

2016/192 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Accounts Listed

Municipal Fund	\$ 258,030.36
Trust Fund	\$ 8,854.55
Mastercard	\$ 2,480.50
Total	\$ 269,365.41

Detailed statement provided in Councillor Information.

Be endorsed.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

Following is a List of Accounts submitted to Council on Tuesday 20 December 2016 for the Municipal Fund, Trust Fund and Mastercard. Councillor questions regarding any payments can be directed to Finance and Administration Manager, Tanika McLennan, prior to the meeting.

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1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
6	30/11/2016	BANK FEES - BANK FEES	BANK FEES	2.16
6	10/11/2016	BANK FEES - BANK FEES	BANK FEES	4.35
6	16/11/2016	BANK FEES - BANK FEES	BANK FEES	3.45
6	22/11/2016	BANK FEES - BANK FEES	BANK FEES	5.25
6	24/11/2016	BANK FEES - BANK FEES	BANK FEES	4.20
6	25/11/2016	BANK FEES - BANK FEES	BANK FEES	0.15
6	01/11/2016	BANK FEES - BANK FEES	BANK FEES	10.00
6	01/11/2016	BANK FEES - BANK FEES	BANK FEES	10.00
6	01/11/2016	BANK FEES - BANK FEES	BANK FEES	26.50
6	01/11/2016	BANK FEES - BANK FEES	BANK FEES	1.75
6	01/11/2016	BANK FEES - BANK FEES	BANK FEES	1.95
6	02/11/2016	BANK FEES - BANK FEES	BANK FEES	206.30
6	10/11/2016	BANK FEES - BANK FEES	BANK FEES	2.25
21	15/11/2016	SYNERGY	UTILITY CHARGES 16.8.16-7.10.16	340.90
22	15/11/2016	RN & JB WHYTE	DOZER HIRE & GRAVEL	5578.32
23	22/11/2016	WATER CORPORATION	UTILITY CHARGES 2.9.16-8.11.16	8094.76
24	22/11/2016	SYNERGY	STREETLIGHTS 25.9.16-24.10.16	1773.40
EFT11794	03/11/2016	BANKWEST CORPORATE MASTERCARD	OCTOBER SUPPLIES	13.20
EFT11795	09/11/2016	CJD EQUIPMENT PTY LTD	SCHEDULED SERVICE-VOLVO	9910.14
EFT11796	09/11/2016	STEWART & HEATON CLOTHING CO PTY LTD	PROTECTIVE CLOTHING	137.52
EFT11797	09/11/2016	BENCUBBIN NEWS & POST	POSTAGE 24.10.16-28.10.16	35.40
EFT11798	09/11/2016	BEACON PROGRESS ASSOCIATION INC.	CONTRIBUTION TO BEACON MEN'S SHED	11000.00
EFT11799	09/11/2016	WA HINO SALES & SERVICE	PARTS	1146.76
EFT11800	09/11/2016	STAPLES AUSTRALIA	OCTOBER STATIONERY	207.08
EFT11801	09/11/2016	ICS CARPENTRY	REPAIRS-OCTOBER	15201.51
EFT11802	09/11/2016	ROD MUNNS	REIMBURSEMENT FOR RETICULATION ITEMS	310.43
EFT11803	09/11/2016	D & D TRANSPORT	FREIGHT-OCTOBER16	217.71
EFT11804	09/11/2016	NAUGHTY BUGS PEST CONTROL	PEST CONTROL	418.00
EFT11805	09/11/2016	CUTTING EDGES EQUIPMENT PARTS	GRADER BLADES	3567.85
EFT11806	09/11/2016	BENCUBBIN AG SUPPLIES	OCTOBER SUPPLIES	609.08

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Chq/EFT	Date	Name	Description	Amount
EFT11807	09/11/2016	R MUNNS ENGINEERING CONSULTING SERVICES	CONSULTANCY WORK-BITUMEN SURFACING QUOTES & RRG SUBMISSION	3370.66
EFT11808	09/11/2016	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-OCTOBER16	1848.00
EFT11809	09/11/2016	SUE VOLOCZI	ACCOUNTING SUPPORT-OCTOBER16	5420.25
EFT11810	15/11/2016	AVON WASTE	RUBBISH COLLECTION-OCTOBER16	5662.18
EFT11811	15/11/2016	BOC GASES	GAS CYLINDERS-OCTOBER16	86.35
EFT11812	15/11/2016	CJD EQUIPMENT PTY LTD	SCHEDULED SERVICE-VOLVO	5487.16
EFT11813	15/11/2016	COURIER AUSTRALIA	FREIGHT	24.00
EFT11814	15/11/2016	STEWART & HEATON CLOTHING CO PTY LTD	PROTECTIVE CLOTHING	412.57
EFT11815	15/11/2016	NINGHAN SPRAYING & AG SERVICES	FERTILISER	2748.26
EFT11816	15/11/2016	SHERIDAN'S	NAME BADGES	100.54
EFT11817	15/11/2016	KTY ELECTRICAL SERVICES	OCTOBER REPAIRS	665.50
EFT11818	15/11/2016	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	RECEIPT BOOKS	161.00
EFT11819	15/11/2016	BEACON PROGRESS ASSOCIATION INC.	DONATION-RATES	1126.34
EFT11820	15/11/2016	BENCUBBIN BULK HAULIERS	HIRE OF ROADTRAIN	6355.80
EFT11821	15/11/2016	MOORE STEPHENS (WA) PTY LTD	ROADS TO RECOVERY-ANNUAL RETURN 30.6.16	1045.00
EFT11822	15/11/2016	LIONS CLUB OF BENCUBBIN & DISTRICTS	DONATION-RATES	432.61
EFT11823	15/11/2016	STAR TRACK EXPRESS	FREIGHT-OCTOBER	221.63
EFT11824	15/11/2016	LANDGATE	RURAL UV'S CHARGEABLE	64.70
EFT11825	15/11/2016	CLAW ENVIRONMENTAL	REMOVE DRUMMUSTER DRUMS FROM BEACON & BENCUBBIN COMPOUNDS	2508.11
EFT11826	15/11/2016	REFUEL AUSTRALIA	FUEL-OCTOBER16	290.16
EFT11827	15/11/2016	5RIVERS PLUMBING AND GAS	OCTOBER REPAIRS	983.67
EFT11828	15/11/2016	BENNY MART	OCTOBER SUPPLIES	95.55
EFT11829	15/11/2016	GREAT SOUTHERN FUELS	FUEL-OCTOBER	16206.27
EFT11830	15/11/2016	AMPAC DEBT RECOVERY PTY LTD	DEBT RECOVERY COSTS	1884.22
EFT11831	15/11/2016	MARKETFORCE PTY LTD	ADVERTISING	1507.77
EFT11832	15/11/2016	WHEATBELT TECH 'N' TOYS	OCTOBER SUPPLIES	10.95

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Chq/EFT	Date	Name	Description	Amount
EFT11833	14/11/2016	BENDIGO BANK	OCTOBER SUPPLIES	2467.30
EFT11834	16/11/2016	TONY BUCHERT	4 WEEKS RENT IN ADVANCE-GYM	400.00
EFT11835	22/11/2016	COVS	FREIGHT	22.00
EFT11836	22/11/2016	CJD EQUIPMENT PTY LTD	OCTOBER SUPPLIES	2834.10
EFT11837	22/11/2016	COURIER AUSTRALIA	FREIGHT-NOVEMBER	40.58
EFT11838	22/11/2016	MUKA TYRE MART	REPAIR TO TYRE	30.00
EFT11839	22/11/2016	STEWART & HEATON CLOTHING CO PTY LTD	PROTECTIVE CLOTHING	510.30
EFT11840	22/11/2016	KTY ELECTRICAL SERVICES	AIR CONDITIONERS-BEACON PLAYGROUP ROOM-TOWN HALL	5574.82
EFT11841	22/11/2016	SHIRE OF TRAYNING	ADVERTISING	39.80
EFT11842	22/11/2016	BENCUBBIN NEWS & POST	POSTAGE 7.11.16-11.11.16	149.90
EFT11843	22/11/2016	BUNNINGS BUILDING SUPPLIES	NOVEMBER SUPPLIES	77.35
EFT11844	22/11/2016	AUSTRALIAN TAXATION OFFICE	BAS-OCTOBER16	29810.00
EFT11845	22/11/2016	BURGESS RAWSON (WA) PTY LTD	UTILITY CHARGES 8.9.16-8.11.16	32.26
EFT11846	22/11/2016	PORKY'S ENTERPRISES	VARIOUS CLEANING BEACON 3.11.16- 16.11.16	4620.00
EFT11847	22/11/2016	BENCUBBIN TRUCK N AUTO'S	OCTOBER REPAIRS	1291.55
EFT11848	22/11/2016	ESPLANADE HOTEL FREMANTLE	ACCOMMODATION-LGMA CONFERENCE- T.MCLENNAN	1036.00
EFT11849	22/11/2016	JR & A HERSEY	NOVEMBER SUPPLIES	415.08
EFT11850	22/11/2016	ADVANCED AUTOLOGIC PTY LTD	NOVEMBER SUPPLIES	139.00
EFT11851	22/11/2016	5RIVERS PLUMBING AND GAS	NOVEMBER REPAIRS	492.70
EFT11852	22/11/2016	TRUCK CENTRE (WA) PTY LTD	NOVEMBER SUPPLIES	132.61
EFT11853	22/11/2016	CR WJ BEAGLEY	MEETING FEES & ALLOWANCES 15.11.16	603.18
EFT11854	22/11/2016	BEACON PRIMARY SCHOOL	SPONSORSHIP-LODGE AWARD	50.00
EFT11855	22/11/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES 20.10.16 & 1.11.16	631.12
EFT11856	22/11/2016	MICHAEL PUTT	PURCHASE OF GRAVEL	205.33
EFT11857	22/11/2016	INITIAL HYGIENE	SANITARY DISPOSAL 11.11.16-10.12.16	596.30
EFT11858	22/11/2016	CR ARC SACHSE	MEETING FEES & ALLOWANCES 2.11.16- 15.11.16	584.18
EFT11859	22/11/2016	CR RM KIRBY	MEETING FEES & ALLOWANCES 25.10.16- 15.11.16	1970.90

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Chq/EFT	Date	Name	Description	Amount
EFT11860	22/11/2016	CR SE FAULKNER	MEETING FEES & ALLOWANCES 15.11.16	632.50
EFT11861	22/11/2016	CR HJ SHEMELD	MEETING FEES & ALLOWANCES 15.11.16	501.18
EFT11862	22/11/2016	CALLUM THOMAS LUMSDEN	MEETING FEES & ALLOWANCES 15.11.16	493.18
EFT11863	22/11/2016	HEAVY METAL WELDING & CUSTOM FABRICATION	SIDETIPPER-REPAIRS	976.25
EFT11864	22/11/2016	MORGANN SHAYNE TRANTER	REIMBURSEMENT-GYM KEYS	89.80
EFT11865	22/11/2016	SITE ARCHITECTURE	ARCHITECTURAL SERVICES	11290.40
EFT11866	22/11/2016	GRACIE MECHANICAL SERVICES	REPAIRS-SIDETIPPER	9924.20
EFT11867	22/11/2016	SOUTH WEST WINDSCREENS & GLASS	WINDSCREEN-LANDCRUISER	475.00
EFT11868	22/11/2016	COMPLETE ENVIRO SOLUTIONS	NOVEMBER SUPPLIES	61.80
EFT11869	22/11/2016	L PUTT & SON	GRAVEL	2553.76
EFT11870	25/11/2016	BIG ROCK TOYOTA	PRADO DSL WAGON A/T GXL	40843.80
EFT11871	28/11/2016	DC PAYMENTS AUSTRALASIA	ONGOING FEES FOR ATM-OCTOBER16	92.31
EFT11872	28/11/2016	WA TREASURY CORPORATION	LOAN 119	975.84
EFT11895	23/11/2016	TONY BUCHERT	RENT-GYM	100.00
EFT11896	30/11/2016	TONY BUCHERT	RENT-GYM	100.00
DD8536.1	09/11/2016	WALGS PLAN	PAYROLL DEDUCTIONS	6434.26
DD8536.2	09/11/2016	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1037.40
DD8536.3	09/11/2016	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07
DD8536.4	09/11/2016	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8536.5	09/11/2016	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78
DD8536.6	09/11/2016	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	185.00
DD8536.7	09/11/2016	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	230.26
DD8550.1	23/11/2016	WALGS PLAN	PAYROLL DEDUCTIONS	6420.59
DD8550.2	23/11/2016	PROVENCE DREAMING SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	1037.40
DD8550.3	23/11/2016	WATER CORPORATION SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	199.07
DD8550.4	23/11/2016	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	183.69
DD8550.5	23/11/2016	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	156.78

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Chq/EFT	Date	Name	Description	Amount
DD8550.6	23/11/2016	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	180.37
				258,030.36

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT11893	28/11/2016	SHIRE OF MT MARSHALL	REFUND HOUSING BOND TO SHIRE TO COVER WORK REQUIRED ON EXIT	400.00
EFT11894	30/11/2016	DEPARTMENT OF TRANSPORT	MMSO20161104	8454.55
				8,854.55

3. Mastercard

Details	Amount
Subs-Age friendly/safety	13.20
Vehicle Rego	221.45
Accomm-N.Richmond	129.00
Workbooks for childcare study	74.80
Bank fees	4.00
Towels-Beacon Caravan Park	134.00
Safety gate-Little Bee's-Beacon	80.00
Flowers-S.Voloczi	83.50
Foxtel	155.00
Courses-S.Moug	1124.20
Foxtel	200.00
Foxtel-229 Murray	155.00
Bank fees	4.00
Vehicle Rego	50.35
Auction fee	48.00
Bank fees	4.00
	3,185.29

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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 **20 December 2016**. 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).

Stephen Tindale
Acting Chief Executive Officer

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13.5	Chief Executive Officer
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13.5.27 Tender for the Redevelopment of the Bencubbin Multi-purpose Complex
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LOCATION/ADDRESS:	Bencubbin Multi-purpose Complex, Bencubbin
NAME OF APPLICANT:	Not applicable
FILE REFERENCE:	A6/18a
AUTHOR:	Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST:	Nil
DATE:	13 December 2016
ATTACHMENT NUMBER:	13.5.27a - Pre-tender Estimate (CONFIDENTIAL) 13.5.27b - Budget Reconciliation (CONFIDENTIAL) 13.5.27c – Redevelopment Plans
CONSULTATION:	Craig Grant – WA Local Government Association Stephen Hart – Site Architects
STATUTORY ENVIRONMENT:	<i>Local Government Act 1995</i>

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

5.23. Meetings generally open to public

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting...

POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	The Shire has set aside \$2.6m in its 2016/17 budget for the redevelopment of the complex.

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

VOTING REQUIREMENT: Simple Majority

OFFICER RECOMMENDATIONS:

That:

1. subject to the approval of the Bencubbin Community Recreation Council, the Shire of Mt Marshall proceed with the letting of the tender for redevelopment of the Bencubbin Multi-purpose Complex;
2. the appointment of WALGA Procurement Services to prepare tender documents and manage the selection process for a recommended tenderer be confirmed; and
3. the demolition of the existing change rooms and gym be allowed to proceed.

Moved Cr

Seconded Cr

Carried

2016/193 AMENDMENT/COUNCIL DECISION:

That:

1. subject to the approval of the Bencubbin Community Recreation Council, the Shire of Mt Marshall proceed with the letting of the tender for redevelopment of the Bencubbin Multi-purpose Complex;
2. the appointment of WALGA Procurement Services to prepare tender documents and manage the selection process for a recommended tenderer be confirmed;
3. the demolition of the existing change rooms and gym be allowed to proceed; and
4. in the event that the recommended tenderer's bid is such that the total cost for the project exceeds the \$2.6m budget, then acceptance of the tender bid be made conditional upon the Bencubbin Multi-purpose Complex Steering Committee and the Architect finding agreed cost savings to achieve the budget.

Moved Cr ARC Sachse

Seconded Cr WJ Beagley

Carried 4/3

Reason that Council decision differs from officer recommendation: Tender documents are to include conditions allowing negotiation to occur so that the \$2.6m budget is adhered to.

BACKGROUND:

In July 2016 Council resolved

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That in response to tender number RFT02/15 and subject to the inclusion of \$2,600,000 in the 2016/17 Annual Budget for the proposed redevelopment of the Bencubbin Multipurpose Complex, Council accept the tender submitted by Site Architecture for the provision of architectural services for the amount of \$198,765.

Since that time Stephen Hart from Site Architecture has worked with the Bencubbin Multipurpose Complex Steering Committee to develop and refine the original design concept for the redevelopment of the complex to a point where detailed drawings and specifications have enabled the preparation of a Pre-tender Estimate (PTE).

The PTE (see Confidential Attachment 13.5.27a) is intended to give Council a sufficient degree of confidence that in calling for tenders, the proposed project can be completed for the budgeted amount of \$2.6m.

The PTE identifies 23 different expenditure line items associated with the construction of the extension together with the redevelopment of existing facilities. It attaches dollar values to those line items.

Confidential Attachment 13.5.27b provides a Budget Reconciliation that identifies known costs (expenditure to date), anticipated costs and specific cost elements of the PTE (namely trades construction costs, construction contingency costs and regional loading costs).

After making an allowance for the current downward market pressure on construction costs, it is the belief of the Principal Architect, the Acting CEO and the Bencubbin Multipurpose Complex Steering Committee that Council should proceed with the letting of the tender but only on the basis that the total cost of the project cannot exceed \$2.6m.

COMMENT:

Over the last 4 months the Bencubbin Multi-purpose Complex Steering Committee (which is comprised of equal numbers of the Bencubbin Community Recreation Council [BCRC] and Shire Councillors) have met on five occasions to develop and refine the original design concept to a point where pre-tender estimates can be prepared.

At the outset it was discovered that elements of the original design cost estimates were significantly under estimated - particularly in relation to fire protection, kitchen and bar fitout and air conditioning services. It appears that the original cost estimates were prepared in order to win funding from government agencies rather than to accurately reflect the estimated cost of discrete elements of the redevelopment proposal.

As a consequence of relying on those estimates, the development has had to be considerably simplified (see Attachment 13.5.27c) and close attention has been paid to the nature and type of construction of the building materials in order to keep costs down while at the same time improving overall functionality.

Unfortunately some significant concessions have also had to be made. The PTE makes no allowance for the demolition of the old change rooms and gym, the cartage of sand fill to the site and the provision of loose furniture and equipment.

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The expectation was that the demolition of the old change rooms and gym and the cartage of sand fill would be undertaken by the BCRC and recouped from the overall \$2.6m budget however the recoup may now have to be deferred at least until

- tenders are received and costs are known, and/or
- the actual draw down on the construction contingency becomes known later in the project.

The BCRC has yet to agree to such a proposal.

Alternatively, cost savings of approximately \$45,000 to \$60,000 will need to be found from within the project as it currently stands (assuming that the original cost estimates for demolition and sand cartage can be relied upon).

In relation to the cost estimates Stephen Hart from Site Architects has advised that;

The current tendering market is very competitive. We are experiencing tender results 7 to 10% below the Quantity Surveyors pre-tender estimates, with downward pressure on builders' margins and rates for labour provided by sub-contractors.

In relation to the inclusion of a Construction Contingency amount and a Regional Loading in the PTE, Stephen Hart has also advised that;

It is important to budget for unforeseen items (by way of a contingency) of work that may arise during construction and to account for variations that might arise through omissions or interpretation of the construction documents. We recommend the contingency amount is excluded from the tender documents and expended at the discretion of the superintendent. In short the contingency amount belongs to the Client not the Contractor.

A regional loading is required and included in the cost report because the cost report is based on Perth metropolitan rates. The cost of building in the country is higher due to a number of factors such as lack of trades available locally and the need to travel to the site and be accommodated during the works.

He has also recommended that the actual call for tenders be deferred until after January.

The State Government is rolling out a program of upgrade works to regional health centres and Wyalkatchem and Goomalling will be awarded early next year (possibly late January) due to the presence of works in region it is possible the contractor who is awarded Wyalkatchem and or Goomalling will be more competitive with pricing the Bencubbin project than a contractor who may only have the Bencubbin project. There can be economies of scale available to the Wyalkatchem contractor in the cost of managing the project, travelling and accommodation which would not be available to contractors who are carrying out the single project from Perth.

In our opinion it could be beneficial to the project to call tenders after the Government has awarded the Wyalkatchem project so the contractor successful with the Wyalkatchem project can consider the economies of scale available across both projects and use in them preparing their tender for Bencubbin.

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In preparing this report the Acting CEO has also consulted with Craig Grant from WALGA's Procurement Services on the tender documents allowing;

1. tender bidders to provide options or alternative treatments in order to reduce costs when submitting their tender bids, and
2. further negotiations to occur with the successful tenderer after the tender has been awarded in order to achieve further cost savings.

The advice received was that these requirements can be inserted into the tender documents as compliance criteria rather than weighted selection criteria and without breaching any local government statutory requirement.

In practical terms this means that should any tender received result in the total budget for the project of \$2.6m being exceeded, it is open to the Shire to negotiate the contract price down of that particular tender through identified cost savings and/or changes to the specification of the project with the successful tenderer without having to go back out to tender.

Finally it is important to understand that while going to tender does not bind Council to accepting any tender, there are associated risks in not proceeding with letting of any tender or the acceptance of any tender.

If Council were to abandon the project now then the estimated direct cost to the Shire associated with the capital budget would be in the vicinity of \$145,000 excluding the refurbishment of the existing tearooms as a result of the recent removal of asbestos. There would also be some reputational risk to the Council and NSRF funding of \$917,400 could be lost.

If Council were to abandon the project after the receipt of tenders then the estimated direct cost to the Shire associated with the capital budget would be in the vicinity of \$165,000 excluding the potential rebuild of new change rooms and a gym assuming demolition occurs in the interim. There would also be added reputational risk for the Shire and NSRF funding of \$917,400 would be lost.

In other words the expenditure of a further \$20,000 is required in order to go out to tender and to evaluate the tenders received.

Note: On the advice of Stephen Hart it is intended that the Pre-tender Estimate and Budget Reconciliation attachments remain confidential to ensure that competitive tenders are received.

Mrs Charisse Walker, Mrs Sharon Kett, Mrs Leeanne Gobbart, Mrs Deanne Breakell, Miss Beck Watson, Mr Peter Waters, Mr Lynton Beagley and Mr Ben Sachse left the Chambers at 4.40pm.

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13.5.28 Corporate Business Plan and Sport and Recreation Master Plan Status Reports
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LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/18
AUTHOR:	Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST:	Nil
DATE:	30 November 2016
ATTACHMENT NUMBER:	13.5.28a – Corporate Business Plan Status Report 13.5.28b – Sport and Recreation Master Plan Status Report
CONSULTATION:	Shire staff
STATUTORY ENVIRONMENT:	<i>Local Government (Administration) Regulations 1996</i>

Reg. 19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.

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- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

POLICY IMPLICATIONS:
FINANCIAL IMPLICATIONS:
STRATEGIC IMPLICATIONS:

Nil
Nil

One of the Civic Leadership objectives of the Shire's *2013 Strategic Community Plan* is to *Improve the Shire's capability and capacity*. Two associated strategies to achieve this objective are to *Increase capacity through the application of the integrated strategic planning processes* and to *Promote a culture of continuous improvement processes*.

VOTING REQUIREMENT:

Simple Majority

2016/194 OFFICER RECOMMENDATION/COUNCIL DECISION:
--

That Council note the Corporate Business Plan and Sport and Recreation Master Plan status reports for December 2016.
--

Moved Cr HJ Shemeld

Seconded Cr SE Faulkner

Carried 7/0

BACKGROUND:

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*. Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

- A **Strategic Community Plan** to cover a period of at least 10 financial years.
- A **Corporate Business Plan** to cover a period of at least 4 financial years.

At the present time the Shire of Mt Marshall is undertaking a comprehensive review of its Strategic Community Plan. The Corporate Business Plan should spill out of the Strategic Community Plan if the Strategic Community Plan is to have any effect.

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In other words, it is the Corporate Business Plan that **activates** the Strategic Community Plan by responding to Council's distillation and prioritisation of the community's short, medium and long term aspirations.

The process through which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan.
- Operations Planning
- Annual reviews and reprioritisation of the Corporate Business Plan

A critical accountability and transparency element is the **Reporting Process** that allows the local government to inform the community and statutory bodies on its progress in delivering services, projects and other operations to meet the community's short term, medium term and long term aspirations.

COMMENT:

At the September 2016 Council meeting, it was resolved to adopt the attached Corporate Business Plan spreadsheet and reporting format for quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Together with a similar spreadsheet for the Sport and Recreation Master Plan, the Corporate Business plan is now presented for noting by Council.

Mrs Sally Putt left the Chambers at 4.43pm.

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13.5.29 Proposed Lease Agreement - Lot 170 (2) Collins Street, Bencubbin
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LOCATION/ADDRESS:	Lot 170 (2) Collins Street, Bencubbin
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A5/15
AUTHOR:	Acting CEO – Stephen Tindale
DISCLOSURE OF INTEREST:	Nil
DATE:	6 December 2016
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	

Sec.3.27 Local Government Act 1995

Particular things local governments can do on land that is not local government property

- (1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.

Schedule 3.2 Local Government Act 1995

1. Carry out works for the drainage of land.
2. Do earthworks or other works on land for preventing or reducing flooding.
3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate...
4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require...
5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare...
6. Place on land signs to indicate the names of public thoroughfares.
7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.

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8. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Less than \$1,000 to prepare a lease agreement

STRATEGIC IMPLICATIONS:

One of the objectives of the Shire's Strategic Community Plan is to *Create an environment that provides for a caring and healthy community.*

An associated strategy is to *Facilitate the provision of infrastructure for aged persons and people with disabilities.*

VOTING REQUIREMENT:

Simple Majority

2016/195 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

1. the CEO be authorised to enter into negotiations with Freemasons WA for a 99 year lease over Lot 170 (No. 2) Collins Street, Bencubbin for aged persons accommodation and related purposes with the power to sub-lease; and
2. any draft lease agreement be presented to Council for further consideration before any lease agreement is entered into by the Shire of Mt Marshall and Freemasons WA.

Moved Cr ARC Sachse

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

In April 2015 Council resolved:

2015/049 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council:

1. endorses the CEO approaching the Grand Lodge of Western Australian Freemasons seeking the Bencubbin Masonic Lodge property situated at 170 Collins Street be transferred to the Shire of Mt Marshall, subject to local lodge member support, with the intention of the construction of future aged units associated with the CEACA project and;
2. make a draft allowance in the 2015/2016 Budget for a transfer of one hundred thousand dollars (\$100,000) to the existing Aged Units Reserve as a part Shire contribution towards the future aged units within the Bencubbin and Beacon town sites.

Moved Cr DA Miguel

Seconded Cr WJ Beagley

Carried 6/0

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The Acting CEO met with the CEO and other staff of Freemasons WA in Subiaco recently. Out of that meeting the CEO of Freemasons WA has written to the Shire of Mt Marshall as follows.

Thank you for meeting to discuss the possibility of the provision of aged housing on Lot 170 (No.2) Collins Street, Bencubbin – currently owned by the Grand Lodge.

Grand Lodge is very supportive of your request and due to the complexities of us identifying Trustees (alive) on the Title and the costly process to vest the property into Grand Lodge an alternative is proposed:

- *A long term lease arrangement (99 years) to guarantee tenure and allow for housing to be invested in at the site.*

If you wish to discuss further at any stage please do not hesitate to contact me.

This report seeks a Council response to the correspondence received from Freemasons WA.

COMMENT:

This matter relates to a proposal to build four new aged persons units in Bencubbin and two in Beacon under the care, control and management of the Central East Aged Care Alliance (CEACA).

Under Stage 1 of the CEACA project two new aged persons units are to be constructed in Bencubbin and one in Beacon over the next two years.

To facilitate Stage 1 of the CEACA project Council members will recall that in September 2016 the Council resolved to surrender the management orders for Reserves 22783 (43 Brown St, Bencubbin) and Reserve 23238 (16 Rowlands St, Beacon) in favour of Central East Aged Care Alliance Inc. for the purpose of “Aged Persons Accommodation”.

To facilitate Stage 2 of the CEACA project, which involves the construction of a further two new aged persons units in Bencubbin and one in Beacon, additional land has to be found in Bencubbin. Beacon presents less of a problem with the intended purchase of 10 unallocated crown lots and/or resumption of other town lots for the non-payment of rates.

In Bencubbin the land that is required has been previously identified as Lot 170 (No. 2) Collins Street, Bencubbin (i.e. the Freemasons Lodge land adjacent to the existing aged persons’ homes development) which could have been surrendered to CEACA for a four-unit development but for the lack of Shire ownership of the land.

The Acting CEO believes that a 99 year lease over the land in favour of the Shire of the Mt Marshall is as good as freehold title.

The proposed lease will tidy up an anomaly which sees the Shire currently meeting all outgoings associated with the Bencubbin Masonic Lodge property without having any documented form of tenure over the property itself. The Lodge itself was dissolved as an organisation in 1992.

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As identified in a recent report to Council, the lodge building was constructed in 1958 and consists of a large function space, a smaller room and a kitchen. This is currently used by seniors (Golden Group) as an activity space given its proximity to the aged persons units. The seniors use this space at their own leisure.

One small point of caution needs to be disclosed in that CEACA is not inclined towards building on land that cannot ultimately be consigned to CEACA in freehold title. In discussions with Freemasons WA that can be arranged but not just at this point in time given other more pressing demands.

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13.5.30 Bencubbin Caravan Park and Beacon Barracks - Discount Request

LOCATION/ADDRESS: Bencubbin Caravan Park
NAME OF APPLICANT: Stuart Putt – President Bencubbin Community Recreation Council (BCRC)
FILE REFERENCE: B2/8 & B2/18
AUTHOR: Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST: Nil
DATE: 15 December 2016
ATTACHMENT NUMBER: Nil
CONSULTATION: Nil
STATUTORY ENVIRONMENT:

6.16. Imposition of fees and charges

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

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government...
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider...

POLICY IMPLICATIONS: Nil

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- FINANCIAL IMPLICATIONS:** No provision was made in the 2016/17 annual budget for additional income from the workers camp arising from the proposed redevelopment of Bencubbin Multi-purpose Complex. The majority of the income that is shown in the budget relates to the Water Corporation's use of the camp in 2016.
- STRATEGIC IMPLICATIONS:** The redevelopment of the Bencubbin Multi-purpose Complex is intended to give effect to S 4.2 of the 2013 Corporate Business Plan - *maintain service levels, major upgrade to Bencubbin Sporting complex 2017/18.*
- VOTING REQUIREMENT:** Absolute Majority

OFFICER RECOMMENDATION:

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

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried

2016/196 COUNCIL DECISION:

That the matter lay on the table for consideration at the February Ordinary Meeting of Council, pending a further officer report.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

Reason Council decision differs from officer recommendation: To allow Shire staff time to put together an item for the February meeting of Council where the fees of Shire caravan park accommodation in general can be considered.

BACKGROUND:

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

The BCRC committee is working hard to ensure we are doing our utmost in regards to progressing the redevelopment of our building and keeping on top of our commitments. As part of our regular committee meetings and ever conscious of complying to the budget we are always looking to maximise the return that the BCRC and the Shire of Mt Marshall will get for the money that we are spending.

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

Less depreciation this equates to \$3,144/month or for a four month build \$12,578 actual cash cost to the shire. The BCRC think it is an imperative action to take for

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the shire to utilise the asset that is the workers camp in this situation. For this small cost to the shire it will greatly benefit the community by allowing the redevelopment to maximise the return from the current budget. Aside from budget ramifications the flow on benefits to the businesses in the town, with an influx of workers for the duration of the build cannot be understated.

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

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

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

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

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

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

COMMENT:

The mathematics presented in the request from the BCRC cannot be relied upon as the costs associated with maintenance of the workers camp accommodation are largely those associated with the use of the accommodation by the Water Corporation in the last half of 2016. They also ignore administrative overheads of \$40,774 which must be taken into account.

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

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

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

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

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

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

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

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

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

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

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

Cr Helen Shemeld left Chambers at 5.12 and returned at 5.14pm.

Cr Callum Lumsden left Chambers at 5.21 and returned at 5.22pm.

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13.5.31 Conduct of 2017 Ordinary Local Government Elections – WA Electoral Commissioner

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: Western Australian Electoral Commissioner
FILE REFERENCE: A1/4
AUTHOR: Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST: Nil
DATE: 15 December 2014
ATTACHMENT NUMBER: 13.5.31 – Correspondence from the WA Electoral Commission
CONSULTATION: Nil
STATUTORY ENVIRONMENT: *Local Government Act 1995*

4.20. CEO to be returning officer unless other arrangements made

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

POLICY IMPLICATIONS: Nil

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FINANCIAL IMPLICATIONS:	An amount of \$12,000 will need to be set aside for the conduct a postal election when adopting the 2017/18 budget
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple majority

2016/197 OFFICER RECOMMENDATION/COUNCIL DECISION:

That Council:

- 1. declare in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls that may be required; and**
- 2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.**

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 7/0

BACKGROUND:

The next ordinary elections for the Shire of Mt Marshall are to be held on 21 October 2017.

The WA Electoral Commissioner has offered his services (see Attachment 13.5.31).

COMMENT:

The conduct of the elections by the WA Electoral Commissioner is recommended to Council on the basis that election papers will be posted to every registered elector in the Shire.

It also alleviates a political and administrative burden on the CEO and staff of the Shire of Mt Marshall in the conduct of the election.

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13.5.32 Proposed Extractive Industries Local Law

LOCATION/ADDRESS:	Not Applicable
NAME OF APPLICANT:	Not Applicable
FILE REFERENCE:	A2/4
AUTHOR:	Stephen Tindale – Acting CEO
DISCLOSURE OF INTEREST:	Nil
DATE:	15 December 2016
ATTACHMENT NUMBER:	13.5.32 – Extractive Industries Local Law – Augusta Margaret River
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	<i>Local Government Act 1995</i>
	3.5. Legislative power of local governments
	(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple majority

2016/198 OFFICER RECOMMENDATION/COUNCIL DECISION:

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

Moved Cr CT Lumsden

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

The Acting CEO is aware of new and proposed extractive industries for the Shire of Mt Marshall and believes that in the interests of good governance, the Shire should investigate the adoption of an Extractive Industries Local Law.

COMMENT:

The only control that the Shire has over extractive industries is through its Local Planning Scheme and associated development approval process. This is a fairly blunt instrument of control as it relates to the grant of approval for the use of the land which remains in place until such time as the Local Planning Scheme is amended and the use ceases.

The Local Planning Scheme allows conditions to be placed on any development approval but those conditions must relate to appropriate local planning considerations and are appealable by the applicant to the State Administrative Tribunal.

While there are other State Government controls that also govern the granting of approval, these do not necessarily relate to local concerns or considerations that may arise with the granting of any approval by the Shire.

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Attachment 13.5.32 is a copy of the Extractive Industries Local Law for the Shire of Augusta-Margaret River.

A close examination of the local law illustrates the sorts of matters that a local government may legitimately take into account when allowing an extractive industry to proceed.

As most extractive industries in the Mt Marshall Shire are likely to be found on farming land, there is potential for the two uses of the land to conflict with each other notwithstanding any prior agreement.

Should any conflict arise, the Shire has a role to play to the extent that the local laws may provide. In the case of the Mt Marshall Shire there are no local laws

As an example of a conflict, a person operating an extractive industry may transfer the business without the Shire's knowledge to another person of ill repute who is less inclined in cooperating with either the landowner or the Shire in rehabilitating land or roads at the end of the quarry's useful life.

The Shire of Augusta-Margaret River's local law is unlikely to be the most appropriate local law for the Shire of Mt Marshall however before any investment of staff time is made in researching the matter, an indication of support from Council would be welcomed – particularly in the absence of any strategic implications.

The adoption of the recommendation would constitute an indication of support.

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13.6 Executive Assistant

As the author of the report, Executive Assistant, Nadine Richmond declared a financial interest in Agenda item 13.6.18, being that she may benefit from a staff annual bonus scheme up to a maximum of \$500 annually.

13.6.18 Policy Amendment - E&E.2.1 Annual Bonus Incentive Scheme

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/24
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	Financial Interest in that the author may benefit from this policy (E&E.2.1 Annual Bonus Incentive Scheme)
DATE:	5 December 2016
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Amended Policy E&E.2.1
FINANCIAL IMPLICATIONS:	Allowance has been made in the annual budget
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Absolute Majority

2016/199 OFFICER RECOMMENDATION/COUNCIL DECISION:

That policy E&E.2.1 Annual Bonus Incentive Scheme be amended to reflect the maximum rate of (\$500.00) five hundred dollars at point viii as follows:

viii. The value of the bonus payable in its inaugural year, being 2016, is set at a maximum of \$500.00 and increased according to the Local Government Cost Index as calculated by WALGA at 30 June every year after.

Moved Cr SE Faulkner

Seconded Cr NR Gillett

Carried 7/0
Absolute Majority

BACKGROUND:

In October of this year Council endorsed the Shire's reviewed policy manual. As part of the review, policy E&E.2.1 Mt Marshall Over Award Allowances was replaced with a new policy, (below) which sees all staff receive a bonus paid immediately prior to the Christmas period.

E&E.2.1 Annual Bonus Incentive Scheme

Council Policy:

- i. This Policy applies to all Shire employees on the Local Government Industry Award 2010 except for casual staff yet to complete 3 months employment.*
- ii. The bonus is to be paid pro-rata according to both full time employment equivalent and length of service.*

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- iii. Amount of payment is in recognition of, and according to, assessed quality of service since either the employee's commencement date or the previous payment.
- iv. This policy will take effect as of 1 July 2016.
- v. Criteria for assessment is to be reviewed by the Chief Executive Officer annually.
- vi. In recognition of an employee who displays exceptional commitment to their position and provide superior service well above their role's expectations, the Chief Executive Officer may make an additional 20% payment to that employee.
- vii. Service prior to an employee's resignation who returns to the Shire work force will not be taken into consideration when determining pro-rata payment.
- viii. The value of the bonus payable is to be increased according to the Local Government Cost Index as calculated by WALGA at 30 June annually
- ix. Eligibility:

Employee Group	Eligibility	Conditional on
Chief Executive Officer	No	
Contract Staff – Finance and Admin Manager	No	
Admin Staff	Yes	Permanent FT or PT
Works Staff		
Cleaners		
Trainees and Casual Staff	Yes	If more than 3 months employment
	No	If less than 3 months employment

Date Resolved: **2016/163 – 18 October 2016**

Amendment:

COMMENT:

During the process of completing staff member assessments it became apparent that the new policy E&E.2.1 Annual Bonus Incentive Scheme did not stipulate a monetary figure, which may raise some questions during the Shire's audit process. Instead the following had been included in the body of the October agenda item:

To bring all staff in to line with a uniformed award system this bonus will apply to both administration and works staff. The author in consultation with the CEO and FAM suggests bonuses to be up to a value of \$500.00 and payable as of July 1 2016.

This agenda item recommends a simple modification to the new policy to have the maximum \$500.00 amount reflected within the policy document.

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13.6.19 Status Report November 2016

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Nadine Richmond – Executive Assistant
DISCLOSURE OF INTEREST:	No Interest to Disclose
DATE:	5 December 2016
ATTACHMENT NUMBER:	13.6.19 – Status Report November 2016
CONSULTATION:	Stephen Tindale - Acting Chief Executive Officer Sally Morgan – Community Development Officer Tanika McLennan - Finance and Administration Officer Jack Walker – Regulatory Officer Bill Hardy – Environmental Health Officer
STATUTORY ENVIRONMENT:	Nil
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

2016/200 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the Status Report for November 2016 be noted.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

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

COMMENT:

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

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13.7 Regulatory Officer

13.7.6 Planning Application – Bencubbin Multipurpose Complex

LOCATION/ADDRESS:	Reserve 21535 Dampier Street, Bencubbin
NAME OF APPLICANT:	SITE Architecture Studio
FILE REFERENCE:	A6/18a, TP1/1
AUTHOR:	Paul Bashall, Consultant Town Planner
DISCLOSURE OF INTEREST:	Nil
DATE:	5 December 2016
ATTACHMENT NUMBER:	13.7.6a – Application for Planning Approval 13.7.6b – Site Plan 13.7.6c – Floor Plan 13.7.6d – Roof Plan
CONSULTATION:	Acting CEO – Stephen Tindale
STATUTORY ENVIRONMENT:	Shire of Mt Marshall Local Planning Scheme No 3
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	N/A
STRATEGIC IMPLICATIONS:	The redevelopment of the complex is intended to give early effect to S 4.2 of the 2013 Corporate Business Plan - <i>maintain service levels, major upgrade to Bencubbin Sporting complex 2017/18.</i>
VOTING REQUIREMENT:	Simple Majority

2016/201 OFFICER RECOMMENDATION/COUNCIL DECISION:

That the application for planning approval for extensions to the Bencubbin Multipurpose Complex submitted on 29 November 2016 be granted subject to the safe removal of the existing infrastructure to the CEO's satisfaction.

Moved Cr ARC Sachse

Seconded Cr NR Gillett

Carried 7/0

BACKGROUND:

The proposal submitted by SITE Architecture Studio (see attachments) seeks approval to extend the existing recreation centre by adding a new function room, bar and kitchen with amenities in the form of a single storey building.

The site is already developed and used as a sports facility. There are no immediate plans to alter the existing access and parking facilities.

THE LAND AND LOCATION

The subject land is a Crown Reserve for Recreation. Reserve 21535 is vested in the Shire of Mount Marshall and measures 5.81 hectares. Existing developments currently provide a variety of recreational activities including hockey, lawn bowls, football and indoor sports courts.

The site is located on the south west side of the railway line and Monger Street (main street of Bencubbin). The main access to the existing development is from Dampier Street off Marsh Street.

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Dampier Street provides rear access to existing residential development that faces Hammond Street.

Figure 1 provides an aerial photograph of the area surrounding the development site showing other Crown Reserves nearby.

FIGURE 1 – LOCATION PLAN



Source: Landgate, Planwest

THE SCHEME

The land is designated 'Recreation' local scheme reserve under the Shire of Mt Marshall Town Planning Scheme 3. **Figure 2** provides an extract from the Scheme Map.

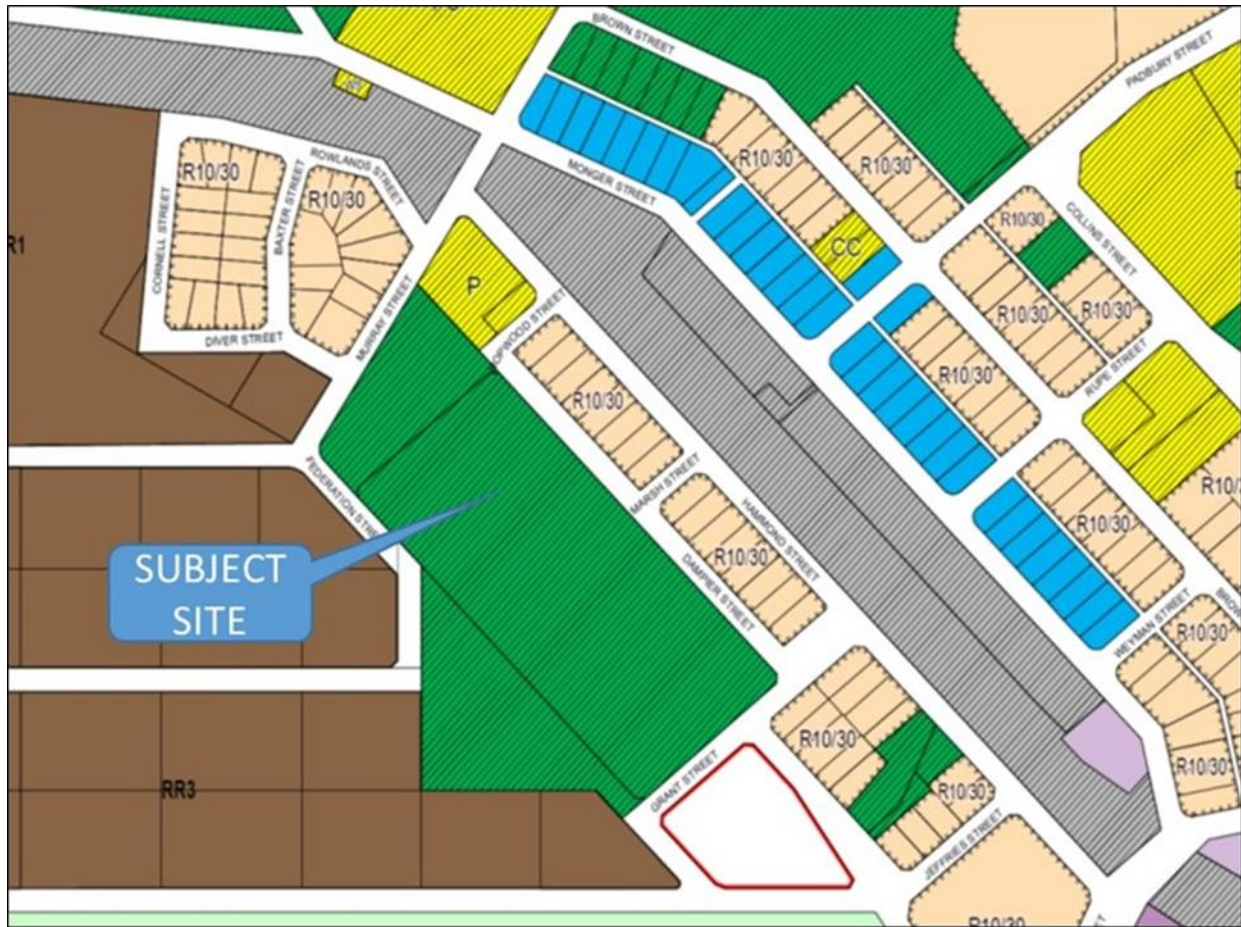
The Deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that this development obtain a Development Approval (DA) from the local government.

As the development will have minimal visual, activity or noise impact on the surrounding uses it is not considered necessary to advertise the proposal.

The Scheme provides no development guidelines except to permit development of land in accordance with the use designated for the reserve. The Scheme provides no specific setback requirements for these uses.

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FIGURE 2 - EXTRACT FROM SCHEME 3 MAP



Source: DoP, PLANWEST

DEVELOPMENT ASSESSMENT PANEL (DAP)

The applicant has selected the local government to determine the DA.

According to the DAP regulations, where a proposal is less than \$2 million the local government shall determine a DA, where the cost is between \$2 million and \$10 million the applicant has the choice between the DAP or local government to determine the application.

PROPOSAL

The proposal involves the demolition of components of the existing development and the construction of new facilities for a new function room, bar and kitchen with amenities in the form of a single storey building. The cost of the works is \$2.6 million and is estimated to be completed by December 2017.

Figure 3 provides and extract from the application showing the location of the proposed works in relation to the surrounding existing development.

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As the Figure shows, the main part of the proposed extension is on the southwest side of the existing facility and will not be readily seen from surrounding development.

FIGURE 3 - EXTRACT FROM APPLICATION SKETCH



Source: DoP, PLANWEST

COMMENT:

The proposed development complies with Shire of Mt Marshall Town Planning Scheme 3.

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13.7.7 Dual Registered Bush Fire Control Officers – Shire of Trayning

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Trayning
FILE REFERENCE:	A6/6
AUTHOR:	Jack Walker – Regulatory Officer
DISCLOSURE OF INTEREST:	No interest to disclose
DATE:	8 December 2016
ATTACHMENT NUMBER:	13.7.7 – Correspondence from Shire of Trayning
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer
STATUTORY ENVIRONMENT:	Bush Fires Act 1954 Section 40 (1)(2)
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Regional co-operation of Shires
VOTING REQUIREMENT:	Simple majority

2016/202 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

- 1. the following Bush Fire Control Officers from the Shire of Trayning be appointed dual Bush Fire Control Officers with the Shire of Mt Marshall:**

Mr Dylan Tarr
Mr Marlon Hudson
Mr Peter Barnes
Mr Murray Leahy
Mr Colin Smeeton
Mr Neil Adkins; and
- 2. the appointment of Mr Geoff Waters as a dual Bush Fire Control Officer be cancelled.**

Moved Cr HJ Shemeld

Seconded Cr CT Lumsden

Carried 7/0

BACKGROUND:

Section 40 (1) of the Bush Fires Act 1954 states that two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purpose of this Act.

Section 40 (2) of the Bush Fires Act 1954 states that bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments who have joined in appointing them.

COMMENT:

A recommendation from the Mt Marshall Bush Fire Advisory committee was that the Shire of Mt Marshall approach our neighbouring Shire's seeking their consideration with the dual registration of several of our bush fire control officers with their shire. In return the Shire of Mt Marshall would enter into a reciprocal arrangement.

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Correspondence has been received from the Shire of Trayning requesting several of their fire control officers be appointed as dual bush fire control officers with the Shire of Mt Marshall. Shire staff have recently been informed that Mr Geoff Waters is no longer a Bush Fire Control Officer with the Shire of Trayning and therefore this report recommends the cancellation of his appointment.

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13.7.8 Grader Quotations

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	W1/12
AUTHOR:	Jack Walker – Regulatory Officer
DISCLOSURE OF INTEREST:	No interest to disclose
DATE:	12 December 2016
ATTACHMENT NUMBER:	13.7.8a – Quote from Komatsu Australia Pty Ltd 13.7.8b – Quote from Hitachi Construction Machinery Pty Ltd 13.7.8c – Quote from Westrac Pty Ltd 13.7.8d – Quote from McIntosh & Son
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer Tanika McLennan - Finance & Administration Manager Andrew Johnson – Works Supervisor
STATUTORY ENVIRONMENT:	Local Government Act 1995 (as amended). Local Government (Financial Management Regulations 1996 (as amended) and Tender Regulations.
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Within budget – saving of \$12,000.00
STRATEGIC IMPLICATIONS:	Maintaining a modern plant and machinery fleet enabling efficient and effective operations
VOTING REQUIREMENT:	Simple majority

2016/203 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

- 1. Hitachi Construction Machinery Pty Ltd.'s quotation for the supply and delivery of one (1) only new John Deere 670GP grader for a nett price of \$335,000.00 plus GST be accepted; and**
- 2. the Shire's Volvo 930G (MM194) grader (without free roll roller) be traded to Hitachi Construction Machinery Pty Ltd for a nett price of \$67,000.00 plus GST, representing a total changeover expense of \$268,000.00 plus GST.**

Moved Cr CT Lumsden

Seconded Cr ARC Sachse

Carried 7/0

BACKGROUND:

Funds for the purchase of a new grader were allocated in the Shire's 2016/2017 Budget of \$360,000.00, less an amount of up to \$80,000.00 for the trade-in value of the Shire's Volvo 930G grader (MM194).

Four companies submitted a price schedule for the contract. The price schedules are included in the attachments and summarised overleaf in a table.

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Company	Make & Model	Price (GST ex)	Trade – in (GST ex)	Budget (Saving) Cost on Budget
McIntosh & Son	Case 865B	\$311,200	\$85,000	(\$53,800)
Westrac	Cat 12M	\$356,445	\$62,000	\$14,445
Hitachi	JDere 670GP	\$335,000	\$67,000	(\$12,000)
Komatsu	GD555_5	\$326,500	\$65,000	(\$18,500)

COMMENT:

The WALGA preferred suppliers program was used in gathering quotes for the new grader. This program does away with need to go to tender, however, the decision is referred to Council as the purchase price is above an officers purchasing threshold of \$100,000.00.

After careful consideration and assessing the various types of motor graders that were available from the above suppliers and after taking into account whole of life costs including future trade in value, backup servicing and future needs for the Shire of Mt Marshall the John Deere 670 GP is recommended.

The Case 865B is a relatively unknown machine. A significant part of its components are sourced from other plant suppliers to make one machine. It is therefore difficult to make an assessment of its reliability and trade-in value.

The Cat 12M is a machine that is becoming more popular as operators become more accustomed to the lever only controls. Lever controls can be difficult when mobilising as they tend to create a sway up at cruising speed. With the distances travelled by the Shire's graders, mobilising at speed is a vital consideration. More importantly the Cat does not have all of the extras required in a construction grader that come as standard factory fitted attachments.

The John Deere 670GP is a machine that has been around for a long time and significant improvements have been made. The machine can be operated either by steering wheel or stick control. The 670GP comes standard with factory fitted cross-slope control, automatic straightening and differential lock release.

The Komatsu GD555-5 has plenty of power and has a good layout. However overheating problems with the transmission remains a concern as does the ability of Komatsu to provide a good backup service.

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13.7.9 Self – Propelled Vibratory Roller Quotations

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	W1/12
AUTHOR:	Jack Walker – Regulatory Officer
DISCLOSURE OF INTEREST:	No interest to disclose
DATE:	12 December 2016
ATTACHMENT NUMBER:	13.7.9a – Quote from Tutt Bryant Equipment 13.7.9b – Quote from Westrac 13.7.9c – Quote from Atlas Copco
CONSULTATION:	Stephen Tindale – Acting Chief Executive Officer Tanika McLennan - Finance & Administration Manager Andrew Johnson – Works Supervisor
STATUTORY ENVIRONMENT:	Local Government Act 1995 (as amended), Local Government (Financial Management Regulations 1996 (as amended) and Tender Regulations
POLICY IMPLICATIONS:	N/A
FINANCIAL IMPLICATIONS:	Within budget – saving of \$42,449.09
STRATEGIC IMPLICATIONS:	Maintaining a modern plant & machinery fleet enabling efficient and effective operations
VOTING REQUIREMENT:	Simple majority

2016/204 OFFICER RECOMMENDATION/COUNCIL DECISION:

That:

- 1. Tutt Bryant Equipment's quote for the supply and delivery of one (1) only new Bomag BW213D-5 self - propelled smooth drum Vibratory Roller (including Bomag compaction meter) for a nett price of \$139,823.64 plus GST be accepted; and**
- 2. the Shire's Multi Pac VV1100D (MM190) be traded to Tutt Bryant Equipment for a nett price of \$27,272.73 plus GST, representing a total changeover expense of \$112,550.91 plus GST.**

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 7/0

BACKGROUND:

Funds for the purchase of a new self-propelled smooth drum vibratory roller were allocated in the Shire's 2016/2017 Budget of \$160,000.00, less an amount of up to \$5,000.00 for the trade-in value of the Shire's Multi Pac VV1000D vibrating roller (MM190).

Three companies submitted a price schedule for the contract. The price schedules are included in the attachments and summarised overleaf in a table.

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Company	Make & Model	Price (GST ex) Includes roller	Trade – in (GST ex)	Nett (Saving) Cost on Budget
Tutt Bryant	Bomag BW213D-3	\$139,824 (includes compaction meter)	\$27,272	(\$42,449)
Westrac	Cat CS533E	\$134,900	\$15,000	(\$35,100)
Atlas Copco	Dynapac CA2500D	\$134,612	\$14,500	(\$34,888)

COMMENT:

The WALGA preferred suppliers program was used in gathering quotes for the new vibratory roller. This program does away with need to go to tender, however, the decision is referred to Council as the purchase price is above an officers purchasing threshold of \$100,000.00.

The Bomag BW213D-5 self-propelled smooth drum Vibratory Roller is recommended based on past experience with Bomag compaction machines and the price of the machine in question.

Tutt Bryant Equipment historically provide a great backup service and advice, which is extremely important given the relative remoteness of the Shire of Mt Marshall.

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14.0	Matters for Which Members of the Public to be Excluded
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14.1	2017 Mt Marshall Citizenship Award
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2016/205 COUNCIL DECISION:

That the 2017 Mt Marshall Citizenship Award be awarded to Mr Alan Gracie and Mr and Mrs Rod and Sarah Munns.
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Moved Cr ARC Sachse

Seconded Cr SE Faulkner

Carried 7/0

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

16.0	New Business of an Urgent Nature Introduced by Decision of the Meeting
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Nil

17.0	Next Meeting – Tuesday 14 February 2017 commencing at 4:00pm in Council Chambers, 80 Monger St, Bencubbin
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18.0	Closure of Meeting
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The Presiding Member declared the meeting closed at 5.58pm.

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

Date

Cr RM Kirby

President