



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 19 September 2017, in Council Chambers, 80 Monger St, Bencubbin commencing at 3:02pm.

Cr RM Kirby

President

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intentionally**

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John Nuttall
Chief Executive Officer

Chairperson Initial

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1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 3:02pm.

2.0 Record of Attendance / Apologies / Approved Leave of Absence

In Attendance

Cr RM Kirby	President / Presiding Member	
Cr SE Faulkner	Deputy President	
Cr ARC Sachse	Councillor	3.02 – 5.21, 5.22 – 5.23pm
Cr HJ Shemeld	Councillor	
Cr CT Lumsden	Councillor	3.02 – 3.37, 3.43 – 5.23pm
Mr John Nuttall	Chief Executive Officer	
Ms Nadine Richmond	Executive Assistant	
Ms Tanika McLennan	Finance & Administration Manager	
Mr Andrew Johnson	Works Supervisor	3.02 – 3.21pm
Mrs Tanya Gibson	Member of the public	

Apologies

Cr WJ Beagley	Councillor
Cr NR Gillett	Councillor

3.0 Standing Orders

2017/09-1 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 CT Lumsden

Carried 5/0

4.0 Public Questions

4.1 Response to Public Questions Taken on Notice

Nil

4.2 Public Question Time

Public Question Time opened at 3.03pm

4.2.1 Summary of question from Mrs Tanya Gibson:

What is the costing to revamp the Beacon Barracks as they stand?

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Summary of response from the Presiding Member:

The Presiding member invited the CEO to respond. The costs are unknown but there is substantial work required with fencing needing to be replaced, asbestos to be removed from the roof and some minor internal renovation will probably be required. The Public Transport Authority (PTA) indicated they would need to spend over \$200,000 on the site.

4.2.2 Summary of question from Mrs Tanya Gibson:

Would the Shire have to pay for these improvements if it were take on ownership of the Barracks?

Summary of response from the Presiding Member:

The CEO informed Mrs Gibson that the Public Transport Authority will not cover upgrade costs so yes, the Shire would have to.

4.2.3 Summary of question from Mrs Tanya Gibson:

How can you make a decision about the Barracks without having any costings? Would you go back and look at the Shire taking on ownership if you had costings?

Summary of response from the Presiding Member:

The CEO informed Mrs Gibson that he has made his recommendation to Council and would not be recommending the Shire be burdened with an aging asset such as the Beacon Barracks.

4.2.4 Summary of question from Mrs Tanya Gibson:

Will any new accommodation built by the Shire be low cost for users?

Summary of response from the Presiding Member:

The CEO informed Mrs Gibson that the budget for the building of any new accommodation is yet to be compiled. The budget would define the charges. He further explained that while the Beacon Barracks have been a budget accommodation option valued by the Beacon community, its unavailability has been brought about by the PTA's decision to not maintain the building. Low costs for accommodation can't be maintained.

4.2.5 Summary of question from Mrs Tanya Gibson:

Would any new asset built by the Shire be cheaper accommodation than currently available at the caravan park?

Summary of response from the Presiding Member:

The CEO informed Mrs Gibson that he wouldn't suggest the pricing would be similar to the cabins at the Beacon Caravan Park but again reminded Mrs Gibson that at this stage, without a budget available, pricing cannot be confirmed.

4.2.6 Summary of question from Mrs Tanya Gibson:

Could the removal of the fence at the Barracks be carried out by Shire staff? Was the fence removal at the Bencubbin playground not done by Shire staff?

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Summary of response from the Presiding Member:

The CEO informed Mrs Gibson that the Shire does not have the required asbestos removal licensing and the removal of the asbestos fence at the Bencubbin playground was carried out by a contractor.

Public Question time closed at 3.08pm

5.0 Applications for Leave Of Absence

Nil

6.0 Declarations of Interest

Cr Tony Sachse declared a financial interest in agenda item 12.4.28 being that the applicant and Cr Sachse have entered joint ownership of property and a water license.

7.0 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Special Meeting held on Wednesday 26 July 2017

2017/09-2 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Minutes of the Special Meeting of Council held on Wednesday 26 July 2017 be confirmed as a true and correct record of proceedings.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 5/0

7.2 Minutes of the Ordinary Meeting held on Tuesday 15 August 2017

2017/09-3 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 15 August 2017 be confirmed as a true and correct record of proceedings.

Moved Cr CT Lumsden

Seconded Cr ARC Sachse

Carried 5/0

8.0 Announcements by Presiding Person Without Discussion

On behalf of the Shire I would like to acknowledge and thank the retiring Councillors, Cr Beagley, Cr Lumsden and Cr Shemeld.

Cr Beagley steps down after serving as Councillor for two terms, from 2011-2017. I would like to thank him for his commitment to Council over these six years. Cr Beagley's experience and knowledge of past events in Council has been particularly valuable in the past two years. Cr Beagley represented Council on the Bushfire Advisory Committee from 2013-2015, Kununoppin Medical Practice Management Committee from 2013-2015, Kununoppin Hospital Local Health Advisory Committee from 2013-2015, and as an alternate member on the Wheatbelt Development Assessment Panel from 2013-2017.

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I would like to thank Cr Lumsden for his contribution as a Councillor over the past two years, in particular his interest in roads, serving on the Wheatbelt North Sub-Regional Road Group for the past two years and also his interest in economic development in the district. Cr Lumsden also served as a member of the Bencubbin Multipurpose Complex Steering Committee which met frequently during his term.

I would like to thank Cr Shemeld for her contribution as a Councillor over the past two years. Cr Shemeld has had a particular interest in health and bio security serving on a number of committees relating to these interests: the Kununoppin Medical Practice Management Committee, Kununoppin Hospital Local Health Advisory Committee, Mt Marshall Land Conservation District Committee and the Eastern Wheatbelt Biosecurity Group.

I wish Cr Beagley, Cr Lumsden and Cr Shemeld all the best for the future and thank them for their commitment to serving the people of the Shire of Mt Marshall during their terms in office.

I would also like to acknowledge the seven nominees for the upcoming Council election: Leeanne Gobbart, Tanya Gibson, Chris Kirby, Stuart Putt, Michael Carr, Cr Nick Gillett and Ian Sanders. Congratulations on your nomination and good luck in the election on 21st October.

9.0 President's Report

Purpose:

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

Comment:

The President represented the Shire at the following meetings and training opportunities from 16th August to 19th September.

22nd August - NEWROC Council Meeting, Bencubbin with Cr Faulkner and CEO John Nuttall (preceded by NEWROC Telecommunications Steering Committee)

24th August - GEC Zone Meeting, Kellerberrin with CEO John Nuttall

30th August - Dowerin Field Day, Meeting with Melissa Price, MP representing CEACA, Wheatbelt Way stand

2nd September - Men's Shed Opening with Hon Mia Davies, MLA at Back to Beacon Day

6th September - CEACA Committee Meeting, Nungarin with Cr Sachse and CEO John Nuttall

10.0 Petitions / Deputations / Presentations / Submissions

Nil

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11.0 Reports of Committees

11.1 Junior Council

11.1.1 Minutes of Junior Council held 25 May 2017

File No:	N/A
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	11.1.1 – Minutes of Junior Council held 25 May 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

Junior Council is held twice a year and is an opportunity for students in senior years at the Bencubbin and Beacon Primary School to experience holding a meeting in council chambers where they follow process similar to that of a Council meeting and vote on local issues.

Consultation:

Community Development Officer – Sally Putt
Chief Executive Officer – John Nuttall

Statutory Environment:

Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

4.1 Collaborative and transparent leadership

4.1.3 Engage the community in decision making and shared responsibility in achieving our goals

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Comment:

The minutes of the Junior Council Working Group meeting held on 25 May 2017 are submitted for Council information.

2017/09-4 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the minutes of Junior Council held on 25 May 2017 be received.

Moved Cr ARC Sachse

Seconded Cr HJ Shemeld

Carried 5/0

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12.0 Reports of Officers

The Presiding Member declared a change in the order of business to consider item 12.2.6 at this stage of the meeting.

12.2.6 Works Report September 2017

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

Background:

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

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

ECONOMIC - Provide an effective and efficient transportation network

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

CIVIC LEADERSHIP - Provide efficient and effective management

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

Comment:

Roads

Clearing and preparations for upcoming works is continuing, such as culvert extensions and replacements.

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Road maintenance including patching will be carried out now that the weather has warmed up.

New gravel pits are being created in advance of several future projects and it is great that the land owners are allowing the Shire access to these resources.

The maintenance grading is ahead of schedule and most roads are up to a good standard.

Town Maintenance

Continuing on with the value adding to both Beacon and Bencubbin.

Rehabilitation work in and around the Bencubbin Botanical Gardens are going well and will be completed before the centenary celebrations in October.

Waste

No issues with the waste sites, both being kept tidy and organised.

The 2016/17 Waste census has been completed and returned to DWER.

Other items of interest

Fire breaks have been completed around the towns and other important infrastructure

2017/09-5 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the September report of the Works Supervisor be received.

Moved Cr SE Faulkner

Seconded Cr CT Lumsden

Carried 5/0

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12.1 Chief Executive Officer

12.1.32 Code of Conduct Review

File No:	A2/24
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.32 – Draft Code of Conduct 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	June 2016

Background:

The Code of Conduct is an important document for the Shire, as it covers roles, responsibilities and behaviours for Elected Members, Officers and others with close dealings to the organisation. The document was last reviewed and adopted by Council in June 2016, well over 12 months ago. It is timely and appropriate that Council undertake a review of the document.

An amended version of the document is presented at **Attachment 12.1.32**, and Council are requested to adopt this new version of the Code of Conduct.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

5.103. Codes of conduct

(1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

[(2) deleted]

(3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

Relevant Plans and Policy:

There is a current Code of Conduct, last reviewed by Council in June 2016.

Financial Implications:

Nil

Risk Assessment:

If the policy is not regularly reviewed, and appropriately updated, there is a risk that inappropriate actions and behaviours will not be considered by the Code.

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Community & Strategic Objectives:

Outcome 4.1 Collaborative and transparent leadership

4.1.4 Promote a culture within the Shire that aligns actions with the values and aspirations of the Strategic Community Plan

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

4.3.3 Ensure compliance with all relevant legislation

Comment:

Given the length of time since this document has been reviewed, it is timely to present the revised document to Council for adoption. This will allow any new Councillors who are elected at the October Elections to be provided with the new document. It will also allow for all members of staff to be provided with an updated copy, in order that they be given a reminder of the expectations of those employed by the Shire.

2017/09-6 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That, subject to s5.103 Local Government Act 1995, Council adopt the amended Code of Conduct, as presented in Attachment 12.1.32

Moved Cr SE Faulkner

Seconded Cr ARC Sachse

Carried 5/0

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12.1.33 Use of Common Seal

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

Background:

Councillors are aware that at the Ordinary Council Meeting in March a decision was made to purchase Lot 134 Brown Street, Bencubbin at a cost of \$5440.55 – that land not having had the rates paid for some time.

As part of the purchase process, there was need for the transfer documentation to be signed and have the common seal attached. Unfortunately the resolution of Council did not make that clear. Given the timeframe involved the Common Seal was appended on 11 August 2017 and this item requests that Council retrospectively grant the necessary permission for that action.

Consultation:

The Shire President was also required to sign the agreement.

Statutory Environment:

Local Government Act 1995

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer,each of whom is to sign the document to attest that the common seal was so affixed.

Relevant Plans and Policy:

N/A

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Financial Implications:

There are no financial implications flowing directly from the use of the common seal in this instance.

Risk Assessment:

There is a risk that should Council not resolve retrospectively to allow the use of the Common Seal that an ongoing breach of the Local Government Act would occur.

Community & Strategic Objectives:

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

4.3.3 Ensure compliance with all relevant legislation

Comment:

It is extremely unfortunate that the use of the Common Seal was not resolved in March when the matter was determined by Council. It was an oversight which Council are now requested to correct by retrospectively authorising its use in this matter.

2017/09-7 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council acknowledge and resolve to approve, subject to S9.49A(2), Local Government Act 1995 that the Common Seal of the Shire was used on 11 August 2017, for the purpose of sealing.

Moved Cr ARC Sachse

Seconded Cr CT Lumsden

Carried 5/0

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12.1.34 Review of Local Government Act 1995

File No:	A2/15
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.34a - Infopage LG Act 1995 Review
	12.1.34b - Discussion Paper Review of the Local Government Act 1995
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The new Minister for Local Government, Hon David Templeman MLA, has announced that he is undertaking a two phase review into the Local Government Act 1995. The first phase of the review is to happen relatively quickly with consultation due to be completed by the end of 2017.

WALGA are co-ordinating the consultation and response on behalf of the sector. As a result they have released some documentation regarding the review (**Attachments 12.1.34a and 12.1.34b**). WALGA have indicated that a Zone response would be viewed favourably, as it would be the collective view and agreement of a substantial number of Local Governments. Accordingly, at the WALGA Zone meeting held on 24 August 2017, it was determined that the Great Eastern Country Zone should prepare a formal response for the process.

As there is a short window of opportunity for this first phase of the review, this item seeks Council endorsement for any particular issues about which an unmovable view is taken, and then authority from Council for the Chief Executive Officer and the Shire President to attend the review meeting and represent this Local Governments best interests through the process (without adopting in advance a stance on every possible part of the Local Government Act), with a requirement to report back to Council about the outcome of the zone review at the first meeting following that review.

Consultation:

With WALGA officers, the WALGA Zone members and the Shire President.

Statutory Environment:

The whole of the Local Government Act 1995, and subsidiary legislation is open for review.

Relevant Plans and Policy:

Nil

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Financial Implications:

It is impossible to say at this stage what financial implications may arise from the changes proposed, but the process of being involved in the consultation will not impose any major financial cost to Council.

Risk Assessment:

Nil

Community & Strategic Objectives:

Outcome 4.2 Strong representation on behalf of the Community

4.2.1 Facilitate processes/networks for the engaging of government agencies and key stakeholders

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

4.3.3 Ensure compliance with all relevant legislation

Comment:

It is extremely difficult to know what proposals will be made by those attending the Zone review. With that difficulty in mind it is requested that Council allow the Chief Executive Officer and the Shire President to attend and represent the best interests of the Shire during the course of the deliberations.

The Chief Executive Officer intends to make sure the following issues are raised:

- Gift Provisions – particularly excluding ‘personal’ gifts from the provisions
- Regional Subsidiaries – relating to the need for a power for the subsidiary to borrow money
- Public Notices – able to be done electronically
- Tender Regulations – particularly seeking an increase of the limit, and a clarification around the timeframes that require a tender
- Attendance by Electronic Means – a relaxation of some of the onerous rules relating to Councillors attending a meeting by telephone

2017/09-8 OFFICER’S RECOMMENDATION / COUNCIL DECISION:

- 1. The Chief Executive Officer and the Shire President attend and represent its best interests at the WALGA Zone Local Government Act Review meeting to be held on 28 September 2017; and***
- 2. The Chief Executive Officer prepare a report on the outcome of the meeting and present it to the next possible ordinary meeting of Council.***

Moved Cr HJ Shemeld

Seconded Cr CT Lumsden

Carried 5/0

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Cr Lumsden declared a financial interest in agenda item 12.1.35 being that he is an owner of a cartage company who may be eligible to tender for part of the works.

Cr Lumsden left the meeting at 3.37pm

12.1.35 Bitumen Supply – Request for Tender

File No:	Tender Register
Location/Address:	N/A
Name of Applicant:	Shire of Mt Marshall
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.35 – Policy F&R.2.5
Declaration of Interest:	Nil
Voting Requirements:	Recommendations 1 & 2: Simple Majority Recommendation 3: Absolute Majority
Previously Considered:	Nil

Background:

This report seeks Council endorsement for a call for a Request for Tender (RFT) to provide Bitumen Supply to the Shire.

Councillors are aware that this tender has been budgeted for the financial year. This report seeks Council endorsement for the selection criteria to be used to assess any tenders received, along with approval for the Chief Executive Officer to award the contract to the most appropriate tenderer.

Consultation:

The tender documentation has in part been prepared by Rod Munns acting as consultant engineer to the Shire.

Statutory Environment:

The Council is able to call for tenders pursuant to Part 4 of the Local Government (Functions and General) Regulations, 1996. This is reflected in Regulation 14 (2a) and Regulation 11 (2) (ba) as follows:

14. Publicly inviting tenders, requirements for

(2a) "If a Local Government -

(a) is required to invite a Tender; or

(b) not being required to invite a Tender, decides to invite a Tender.

The Local Government must, before Tenders are publicly invited, determine in writing the criteria for deciding which Tender should be accepted."

11. When tenders have to be publicly invited

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

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- (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
- (i) the supplier is either —
 - (I) an individual whose last employer was the local government;
 - and
 - (ii) the contract —
 - (I) is the first contract of that nature with that individual or group; and
 - (II) is not to operate for more than 3 years;
 - and
 - (iii) the goods or services are —
 - (I) goods or services of a type; or
 - (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, that were provided by the individual (or persons) whilst employed by the local government;

Council may also afford delegation to the CEO to pursuant to Section 5.42 of the Local Government Act, 1995:

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Relevant Plans and Policy:

Shire Policy F&R 2.5 deals with purchasing and tenders, but it does not set a standard selection criteria. Accordingly Council are invited to consider the appropriate selection criteria through this report. A copy of that policy is attached (**Attachment 12.1.35**).

Financial Implications:

Application of appropriate selection criteria for the tender process will assist in ensuring that tenderers offer the "best value" with respect to the supply of goods and services. The costs for bitumen supply has been included in the 2017/18 budget.

Risk Assessment:

There is a requirement, due to the sums involved, to run a tender for this contract. Failure to do so would be a breach of the Local Government Act.

Community & Strategic Objectives:

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

4.3.3 Ensure compliance with all relevant legislation

4.3.6 Operate in a financially sustainable manner

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Comment:

To be compliant with the tender regulations Council is required to approve the selection criteria which is to be used to evaluate the tenders received. The selection criteria to be used in the tender documentation for this tender is included in the officer recommendation below.

OFFICER'S RECOMMENDATION'S:

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 call for Tender (RFT MM) for the provision of Bitumen Supply for a period of 1 year.

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 set the Qualitative Evaluation Criteria for RFT MM 01.17/18, as follows:

<i>Relevant Experience</i>	<i>25%</i>
<i>Submitted Rates</i>	<i>25%</i>
<i>Resources & Current Commitments</i>	<i>25%</i>
<i>Confirmation rates are fixed for 17/18</i>	<i>25%</i>

*That Council pursuant to Section 5.42 of the Local Government Act, 1995 delegate authority to the Chief Executive Officer to award the bitumen supply contract in accordance with the results of the tender evaluation process.
(Absolute Majority)*

2017/09-9 COUNCIL DECISION'S:

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 call for Tender (RFT MM) for the provision of Bitumen Supply for a period of 1 year.

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 set the Qualitative Evaluation Criteria for RFT MM 01.17/18, as follows:

<i>Relevant Experience</i>	<i>25%</i>
<i>Submitted Rates</i>	<i>25%</i>
<i>Resources & Current Commitments</i>	<i>25%</i>
<i>Confirmation rates are fixed for 17/18</i>	<i>25%</i>

***That Council pursuant to Section 5.42 of the Local Government Act, 1995 delegate authority to the Chief Executive Officer to award the bitumen supply contract in accordance with the results of the tender evaluation process.
(Absolute Majority)***

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That the tender be called both as a whole contract and separate contracts to allow the market to be fully tested and give the opportunity for local contractors to tender for part of the work.

*Moved Cr SE Faulkner
Absolute Majority*

Seconded Cr HJ Shemeld

Carried 4/0

Reason Council decision is different to officer recommendation: To create an opportunity for local cartage contractors to tender for parts of the work.

Cr Lumsden re-entered the meeting at 3.43pm.

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12.1.36 Date Change – October Ordinary Meeting of Council

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

Background:

At the beginning of the financial year, Council sets the date for Ordinary Council Meetings in order that they can be advertised to the community. When the dates for this year were set by Council at their Meeting in April, unfortunately the date of the October elections were overlooked.

Currently the date for the October meeting is set for 17 October 2017, which is just 4 days prior to the election. This item requests Council to push the date of the meeting back to 24 October 2017 in order that the swearing in of new Councillors, and the election of the President and Deputy President can occur immediately following the election.

Statutory Environment:

The Local Government Act 1995 and Subsidiary Legislation determines how the first meeting after an election is to be run. Further, section 5.4 of the Act determines that Council can decide when a Council Meeting is to be held.

Further, although not legislation, guidance from the Department of Local Government, Sport and Cultural Industries suggests that for transparency reasons it is not appropriate that major decisions are made by Council in the lead up to an election.

Relevant Plans and Policy:

Nil

Financial Implications:

There are no direct financial implications from a change in the date of the meeting.

Risk Assessment:

There is a risk that there would not be the appropriate transparency relating to decisions made by Councillors who are standing for re-nomination.

Community & Strategic Objectives:

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

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

4.3.2 Provide sufficient resources to facilitate effective governance

Comment:

Given the proximity to the Council Elections, at which four (4) positions are open, it is respectfully suggested that, in order for Councillors to be sworn in at the earliest opportunity, to allow for the President and Deputy President to be elected, and in the course of good governance, that the date of the October Ordinary Council Meeting be changed to the first Tuesday following the elections, namely 24 October 2017.

2017/09-10 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That subject to S5.4 (b) of the Local Government Act 1995, the Ordinary Council Meeting for October be changed from 17 October 2017 to 24 October 2017.

Moved Cr ARC Sachse

Seconded Cr SE Faulkner

Carried 5/0

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12.1.37 Corporate Business Plan and Long Term Financial Plan

File No:	A2/18
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.37a – Long Term Financial Plan 12.1.37b - Corporate Business Plan
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	15 August 2017

Background:

As required under legislation, a full review of the Shire of Mt Marshall integrated planning has taken place. This has included consultation with the community, along with feedback regarding that consultation provided to the community. Presented to Council in this item are the Corporate Business Plan and the Long Term Financial Plan for adoption.

Consultation:

Wide ranging consultation has taken place by the consultant Mr Ron Back, including Councillors, the community and Shire staff.

Statutory Environment:

Local Government Act 1995

5.56.

Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

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

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(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.

(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.

Relevant Plans and Policy:

Nil

Financial Implications:

These plans have financial implications for the Shire for the next four years (Corporate Business Plan) and ten years (Long Term Financial Plan).

Risk Assessment:

Should Council fail to adopt these plans, there is a risk of breaching Section 5.56 of the Local Government Act, which requires every Local Government to have current plans.

Community & Strategic Objectives:

Outcome 4.1 Collaborative and transparent leadership

4.1.1 Enhance open and interactive communication between Council and the community

4.1.3 Engage the community in decision making and shared responsibility in achieving our goals

4.1.4 Promote a culture within the Shire that aligns actions with the values and aspirations of the Strategic Community Plan

Comment:

It has taken some time for these documents to be ready for Council to adopt. It has however been prepared as required under legislation including lengthy community consultation. Council are aware that these plans are informed by the Strategic Community Plan. These documents, however, particularly the Corporate Business Plan, are the documents used to put the wishes of the community taken from the Strategic Community Plan into action. They are therefore extremely important documents, and Council are requested to adopt them.

OFFICER'S RECOMMENDATION:

That Council adopt the Shire of Mt Marshall Corporate Business Plan and the Shire of Mt Marshall Long Term Financial Plan.

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2017/09–11 COUNCIL DECISION:

That:

- 1. the consultant be instructed to make the following amendments to the Shire of Mt Marshall Corporate Business Plan and the Shire of Mt Marshall Long Term Financial Plan:**

Corporate Business Plan:-

- **Note inserted after table on page 12 reading 1.3.3.1 and 2.1.6.1 are the same fund.**
- **Insert the 2017/18 budget figures in roads table on page 14 at 2.3.2.1 – 2.3.2.4**
- **Replace the word ‘identify’ with the word ‘consider’ at 3.1.1.1 on page 15 in both strategy and action.**
- **The aquatic centre budget be moved from 2018/19 to 2019/20**
- **In Black Spot Program section the CSP class of Social to be changed to Economic.**
- **On page 19, amend the resourcing table to reflect the Long Term Financial Plan and delete Applied to Strategic Outcomes table.**
- **Delete page 20.**

Long Term Financial Plan:-

- **Move aquatic centre financing from 2018/19 to 2019/20 throughout the document.**
- **The consultant undertake a final review of the document based on the changes made.**

- 2. The amended plans be considered at a special meeting of Council to be held on Monday 2 October 2017 at 9am.**

**Moved Cr ARC Sachse
Absolute Majority**

Seconded Cr HJ Shemeld

Carried 5/0

Reason Council decision is different to officer recommendation: To enable amendments to both the Corporate Business Plan and Long Term Financial Plan as Council sees fit.

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12.1.38 Bencubbin Community Resource Centre – Rent Reduction Request

File No:	F1/3
Location/Address:	N/A
Name of Applicant:	Bencubbin Community Resource Centre Committee
Name of Owner:	Shire of Mt Marshall
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.38 – Letter from Bencubbin CRC
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

The Bencubbin Community Resource Centre (CRC) Chairperson, Donna Cooper has written requesting that Council review the rent paid by the CRC. A copy of that letter, dated 1 September 2017, is at **Attachment 12.1.38**.

The current rent that is paid by the CRC is \$2600 per annum. Whilst this is not a large rent in commercial terms, it appears that it is higher than the rent paid by other CRC's in the area. Although there has been a request for a reduction, there has been no indication how much that reduction should be.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

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

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

which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

Relevant Plans and Policy:

Nil

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Financial Implications:

Should Council choose to grant this application, it will lead to a reduction of budgeted income in the amount of the saving awarded. This income reduction could be off-set by a reduction in the amount put into the CRC reserve for future maintenance.

Risk Assessment:

Nil

Community & Strategic Objectives:

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

4.3.4 Ensure that facilities are being maintained, developed/rationalised in line with the Asset Management Plan and Long Term Financial Plan

4.3.5 Use resources efficiently and effectively

4.3.6 Operate in a financially sustainable manner

Comment:

It is very unfortunate that this request was not received during this year's community budget submission period. The budget for the current year has now been adopted by Council to include the current rent. Presumably the CRC have also prepared a budget for the current year with the current rent built into it. Given that situation, it is recommended that no alteration is made to the rent this year, but that the rent is reviewed, and if appropriate reduced for next financial year.

2017/09-12 OFFICER'S RECOMMENDATION'S / COUNCIL DECISION:

- 1. That Council refuse the application to reduce the rent paid by the Bencubbin Community Resource Centre for the current financial year; and***
- 2. A review of the rents paid by community resource centres in neighbouring shires be undertaken by Shire staff and presented during the budget deliberations for the 2018-2019 financial year, and if appropriate a reduction in rent be considered.***

Moved Cr ARC Sachse

Seconded Cr CT Lumsden

Carried 5/0

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12.1.39 Brine Processors (WA) Pty Ltd – Exploration Licence

File No:	A3/5
Location/Address:	Lake Moore
Name of Applicant:	Brine Processors (WA) Pty Ltd
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.39 – McMahon Mining Title Services Application for Exploration Licence
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Correspondence has been received from McMahon Mining Title Services on behalf of the applicant Brine Processors (WA) Pty Ltd. A copy is at **attachment 12.1.39**. The correspondence is notification of an application that has been made for an exploration licence seeking subsurface rights to explore within the area of Lake Moore. Part of the affected land falls within the Shire of Mt Marshall.

The West Australian Mining Act provides that a copy of the application must be provided to a Local Government when such an application is made, and allow the Local Government the opportunity to comment upon the proposal. According to the documentation any objection would have to be lodged by 29 September 2017.

With David Burton, CEO Koorda who are notified similarly on the same application. There will be no objection from the Shire of Koorda.

Statutory Environment:

Mining Act 1978, S41

Application for prospecting licence

(1) An application for a prospecting licence —

(a) shall be made in the prescribed form; and

(b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; and

(c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which are clearly delineated the boundaries of that area; and

[(d) deleted]

(e) shall be lodged in the prescribed manner; and

(f) shall be accompanied by the prescribed application fee.

(2) Within the prescribed period the applicant shall serve such notice of the application as may be prescribed, on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.

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Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications to Council from this application.

Risk Assessment:

Nil

Community & Strategic Objectives:

Outcome 2.1 Actively support and develop local and new business

2.1.6 Support opportunities for all businesses

Comment:

The application referred to in this item has been lodged with the Mining Registrar. A small part of the application is within the Shire boundaries. There is an opportunity to object, providing reasons for the objection, by 29 September 2017. As this is a subsurface exploration licence only there does not appear to be any reason to object. The Shire of Koorda, similarly involved, are not lodging any objection. It is therefore recommended that Council simply note the application that has been lodged.

2017/09-13 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council, pursuant to section 41 Mining Act 1978, note that Brine Processors (WA) Pty Ltd have lodged an application to the Mining Registrar, relating to subsurface exploration in and around the area of Lake Moore and shown on the attached plans.

Moved Cr CT Lumsden

Seconded Cr HJ Shemeld

Carried 5/0

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12.1.40 Corporate Business Plan and Sport and Recreation Master Plan Status Reports

File No:	A2/18
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
	12.1.40a – Corporate Business Plan Status Report
Attachments:	12.1.40b – Sport and Recreation Master Plan Status Report
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

Council have resolved to receive an updated Corporate Business Plan status report on a quarterly basis. 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.

Consultation:

Nil

Statutory Environment:

Local Government (Administration) Regulations 1996

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.

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- (4) A local government is to review the current corporate business plan for its district every year.
- (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.

Relevant Plans and Policy:

Nil

Financial Implications:

There are no financial implications regarding this report, but the various projects reviewed within the report are linked to the annual budget.

Risk Assessment:

There is a risk that Council will be unaware of the status of projects without this report.

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide accountable and transparent leadership

C 1.1 Enhance open and interactive communication between Council and the community

CIVIC LEADERSHIP - Improve the Shire's capability and capacity

C 2.1 Increase capacity through the application of the integrated strategic planning processes

C 2.2 Promote a culture of continuous improvement processes

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. For further information the Sport and Recreation Master Plan status report has also been included.

2017/09-14 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council note the Corporate Business Plan and Sport & Recreation Master Plan Status Reports for September 2017.

Moved Cr HJ Shemeld

Seconded Cr SE Faulkner

Carried 5/0

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12.1.41 Beacon Barracks Workers Accommodation

File No:	B2/18
Location/Address:	Beacon Barracks, Lindsay Street, Beacon
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer 12.1.41a – Letter from Public Transport Authority 12.1.41b – Submissions Summary
Attachments:	12.1.41c – Map including Suggested Site of New Accommodation
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

In May 2017 correspondence was sent to the Shire from Public Transport Authority WA (PTA) that contained formal notice regarding early termination of the lease to the Shire over the Beacon Barracks. A copy of that letter is at **Attachment 12.1.41a**.

As a result of the notice of termination, Council resolved at the Ordinary Council Meeting in June the following:

2017/06-9 COUNCIL DECISION:

- 1. That Council direct the Chief Executive Officer to research options for workers accommodation in Beacon and present a report containing this information to Council as soon as possible for a decision to be made regarding the future workers accommodation in Beacon.*
- 2. That local community are consulted on their opinions prior to the report being finalised*

Moved Cr HJ Shemeld

Seconded Cr CT Lumsden

Carried 7/0

As a result of Council's resolution a period for public submissions was opened and advertised across the Shire. There were a total of 9 responses, and a summary of those responses is contained in **Attachment 12.1.41b**.

Consideration has also been given to the various options open to the Shire regarding the future of workers accommodation in Beacon. It is respectfully suggested (and supported by the public submissions) that there must be workers accommodation available in Beacon. That accommodation must be available at relatively cheap rates as often workers use them for several weeks at a time.

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After much consideration it is contended that there are really only two valid options open to Council. They are to make a request to the Department of Lands to retain the current Barracks, or build a new facility. The obvious place for a new facility would be between the current Beacon Caravan Park and the Beacon Sport and Recreation Grounds (as per the map at **Attachment 12.1.41c**).

It has been difficult to determine the exact costing for a new site. Much will depend upon whether there is need for an upgrade to the power and water at any new site. After that, clearing costs and the cost of purchasing, delivery and siting of the new accommodation can be roughly calculated. The costings, including an indication of the type of cost expended to set up the Bencubbin Workers Camp are as follows:

Portable Units: \$6000-\$10000 per unit (depending on size)

Transport to Site: \$2000 (smaller) up to \$6000 (larger) per unit

Clearing: Would be done 'in-house' with current labour force to keep costs down

Electrical: Hard to estimate. At Bencubbin around \$90000 was spent, which included \$48000 for Western Power. Perhaps a solar power option could be considered?

Plumbing: At Bencubbin this cost around \$46000

Should Council determine that retaining the Barracks is the preferred option, initial capital outlay would be much reduced. The PTA has recently undertaken removal of the majority of the asbestos on the site. The roof was to have been done if the PTA were retaining the Barracks. An assessment would be required relating to when that work would have to be undertaken.

Consultation:

There has been an opportunity for public comment, along with internal discussion between officers and Council.

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

There will be a cost factor whichever option is chosen by Council. Whilst the initial outlay for a new camp would likely exceed the costs required to be spent on the current Barracks, in the long term it is respectfully suggested that taking on ownership of an ageing asset such as the Barracks would have the potential for much greater costs over the lifetime of the camp.

Risk Assessment:

There is a risk that if neither option is chosen there would not be any worker style accommodation available in Beacon which would be a bad outcome for the Shire.

Community & Strategic Objectives:

Outcome 2.1 Actively support and develop local and new business

2.1.6 Support opportunities for all businesses

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- Outcome 3.2 A sense of place through public infrastructure and facilities*
3.2.3 Develop and maintain sustainable assets and infrastructure
3.2.4 Protect significant heritage buildings and sites

Comment:

Given the comments received during the consultation period, and all of the factors raised within this report, it is recommended a new Workers Accommodation be constructed. If Council decides in favour of this, it will allow officers to obtain full costings from the appropriate experts (electrical, water etc) in order that a costed budget can be approved at a future meeting. It is also recommended that Council allow contact to be made with the PTA to determine the options regarding being able to retain one of the current Barracks rooms, to be preserved and sited elsewhere in the town for historical reasons. This was something that was raised by several of the responses received.

2017/09-15 OFFICER'S RECOMMENDATION'S / COUNCIL DECISION:

That Council:

- 1. resolve that new workers accommodation be constructed in Beacon to replace the Beacon Barracks accommodation;***
- 2. resolve that the new accommodation be sited to the West of the current Beacon Caravan Park;***
- 3. direct the Chief Executive Officer and obtain full costings for the new camp and present them to Council for a budget to be agreed as soon as possible; and***
- 4. direct the Chief Executive Officer to write to Public Transport Authority (WA) and request that one of the existing rooms be retained and gifted to the Shire to be preserved and used as a historical feature for the town.***

Moved Cr SE Faulkner

Seconded Cr CT Lumsden

Carried 5/0

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12.2 Works Supervisor

Agenda item 12.2.6 was considered earlier in the meeting.

12.3 Executive Assistant

12.3.16 Status Report – August 2017

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.16 – Status Report August 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

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

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

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

Comment:

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

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2017/09-16 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the Status Report for August 2017 be received.

Moved Cr HJ Shemeld

Seconded Cr ARC Sachse

Carried 5/0

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12.3.17 Minutes of NEWROC Council Meeting held 22 August 2017

File No:	N/A
Location/Address:	NEWROC District
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.17 – Minutes of NEWROC Council Meeting held 22 August 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

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

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

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

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

Comment:

The Minutes of the NEWROC Council meeting held on 22 August 2017 are submitted (**Attachment 12.3.17**) in order to keep all members abreast of the activities of the NEWROC Council.

The next meeting of the NEWROC Council is scheduled to be held on Tuesday 24 October 2017 at the Shire of Nungarin.

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2017/09-17 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the minutes of the NEWROC Council meeting held on 22 August 2017 be noted.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 5/0

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12.4 Finance and Administration Manager

12.4.25 Statement of Financial Activity to 31 July 2017

File No:	F1/4
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	12.4.25 – Statement of Financial Activity to 31 July 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

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

Consultation:

Nil

Statutory Environment:

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

Relevant Plans and Policy:

Nil

Financial Implications:

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

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

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

Comment:

Nil

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2017/09-18 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council endorse the Statement of Financial Activity for the month ending 31 July 2017.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 5/0

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12.4.26 Statement of Financial Activity to 31 August 2017

File No:	F1/4
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	12.4.26 – Statement of Financial Activity to 31 August 2017
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

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

Consultation:

Nil

Statutory Environment:

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

Relevant Plans and Policy:

Nil

Financial Implications:

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

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

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

Comment:

Nil

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2017/09-19 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council endorse the Statement of Financial Activity for the month ending 31 August 2017.

Moved Cr CT Lumsden

Seconded Cr ARC Sachse

Carried 5/0

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12.4.27 Accounts Paid to 31 August 2017

File No: F1/4
Location/Address: N/A
Name of Applicant: Nil
Name of Owner: N/A
Author: Sandy Wyatt – Administration Officer
Attachments: Nil
Declaration of Interest: Nil
Voting Requirements: Simple Majority
Previously Considered: Nil

Background:

Following is a List of Accounts submitted to Council on Tuesday 19 September 2017 for the Municipal Fund, Trust Fund and Mastercard. Councillor questions regarding any payments can be directed to Finance and Administration Manager, Tanika McLennan, prior to the meeting.

1. Municipal Fund

Chq/EFT	Date	Name	Description	Amount
67	14/08/2017	SYNERGY	UTILITY CHARGES 1.5.17-7.7.17	169.65
68	22/08/2017	TELSTRA	UTILITY CHARGES-AUGUST17	2140.99
69	22/08/2017	SYNERGY	UTILITY CHARGES 14.6.17-16.8.17	10560.90
15	31/08/2017	BANK FEES - BANK FEES	BANK FEES	350.30
EFT12684	14/08/2017	BENCUBBIN COMMUNITY RECREATION COUNCIL	MEETING-AQUATIC CONSULTATION WORKSHOP	20.00
EFT12685	14/08/2017	WESTRAC PTY LTD	JULY SUPPLIES	188.53
EFT12686	14/08/2017	AVON WASTE	RUBBISH COLLECTION-JULY17	5756.01
EFT12687	14/08/2017	BOC GASES	DISSOLVED ACETYLENE G SIZE	152.93
EFT12688	14/08/2017	TWO DOGS HOME HARDWARE	JULY SUPPLIES	209.62

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Chq/EFT	Date	Name	Description	Amount
EFT12689	14/08/2017	CJD EQUIPMENT PTY LTD	JULY SUPPLIES	359.37
EFT12690	14/08/2017	STATE LIBRARY OF WA	ANNUAL FEE-LOST & DAMAGED PUBLIC LIBRARY MATERIALS 2017/18	330.00
EFT12691	14/08/2017	MUKA TYRE MART	TYRE REPAIR	137.00
EFT12692	14/08/2017	GREAT EASTERN COUNTRY ZONE WALGA	ANNUAL SUBSCRIPTION 2017/18	4675.00
EFT12693	14/08/2017	KTY ELECTRICAL SERVICES	REVERSE CYCLE AIR CONDITIONERS	11416.23
EFT12694	14/08/2017	BENCUBBIN NEWS & POST	POSTAGE 24.7.17-28.7.17	11.90
EFT12695	14/08/2017	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	PRINTING-AQUATIC SURVEY	29.50
EFT12696	14/08/2017	BEACON PROGRESS ASSOCIATION INC.	DONATION-BACK TO BEACON WEEKEND	250.00
EFT12697	14/08/2017	BEACON CO-OPERATIVE LTD	BOOKING AGENT FEE-JULY17	718.20
EFT12698	14/08/2017	BENCUBBIN BULK HAULIERS	HIRE OF ROADTRAIN AND OPERATOR	5615.50
EFT12699	14/08/2017	ICS CARPENTRY	JULY REPAIRS	20531.50
EFT12700	14/08/2017	STAR TRACK EXPRESS	FREIGHT-JULY17	110.29
EFT12701	14/08/2017	BENCUBBIN TRUCK N AUTO'S	TYRES	1861.71
EFT12702	14/08/2017	D & D TRANSPORT	FREIGHT-JULY17	59.95
EFT12703	14/08/2017	JR & A HERSEY	JULY SUPPLIES	460.68
EFT12704	14/08/2017	LANDGATE	RURAL UV'S CHARGEABLE	65.50
EFT12705	14/08/2017	CUTTING EDGES EQUIPMENT PARTS	GRADER BLADE	71.36
EFT12706	14/08/2017	BENCUBBIN AG SUPPLIES	JULY SUPPLIES	699.73
EFT12707	14/08/2017	RICOH AUSTRALIA PTY LTD	JULY SUPPLIES	143.00
EFT12708	14/08/2017	REFUEL AUSTRALIA	FUEL-JULY17	31.90
EFT12709	14/08/2017	TUTT BRYANT EQUIPMENT	JULY SUPPLIES	447.47
EFT12710	14/08/2017	GREAT SOUTHERN FUELS	FUEL-JULY17	13550.28
EFT12711	14/08/2017	TRYPHENA JEAN GILLETT	REIMBURSEMENT-CERTIFICATES & TRAINING COURSES-RELIEF DAY CARE	260.55
EFT12712	14/08/2017	KC SALES	CATERING-NEWTRAVEL	491.74
EFT12713	14/08/2017	BENDIGO BANK	JULY SUPPLIES	1314.63
EFT12714	22/08/2017	BOC GASES	GAS CYLINDERS-JUNE17	45.70
EFT12715	22/08/2017	COURIER AUSTRALIA	FREIGHT-AUGUST17	57.60
EFT12716	22/08/2017	DEPARTMENT OF PREMIER AND CABINET	PUBLICATION IN GOVERNMENT GAZETTE	429.60
EFT12717	22/08/2017	BENCUBBIN NEWS & POST	POSTAGE 31.7.17-4.8.17	49.20

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Chq/EFT	Date	Name	Description	Amount
EFT12718	22/08/2017	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	460.00
EFT12719	22/08/2017	AUSTRALIAN TAXATION OFFICE	BAS-JULY17	31332.00
EFT12720	22/08/2017	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	MEMBERSHIP-J.NUTTALL 2017/18	556.00
EFT12721	22/08/2017	STAPLES AUSTRALIA	AUGUST SUPPLIES	207.32
EFT12722	22/08/2017	STAR TRACK EXPRESS	FREIGHT-AUGUST17	128.90
EFT12723	22/08/2017	ALL-WAYS FOODS	AUGUST SUPPLIES	296.52
EFT12724	22/08/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA CONFERENCE 2017-N.GILLETT	12751.04
EFT12725	22/08/2017	ADINA APARTMENT HOTEL	ACCOMMODATION & INCIDENTALS-LG WEEK	6534.50
EFT12726	22/08/2017	5RIVERS PLUMBING AND GAS	AUGUST REPAIRS	2621.66
EFT12727	22/08/2017	OCLC (UK) LTD	ANNUAL AMLIB MAINTENANCE	1927.13
EFT12728	22/08/2017	KUNUNOPPIN MEDICAL PRACTICE	PRE EMPLOYMENT MEDICAL-E.NARDINI	143.00
EFT12729	22/08/2017	NORTHAM CARPETS PTY LTD	VINYL-38 HAMMOND ST	2876.00
EFT12730	22/08/2017	CR WJ BEAGLEY	MEETING FEES & ALLOWANCES 15.8.17	515.18
EFT12731	22/08/2017	WA CONTRACT RANGER SERVICES	RANGER SERVICES 21.7.17 & 2.8.17	701.25
EFT12732	22/08/2017	SUE VOLOCZI	VARIOUS ACCOUNTING SUPPORT	7722.00
EFT12733	22/08/2017	MARKET CREATIONS	AUGUST SUPPLIES	176.00
EFT12734	22/08/2017	CR ARC SACHSE	MEETING FEES & ALLOWANCES	545.18
EFT12735	22/08/2017	CR RM KIRBY	MEETING FEES & ALLOWANCES 26.7.17-15.8.17	3751.80
EFT12736	22/08/2017	CR SE FAULKNER	MEETING FEES & ALLOWANCES 15.8.17	1302.50
EFT12737	22/08/2017	CR HJ SHEMELD	MEETING FEES & ALLOWANCES 26.7.17-15.8.17	579.18
EFT12738	22/08/2017	CALLUM THOMAS LUMSDEN	MEETING FEES & ALLOWANCES 25.7.17-15.8.17	988.18
EFT12739	22/08/2017	WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPY CHARGES	273.24
EFT12740	22/08/2017	SITE ARCHITECTURE	VARIATION FOR DRAWING REVISIONS	22016.50
EFT12741	22/08/2017	CR NICK GILLETT	MEETING FEES & ALLOWANCES 15.8.17	1610.36
EFT12742	22/08/2017	AMANDA JEAN SANDERS	REIMBURSEMENT-UNIFORMS	189.89
EFT12743	22/08/2017	KEYNOTE CONFERENCES	WASTE & RECYCLE 2017 CONFERENCE-P. TOBOSS	1040.00

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Chq/EFT	Date	Name	Description	Amount
EFT12744	22/08/2017	ENVIRONMENTAL HEALTH AUSTRALIA (WESTERN AUSTRALIA) INC	WA CONFERENCE 2017 REGISTRATION-P.TOBOSS	961.66
EFT12745	28/08/2017	WA TREASURY CORPORATION	LOAN NO. 119 INTEREST PAYMENT - LOAN TO BENNYMART - REPAID IN LEASE PAYM	975.84
EFT12746	29/08/2017	SHIRE OF MT MARSHALL	RATES & RUBBISH-SHIRE PROPERTIES	42727.44
EFT12747	29/08/2017	TWO DOGS HOME HARDWARE	AUGUST SUPPLIES	343.64
EFT12748	29/08/2017	CJD EQUIPMENT PTY LTD	AUGUST SUPPLIES	1914.32
EFT12749	29/08/2017	NINGHAN SPRAYING & AG SERVICES	JULY SUPPLIES	487.85
EFT12750	29/08/2017	KTY ELECTRICAL SERVICES	AUGUST REPAIRS	373.23
EFT12751	29/08/2017	BENCUBBIN NEWS & POST	POSTAGE 24.8.17-RATES	306.60
EFT12752	29/08/2017	WA HINO SALES & SERVICE	AUGUST SUPPLIES	96.76
EFT12753	29/08/2017	DEPARTMENT OF FIRE & EMERGENCY SERVICES	ESLB 1ST QTR CONTRIBUTION	11047.50
EFT12754	29/08/2017	ICS CARPENTRY	AUGUST REPAIRS	21424.70
EFT12755	29/08/2017	STAR TRACK EXPRESS	FREIGHT-AUGUST17	85.99
EFT12756	29/08/2017	BENCUBBIN TRUCK N AUTO'S	AUGUST SUPPLIES	28.15
EFT12757	29/08/2017	CLIFF HAINES TYRES	WHEEL ALIGNMENT	80.00
EFT12758	29/08/2017	JR & A HERSEY	AUGUST SUPPLIES	519.00
EFT12759	29/08/2017	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	INTERPRETATION OF LOCAL GOVERN.INDUSTRY AWARD 2010 COURSE-S.WYATT	566.50
EFT12760	29/08/2017	5RIVERS PLUMBING AND GAS	AUGUST REPAIRS	357.50
EFT12761	29/08/2017	NORTHAM CARPETS PTY LTD	CARPET/VINYL-30 ROWLANDS ST BEACON	6372.80
EFT12762	29/08/2017	WA CONTRACT RANGER SERVICES	RANGER SERVICES 11.8.17 & 17.8.17	397.37
EFT12763	29/08/2017	DAIMLER TRUCKS PERTH	AUGUST SUPPLIES	136.16
EFT12764	29/08/2017	RSA SIGNS PTY LTD	SIGNS	674.30
EFT12765	29/08/2017	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-JULY17	95.19
EFT12766	02/08/2017	TONY BUCHERT	RENT-GYM	100.00
EFT12767	09/08/2017	TONY BUCHERT	RENT-GYM	100.00
EFT12768	16/08/2017	TONY BUCHERT	RENT-GYM	100.00
EFT12769	23/08/2017	TONY BUCHERT	RENT-GYM	100.00

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Chq/EFT	Date	Name	Description	Amount
EFT12770	30/08/2017	TONY BUCHERT	RENT-GYM	100.00
DD8838.1	02/08/2017	WALGS PLAN	PAYROLL DEDUCTIONS	6319.63
DD8838.2	02/08/2017	CONCEPT ONE THE INDUSTRY SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	81.69
DD8838.3	02/08/2017	AMP SUPERANNUATION SAVINGS TRUST	SUPERANNUATION CONTRIBUTIONS	217.54
DD8838.4	02/08/2017	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	764.92
DD8838.5	02/08/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD8838.6	02/08/2017	THE NICK & TRYPHENA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	78.39
DD8838.7	02/08/2017	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	187.29
DD8838.8	02/08/2017	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	359.12
DD8838.9	02/08/2017	CARESUPER	SUPERANNUATION CONTRIBUTIONS	163.39
DD8845.1	16/08/2017	WALGS PLAN	PAYROLL DEDUCTIONS	5701.62
DD8845.2	16/08/2017	CONCEPT ONE THE INDUSTRY SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	81.69
DD8845.3	16/08/2017	AMP SUPERANNUATION SAVINGS TRUST	SUPERANNUATION CONTRIBUTIONS	217.54
DD8845.4	16/08/2017	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	874.57
DD8845.5	16/08/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD8845.6	16/08/2017	THE NICK & TRYPHENA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	189.32
DD8845.7	16/08/2017	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	176.50
DD8845.8	16/08/2017	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	265.04
DD8845.9	16/08/2017	CARESUPER	SUPERANNUATION CONTRIBUTIONS	163.39
DD8862.1	30/08/2017	WALGS PLAN	PAYROLL DEDUCTIONS	7538.42
DD8862.2	30/08/2017	CONCEPT ONE THE INDUSTRY SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	81.69
DD8862.3	30/08/2017	AMP SUPERANNUATION SAVINGS TRUST	SUPERANNUATION CONTRIBUTIONS	217.54
DD8862.4	30/08/2017	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	928.32
DD8862.5	30/08/2017	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD8862.6	30/08/2017	THE NICK & TRYPHENA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	189.32
DD8862.7	30/08/2017	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	169.02
DD8862.8	30/08/2017	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	187.29

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Chq/EFT	Date	Name	Description	Amount
DD8862.9	30/08/2017	CARESUPER	SUPERANNUATION CONTRIBUTIONS	163.39
DD8838.10	02/08/2017	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	475.00
DD8845.10	16/08/2017	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	475.00
DD8862.10	30/08/2017	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	475.00
				302,802.70

2. Trust

Chq/left	Date	Name	Description	Amount
EFT12771	31/08/2017	DEPARTMENT OF TRANSPORT	MMSO20170817	6246.15
				6,246.15

3. Mastercard

Details	Amount
Snacks for Council	28.22
Shire ipad-Wikicamps App	7.99
Training-T.Gillett-St.John courses	98.00
Snacks for Council	15.04
Bank fees	4.00
Bank fees	4.00
Vacuum bags	32.45
Tv/dvd-Room 6	226.68
Bank fees	4.00
Air valve	617.88
Vehicle transfer	16.40
Muffler cover & gasket	255.97
Bank fees	4.00
	1,314.63

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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 **19 September 2017**. All invoices, being the subject of payments made, have been duly certified as to the receipt of goods and services, and prices, computations and costings have been checked against the expenditure authority (i.e. budget, purchase order, delegation).

John Nuttall
Chief Executive Officer

Consultation:

Tanika McLennan – Finance and Administration Manager

Statutory Environment:

Financial Management Regulations and the Local Government Act 1995

Relevant Plans and Policy:

Nil

Financial Implications:

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

Risk Assessment:

Nil

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

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

Comment:
Nil

2017/09-20 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the Accounts Listed

<i>Municipal Fund</i>	\$	302,802.70
<i>Trust Fund</i>	\$	6,246.15
<i>Mastercard</i>	\$	<u>1,314.63</u>
<i>Total</i>	\$	310,363.48

Detailed statement provided in Councillor Information.

Be endorsed.

Moved Cr SE Faulkner

Seconded Cr HJ Shemeld

Carried 5/0

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Cr Sachse declared an interest in agenda item 12.4.28 being that the applicant and Cr Sachse have entered joint ownership of property and a water license.

Cr Sachse left the meeting at 5.21pm.

12.4.28 Evans - Request to Write Off Legal Fees

File No:	A6354
Location/Address:	Lot 164 Brown St, Bencubbin
Name of Applicant:	Ian Evans
Name of Owner:	HL Evans (Deceased) D Evans
Author:	Tanika McLennan – Finance Admin Manager
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The 2016/17 Annual Rate notices were issued 9 September 2016 and full payment was due 14 October 2016. Payment of A6354 was not received by the due date and, along with all other assessments which were not paid by the due date, was submitted to AMPAC Debt recovery to be followed up. AMPAC began by issuing a letter of demand and then on 22 November 2016 any rates assessments still outstanding were issued with a General Procedure Claim (GPC). In the case of A6354, the associated legal fees for the GPC were \$833.10.

Payment of the outstanding rates amount was received 24 November 2016. Legal fees remain outstanding.

On 13 September 2017, the following email was received from Mr Ian Evans:

“Good morning Tanika,

As per our telephone conversations I am writing to ask for the legal charges and interest to be removed from the latest rate notice assessment A6354 which is part of the estate of Herbert Evans, deceased, and Dorothy Evans who is in a retirement home aged 95.

The original notice, (2016/2017) was not received and I did not receive any rate notification until after the due date when a letter arrived from the Shire saying the rates were overdue and I paid the rates on the 24/11 /2016.

The collection agency was told the address was Box 33 at the Bencubbin Post Office. As a result we have had no further correspondence with the Shire or the collection agency in the last year and was only aware of the arrears and interest when this years assessment arrived.

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I contacted the collection agency and they confirmed that the address they had been given was the Bencubbin Post Office, Box 33, an address that my parents hadn't used for 25 years and that and I hadn't used for 11 years. The collection agency suggested that the Shire was able to waive the penalty and accrued interest.

It would seem a clerical error has caused this and I ask that the arrears and interest be removed.

Thank you for your assistance.

Ian Evans"

The assessment has had a billing address present since 29 August 2007 and the original rate notice was issued to this address in Cottesloe, Mr Ian Evans' address. A billing address overrides the owner's address and is typically used in lease situations or deceased estates, where the account is being paid by someone other than the owner. Mr Evans is correct in saying that when the debt was referred to AMPAC, the owners address was given rather than his address. The owners, one deceased, one in a nursing home, have not updated their address from PO Box 33, BENCUBBIN.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

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

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

which is owed to the local government.

** Absolute majority required.*

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

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

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6.41. Service of rate notice

- (1) A local government is required to give to —
- (a) the owner of rateable land; and
 - (b) the owner or occupier, as the case requires, of land on which a service charge is imposed,

a rate notice stating the date the rate notice was issued and incorporating or accompanied by the details and particulars prescribed.

- (2) The rate notice is to be given —
- (a) as soon as practicable after —
 - (i) the rate record of the land is completed; or
 - (ii) the rate record of the land is amended, if that amendment results in a change in the amount of rates or service charges payable on that land;
 - or
 - (b) where an election has been made under section 6.45 to pay rates or service charges by instalments, not less than 28 days before each instalment is due.
- (3) Notwithstanding sections 75 and 76 of the *Interpretation Act 1984* service of the rate notice is deemed to have been effected if delivered to the address shown in the rate record for the owner at the time of delivery.

Relevant Plans and Policy:

N/A

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

N/A

Comment:

Although Mr Evans claims to have not received a rate notice until after the due date, 14 October 2016, Shire records confirm that the original notice was posted to his Cottesloe address on 12 September 2016. There was no further correspondence sent from the Shire although Mr Evans claims to have received a letter saying the rates were overdue, this was most likely the demand letter issued by AMPAC.

Given that the rate notice was issued more than 28 days prior to the due date, to the billing addressed supplied and payment was not received until 41 days after the due date, writing off the legal fees cannot be justified.

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2017/09-21 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Mr Ian Evans be advised that legal fees of \$833.10 against Assessment 6354 will not be written off.

Moved Cr HJ Shemeld

Seconded Cr CT Lumsden

Carried 4/0

Cr Sachse re-entered the meeting at 5.22pm.

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12.5 Community Development Officer

Nil

12.6 Regulatory Officer

Nil

12.7 Development

Nil

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

Nil

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

Nil

15.0 Next Meeting – Tuesday 24 October 2017 commencing at 3:00pm in Council Chambers, 80 Monger Street, Bencubbin

16.0 Closure of Meeting

The Presiding Member declared the meeting closed at 5.23pm

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

Date

Cr RM Kirby

President