



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 20 March 2018, in Council Chambers, 80 Monger St, Bencubbin commencing at 3:00pm.

Cr ARC Sachse

President

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intentionally**

DISCLAIMER

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

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

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

John Nuttall
Chief Executive Officer

Chairperson Initial

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12.7.2 **South Western Wireless Application for Development Approval
- Construction of a Storage Shed (Sea Container) Beacon**

13. **Elected Members' Motions of Which Previous Notice Has Been Given**
14. **New Business of an Urgent Nature Introduced by Decision of the Meeting**
15. **Next Meeting – Tuesday 17 April 2018 commencing at 3:00pm at the Beacon
Country Club, Shemeld St, Beacon**
16. **Closure of Meeting**

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held on Tuesday 20 March 2018

1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 3:00pm and welcomed all those present.

2.0 Record of Attendance / Apologies / Approved Leave of Absence

In Attendance

Cr ARC Sachse	President
Cr NR Gillett	Deputy President
Cr RM Kirby	Councillor
Cr SE Faulkner	Councillor
Cr SR Putt	Councillor
Cr LN Gobbart	Councillor
Cr IC Sanders	Councillor
Mr John Nuttall	Chief Executive Officer
Ms Nadine Richmond	Executive Assistant
Ms Tanika McLennan	Finance and Administration Manager

Apologies

Nil

3.0 Standing Orders

2018/2- 001 COUNCIL DECISION:

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

Moved Cr SR Putt

Seconded Cr NR Gillett

Carried 7/0

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4.0 Public Questions

4.1 Response to Public Questions Taken on Notice

Nil

4.2 Public Question Time

The Presiding Member declared Public Question time open and closed at 3.02pm

5.0 Applications for Leave Of Absence

Nil

6.0 Declarations of Interest

Cr IC Sanders declared an impartiality interest in agenda item 12.1.4 being that he is a relative of the item's applicant, Mr Craig Anderson.

7.0 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Meeting held on Monday 12 February 2018

2018/2-002 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Minutes of the Ordinary Meeting of Council held on Monday 12 February 2018 be confirmed as a true and correct record of proceedings.

Moved Cr RM Kirby

Seconded Cr SR Putt

Carried 7/0

8.0 Announcements by Presiding Person Without Discussion

The Shire of Mt Marshall would like to extend our condolences to the family of Michael Hegarty who passed on recently. Michael moved to Western Australia from Ireland in 1952 and took up land near Snake Soak in the early sixties and lived there with his family. He was fiercely committed to being successful; 'make every post a winner' was his familiar saying. Michael was a prodigious worker and had a reputation of impressive strength. He achieved his lifelong dream of becoming a successful farmer before retiring to Perth in 1997.

Michael's funeral was held at Bencubbin on Friday 9th March.

We would like to acknowledge the contribution that Michael and his family have made to our Shire. Rest in Peace.

The Presiding member congratulated the Mt Marshall and Districts Agricultural Society on the successful show held on March 10. The success was a credit to those volunteers involved and thanks everyone for their efforts.

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9.0 Report's of Councillors

9.1 President's Report

Purpose:

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

Comment:

The President represented the Shire at the following meetings and training opportunities from 13th February 2018 to 20th March 2018.

13/02/2018 Local Emergency Management Committee Meeting – Council Chambers with Cr Sanders, CEO John Nuttall, RO Jack Walker and CDO Olivia Granich

15/02/2018 Wheatbelt District Emergency Management Committee Meeting – Northam with RO Jack Walker

22/02/2018 - Kununoppin Health Services Celebration and Staff Thank You. Kununoppin Heath Service Redevelopment

23/02/2018 – Wheatbelt District Management Committee Dowerin with RO Jack Walker. Exercise Working Together.

26/02/2018 – NewTravel Meeting Dowerin with CEO John Nuttall, CDO Olivia Granich and EDO Loren Northover

27/02/2018 – North Eastern Wheatbelt Regional Organisation of Councils Mukinbudin with Cr Gillett, Cr Kirby and CEO John Nuttall. Strategic Planning Meeting AM and February Council Meeting PM

1/03/2018 – Greater Eastern Country Zone Meeting Kellerberrin with CEO John Nuttall

10/03/2018 – Mount Marshall and Districts Agricultural Show

13/03/2018 – Local Action Group – Skeleton Weed Search Program Nungarin with Cr Putt and CEO John Nuttall

19/03/2018 – Rural Water Council Northam. AGM and General Meeting

9.2 Councillors

Cr RM Kirby attended CEACA Executive Committee meetings on 27 February and 8 March 2018.

10.0 Petitions / Deputations / Presentations / Submissions

Nil

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11.0 Reports of Committees

11.1 Mt Marshall Local Emergency Management Committee

11.1.1 Minutes of the Mt Marshall Local Emergency Management Committee Meeting held 13 February 2018

File No:	A6/38
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 Local Emergency Management Committee Meeting held 13 February 2018
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

Nil

Consultation:

Nil

Statutory Environment:

Local Government Act (1995)

Section 5.8: Establishment of Committees

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

Relevant Plans and Policy:

Local Emergency Management Arrangements

Financial Implications:

Nil

Risk Assessment:

Emergency Management is a core responsibility of local government and failure to comply with the legislation would find it in breach of the Local Government Act 1995.

Community & Strategic Objectives:

CIVIC LEADERSHIP – provide accountable and transparent leadership:

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- C1.1 Enhance open and interactive communication between Council and the community
- C1.2 Promote and support community members' participation in the Shires' governance

SOCIAL - Provide services and processes to enhance public safety:

- S 3.1 Support provision of emergency services such as bush fire brigades, ambulance and LEMC

Comment:

The minutes of the Mt Marshall Local Emergency Management Committee meeting held on Tuesday 13 February 2018 are submitted for Council information.

2018/2 – 003 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That the minutes of the Mt Marshall Local Emergency Management Committee meeting held on Tuesday 13 February 2018 be received.

Moved Cr NR Gillett

Seconded Cr SR Putt

Carried 7/0

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11.2 Audit Committee

11.2.1 2017 Compliance Audit Return

File No:	A2/27
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	11.2.1 – 2017 Compliance Audit Return
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

The Local Government (Audit) Regulations 1996 require that the Shire carry out a Compliance Audit Return (CAR) for the period 1 January to 31 December each year, and after carrying out the Audit prepare a compliance audit return in a form approved by the Minister.

The Audit Committee is required to review the annual CAR and report to the Council the results of that review prior to adoption of the CAR by Council. The Audit committee will meet on 20 March 2018 prior to the Ordinary Meeting of Council and review the 2017 CAR.

The CAR is then to be presented to Council for adoption and recorded in the minutes of the meeting at which it is adopted.

The return, once adopted by Council is to be certified by the Shire President and the Chief Executive Officer and forwarded to the Director General of the Department of Local Government and Regional Development.

Consultation:

John Nuttall – Chief Executive Officer

Statutory Environment:

Local Government Act 1995

Local Government (Audit) Regulations 1996

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Failure to fulfil compliance requirements (Statutory and Regulatory)

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Community & Strategic Objectives:

CIVIC LEADERSHIP – Provide efficient and effective management:

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

Comment:

The compliance audit is comprehensive and gives the Council an indication of the Shire's level of compliance with legislative requirements. The audit has been completed by the Chief Executive Officer and the Finance and Administration Manager.

2018/2 – 004 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That the Compliance Audit Return (as attached) for the period from 1 January 2017 to 31 December 2017 be adopted and recorded in the minutes as required by the Local Government (Audit) Regulations 1996.

Moved Cr RM Kirby

Seconded Cr NR Gillett

Carried 7/0

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12.0 Reports of Officers

12.1 Chief Executive Officer

12.1.3 CEACA Constitution

File No:	A5/15
Location/Address:	Mt Marshall District
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.3 – Proposed CEACA Constitution
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Council is aware of the CEACA project, which is due to deliver aged care housing into the eleven communities who are involved in the project, including three units into this Shire. After the change in State Government the funding for this project was in doubt, but over the Christmas break, and after discussions with the Government a large portion of the original funding is still available. The reduction has required some alteration to the project, the exact details of which have not yet been fully communicated to the general membership. There is some understanding by the Chief Executive Officer that one of the outcomes of this reduction is that each Local Government may be expected to fund some of the shortfall, perhaps by undertaking some works (eg landscaping) and waiving fees. There may also be a requirement to contribute more funds to the project.

Further, as required by legislation, there has been a review of the current Constitution, and a proposed amended Constitution has been prepared and distributed. A copy of the proposed Constitution is attached. Whilst the majority of the changes within the document are either minor, or necessary for compliance purposes, there are some proposed changes which require Council to provide direction to the CEACA delegate (Cr Kirby) prior to the issue being voted upon. These are as follows:

Section 10.2 deals with Management Committee Members. New clause 10.2(d)(ii) says that the Chairperson is a (voting) member of the Management Committee. New clause 10.2(i) says the chairperson must not be from a member Shire (currently or for the previous 5 years). The result of this is that an independent chairperson (with no requirement to account to a financially contributing Council and Community) will have a vote. Further section 19.3(c) grants that chairperson a second and casting vote in the event of a tied vote.

Further to the above issues, additional complication arises from the fact that the current chairperson (Mr Graham Lovelock) has resigned with immediate effect. It would

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therefore not currently be possible to comply with the new Constitution as it is currently written.

The Chief Executive Officer raises an amount of concern regarding the Governance and oversight of the organisation recently. A Special Meeting had been called to determine the issue of the Constitution. That meeting was purported to be 'postponed' by the secretary, in conjunction with the Executive Officer, by email a few days prior to the meeting. The Chief Executive Officer immediately raised concerns by response email that such a course of action was against the current Constitution, as it did not comply with the terms that allowed for a meeting to be postponed. No response was received, so a second email had to be sent asking the Executive to intervene. At that point, the day before the scheduled meeting date, the Executive Officer indicated that the meeting was postponed and a new date would be set. No reasons why the Constitution was being breached were provided. Along with the Special Meeting was due to be an Ordinary Meeting at which it had been hoped discussions regarding the future direction of the organisation, the required changes due to the funding reduction and a discussion regarding the best course of action to elect a new chairperson were to be held. This meeting was also postponed, meaning there has not been a meeting of the committee since early November.

Finally, Council themselves are aware of, and raised concern regarding the processes of CEACA shortly before Christmas when we were asked, by email, to support some resolutions of the Executive Committee but the Chair and/or Executive Officer determined that Councillors were not entitled to see much of the information provided which was deemed 'confidential'. This did not enable Councillors to make a response based on all the available information.

Consultation:

There have been discussions with Councillors and with other members of CEACA.

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

There is a risk that if the Constitution as currently presented is adopted that a chairperson with no need to account to any of the local communities who are funding the project can both vote on any item, and have a casting vote should that be necessary.

Community & Strategic Objectives:

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

1.1.2 Support the provision and improvement of emergency services

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

4.3.2 Provide sufficient resources to facilitate effective governance

4.3.3 Ensure compliance with all relevant legislation

Comment:

In line with the information provided in the background section of this document, and informal discussions held prior to the previously set date for the special meeting, the Chief Executive Officer has some concerns regarding the proposed Constitution. It does not appear that there is going to be opportunity to make any changes in advance of the Special Meeting, so the only option that will be left is for the CEACA delegate to vote yes or no.

Given all of the comments above, the current uncertain situation regarding the chairperson, and the risks highlighted, the recommendation at this stage will be to vote against the suggested Constitution.

2018/2 – 005 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That Council, through the CEACA delegate at the Special Meeting on 26 March 2018, vote against adoption of the Constitution as currently presented, based upon the perceived risks presented in Sections 10.2 and 19.3 of the presented Constitution.

Moved Cr RM Kirby

Seconded Cr LN Gobbart

Carried 7/0

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Cr Ian Sanders declared an impartiality interest in item 12.1.4 being that he is related to the item's applicant, Mr Craig Anderson.

12.1.4 Sale of Property – 29 Brown St, Bencubbin

File No:	B3/18
Location/Address:	29 Brown St, Bencubbin
Name of Applicant:	Mr Craig Anderson
Name of Owner:	Shire of Mt Marshall
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.4a – Correspondence from Mr Craig Anderson 12.1.4b – Property Appraisal
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Correspondence has been received from Mr Craig Anderson, offering to purchase the Shire house that he currently resides in at 29 Brown Street, Bencubbin. The offer made is for \$19,000. A copy of that correspondence is at **Attachment 12.1.4a**.

As required by legislation, officers have attempted to obtain an up to date valuation of the property. The only valuation available in an appropriate time frame was one by a local real estate agent who could provide an appraisal. A copy of that appraisal can be found at **Attachment 12.1.4b**.

Consultation:

There has been discussion internally, along with discussions generally with Council regarding current housing stocks. There has also been a valuation undertaken as required by the legislation.

Statutory Environment:

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

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- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Relevant Plans and Policy:

Nil

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Financial Implications:

Given the amount offered as against both the book value and the appraisal, should Council choose to accept this offer it would show as a loss on disposal of the asset. However, Council had resolved to spend around \$45000 in repairs to the property in the current budget. As that work has not yet been undertaken, there would be a saving of that amount against the budget.

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:

Given the understandable wish of Council to be able to turn over their housing stock, the need to be able to fund new properties (especially for Executive Staff Housing), the amount received by the Shire recently for similar property and the saving that would be made against budgeted repairs, it is recommended that Council accept the offer subject to the requirement for local public notice and any submissions received regarding the proposed disposal. This is notwithstanding the fact that the offer is substantially below the valuation amount.

2018/2 -006 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That Council:

- 1. Subject to S3.58 (3) Local Government Act 1995 determine to dispose of the Shire Owned property at 29 Brown Street, Bencubbin;***
- 2. Subject to S3.58 (3) Local Government Act 1995 direct the Chief Executive Officer to give local public notice that it is the intention of the Shire to dispose of 29 Brown Street, Bencubbin for \$19000 subject to any public comment; and***
- 3. Direct the Chief Executive Officer to present any public comments along with a final recommendation relating to disposal of 29 Brown Street Bencubbin, to the April Ordinary Meeting of Council.***

Moved Cr SR Putt

Seconded Cr LN Gobbart

Carried 7/0

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12.1.5 Sale of Property – 27 Rowlands St, Beacon

File No:	B3/2
Location/Address:	27 Rowlands St, Beacon
Name of Applicant:	Mr Jens Dierks
Name of Owner:	Shire of Mt Marshall
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.5a – Correspondence from Mr Jens Dierks 12.1.5b – Property Appraisal
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Correspondence has been received from Mr Jens Dierks, an employee of the Shire, offering to purchase the Shire house that he currently resides in at 27 Rowlands Street, Beacon. The offer made is for \$40,000. A copy of that correspondence is at **Attachment 12.1.5a**.

As required by legislation, officers have attempted to obtain an up to date valuation of the property. The only valuation available in an appropriate time frame was one by a local real estate agent who provided an appraisal. A copy of that appraisal can be found at **Attachment 12.1.5b**.

Consultation:

There has been discussion internally, along with discussions generally with Council regarding current housing stocks. There has also been a valuation undertaken as required by the legislation.

Statutory Environment:

Local Government Act 1995

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

Relevant Plans and Policy:

Nil

Financial Implications:

Given the amount offered as against both the book value and valuation report, should Council choose to accept this offer it would show as a loss on disposal of the asset. However, Council had resolved to spend around \$12000 in repairs to the property in

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the current budget. As that work has not yet been undertaken, there would be a saving of that amount against the budget.

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:

Given the understandable wish of Council to be able to turn over their housing stock, the need to be able to fund new properties (especially for Executive Staff Housing), the amount received by the Shire recently for similar property and the saving that would be made against budgeted repairs, it is recommended that Council accept the offer subject to the requirement for local public notice and any submissions received regarding the proposed disposal. This is notwithstanding the fact that the offer is substantially below the valuation amount.

2018/2 – 007 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That Council:

- 1. Subject to S3.58 (3) Local Government Act 1995 determine to dispose of the Shire Owned property at 27 Rowlands Street, Beacon;***
- 2. Subject to S3.58 (3) Local Government Act 1995 direct the Chief Executive Officer to give local public notice that it is the intention of Council to dispose of 27 Rowlands Street, Beacon for \$40000 subject to any public comment; and***
- 3. Direct the Chief Executive Officer to present any public comments along with a final recommendation relating to disposal of 27 Rowlands Street Beacon, to the April Ordinary Meeting of Council.***

Moved Cr LN Gobbart

Seconded Cr RM Kirby

Carried 7/0

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12.1.6 Local Action Group – Skeleton Weed Search Program

File No:	
Location/Address:	Mt Marshall District
Name of Applicant:	Department of Agriculture
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.6 – Correspondence from Mr Bill Fensome
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Correspondence has been received from Mr Bill Fensome, Chief Executive Officer, Shire of Nungarin. A copy of that correspondence is at **Attachment 12.1.6**. The correspondence contains a request for the Shire to join with other Shires in the area in a Local Action Group (LAG) program for Skeleton Weed search, run (at no cost) by the Department of Agriculture. Should Council accept the proposal, there is a further request to elect a Councillor and a Farmer Representative as members of the Management Committee.

Consultation:

On 13 March 2018 a meeting of the Local Action Group was attended by Shire President Cr Sachse, Cr Putt and the Chief Executive Officer. That meeting ratified the decision of the current LAG to rezone the group to include Mt Marshall and Mukinbudin subject to those Shires accepting the invitation.

Statutory Environment:

Local Government Act 1995

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

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

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

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

* *Absolute majority required.*

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

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

Relevant Plans and Policy:

Nil

Financial Implications:

The correspondence received indicates that this program is at no cost to the Shire and therefore there should be no budget implication if Council resolve to join the program.

Risk Assessment:

There is little risk associated with the Shire joining this program.

Community & Strategic Objectives:

Outcome 3.1 Maintain and improve access and connectivity to our natural assets

3.1.1 Identify vulnerable environments or areas in need of protection

3.1.4 Encourage and support community awareness and participation in environmental projects

Comment:

Given that Skeleton Weed is an issue across the Shires in question, and there is an opportunity presented to be part of a cost free program to target the weed, there would be no obvious reason not to be part of the program. It is therefore recommended that Council agree to join the program and nominate a Councillor to be on the committee.

It was further requested that Council nominate a local farmer to also take a place of the committee. An invitation was extended to Mr Murray Cooper, as it was known that Mr Cooper has been heavily involved in the eradication of this weed (with the assistance of departmental representatives) in and around his own property, and he is a respected member of the local community. Given his experience, contacts within the department and community standing it was felt he would make an appropriate farmer representative.

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2018/2 – 008 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That Council:

- 1. Resolve the Shire should be part of the Local Action Group – Skeleton Weed Search Program, and direct the Chief Executive Officer to confirm the same in writing to the appropriate officers;***

Moved Cr IC Sanders

Seconded Cr SR Putt

Carried 7/0

2018/2 – 009 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

- 2. Subject to Section 5.10 (1) Local Government Act 1995 appoint Cr SR Putt to be the Councillor representative on the Local Action Group – Skeleton Weed Search Program; and***

Moved Cr LN Gobbart
Absolute Majority

Seconded Cr RM Kirby

Carried 7/0

2018/2 – 010 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

- 3. Subject to Section 5.10 (1) Local Government Act 1995 appoint Mr Murray Cooper to be the farmer representative on the Local Action Group – Skeleton Weed Search Program***

Moved Cr IC Sanders
Absolute Majority

Seconded Cr NR Gillett

Carried 7/0

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12.1.7 Refuse and Waste Disposal Services

File No:	AGREEMENTS
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.7 – Excerpts from Current Avon Waste Agreement
Declaration of Interest:	Nil
Voting Requirements:	Recommendations 1 & 2: Simple Majority Recommendation 3: Absolute Majority
Previously Considered:	Nil

Background:

Waste collection within the Shire, both refuse and recycling, is undertaken by Avon Waste under agreement. The current agreement runs from 1 October 2013 to 30 September 2018. Within the agreement there is an option which allows for an extension of the contract for a further three years. That option must be exercised at least 3 months prior to the expiry of the contract.

A copy of relevant clauses from the agreement is attached (**Attachment 12.1.7**).

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

3.1. General function

(1) The general function of a local government is to provide for the good government of persons in its district.

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150, 000 unless sub-regulation (2) states otherwise.

Relevant Plans and Policy:

Nil

Financial Implications:

Given the recent change of policy from China regarding the acceptance of unprocessed recycling material, there is the possibility that Avon Waste may seek to increase the rates for collecting recycled materials. Such a situation would be subject to negotiation,

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and if necessary inspection of their books to determine what would be an appropriate increase if any.

Risk Assessment:

Should Council choose not to extend the current contract, the waste disposal services offered to the community would either have to be put out to tender again, or be brought 'in-house'. There does not currently seem to be a financial incentive to bring waste services in-house. There is a significant cost of going to tender again, and also there must be a consideration of how many tender offers would be likely. Given that Avon Waste service all of the surrounding Shires, the relatively small number of bins to collect, and the size of area to be services, it is respectfully suggested that it is unlikely that there would be any other organisation prepared to tender for the work.

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

4.3.4 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:

Given the current world climate relating particularly to recycled materials, and the impending expiration of the current agreement with Avon Waste, it would appear that now is a good time to start negotiations for waste services. This will allow the administration to budget accordingly for next year.

In all the circumstances outlined above it is strongly recommended that Council resolve to take up the further 3 year option provided for within the contract, and direct the Chief Executive Officer to commence negotiations regarding the financial terms of that option.

2018/2 – 011 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That Council:

- 1. subject to Clause 19.2 of the current Agreement for Refuse and Waste Disposal Services, accept the option to extend the contract by a further three years;***
- 2. Direct the Chief Executive Officer to confirm acceptance of the option in writing to Avon Waste and enter negotiations with Avon Waste regarding collection rates under the extended contract; and***
- 3. subject to those negotiations, endorse a further contract of three years being entered into, and the Common Seal be placed upon that contract***
(Absolute Majority)

Moved Cr RM Kirby

Seconded Cr SE Faulkner

Carried 7/0

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12.1.8 Policy Manual 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:	12.1.8 – Revised Policy and Procedures Manual 2018
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

A Policy & Procedures Manual is a way in which Council are able to guide the decision making of local government officers. It directs officers to know what decision Council would make if they were faced with the same decision.

The Policy Statement at the front of the Policy & Procedures Manual gives the objectives of the Policy & Procedures Manual. It also requires Council to conduct a review of policies each even year.

Consultation:

There has been consultation amongst the staff regarding this item.

Statutory Environment:

Nil

Relevant Plans and Policy:

This is a review of the Policy Manual.

Financial Implications:

There are no financial implications from conducting this review, but many of the policies do have financial implications.

Risk Assessment:

It would present a risk to the Shire to fail to review the policy manual.

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

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Comment:

The Policies & Procedures Manual is due to be reviewed this year. A draft of the manual has been attached to this report. Along with amendments made to some policies, there have been some minor formatting changes.

The suggested amendments, and if appropriate reasoning behind the suggestion, are as follows:

Admin 1.2 – as per the note made, this is not a policy which is budgeted annually, thankfully there does not currently appear to be an issue in the Shire regarding vandalism, and Council should only have policies which are required. For all of those reasons it is suggested to remove this policy.

Admin 1.3 – Community Consultation is a very important issue, and rightly Council has a policy relating to the topic. The suggested amendments are to the table of consultation categories, as it is felt that some of the areas are overstated in the current document.

CS1.1 – item v should be removed, as it has not been expended for the last few years. Given the introduction of the Economic Development Fund it is appropriate to add reference to that fund in this policy.

CS1.2 – the change in this policy is suggested so that it is in line with what actually is done for the off road rally.

CS2.1 – a minor change to reflect Council decisions over the past few years, clarifying the situation.

CS3.2 – changes within this policy are intended to strengthen the application and assessment criteria for the next round of the EDF. The changes will hopefully reflect, and deal with, some concerns and issues raised during the first round of the fund.

C&C1 – there has been a substantial change recommended to this policy. It is hoped that these changes, if adopted, will make the running of Council Meetings, particularly question time, more effective and consistent. If adopted some of this policy will be reproduced in the meeting agenda in the appropriate places for Councillor and public information.

C&C2.2 – minor change of wording proposed, which will allow for an email to the CEO, rather than completion of an Action Request Form.

E&E1.5 – Remove this policy as staff appointments and conditions (excluding the CEO) are a matter for the administration not Council.

E&E1.12 – minor wording change proposed.

E&E2.5 – minor wording change proposed.

R&V2.8 – minor wording change proposed.

S&P1.3 – minor wording change proposed.

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2018/2 – 012 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That Council adopt the revised Policy and Procedures Manual 2018.

Moved Cr LN Gobbart

Seconded Cr NR Gillett

Carried 7/0

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12.2 Works Supervisor

12.2.1 Works Report March 2018

File No:	N/A
Location/Address:	Mt Marshall District
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Allan Monson – 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

Re-sheeting on White Rd of 2.37Km has been completed.

Re-sheeting on Boundary Rd of 3Km is 70 percent completed.

Mukinbudin-Wialki 3.5 Km reconstruction - Shoulders have been widened gravel windrow right through and waiting on the stabiliser machine.

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By 16 March 2018 we will have all the gravel raised for the 17/18 program. Since late January we had to raise 25 thousand m3.



Town Maintenance

Bencubbin town crew have been busy preparing the town and recreation centre for the Mt Marshall Show plus ongoing town maintenance.

Beacon crew have been busy cleaning from storms in the area plus on going town maintenance.



Other Items of Interest

Maintenance graders have been working on all school bus routes plus areas of road damage from storms passing in several areas.

2018/2 – 013 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

That the March report of the Works Supervisor be received.

Moved Cr NR Gillett

Seconded Cr IC Sanders

Carried 7/0

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12.3 Executive Assistant

12.3.4 Status Report – February 2018

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.4 – Status Report February 2018
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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2018/2 – 014 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

The Status Report for February 2018 be received.

Moved Cr RM Kirby

Seconded Cr SR Putt

Carried 7/0

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12.3.5 Minutes of NEWROC Council Meeting held 27 February

File No:	N/A
Location/Address:	NEWROC District
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.5 – Minutes of NEWROC Council Meeting held 27 February 2018
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 27 February 2018 are submitted (**Attachment 12.3.5**) 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 27 March 2018 at the Shire of Nungarin.

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2018/2 – 015 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

The minutes of the NEWROC Council meeting held on 27 February 2018 be noted.

Moved Cr SE Faulkner

Seconded Cr SR Putt

Carried 7/0

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12.4 Finance and Administration Manager

12.4.5 Statement of Financial Activity to 31 January 2018

File No:	F1/4
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	12.4.5 – Statement of Financial Activity to 31 January 2018
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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2018/2 – 016 OFFICER'S RECOMMENDATION/COUNCIL DECISION:

The Statement of Financial Activity for the month ending 31 January 2018 be endorsed.

Moved Cr RM Kirby

Seconded Cr IC Sanders

Carried 7/0

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12.4.6 Statement of Financial Activity to 28 February 2018

File No:	F1/4
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	12.4.6 – Statement of Financial Activity to 28 February 2018
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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2018/2 – 017 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

The Statement of Financial Activity for the month ending 28 February 2018 be endorsed.

Moved Cr NR Gillett

Seconded Cr RM Kirby

Carried 7/0

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12.4.7 Accounts Paid to 28 February 2018

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 20 March 2018 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
96	09/02/2018	WATER CORPORATION	UTILITY CHARGES	136.11
97	09/02/2018	SYNERGY	UTILITY CHARGES 4.11.17-15.1.18	37.05
98	15/02/2018	SHIRE OF MT MARSHALL	CASH PRIZE FOR ANNUAL FOX SHOOT	250.00
99	21/02/2018	TELSTRA	UTILITY CHARGES-FEBRUARY18	1999.07
100	21/02/2018	SYNERGY	UTILITY CHARGES 9.12.17-14.2.18	8340.10
EFT13293	09/02/2018	GERAGHTYS ENG & AUTO ELECTRICS	JANUARY REPAIRS	1894.97
EFT13294	09/02/2018	SHIRE OF MT MARSHALL	NEW HEALTH RECOUP 31.12.17	3050.80
EFT13295	09/02/2018	COURIER AUSTRALIA	FREIGHT-JANUARY18	10.44

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Chq/EFT	Date	Name	Description	Amount
EFT13296	09/02/2018	SHIRE OF MUKINBUDIN	SWIMMING POOL ENTRY -BENCUBBIN & BEACON PRIMARY SCHOOL	1270.50
EFT13297	09/02/2018	NINGHAN SPRAYING & AG SERVICES	JANUARY SUPPLIES	637.83
EFT13298	09/02/2018	SHIRE OF MERREDIN	LIBRARY ACTIVITY PLAN 2017/18	340.00
EFT13299	09/02/2018	KTY ELECTRICAL SERVICES	JANUARY REPAIRS	1196.55
EFT13300	09/02/2018	WHEATBELT SIGNS	UPDATE HONOUR BOARD	121.00
EFT13301	09/02/2018	DEPARTMENT OF PREMIER AND CABINET	PUBLICATION IN GOVERNMENT GAZETTE	187.52
EFT13302	09/02/2018	SHIRE OF TRAYNING	DOCTORS VEHICLE/DOCTORS RENT 26.11.17-30.12.17	2064.59
EFT13303	09/02/2018	BENCUBBIN NEWS & POST	POSTAGE 22.1.18-25.1.18	42.00
EFT13304	09/02/2018	ICS CARPENTRY	JANUARY REPAIRS	233.75
EFT13305	09/02/2018	ALL-WAYS FOODS	JANUARY SUPPLIES	240.22
EFT13306	09/02/2018	PORKY'S ENTERPRISES	HIRE 12T EXCAVATOR	1500.00
EFT13307	09/02/2018	AG IMPLEMENTS	SERVICE JOHN DEERE MOWER	761.83
EFT13308	09/02/2018	D & D TRANSPORT	FREIGHT-JANUARY18	59.95
EFT13309	09/02/2018	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	MEETING PROCEDURES & DEBATING- L.GOBART 9.2.18	1030.00
EFT13310	09/02/2018	SIPPE'S MUKINBUDIN	JANUARY SUPPLIES	183.50
EFT13311	09/02/2018	BENCUBBIN AG SUPPLIES	JANUARY SUPPLIES	1390.08
EFT13312	09/02/2018	5RIVERS PLUMBING AND GAS	JANUARY REPAIRS	1919.99
EFT13313	09/02/2018	BENNY MART	AUSTRALIA DAY SUPPLIES	490.85
EFT13314	09/02/2018	IRIS CONSULTING GROUP PTY LTD	ARCHIVES MANAGEMENT BASICS	575.00
EFT13315	09/02/2018	LOCAL PEST CONTROL	PEST CONTROL	3795.50
EFT13316	09/02/2018	R MUNNS ENGINEERING CONSULTING SERVICES	REFUND OF OVERPAYMENT OF RENT	220.00
EFT13317	09/02/2018	KC SALES	GST MISSED ON INVOICE	100.77
EFT13318	09/02/2018	ANNA MUNNS	AQUATIC CENTRE REIMBURSEMENT SCHEME 2017/18	66.50
EFT13319	09/02/2018	SOUTHERN CROSS AUSTereo PTY LTD	ADVERTISING-JANUARY18	82.50
EFT13320	09/02/2018	WILD ORANGE RETREAT	ECONOMIC DEVELOPMENT FUND	15950.00
EFT13321	09/02/2018	WYALKATCHEM MEDICAL CENTRE	VACCINE (FROM JUNE)	70.00

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Chq/EFT	Date	Name	Description	Amount
EFT13322	16/02/2018	WESTRAC PTY LTD	JANUARY SUPPLIES	923.70
EFT13323	16/02/2018	AVON WASTE	RUBBISH COLLECTION-JANUARY18	5781.11
EFT13324	16/02/2018	BOC GASES	GAS CYLINDERS-JANUARY18	39.34
EFT13325	16/02/2018	CJD EQUIPMENT PTY LTD	JANUARY SUPPLIES	703.31
EFT13326	16/02/2018	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	PHOTOCOPYING	10.50
EFT13327	16/02/2018	WINC AUSTRALIA PTY LTD	JANUARY SUPPLIES	161.67
EFT13328	16/02/2018	PORKY'S ENTERPRISES	DOZER HIRE	825.00
EFT13329	16/02/2018	BENCUBBIN TRUCK N AUTO'S	VOUCHERS	70.00
EFT13330	16/02/2018	PERFECT COMPUTER SOLUTIONS PTY LTD	COMPUTER SERVICES	722.50
EFT13331	16/02/2018	JR & A HERSEY	JANUARY SUPPLIES	626.53
EFT13332	16/02/2018	LANDGATE	RURAL UV'S CHARGEABLE	65.50
EFT13333	16/02/2018	REFUEL AUSTRALIA	FUEL-JANUARY18	183.69
EFT13334	16/02/2018	GREAT SOUTHERN FUELS	FUEL-JANUARY18	10216.03
EFT13335	16/02/2018	AMPAC DEBT RECOVERY PTY LTD	DEBT RECOVERY COSTS	1578.61
EFT13336	16/02/2018	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-JANUARY18	320.01
EFT13337	16/02/2018	MAJOR MOTORS	2017 ISUZU FRR TRUCK	57266.35
EFT13338	16/02/2018	WA CONTRACT RANGER SERVICES	RANGER SERVICES 4.1.18 & 18.1.18	748.00
EFT13339	16/02/2018	PERTH SAFETY PRODUCTS PTY LTD	DECEMBER SUPPLIES	3245.00
EFT13341	14/02/2018	BENDIGO BANK	JANUARY SUPPLIES	1824.70
EFT13342	20/02/2018	DEVLYN CONSTRUCTION	REDEVELOPMENT BENCUBBIN MULTIPURPOSE COMPLEX	141231.22
EFT13343	21/02/2018	COURIER AUSTRALIA	FREIGHT-FEBRUARY18	73.22
EFT13344	21/02/2018	WESFARMERS KLEENHEAT GAS P/L	FACILITY FEE-GAS CYLINDERS	834.90
EFT13345	21/02/2018	NINGHAN SPRAYING & AG SERVICES	FEBRUARY SUPPLIES	959.13
EFT13346	21/02/2018	BENCUBBIN NEWS & POST	POSTAGE 29.1.18-2.2.18	101.40
EFT13347	21/02/2018	AUSTRALIAN TAXATION OFFICE	BAS-JANUARY18	11974.00
EFT13348	21/02/2018	LIONS CLUB OF BENCUBBIN & DISTRICTS	REFUND OF RATES	452.90
EFT13349	21/02/2018	ICS CARPENTRY	FEBRUARY REPAIRS	32170.32
EFT13350	21/02/2018	BENCUBBIN PRIMARY SCHOOL P & C	CATERING-CHRISTMAS FUNCTION	400.00

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Chq/EFT	Date	Name	Description	Amount
EFT13351	21/02/2018	5RIVERS PLUMBING AND GAS	FEBRUARY REPAIRS	642.62
EFT13352	21/02/2018	JACK & SON	HIRE OF CAT LOADER	907.50
EFT13353	21/02/2018	KUNUNOPPIN MEDICAL PRACTICE	PRE EMPLOYMENT MEDICAL-J. PITTS	143.00
EFT13354	21/02/2018	CR IC SANDERS	MEETING FEES & ALLOWANCES 19.12.17-12.2.18	986.36
EFT13355	21/02/2018	MW GRANT	DOZER HIRE	17847.50
EFT13356	21/02/2018	KC SALES	VOUCHERS	152.75
EFT13357	21/02/2018	QC ULTIMATE CLEAN	CARPET CLEANING	346.50
EFT13358	21/02/2018	CR ARC SACHSE	MEETING FEES & ALLOWANCES 12.2.18	1616.90
EFT13359	21/02/2018	CR RM KIRBY	MEETING FEES & ALLOWANCES 12.2.18	653.18
EFT13360	21/02/2018	CR SE FAULKNER	MEETING FEES & ALLOWANCES 12.2.18	575.18
EFT13361	21/02/2018	JOHN NUTTALL	50% REFUND OF REMOVAL COSTS	1567.50
EFT13362	21/02/2018	EMILY MILLAR	AQUATIC CENTRE REIMBURSEMENT SCHEME 2017/18	13.00
EFT13363	21/02/2018	CR NICK GILLETT	MEETING FEES & ALLOWANCES 12.2.18	531.18
EFT13364	21/02/2018	CR STUART PUTT	MEETING FEES & ALLOWANCES 12.2.18	493.18
EFT13365	21/02/2018	CR LEEANNE GOBBART	MEETING FEES & ALLOWANCES 12.2.18	557.18
EFT13366	21/02/2018	DEPARTMENT OF LOCAL GOVERNMENT,SPORT AND CULTURAL INDUSTRIES	RETURN OF UNEXPENDED GRANT MONIES	676.50
EFT13367	21/02/2018	SANTALEUCA FORESTRY	FLORA SURVEY-BEACON CARAVAN PARK	1540.00
EFT13368	21/02/2018	POWERVAC PTY LTD	FEBRUARY SUPPLIES (ACTUALLY FROM DECEMBER)	1732.07
EFT13370	26/02/2018	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-JANUARY18	75.76
EFT13372	07/02/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13373	14/02/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13374	21/02/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13375	28/02/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13376	27/02/2018	WA TREASURY CORPORATION	LOAN NO. 119 INTEREST PAYMENT - LOAN TO BENNYMART - REPAID IN LEASE PAYM	975.84
DD9049.1	14/02/2018	WALGS PLAN	PAYROLL DEDUCTIONS	4632.72

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Chq/EFT	Date	Name	Description	Amount
DD9049.2	14/02/2018	BENDIGO SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	169.02
DD9049.3	14/02/2018	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	179.85
DD9049.4	14/02/2018	THE PIPA SELF MANAGED SUPER FUND	SUPERANNUATION CONTRIBUTIONS	211.48
DD9049.5	14/02/2018	AMP SUPERANNUATION SAVINGS TRUST	SUPERANNUATION CONTRIBUTIONS	217.54
DD9049.6	14/02/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	983.96
DD9049.7	14/02/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD9049.8	14/02/2018	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	190.17
DD9049.9	14/02/2018	TASPLAN	SUPERANNUATION CONTRIBUTIONS	394.44
DD9067.1	28/02/2018	WALGS PLAN	PAYROLL DEDUCTIONS	5144.05
DD9067.2	28/02/2018	BENDIGO SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	169.02
DD9067.3	28/02/2018	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	179.85
DD9067.4	28/02/2018	THE PIPA SELF MANAGED SUPER FUND	SUPERANNUATION CONTRIBUTIONS	189.74
DD9067.5	28/02/2018	AMP SUPERANNUATION SAVINGS TRUST	SUPERANNUATION CONTRIBUTIONS	217.54
DD9067.6	28/02/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	976.14
DD9067.7	28/02/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD9067.8	28/02/2018	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	192.40
DD9067.9	28/02/2018	TASPLAN	SUPERANNUATION CONTRIBUTIONS	175.56
DD9049.10	14/02/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	195.32
DD9049.11	14/02/2018	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	482.31
DD9049.12	14/02/2018	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	343.96
DD9067.10	28/02/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	195.32
DD9067.11	28/02/2018	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	511.54
DD9067.12	28/02/2018	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	153.71
				372,676.43

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2. Trust

Chq/left	Date	Name	Description	Amount
EFT13292	05/02/2018	EMMA NARDINI	REFUND OF HOUSING & PET BOND	340.00
EFT13340	16/02/2018	JACK WALKER	REFUND OF BOND	240.00
EFT13369	22/02/2018	KATHERINE MCARDLE	REFUND OF BOND MONEY	600.00
EFT13371	27/02/2018	BENCUBBIN SPORTS CLUB INC.	INV646 SOCIAL CLUB PURCHASES	260.00
EFT13377	28/02/2018	DEPARTMENT OF TRANSPORT	MMSO20180205	7637.40
				9077.40

3. Mastercard

Details	Amount
Travel cot,sheets,wipes	83.00
Course-Talking with Toddlers	29.00
Course-Babies & Lang & Nuture	49.00
Framing of President Kirby	170.00
Datalogic Barcode Scanner	161.70
Wheatbelt conf.accom.-J.Nuttall	125.00
Wheatbelt conf.accom.-J.Nuttall	125.00
Bank fees	4.00
Bank fees	4.00
Bank fees	4.00
Accomm.D.Beagley-Licensing course	756.00
Gym keys	300.00
Keys Generator shed	10.00
Bank fees	4.00
1824.70	

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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 March 2018**. 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

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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

2018/2 – 018 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That the Accounts Listed

<i>Municipal Fund</i>	\$	<i>372,676.43</i>
<i>Trust Fund</i>	\$	<i>9077.40</i>
<i>Mastercard</i>	\$	<i><u>1824.70</u></i>
<i>Total</i>	\$	<i>383,578.53</i>

Be endorsed.

Moved Cr LN Gobbart

Seconded Cr RM Kirby

Carried 7/0

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12.5 Community Development Officer

Nil

12.6 Regulatory Officer

Nil

12.7 Development

**12.7.1 South Western Wireless Application for Development Approval -
Construction of a Storage Shed (Sea Container) Welbungin**

File No:	TP1/1
Location/Address:	Lot 2096 Aitken – Koonkoobing Road, Welbungin
Name of Applicant:	South Western Wireless WA
Name of Owner:	Phillip Aitken
Author:	Peter Toboss – Principal Environmental Health Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The Shire of Mt Marshall has received an application for Planning approval from South Western Wireless WA for the construction of a storage shed incorporating a sea container adjacent to the existing 30m tower on Lot 2096 Aitken – Koonkoobing Road, Welbungin to provide telecommunications services (e.g. wireless internet) in the surrounding area.

Consultation:

Chief Executive Officer, John Nuttall

Statutory Environment:

Compliance with the Shire of Mt Marshall Local Planning Scheme No.3

Relevant Plans and Policy:

This proposal does not contain any notable policy implications.

Financial Implications:

This proposal does not contain any notable financial implications.

Risk Assessment:

Nil

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Community & Strategic Objectives:

Meets with the strategic goals of the Shire of Mt Marshall Local Planning Strategy

Comment:

The proposed storage shed will be located adjacent to the existing 30m tower on Lot 2096 Aitken – Koonkoobing Road, Welbungin which is zoned “Rural” in accordance with the Shire of Mt Marshall Local Planning Scheme No. 3.



The Shire has a local planning policy in place which controls movable buildings (including sea containers) and which requires that an application for planning consent be lodged for Council approval.

Whilst sea containers under Council’s policy on movable buildings are not permitted in residential areas, they can be permitted in other (non-residential) zoned areas.

Council’s Local Planning Policy No.1 – Moveable Buildings, states as follows:

“The Shire may give special consideration for the use of ‘containers’ outside the townsite areas. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘containers’ will not detract from the amenity of the locality.”

In this case the lot is zoned ‘Rural’, the size of the lot in question and that of the surrounding lots as well as the presence of a natural vegetation belt to the either sides of the proposed location of the storage shed will limit its impact on the visual amenity of the surrounding area.

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The objectives of Council's Local Planning Policy No.1 – Moveable Buildings, are as follows:

- a) to maintain high amenity standards of buildings, especially within the residential areas in the townsites of the Shire;
- b) to ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality;
- c) to ensure that moveable buildings, established within the Shire, do not use materials considered by Council to be unacceptable (e.g. Asbestos);
- d) to avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other businesses or company activities, in inappropriate areas;
- e) to prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the townsites; and
- f) to protect the visual amenity of the urban environment by not permitting the establishment, storage or use of 'containers' within the non-residential areas of the townsite.

The proposed development does not contravene any of the objectives of the Shire policy on moveable buildings.

OFFICER RECOMMENDATION:

Planning approval be granted for the construction of a storage shed incorporating a sea container adjacent to the existing 30m tower on Lot 2096 Aitken – Koonkoobing Road, Welbungin with the following conditions:

- a) *the proposed development will be classified as a Class 10A structure (non-habitable building - shed) under the National Construction Codes (BCA). The construction of Class 10A structures outside of town site boundaries within the Shire of Mt Marshall does not require a building permit, however, it is the responsibility of the applicant to ensure that the proposed structure complies with all structural requirements specified by the relevant Australian Standards;*
- b) *the proposed storage shed may only be used for storage purposes and must not be used for habitation at any time.*

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2018/2 – 019 COUNCIL DECISION:

Planning approval be granted for the construction of a storage shed incorporating a sea container adjacent to the existing 30m tower on Location 2096 Aitken – Koonkoobing Road, Welbungin with the following conditions:

- a) the proposed development will be classified as a Class 10A structure (non-habitable building - shed) under the National Construction Codes (BCA). The construction of Class 10A structures outside of town site boundaries within the Shire of Mt Marshall does not require a building permit, however, it is the responsibility of the applicant to ensure that the proposed structure complies with all structural requirements specified by the relevant Australian Standards;***
- b) the proposed storage shed may only be used for storage purposes and must not be used for habitation at any time.***

Moved Cr RM Kirby

Seconded Cr SE Faulkner

Carried 7/0

Reason Council decision is different to officer's recommendation: To amend the incorrect address originally published in the officer's recommendation.

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12.7.2 South Western Wireless Application for Development Approval - Construction of a Storage Shed (Sea Container) Beacon

File No:	TP1/1
Location/Address:	Lot 108601 Burakin – Wialki Road, Beacon
Name of Applicant:	South Western Wireless WA
Name of Owner:	Ryan Miguel
Author:	Peter Toboss – Principal Environmental Health Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The Shire of Mt Marshall has received an application for development approval from South Western Wireless WA for the construction of a storage shed incorporating a 6m sea container and 9m Telecommunication mast on Lot 108601 Burakin – Wialki Road, Beacon to provide telecommunications services (e.g. wireless internet) in the surrounding area.

Consultation:

Chief Executive Officer, John Nuttall

Statutory Environment:

Compliance with the Shire of Mt Marshall Local Planning Scheme No.3

Relevant Plans and Policy:

This proposal does not contain any notable policy implications.

Financial Implications:

This proposal does not contain any notable financial implications.

Risk Assessment:

Nil

Community & Strategic Objectives:

Meets with the Strategic goals of the Shire of Mt Marshall Local Planning Strategy

Comment:

The proposed storage shed will be located on Lot 108601 Burakin – Wialki Road, Beacon which is zoned “Rural” in accordance with the Shire of Mt Marshall Local Planning Scheme No. 3.

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Location of the Repeater

The Shire has a local planning policy in place which controls movable buildings (including sea containers) and which requires that an application for planning consent be lodged for Council approval.

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council's Local Planning Policy No.1 – Moveable Buildings, states as follows:
"The Shire may give special consideration for the use of 'containers' outside the townsite areas. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these 'containers' will not detract from the amenity of the locality."

In this case the lot is zoned 'Rural', the size of the lot in question and that of the surrounding lots as well as the presence of a natural vegetation belt to the either sides of the proposed

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location of the storage shed will limit its impact on the visual amenity of the surrounding area.

The objectives of Council's Local Planning Policy No.1 – Moveable Buildings, are as follows:

- a) to maintain high amenity standards of buildings, especially within the residential areas in the townsites of the Shire;
- b) to ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality;
- c) to ensure that moveable buildings, established within the Shire, do not use materials considered by Council to be unacceptable (e.g. Asbestos);
- d) to avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other businesses or company activities, in inappropriate areas;
- e) to prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the townsites; and
- f) to protect the visual amenity of the urban environment by not permitting the establishment, storage or use of 'containers' within the non-residential areas of the townsite.

The proposed development does not contravene any of the objectives of the Shire policy on moveable buildings.



Example of Proposed Structure

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OFFICER'S RECOMMENDATION:

Planning approval be granted for the construction of a storage shed incorporating a 6m sea container and 9m Telecommunication mast on Lot 108601 Burakin – Wialki Road, Beacon with the following conditions:

- a) the proposed development will be classified as a Class 10A structure (non-habitable building - shed) under the National Construction Codes (BCA). The construction of Class 10A structures outside of town site boundaries within the Shire of Mt Marshall does not require a building permit, however, it is the responsibility of the applicant to ensure that the proposed structure complies with all structural requirements specified by the relevant Australian Standards;*
- b) the proposed storage shed may only be used for storage purposes and must not be used for habitation at any time.*

2018/2 – 020 COUNCIL DECISION:

Planning approval be granted for the construction of a storage shed incorporating a 6m sea container and 9m Telecommunication mast on Location 3151 Burakin – Wialki Road, Beacon with the following conditions:

- a) the proposed development will be classified as a Class 10A structure (non-habitable building - shed) under the National Construction Codes (BCA). The construction of Class 10A structures outside of town site boundaries within the Shire of Mt Marshall does not require a building permit, however, it is the responsibility of the applicant to ensure that the proposed structure complies with all structural requirements specified by the relevant Australian Standards;***
- b) the proposed storage shed may only be used for storage purposes and must not be used for habitation at any time.***

Moved Cr RM Kirby

Seconded Cr IC Sanders

Carried 7/0

Reason Council decision is different to officer's recommendation: To amend the incorrect address originally published in the officer's recommendation.

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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

2018/2 – 021 COUNCIL DECISION:

That the late item 14.1 be considered as presented.

Moved Cr RM Kirby

Seconded Cr NR Gillett

Carried 7/0

14.1 LATE ITEM - Road Budget Review 2017/18

File No:	F1/3
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Tanika McLennan – Finance and Administration Manager
Attachments:	14.1 - 7.5 Month Review of Mt Marshall 2017- 2018 Road Program
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

The Local Government Act 1995 requires a local government to prepare a review of the Approved Budget each year for consideration by Council.

The purpose of this review is to ensure the Shire is on track to achieve the objectives outlined in the adopted budget and to make any adjustments as required as a result of actual events unfolding.

Consultation:

John Nuttall – Chief Executive Officer
Jack Walker – Regulatory Officer
Rod Munns – Consultant Engineer

Statutory Environment:

Local Govt. Act 1995 section 6.2 and Financial Management Regulations 33A

33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

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- (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
*Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Relevant Plans and Policy:

Nil

Financial Implications:

Own source expenditure increase of \$62,477

Risk Assessment:

Breach of Local Govt. Act 1995 section 6.2 and Financial Management Regulations 33A

Community & Strategic Objectives:

Nil

Comment:

The six monthly budget review was presented to the February ordinary meeting of Council.

A seven month review of the roadworks budget has now been conducted and is attached at 14.1. A number of Roads to Recovery and Shire funded jobs have come in under budget and as a result an additional road job has been proposed to utilise this funding. An error in the calculation of funds to be received this year from Roads to Recovery occurred in the original budget, with the amount being over stated by \$233,275. \$170,798 of this amount should have appeared in the carry over tied funding as it had in fact already been received in 2016/17. The review corrects this error. In order to meet the Roads to Recovery reference amount an additional \$62,477 of own source expenditure is required and this amount has been factored into the review. This amount will contribute to a deficit at year end although it is prudent to note that items 12.1.4 and 12.1.5 in this agenda, identify savings which will offset this amount.

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2018/2 – 022 OFFICER’S RECOMMENDATION/COUNCIL DECISION:

That:

- 1. the 7.5 month road budget review be received; and***
- 2. the following roadworks job be approved, utilising funds saved on Roads to Recovery and Council funded jobs to date:***

R2R031 Mouroubra Road

\$26,198

***Moved Cr LN Gobbart
Absolute Majority***

Seconded Cr RM Kirby

Carried 7/0

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15.0 Next Meeting – Tuesday 17 April 2018 commencing at 3:00pm at the Beacon Country Club, Shemeld St, Beacon

16.0 Closure of Meeting

The Presiding Member declared the meeting closed at 3.46pm.

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

Date

Cr ARC Sachse President