



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 15 May 2018, in Council Chambers, Monger St, Bencubbin commencing at 6:45pm.

Cr ARC Sachse

President

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intentionally**

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John Nuttall
Chief Executive Officer

Chairperson Initial

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15. **Next Meeting – Tuesday 19 June 2018 commencing at 3:00pm at the Beacon Country Club, Shemeld Street, Beacon**
16. **Closure of Meeting**

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1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member declared the meeting open at 6:45pm 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 LN Gobbart	Councillor
Cr SR Putt	Councillor

Mr John Nuttall	Chief Executive Officer	
Ms Nadine Richmond	Executive Assistant	6.46 – 6.46, 6.46 – 7.47pm
Ms Tanika McLennan	Finance and Administration Manager	

Apologies

Cr IC Sanders	Councillor
Mrs Tanya Gibson	Member of the Public

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Ms Nadine Richmond left Council Chambers at 6.46pm.

Ms Nadine Richmond entered Council Chambers at 6.46pm.

3.0 Standing Orders

2018/4- 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 RM Kirby

Seconded Cr LN Gobbart

Carried 6/0

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 6.47pm

5.0 Applications for Leave Of Absence

Nil

6.0 Declarations of Interest

Nil

7.0 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Meeting held on Tuesday 17 April 2018

2018/4-002 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 17 April 2018 be confirmed as a true and correct record of proceedings.

Moved Cr LN Gobbart

Seconded Cr SE Faulkner

Carried 6/0

8.0 Announcements by Presiding Person Without Discussion

The Shire of Mt Marshall would like to extend our condolences to the family of John Alfred (Jack) Shipway who passed away on 3rd May 2018, aged 93 years. Jack grew

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up and farmed in Beacon. He was a great contributor to the Beacon community including the establishment of the Beacon Country Club. Rest in Peace.

The Shire of Mt Marshall would like to extend our condolences to the family of Thurza Eva Sachse who passed away on 2nd May 2018, aged 90 years. Thurza lived and farmed in Bencubbin from 1956 to 1985 before moving to Perth. Rest in Peace.

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 18th April 2018 to 15th May 2018.

18/04/2018 - WALGA Webinar "Presiding Over Meetings"

20/04/2018 - Wheatbelt CRC Meeting, Narambeen, run by Wheatbelt Business Network and the Shire of Narambeen, with Cr Gobbart, Nancy Dease (Beacon CRC) and Sharon Kett (Bencubbin CRC).

24/04/18 - North Eastern Wheatbelt Regional Organisation of Councils (NEWROC) Meeting, Nungarin with CEO John Nuttall

25/04/2018 – Anzac Day Service, Bencubbin with CEO John Nuttall

26/04/18 - Great Eastern Country Zone Meeting, Merredin with CEO John Nuttall

02/05/2018 - Central East Aged Care Alliance Inc (CEACA) Special Meeting, Kellerberrin with Cr Kirby and CEO John Nuttall.

Forum with Minister for Department of Primary Industries and Regional Development, Department of Communities and the Department of Jobs, Tourism, Science and Innovation, the Hon Alannah MacTiernan MLC, in Northam with CEO John Nuttall

03/05/18 - Corporate Information Session Council Chambers with Deputy President Cr Gillett, Cr Faulkner, Cr Gobbart, Cr Kirby, Cr Putt, Cr Sanders, CEO John Nuttall, CDO Olivia Granich

14/05/18 - Wheatbelt CRC Meeting, Narambeen, run by Wheatbelt Business Network and the Shire of Narambeen, with Nancy Dease and Jenni Bunce (Beacon CRC), Sharon Kett and Rebecca Watson (Bencubbin CRC), and CEO John Nuttall.

9.2 Councillors

Cr SE Faulkner attended the WNESRRG meeting via teleconference on 30/04/2018.

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Cr RM Kirby attended the following:
25/04/2018 – Anzac Day Service, Beacon
10/05/2018 - CEACA Executive Committee Meeting

10.0 Petitions / Deputations / Presentations / Submissions

On behalf of Council Deputy President, Cr NR Gillett passed on condolences to Presiding Member Cr ARC Sachse, wife Margo and family on the passing of Cr Sachse's mother Thurza Eva Sachse. Thurza was a highly respected member of the Bencubbin community being heavily involved in CWA as President and being active in local sporting clubs and the Sacred Heart Church. Our thoughts are with Tony at this time.

11.0 Reports of Committees

Nil

12.0 Reports of Officers

12.1 Chief Executive Officer

12.1.16 Telecommunications Outages Across the North East Wheatbelt

File No:	A6/22
Location/Address:	Multiple
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:

The following extract is taken from the most recent WALGA Great Eastern Country Zone Meeting:

At the Great Eastern Country Zone Executive Committee Meeting held Tuesday 17 April 2018 Cr Sachse, President Shire of Mt Marshall, raised the issue of the storms experienced in the region on Good Friday 2018 and the resultant power and telecommunication outages experienced across the region as a result of the storm event.

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Cr Sachse explained that within his own Shire (Mt Marshall) there was a complete communications failure, both landline and mobile phones, across the entire Shire. This is an issue that has affected Councils within the Zone previously.

The Shire has raised the matter with the Wheatbelt DEMC and whilst the issue is one that is largely related to Telstra it believes the matter needs further consideration.

As a result the item was discussed at length, as of course many of the zone members had been adversely affected, particularly by the Easter Weekend outages. A motion was passed at the meeting in the following terms:

That WALGA should be approached to provide representation regarding the highlighted telecommunication issues.

This item requests Council to receive and endorse the motion moved at the zone meeting, and also to consider what other proactive measures can be taken in relation to these ongoing issues.

Consultation:

Cr Sachse is the Shire zone delegate.

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

There are no direct financial implications as a result of this report, but the outages could cause significant financial loss to the Shire and local businesses.

Risk Assessment:

Nil

Community & Strategic Objectives:

Outcome 1.1 Facilities/services that enhance the public safety in the district.

1.1.1 Facilitate engagement between government agencies, service providers and the Community.

1.1.2 Support the provision and improvement of emergency services

1.1.4 Advocate for the provision and improvement of a district wide high level communications network

Comment:

Clearly this is a serious issue which affects not only our Shire, but also surrounding Shires. There is a serious risk of medical emergencies going unreported during these outages, along with the general disruption to community life during those times. Of extreme concern in recent events has been the loss of both mobile and landline telecommunications – for several days in some parts of the Shire.

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Given all of the above the issue has been raised by Mt Marshall and others at Emergency Management Meetings, Zone meetings and the like. To date there has been no indication from Telstra that they are prepared to commit the funds required to provide solutions, such as through longer lasting batteries, solar or generator back-up solutions.

2018/4-003 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Receive and endorse the WALGA Zone resolution documented above; and***
- 2. Direct the Chief Executive Officer to write to Telstra, the State and Federal Ministers for Communications and any other appropriate persons or organisations highlighting the telecommunications issues being faced by the community***

Moved Cr SE Faulkner

Seconded Cr SR Putt

Carried 6/0

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12.1.17 Delegation Register Review 2018

File No:	A2/23
Location/Address:	Monger St, Bencubbin
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	12.1.17a – Proposed Delegation Register 2018 12.1.17b – Sub Delegation Register 2018
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

Council is required, subject to Local Government Act 1995 Section 5.46(2), to review annually the register of delegations. The review was last undertaken in May 2017, and is now due to comply with legislation. A thorough review of the delegation register was undertaken in 2017 where several amendments were made. There were several reasons for these changes, which included:

- Legislation not authorising delegation or sub-delegation
- Incorrect legislation previously referenced
- Delegation not required (eg. Because it is an operational issue)

This report provides Council with an updated delegations register (**Attachment 12.1.17a**) for endorsing, and sub-delegation register for noting (**Attachment 12.1.17b**).

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

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

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Relevant Plans and Policy:

Whilst there is no direct policy, there is a register maintained as required by legislation.

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Financial Implications:

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

Risk Assessment:

Should Council fail to review the delegation register as required by the Local Government Act, a breach of the act would be noted by the Auditors.

Community & Strategic Objectives:

CIVIC LEADERSHIP - Provide efficient and effective management

C 3.2 Enhance the capacity and effectiveness of administrative processes

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

Comment:

Due to the thorough review of the register last year there are no amendments recommended to the delegation register in this review. There are some minor amendments to the sub-delegation register updating staff changes and an increase in the amount the Regulatory Officer can write a purchase order out for, from \$2,500 to \$5,000. Council are not required to endorse the sub-delegation register, however it is attached for noting.

Council are of course free to consider the delegations presented, and accept, reject or amend as deemed appropriate. In order for Council to make an informed decision, below is some background and explanation regarding delegations:

Delegations are the means by which decision making bodies can access the power to undertake certain statutory functions. A delegation is the conferral of the ability to exercise a power or duty under legislation, to a person or committee from a local authority that is vested with the responsibility to exercise that power or duty. When a person exercises delegated authority they do so 'on behalf' of the delegator, and in doing so the person exercising delegated authority makes the decision 'on behalf' of the delegator.

Local Government Guideline No17 – Delegations says that a decision to delegate a power or duty should be made only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. The principal consideration is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

Accordingly, it is respectfully suggested that the delegation register as presented to Council with this report meet the guidelines above, and it is recommended that it be endorsed.

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2018/4-004 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That subject to S5.46 Local Government Act 1995, Council endorse the Delegation Register as attached at Attachment 12.1.17a and note the Sub-Delegation Register as attached at Attachment 12.1.17b.

Moved Cr LN Gobbart

Seconded Cr SR Putt

***Carried 6/0
Absolute Majority***

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12.1.18 Harvest Mass Management Scheme

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Main Roads WA
Name of Owner:	N/A
Author:	John Nuttall, Chief Executive Officer
Attachments:	12.1.18a – Government Gazette Excerpt 12.1.18b – HMMS Slide Show
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

At a recent WALGA Great Eastern Country Zone Meeting, attended by Shire President Cr Sachse, and the Chief Executive Officer, a short presentation was made to the group by Main Roads WA (MRWA). The purpose of this scheme was to highlight the legislation relating to the Harvest Mass Management Scheme. It was acknowledged by MRWA that in previous years, although the legislation has been in place, there had been misunderstanding and misinformation relating to perceived exemptions. Indeed, it was suggested that even within MRWA there had been a belief that there were some exemptions to the scheme relating to the need for pilots etc. MRWA further commented that it has been through discussion with the State Solicitors Office that it has been confirmed that the legislation and requirements (part of which are attached along with the slides from the MRWA presentation, as provided by MRWA at the zone meeting) are in force and apply to all. This information is provided by way of report simply in an effort to ensure that the community have the information which was provided at the zone meeting.

Consultation:

Nil

Statutory Environment:

This report relates to Road Traffic (vehicles) Act 2012 and the Road Traffic (vehicles) Regulations 2014.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil for the Shire

Risk Assessment:

Nil in the provision of this information.

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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:

The information, by way of slides from a presentation and a copy of the relevant legislation are provided by way of provision of information for Councillors and the Community.

2018/4-005 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council receives the information provided by Main Roads WA relating to the Harvest Mass Management Scheme.

Moved Cr SE Faulkner

Seconded Cr NR Gillett

Carried 6/0

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12.1.19 WALGA Quarterly Report

File No:	N/A
Location/Address:	N/A
Name of Applicant:	WALGA
Name of Owner:	Shire of Mt Marshall
Author:	John Nuttall, Chief Executive Officer
Attachments:	12.1.19 – WALGA Quarterly Report
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

WALGA produce every quarter a personalised document for each Council relating to services that they have provided to that Council in the last quarter. This document is provided to the Chief Executive Officer, with a request that it is formally presented to Council. Accordingly, attached to this item is a copy of the most recent quarterly report.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil, but WALGA request that the whole Council receives a copy of the document each time it is produced.

Community & Strategic Objectives:

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

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

Comment:

WALGA will provide an information each quarter detailing which of their services have been utilised in the previous quarter.

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2018/4-006 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council receive the attached WALGA quarterly report, relating to quarter 1 2018

Moved Cr RM Kirby

Seconded Cr SE Faulkner

Carried 6/0

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12.2 Works Supervisor

12.2.3 Works Report May 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

3.5km of the Wialki-Mukinbudin Road has been sealed with installation of guide posts to follow.

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Lindsay St in Beacon has had a floodway installed. Street widening and sealing has taken place.

Bimbijy Road has had two sections of stabilization sealed.

The entrance to the Beacon recreation complex has been widened and sealed with kerbing to follow.

The roads crew are working on 3.6km of re-sheeting on Scotsman road with 50% completed.

Maintenance Grader driver Jens Dierks is working on road shoulders between Beacon and Wialki.

Ralph English and Bill Reid are grading on the West side of the Shire as maintenance of these roads is falling behind.

Town Maintenance

Maintenance is ongoing in both Beacon and Bencubbin.

Beacon Central car park has been sealed.

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Plant

Jens Dierks will be getting the new grader when it arrives so the grader he was using has been allocated to Bill Reid. Jens will use the trade in grader until the new grader arrives.

Other Items of Interest

We have welcomed two new employees this month being Max Gibbs in the role of Parks and Gardens Officer and Kylie Braddon is employed in the role of Plant Operator.

2018/4-007 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the May 2018 report of the Works Supervisor be received.

Moved Cr SR Putt

Seconded Cr SE Faulkner

Carried 6/0

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12.3 Executive Assistant

12.3.8 Status Report – April 2018

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.8 – Status Report April 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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2018/4-008 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Status Report for April 2018 be received.

Moved Cr LN Gobbart

Seconded Cr NR Gillett

Carried 6/0

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2018/4-009 COUNCIL DECISION:

That agenda item 12.3.9 be lifted from the table for consideration.

Moved Cr RM Kirby

Seconded Cr NR Gillett

Carried 6/0

12.3.9 Council and Committee Meetings 2018/19

File No:	A2/13
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.9 – Notice of Meeting Dates 2018/19
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Ordinary Meetings of Council are typically held on the third Tuesday afternoon of each month commencing at 3:00pm. In the past the May and November meetings have been held in the evenings. As far as the author's memory serves the main reason behind the late meetings was so that the Council meeting would not interrupt the harvesting or seeding activities of Elected Members.

The Shire is required to provide local public notice, at least once each year, of its meetings and those of its committees in accordance with *the Local Government Act 1995*, s1.7 (2)(a)(b).

Consultation:

Nil

Statutory Environment:

Local Government Act 1995,
Section 1.7 - Local Public Notice (1)(a)(b)(c) and (2)(a)(b)

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

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Community & Strategic Objectives:

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

Comment:

Three meetings were held in Beacon last year and have been recommended again.

A change to the commencement times of the meetings has been recommended, being that the two meetings previously held at 6.45pm be held at 3pm.

It is the understanding of the author that the majority of farmers do not carry out harvesting and seeding activities during daylight hours only and are more often than not operating 24 hours a day. This suggests that the ordinary meeting would interrupt harvesting or seeding activities regardless of what time it is held.

Meetings starting at 6.45pm do significantly extend staff work days.

The date of the February meeting is quite often amended to meet statutory requirements whereby Council are required to endorse the Annual Report within 2 months of the annual financials being accepted. In recent years the financials have typically been presented at the December meeting. For this reason it is recommended to schedule the February meeting on the second Tuesday of the month to ensure the time frame requirements are satisfied.

Dates and commencement times for the remainder of Council's committees are yet to be scheduled and public notice will be provided once dates are set.

OFFICER'S RECOMMENDATION:

That the attached notice specifying the following meeting dates for 2018/19:

<i>17 July 2018</i>	<i>Recess – January 2019</i>
<i>21 August 2018</i>	<i>12 February 2019</i>
<i>18 September 2018</i>	<i>19 March 2019</i>
<i>16 October 2018</i>	<i>16 April 2019</i>
<i>20 November 2018</i>	<i>21 May 2019</i>
<i>18 December 2018</i>	<i>18 June 2019</i>

be approved for advertisement in the Gimlet Newspaper, the Beacon Bulletin, Shire notice boards, and the Shire's website and social media sites.

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COUNCILLOR MOTION:

That a notice specifying the following meeting dates and times for 2018/19:

17 July 2018	at 3pm	Council Chambers, Bencubbin
21 August 2018	at 4pm	Beacon Country Club
18 September 2018	at 3pm	Council Chambers, Bencubbin
16 October 2018	at 6pm	Council Chambers, Bencubbin
20 November 2018	at 4pm	Beacon Country Club
18 December 2018	at 3pm	Council Chambers, Bencubbin
Recess – January 2019		
12 February 2019	at 3pm	Council Chambers, Bencubbin
19 March 2019	at 6pm	Council Chambers, Bencubbin
16 April 2019	at 4pm	Beacon Country Club
21 May 2019	at 3pm	Council Chambers, Bencubbin
18 June 2019	at 3pm	Council Chambers, Bencubbin

be approved for advertisement in the Gimlet Newspaper, the Beacon Bulletin, Shire notice boards, and the Shire's website and social media sites.

Moved Cr RM Kirby

Seconded Cr SR Putt

Lost 1/5

2018/4-010 FORESHADOWED MOTION / COUNCILLOR DECISION:

That a notice specifying the following meeting dates and times for 2018/19:

17 July 2018	at 3pm	Council Chambers, Bencubbin
21 August 2018	at 4pm	Beacon Country Club
18 September 2018	at 3pm	Council Chambers, Bencubbin
16 October 2018	at 3pm	Council Chambers, Bencubbin
20 November 2018	at 4pm	Beacon Country Club
18 December 2018	at 3pm	Council Chambers, Bencubbin
Recess – January 2019		
12 February 2019	at 3pm	Council Chambers, Bencubbin
19 March 2019	at 3pm	Council Chambers, Bencubbin
16 April 2019	at 4pm	Beacon Country Club
21 May 2019	at 3pm	Council Chambers, Bencubbin
18 June 2019	at 3pm	Council Chambers, Bencubbin

be approved for advertisement in the Gimlet Newspaper, the Beacon Bulletin, Shire notice boards, and the Shire's website and social media sites.

Moved Cr NR Gillett

Seconded Cr SR Putt

Carried 6/0

Reason Council decision is different to officer recommendation: To reflect Council's wish to have meeting dates different to those proposed.

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12.3.10 Minutes of NEWROC Council Meeting held 24 April 2018

File No:	N/A
Location/Address:	NEWROC District
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	12.3.10 – Minutes of NEWROC Council Meeting held 24 April 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 24 April 2018 are submitted (**Attachment 12.3.10**) in order to keep all members abreast of the activities of the NEWROC Council.

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The next meeting of the NEWROC Council is scheduled to be held on Tuesday 26 June 2018 at the Shire of Wyalkatchem

2018/4-011 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The minutes of the NEWROC Council meeting held on 24 April 2018 be noted.

Moved Cr SE Faulkner

Seconded Cr RM Kirby

Carried 6/0

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12.4 Finance and Administration Manager

12.4.10 Statement of Financial Activity to 30 April 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:	12.4.10 – Statement of Financial Activity to 30 April 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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2018/4-012 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Statement of Financial Activity for the month ending 30 April 2018 be endorsed.

Moved Cr RM Kirby

Seconded Cr SE Faulkner

Carried 6/0

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12.4.11 Accounts Paid to 30 April 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 15 May 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
107	13/04/2018	WATER CORPORATION	UTILITY CHARGES 15.1.18-23.3.18	1215.87
23	30/04/2018	BANK FEES - BANK FEES	BANK FEES	311.20
EFT13518	03/04/2018	EASISALARY	PAYROLL DEDUCTIONS	491.46
EFT13520	04/04/2018	K G LELIEVRE HAULAGE	HIRE OF ROAD TRAIN	6171.10
EFT13521	13/04/2018	GERAGHTYS ENG & AUTO ELECTRICS	MARCH SUPPLIES	133.00
EFT13522	13/04/2018	COVS	MARCH SUPPLIES	30.00
EFT13523	13/04/2018	WESTRAC PTY LTD	MARCH REPAIRS	2114.19
EFT13524	13/04/2018	SHIRE OF MT MARSHALL	NEW HEALTH RECOUP 31.1.18	5698.64
EFT13525	13/04/2018	AVON WASTE	RUBBISH COLLECTION-MARCH18	5064.64
EFT13526	13/04/2018	BOC GASES	GAS CYLINDERS-MARCH18	41.57

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Chq/EFT	Date	Name	DESCRIPTION	Amount
EFT13527	13/04/2018	EASTERN HILLS SAWS & MOWERS PTY LTD	MARCH SUPPLIES	60.00
EFT13528	13/04/2018	COURIER AUSTRALIA	FREIGHT-MARCH18	20.88
EFT13529	13/04/2018	MUKA TYRE MART	MARCH SUPPLIES	731.00
	13/04/2018	NINGHAN SPRAYING & AG SERVICES	MARCH SUPPLIES	281.21
EFT13531	13/04/2018	SHERIDAN'S	NAME BADGES	93.94
EFT13532	13/04/2018	KTY ELECTRICAL SERVICES	MARCH REPAIRS	2691.18
EFT13533	13/04/2018	SHIRE OF TRAYNING	ADVERTISING-MARCH18	20.00
EFT13534	13/04/2018	BENCUBBIN NEWS & POST	FEBRUARY SUPPLIES	291.61
EFT13535	13/04/2018	CSE CROSSCOM	INSTALL/REPAIR TWO WAYS	4786.81
EFT13536	13/04/2018	BEACON PROGRESS ASSOCIATION INC.	DAYCARE-ROOM HIRE (INVOICE FROM DECEMBER)	297.00
EFT13537	13/04/2018	BENCUBBIN BULK HAULIERS	HIRE OF TRUCK AND DRIVER	5346.00
EFT13538	13/04/2018	STAR TRACK EXPRESS	FREIGHT-MARCH18	72.10
EFT13539	13/04/2018	ALL-WAYS FOODS	MARCH SUPPLIES	55.48
EFT13540	13/04/2018	PORKY'S ENTERPRISES	GRAVEL RESHEET BOUNDARY ROAD	59950.00
EFT13541	13/04/2018	AG IMPLEMENTS	MARCH SUPPLIES	1569.91
EFT13542	13/04/2018	KENYON & COMPANY PTY LTD	MARCH SUPPLIES	523.60
EFT13543	13/04/2018	BENCUBBIN TRUCK N AUTO'S	TYRES	4736.10
EFT13544	13/04/2018	D & D TRANSPORT	FREIGHT-MARCH18	157.30
EFT13545	13/04/2018	PERFECT COMPUTER SOLUTIONS PTY LTD	COMPUTER SERVICES	425.00
EFT13546	13/04/2018	IT VISION	DEBTORS ESSENTIAL TRAINING-D.BEAGLEY	220.00
EFT13547	13/04/2018	D & MA SPARK & CO	PUSH GRAVEL	9900.00
EFT13548	13/04/2018	JR & A HERSEY	FEBRUARY SUPPLIES	597.28
EFT13549	13/04/2018	LANDGATE	RURAL UV'S CHARGEABLE	121.35
EFT13550	13/04/2018	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	EFFECTIVE COMMUNITY LEADERSHIP-L.GOBART 13.4.18	100.00
EFT13551	13/04/2018	BENCUBBIN AG SUPPLIES	MARCH SUPPLIES	2234.03
EFT13552	13/04/2018	REFUEL AUSTRALIA	FUEL-MARCH18	503.10
EFT13553	13/04/2018	5RIVERS PLUMBING AND GAS	MARCH REPAIRS	3328.87
EFT13554	13/04/2018	BENNY MART	BEACON TO BENCUBBIN BIKE RACE	91.29
EFT13555	13/04/2018	TUTT BRYANT EQUIPMENT	MARCH SUPPLIES	576.66
EFT13556	13/04/2018	KOORDA COMMUNITY RESOURCE CENTRE	ADVERTISING-MARCH18	75.00

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Chq/EFT	Date	Name	DESCRIPTION	Amount
EFT13557	13/04/2018	GREAT SOUTHERN FUELS	FUEL-MARCH18	20176.04
EFT13558	13/04/2018	TRYPHENA JEAN GILLETT	AQUATIC CENTRE REIMBURSEMENT SCHEME 2017/18	19.00
EFT13559	13/04/2018	BOB WADDELL & ASSOCIATES PTY LTD	VARIOUS ACCOUNTING SUPPORT	3168.00
EFT13560	13/04/2018	AMPAC DEBT RECOVERY PTY LTD	DEBT RECOVERY COSTS	590.59
EFT13561	13/04/2018	KC SALES	VOUCHERS	120.00
EFT13562	13/04/2018	KEVIN SMITH	MARCH REPAIRS	3960.00
EFT13563	13/04/2018	DATAMAN BARCODE SYSTEMS	MARCH SUPPLIES	259.60
EFT13564	13/04/2018	WA CONTRACT RANGER SERVICES	RANGER SERVICES 8.3.18 & 13.3.18	584.37
EFT13565	13/04/2018	NORTHAM HOLDEN	SERVICE-EHO VEHICLE	411.61
EFT13566	13/04/2018	TANIA FAULKNER	AQUATIC CENTRE REIMBURSEMENT SCHEME 2017/18	60.50
EFT13567	13/04/2018	KEYNOTE CONFERENCES	WHEATBELT CONFERENCE 18 REGISTRATION	2250.00
EFT13568	13/04/2018	OLIVIA JANE GRANICH	REIMBURSEMENT FOR MEAT-BEACON TO BENNY BIKE RACE	158.00
EFT13569	13/04/2018	WIALONNING RURAL TRADING AS TMJ O'NEIL & CO	PURCHASE OF GRAVEL	9734.56
EFT13570	13/04/2018	KRISTA LANCASTER	REIMBURSEMENT-PRE EMPLOYEMENT MEDICAL-K.LANCASTER	79.00
EFT13571	13/04/2018	BRIANNA PETERS	AQUATIC CENTRE REIMBURSEMENT SCHEME 2017/18	150.00
EFT13572	16/04/2018	KTY ELECTRICAL SERVICES	MARCH REPAIRS	14850.00
EFT13573	16/04/2018	BENNY MART	BEACON TO BENCUBBIN BIKE RACE	18.00
EFT13574	16/04/2018	WILDSTRAWBERRYCATERING	CATERING	100.00
EFT13575	14/04/2018	BENDIGO BANK	MARCH SUPPLIES	627.99
EFT13576	19/04/2018	AUSTRALIAN TAXATION OFFICE	BAS-MARCH18	12343.00
EFT13577	19/04/2018	BEACON CO-OPERATIVE LTD	CLEANING-JAN/FEB/MARCH18	2728.40
EFT13578	19/04/2018	BENCUBBIN TRUCK N AUTO'S	MARCH REPAIRS	2343.25
EFT13579	19/04/2018	R MUNNS ENGINEERING CONSULTING SERVICES	CONSULTANCY WORK	2435.75
EFT13580	19/04/2018	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-MARCH18	1080.04

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Chq/EFT	Date	Name	DESCRIPTION	Amount
EFT13581	19/04/2018	EASISALARY	PAYROLL DEDUCTIONS	491.46
EFT13584	24/04/2018	SHIRE OF MT MARSHALL	PAYROLL DEDUCTIONS	160.00
EFT13585	24/04/2018	STAFF SOCIAL CLUB	PAYROLL DEDUCTIONS	805.00
EFT13586	27/04/2018	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-MARCH18	96.39
EFT13587	27/04/2018	WA TREASURY CORPORATION	LOAN NO. 119 INTEREST PAYMENT - LOAN TO BENNYMART - REPAID IN LEASE PAYM	975.84
EFT13588	30/04/2018	EASISALARY	PAYROLL DEDUCTIONS	491.46
EFT13589	04/04/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13590	11/04/2018	TONY BUCHERT	RENT-GYM	100.00
EFT13593	30/04/2018	WA TREASURY CORPORATION	LOAN NO. 121 INTEREST PAYMENT - SAR BENCUBBIN MULTIPURPOSE COMPLEX REDEV	42350.36
DD9109.1	11/04/2018	WALGS PLAN	PAYROLL DEDUCTIONS	5399.22
DD9109.2	11/04/2018	THE PIPA SELF MANAGED SUPER FUND	SUPERANNUATION CONTRIBUTIONS	189.74
DD9109.3	11/04/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD9109.4	11/04/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	907.30
DD9109.5	11/04/2018	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	190.25
DD9109.6	11/04/2018	TASPLAN	SUPERANNUATION CONTRIBUTIONS	250.80
DD9109.7	11/04/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	195.32
DD9109.8	11/04/2018	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	511.54
DD9109.9	11/04/2018	BENDIGO SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	169.02
DD9128.1	25/04/2018	WALGS PLAN	PAYROLL DEDUCTIONS	5494.16
DD9128.2	25/04/2018	THE PIPA SELF MANAGED SUPER FUND	SUPERANNUATION CONTRIBUTIONS	124.66
DD9128.3	25/04/2018	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	189.74
DD9128.4	25/04/2018	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	976.13
DD9128.5	25/04/2018	COLONIAL FIRST STATE INVESTMENTS	SUPERANNUATION CONTRIBUTIONS	190.25
DD9128.6	25/04/2018	TASPLAN	SUPERANNUATION CONTRIBUTIONS	362.52
DD9128.7	25/04/2018	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	195.32
DD9128.8	25/04/2018	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	511.54
DD9128.9	25/04/2018	BENDIGO SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	169.02
DD9109.10	11/04/2018	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	179.85

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Chq/EFT	Date	Name	DESCRIPTION	Amount
DD9128.10	25/04/2018	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	179.85
				261522.55

2. Trust

Chq/eft	Date	Name	Description	Amount
EFT13591	30/04/2018	JONATHON PITTS	REFUND OF BOND	160.00
EFT13592	30/04/2018	DEPARTMENT OF TRANSPORT	MMSO20180409	8495.60
				8655.60

3. Mastercard

Details	Amount
Snacks for Council	22.92
Annual Subs.-Adobe Illust.-Cdo	343.07
Bank fees	4.00
P O Box renewal	81.00
Bank fees	4.00
Bank fees	4.00
WBN membership	165.00
Bank fees	4.00
	\$627.99

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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 **15 May 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

2018/4-013 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the Accounts Listed

<i>Municipal Fund</i>	\$	<i>261,522.55</i>
<i>Trust Fund</i>	\$	<i>8,655.60</i>
<i>Mastercard</i>	\$	<i><u>627.99</u></i>
<i>Total</i>	\$	<i>270,806.14</i>

Be endorsed.

Moved Cr RM Kirby

Seconded Cr SR Putt

Carried 6/0

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12.4.12 State NRM Grant – Authorisation of Expenditure

File No:	F1/16
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Tanika McLennan – Finance Admin Manager
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

In December 2017 Contract NRM Officer, Dylan Copeland, was advised that the Shire of Mt Marshall had been successful in its application for a \$20,000 State NRM Grant. This grant is for the planting of seedlings and fencing at two properties within the Shire of Mt Marshall, the owners of which are Mr Maxwell Lancaster and Mr Bradley Probert. The budget is set out as follows:

	Income	Expenditure
Grant	\$20,000	
Administration		\$1,000
Seedlings		\$11,072
Fencing		\$7,928
Total	\$20,000	\$20,000

Consultation:

Dylan Copeland – Contract NRM Officer

Statutory Environment:

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

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Local Government Financial Management Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making
- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.

Relevant Plans and Policy:

N/A

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

N/A

Comment:

Although the project expense is fully covered by this grant, expenditure that is not included in the Annual Budget is, none the less, required to be authorised by resolution of Council. To enable seedlings to be ordered, this authorisation cannot wait for the adoption of the 2018/19 Annual Budget.

2018/4-014 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That expenditure of \$20,000 for the State NRM Grant Project be authorised.

Moved Cr LN Gobbart

Seconded Cr NR Gillett

***Carried 6/0
Absolute Majority***

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12.5 Community Development Officer

Nil

12.6 Regulatory Officer

Nil

12.7 Development

12.7.3 Application for Development Approval - CRISP Wireless

File No:	TP1/1
Location/Address:	20302/2784 Koorda – Bullfinch Road, Bencubbin
Name of Applicant:	CRISP Wireless
Name of Owner:	John Beagley
Author:	Peter Toboss – 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 CRISP Wireless WA for placement of 6m sea container for the housing of telecommunication equipment and erection of a 12m tower on Location 20302, of 2784 Koorda – Bullfinch Road, near the intersection of Beagley Road in Bencubbin for the provision of 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:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

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

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Comment:

The proposed structure will be located on 20302 of 2784 Koorda – Bullfinch Road, Bencubbin which is zoned “Rural” in accordance with the Shire of Mt Marshall Local Planning Scheme No. 3.



Location of the Beagley Tower



Location of the Tower showing Bencubbin

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Example of the proposed structure

The Shire has a local planning policy in place which controls movable buildings (including sea containers) and requires the lodgement of an application for planning consent.

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

Council 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.

The objectives of the Council 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 town sites of the Shire;

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- 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 the Shire 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 town sites; 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.

2018/4-015 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

Development approval be granted for placement of 6m sea container for the housing of telecommunication equipment and erection of a 12m tower on Location 20302 of 2784 Koorda – Bullfinch Road, near the intersection of Beagley Road in Bencubbin 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 do 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; and***
- 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 SR Putt

Carried 6/0

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12.8 Environmental Health Officer

12.8.1 Shire of Mt Marshall Health Local Law 2018

File No:	A2/4
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Peter Toboss – Environmental Health Officer
Attachments:	12.8.1a – Advertisement of Submission Period 12.8.1b – Required Amendments to the Shire of Mt Marshall Health Local Law 2014 12.8.1c – Health Local Law 2018
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	July 2016

Background:

For a considerable time there have been issues and errors within the Mt Marshall Health Local Laws. As a result the Joint Standing Committee required some amendments. As the Shire did not have a permanent EHO over the last couple of years this work has not been undertaken. Following the permanent appointment of Mr Peter Toboss and a follow up request from the Joint Standing Committee this item deals with those required amendments.

Consultation:

Department of Local Government and Communities
Joint Standing Committee on Delegated legislation.

Statutory Environment:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

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- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- * Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

- (8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]

Relevant Plans and Policy:

Nil

Financial Implications:

There will be fees associated with gazettal of the new Local Law (changes only) and advertising in the Western Australian newspaper.

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Risk Assessment:

The Shire is currently legislatively non-compliant.

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:

These changes to the Shire of Mt Marshall Health Local Law 2014 (as recommended by the Parliamentary Joint Committee and endorsed by Council in May 2018) must now be offered for public consideration and subsequently be gazetted as the **Shire of Mt Marshall Health Local Law 2018**. This is the process required under Section 3.12 of the Local Government Act.

The Shire President is to read aloud the purpose and effect of the Local Law:

“The purpose of the Shire of Mt Marshall Health Local Law 2018 is to effect corrections of errors in the Shire of Mt Marshall Health Local Law 2014 as required by the Joint Standing Committee on Delegated Legislation.”

OFFICER’S RECOMMENDATION:

That Council endorse giving 42 days state wide public notice under section 3.12 of the Local Government Act 1995 of intention to make the Shire of Mt Marshall Health Amendment Local Law 2018 with changes as requested by the Joint Parliamentary Committee on Delegated legislation as below:

- *Amend clause 3.24(3) of the local law to replace "As/NZS 3666.2;1995" with "As/Nzs 3666.2:20i. I"*
- *Amend clause 51.2 of the local law to replace the word "maintain" with "keep".*
- *Amend clause 51.10 of the local law to insert the words "Unless transporting a pet animal or bird, " at the beginning of the clause.*
- *Amend clause 71.3(3) of the local law to move the words "the officer may, by notice in writing, direct as the case may be -" to a new line aligned with the first word of subclause (3).*
- *Amend clause 7.1.3(3) of the local law to align the words "within the time and in the manner specified in the notice" with paragraphs co and (ii).*
- *Amend clause 8.1.2 of the local law to align the words "resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house" with the first word of paragraph (d).*
- *Amend the first line of subclause 83.6(1) of the local law to read "A keeper of a lodging house shall not -"*
- *In column B of the Table in Schedule 1.4 insert "1000m" in each row.*

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2018/4-016 OFFICER'S RECOMMENDATION'S / COUNCIL DECISION:

That Council:

- 1. Subject to section 3.12 of the Local Government Act 1995, endorse the giving of 42 days State Wide public notice of an intention to make the Shire of Mt Marshall Health Local Law 2018 with the changes (as required by the Joint Parliamentary Committee on Delegated Legislation) to the current Local Law as below:**
 - **Amend clause 3.2.4(3) of the Local Law to replace "AS/NZS 3666.2;1995' with "AS/NZS 3666.2:2011"**
 - **Amend clause 5.1.2 of the Local Law to replace the word "maintain" with "keep"**
 - **Amend clause 5.1.10 of the Local Law to insert the words " Unless transporting a pet animal or bird," at the beginning of the clause.**
 - **Amend clause 7.1.3(3) of the Local Law to move the words "the officer may, by notice in writing, direct as the case may be-" to a new line aligned with the first word of subclause (3)**
 - **Amend clause 7.1.3(3) of the Local Law to align the words "within the time and in the manner specified in the notice" with paragraphs (i) and (ii).**
 - **Amend clause 8.1.2 of the Local Law to align the words "resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house" with the first word of paragraph (d).**
 - **Amend the first line of subclause 8.3.6(1) of the local law to read "A keeper of a lodging house shall not –"**
 - **In column B of the Table in Schedule 14 insert "1000m" in each row.**

- 2. In addition to the changes required by the Joint Parliamentary Committee on Delegated Legislation above, give State Wide public notice of an intention to a make the Shire of Mt Marshall Health Local Law 2018 with these additional changes to the current Local Law:**
 - **The title has changed from Shire of Mt Marshall Health Local Law 2014 to Shire of Mt Marshall Health Local Law 2018. The Shire of Mt Marshall Health Local Law 2014 is now repealed.**
 - **The Health Act 1911 has been deleted on the title and now referred to as Health (Miscellaneous Provisions) Act 1911**
 - **The new Public Health Act 2016 has been added to the Shire of Mt Marshall Health Local Law 2018**
 - **The Content list has been adjusted to reflect these changes**
 - **Clause 1.4 Interpretation has been moved and is now clause 1.5 and clause 1.5 Repeal is now moved to clause 1.4. That is one moved up and the other moved down in order**

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- ***“Authorised Officer” with its meaning has been inserted into the Shires of Mt Marshall Health Local Laws 2018 as per the changes under the new Public Health Act 2016***
- ***Environmental Health Officer has been deleted and all references to Environmental Health Officer are now Authorised Officer under the Public Health Act 2016***
- ***The title Part 4 – “Waste food and refuse” has been deleted and replaced with Part 4 – “Liquid Refuse, Liquid Waste, Butchers’ Waste, Rubbish and Refuse”.***
- ***Part 5, division 6 – piggeries has been moved to part 9; Offensive trades. Therefore piggeries are now division 7 of part 9 – Offensive trade***
- ***The order of schedules in part 11 has been changed. Part 11 – schedule of forms are now***
 - SCHEDULE 1 – Application for Registration of a Lodging House***
 - SCHEDULE 2 – Certification of Registration of a Lodging House***
 - SCHEDULE 3 – Notice of Change of Owner of a Lodging House***
 - SCHEDULE 4 – Register of Lodgers***
 - SCHEDULE 5 – List of Lodgers***
 - SCHEDULE 6 – Certificate of Sleeping Accommodation***
 - SCHEDULE 7 – Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Compartments***
 - SCHEDULE 8 – Application for Licence of a Morgue***
 - SCHEDULE 9 – Licence of a Morgue***
 - SCHEDULE 10 – Application for Consent to Establish an Offensive Trade***
 - SCHEDULE 11 – Application for Registration of Premises for Offensive Trade***
 - SCHEDULE 12 – Certificate of Registration of Premises for Offensive Trade***
 - SCHEDULE 13 – Required buffer distance for feedlots***
 - SCHEDULE 14 – Required buffer distance for piggeries***
 - SCHEDULE 15 – Required buffer distance for intensive piggeries***

3. Subject to section 9.49 (A) (3) of the Local Government Act 1995 authorise the Shire President and the Chief Executive Officer to apply the Shire of Mt Marshall Common Seal to the Health Local Law 2018

Moved Cr RM Kirby

Seconded Cr SE Faulkner

**Carried 6/0
Absolute Majority**

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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

Nil

15.0 Next Meeting – Tuesday 19 June 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 7:47pm.

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

Date

Cr ARC Sachse President