



SHIRE OF MT MARSHALL

MINUTES

Notice is hereby given that an Ordinary Meeting of Council was held on Tuesday 22 October 2019, in Council Chambers, Monger St, Bencubbin, commencing at 3:00pm.

Cr ARC Sachse

President

**This page has
been left blank
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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

TABLE OF CONTENTS

1. Declaration of Opening / Announcement of Visitors
2. Record of Attendance / Apologies / Approved Leave of Absence
3. Declarations of Office by Elected Members
4. Election of President and Deputy President
5. Standing Orders
6. Public Questions
 - 6.1 Response to Previous Public Questions Taken On Notice
 - 6.2 Public Question Time
7. Applications for Leave of Absence
8. Declarations of Interest
9. Confirmation of Minutes of Previous Meetings
 - 9.1 Minutes of the Ordinary Meeting held on Tuesday 17 September 2019
10. Announcements by Presiding Person Without Discussion
11. Reports of Councillors
 - 11.1 President
 - 11.2 Councillors
12. Petitions / Deputations / Presentations / Submissions
13. Reports of Committees
 - 13.1 Local Emergency Management Committee
 - 13.1.1 Minutes of Local Emergency Management Committee Meeting held Tuesday 20 August 2019
 - 13.2 Economic Development Grant Fund Committee
 - 13.2.1 Minutes of Economic Development Grant Fund Committee Meeting held Tuesday 15 October 2019
14. Reports of Officers
 - 14.1 Chief Executive Officer
 - 14.1.36 DRAFT Policy – F&R.2.9 Portable and Attractive Assets
 - 14.1.37 Policy Review – R&V 1.6 Extraction of Gravel & Sand
 - 14.1.38 Aquatic Facility Fee Reimbursement Scheme 2019/2020
 - 14.1.39 Offer to Purchase Land in Bencubbin
 - 14.1.40 Appointment of Elected Members to Committee, Working Groups and External Organisations
 - 14.1.41 WALGA State Council Consultation
 - 14.1.42 WALGA Submission on Code of Conduct & CEO Standards Consultation
 - 14.1.43 Chief Executive Officer Annual Leave
 - 14.1.44 Water Corporation Standpipes

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

- 14.2 Works Supervisor
 - 14.2.9 Works Report October 2019
- 14.3 Executive Assistant
 - 14.3.16 Status Report for September 2019
 - 14.3.17 Christmas and New Years 2019/2020 Office Hours
- 14.4 Finance and Administration Manager
 - 14.4.24 Statement of Financial Activity to 30 September 2019
 - 14.4.25 Accounts Paid to 30 September 2019
- 14.5 Community Development Officer
- 14.6 Regulatory Officer
 - 14.6.4 Tender MM04.19/20 - Primemover Supply
- 14.7 Development
 - 14.7.2 Development Application – Telstra Corporation Tampu Tower
- 14.8 Environmental Health Officer

- 15. Elected Members' Motions of Which Previous Notice Has Been Given

- 16. New Business of an Urgent Nature Introduced by Decision of the Meeting

- 17. Next Meeting – Tuesday 19 November 2019 commencing at 3:00pm at the Beacon Country Club, Shemeld St, Beacon

- 18. Closure of Meeting

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

1.0 Declaration of Opening / Announcement of Visitors

The Chief Executive Officer 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 NR Gillett	Councillor
Cr SR Putt	Councillor
Cr LN Gobbart	Councillor
Cr IC Sanders	Councillor
Cr ARC Sachse	Councillor Elect
Cr B Geraghty	Councillor Elect
Cr T Gibson	Councillor Elect

Mr John Nuttall	Chief Executive Officer
Ms Nadine Richmond	Executive Assistant
Mr Len Cargeeg	Member of the Public

Apologies

Nil

3.0 Declaration of Office by Elected Members

The Chief Executive Officer invited Councillor Elect Brendan Geraghty to make his Declaration of Office.

Councillor Elect Brendan Geraghty made his Declaration of Office and assumed his seat in the meeting

The Chief Executive Officer invited Councillor Elect Tanya Gibson to make her Declaration of Office.

Councillor Elect Tanya Gibson made her declaration and assumed her seat in the meeting.

The Chief Executive Officer invited Councillor Elect Anthony Sachse to make his Declaration of Office.

Councillor Elect Anthony Sachse made his declaration and assumed his seat in the meeting.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

4.0 Election of President and Deputy President

4.1 Election of President

Written nominations for President were received by the CEO for Cr ARC Sachse. The CEO invited any further nominations for President. None were received.

The Chief Executive Officer declared Cr ARC Sachse as President of the Shire of Mt Marshall.

4.2 Election of Deputy President

Written nominations for Deputy President were received by the Chief Executive Officer for Cr NR Gillett.

The CEO invited any further nominations for Deputy President. None were received.

The Chief Executive Officer declared Cr NR Gillett as Deputy President of the Shire of Mt Marshall.

President ARC Sachse thanked the Chief Executive Officer for conducting the election of Deputy President and resumed the chair.

5.0 Standing Orders

2019/9-001 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 TM Gibson

Seconded Cr SR Putt

Carried 7/0

6.0 Public Questions

6.1 Response to Public Questions Taken on Notice

Nil

6.2 Public Question Time

The Presiding Member declared public question time open at 3:08pm

The Presiding Member declared public question time closed at 3:09pm

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

7.0 Applications for Leave of Absence

Nil

8.0 Declarations of Interest

Cr SR Putt declared a financial interest in item 14.1.37 being that he is a director of Eyanning Farms Pty Ltd trading as L Putt and Son who sell gravel to the Shire.

Cr NR Gillett declared a financial interest in item 14.1.37 being that his farm has gravel supplies.

Cr TM Gibson declared an impartiality interest in item 13.2.1 being that she is a member of the Beacon Progress Association and the Beacon Country Club.

Cr BC Geraghty declared a financial interest in item 14.1.37 being that he owns a gravel pit.

9.0 Confirmation of Minutes of Previous Meetings

9.1 Minutes of the Ordinary Meeting held on Tuesday 17 September 2019

2019/9-002 OFFICER RECOMMENDATION / COUNCIL DECISION:

That the Minutes of the Ordinary Meeting of Council held on Tuesday 17 September 2019 be confirmed as a true and correct record of proceedings.

Moved Cr LN Gobbart

Seconded Cr SR Putt

Carried 7/0

10.0 Announcements by Presiding Person Without Discussion

The Shire of Mt Marshall would like to congratulate the Beacon Progress Association on being a finalist in the RAC Volunteering Award at the Regional Achievement & Community Awards Gala Presentation Dinner held last Friday evening, 18th October 2019. The evening was attended by many volunteers from the Beacon Community and although they were not successful in winning the award, being one of the three finalists in a field of over sixty applicants was a great achievement in itself. The Beacon Progress Association and volunteers in combination with various projects and initiatives that they have done have made a big impact on the quality of life in the Beacon Community and beyond.

We would also like to congratulate the Wheatbelt Secondary Freight Network Program who won the Department of Local Government Sport and Cultural Industries Making a Difference Award. The Shire of Mt Marshall was one of 42 Local Governments who were engaged in the pilot project for the Wheatbelt Secondary Freight Network Program. This led to the \$70 million commitment by the Federal Government through the Roads of Strategic Importance initiative.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

It was a very informative evening in recognizing the very wide range of regional achievements throughout Western Australia.

The Shire of Mt Marshall will be officially opening the Beacon Airstrip Upgrade on Wednesday 6th November at 9.30 am. We are very happy to welcome the Hon Rita Saffioti MLA, Minister for Transport and Planning to open the upgrade. Thank you to the Government of Western Australia and the Government of the Commonwealth of Australia who, in combination with the Shire of Mt Marshall, have financed this upgrade. The airstrip upgrade has already seen Royal Flying Doctor Service (RFDS) flights using the facility, and it has been reported that the works have been well received by aircrew involved in those RFDS flights.

11.0 Report's of Councillors

11.1 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 of Mt Marshall at the following meetings and training opportunities from 18 September 2019 to 22 October 2019:

- | | |
|-----------------|---|
| 15 October 2019 | Economic Development Grant Fund Committee Meeting, Council Chambers with Deputy President Nick Gillett, Councillor Stuart Faulkner with Chief Executive Officer John Nuttall and Economic Development Officer Sarah Moug. |
| 16 October 2019 | Wheatbelt District Emergency Management Committee Meeting, Northam with Regulatory Officer, Jack Walker |
| 18 October 2019 | Rural Water Council Meeting, Northam
Regional Achievement and Community Awards, Perth, with Councillor Stuart Faulkner, Councillor Rachel Kirby, Councillor Elect Tanya Gibson and members of the Beacon Progress Association. |
| 19 October 2019 | Mukinbudin Garden Day incorporating the Blue Tree Project, Grant and Adrienne Whyte's property, Mukinbudin. |

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

12.2 Councillors

Cr SR Putt
11 October 2019 Bush Fire Advisory Committee Meeting with Cr S Faulkner and
Regulatory Officer, Jack Walker
15 October 2019 Eastern Wheatbelt Biosecurity Group AGM Merredin

Cr LN Gobbart
11 October 2019 Local Health Advisory Group Meeting Kununoppin

12.0 Petitions / Deputations / Presentations / Submissions

Nil

13.0 Reports of Committees

13.1 Local Emergency Management Committee

**13.1.1 Minutes of the Local Emergency Management Committee Meeting held
20 August 2019**

File No:	4.0071
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	13.1.1 – Minutes of Local Emergency Management Committee Meeting held 20 August 2019
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.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

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:

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 20 August 2019 are submitted for Council information.

2019/9-003 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the minutes of the Mt Marshall Local Emergency Management Committee meeting held on Tuesday 20 August 2019 be received.

Moved Cr SR Putt

Seconded Cr IC Sanders

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

13.2 Economic Development Grant Fund Committee

Cr TM Gibson declared an impartiality interest in item 13.2.1 being that she is a member of the Beacon Progress Association and the Beacon Country Club.

13.2.1 Minutes of Economic Development Grant Fund Committee Meeting held 15 October 2019

File No:	4.0065
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	John Nuttall – Chief Executive Officer
Attachments:	13.2.1 – Minutes of Economic Development Grant Fund Committee Meeting held 15 October 2019
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	N/A

Background:

As part of the Mt Marshall annual budget for 2019/2020, Council continued the Economic Development Grant Fund (EDGF). The fund is open twice annually for Community Groups and Businesses to make applications for funding of projects which benefit the community. The first round received 2 applications and a Council appointed committee met on Tuesday 15 October to assess the applications. This item presents the applications, and the committee recommendation relating to each application. Also presented with this report are the minutes from the committee meeting.

As the applications contain both financial and sensitive business information it is not appropriate that they are presented as attachments to this item as they would then be open for public inspection. However Councillors are able to view any and all of the documents in advance of the Council meeting.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Council adopted Policy CS3.2 (copy attached) relating to this funding.

Financial Implications:

This year Council allowed \$40,000 to the fund, to be awarded over two rounds.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Risk Assessment:

There is a risk that if this funding were not available Council would be requested to fund projects without the necessary scrutiny and need for formal application, assessment and acquittal.

Community & Strategic Objectives:

Outcome 2.1 Actively support and develop local and new business

2.1.6 Support opportunities for all businesses

Outcome 4.1 Collaborative and transparent leadership

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

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

4.3.5 Use resources efficiently and effectively

4.3.6 Operate in a financially sustainable manner

Comment:

The Economic Development Grant Fund Committee met on 15 October 2019 and discussed both applications at length. The minutes of the meeting are at **attachment 13.2.1**. It is important to note that it will be a requirement for all grant money recipients to properly acquit the grant funding, and an amount less than awarded may be provided subject to the provision of receipts.

Listed below is information relating to each application, reasons for the committee recommendation and the recommended amount to be awarded:

1. Beacon Progress Association (BPA)

The application was for \$4189.55 for the Progress Association's project titled Beckoning Beacon. This project included increased signage, lighting and the production of a video to increase tourism and the time spent in Beacon by visitors. The Committee felt that this was an excellent community project, particularly focussed towards the economic development target of improved and increased tourism. The Committee requires the BPA to consult with NEWTRAVEL, which the Shire is a member of, to ensure the project fits with current Wheatbelt Way tourism direction. The Committee recommends that Council award \$4189.55 for the project.

2. Beacon Country Club

This application was for \$2443.30 to assist in the required upgrade to the electrical system of the Club. The electrical system is still the original system that was installed in the mid 1960's. The Committee agreed the Country Club is an important hub for the community of Beacon and this project aligned very well with the fund guidelines. The Committee recommends that Council award \$2443.30 for the power upgrade.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Should Council award all of the money recommended by the committee it would total \$6632.85.

A second round of the fund will be opened in January 2020.

2019/9-004 COMMITTEE RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Receive the minutes from the Economic Development Grant Fund Committee of 15 October 2019 which are at attachment 13.2.1;***
- 2. Endorse the recommendations of the Economic Development Grant Fund Committee by making the following awards, which are subject to any conditions listed:***

a) Beacon Progress Association ***\$4189.55***
(on the condition that signage is installed in liaison with Shire staff to ensure regulations are met and the video project be undertaken in consultation with Linda Vernon and/or NEWTRAVEL to ensure it fits with current Wheatbelt Way tourism direction)

b) Beacon Country Club ***\$2443.30***

Moved Cr TM Gibson

Seconded Cr IC Sanders

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.0 Reports of Officers

14.1 Chief Executive Officer

14.1.36 DRAFT Policy – F&R.2.9 Portable and Attractive Assets

File No:	4.0080
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	14.1.36 – DRAFT Policy F&R.2.9 Portable and Attractive Assets
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Accounting and auditing requirements now suggest that although there is not a need to itemise all assets under \$5000 it is good practice to maintain a record of items which are deemed to be portable and attractive to ensure that any losses of such items are minimised. Whilst the Shire is relatively small in relation to staff numbers, and numbers of such assets it is still appropriate that a policy exists to determine the way in which these types of assets are recorded.

Consultation:

There has been consultation with our financial consultant and our auditors.

Statutory Environment:

Nil

Relevant Plans and Policy:

A draft policy is attached which this item requests Council to approve.

Financial Implications:

The policy should minimise the risk of loss of small but expensive portable items.

Risk Assessment:

There is a risk, although reduced due to the amount of such assets that the Shire currently holds, of loss to the Shire from such items being lost or stolen. To that end this policy is aimed at a reduction of that risk.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

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:

Council are asked to approve the draft policy which is provided.

2019/9-005 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council approve the attached draft policy F&R.2.9 Portable & Attractive Assets.

Moved Cr SR Putt

Seconded Cr BC Geraghty

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Cr SR Putt declared a financial interest in item 14.1.37 being that he is a director of Eyanning Farms Pty Ltd trading as L Putt and Son who sell gravel to the Shire.

Cr NR Gillett declared a financial interest in item 14.1.37 being that his farm has gravel supplies.

Cr BC Geraghty declared a financial interest in item 14.1.37 being that he owns a gravel pit.

Cr SR Putt, Cr NR Gillett and Cr BC Geraghty left the meeting at 3.25pm

14.1.37 Policy Review – R&V 1.6 Extraction of Gravel & Sand

File No:	4.0080
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	14.1.37 – Current R&V.1.6 Extraction of Gravel and Sand
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Council has a policy regarding the payment to landholders for gravel and sand which is extracted from their land by the Shire work crew for the purpose of road, drainage or other construction works. That policy sets a dollar amount to be paid to each landholder.

It has come to the attention of officers that the rate which is set is significantly below neighbouring Shires, and has not been reviewed in many years. Council are therefore asked to consider an increase in the rate, and the policy to be amended accordingly.

Consultation:

There has been some liaison with neighbouring Shires regarding their current gravel rates.

Statutory Environment:

Nil

Relevant Plans and Policy:

Council are asked to consider an amendment to policy R&V 1.6 by this report.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Financial Implications:

There would be an increase in the amount which is paid to landholders for their gravel if the suggested policy change is made, but the budget would be able to cope with such an increase.

Risk Assessment:

There is always a risk that landholders might refuse to agree to allow the Shire to extract gravel from their land, which would lead to increased costs in transport.

Community & Strategic Objectives:

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

4.3.5 Use resources efficiently and effectively

4.3.6 Operate in a financially sustainable manner

Comment:

It is recommended to Council that the amount paid by the Shire to landowners should be increased from the current rate of \$0.80/Lcm + GST to \$1/Lcm + GST which will bring the Shire in line with surrounding Shires regarding the amount paid for gravel.

At this time there is no recommendation to increase the amount paid for sand.

2019/9-006 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council approve amending the amount paid for gravel within Policy R&V.1.6 Extraction of Gravel and Sand to \$1/Lcm + GST

Moved Cr IC Sanders

Seconded Cr TM Gibson

Carried 4/0

Cr SR Putt, Cr NR Gillett and Cr BC Geraghty re-entered the meeting at 3.29pm.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.38 Aquatic Facility Fee Reimbursement Scheme 2019/2020

File No:	4.0057
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Due to the closure of the Mt Marshall aquatic facility in the 2016/2017 financial year, arrangements were made for community members who travelled to use aquatic facilities in neighbouring Shires to be reimbursed the entrance fees paid. Those arrangements were extended to the 2017/2018 and 2018/2019 financial years.

Given that the aquatic facility upgrade will not be completed until the very end of, or after the end of the 2019/2020 swimming season this report seeks Council endorsement that the scheme be once again extended for the current year. Further, in previous years the Shire has also funded the cost of transporting the local school children (from both Beacon and Bencubbin) to their annual swimming lessons by bus. Again running such a scheme again this year is also recommended.

Consultation:

Nil, but there have been enquiries made to the administration regarding whether the scheme was running again this year.

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

There is a cost to Council to run this scheme. Over the past couple of years that cost has been roughly \$2000. The facilities which have been used are those at Mukinbudin, Trayning and Koorda.

Risk Assessment:

There is a risk that the schools would not be able to take the young children to swimming lessons, which would be a very unfortunate outcome.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Community & Strategic Objectives:

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

4.3.5 Use resources efficiently and effectively

4.3.6 Operate in a financially sustainable manner

Comment:

Given that the reimbursement scheme has been run and utilised by the community over the last three years it would seem to be appropriate for the scheme to be run again this current financial year. It is hopeful that this is the last year that such a scheme will need to be operational as the aquatic facility upgrade tender will shortly be let, with a view that the works be completed in plenty of time for the following swimming season.

2019/9-007 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

- 1. Mt Marshall Residents be reimbursed by the Shire upon presentation of tickets for entry into Mukinbudin, Trayning or Koorda Aquatic Centres for the 2019/2020 season, subject to the tickets being presented to the Shire prior to 30 June 2020; and***
- 2. The Beacon & Bencubbin Primary Schools are reimbursed for the costs of transporting students to In-term Swimming Lessons in 2019.***

Moved Cr NR Gillett

Seconded Cr SR Putt

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.39 Offer to Purchase Land in Bencubbin

File No:	4.0060
Location/Address:	Various within Bencubbin
Name of Applicant:	Mr Cardin Langer
Name of Owner:	Shire of Mt Marshall
Author:	John Nuttall – Chief Executive Officer
Attachments:	14.1.39a – Email Offer from Mr C Langer for Purchase of Vacant Land in Bencubbin
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The Shire owns various pieces of land suitable for residential property construction across both Bencubbin and Beacon. This land has been advertised as being available for purchase for several years through various channels, including on-line.

The administration were recently contacted by Mr Cardin Langer with an offer to purchase various pieces of land within Bencubbin. His correspondence is attached.

The land he has offered to purchase is as follows:

Lot 223 (9) Rowlands Street, Bencubbin
Lot 233 (7) Baxter Street, Bencubbin
Lot 179 (44) Hammond Street, Bencubbin

Mr Langer has offered to pay \$2000 per lot.

Consultation:

Nil

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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

- (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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Financial Implications:

There has been nothing budgeted this financial year for the sale of land, even though the land has been marketed, given the lack of land sales over the last few years.

Council needs to weigh up the potential economic benefit of selling the land, with the potential for construction on that land, against the potential to devalue other land and property within the town (and rest of the Shire) by selling for such a low amount as that offered.

Risk Assessment:

As mentioned in the financial implications section Council needs to balance the risk between a potential sale of land in Bencubbin at a lower amount than expected over any potential impact upon surrounding land values and future land sales.

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

4.3.6 Operate in a financially sustainable manner

Comment:

This is a difficult decision for Council to make. The land in question has been actively advertised as being available for purchase for some time, and this is the first serious interest which has been shown in purchasing any of the land. Council therefore has to give serious consideration to the offer which has been made. Against that however, the price offered is very low and there is no indication if the prospective purchaser intends to build on the land or just to land bank it for use at a future time. The knock on effect of a sale at this value could also be detriment to future land sales by the Shire and surrounding land values for the community.

On the basis of the above information, and as this is the first offer which has been made for a significant period of time, it is recommended that Council gives consideration to the offer. Should Council resolve that they are prepared to accept the offer made there would be a requirement for the offer to be put out for public consultation. This period would then allow Council to receive feedback from the community, and take account of any comments or objections prior to a final decision being made by Council at a future Council Meeting.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

OFFICER'S RECOMMENDATION:

That Council:

1. *Subject to S3.58 (3) Local Government Act 1995 determine to dispose of the following Shire owned land:*
 - *Lot 223 (9) Rowlands Street, Bencubbin*
 - *Lot 233 (7) Baxter Street, Bencubbin*
 - *Lot 179 (44) Hammond 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 the following blocks of land:*
 - *Lot 223 (9) Rowlands Street, Bencubbin*
 - *Lot 233 (7) Baxter Street, Bencubbin*
 - *Lot 179 (44) Hammond Street, Bencubbin*

for \$2000 each 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 the three blocks of land, to the next available Ordinary Meeting of Council.*

Moved Cr TM Gibson

Seconded Cr SR Putt

Lost 1/6

FORESHADOWED COUNCILLOR MOTION:

That Council:

1. *Subject to S3.58 (3) Local Government Act 1995 determine to dispose of the following Shire owned land:*
 - *Lot 223 (9) Rowlands Street, Bencubbin*
 - *Lot 233 (7) Baxter Street, Bencubbin*
 - *Lot 179 (44) Hammond 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 the following blocks of land:*
 - *Lot 223 (9) Rowlands Street, Bencubbin*
 - *Lot 233 (7) Baxter Street, Bencubbin*
 - *Lot 179 (44) Hammond Street, Bencubbin*

for \$2000 each subject to a caveat being registered against each piece of land requiring construction of a premises be commenced within three years and any public comment; and

3. *Direct the Chief Executive Officer to present any public comments along with a final recommendation relating to disposal of the three blocks of land, to the next available Ordinary Meeting of Council.*

Moved Cr IC Sanders

Seconded Cr SR Putt

Lost 0/7

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.40 Appointment of Elected Members to Committee, Working Groups and External Organisations

File No:	4.0081
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

At the first meeting following Local Government Ordinary Elections it is a requirement that membership of Council committees, working groups and external organisations are established.

Section 5.10 Local Government Act 1995 provides for the appointment of committee members. A decision to appoint committee members requires an absolute majority decision of Council.

At any given time each Council member is entitled to be a member of at least one (1) committee that comprises Council members only, or Council members and employees. If a Council member nominates him/herself to be a member of such committee/s, the Council is to include that Council member to at least one of those committees as the Council determines.

If the Council is to make an appointment to a committee that has, or could have a Council member as a member and the President informs Council of his/her wish to be a member of the committee, the Council is to appoint the President to be a member of the committee.

If the Council is to make an appointment to a committee that has or will have an employee as a member and the Chief Executive Officer informs the Council of his/her wish:

- a. to be a member of the committee; or
- b. that a representative of the Chief Executive Officer be a member of the committee, the Council is to appoint the Chief Executive Officer or the Chief Executive Officer's representative, as the case may be, to be a member of the committee.

Consultation:

Executive Assistant – Nadine Richmond

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Statutory Environment:

Local Government Act 1995

5.8. Establishment of committees

A local government may establish* committees of 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.

* Absolute majority required.

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

(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.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(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.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

(1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

(2) A person who is appointed as a deputy of a member of a committee is to be —

(a) if the member of the committee is a council member — a council member; or

(b) if the member of the committee is an employee — an employee; or

(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.

Relevant Plans and Policy:

Nil

Financial Implications:

Meeting and Travel Allowances are included in the 2019/2020 Budget

Risk Assessment:

There would be a breach of legislation if Council did not make committee appointments as required.

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

4.3.3 Ensure compliance with all relevant legislation

Comment:

There are some changes required to previous committees as follows:

Bencubbin Multipurpose Complex Steering Committee – This project is now complete and therefore the committee is no longer required.

NEWTRAVEL – There has been a change to the constitution of this committee over the last few months. It is therefore recommended that a Councillor is nominated in order that voting rights for the committee rest with an elected member.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

CEACA – Again there has been a change to the constitution. To this end there is now only one voting delegate nominated by Council. As this organisation is at a very critical stage it is recommended that nominee be someone who is familiar with the organisation. The delegate can be either an elected member or the Chief Executive Officer.

Drainage Reference Group - This committee has not sat for at least the last 3 years, and it is therefore recommended that the committee is no longer required.

Audit Committee – This committee has previously been the full Council. Guidance from the Auditor General and through the Project Aware Governance Program suggests that it should only be a selection of Councillors (perhaps three) in order that the audit committee can then report back to the full Council.

2019/9-008 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. That Council endorse dissolving the following committees:***
 - Bencubbin Multipurpose Complex Steering Committee***
 - Drainage Reference Group***

- 2. That Council in accordance with Section 5.10 of the Local Government Act 1995, endorse the following committees, Working Groups and External Organisations with appointed Elected Member and Staff representation as listed below:***

Committees of Council

Audit Committee

<i>Elected Member</i>	<i>Cr. NR Gillett</i>
<i>Elected Member</i>	<i>Cr. SR Putt</i>
<i>Elected Member</i>	<i>Cr. ARC Sachse</i>

There are no staff members appointed to this committee, but external appointments could be made at a future time.

Bushfire Advisory Committee

<i>Elected Member</i>	<i>Cr. SR Putt</i>
<i>Deputy Elected Member</i>	<i>Cr. BC Geraghty</i>

Mt Marshall Local Emergency Management Committee

<i>Elected Member</i>	<i>Cr. ARC Sachse</i>
<i>Elected Member</i>	<i>Cr. IC Sanders</i>

Economic Development Grant Fund Committee

<i>Elected Member</i>	<i>Cr. ARC Sachse</i>
<i>Elected Member</i>	<i>Cr. NR Gillett</i>
<i>Elected Member</i>	<i>Cr. TM Gibson</i>

Chief Executive Officer
Economic Development Officer or Community Development Officer

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

External Organisations

Great Eastern Country Zone – WALGA

President

Deputy President

Chief Executive Officer

North Eastern Wheatbelt Organisation of Councils (NEWROC)

President

Deputy President

Chief Executive Officer

North Eastern Wheatbelt Health Group Scheme (NEWHealth)

President

Deputy President

Chief Executive Officer (no voting rights)

North Eastern Wheatbelt Travel Scheme (NEWTravel)

Delegate **Cr. NR Gillett**

Deputy Delegate **Cr. TM Gibson**

Rural Water Council

Elected Member **Cr. ARC Sachse**

Deputy Elected Member **Cr. TM Gibson**

Kununoppin Hospital Local Health Advisory Committee (LHAG)

Elected Member **Cr. LN Gobbart**

Wheatbelt North Sub-Regional Road Group

Elected Member **Cr. BC Geraghty**

Elected Member **Cr. TM Gibson**

Mt Marshall Land Conservation District Committee (LCDC)

Elected Member **Cr. ARC Sachse**

Elected Member **Cr. IC Sanders**

Wheatbelt Development Assessment Panel

Elected Member **Cr. SR Putt**

Elected Member **Cr. IC Sanders**

Alternate Elected Member **Cr. TM Gibson**

Alternate Elected Member **Cr. LN Gobbart**

Kununoppin Medical Practice Management Committee

Elected Member **Cr. ARC Sachse**

Elected Member **Cr. TM Gibson**

Chief Executive Officer

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Central East Aged Care Alliance (CEACA)

Delegate **Chief Executive Officer**

Eastern Wheatbelt Biosecurity Group

Elected Member **Cr. SR Putt**

Deputy Elected Member **Cr. BC Geraghty**

Skeleton Weed Search Program

Elected Member **Cr. SR Putt**

Community Member **Mr Murray Cooper (Farmer Rep)**

3. **Where community positions exist:**
 - a. **Current members be approached inviting them to continue their membership;**
 - b. **Where vacancies exist/occur, advertising take place seeking expressions of interest.**

Moved Cr SR Putt

Seconded Cr BC Geraghty

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.41 WALGA State Council Consultation

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	14.1.41 – WALGA’s Working Group Final Report and Recommendations on State Council
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

WALGA have been considering the make-up of their State Council for some time, with a working group having been set up within the organisation to consider the best options and make recommendations. This followed a previous debate through the WALGA zones when consideration was given to reviewing the size of the State Council. Following those zone discussions the following resolution was passed:

2018/5-005 OFFICER’S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Note and receive the information from zone relating to the number of Councillors voted onto State Council.*
- 2. Direct the Chief Executive Officer to report to the zone that Mt Marshall does not hold any firm view regarding any potential change to the number of Councillors voted onto State Council.*

Moved Cr RM Kirby

Seconded Cr LN Gobbart

Carried 7/0

A final report and recommendation document has now been provided, a copy of which is attached. Councils have been asked to provide feedback regarding the document prior to it being considered at November zone meetings and the December State Council Meeting.

Consultation:

Nil

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Financial Implications:

There are no obvious financial implications for the Shire from this item.

Risk Assessment:

Failure to provide feedback when it has been requested would mean that Mt Marshall does not provide any comment prior to the matter being presented to zone and State Council delegates for final consideration.

Community & Strategic Objectives:

Outcome 4.2 Strong representation on behalf of the Community

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

Comment:

On balance it is believed that the recommendations presented by the working group and WALGA seem to be appropriate. That being the case the recommendation is that Council confirms it is content with the recommendations made.

2019/9-009 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council acknowledge the work undertaken by the working group in relation to State Council and accept the schedule of recommendations.

Moved Cr SR Putt

Seconded Cr TM Gibson

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.42 WALGA Submission on Code of Conduct & CEO Standards Consultation

File No:	N/A
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
	14.1.42a – DRAFT CEO Standards and Guidelines
	14.1.42b – DRAFT WALGA Submission on CEO Standards and Guidelines
Attachments:	14.1.42c – DRAFT Code of Conduct for Council Members, Committee Members and Candidates
	14.1.42d – DRAFT WALGA Submission on Code of Conduct for Council Members, Committee Members and Candidates
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

As part of the review of the Local Government Act and associated legislation the Local Government Amendment Act 2019 was passed in June. Included in that act is a requirement for the introduction of:

- A mandatory Code of Conduct for council members, committee members and candidates; and
- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of Local Government Chief Executive Officers

Draft documents and guidelines have been prepared by the Department of Local Government, Sport and Cultural Industries, and WALGA has been involved in the process of review of those documents. Accordingly this report asks Council to review the WALGA draft submission to the Department regarding the documents and guidelines they have prepared. Copies of all of the documents mentioned are attached.

Consultation:

This is the first stage of consultation, with unfortunately a very limited timeframe for response.

Statutory Environment:

These new documents are to be prepared as a result of the introduction of the Local Government Amendment Act 2019.

Relevant Plans and Policy:

Nil

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Financial Implications:

There are no direct financial implications from this item, but the new standards and guidelines will undoubtedly pass further cost onto Councils.

Risk Assessment:

It is important that Council takes the opportunity to provide a response to WALGA in order that their draft submission has the force of a large number of Councils behind it.

Community & Strategic Objectives:

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:

WALGA have once again prepared a draft response that is in line with wide sector thoughts, and utilises the experience of their staff and the feedback they have received regarding a number of issues over the years. The WALGA submission is recommended to Council as being one that should be supported.

2019/9-010 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council acknowledge and support the draft submissions prepared by WALGA relating to the proposed Code of Conduct and CEO Standards and Guidelines documents.

Moved Cr TM Gibson

Seconded Cr LN Gobbart

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.43 Chief Executive Officer Annual Leave

File No:	STAFF
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	Nil
Author:	John Nuttall – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	This item relates to my employment
Voting Requirements:	Recommendation 1 – Simple Majority Recommendation 2 – Absolute Majority
Previously Considered:	Nil

Background:

The Chief Executive Officer is employed, as required by the Local Government Act 1995, under a contract of employment. That contract stipulates (Section 9.1) that leave is to be approved by the Council, or by the President if the Council so resolves. At the Ordinary Meeting of Council in February 2017 Council resolved that leave for periods of 5 days or less could be approved by the President. This item comes to Council as there is a request for leave for a longer period than five days.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

Relevant Plans and Policy:

Nil

Financial Implications:

There is a financial implication in the increased remuneration to be paid to the Acting Chief Executive Officer, but this is built into the annual budget.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Risk Assessment:

There is a risk to the organisation if there is nobody in a position of authority, and with the ability to make decisions on behalf of the organisation during the time that the Chief Executive Officer is on leave.

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

4.3.7 Recruit, retain and develop suitably qualified, experienced and skilled staff

Comment:

Given the length of leave that is requested, it is necessary for Council to appoint an Acting Chief Executive Officer, in order that there is a person able to make necessary decisions on behalf of the organisation, along with signing any necessary documentation and ensuring that operations are run effectively. It is respectfully suggested to Council that Ms McLennan has the necessary experience to undertake the role successfully.

2019/9-011 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Approve a period of annual leave for the Chief Executive Officer between December 19 2019 and January 10 2020 inclusive.***

- 2. Appoint Ms Tanika McLennan to the position of Acting Chief Executive Officer between December 19 2019 and January 10 2020 inclusive, during which time she is to receive the same basic remuneration as the Chief Executive Officer.***

***Moved Cr SR Putt
Absolute Majority***

Seconded Cr BC Geraghty

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.1.44 Water Corporation Standpipes

File No:	4.0033
Location/Address:	Various
Name of Applicant:	N/A
Name of Owner:	Water Corporation
Author:	John Nuttall – Chief Executive Officer
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previously Considered:	Nil

Background:

The Water Corporation made a major change to their standpipe pricing structure effective from July 1 2019. From that date any standpipe greater than 25mm would be charged at a commercial rate (both the annual fixed cost and the water cost) unless they were used for the Local Authority or firefighting purposes only. After much discussion and deliberation Council resolved therefore to lock all standpipes greater than 25mm to avoid those commercial charges, which would have run into the tens of thousands.

Subsequent to this action being carried out in early July there has been a substantial amount of feedback to the Shire regarding the difficulty that is now faced to access water for domestic, stock and farm use. Primarily the issue is the extended time which it takes for an individual community member to be able to access water.

Further discussions have been held with the Water Corporation in an attempt to persuade them to change their regulations in the case of community members for whom the Corporation fails to provide water. Unfortunately this request has been refused.

The Shire have therefore asked that consideration be given to the installation of new water holding tanks at some of the standpipes in order to provide a greater flow, albeit with a reduced capacity – limited of course to the size of the tank. Unfortunately this was not something that has been budgeted by Council for the current year. If a decision is made to install tanks there will also be a requirement for Council to determine what will be removed from the budget to cover the cost.

Consultation:

There has been consultation on several occasions with the Water Corporation, and the matter has previously been considered by Council.

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 —

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

(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.

Relevant Plans and Policy:

Nil

Financial Implications:

As no budget has been set aside for expenditure on water tanks, Council are required to pass a resolution (by absolute majority) to incur the expenditure. Further, as the budget was balanced, Council will be required to determine where in the budget the expenditure is to come from and what currently budgeted project should not be undertaken to pay for this new expenditure.

Risk Assessment:

Council needs to consider the risk of continuing to provide water to the community without any charge. Whilst in the past, water has always been made available and the Shire has absorbed the cost, this is unsustainable into the future, particularly with increasing water costs and if money is going to be spent on assets to achieve faster flow rates at standpipes for the community.

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:

The changes to the standpipe charging rates has proved extremely challenging for the Shire. Whilst it is not the role of the Shire to provide water to the community, understandably there is concern that access to water has been restricted, particularly in some cases to those who do not have a water supply to their home or farm.

Despite many attempts the Water Corporation will not change their new charging regime. Accordingly it seems the only way in which increased flow rates can be provided is by the installation of a tank and pump facility at some of the community sized standpipes.

In considering the community feedback which has been received, the two areas where the most concern is currently in the vicinity of Beacon and Gabbin. That being the case, if Council do resolve to install water tank and pump systems they would seem to be the best locations. Council needs to understand, however, that further areas of difficulty may be reported in the future and consideration of additional tanks may be necessary.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

It is estimated that the purchase of a water tank and pump system, plus installation, will cost around \$5000 per standpipe.

If two standpipes are to be considered Council will need to determine where \$10,000 can be removed from the current budget to allow for this purchase. By way of reminder, the budget is balanced so any expenditure outside that budget needs to be taken from an area already budgeted, and be agreed by absolute majority of Council. Two suggested areas in the budget that money could be taken from are:

- Footpath Construction (1223055) – currently has a budget of \$20,000
- Economic Development Fund (1341562) – Budget was \$40,000 although some expenditure is expected to be ratified at this meeting

Council are of course free to nominate any other (non-tied by grant funding) budget item to remove or reduce in order to be able to budget for the water tanks, but Council are encouraged not to alter any road funding given these items include plant costs, outdoor staff time and wages.

In order to provide a resolution the Footpath Construction account has been suggested below.

2019/9-012 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council:

- 1. Subject to the Local Government Act 1995, Section 6.8(1)(b) authorise non budgeted expenditure of \$10,000 to install water tanks and associated infrastructure at the community (20mm) standpipes located in Beacon and Gabbin;***
- 2. Subject to the Local Government Act 1995, Section 6.8(1)(b) reduce 1151021 Museum Contracts by \$10,000 to allow for the expenditure authorised in resolution 1 above***

Moved Cr NR Gillett
Absolute Majority

Seconded Cr IC Sanders

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.2 Works Supervisor

14.2.9 Works Report October 2019

File No:	N/A
Location/Address:	Mt Marshall District
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Aaron Wootton – 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/Streets

Rowland Street, Beacon - the contractor has commenced path works and should have all works completed in the next 2 weeks.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Ingleton Road - Works are ongoing with only a couple of days of wet mixing left to do. We will then have waterbinding to undertake which should be done in the next two weeks. The sealing contractor has been organised for a start on the 4th of November so we are a bit behind on timing unfortunately but within the budget on these works.

Budgeted re-sealing works - The majority of the budgeted re-sealing works will be carried out at the same time as the work is done on Ingleton road. Those roads are two sections on Burakin-Wialki Rd, two sections on Bencubbin-Beacon Rd and one section on Bimbijy Rd.

Beacon-Bencubbin Rd adjacent to Faulkner Road will be finalised as well, this section requires some profiling to reshape the corner at the northern end of the works.

Webungin-Wialki Rd - works here will commence once the waterbinding on Ingleton Rd is completed, we are hoping for a seal in the second week of December.

Gardening

Gardeners have been busy keeping the town sites clean and tidy.

Maintenance Works

Maintenance staff have been replacing signs and road patching where required. Currently they are being utilised for traffic management along Ingleton Rd.

Maintenance Grading

They are currently working in the following locations

Stretch - Maroubra area

Ralph - is currently working along Bencubbin-Kununoppin Rd mainly on back cuts and drains, some maintenance grading where it is required.

Bill- is currently on Andrews Tank Rd.

2019/9-013 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the October 2019 report of the Works Supervisor be received.

Moved Cr LN Gobbart

Seconded Cr TM Gibson

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.3 Executive Assistant

14.3.16 Status Report – September 2019

File No:	N/A
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	14.3.16 – Status Report September 2019
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.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

2019/9-014 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Status Report for September 2019 be received.

Moved Cr SR Putt

Seconded Cr NR Gillett

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.3.17 Christmas and New Year 2019/20 Office Hours

File No:	N/A
Location/Address:	Shire of Mt Marshall Administration Offices
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Nadine Richmond – Executive Assistant
Attachments:	Nil
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

Shire office closure arrangements over the Christmas and New Year period have been varied depending on the CEO at the time and whether staff were leaving the area for holidays. The time of year is usually a quiet period for the administration and works department.

Consultation:

John Nuttall – Chief Executive Officer

Statutory Environment:

Nil

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

Nil

Community & Strategic Objectives:

Outcome 4.1 Collaborative and transparent leadership

4.1.2 Provide responsive high level customer service

Comment:

The author recommends the Shire office closing for the periods listed in the recommendation with the majority of administration staff wishing to go away over this period. Staff with insufficient leave may be offered to work over the period, provided there is work available or permitted to take leave without pay.

Advertising will take place to ensure all community members are made aware of the office closure and a senior staff member will be contactable during the shutdown period.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

2019/9-015 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That Council endorses the following office closure during the 2019/20 Christmas and New Year period:

<i>Friday 20 December -</i>	<i>9.00am to 4.00pm</i>
<i>Monday 23 December -</i>	<i>9.00am to 4.00pm</i>
<i>Tuesday 24 December -</i>	<i>Closed – Christmas Eve</i>
<i>Wednesday 25 December -</i>	<i>Closed – Christmas Day</i>
<i>Thursday 26 December -</i>	<i>Closed – Boxing Day</i>
<i>Friday 27 December -</i>	<i>Closed</i>
<i>Monday 30 December -</i>	<i>Closed</i>
<i>Tuesday 31 December-</i>	<i>Closed – New Year's Eve</i>
<i>Wednesday 1 January -</i>	<i>Closed – New Year's Day</i>
<i>Thursday 2 January -</i>	<i>9.00am to 4.00pm</i>

<i>Moved Cr TM Gibson</i>	<i>Seconded Cr SR Putt</i>	<i>Carried 7/0</i>
----------------------------------	-----------------------------------	---------------------------

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.4 Finance and Administration Manager

14.4.24 Statement of Financial Activity to 30 September 2019

File No:	4.0042
Location/Address:	N/A
Name of Applicant:	Nil
Name of Owner:	N/A
Author:	Tanika McLennan – Finance & Admin Manager
Attachments:	14.4.24 – Statement of Financial Activity to 30 September 2019
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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

2019/9-016 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

The Statement of Financial Activity for the month ending 30 September 2019 be endorsed.

Moved Cr IC Sanders

Seconded Cr SR Putt

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.4.25 Accounts Paid to 30 September 2019

File No: 4.0042
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 22 October 2019 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
40	30/09/2019	BANK FEES - BANK FEES	BANK FEES	397.90
159	23/09/2019	TELSTRA	UTILITY CHARGES-AUGUST19	1399.22
160	23/09/2019	WATER CORPORATION	UTILITY CHARGES 9.7.19-9.9.19	7764.14
EFT15378	03/09/2019	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-JULY19	98.31
EFT15379	04/09/2019	SYNERGY	UTILITY CHARGES 18.7.19-14.8.19	650.25
EFT15380	06/09/2019	SYNERGY	UTILITY CHARGES 19.6.19-15.8.19	5029.05
EFT15381	09/09/2019	SYNERGY	UTILITY CHARGES 18.6.19-15.8.19	107.15
EFT15382	11/09/2019	AVON WASTE	RUBBISH COLLECTION-AUGUST19	5121.76
EFT15383	11/09/2019	BOC GASES	GAS CYLINDERS	42.08
EFT15384	11/09/2019	CJD EQUIPMENT PTY LTD	AUGUST SUPPLIES	293.08

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Chq/EFT	Date	Name	Description	Amount
EFT15385	11/09/2019	NINGHAN SPRAYING & AG SERVICES	AUGUST SUPPLIES	706.80
EFT15386	11/09/2019	KTY ELECTRICAL SERVICES	AUGUST REPAIRS	467.50
EFT15387	11/09/2019	SHIRE OF TRAYNING	MEDICAL PRACTICE EXPENSES PLUS DOCTORS RENT-AUGUST19	6960.00
EFT15388	11/09/2019	BENCUBBIN NEWS & POST	POSTAGE 26.8.19-30.8.19	171.34
EFT15389	11/09/2019	BEACON PROGRESS ASSOCIATION INC.	HIRE OF BEACON HALL FOR DAYCARE 1.9.18-30.6.19	891.00
EFT15390	11/09/2019	NEWTRAVEL INC	COUNCIL CONTRIBUTION 2019/20	6500.00
EFT15391	11/09/2019	BEACON CO-OPERATIVE LTD	CLEANING-JULY19	1866.00
EFT15392	11/09/2019	WINC AUSTRALIA PTY LTD	AUGUST SUPPLIES	112.20
EFT15393	11/09/2019	ALL-WAYS FOODS	AUGUST SUPPLIES	519.00
EFT15394	11/09/2019	A & M MEDICAL SERVICES P/L	SERVICE-OXY SOK	102.50
EFT15395	11/09/2019	BENCUBBIN COMMUNITY RESOURCE CENTRE	CARAVAN PARK VOUCHERS	20.00
EFT15396	11/09/2019	BENCUBBIN TRUCK N AUTO'S	AUGUST REPAIRS	6074.30
EFT15397	11/09/2019	CIVIC LEGAL	PROJECT AWARE GOVERNANCE PROGRAM	2255.00
EFT15398	11/09/2019	D & D TRANSPORT	FREIGHT-AUGUST19	164.78
EFT15399	11/09/2019	PERFECT COMPUTER SOLUTIONS PTY LTD	COMPUTER SERVICES	297.50
EFT15400	11/09/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	WALGA CONFERENCE 2019-L.GOBART	10989.00
EFT15401	11/09/2019	BENCUBBIN AG SUPPLIES	AUGUST SUPPLIES	1532.62
EFT15402	11/09/2019	REFUEL AUSTRALIA	FUEL-AUGUST19	220.82
EFT15403	11/09/2019	TUTT BRYANT EQUIPMENT	AUGUST SUPPLIES	353.51
EFT15404	11/09/2019	GREAT SOUTHERN FUELS	FUEL	21742.24
EFT15405	11/09/2019	MW GRANT	PUSH GRAVEL	10780.00
EFT15406	11/09/2019	DYLAN COPELAND	PROVISION OF NATURAL RESOURCE MANAGEMENT-AUGUST19	528.00
EFT15407	11/09/2019	KC SALES	CARAVAN PARK VOUCHERS	725.57
EFT15408	11/09/2019	PALM PLUMBING	AUGUST REPAIRS	861.30

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Chq/EFT	Date	Name	Description	Amount
EFT15409	11/09/2019	GREAT BEGINNINGS FAMILY DAY CARE SERVICE	APPLICATION/MEMBERSHIP-CAITLYN YORK	50.00
EFT15410	11/09/2019	MARKETFORCE PTY LTD	ADVERTISING-AUGUST19	326.96
EFT15411	11/09/2019	SOUTHERN CROSS AUSTEREO PTY LTD	ADVERTISING-AROUND THE TOWNS-AUGUST	82.50
EFT15412	11/09/2019	ENVIRONMENTAL HEALTH AUSTRALIA (WESTERN AUSTRALIA) INC	CONFERENCE 2019 REGIST.X2 DAYS & MASTERCLASS OPTIONS	1125.00
EFT15413	11/09/2019	WHEATBELT LIQUID WASTE MANAGEMENT	SEPTIC PUMP OUT	528.00
EFT15414	11/09/2019	AUSTRALIA POST	POSTAGE-BEACON LIBRARY	16.60
EFT15415	11/09/2019	THE BENCUBBIN SHOP	AUGUST SUPPLIES	109.43
EFT15416	11/09/2019	AFGRI EQUIPMENT AUSTRALIA	AUGUST SUPPLIES	424.84
EFT15417	11/09/2019	FIRE & SLICE MOBILE PIZZA	CARAVAN PARK VOUCHERS	10.00
EFT15418	14/09/2019	BENDIGO BANK	AUGUST SUPPLIES	2976.98
EFT15419	16/09/2019	EASISALARY	PAYROLL DEDUCTIONS	571.94
EFT15420	23/09/2019	SHIRE OF MT MARSHALL	NEW HEALTH RECOUP 31.8.19	4690.13
EFT15421	23/09/2019	CJD EQUIPMENT PTY LTD	SEPTEMBER SUPPLIES	4555.70
EFT15422	23/09/2019	EASTERN HILLS SAWS & MOWERS PTY LTD	SEPTEMBER SUPPLIES	17.00
EFT15423	23/09/2019	KTY ELECTRICAL SERVICES	SEPTEMBER REPAIRS	586.30
EFT15424	23/09/2019	BENCUBBIN NEWS & POST	POSTAGE 9.9.19-13.9.19	103.02
EFT15425	23/09/2019	BEACON COUNTRY CLUB INC.	CARAVAN PARK VOUCHERS	340.00
EFT15426	23/09/2019	BEACON CENTRAL COMMUNITY RESOURCE CENTRE	CARAVAN PARK VOUCHERS	20.00
EFT15427	23/09/2019	AUSTRALIAN TAXATION OFFICE	BAS-AUGUST19	51185.00
EFT15428	23/09/2019	MOORE STEPHENS (WA) PTY LTD	FINANCIAL REPORTING 2019 TEMPLATE	1045.00
EFT15429	23/09/2019	WINC AUSTRALIA PTY LTD	SEPTEMBER SUPPLIES	107.36
EFT15430	23/09/2019	ICS CARPENTRY	SEPTEMBER REPAIRS	398.20
EFT15431	23/09/2019	ALL-WAYS FOODS	SEPTEMBER SUPPLIES	597.50
EFT15432	23/09/2019	BENCUBBIN COMMUNITY RESOURCE CENTRE	FIRST AID COURSE	480.00
EFT15433	23/09/2019	PORKY'S ENTERPRISES	HIRE OF SIDE TIPPING SEMI TRAILER	7524.00

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Chq/EFT	Date	Name	Description	Amount
EFT15434	23/09/2019	FAULKNER BROTHER HOLDINGS	RATES REFUND FOR ASSESSMENT A6469 LOT FAULKNER RD WIALKI 6473	651.93
EFT15435	23/09/2019	METROCOUNT	SEPTEMBER SUPPLIES	718.30
EFT15436	23/09/2019	BENCUBBIN TRUCK N AUTO'S	SEPTEMBER REPAIRS	2305.50
EFT15437	23/09/2019	LEISURE INSTITUTE OF WA AQUATICS (INC)	CONFERENCE-R.WATSON 23.10.19	99.00
EFT15438	23/09/2019	PERFECT COMPUTER SOLUTIONS PTY LTD	COMPUTER SERVICES	722.50
EFT15439	23/09/2019	MEGAN RUTH BEAGLEY	RATES REFUND FOR ASSESSMENT A6030 LOT AYRES RD CLEARLY WA 6472	431.61
EFT15440	23/09/2019	WONGAN TREES	SEEDLING DELIVERY	741.40
EFT15441	23/09/2019	KUNUNOPPIN MEDICAL PRACTICE	PRE-EMPLOYMENT MEDICAL-H.D'ARCY	143.00
EFT15442	23/09/2019	LOCAL PEST CONTROL	PEST CONTROL	214.75
EFT15443	23/09/2019	TRUCK CENTRE (WA) PTY LTD	SEPTEMBER SUPPLIES	1060.99
EFT15444	23/09/2019	CR IC SANDERS	MEETING FEES & ALLOWANCES 14.8.19- 17.9.19	493.18
EFT15445	23/09/2019	ECHELON AUSTRALIA PTY LTD	OSH COURSE	3132.18
EFT15446	23/09/2019	BOB WADDELL & ASSOCIATES PTY LTD	VARIOUS ACCOUNTING SUPPORT	8481.00
EFT15447	23/09/2019	KC SALES	SEPTEMBER SUPPLIES	655.40
EFT15448	23/09/2019	INITIAL HYGIENE	SANITARY DISPOSAL SERVICE 11.10.19- 10.11.19	686.19
EFT15449	23/09/2019	CR ARC SACHSE	MEETING FEES & ALLOWANCES 14.8.19- 17.9.19	1684.53
EFT15450	23/09/2019	CR RM KIRBY	MEETING FEES & ALLOWANCES 14.8.19- 17.9.19	884.89
EFT15451	23/09/2019	CR SE FAULKNER	MEETING FEES & ALLOWANCES 14.8.19- 17.9.19	575.34
EFT15452	23/09/2019	HANDS ON THERAPEUTIC MASSAGE	CARAVAN PARK VOUCHERS	20.00
EFT15453	23/09/2019	WHEATBELT OFFICE & BUSINESS MACHINES	PHOTOCOPIER CHARGES	906.82
EFT15454	23/09/2019	CENTRAL EAST AGED CARE ALLIANCE (INC)	REIMBURSE FOR LAND ASSEMBLY/PURCHASE	15514.91

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Chq/EFT	Date	Name	Description	Amount
EFT15455	23/09/2019	CR STUART PUTT	MEETING FEES & ALLOWANCES 14.8.19-17.9.19	493.18
EFT15456	23/09/2019	LEEANNE NOLA GOBBART	MEETING FEES & ALLOWANCES 14.8.19-17.9.19	523.75
EFT15457	23/09/2019	WHEATBELT LIQUID WASTE MANAGEMENT	SEPTIC PUMP OUT	528.00
EFT15458	23/09/2019	PALMER PLUMBING PTY LTD	SEPTEMBER REPAIRS	308.00
EFT15459	23/09/2019	TOLL TRANSPORT PTY LTD	FREIGHT-SEPTEMBER19	72.66
EFT15460	23/09/2019	WAYNES DESIGN AND DRAFTING	SITE VISIT AND MEASUREMENTS FOR PLANS	616.00
EFT15461	23/09/2019	SYNERGY	STREETLIGHTS 25.7.19-24.8.19	1888.17
EFT15462	25/09/2019	SYNERGY	UTILITY CHARGES 18.6.19-14.8.19	311.61
EFT15463	25/09/2019	SYNERGY	UTILITY CHARGES 18.6.19-14.8.19	3.79
EFT15464	26/09/2019	CRISP WIRELESS PTY LTD	BUSINESS LITE SUBSCRIPTION-INTERNET ACCESS	328.90
EFT15465		TRUST PAYMENT		
EFT15466-67		OCTOBER CREDITORS PAYMENTS		
EFT15468-69		OCTOBER TRUST PAYMENTS		
EFT15470		OCTOBER CREDITOR PAYMENT		
EFT15471	30/09/2019	CARDTRONICS AUSTRALASIA PTY LTD	ONGOING FEES FOR ATM-AUGUST19	97.83
DD9751.1	11/09/2019	WALGS PLAN	PAYROLL DEDUCTIONS	8028.17
DD9751.2	11/09/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	209.35
DD9751.3	11/09/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	601.53
DD9751.4	11/09/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	255.17
DD9751.5	11/09/2019	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	529.80
DD9751.6	11/09/2019	CHILD CARE SUPER	SUPERANNUATION CONTRIBUTIONS	44.64
DD9751.7	11/09/2019	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	188.46
DD9767.1	25/09/2019	WALGS PLAN	PAYROLL DEDUCTIONS	8100.30
DD9767.2	25/09/2019	MTAA SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	209.35
DD9767.3	25/09/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	601.53
DD9767.4	25/09/2019	CBUS SUPER	SUPERANNUATION CONTRIBUTIONS	256.15
DD9767.5	25/09/2019	ESSENTIAL SUPER	SUPERANNUATION CONTRIBUTIONS	86.33

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Chq/EFT	Date	Name	Description	Amount
DD9767.6	25/09/2019	LEGALSUPER	SUPERANNUATION CONTRIBUTIONS	529.80
DD9767.7	25/09/2019	CHILD CARE SUPER	SUPERANNUATION CONTRIBUTIONS	94.23
DD9767.8	25/09/2019	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	188.46
				238,833.96

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

2. Trust

Chq/EFT	Date	Name	Description	Amount
EFT15465	30/09/2019	DEPARTMENT OF TRANSPORT	MMSO20190913	2662.95
				2,662.95

3. Mastercard

Details	Amount
2 study units for C.Bland	344.10
Plate remake	36.90
Plate remake	36.90
Brochure holder/ballot box	115.86
Bank fees	4.00
Ipad-daycare	982.95
Bank fees	4.00
Plate change	27.70
Bank fees	4.00
Little hotelier fees	81.95
Little hotelier fees	81.95
Food-J.Nuttall-LG convention	84.50
Parking-NEWROC	106.31
Accomm.J.Nuttall-NEWROC	249.00
Accomm.J.Nuttall-NEWROC	473.57
Fuel-J. Nuttall-NEWROC	31.14
Taxi-J. Nuttall-NEWROC	20.16
Taxi-J. Nuttall-NEWROC	48.30
Car rental-J. Nuttall-NEWROC	239.69
Bank fees	4.00
	2,976.98

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

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 **22 October 2019**. 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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

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

2019/9-017 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the Accounts Listed

<i>Municipal Fund</i>	\$ 238,833.96
<i>Trust Fund</i>	\$ 2,662.95
<i>Mastercard</i>	\$ <u>2,976.98</u>
<i>Total</i>	\$ <u>244,473.89</u>

Be endorsed.

Moved Cr LN Gobbart

Seconded Cr IC Sanders

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.5 Community Development Officer

Nil

14.6 Regulatory Officer

14.6.4 Tender MM04. 19/20 - Primemover Supply

File No:	4.0077
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author:	Jack Walker – Regulatory Officer
Attachments:	14.6.4a – Prime Mover Specifications 14.6.4b – F&R.2.5 Purchasing Policy
Declaration of Interest:	Nil
Voting Requirements:	Recommendations 1 & 2: Simple Majority Recommendation 3: Absolute Majority
Previously Considered:	Nil

Background:

When adopting the 2019/20 budget, provision was made for the purchase of one (1) new primemover. Given the budgeted amount and the cost of a new primemover, the purchase must be made by way of tender. This report seeks Council endorsement for the following:

- a call for a Request for Tender (RFT)
- setting of the selection criteria to be used to assess any tenders received
- delegated authority for the Chief Executive Officer to award the contract to the most appropriate tender.

Consultation:

Mr John Nuttall – Chief Executive Officer

Mr Aaron Wootton – Works Supervisor

Statutory Environment:

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

14. Publicly inviting tenders, requirements for

(2a) "If a Local Government -

(a) is required to invite a Tender; or

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

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

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

11. *When tenders have to be publicly invited*

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (b) the supply of the goods or services is to be obtained through the WALGA Preferred Suppliers Program.

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

5.42. *Delegation of some powers and duties to CEO*

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

* *Absolute majority required.*

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

Relevant Plans and Policy:

Shire Policy F&R 2.5 deals with purchasing and tenders, but it does not set a standard selection criteria. Accordingly Council are invited to consider the appropriate selection criteria through this report. A copy of that policy is attached at 14.6.4b.

Financial Implications:

As Council has already budgeted for the purchase of the graders, there will be no financial implications from this report outside the budget.

Risk Assessment:

Due to the expenditure involved, failure to acquire a grader through a tender process would be a breach of the *Local Government Act 1995*.

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:

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

A copy of the tender specifications has been included as an attachment.

2019/9-018 OFFICER'S RECOMMENDATION's / COUNCIL DECISIONS:

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Officer's Recommendation 1:

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 call for Tenders (RFT MM04. 19/20) for the provision of one (1) road train rated Primemover through the WALGA Preferred Supplier Program (r. 11 (2)(b).

Officer's Recommendation 2:

That Council, pursuant to Section 3.57 of the Local Government Act, 1995 and Division 2 of the Local Government (Functions and General) Regulations, 1996 set the Qualitative Evaluation Criteria for RFT MM04. 19/20, as follows:

<i>Price</i>	<i>50%</i>
<i>Servicing and Reliability</i>	<i>25%</i>
<i>Availability of Machinery</i>	<i>25%</i>

Officer's Recommendation 3:

That Council pursuant to Section 5.42 of the Local Government Act, 1995 delegate authority to the Chief Executive Officer to award the Primemover purchase in accordance with the results of the tender evaluation process.

Moved Cr IC Sanders
Absolute Majority

Seconded Cr SR Putt

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.7 Development

14.7.2 Development Application – Telstra Corporation Tampu Tower

File No:	4.0082
Location/Address:	Lot 3240 Bimbijy Road, Tampu
Name of Applicant:	Visionstream Australia Pty Ltd on behalf of Telstra Corporation
Name of Owner:	N/A
Author:	Paul Bashall, Consultant Planner - Planwest
Attachments:	14.7.2 – Development Application Telstra Corporation, Tampu Tower
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previously Considered:	Nil

Background:

The Development Approval (DA) application seeks approval for a telecommunications facility on behalf of Telstra as part of Round 4 the Federal Government Mobile Black Spot Program rollout across Australia.

The Mobile Black Spot Program Round 4 has identified a need to provide mobile service to Tampu and surrounding areas.

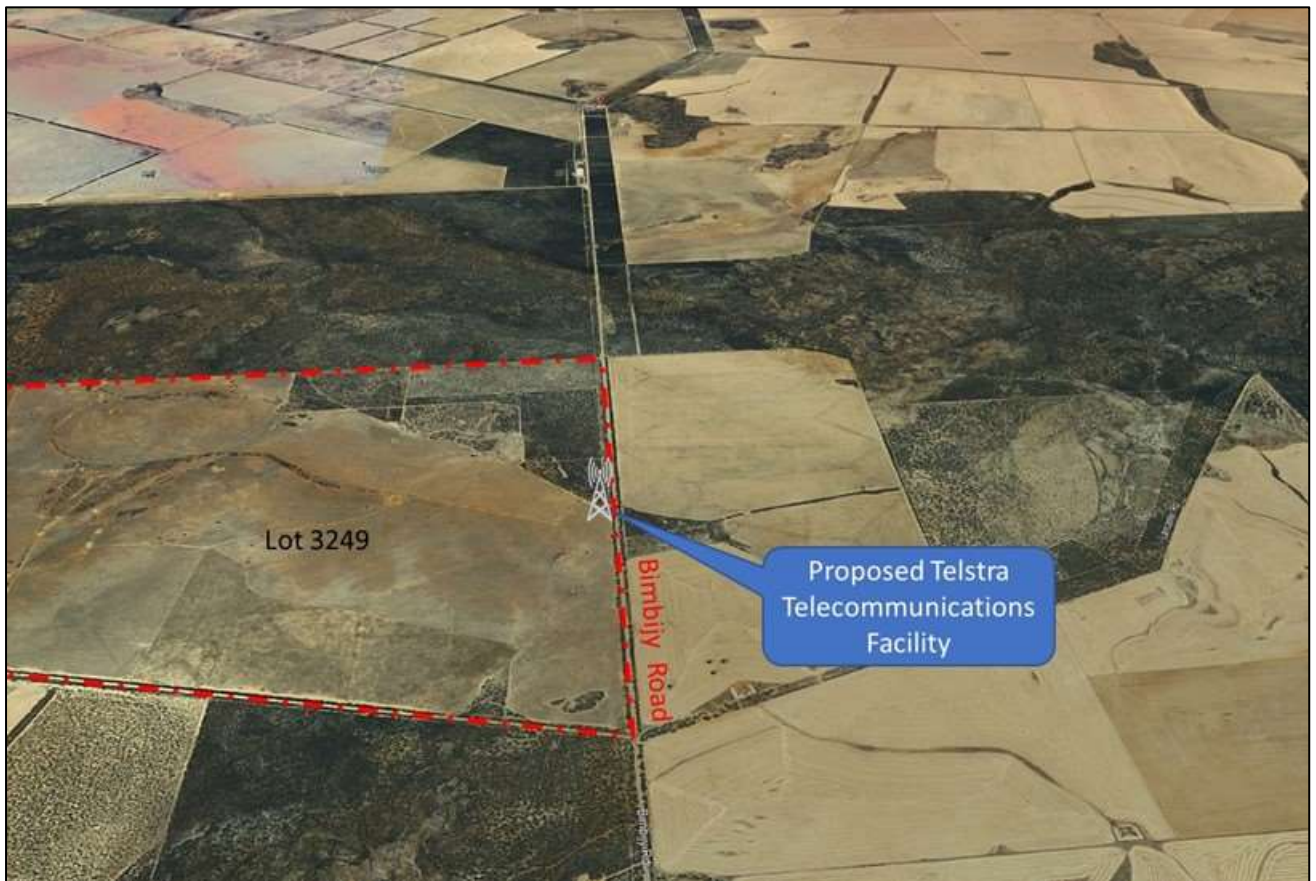
The applicant states that Black Spot Program is one of the largest ever expansions of mobile coverage in regional and remote Australia. Areas which will receive new mobile network coverage have been announced in multiple rounds since 2015, starting with Round 1, and most recently with Round 4 announced in March 2019. This program will deliver mobile coverage to a large number of regional and remote communities who, for the first time, will be able to access fast mobile voice and data services. The improved coverage is increasing access to new technologies for key regional sectors like agriculture, transport, mining and tourism – technologies which rely on a fast, reliable and affordable mobile network.

The DA has been submitted by Visionstream Australia Pty Ltd on behalf of Telstra Corporation Ltd and involves the installation of a 60m lattice tower and associated ancillary equipment at Lot 3240 Bimbijy Road, Tampu WA 6472. **Figure 1** shows a location plan. The site is located approximately 24 kilometres due north of Beacon townsite and 21 kilometres east of the Koorda Shire boundary.

The land is owned by BR and ME Kirby, both of which have consented to the application. The land is about 880 hectares in area and is located on the corner of Lancaster and Bimbijy Road. Most of the property is currently cropped, however, as can be seen in Figure 1 there are a few remaining areas of vegetation. The tower shown in the figure is diagrammatic and therefore not to scale.

Figure 1 – Location Plan

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019



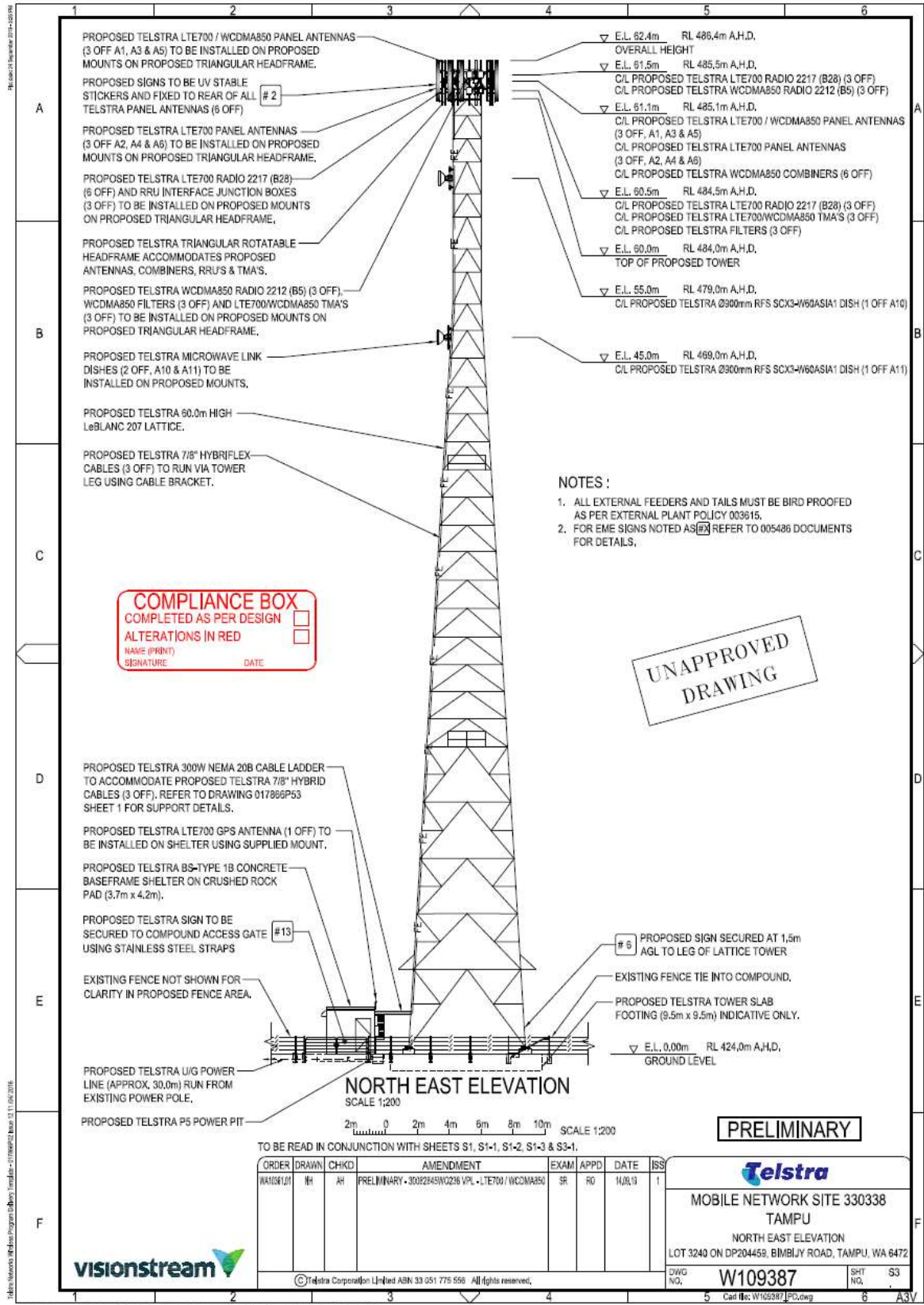
Source: Google Earth, PLANWEST

The location of the tower has been the subject to an assessment of other facilities in the area with a preference to collocate with similar facilities. However, none of these are considered suitable in terms of coverage or power availability.

Figures 2 and 3 provide an elevation and plan of the facility as shown in the DA application.

**Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019**

Figure 2 – Facility Elevation



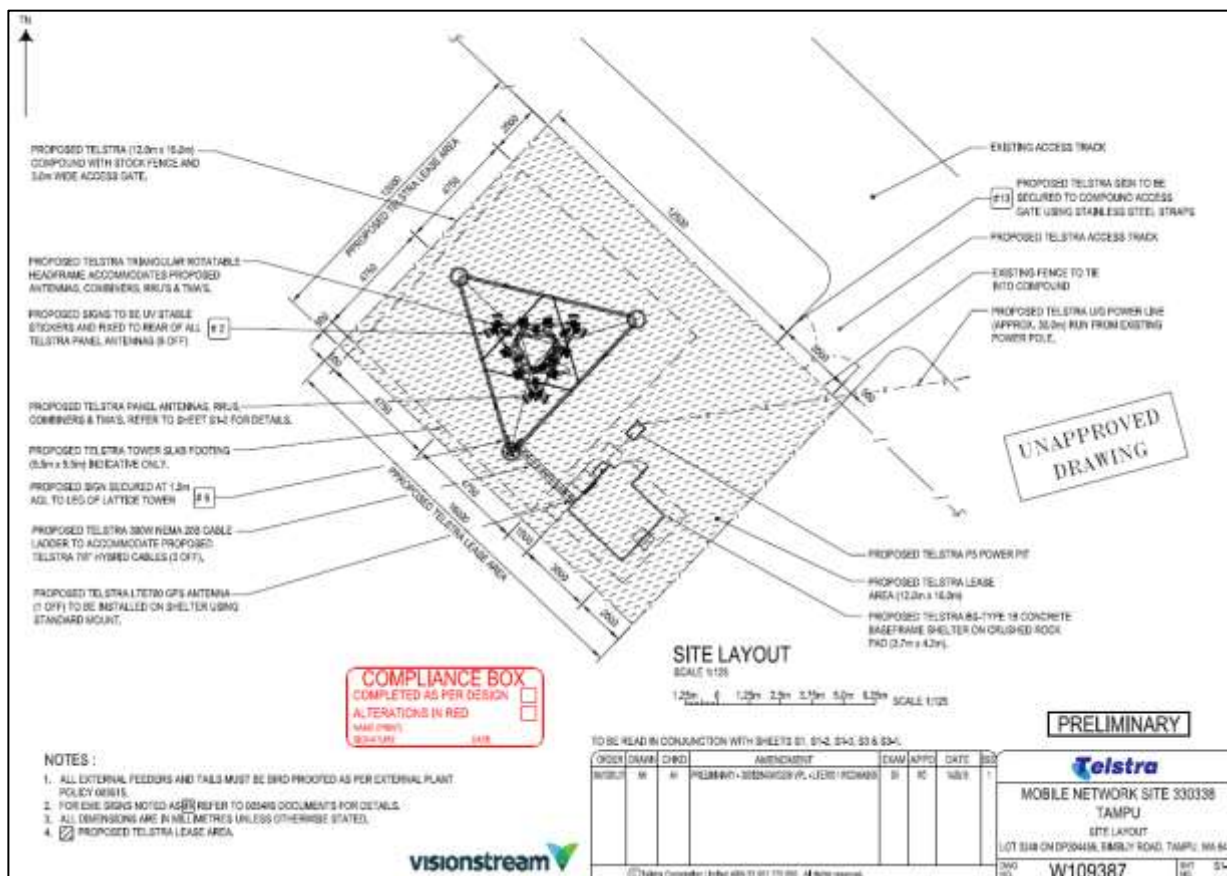
Source: DA

**Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019**

The proposal includes the following works:

- Installation of one (1) 60.0m high lattice (overall height 62.4m to top of antennae);
- Installation of one (1) triangular headframe;
- Installation of six (6) new panel antennas (no greater than 2.8m in length);
- Installation of one (1) equipment shelter at the base of the lattice tower; and
- Installation of associated ancillary cabling and equipment on the tower and within the equipment shelter.

Figure 3 – Facility Layout



Source: DA

The subject site location is cleared of vegetation, with mature vegetation to the north. The proposal does not require removal of any vegetation. Entrance to the property is taken directly from the existing access off Bimbijy Road. The surrounding properties in the area are predominantly large partially vegetated rural uses, and the closest residence is located approximately 4.9km to the north. **Figure 4** shows the location of the nearest sensitive uses as presented in the DA application.

The application also states that there are no Aboriginal or other heritage sites of significance identified within the subject land holding or within close proximity, and that there are no identified areas of natural Flora and Fauna significance associated with the site.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

The mobile base station facility is unmanned would require maintenance checks approximately 3-4 times per year as required. Routine maintenance would involve one vehicle per visit and parking would be available close to the proposed site for this purpose.

During the construction phase various vehicles will be used to deliver equipment and construct the Telstra Mobile Base Station Facility. Any traffic impacts associated with construction and establishment will be of a short-term duration (i.e. approximately five weeks over non-consecutive periods) and are not anticipated to adversely impact on the surrounding road network.

Access to the proposed site will be through the existing access track off the Bimbij Road. The facility will be located about 45 metres west of Bimbij Road reserve and about 1.3km north of Lancaster Road.

Figure 4 – Nearest Sensitive Uses



Source: DA

The land is zoned 'Rural' under the Shire of Mt Marshall Local Planning Scheme 3 (Scheme 3) in which a 'telecommunications infrastructure' is a 'D' (Discretionary use) use in Table I – Zoning Table of the Scheme.

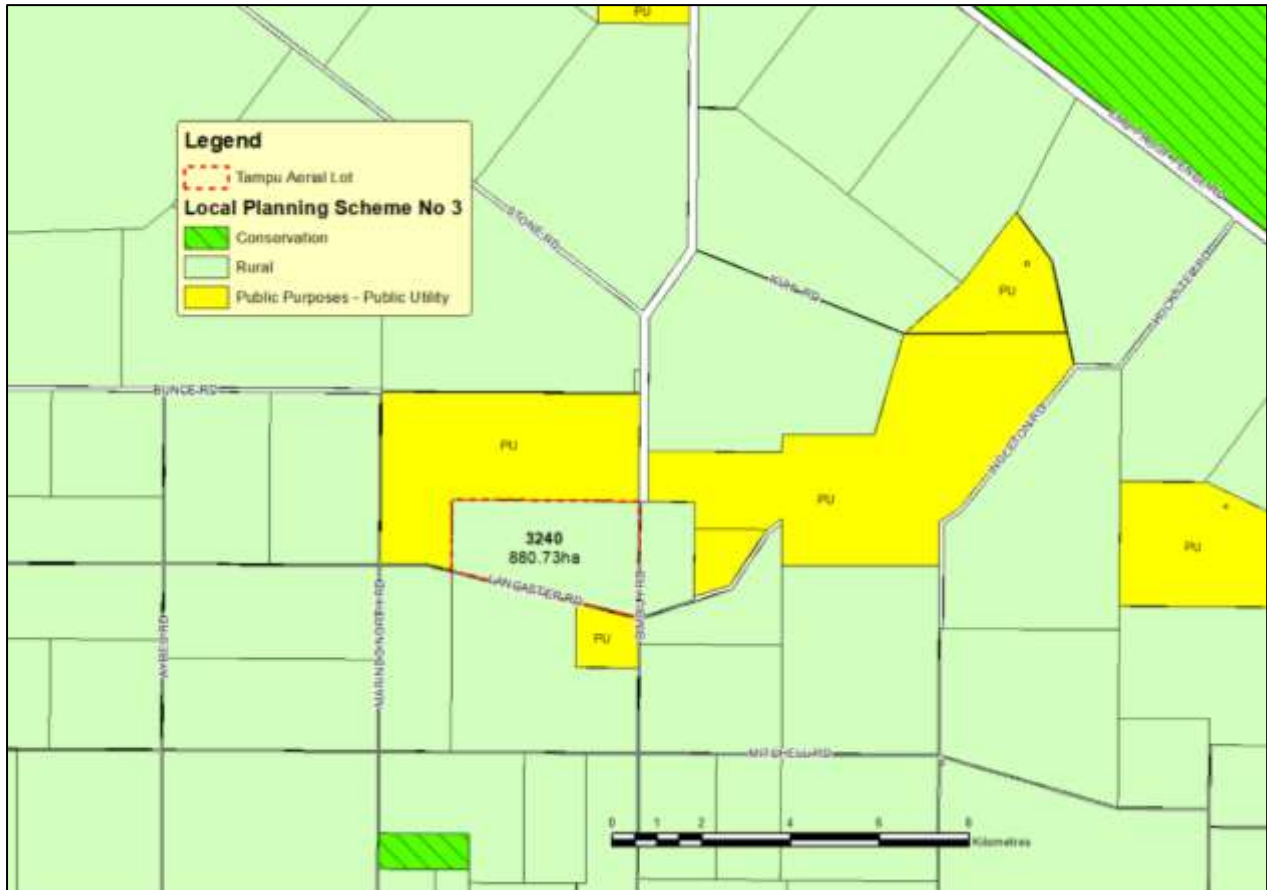
A 'D' use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Figure 5 provides an extract from the Scheme Map showing the subject land in relation to the surrounding areas.

The surrounding local Scheme reserves for public purposes are a reflection of the Crown Land designations of 'Waterway'. The proposal is not likely to impact any of these areas.

Figure 5 – Extract from Scheme 3



Source: DPLH, PLANWEST

State Planning Policy 3.7 (SPP 3.7) - Planning in Bushfire Prone Areas

The site of the proposed facility is located in a Bushfire Prone area as identified by the Department of Fire and Emergency Services (DFES) (see **Figure 6**).

SPP 3.7 considers telecommunications facilities as 'unavoidable development', and the Council can use its discretion as to whether it requires a Bushfire Management Plan (BMP).

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Planning Bulletin 111/2016 states that;

Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker. If the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment. Exemptions may apply to infrastructure including roads, telecommunications and dams; and to rural activities, including piggeries and chicken farms which do not involve employees on site for a considerable amount of time."

Figure 6 – Bushfire Prone Areas



Source: DPLH, DFES, PLANWEST

The condition to prepare a BMP has been imposed as a condition of approval, however the Council may wish to waive this condition if it considers that the development will not increase the possibility of a bushfire.

State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2)

The applicant states that the proposal accords with the principles of SPP 5.2.

Environment Protection and Biodiversity Conservation Act 1999

The EPBC Act relates to matters of national environmental significance, including world heritage areas, natural heritage places (including declared RAMSAR wetland areas), listed

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

threatened species in communities, listed migratory species, protection of environment on nuclear actions, and environment matters.

The proposal is not identified as having a significant impact on any of the above matters of national environmental significance. Therefore, the proposal will not require referral to the Government Minister for the Environment for assessment.

Native Title

The land parcel is within Native Title Application WC2017/007. The applicant has stated that notification to the registered native title claimants (RNTC) during the development application process will be undertaken.

Consultation:

Nil

Statutory Environment:

Shire of Mt Marshall Local Planning Scheme No 3

Relevant Plans and Policy:

Shire of Mt Marshall Local Planning Scheme No 3

Financial Implications:

Town Planning Fees of \$1,280.00

Risk Assessment:

There is a risk of ongoing telecommunications issues in the area if the development application is not approved.

Community & Strategic Objectives:

Outcome 2.1 Actively support and develop local and new business

2.1.3 Lobby for the technological infrastructure necessary to support commercial and business growth

Outcome 3.2 A sense of place through public infrastructure and facilities

3.2.1 Align land use and infrastructure planning

Outcome 4.2 Strong representation on behalf of the Community

4.2.2 Align land use and infrastructure planning

Comment:

It is evident that the facility will provide improved mobile communications, especially throughout the Black Spot areas of the State, and will therefore be supported by local residents.

As the applicant states, mobile phones and mobile broadband devices continue to play an important role in the lives of Australians. This includes providing the fundamental ability to be in contact with family and friends, operating businesses more efficiently and effectively as well as dialling triple 0 during a natural disaster or other emergency.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

Because of the ever-growing demand for more data and better reception, mobile phone carriers such as Telstra continually have to upgrade and expand mobile phone networks to eliminate coverage black spots and to keep up with the demands and expectations placed upon them by the community.

Planning and Development Act 2005

Shire of Mt Marshall

Notice of determination on application for development approval

Location: Cnr Bimbijy and Lancaster Roads, **Tampu.**

Lot: 3240

Plan/Diagram: Plan 204459

Vol. No: 1293

Folio No: 448

Application date:

Received on: 14 October 2019

Description of proposed development:

Telecommunications Facility

The application for development approval is:



Approved subject to the following conditions

Refused for the following reason(s)

Conditions/reasons for refusal:

1. The preparation of, and compliance with, a Bushfire Management Plan (BMP) to the satisfaction of the local government.
2. No vegetation being removed unnecessarily.
3. The site being drained and filled to the satisfaction of the local government.
4. The construction of the access roads and crossover to Bimbijy Road to be to the satisfaction of the local government.
5. Notification to the registered native title claimants (RNTC) during the development application process.
6. The preparation of a Construction Management Plan to the satisfaction of the local government.

Date of determination: 22 October 2019

Note 1: The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

2019/9-019 OFFICER'S RECOMMENDATION / COUNCIL DECISION:

That the application for Development Approval submitted on 14 October 2019 be granted subject to;

- 1. The preparation of, and compliance with, a Bushfire Management Plan (BMP) to the satisfaction of the local government.***
- 2. No vegetation being removed unnecessarily.***
- 3. The site being drained and filled to the satisfaction of the local government.***
- 4. The construction of the access roads and crossover to Bimbijy Road to be to the satisfaction of the local government.***
- 5. Notification to the registered native title claimants (RNTC) during the development application process.***
- 6. The preparation of a Construction Management Plan to the satisfaction of the local government.***

Moved Cr TM Gibson

Seconded Cr NR Gillett

Carried 7/0

Minutes of the Ordinary Meeting of Council
held on Tuesday 22 October 2019

14.8 Environmental Health Officer

Nil

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

Nil

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

Nil

17.0 Next Meeting – Tuesday 19 November 2019 commencing at 3.00pm at the Beacon Country Club, Shemeld St, Beacon

18.0 Closure of Meeting

The Presiding Member thanked everyone for attending and declared the meeting closed at 4:41pm

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

Date

Cr ARC Sachse President