



Minutes

Of the

Ordinary Meeting of Council

Held on

Wednesday, 16 March 2011

At 9.06am

In

The Council Chambers
Maddock St, Mukinbudin

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Minutes of the Ordinary Meeting of Council held in Council Chambers, Maddock Street, Mukinbudin on 16th March 2011.

1. Declaration of Opening

1.1 The Shire President declared the Meeting open at 9.06am

2. Public Question Time

2.1 Response to previous questions taken on notice.

2.2 Declaration of public question time opened
The Shire president will declare public question time open.

2.3 Declaration of public question time closed
The Shire President will declare public question time closed.

3. Record of attendance, apologies and approved leave of absence

3.1 Present:

GJ Shadbolt	President	Lake Brown/Dandanning Ward
RJ Comerford		Wattoning Ward
CW Geraghty	arrived @ 1.27pm	Bonnie Rock Ward
SR Palm		Bonnie Rock Ward
BE Watson		Wilgoyne Ward
KR Sippe		Town Ward
KD Lancaster		Town Ward
WL Crook		Town Ward

3.2 Apologies:

PG Jones	Deputy President	Town Ward
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3.3 On leave of absence:

Nil

3.4 Staff:

TJ Smith	Chief Executive Officer
ER Della Bosca	Deputy Chief Executive Officer

3.5 Visitors:

Celeste Alison and Kay McGlue
Terry & Lyn Lawrie

3.6 Gallery:

Rosalie Crook

3.7 Applications for leave of absence:

Nil

4. Petitions, deputations and presentations

4.1 Petitions

4.2 Deputations

4.3 Presentations

Celeste Allison gave a presentation on her sponsored trip aboard the Leeuwin.

5. Announcements by the Presiding person without discussion

6. Confirmation of the Minutes of previous meetings

6.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 16th February 2011

Recommendation

That the Minutes of the Ordinary Meeting of Council held on the 16th February 2011 be accepted as a true and correct record of proceedings.

Council Decision Number – 377

Voting Requirements – Simple Majority

Moved: Cr Comerford

Seconded: Cr Lancaster

That the Minutes of the Ordinary Meeting of Council held on the 16th February 2011 be accepted as a true and correct record of proceedings.

Carried 7/0

6.1.1 Business Arising from Minutes

- Caravan Park – Electrical Upgrade

7. Matters for which the meeting may be closed

8. Reports of Committees and Officers

8.1 Deputy Chief Executive Officer Reports

8.1.1 List of Payments January 2011	
Location:	Mukinbudin
File Ref:	
Applicant:	Ellen Della Bosca - DCEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Ellen Della Bosca - DCEO
Author:	Ellen Della Bosca - DCEO

If a Councillor has any questions regarding the enclosed finances, please see the Deputy Chief Executive Officer prior to the meeting so that a researched answer may be provided.

Background

A list of payments submitted to Council on 31st January 2011, for confirmation in respect of accounts already being paid or for the authority to those unpaid.

Financial Implications

A list of payments is required to be presented to Council as per section 13 of the Local Government Act (Financial Management Regulations 1996).

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Recommendation

That the list of payments to today's meeting on Vouchers – Muni 28460 – 28499 and Transfers D/D104.1011 to D/124.1011 totalling \$249,127.22 for payments made in January 2011, be passed for payment.

Council Decision Number – 378

Voting Requirements – Simple Majority

Moved: Cr Comerford

Seconded: Cr Palm

That the list of payments to today's meeting on Vouchers – Muni 28460 – 28499 and Transfers D/D104.1011 to D/D124.1011 totalling \$249,127.22 for payment made in January 2011, be passed for payment.

Carried 7/0

8.1.2 Monthly Financial Report – January 2011	
Location:	Mukinbudin
File Ref:	
Applicant:	Ellen Della Bosca - DCEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Ellen Della Bosca - DCEO
Author:	Ellen Della Bosca - DCEO

Background

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management Regulations 1996).

The Monthly Statement of Financial Activity for the period ending 31st January 2011 is attached for Councillor Information, and consisting of;

1. Statement of Financial Activity
2. Capital Acquisitions Summary
3. Variances Report
4. Summary of Bank Balances

Financial Implications

There is no direct financial Implication in relation to this matter.

Statutory Environment

General Financial Management of Council

Council 2009/10 Budget

Local Government Financial Management Regulation 34 1996

Local Government Act 1995 section 6.4

Policy Implication

Council is required annual to adopt a policy on what it considers to be material as far as variances that require to be reported for Council. Council policy is that the material variation be set at \$15,000 or 20%.

Recommendation

That Council adopt the Monthly Financial Report for the period ending 31st January 2011 and note and material variances greater than \$15,000 or 20%.

Council Decision Number – 379

Voting Requirements – Simple Majority

Moved: Cr Palm

Seconded: Cr Sippe

That Council adopt the Monthly Financial Report for the period ending 31st January 2011 and note any material variance greater than \$15,000 or 20%.

Carried 7/0

8.1.3 List of Payments February 2011	
Location:	Mukinbudin
File Ref:	
Applicant:	Ellen Della Bosca - DCEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Ellen Della Bosca - DCEO
Author:	Ellen Della Bosca - DCEO

If a Councillor has any questions regarding the enclosed finances, please see the Deputy Chief Executive Officer prior to the meeting so that a researched answer may be provided.

Background

A list of payments submitted to Council on 28th February 2011, for confirmation in respect of accounts already being paid or for the authority to those unpaid.

Financial Implications

A list of payments is required to be presented to Council as per section 13 of the Local Government Act (Financial Management Regulations 1996).

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Recommendation

That the list of payments to today's meeting on Vouchers – Muni 28500 – 28569 and Transfers D/D125.1011 to D/D139.1011 totalling \$204,792.14 for payments made in February 2011, be passed for payment.

Council Decision Number – 380

Voting Requirements – Simple Majority

Moved: Cr Crook

Seconded: Cr Watson

That the list of payments to today's meeting on Vouchers – Muni 28500 – 28569 and Transfers D/D125.1011 to D/D139.1011 totalling \$204,792.14 for payment made in February 2011, be passed for payment.

Carried 7/0

8.1.4 Monthly Financial Report – February 2011	
Location:	Mukinbudin
File Ref:	
Applicant:	Ellen Della Bosca - DCEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Ellen Della Bosca - DCEO
Author:	Ellen Della Bosca - DCEO

Background

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management Regulations 1996).

The Monthly Statement of Financial Activity for the period ending 28th February 2011 is attached for Councillor Information, and consisting of;

1. Statement of Financial Activity
2. Capital Acquisitions Summary
3. Variances Report
4. Summary of Bank Balances

Financial Implications

There is no direct financial Implication in relation to this matter.

Statutory Environment

General Financial Management of Council

Council 2009/10 Budget

Local Government Financial Management Regulation 34 1996

Local Government Act 1995 section 6.4

Policy Implication

Council is required annual to adopt a policy on what it considers to be material as far as variances that require to be reported for Council. Council policy is that the material variation be set at \$15,000 or 20%.

Recommendation

That Council adopt the Monthly Financial Report for the period ending 28th February 2011 and note and material variances greater than \$15,000 or 20%.

Council Decision Number – 381

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Comerford

That Council adopt the Monthly Financial Report for the period ending 28th February 2011 and note any material variance greater than \$15,000 or 20%.

Carried 7/0

8.1.5 Write off – Outstanding Debtor	
Location:	Mukinbudin
File Ref:	FI.DR.3
Applicant:	Ellen Della Bosca - DCEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Ellen Della Bosca - DCEO
Author:	Ellen Della Bosca - DCEO

Background

David Mallory lived at 1 Salmon Gum Alley for the duration of his employment with the Shire as NEWBEC Officer from January 2006 to August 2007. Once vacating the House the Shire had to get the Carpets cleaned as they were not in good condition and also cleaning of the House. This was invoiced to David to which date has not been paid. I have sent his account to debt collection only to be told that he said that he would not pay it as he did not have a tenancy agreement stating that he did not have to clean the house or carpets.

Once the debt collectors were engaged I then on charged the fees that were charged to us by the debt collection agency. David refused to pay any of the fees.

Comment

As this debt is still sitting on the Outstanding Debtors list I would like to request to write it off. As I feel that I am wasting time and Council's money chasing David for payment.

Consultation

Trevor Smith - CEO

Options

1. Write off the Debt for \$978.43
2. Decline to write off the debt

Statutory Environment

NIL

Policy Implications

Council currently does not have a policy on outstanding Debtors and the CEO may only write off amounts up to \$500.00 under delegated authority.

Financial Implications

Writing off the debt will cost Council \$978.43

Strategic Implications

NIL

Recommendation

That Council write off the Debt of \$978.43 being outstanding Cleaning and Debt Collection Fees for David Mallory.

Council Decision Number – 382

Voting Requirements – Simple Majority

Moved: Cr Palm

Seconded: Cr Comerford

That Council write off the Debt of \$978.43 being outstanding Cleaning and Debt Collection Fees for David Mallory

Carried 7/0

8.2 Chief Executive Officer Reports

8.2.1 NEWROC	
Location:	NEWROC
File Ref:	
Applicant:	Trevor Smith – CEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

Background

A NEWROC Council meeting was held on 22 February 2011 in Wyalkatchem.

Minutes from the Meeting were not available at the time of writing the report however may be available for the Council meeting.

Comment:

Nil

Consultation:

NEWROC

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Officer recommendation:

That the report on the NEWROC Council Meeting held 22 February 2011 be noted.

Council Decision Number – 383

Voting Requirements – Absolute Majority

Moved: Cr Comerford

Seconded: Cr Watson

That Council note the report of NEWROC Council Meeting held 22 February 2011.

Carried 7/0

8.2.2 WALGA Great Eastern Country Zone	
Location:	Zone
File Ref:	
Applicant:	Trevor Smith – CEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

Background

The Great Eastern Country Zone will be holding an in person meeting in Merredin on 24 March 2011.

The agenda for this meeting was not available at the time of writing this report however should be available for consideration at the Council meeting.

Recommendation

That Council note the agenda of the WALGA Great Eastern Zone Meeting to be held 24 March 2011 and provide appropriate direction to delegates.

Council Decision Number – 384

Voting Requirements – Simple Majority

Moved: Cr Crook

Seconded: Cr Sippe

That Council note the agenda of the WALGA Great Eastern Zone Meeting to be held 24 March 2011 and provide appropriate direction to delegates.

Carried 7/0

8.2.3 Local Government Reform – Update	
Location:	Shire
File Ref:	
Applicant:	CEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

Background

The Shire of Nungarin and Mukinbudin held a joint Council meeting last year at which it was determined to write to the Minister for Local Government requesting financial assistance without formally becoming a Regional Transition Group.

The Minister responded to this request stating that funding will only be provided if an RTG is formed and that there are sufficient opportunities in the RTG structure for a Council to withdraw if either the results of the financial analysis, or other compelling factors, are not favourable to amalgamation.

At the February Council meeting Mukinbudin Councillors voted not to form an RTG but to continue working collaboratively with the Nungarin Shire. The Nungarin Shire Councillors voted to form an RTG with the Shire of Mukinbudin. As a consequence of these decisions a meeting was organised with the CEOs, Presidents and Deputy Presidents of each Shire to determine a workable position.

On Tuesday 1 March this meeting was held (Cr Lancaster filling in for Cr Jones) at Mukinbudin. The Shire of Nungarin were still very much in favour of the RTG as they have more to lose with the threat of being part of Merredin much greater for them.

It was thought that as the threat of anything happening before the next election was remote we have up to eighteen months to act. As the result of the next election could be important it was also thought the role of WALGA leading up to that election is of great importance in determining which political parties are prepared to make any promises with regard to forced amalgamations.

To help the Shire of Nungarin and Mukinbudin it was therefore determined that WALGA President Cr Tory Pickard be invited to visit and be requested to outline his vision of WALGA's political involvement in the run up to the next election. If WALGA intend to take a strong stance regarding amalgamations then the threat may be reduced and the need to form an RTG lessened. If WALGA are not prepared to offer those assurances then the need to form an RTG may be more evident and Council's decision revisited.

Recommendation

That Council note the report on Local Government Reform.

Council Decision Number – 385

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Lancaster

That Council note the report on Local Government Reform.

Carried 7/0

8.2.4 Wards and Representation	
Location:	Shire
File Ref:	OR.BO.2
Applicant:	DLG
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

Background

Under the Local Government Act 1995 the Shire of Mukinbudin is required to conduct a review of Ward boundaries every eight years. The last review was conducted in 2002.

Before carrying out a review of wards a local government has to give local public notice advising that the review is to be carried out and that submissions may be made to the local government for a period not less than 6 weeks after the publication of the notice.

The notice was published in the Wheatbelt Mercury on 19 January 2011 and submissions were invited up until Friday 4th March 2011. The same notice was subsequently published in Muka Matters on the 2nd and the 9th of February. No submissions were received.

As no submissions were received the Shire is to have regard for:

- community of interests;
- physical and topographic features;
- demographic trends;
- economic factors; and
- the ratio of councillors to electors in the various wards.

On completing the review the local government is to make a report to the Advisory Board in writing proposing whatever it thinks fit. In 2002 Council recommended going from three town based Councillors and six rural Councillors to four town based Councillors and five rural Councillors. This also required altering some of the rural ward boundaries. The main factor behind the change was to achieve the required tolerance (within a 10% variance) of Councillors to electors across all wards.

Comment

In 2002 there were 461 electors. At the last election in 2009 there were 410 electors.

For comparison the following tables show elector numbers in 2002, 2009 and 2011. The only concern is with the Lake Brown/Dandanning Ward which requires 6 more electors to move back into the 10% variance.

Ward	Actual 2002			
	No.	Crs	Electors Per Cr	% Variation
Bonnie Rock Lake	102	2	51.00	-0.43
Brown/Dandanning Town	47	1	47.00	-8.24
Wattoning	213	4	53.25	3.96
Wilgoyne	50	1	50.00	-2.39
Total	49	1	49.00	-4.34
Total	461	9	51.22	0.00

Ward	Actual 2009			
	No.	Crs	Electors Per Cr	% Variation
Bonnie Rock Lake	95	2	47.50	3.51
Brown/Dandanning Town	38	1	38.00	-17.19
Wattoning	191	4	47.75	4.06
Wilgoyne	46	1	46.00	0.24
Total	43	1	43.00	-6.30
Total	413	9	45.89	0.00

Ward	Actual 2011			
	No.	Crs	Electors Per Cr	% Variation
Bonnie Rock Lake	86	2	43.00	-4.21
Brown/Dandanning Town	35	1	35.00	-22.03
Wattoning	192	4	48.00	6.93
Wilgoyne	49	1	49.00	9.16
Total	42	1	42.00	-6.44
Total	404	9	44.89	0.00

Council also has the option of combining all the rural wards and retaining five rural based Councillors (Councillor to elector ratio of 42.5 – within the 10% variance) or abolishing all wards completely and having from six to nine Councillors.

Having regard to the small number of electors involved in achieving the 10% variance it is highly unlikely that the WA Electoral Commission would request reconsideration should Council to do

nothing. Given the timeframe before the elections later this year it would then be too late to have any effect on the boundaries even if Council did reconsider.

Any proposal more complicated than either the combining of all rural wards into one rural ward and having one rural or one town ward, or abolishing all wards completely, is also unlikely to be implemented in time for this year's elections.

Consultation

Shire Community

Western Australian Electoral Commission

Statutory Environment

Local Government Act 1995 Schedule 2 – Provisions about names, wards and representation.

Policy Implications

Nil

Financial Implications

There may be a small cost to Council in implementing new boundaries should that occur. Most of the work is undertaken by the WA Electoral Commission.

Strategic Implications

Nil

Recommendation

That Council retain the current ward boundaries and revisit the issue prior to the 2013 local government elections.

Council Decision Number – 386

Voting Requirements – Simple Majority

Moved: Cr Crook

Seconded: Cr Comerford

That Council retain the current ward boundaries and revisit the issue prior to the 2013 local government elections.

Carried 7/0

8.2.5 Caravan Park Forward Planning	
Location:	Mukinbudin
File Ref:	EC.DV.4
Applicant:	CEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

Background

As discussed at the February meeting Council will be undertaking a number of capital improvement works at the Mukinbudin Caravan Park using funds from the State and Federal Government.

To ensure that all the works are located in the best position for the long term planning of the Caravan Park a meeting has been organised to be held on the Wednesday morning of the Council meeting at the conclusion of the morning tea break. The results of that meeting can then be formally considered during the Council meeting.

In the meantime tenders will be called for the construction or supply of an ablutions block for the caravan park.

Consultation

Ongoing

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Funding source for ablutions block – Royalties for Regions

Strategic Implications

Development of the Caravan Park to increase visitor numbers and economic development fits with Council's long term strategic plan.

Recommendation

That Council note forward planning.

Council Decision Number – 388

Voting Requirements – Simple Majority

Moved: Cr Watson

Seconded: Cr Lancaster

That Council note Forward Planning.

Carried 7/0

8.2.6 Chief Executive Officer's Report	
Location:	Shire
File Ref:	
Applicant:	Trevor Smith – CEO
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Trevor Smith - CEO
Author:	Trevor Smith - CEO

1. Meetings

21 February	Kununoppin Medical Practice Meeting CEO, Cr Shadbolt
21 February	Central Wheatbelt Visitor Centre Meeting CEO, Mrs Ray Watson
22 February	NEWROC Council @ Wyalkatchem CEO
25 February	LGMA Branch Executive Meeting @ Quairading CEO, DCEO
1 March	Sub-Regional Road Group Meeting CEO, Works Supervisor
1 March	Reform Meeting with Nungarin CEO, Cr Shadbolt, Cr Lancaster

2. Staff

Leave	CEO – Thursday 3 March to Friday 11 March - inclusive
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Recommendation

That Council note the Chief Executive Officer's Report.

Council Decision Number – 391

Voting Requirements – Simple Majority

Moved: Cr Palm

Seconded: Cr Lancaster

That Council note the Chief Executive Officer's Report.

Carried 8/0

Council Decision Number – 390

**Forward Capital Works Plan by Morrison & Lowe
Re-adoption of the Forward Capital Works Plan dated Feb 2011.**

Moved: Cr Geraghty Seconded: Cr Palm

Carried 8/0

Ellen Della Bosca entered the meeting at 1.49pm.

**Bonnie Rock Playgroup – Asking for \$1000 towards a reverse cycle in the hall
Refer to Next Year's Budget**

**Drought Pilot Review Panel – Any request to Trevor Smith for inclusion in a submission
to the Australian Government.**

**Bonnie Rock Tank – The Shire has approached the Water Corporation to ensure that no
work is undertaken in removing the roof until the Water Corporation or the State
Government are given assurances about replacing or fixing it.**

The Shire has commenced the Heritage Listing process with the Heritage Council.

**This matter will also be raised during a Councillor visit to Brendan Grylls on 25th March
2011.**

**Stronger Rural Communities Funding – Over Budget about \$3572.00. The District Club
can cover the over cost with \$1,500.00 income from Dry Seasons events and \$ 2,072 from
own funds.**

CBH – Truck Movements for Harvest Season

**The CEO advised that an on-site meeting will be held on 11th April with CBH, Farmers,
Cartage Contractors and the Shire to resolve truck entry and exit points for 2011.**

8.3.1 CBH Building License	
Location:	Mukinbudin
File Ref:	
Applicant:	CBH
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Julian Goldacre – EHO/BS
Author:	Julian Goldacre – EHO/BS

Background

On the 18 August 2010 a building license was issued for the construction of a sample and office hut on CBH property located on Lots 113 & 200 Cnr Bent Street & Koorda – Bullfinch Road Mukinbudin.

In order to comply with the Building Code of Australia 2010 Part D3 Access for people with disabilities a condition was placed on the building license asking for an engineering certificate of capacity to place disabled access to the huts, as retrospective installation, should the need arise.

Comment

Discussions with Mr Dolling a CBH planning coordinator argued that a provision in the BCA 2010 for exemption applies due to the nature of the work. To support this claim the CBH job description for work on a CBH grain receival site was submitted to make the point.

Investigations by the PEHO/BS discovered that the CBH –

CBH recognizes its responsibilities and obligations in employment under anti-discrimination, equal opportunity and OSH laws and we are committed to ensuring a workplace culture displaying fair practices and behaviors and free of unlawful discrimination, harassment and bullying. Unlawful discrimination, intimidation, bullying or harassment of any sort are unacceptable and will not be tolerated under any circumstances.

Furthermore the PEHO/BS discovered that disabled access to a hut exists at the CBH operations in Bruce Rock although the hut is at ground level. This said the future of all new and upgraded huts at CBH operations is to elevate them to a height to enable a safer work environment when dealing with truck cabs.

Despite all this the approach of Mr Dolling is to wait until a complaint is made against CBH under the Disability Discrimination Act and then the complaint(s) will be dealt with on a case by case basis. Furthermore CBH has engaged a private building surveyor from the John Massey Group being Mr John Massey himself a level one building surveyor and accredited Access Consultant to provide his 'professional opinion' on the validity of requiring access to the CBH huts. Mr Massey is of the opinion there is no requirement quoting the BCA 2010 exemption mentioned earlier as shown –

The Building Code Guide Page 307 where it references Clause D3.4 clearly states that the concession is for inappropriate areas and is intended to cover areas to which access is not required as part of either a person's work duties, or a right of entry. The exemption can be for industrial situations.

This is a curious way to approach this issue for the following reasons:

- Inappropriate areas – *the huts are legitimate working environments subject to the CBH 'Workplace Harassment, Discrimination, Bullying, and Equal Employment Opportunity EEO' statement document*
- Access not required as part of either a person's work duties or a right of entry– *the huts are required to be accessed by CBH staff for first aid equipment, refreshments, air-conditioning retreat and mostly, to perform the duties of a sample and weighbridge staff member*

With this in mind the PEHO/BS does not support the argument for exemption as provided by the John Massey Group.

When assessing the plans originally using the PEHO/BS checklist part D3 regarding access caused some concern. Calls were made to the Building Commission to clarify the need and possible exemption for the huts. It was explained that ultimately an assessed building license needs to address all parts of the BCA 2010 where applicable and where an exemption is made or a part ignored for whatever reason the licensing authority will be held accountable in the event, however unlikely it is seen, to explain the validity of an exemption or oversight. This will become more important when the new Building Bill is gazetted, i.e. no more grey areas, do or do not and an explanation of why or why not must be documented.

With all this in mind the PEHO/BS contacted the people who completed the engineering detail of the plans, CID on the 10 August 2010 to investigate the possibility of an engineering document to cover a possible retrofit of an access platform should the need arise. This was considered 'no problem at all' by CID yet despite this Mr Dolling at CBH was affronted by this option and no document was to be forthcoming with Mr Dolling preferring to hang his hat on the BCA 2010 Part D3 exemption as offered by the John Massey Group.

Policy Implications

Nil

Statutory Requirements

Local Government Act 1960

Disability Discrimination Act

Equal Employment Opportunity Act 1984

Building Regulations 1989

Financial Implications

Dependant on which direction Council choose to take as an amended building license will attract no fee yet an appeal to the State Administrative Tribunal will cost a day in Perth unless video linking is offered.

Council can adopt one of two recommendations. The first recommendation (a) is not the preferred option of the author and is as follows:

Recommendation (a)

Council Decision Number –

Voting Requirements – Simple Majority

Moved: Cr

Seconded: Cr

That Council accept the report offered by John Massey Group (as attached) as an “Alternative Solution” for the non-requirement for the provisions within the BCA 2010 Part D# - Access for people with disabilities.

Carried /

The second recommendation (b) is the preferred option of the author and of the Chief Executive Officer as it will result in clear direction for future applications for both CBH and for local governments.

Recommendation (b)

Council Decision Number – 387

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Palm

That Council accept the officer’s recommendation of the following:

. That the PEHO/BS re-issue Building License number 1/10-11 at no charge to CBH Engineering P/L and clarify that condition of supporting engineering documentation to certify that a retrofit for disabled access to the elevated sample and weighbridge hut is possible thus meeting the BCA 2010 Part D3 – Access for people with disabilities and also clarify that CBH Engineering P/L has the right to appeal to the State Administrative tribunal within 28 days of receipt of the amended building licence.

. That Council refer the matter to the soon to be appointed “Building Commissioner” under the soon to be gazetted Building Bill 2010 who is given power to exempt a building from complying with a standard if this will help innovation or prevent unjustifiable hardship and seek guidance for future handling of this type of building application issues.

Carried 7/0

Celeste Allison and Kay McGlue entered the meeting at 10.28am

Terry & Lyn Lawrie & Rosalie Crook entered the meeting at 10.28am

MEETING ADJOURNMENT – MORNING TEA (11.04AM – 11.25AM)

The meeting was adjourned at 11.04am for morning tea and was reconvened at 11.25am.

8.3.2 Building Licenses	
Location:	Shire
File Ref:	
Applicant:	Julian Goldacre EHO/BS
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Julian Goldacre EHO/BS
Author:	Julian Goldacre EHO/BS

Background

For Council's information, there were no building licenses issued for the Shire of Mukinbudin during the month February 2011.

There were no Demolition Licenses issued for the Shire of Mukinbudin during this same period.

Comments

Nil

Statutory Requirements

Comply with the Shire of Mukinbudin's Town Planning Scheme No 4, Building Regulations 1989, the Building Code of Australia, and the Home Building Contracts Act 1991.

Recommendation

Nil.

MEETING ADJOURNMENT LUNCH (12.30PM – 1.27PM)

As the meeting was already adjourned for the trip to the Caravan Park Cr Comerford did not do the adjournment. The meeting was reconvened at 1.27pm.

8.4.1 Mukinbudin Caravan Park Manager's

8.4.1 Mukinbudin Caravan Park Report	
Location:	Mukinbudin
File Ref:	
Applicant:	Terry & Lyn Lawrie
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Terry & Lyn Lawrie
Author:	Terry & Lyn Lawrie

Self contained units: are mainly in good order but are starting to look a little tired, probably adequate for the price charged. 46% occupancy for month of February

Railway cabins: possibly need storage facilities to house plates, cutlery etc. new mattresses, innerspring, would make them much more comfortable and the curtains need replacing as, in Lyn's words they have had it. The window frames need painting quite badly and some of the electric blankets are nearing the end of their service but now the reverse cycle air-conditioning is in we may be able to do away with them. The screen doors need to be refitted to exclude mosquitoes and flies. An alternative to storing eating utensils would be not to supply them but we feel that would be a retrograde step as most of the people using them are single men who cook on the BBQ and would otherwise possibly look elsewhere. Occupancy is 58% for Feb.

Caravan sites: very quiet occupancy only 3%

General: We had 9 enquiries for S.C.U.s we could not accommodate, 5 of these took railway cabins the other 4 went elsewhere. We also had 2 enquiries on one day about wheelchair access we could not satisfy. A decision needs to be made about charging extra for more than 2 people in cabins S.C.U s and vans and possibly discounting for single travellers in vans. We would suggest \$10 for S.C.U.s and \$5 for Vans with 10% discount off daily rate for vans with single occupants (this is a big bone of contention among solo travellers who argue that if it is dearer to have more than 2 surely it must be cheaper to have less) It may also be of benefit to have on hand a portable single bed. We had a complaint from one couple who in their words, "went about 100ks out of their way on dirt roads to Elachbutting Rock and could not find the wave", so maybe signage needs to be checked

We would also like to thank the office staff. They have been a great help to us as we settle into the job here particularly Katharine who has shown great patience and been a valuable source of information.

Before we applied for this position we did considerable research about the park and found it has a great reputation. In order to enhance this and entice more people to stay with us and convince others to stay longer we feel several things need attention. We have discussed some of these already with the CEO and/or with Councillor Sippe.

1: The river gums are becoming a big problem and will continue to do so not only from the danger of dropping branches but also the dripping of sap and blossom on the cars or vans parked under them. We suggest that the biggest of these should be lopped as soon as possible and a program begun to remove and replace the rest and eventually all of them with something more suitable.

2: The provision of new ablutions block and a camp kitchen, already on the way as we understand, will be a huge benefit. The camp kitchen in many small parks is the hub around which everything revolves and adds greatly to the atmosphere and experience of travellers which they will tell others about. When it is in operation and we are busy we intend to instigate a series of happy hours during the week to bring the residents of the park together further enhancing the enjoyment of their stay. At this time we will be looking to the shire to supply various light foodstuffs on occasion e.g. scones or yabbies or something similar. We will also be asking to find any local identities who may like to enjoy this time with our visitors and regale them with some of the local history or tall tales etc.

3: To extend our busy time we would like to discuss the possibility of doing something in the autumn or early winter to attract travellers and as they experience how mild the weather is here a few of them may prefer to stay away from the overcrowded areas in the north and stay with us. The best idea we have so far is a poets/tall tales corner competition. This would entail the posting of prizes, in cash or kind, and advertising on forums etc. but once word is out it will spread. Would envisage this would run over a long weekend or such and could have categories such as own original work, existing work and others but all entries to be read to the audience. This could take place in the camp kitchen initially but hopefully it would grow too big and have to be moved to the complex or hall. Because of the demographic we are targeting there is no need for this to be in school holidays.

4: We feel the existing kerbing, and old tiles, around the "garden" areas should be renewed or removed and down the western side replaced with concrete slabs, the unpowered area should be sorted into designated spots and the lighting should be improved as some areas are quite dark.

5: With the new buildings would come the opportunity to improve the vista of the park with new plantings of flowering native shrubs and groundcovers, artificial grass under the clotheslines and a grassed area, as per the signage on the road into town, for tents.

6: The office entrance looks as if I might have done the concrete work and in our opinion needs to be professionally done with a covered walkway, decent path and floodlighting as many of our visitors arrive after dark. We are endeavouring to improve the garden which along with said entrance will give a much better first impression of the park. To this end plantings of bottle brush and grevilleas are needed from the residence to the park on the football oval side, especially around the dump point

7: It may be an idea to investigate the formation of a cartel with other small local parks e.g. Nungarin, Bencubbin, Trayning, Westonia, Koorda and any others in order to promote each other and encourage people to spend more time in the area and to come here in the winter as well as the spring. Maybe possible to come to agreement about rolling discounts or some such scheme

8: Another idea we have that would attract travellers is to try and obtain from Norm Bates's collection the old van that is reputed to be the first caravan registered in W.A. This may be by loan, purchase or some other method. It is in a bad state of repair so Kay may be interested in the idea of having it fixed up and installed near the entrance to the park with acknowledgement of her father affixed to it. Its restoration may be a project the men's shed would be interested in. As a matter of interest the first motor home licensed in Australia is on display in Nuriootpa S.A and many travellers detour to see it.

Recommendation

That Council note the above Report.

Council Decision Number – 392

Voting Requirements – Simple Majority

Moved: Cr Watson

Seconded: Cr Sippe

That Council note the above Report.

Carried 8/0

Also resolved that the Shire should introduce a range of cancellation fees for the Self-Contained Units.

2005/2006 Totals		2006/2007 Totals	
Accommodation		Accommodation	
	\$		\$
Self Contained Units	\$19,358.08	Self Contained Units	\$22,820.21
Barracks	\$11,082.32	Barracks	\$9,753.06
Sites	\$10,521.76	Sites	\$17,095.20
Washing Machine	\$1,171.16	Washing Machine	\$981.35
TOTALS	\$42,133.32	TOTALS	\$50,649.82

2007/2008 Totals		2008/2009 Totals	
Accommodation		Accommodation	
	\$		\$
Self Contained Units	\$27,304.76	Self Contained Units	\$37,214.39
Barracks	\$5,422.75	Barracks	\$10,554.55
Sites	\$11,244.47	Sites	\$16,773.76
Washing Machine	\$678.16	Washing Machine	\$663.63
TOTALS	\$44,650.14	TOTALS	\$65,206.33

2009/2010 Totals	
Accommodation	
	\$
Self Contained Units	\$33,567.84
Barracks	\$ 9,096.35
Sites	\$15,504.70
Washing Machine	\$ 1,036.36
TOTALS	\$59,205.25

2010/2011 Totals

Accommodation		YTD	Jul 2009	Expenses Jul10
	\$	\$	\$	\$
Self Contained Units	\$ 4,977.27	\$ 4,977.27	\$ 2,740.91	0.00
Barracks	\$ 1,213.62	\$ 1,213.62	\$ 127.28	0.00
Sites	\$ 1,365.78	\$ 1,365.78	\$ 883.64	2,988.07
Washing Machine	\$ 101.00	\$ 101.00	\$ 140.91	0.00

Accommodation		YTD	Aug 2009	Expenses Aug10
	\$	\$	\$	\$
Self Contained Units	\$ 5,546.36	\$ 10,523.63	\$ 2,471.81	297.72
Barracks	\$ 381.83	\$ 1,595.45	\$ 556.36	0.00
Sites	\$ 1,455.44	\$ 2,821.22	\$ 651.81	4,981.41
Washing Machine	\$ 77.27	\$ 178.27	\$ 174.55	0.00

Accommodation		YTD	Sep 2009	Expenses Sep10
	\$	\$	\$	\$
Self Contained Units	\$ 2,583.18	\$ 13,106.81	\$ 3,959.09	23.04
Barracks	\$ 1,209.09	\$ 2,804.54	\$ 590.00	23.04
Sites	\$ 3,644.05	\$ 6,465.27	\$ 1,920.00	3,970.30
Washing Machine	\$ 145.45	\$ 323.72	\$ 109.09	0.00

Accommodation		YTD	Oct 2009	Expenses Oct10
	\$	\$	\$	\$
Self Contained Units	\$ 3,368.18	\$ 16,474.99	\$ 5,607.30	23.04
Barracks	\$ 1,172.74	\$ 3,977.28	\$ 1,227.26	23.04
Sites	\$ 3,260.43	\$ 9,725.70	\$ 3,886.34	7,191.42
Washing Machine	\$ 109.09	\$ 432.81	\$ 227.27	0.00

Accommodation		YTD	Nov 2009	Expenses Nov10
	\$	\$	\$	\$
Self Contained Units	2,873.64	19,348.63	868.18	105.82
Barracks	2,048.19	6,025.47	204.55	0.00
Sites	1,585.44	11,311.14	1,085.29	4,782.64
Washing Machine	100.00	532.81	70.00	0.00

Accommodation		YTD	Dec 2009	Expenses Dec10
	\$	\$	\$	\$
Self Contained Units	3,329.10	22,677.73	2,623.64	80.00
Barracks	2,149.99	8,175.46	2,250.00	7,070.00
Sites	1,161.81	12,472.95	421.82	3,049.84
Washing Machine	\$ 83.64	616.45	27.27	0.00

Accommodation		YTD	Jan 2010	Expenses Jan11
	\$	\$	\$	\$
Self Contained Units	2,170.00	24,847.73	4,822.73	0.00
Barracks	709.09	8,884.55	1,068.18	0.00
Sites	336.53	12,809.48	259.09	690.94
Washing Machine	\$ 51.82	668.27	70.00	0.00

Accommodation		YTD	Feb 2010	Expenses Feb11
	\$	\$	\$	\$
Self Contained Units	2,159.09	27,006.82	1,977.27	108.10
Barracks	1,934.09	10,818.64	363.64	267.37
Sites	200.45	13,009.93	1,690.91	8,606.58
Washing Machine	\$ -	668.27	14.55	0.00

TOTAL INCOME	\$	51,503.66	\$43,090.74	\$ 44,282.37
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****Note: Sites income includes Ventris Rental and Power Usage****
Meeting adjourned at 11.47am to go to the caravan park and have a look around

8.5.1 Swimming Pool Manager

8.5.1 Mukinbudin Swimming Pool Report	
Location:	Mukinbudin
File Ref:	CS.CS.5
Applicant:	Kaye Bunney - Manager
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Kaye Bunney - Manager
Author:	Kaye Bunney - Manager

Chair lift

The chair lift motor will need to be considered in the next budget. The chair has been used 43 days in the last 3 months. It has also been out of action twice this season. We waited for a new seat from 12/11/10 to 5/12/10 and the motor was not working from 12/2/11 to 25/2/11. Glenn has rectified the problem for the moment but I have informed Ev if it breaks down again it won't be replaced until next season at the earliest.

Chlorinator

The chlorinator has been completely installed and appears to be working with some degree of balance. The chlorine levels have swung from 2.6ppm to over 5ppm. I will discuss the situation with John Shenton when he rings.

Attendance

The school faction carnival is on Friday and the high school has been in for sport once.

The footy boys have used the pool for fitness training on 3 occasions.

Attendance figures are down on last year. If we have a good turn out on Sunday for "swim in a drought" that will help with the numbers. At this stage we are 1238 patrons down on last year's numbers.

Season	November	December	January	February	March	April	Total
1998/99	1315	3171	1972	3244	1523	29	11,254
1999/00	1727	4061	1573	2944	988	38	11,331
2000/01	2580	3905	1654	1980	1422	175	11,776
2001/02	2060	2825	1702	3400	1643	48	11,678
2002/03	2588	3115	2084	3814	1830	99	13,520
2003/04	2406	3960	2103	2908	1433	103	12,913
2004/05	2182	4082	1985	2974	1530		12,753
2005/06	1744	3099	1755	1585	931	49	9,183
2006/07	1966	3253	1768	2117	1349	60	10,527
2007/08	2031	1614	1835	1584	1232	11	8,307
2008/09	788	3017	2140	1592	1056	166	8,759
2009/2010	1564	2531	1874	1798	1077	34	8,878
2010/2011	1765	1993	1522	1249			130,879

Recommendation

That Council note the above Report.

Council Decision Number – 393

Voting Requirements – Simple Majority

Moved: Cr Geraghty

Seconded: Cr Comerford

That Council note the above Report.

Carried 8/0

8.6.1 Natural Resource Management Officer's Report

8.6.1 Natural Resource Management Officer's Report	
Location:	Shire
File Ref:	
Applicant:	Tracey Hobbs
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Tracey Hobbs
Author:	Tracey Hobbs

Courses/Workshops/Meetings attended

- Dylan and I attended the NEWROC NRM meeting at Mukinbudin on the 10th of February. This was then followed by the NRMO meeting of NEWROC, WEROC and SEAVROC.
- Dylan and I attended the Roadside Conservation Training day at Kellerberrin on the 17th of February
- I attended the NRMO meeting at Bruce Rock on the 3rd of March. This included a field walk of the WEROC trail site.
- I attended the Enrich fodder shrub field day at the Merredin Ag Department on the 8th of March.

In the Office

- Dylan has started to work on the Department of Environment and Conservation grant.
- I have been ensuring that all of the projects for the Wheatbelt NRM soil contract are up to date and have started to assist farmers with organising their field days.

Together with Samantha Pickering (NRMO Shire of Trayning/Nungarin) I have been investigation native bush food plants for the trial site at Kununoppin. We visited a farmer in Calingiri that has grown bush food plants for 10 years.

- In passing I have checked the NEWROC trial sites at Nungarin. Both sites are looking good but we are particularly impressed with the grow rate at the direct seed site.
- Dylan has completed the close out report and documents for the Next Gen project acquittal. They have been approved as a draft and are now waiting for NEWROC finance and environment directors to sign off on.
- I have finalised the drafts of the case study on Sprigg's for our CfoC (Caring for our Country) project.
- Dylan has received notification back that we have received \$500 for baiting through the Red Card for Red Fox program.
- I have helped the Mukinbudin Conservation Group complete their mid project case study for their Herbarium garden through Wheatbelt NRM.
- Dylan is starting to look into what is required to update the shire roadside conservation values data.
- Together with the other NEWROC NRMOs we have been putting together a wish list to present to the NEWROC CEOs of possible ways we could spend the NEWROC NRM funds.

Farmer Contact

- I have assisted a couple of farmers with their applications for the Bush Forever grant

Recommendation

That Council note the above Report.

Council Decision Number – 394

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Crook

That Council note the above Report.

Carried 8/0

8.7.1 Work's Supervisor

8.7.1 Work's Supervisor's Report	
Location:	Mukinbudin
File Ref:	
Applicant:	Bob Edwards
Date:	9 March 2011
Disclosure of Interest:	NIL
Responsible Officer	Bob Edwards
Author:	Bob Edwards

Maintenance Grading

Grading has been confined to those roads damaged by recent flooding. Some roads had to be opened up two and three times as storms followed similar paths. This work was done using the Shires three loaders and two graders.

The DAF Truck/ Trailer unit has been kept busy dumping out gravel onto sections of road washed clean of gravel. Side tripping has allowed us to leave the dumps on the side of the road until a grader is available to spread them at a later date.

The roads affected were Barbalin Nth, McGregor Nth and Sth, Dandanning, Cookinbin, Popes Hill Sth, Lake Brown Sth and Lake Brown/ Bonnie Rock, Milne, Davis and Stockton. The trees brought down by these storms were enormous and took a lot of effort to clean up. An application for storm damage funding is currently being drawn up.

Koorda / Bullfinch Road (3.6 km section Davis Rd to Nungarin Boundary)

Final trimming of this section is now complete and bitumen has been ordered to complete the Primer Seal. The Bitumen Crew are expected around the 22nd of March.

Nungarin North / Kununoppin Intersection (Black Spot)

Water Corp completed the relocation and connection of their water mains on Feb 24th.

Since then the four corners of the improved intersection have been dug out, compacted and filled with fresh gravel. An existing culvert was dug out and re-sited to fit into the new design.

Work on the construction of the new pavement will start in the last week in March. This will involve the removal of the existing bitumen surface and building up the existing pavement levels to design by as much as .3 of a metre. The work is expected to be completed before the Easter break.

Mallee Drive and Gimlett Way

This small repair will be sealed during the third week of March.

Pot Hole Repairs

It is hoped that the large number of pot holes can be filled by the 25th of March.

Town Crew Activities

The playing surfaces of the grassed Oval and the sand Hockey field have continued to get plenty of attention.

The Lions Park and Shire office lawns and gardens have been weeded recently.

The cemetery was weeded on the 9th/10th of March.

We are spraying Five Star to eradicate the infestation of ants and fogging with Reslin for the control of mosquitoes on a regular basis. Five Star can also be poured into the storm water pits to kill off larvae.

Following the recent storms a huge amount of fallen trees and debris was cleaned up and stockpiled behind the Depot with the intention of putting it through the mulcher which is owned by NEWROC.

The rains that came with the storms filled the One Mile Dam and the two Town Dams.

Dry Seasons Assistance Grant

Two tanks bought with this grant have been connected into the scheme at Forest Ave/ Borlase Rd. The Water Corp have completed their work at Quanta Cutting/Graham/Ogilvie Road and this is now ready to be connected by the plumber.

Private Works

A small amount of hire and supply and delivery of gravel has been charged to John Holland for the flood damage repair of the Railway Line.

Recommendation

That Council note the above Report.

Council Decision Number – 395

Voting Requirements – Simple Majority

Moved: Cr Comerford

Seconded: Cr Palm

That Council note the above Report.

Carried 8/0

- ✘ Drainage Grids to trees in Main Street are blocked**
- ✘ Hockey Field Fence has been damaged during scraping of the Field**

9. Information Report

10. Elected Members Motions of which previous notice has been given

11. Urgent Business without notice (with the approval of the president or meeting)

12. Confidential Items – Meeting to be closed to the Public in accordance with the provisions of the Local Government Act 1995.

Items 12.1 is Confidential in accordance with the Local Government Act 1995, Section 5.23

(2) If a meeting is being held by a Council.....the Council may close to members of the public the meeting, or part of the meeting if the meeting or the part of the meeting deals with any of the following –

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal -

....

(ii) information about the business, professional, commercial or financial affairs of a person;.....

(3) A decision to close the meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Recommendation

That Council close the meeting to members of the public in accordance with the Local Government Act 1995, Section 5.23 as Item 12.1 deals with matters contained under Section 5.23 (2) (c).

Council Decision Number – 396

Voting Requirements – Simple Majority

Moved: Cr Lancaster

Seconded: Cr Geraghty

That Council close the meeting to members of the public in accordance with the Local Government Act 1995, Section 5.23 as Item 12.1 deals with matters contained under Section 5.23 (2) (c).

Carried 8/0

Meeting closed at 2.39pm

Ellen Della Bosca left at 3.40pm and returned at 3.42pm

Council is now required to re-open the meeting to the public.

Council Decision Number – 398

Voting Requirements – Simple Majority

Moved: Cr Geraghty

Seconded: Cr Palm

That Council reopen the meeting to members of the public in accordance with the Local Government Act 1995.

Carried 8/0

The meeting was reopened at 3.00pm

Councillor Decision Number - 399

Telstra Pits need relocating after the paving going to have to use road funding to pay for the \$17,000 for the 11 pits.

Accept the quote

Moved: Cr Lancaster

Seconded: Cr Sippe

Carried 6/2

General Business

- ✘ Fire Brigade Shed – Tree Removal**
- ✘ Disability Fundraising for chair lift at swimming pool**
- ✘ West Side on Conway Street**
- ✘ Dogs are a problem again – Ranger Visit – Muka Matters Item**
- ✘ Nursing Post – News from the State Government**
- ✘ Basketball Score stand**
- ✘ Football Time Keepers Box**
- ✘ Footpath in White Street between Post office and Sippes**
- ✘ Metal removed from Shire Tip**
- ✘ Culvert at Lake Brown – not draining adequately**

13. Closure of Meeting

The president thanked everyone for attending the meeting and closed it at 4.38pm



DECLARATION

I declare that these minutes of the Ordinary Meeting of Council held on the 16th March 2011 were confirmed at the Ordinary Meeting of Council held on 20th April 2011.

Signed: _____

Being the person presiding at the meeting at which these minutes were confirmed

Date: _____