



Mukinbudin - Classic, Dry, Red

Shire of Mukinbudin

Ordinary Council Meeting

MINUTES

WEDNESDAY 17 SEPTEMBER 2014



Floral Emblem
Eucalyptus erythronema (Red Flowering Mallee)

Notice of Meeting

Councillors

The next meeting of Council will be an Ordinary Meeting to be held on Wednesday 17th September 2014 commencing at 9.00am.

Thank you

Stuart Billingham
Chief Executive Officer

10th September 2014

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Mukinbudin for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mukinbudin 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 Mukinbudin 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 Mukinbudin. The Shire of Mukinbudin warns that anyone who has any application lodged with the Shire of Mukinbudin 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 Mukinbudin in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

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9. Correspondence and Information Report

- 9.1 Please refer to separate attachment 'Correspondence and Information Report' dated 17 September 2014.

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

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

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- 12.1 Works Supervisor Contract
- 12.2 Write Off of Debt Planning & Development Group
- 12.3 CEO Annual Performance Review

13. Dates to Remember

13.1 See attached list

14 Closure of Meeting

14.1 Closure of Meeting

Agenda of the Ordinary Meeting of Council held in Council Chambers, Maddock Street, Mukinbudin
on 17th September 2014

1. Declaration of Opening

1.1 The Shire President declared the Meeting open at 9. 05 am

2. Public Question Time (min 15 minutes)

2.1 Response to previous questions taken on notice.

Nil

2.2 Declaration of public question time opened (min 15 mins)

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: Cr Shadbolt-Shire President
Cr Comerford-Deputy Shire President
Cr Ventris
Cr Watson
Cr Lancaster
Cr Sippe
Cr Palm
Cr O'Neil

3.2 Apologies:
Nil

3.3 On leave of absence:
Cr Jeff Seaby granted Leave of Absence September 2014 Council Meeting

3.4 Staff:
Present: Stuart Billingham CEO
Bob Edwards WS

3.5 Visitors:
Nil

3.6 Gallery:
Nil

3.7 Applications for leave of absence:
Nil

4. Petitions, deputations and presentations

4.1 Petitions
Nil

4.2 Deputations
Nil

4.3 Presentations
Nil

5. Announcements by the Presiding person without discussion

5.1 Nil

6. Confirmation of the Minutes of previous meetings

6.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 20th August 2014

Voting Requirement

Simple Majority

Recommendation

That the Minutes of the Ordinary Meeting of Council held on the 20th August 2014 be accepted as a true and correct record of proceedings.

Council Decision Number – 1126

Moved: Cr Sippe

Seconded: Cr Ventris

That the Minutes of the Ordinary Meeting of Council held on the 20th August 2014 be accepted as a true and correct record of proceedings.

Carried 8/0

6.1.1 Business Arising from Minutes
Nil

7. Matters for which the meeting may be closed

7.1 Works Supervisors Contract
7.2 Write Off of Debt Planning & Development Group
7.3 CEO Annual Performance Review

8. Reports of Committees and Officers

8.1 Works Supervisor's report

8.1.1 Works Supervisor's Report August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Bob Edwards - WS
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Bob Edwards - WS
Author:	Bob Edwards - WS

MAINTENANCE GRADING

All roads in a corridor north of and including Borlaise Rd and either side of Moondon Road have been graded. Walton, Ogilvie, Cunderin and Elsewhere have also been done.

Will to move onto Beringbooding and Lake Brown- Bonnie Rock roads as he works his way south.

POT HOLE REPAIRS

This work will be ongoing and will rely on residents reporting new outbreaks to the Shire Admin Staff. We will be holding bagged "EZ STREET" for repairs as it has a long shelf life.

GUIDE and SIGN POSTS

A large order for signs and guide posts will be placed in the near future, this should go a long way to covering the shortfall of these assets on our Shires' roads.

McGREGOR ROAD Nth. (gravel re-sheet)(SLK 0.00 to 0.40, 1.10 to 2.20 and 3.30 to 6.60)

A total of 4.8kms of gravel sheeting was done on the 6.6km section commencing at the Koorda-Bullfinch Rd and finishing at the entrance to the Refuse Site.

Drainage on the first 400mtrs has always been a problem and this section was raised almost one metre to fix that problem. A 450mm culvert was extended and a large granite rock was buried by raising the road surface at SLK6.0. This work has improved drivers safety by increasing the road width at the crest and the tip entrance. This work was guide posted.

BARBALIN BLACK SPOT FUNDED RE-ALIGNMENT.

The Department of Environment and Conservation have issued a Purpose Clearing Permit No. CPS 6060/1. Duration of Permit: 27 September 2014 to 27 September 2019. Type of clearing authorised: We can only clear native vegetation between 1st October to 30th April. The plan which was attached to the Permit outlines the areas that we are allowed to clear, the area is not to be more than .5 of a hectare.

The Subdivision application and the Land Transaction can now proceed without delay. Discussions will now be held with the Land Owner about starting dates. It will be our intention to commence work on the west side of the Barbalin North Rd as there isn't a crop on this section. This work is planned for commencement on the 6th October.

SPRING FESTIVAL

The annual preparations were carried out by the Works Crew. The Merredin street sweeper was bought in to clean the town streets. The liquid waste unit based at Kununoppin serviced the public toilet tanks at the Railway Station.

The Brookfield Rail Supervisor in charge of this area closed the rail for the Festival dates to allow us to install the board walk crossover over the two sets of rail. The streets and roads were either closed or detoured after consultation with the local Police. There were some changes made to the previous years. The town entries have all been slashed.

Recommendation

That Council note the above Report.

Voting Requirements

Simple Majority

Council Decision Number – 1127

Moved: Cr Comerford

Seconded: Cr Watson

That Council note the above Report.

Carried 8/0

Mr Bob Edwards left the meeting at 9.21 am

Mrs Ann Brandis arrived at the meeting 9.23am

Cr Watson left 9.24am returned at 9.26 am

8.2 Community Services Officer

8.2.1 Community Services & Club Development Officer's Report	
Location:	Shire of Mukinbudin
File Ref:	CS.GR.1
Applicant:	Ann Brandis
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham
Author:	Ann Brandis

Community Development

GRANT FUNDING PROJECTS:

Current Successful Projects:

- Lottery West Spring Festival Grant 2014. Approval has been received for \$19,443 and the money has been deposited in the Account.
- Heathway's Spring Festival Grants 2014 Year 2 of a three year sponsorship agreement - \$11,500. The current agreement will start to be developed soon.
- Road Safety Community Grant Program – Spring Festival
- Seniors Week – for Senior Dinner to held in the Shed during Seniors Week – applied for \$1,500 – successful for \$1,000

Submitted Applications:

- ANZAC Centenary Local Government Grants Program – Applied for \$3,135.00 (Inc GST) for the Popes Hill Interpretive Site.
- Lottererywest – Popes Hill Interpretive Site – applied for \$4,500 ex GST

Applications in Progress:

- Lottererywest Equipment Grant – Mukinbudin 1950's Working Farm Shed – have just about got all the quotes in for this – still waiting on a couple and then will write this grant
- Lottererywest – Events Equipment Kit.

Completed Acquittals:

- None outstanding at present.

Community Portfolios/Other Projects:

- **Swimming Pool** – An order number has been issued to Mukinbudin Steel Fabricators for the supply & install of the diving board stairwell. I have spoken to them and they will be doing this in the new financial year.
- Whilst I was on leave Stuart applied for \$30,000 for the Community Pools Revitalisation Program. This was for disabled unisex ablution block and diving board stairs \$22,500, training \$2,500 and \$5,000 new pool cleaner. I have been in contact with Northam DSR and they have advised that they are currently assessing the applications and we should be advised by the end of September. We have received quotes for a prefabricated disabled unit from a number of companies however Fabco is the cheapest and the one that our EHO recommends. There quote is for \$11,420.00. This does not include delivery or installation.
- **Mukinbudin Caravan Park – Plumbing**

We have spoken to Matt Palm and have arranged for a meeting with Matt to discuss the work schedule and to issue an order number on Tuesday 16th September 2014, at 8.30am

Electrical:

Jeff Peters from Mukinbudin Electrical has had a meeting with Stuart regarding this and an order number has been issued.

- **Act Belong Commit Mukinbudin Spring Festival –**

Being the week of the spring festival it is all systems go and by the time you meet we will be able to tell how great a success it was. Ruth has been basically full time for a number of weeks, with Tara and Clare Smith also devoting a large amount of their time to the festival. At this stage there is 361 people booked in for the CBH Long table dinner on Saturday night which is fabulous. Ruth is allowing an extra 50 tickets to be sold on the day for visitors who are staying at the caravan park or passing through.



The Mukinbudin Hotel is closed at 5.00pm on both Friday and Saturday however the Café is opening late and we have rung the Woolshed in Nungarin to advise them that they may have extras for meals.

As usual a debrief meeting will be held shortly after the festival and I am sure Ruth would like to talk to Council after the event.

- **Tampu Bin –** The painting of the wood work has been completed, an old Meters stove has been delivered and installed. There has also been some furniture added. Bill Crook has done a lot of work with this old accommodation unit. CBH finally gave me a contact to talk to Mr Graham McLevie about historical information so a sign can be completed. I have spoken to Graham and he has given me a large amount of information. I will compose a sign and then send to Graham for checking. He is more than happy to help and is also looking for photo's that may be able to be used.

- **Beringbooding Tank – Roof**

Hugh Lavery met with Stuart Billingham and Cr Brian Watson on Friday 5th September on site to further discuss this. Stuart will report the outcome of the meeting. I have spoken to Michael Allen from the Department of Water to keep him informed of where we are at. Hugh had also rung Michael after his meeting with Stuart. An invoice has been prepared for \$5,000.00 and sent to the Department of Water. This is for the final instalment of the Community Water supply Grant.

Danny DeGraf from Aqua Armour is proving to be very hard to track down. I have managed to leave a message on his mobile phone and am still waiting to hear back from him. Checking the website there is no contact details listed at all, however there was an enquiry section. I have sent an enquiry requesting someone to get back to us which resulted in a Mr Richard Campbell from HydroTerra contacting me. Danny DeGraf has relocated to New Zealand at this stage as his Mum and now his Dad are both very ill. Aqua Amour has been taken over by a company called Venture. Hydro Terra is distributing Aqua Armour. I have forwarded all the quotes to Richard to see if these are now still current considering the change in company structure. I also asked Richard if they had someone to send over to inspect the tank. Richard

will review the quotes that we have received and re quote if necessary. He has advised that they can send someone over to inspect Beringbooding Tank and will re quote this as well.

- **Popes Hill Anzac Interpretive Site** – An application for the Anzac Centenary Local Grants Program and one for the Lotterywest Anzac Centenary Grants has been submitted for this project. I have also been working with Jocelyn Maddock to verify information. Jocelyn has also agreed to look over the final signage. On viewing the site plan and proposed project, Mrs Maddock would like the site to be actually on the site of the old Popes Hill Railway station. The site is on the western side of Popes Hill South road approximately 100m south. Jocelyn has the exact location in Perth and would like Council to consider shifting the interpretive site.
- **Mukinbudin Tourist Night** – A meeting was held on Wednesday 13th August 2014 in conjunction with the Planning & Development Group Meeting and I have started actioning some of the outcomes. A lot of the outcomes will need private businesses to take these on.
- **Familiarisation Tour** - The Tourist hut has been repaired by Denis, painted inside and out by the M.A.D. Men who volunteered their time and have done a fantastic job. Signage has been relocated inside the hut and pin up boards have been installed to give a more professional feel to the display. This has been on the list from the last three familiarisation tours so great to finally have it completed. I will start working through the list of the approved expenditure items.
- **NEWTRAVEL**
The next meeting will be held in Bencubbin on Thursday 23rd October 2014.
- **Allan Tranter**
At this stage I have not had a chance to organise a visit. I see that this will take some time to coordinate. I have been thinking about how to proceed and I think it is imperative to meet with the groups we are trying to target first to get them onside and get a commitment of meeting with Allan. I envisage that this will probably not happen now until after harvest into the New Year subject to Allan's availability. I will work with Cr Seaby on this.
- **West Australian Mandolin Orchestra**
After the last Council meeting I contacted Cath Shackleton regarding the possibility of the orchestra playing at a rock. Cath was very open to this but would not commit until their musical director Robert Schulz had been up to Mukinbudin which is planned during the October school holidays. Cath did say that Mandolin's are very quiet so would possibly need some form of amplification.



Meetings Attended/Events Organised:

- 27th August 2014 – Dowerin Field Day – working on NEWTRAVEL Stand
- 4th September 2014 – LGMA WA Community Development Conference in Fremantle only attended one day

Financial Implications:

Budget 2014/15

Strategic Implications:

Nil

Voting Requirements

Simple Majority

Recommendations

That Council note the above Community Services Officers Report.

Council Decision Number – 1128

Moved: Palm

Seconded: Sippe

That Council note the above Community Services Officers Report

Carried 8/ 0

Mrs Brandis left the meeting at 10.25am

Meeting adjourned for morning tea

8.3 Deputy Chief Executive Officer Reports

8.3.1 List of Payments – August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Stuart Billingham – CEO
Date:	10 September 2014
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

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 17 September 2014, for confirmation in respect of accounts already being paid or for the authority to those unpaid. (Please refer to Payment listing submitted as a separate attachment)

Financial Implications

A list of payments is required to be presented to Council as per section 13 of the Local Government (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.

Voting Requirements

Simple Majority

Recommendation

That the list of payments to today's meeting on Vouchers –

Direct Debits D/D 438.1 to 575.1

(\$5,333.64)

Muni Cheques 30969 to 30991

(\$50,454.85) and

Muni EFT's – EFT 239 to EFT 297, Payroll - Pay-2 x 2

(\$236,911.92) and

Trust D/D 518.2 – 563.1

(\$28,188.75)

Totalling

(\$320,889.16)

for payments made in August 2014, be passed for payment.

Council Decision Number – 1129

Moved: Cr Palm Seconded: Cr Comerford

That the list of payments to today's meeting on Vouchers –

Direct Debits D/D 438.1 to 575.1

(\$5,333.64)

Muni Cheques 30969 to 30991

(\$50,454.85) and

Muni EFT's – EFT 239 to EFT 297, Payroll - Pay-2 x 2

(\$236,911.92) and

Trust D/D 518.2 -563.1

(\$28,188.75)

Totalling

(\$320,889.16)

for payments made in August 2014, be passed for payment.

Carried 8/0

8.3.2 Monthly Statement of Financial Activity Report – 31 July 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Stuart Billingham - CEO
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham - CEO
Author:	Stuart Billingham - CEO

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 new format out of SynergySoft Monthly Statement of Financial Activity for the period ending 31st July 2014 are attached for Councillor Information, and consisting of;

Statement of Financial Activity

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Report
12. Supplementary Information

Financial Implications

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

Statutory Environment

General Financial Management of Council, Council 2013/14 Budget, *Local Government (Financial Management) Regulations 1996*, r34, *Local Government Act 1995*, section 6.4

Policy Implication

Council is required annually 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 \$10,000 and 10%.

Voting Requirements

Simple Majority

Recommendation

That Council adopt the Monthly Financial Report for the period ending 31st July 2014 and note any material variances greater than \$10,000 and 10%.

Council Decision Number – 1130

Moved: Cr Ventris Seconded: Cr Sippe

That Council adopt the Monthly Financial Report for the period ending 31st July 2014 and note any material variances greater than \$10,000 and 10%.

Carried 8/0

8.3.2 Monthly Statement of Financial Activity Report – 31 August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Stuart Billingham - CEO
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham - CEO
Author:	Stuart Billingham - CEO

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)*.

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7. Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Report
12. Supplementary Information

Financial Implications

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

Statutory Environment

General Financial Management of Council, Council 2013/14 Budget, *Local Government (Financial Management) Regulations 1996*, r34, *Local Government Act 1995*, section 6.4

Policy Implication

Council is required annually 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 \$10,000 and 10%.

Voting Requirements

Simple Majority

Recommendation

That Council adopt the Monthly Financial Report for the period ending 31st August 2014 and note any material variances greater than \$10,000 and 10%.

Council Decision Number – 1131

Moved: Cr Watson Seconded: Cr Comerford

That Council adopt the Monthly Financial Report for the period ending 31st August 2014 and note any material variances greater than \$10,000 and 10%.

Carried 8/0

8.4 Chief Executive Officer's Reports

8.4.1 Chief Executive Officer's Report- August 2014	
Location:	Shire
File Ref:	
Applicant:	Stuart Billingham – CEO
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

1.1 Meetings - Past

August 2014

21 August Great Eastern Country Zone Meeting with Cr Shadbolt at Merredin
22 August Staff Performance Review D Smith and D Mori commenced
23 August Exec Meeting CEO and WS
26 August NEWROC Strategic Workshop and Council Meeting – Shire of Trayning

September 2014

4 Sept Meeting with LGIS Account Manager Sandra Clohessy
4 Sept LEMC Meeting Shire Chambers
5 Sept Meeting with Mr Hugh Lavery Site inspection Beringbooding tank Cr Watson
11 Sept Special LEMC meeting Spring Festival 4.00pm
10-13 Sept Spring Festival
16 Sept CRC Meeting 5.00pm
17 Sept Ordinary Council Meeting

1.2 Meetings – Future

September 2014

23 Sept NEWROC Executive Meeting-Shire of Trayning
26 Sept LHAG
30 Sept Public Holiday Queens Birthday

October 2014

10 Oct Great Eastern Country Zone
15 Oct Ordinary Council Meeting

1.3. Staff

Denis Heffernan Annual Leave 2 Sept to 23 Sept 2014
Bob Edwards WA Annual Leave 16 Sept to 5 October 2014
DCEO ended employment 12 September 2014 Deed of Settlement
CEO RDO 19 Sept 2014 and 30 Sept 2014

1.4 Current/Emerging Issues

- 1.4.1 Metro Local Government - Structural Reform – LGAB 30 Councils reduce to 15 by 1 July 2015 - Map released
- 1.4.2 Beringbooding Tank – Funding for Roof and Conservation Plan meeting held with District Manager Water Corporation-Hugh Lavery. Site Meeting with Mia Davies and Dept of Water Michael Allen. Site Meeting 5 Sept 14 Mr Lavery to draw up a timeline and plan for the roof removal and Copper algae treatment.
- 1.4.3 Mukinbudin Waste Water agreement expired - meeting held with District Manager Water Corporation-Hugh Lavery potential funding for water treatment 2nd on list after Corrigin. Mrs Angela Herzer from Water Corporation Northam to visit soon re new draft agreement.
- 1.4.4 Shire of Mukinbudin Ward Boundary Review-Wards and Representation See attached letter and Guide attached as separate cover (October Agenda item)

Recommendation

That Council note the Chief Executive Officer's Report.

Council Decision Number – 1132

Voting Requirements – Simple Majority

Moved: Cr O'Neil Seconded: Cr Lancaster

That Council note the Chief Executive Officer's Report.

Carried 8 / 0

Break lunch Cr Comerford 12.33pm returned from lunch 1.35pm

8.4.2 NEWROC Council Meeting – Tuesday 26th August 2014	
Location:	NEWROC
File Ref:	
Applicant:	Stuart Billingham – CEO
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Background

A Council Meeting of NEWROC was held on Tuesday 26th August 2014 in Shire of Trayning. (The minutes from the meeting are submitted as a separate attachment Item 8.4.2 for Councillors information.)

Comment:

The following presentations were made to the meeting:

Nil

The following items were discussed at the Executive Meeting:

- 9.1 Regional Road Group
- 9.2 Freezing of FAGS funds
- 9.3 Mission and Vision Statement
- 9.4 Kununoppin Bonded Medical Scholarship
- 9.5 Asset Register
- 9.6 Cr Training

Next NEWROC Meeting dates:

23 Sept	Executive	Shire of Trayning
28 October	Council	Shire of Wyalkatchem
25 November	Executive	Shire of Koorda
16 December	Council	Shire of Koorda

Voting Requirements

Simple Majority

Officer recommendation:

That Council notes the report on the NEWROC Executive meeting minutes held on 26th August 2014.

Council Decision Number – 1133

Moved: Cr Comerford

Seconded: Cr Palm

That Council notes the report on the NEWROC Executive meeting minutes held on 26th August 2014

Carried 8/0

8.4.3 Audit Committee Minutes	
Location:	Shire of Mukinbudin
File Ref:	
Applicant:	Stuart Billingham – CEO
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Background

The Shire of Mukinbudin Audit Committee met on the 17th September 2014 to review the 4 yearly 'Financial Management Review' (FMR) undertaken by UHY Haines Norton. (Please refer to the FMR document submitted as a separate attachment)

Comment:

The minutes and recommendations from the Audit Committee meeting dated 19 February 2014 are presented for Council consideration.

Consultation:

Auditor, Shire President

Statutory Environment

Local Government Act 1995

Local Government (Audit) Regulations 1996

Financial Implications

Nil

Voting Requirements

Simple Majority Vote Required

Officer recommendation:

That Council receives the minutes of the Shire of Mukinbudin Audit Committee meeting 17 September 2014

Recommendation:

Council Decision Number – 1134

Moved: Cr Comerford

Seconded: Cr Palm

That Council receives the minutes of the Shire of Mukinbudin Audit Committee meeting 17 September 2014.

Carried 8/0

8.5 Environmental Health Officer's Reports

Cr O'Neil out 2.42pm returned at 2.44pm Mr Julian Goldacre entered the meeting at 2.42pm.

8.5.1 Rescind council Decision Number 1119 for the Adoption of the Shire of Mukinbudin Health Local law 2014 and Not proceeding with the Health Amendment Local law 2014 and proceed to 'make' the Shire of Mukinbudin Health Local law 2014 and Not proceeding with the Health Amendment Local law 2014	
Location:	Shire of Mukinbudin
File Ref:	
Applicant:	PEHO/BS
Date:	9 September 2014
Disclosure of Interest:	No
Responsible Officer	Mr J Goldacre PEHO/BS
Author:	Mr J Goldacre PEHO/BS

Background:

At the Shire of Mukinbudin Ordinary Meeting of Council held on the 20 August 2014 Council resolved the following:

Council Decision Number –1119

Moved: Cr Lancaster

Seconded: Cr Sippe

That Council resolves on the following:

1. That Council adopt the Shire of Mukinbudin Health Local Law 2014 as presented in Attachment 1 and that the Council authorise the Shire of Mukinbudin Seal to be affixed to the Shire of Mukinbudin Health Local Law 2014 and that the Shire President and Chief Executive Officer sign and date the Shire of Mukinbudin Health Local Law 2014. When signed and sealed the Shire of Mukinbudin Health Local Law 2014 is then to be forwarded to the Executive Director of Public Health for his/her signature and then presented to State Law Publishers for gazettal; and
2. That Council no longer proceeds with the proposed Shire of Mukinbudin Health Amendment Local Law.

Carried 8/0

Intensive scrutiny of the proposed Shire of Mukinbudin Health Local Law 2014 over a 13 month period by the Department of Health, Department of Local Government & Communities, PEHO/BS and environmental health colleagues had been done. Despite this it was subsequently discovered by a colleague that there existed some heading number errors (**Attachment 1b**). A discussion with the DLGC recommends rescinding decision 1119 and to 'make' the Shire of Mukinbudin Health Local Law 2014 again with the edits made. The DLGC was very insistent that a record of process is kept to keep future person aware of this outcome and will be done as a matter of course. To ensure a clean slate the whole of Council decision 1119 is to be rescinded and the process restarted with the amendments as shown in **Attachment 1b** which now also include new dates; to that end the agenda process recommences as follows.

Copies of the proposed Health Local Laws were subsequently dispatched to the Hon. Minister for Local Government, the Department of Local Government and the Director, Environmental Health on the 3 of July 2013. Furthermore two advertisements were placed in the Western Australian newspaper on the 3 July 2013 and the 9 August 2013 as well as local advertising in the local paper

and notice boards on the 1 July 2013 and after a reformat again on the 14 August 2013 located at the following places:

- The IGA on Shadbolt Street;
- Ag Implements Mukinbudin on the corner of Bent Street and Shadbolt Street;
- Shire office on Maddock Street;
- Post Office on White Street; and
- Mukinbudin Café on Shadbolt Street.

On the 8 August 2013 the public Notice was advertised on the Shire of Mukinbudin website and is currently still being advertised in that medium located at -
<http://www.mukinbudin.wa.gov.au/news-events/council-notices/>

The Shire of Mukinbudin has extensively advertised the health Local laws and to date (10 September 2014) no responses have been received from the general public. Responses have been received from the Department of Local Government and Communities (formally department of local Government) and the Department of Health. The Shire of Mukinbudin Health Local Law 2014 is shown in its reviewed entirety as **Attachment 2**.

Comment:

Since August 2013 to date five submissions have been received from the Department of Health and two from the Department of Local Government and Communities in which recommended changes were put forward for consideration based on latest local law practice, statutory requirements and recent experience with dealing with the Delegated Legislation Committee. The information is provided as 'advice' for consideration that said the officers involved in this advice are very experienced and well-seasoned in the matters of local laws. Due to the complexity and number of the changes provided the following is changes that were not adopted into the reviewed Health Local Laws and the reasons given:

- **Department of Health suggested edit** - In Part 5, Division 6 – Piggeries, Tables 2 & 3 describe various buffer distances that originally were referenced from a 1989 document: "Environmental management guidelines for animal based industries – PIGGERIES". That document has been superseded by the "National Environmental Guidelines for Piggeries", so the Shire of Mukinbudin may wish to reconsider the provisions of Division 6.
 - The suggested document was reviewed and found to be very lacking in setting required buffer distances and instead suggesting subjective, loose and non-committal advice or even direction, the author did not pursue this line of investigation any further and remained with the prescribed buffer distances as it gave clear and concise direction for persons establishing piggeries and has been widely used in Health Local laws in the past with no known conflicts.
- **Department of Health suggested edit** - Section 2.1.4 Outdoor festivals. Suggests using the Dept of Health '*Guidelines for concerts, events and organised gatherings*'.
 - Agreed, this document is a more comprehensive and flexible document and the PEHO is working with the applied environmental health branch to create a guideline for smaller events more suited to regional areas to simplify the process of assessing events.
- **Department of Health suggested edit** - Section 5.4.8. Recommends inserting a new clause on feed of birds based on other local government experience where this has caused a nuisance. Recommended insert is '*A person shall not feed a pigeon, dove, seabird, ibis,*

raven, or any other wild bird, so as to cause a nuisance or be injurious or dangerous to health'.

- Agreed, recommendation inserted as clause 5.4.8.
- **Department of Health suggested edit** - Section 8.1.1. Interpretation, recommends inserting a new definition for 'recreational campsite' part 'B' with – 'where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools but does not include a camp or caravan within the meaning of the Caravan Parks and Camping Grounds Act 1995'.
 - Agreed, replacement inserted
- **Department of Health suggested edit** – clause 1.4. Required the insertion of clause 1.4. In order to repeal pre-existing local laws pertaining to health of which there is 4.
 - Agreed, by no repealing pre-existing local laws they will actually have effect and make new local laws problematic if not impossible to enforce.
- **Department of Local Government and Communities suggested edit** - Clause 5.1.2 Footpaths etc to be kept clean The Shire should consider if this clause reflects the Shire's intentions regarding the local law. It is possible for refuse to be deposited on footpaths without the knowledge or permission of the adjacent property owner. Possible examples include where a bin is interfered with, or when sanitation employees drop garbage during the course of their duties. As the clause currently stands, property owners may be held accountable (and potentially punished) for the actions of other individuals. The clause also states that owners or occupiers of premises shall keep adjacent footpaths clean. It is unusual for a local law to make homeowners responsible for the maintenance of local government footpaths outside the owner's property boundaries. This may be raised as an issue by the Delegated Legislation Committee.
 - No, it clearly states in the proposed Health Local Law '...coming from or belonging to the premises'. The Shire in all its investigations on such matters is a good corporate citizen and the benefit of the doubt is exercised.
- **Department of Local Government and Communities suggested edit** - Clause 7.1.4 – Medical Officer may authorise disinfecting It is suggested clause 7.1.4 be deleted.
 - No, the doctor at the Kununoppin practice Mr B Walker has been made Medical Officer for the Shire of Trayning which is a function under the *Health Act 1911* in order to assist the Principal Environmental Officer deal with an unsanitary house which had occupants some of which are the doctors patients whose health whilst living in the dwelling was 'most compromised'. If, in the opinion of a Medical Officer, trained to the highest standards of medicine required a place to be 'disinfected' then it will be made so. This disinfection matter has become more important in light of the Ebola virus outbreak in Africa and the World community dragging its feet on dealing with the issue.
- **Department of Local Government and Communities suggested edit** - Clause 5.1.10 Vehicles used for transporting animals and birds is seen as problematic as may inadvertently capture persons incidentally transporting their pets.
 - No, It is reasonable for an Officer of the Shire to be able to distinguish between pets in cars, on bike and gophers as opposed to vehicles for commercial gain transporting animals and birds which can cause a health hazard, which is the intent of the local laws to address.
- **Department of Local Government and Communities suggested edit** - Clause 5.2.4 Cats.
 - Agreed, with the advent of the Cat Act it was agreed after consultation that this be removed as would prove immensely difficult to defend at the Delegated Legislation Committee level as members of, who are also members of parliament, passed the cat legislation despite local government objection. Local governments are now required to regulate through local laws such as number of cats allowed to be kept; word is most

local governments are waiting for a local government to adopt and have approved such legislation before stepping down that slippery slope, case in point being the Waste Local Laws which are in limbo and have been for some time despite the same being operating well under the *Health Act 1911* before those provisions were removed into the Waste Avoidance and Resource Recovery Act in which it has suddenly proven too difficult to enact such local laws.

The above mentioned changes, advice and recent edits represent the important changes made to the proposed Shire of Mukinbudin Health Local Law 2014 (**Attachment 2**) and the rest of the edits and amendments requested by the DoH and DLGC are minor in nature, represent good practice, and are compliant with State laws and is essentially 'finishing' getting the 'chaff out of the wheat' in order to get the best health local law that will withstand scrutiny from Delegated Legislation Committee.

In all of this process it was intended to also adopt the 'Health Amendment Local Law 2013' which is based on the Shire of Mukinbudin Model Bylaws series "A" in order to give the local government of Mukinbudin control over waste receptacles. In light of the continuing difficulty of having such local laws endorsed by the Delegated Legislation Committee it is recommended that this process be halted and that the Council wait until the 'model' laws have gone through their lengthy 'acid testing' in which it will be a more simpler and cost effective adoption and gazettal process.

Consultation

Mr S Billingham CEO

Mr S Elliott, Legislation Officer, Legislation, Department of Local Government and Communities;

Ms V Gilmore, Department of Local Government and Communities;

Mr D Howell, Scientific Officer, Department of Health, Health Local Laws & swimming pools

Financial Implications

Gazettal costs are estimated at around \$5,000 and this has been put into the 2014-2015 budget as confirmed by the DCEO.

Statutory Environment

Health Act 1911

Local Government Act 1995

Policy Implication

Nil.

Voting Requirement

Absolute Majority Vote Required

Recommendation 1

That Council rescind the following Council decision by absolute majority:

Council Decision Number –1119

Moved: Cr Lancaster

Seconded: Cr Sippe

That Council resolves on the following:

1. That Council adopt the Shire of Mukinbudin Health Local Law 2014 as presented in Attachment 1 and that the Council authorise the Shire of Mukinbudin Seal to be affixed to the Shire of Mukinbudin Health Local Law 2014 and that the Shire President and Chief Executive Officer sign and date the Shire of Mukinbudin Health Local Law 2014. When signed and sealed the Shire of Mukinbudin Health

- Local Law 2014 is then to be forwarded to the Executive Director of Public Health for his/her signature and then presented to State Law Publishers for gazettal; and
2. That Council no longer proceeds with the proposed Shire of Mukinbudin Health Amendment Local Law.

Carried 8/0

Recommendation 2

That Council resolves on the following:

1. That Council adopt the Shire of Mukinbudin Health Local Law 2014 as presented in **Attachment 2** with the required amendments as shown in **Attachment 1b** and that the Council authorise the Shire of Mukinbudin Seal to be affixed to the Shire of Mukinbudin Health Local Law 2014 and that the Shire President and Chief Executive Officer sign and date the Shire of Mukinbudin Health Local Law 2014. When signed and sealed the Shire of Mukinbudin Health Local Law 2014 is then to be forwarded to the Executive Director of Public Health for his/her signature and then presented to State Law Publishers for gazettal; and
2. That Council no longer proceeds with the proposed Shire of Mukinbudin Health Amendment Local Law.

Council Decision Number – 1135

Moved Cr Lancaster Seconded Cr Sippe

That Council rescind the following Council decision by absolute majority:

Council Decision Number –1119

Moved: Cr Lancaster

Seconded: Cr Sippe

That Council resolves on the following:

1. That Council adopt the Shire of Mukinbudin Health Local Law 2014 as presented in Attachment 1 and that the Council authorise the Shire of Mukinbudin Seal to be affixed to the Shire of Mukinbudin Health Local Law 2014 and that the Shire President and Chief Executive Officer sign and date the Shire of Mukinbudin Health Local Law 2014. When signed and sealed the Shire of Mukinbudin Health Local Law 2014 is then to be forwarded to the Executive Director of Public Health for his/her signature and then presented to State Law Publishers for gazettal; and
2. That Council no longer proceeds with the proposed Shire of Mukinbudin Health Amendment Local Law.

Carried 8/0

Council Decision Number – 1136

Moved Cr Lancaster seconded Cr Sippe

That Council resolves on the following:

1. That Council adopt the Shire of Mukinbudin Health Local Law 2014 as presented in Attachment 2 and that the Council authorise the Shire of Mukinbudin Seal to be affixed to the Shire of Mukinbudin Health Local Law 2014 and that the Shire President and Chief Executive Officer sign and date the Shire of Mukinbudin

- Health Local Law 2014. When signed and sealed the Shire of Mukinbudin Health Local Law 2014 is then to be forwarded to the Executive Director of Public Health for his/her signature and then presented to State Law Publishers for gazettal; and
2. That Council no longer proceeds with the proposed Shire of Mukinbudin Health Amendment Local Law.

Carried 8/0

8.5.2 Damaged asbestos fencing on and between N° 10 & 12 Calder Streets Mukinbudin (Lots 66 & 67)	
Location:	N° 10 & 12 Calder Streets Mukinbudin (Lots 66 & 67) Shire of Mukinbudin
File Ref:	
Applicant:	PEHO/BS
Date:	10 September 2014
Disclosure of Interest:	No
Responsible Officer	Mr J Goldacre PEHO/BS
Author:	Mr J Goldacre PEHO/BS

Background:

The Shires of Mukinbudin Principal Environmental Health Officer/Building Surveyor was asked to investigate the damaged asbestos fencing on Lots 66 and 67 Calder Street. An assessment found the condition of the fencing identified by the PEHO/BS as containing asbestos (subject to forensic assessment, the PEHO/BS has completed an asbestos identification course) to be in a condition to be deemed appropriate for an offence to be considered by a Magistrate of a Court.

Comment:

The Shire of Mukinbudin Council and Staff are committed to bringing matters to the attention of people to give them the opportunity to address matter identified. To this end the PEHO/BS can provide Council with the following information regarding assisting the owner and family to address the matter identified in **Attachment 1** as follows:

- **Attachment 2** is the email diary log of Phone calls, SMS, letters and emails sent and made to Ms K Rivers and family. Start date 1 May 2013 to the 4 September 2014 (16 months' timeline of community minded consultation, Nil result); and
- Letters sent 1 May 2013 and the 4 September 2014, nil response.

In order to expedite the matter and as a result of calls to Mr K Rivers being passed onto her daughter and the involvement of her son conversations by phone often resulted in speaking to Ms R Rivers and lately to her son Mr C Rivers. Discussions with Mr C Rivers was positive although, regrettably, commitments were not carried out to resolve the asbestos fencing matter as arranged and to date remains unresolved.

The Shire has committed itself to assisting the land owner and interested parties to resolve the matter which after 16 months has not born any fruit. Therefore in light of the most recent letter dated 4 September 2014 being sent should the matter remain unresolved and/or no tangible commitment made before the next Ordinary Meeting of Council to be held in October 2014 then pursuant to the *Health (Asbestos) Regulations 1992*, Material containing asbestos, Part 3, regulation 8(1)(b) The Shires Principal Environmental Health Officer can require the person to maintain, repair, remove, move, dispose of, or handle the material containing asbestos in such manner and within such time as is specified in the direction. The local government of Mukinbudin will be shown to have provided for the good government of persons in its district and has been liberal in its approach to resolving the matter to this point in time pursuant to the *Local Government Act 1995*, Functions of local governments, Part 3.

Consultation

Mr S Billingham CEO

Mr D Howell, Scientific Officer, Department of Health, Health Local Laws & swimming pools

Financial Implications

In the event the Notice is not complied with then the works may be carried out or arranged to be carried out by the local government and the costs to do so recouped from the owner; furthermore non-compliance with the Notice is an offence and penalties apply being on conviction to —

(a) a penalty of not more than \$1 000 and not less than —

(i) in the case of a first offence, \$100;

(ii) in the case of a second offence, \$200; and

(iii) in the case of a third or subsequent offence, \$500; and

(b) if that offence is a continuing offence, a daily penalty of not more than \$100 and not less than \$50.

Legal fees will be incurred and are not able to be calculated until the legal brief has been provided to the lawyers.

Statutory Environment

Health Act 1911

Local Government Act 1995

Policy Implication

Nil.

Voting Requirement

Simple Majority

Before voting on the item all Councillors inspected the property and left the chamber at 3.01pm and returned 3.11pm before voting on the item

Recommendation 1

That Council accept the Principal Environmental Officer/Building Surveyor report for the matter concerning damaged asbestos fencing on Lots 66 and 67 Calder Street, Mukinbudin.

Council Decision Number – 1137

Moved Cr Palm Seconded Cr Lancaster

That Council accept the Principal Environmental Officer/Building Surveyor report for the matter concerning damaged asbestos fencing on Lots 66 and 67 Calder Street, Mukinbudin.

Carried 6/2

8.5.3 House built without a building permit and the installation of an apparatus for the treatment of sewerage without approval by Mr & Mrs B & S Graham, Lot 5 Graham Road Mukinbudin	
Location:	Lot 5 Graham Road Shire of Mukinbudin
File Ref:	
Applicant:	PEHO/BS
Date:	10 September 2014
Disclosure of Interest:	No
Responsible Officer	Mr J Goldacre PEHO/BS
Author:	Mr J Goldacre PEHO/BS

Background:

At the Shire of Mukinbudin Ordinary Meeting of Council held in December 2013 the matter of a dwelling house being illegally constructed on Lot 5 Graham Road was brought to the attention of Council. Details of the commitment to bring both Mr & Mrs B & S Graham to the table to ensure compliance were presented, regrettably up until December 2013 no contact with the local government of Mukinbudin has been received by Mr & Mrs B & S Graham. On the direction of Council, despite the resolution resolved on:

Council Decision Number – 1001

That Council receive the Officers report that due to the failure of Mr B and Mrs S Graham residing on Lot 5 Graham Road Mukinbudin to follow through and take the appropriate steps to have issued a retrospective building permit as well as a permit to use an apparatus for the treatment of sewerage that the appropriate Notices are to be served under the *Building Act 2011* and the *Health Act 1911* on the owners with the intent to gain appropriate compliances. And that should the Notices not be complied with that the determination of an offence is exercised in a Magistrates court.

Carried 7/0

another letter was written to Mr & Mrs B & S Graham to shown that Council have provided for the good government of persons in its district and has been liberal in its approach to resolving the matter at hand.

Comment:

On the 13 January 2014 a letter from Mr & Mrs B & S Graham was received to explain they were unable at that point to comply and would be in contact with the Shire when able to do so. As the letter was 'close ended' the PEHO/BS wrote back to Mr & Mrs B & S Graham on the 12 March 2014 detailing a step by step process that would cater for their situation and work towards compliance with the *Building Act 2011* and *Health Act 1911* and to date no correspondence or contact with the Shire has been received. On the 4 September 2014 as a last resort in keeping with a liberal function of local government and to be community minded towards the matter at hand another letter was written and sent registered post with signed-receipt request. On the 9 September 2014 the letter when presented to Mr or Mrs Graham was 'refused' meaning they refused to take the letter which now gives Council the following intent of Mr & Mrs B & S Graham to the matter at hand as follows:

- **3 July 2013** - Informed by CEO Trevor Smith that after my meeting with Sarah Graham he received a phone call from Mr B Graham saying he wanted a meeting with the CEO. CEO informed that he rang the next day to cancel the meeting and he was not going ahead with the

process to make dwelling comply, went on to explain that the season was poor and had no money; and

- **9 September 2014** – registered post letter addressed to Mr & Mrs B & S Graham was ‘refused’.

The Shire has committed itself to assisting Mr & Mrs B & S Graham to resolve the matter which after 15 months has not born any fruit. Therefore in light of the most recent letter dated 4 September 2014 being ‘refused’ the matter remains unresolved and/or no tangible commitment has been made despite the best efforts of Council and staff. The local government Council of Mukinbudin have shown to have provided for the good government of persons in its district and has been most liberal in its approach to resolving the matter to this point in time pursuant to the *Local Government Act 1995*, Functions of local governments, Part 3.

Pursuant to Council resolution 1001 resolved at the OMC held in December 2013 Notices will be served on Mr & Mrs B & S Graham under the *Building Act 2011* and *Health Act 1911*. In the event the Notices are not complied with the matter will need referral to the local government’s preferred legal team for assessment and presentation to a Magistrates Court or preferably the matter is referred to the State Administrative Tribunal.

Consultation

Mr S Billingham CEO

Financial Implications

In the event the *Building Act 2011* Notice is not complied with then an offence has occurred and the matter will need referral to a Magistrates Court requiring legal services. A recent case in Goomalling Shire for building without a Building Permit went in the Shire of Goomalling favour and a \$10,000 penalty was awarded plus costs.

In the event the *Health Act 1911* Notice is not complied with then an offence has occurred and the matter will need referral to a Magistrates Court requiring legal services the possible penalty is of not more than \$1 000 and not less than —

- (i) in the case of a first offence, \$100;
 - (ii) in the case of a second offence, \$200; and
 - (iii) in the case of a third or subsequent offence, \$500; and
- (b) if that offence is a continuing offence, a daily penalty of not more than \$100 and not less than \$50.

Legal fees will be incurred and are not able to be calculated until the legal brief has been provided to the lawyers.

Statutory Environment

Health Act 1911

Local Government Act 1995

Policy Implication

Nil.

Voting Requirement

Simple Majority

Recommendation

That Council accept the Principal Environmental Officer/Building Surveyor report for the matter concerning a dwelling house built without a building permit and the installation of an apparatus for the treatment of sewerage without approval by Mr & Mrs B & S Graham, Lot 5 Graham Road Mukinbudin.

Council Decision Number – 1138

Moved Cr Watson, seconded Cr Sippe

That Council accept the Principal Environmental Officer/Building Surveyor report for the matter concerning a dwelling house built without a building permit and the installation of an apparatus for the treatment of sewerage without approval by Mr & Mrs B & S Graham, Lot 5 Graham Road Mukinbudin.

Carried 8/0

8.5.4 Application for planning approval for a home business Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 Bonnie Rock-Mukinbudin Road, Bonnie Rock Shire of Mukinbudin	
Location:	Lot 890, location 4106 Bonnie Rock-Mukinbudin Road, Bonnie Rock, Shire of Mukinbudin
File Ref:	
Applicant:	PEHO/BS
Date:	10 September 2014
Disclosure of Interest:	No
Responsible Officer	Mr J Goldacre PEHO/BS
Author:	Mr J Goldacre PEHO/BS

Background:

On the 27 August the local government of Mukinbudin received an application for planning approval and cover letter (email) for a home business Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 Bonnie Rock-Mukinbudin Road, Bonnie Rock, Shire of Mukinbudin (**Attachments 1 & 2 respectively**)

Comment:

A home occupation is a 'D' discretionary use and requires Council determination under the Shire of Mukinbudin Town Planning Scheme N^o4. The development is for a sole trader mobile mechanic who will principally conduct vehicle repair works on Lot 890 and exercise the option to travel to other locations in the area to perform vehicle repair works; the Town Planning Scheme (TPS) does permit up to 2 persons to be employed in this kind of business who are not members of the occupiers household. The amenity of the area will be unaffected as traditionally most if not all farmers repair vehicles onsite and traffic movement is principally farm vehicles in the trade of farming. A request has been made to permit an area of operation on Lot 890 of a permissible 200m² which will give the proponent the ability to site large vehicles, also to this end as farm vehicles can weight more than 3.5 tonnes that approval is granted to allow such vehicles to be sited on lot 890 for repairs to a total number of 3 vehicles at any one time being the allowable limit; it is noted that this does not include the farms operational vehicles of Mr N Spark, only the vehicles brought in from outside the farming operational areas of Mr N Spark farming operations. Essential services are not affected and there will be no retail sale, display or hire of goods. Access and egress is maintained as normal which has already been created for farm vehicle use; the vehicle repairs on Lot 890 which are brought in represents only 5% to 10% of the expected work.

Consultation

Ms P Baskind, Planning Manager, Regional Planning and Strategy, Department of Planning

Financial Implications

A planning application fee of \$147 for this application.

Statutory Environment

Planning and Development Act 2005

Policy Implication

Nil, there is no planning policy for 'Home Business'.

Voting Requirement

Simple Majority

Recommendation 1

That Council approve the application for the granting of planning approval application for a home business Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 Bonnie Rock-Mukinbudin Road, Bonnie Rock, Shire of Mukinbudin with the following conditions:

1. That the approval is valid for a period of three years from the date of the granting of planning approval Schedule 9 — Notice of determination on application for planning approval for the home business Farm Machinery/Vehicle Repair; which then upon review of the operations by Council can grant a further three years with or without conditions;
2. That no more than 3 vehicles at any one time of a weight greater than 3.5 tonnes are permitted to be serviced for Farm Machinery/Vehicle Repair can be parked on Rural Lot 890, location 4106 but not including vehicles that form part of Mr N Sparks farming operations;
3. That an area of 200m² is permitted for the home business activity of Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 but not including any area set aside for vehicles that form part of Mr N Sparks farming operations;
4. This granting of planning approval for the home business Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 cannot be transferred by Mr T Baker the applicant to another entity.

Council Decision Number – 1139

Moved Cr O'Neil, seconded Cr Sippe

1 That the approval is valid for a period of three years from the date of the granting of planning approval Schedule 9 — Notice of determination on application for planning approval for the home business Farm Machinery/Vehicle Repair; which then upon review of the operations by Council can grant a further three years with or without conditions

2 That no more than 3 vehicles at any one time of a weight greater than 3.5 tonnes are permitted to be serviced for Farm Machinery/Vehicle Repair can be parked on Rural Lot 890, location 4106 but not including vehicles that form part of Mr N Sparks farming operations

3 That an area of 200m² is permitted for the home business activity of Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 but not including any area set aside for vehicles that form part of Mr N Sparks farming operations

4 This granting of planning approval for the home business Farm Machinery/Vehicle Repair on Rural Lot 890, location 4106 cannot be transferred by Mr T Baker the applicant to another entity.

Carried 8/0

Mr Julian Goldacre left the meeting at 3.32pm

8.6 Mukinbudin Caravan Park Manager's Report

8.6.1 Mukinbudin Caravan Park Report – August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Tania Sprigg
Date:	10 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham
Author:	Tania Sprigg

Mukinbudin Caravan Park September Report 2014

Firstly thank you for your efforts for the 2014 budget for the Caravan Park!! Your ongoing commitment to the CP is reaping much fruit.

We're already looking forward to the next budget, to resubmit some of the items we were hoping for! Looking forward to seeing how the power and water upgrades will be delivered. It would be a good time to discuss the long term plans and ideas amongst a variety of people in the community. Camper's kitchen shearing head has been erected and continues to attract much positive feedback. Caravan Park continues to be a busy place!!!

Yours Sincerely
Tania Sprigg

Mukinbudin Caravan Park Annual Income						
	Self Contained Units	Barracks	Sites	Washing Machine	Total	Total Expense
2005/2006	19358.08	11082.32	10521.76	1171.16	42133.32	
2006/2007	22820.21	9753.06	17095.2	981.35	50649.82	
2007/2008	27304.76	5422.75	11244.47	678.16	44650.14	
2008/2009	37214.39	10554.55	16773.76	663.63	65206.33	
2009/2010	33567.84	9096.35	15504.7	1036.36	59205.25	
2010/2011	38054.93	15604.59	15817.92	845.55	70322.99	
2011/2012	34724.53	11056.46	18753.08	773.19	65307.26	
2012/2013	44682.83	17477.98	24860.15	1050.17	88071.13	
2013/2014	45332.87	16194.44	26393.17	1278.53	89199.01	88695.34
Mukinbudin Caravan Park Income and Expenditure						
	Self Contained Units	Barracks	Sites	Washing Machine	Total Income	Expenditure
July 14	3210.02	1290.55	1373.61	0.00	5874.18	6021.66
Aug 14	3272.75	2442.72	3121.61	325.45	9162.53	9202.39
Sept 14					0.00	
Oct 14					0.00	
Nov 14					0.00	
Dec 14					0.00	
Jan 15					0.00	

Feb 15					0.00	
Mar 15					0.00	
Apr 15					0.00	
May 15					0.00	
Jun 15					0.00	
Total	6482.77	3733.27	4495.22	325.45	15036.71	15224.05

CEO Comment

	14/15 Budget	Actual YTD	
Power Upgrade	\$19,000	\$0	Jeff Peters PO issued
Install 2 x Power heads	\$ 8,500	\$0	Jeff Peters PO issued
Install 4 x Power heads	\$16,000	\$0	Jeff Peters PO issued
Install new mains board	\$ 2,000	\$0	Jeff Peters PO issued
Sand Fill, Hire plant Etc	\$ 6,425	\$0	Matt Palm PO issued
Septic Drain Works	\$ 9,580	\$0	Matt Palm PO issued
Sullage/Septic System Works	\$22,500	\$0	Matt Palm PO issued
Total	\$84,005	\$0	

Recommendation

That Council note the above Caravan Park Managers Report.

Council Decision Number – 1140

Moved: Cr Ventris

Seconded: Cr Watson

That Council notes the above Caravan Park Managers Report.

Carried 8/0

8.7 Swimming Pool Manager's Report

8.7.1 Mukinbudin Swimming Pool Report August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Luke Sprigg
Date:	10 July 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham
Author:	Luke Sprigg

No Pool Managers report this month

CEO Comment

	Budget	Actual YTD	
Pool Vacuum Cleaner	\$11,000	\$0	
Disabled Unisex Toilet	\$12,500	\$0	
Stage 4 Drafting Plans	\$ 8,000	\$0	Architect to be engaged/planning
Steps	\$10,700	\$0	Muka Steel PO issued
Total	\$42,200	\$0	

- Diving Board stairs currently being manufactured by Mukinbudin Steel fabricators and will be a carryover item into the 2014/15 Budget \$10,700 excluding gst.
- Shade Cloth for Ladies Change rooms found at Depot and sent off to be repaired with Bonnie Rock Playground shade cloth.

Voting Requirements

Simple Majority.

Recommendation

That Council note the above Pool Managers Report.

Council Decision Number – 1141

Moved: Cr Comerford

Seconded: Cr Sippe

That Council notes the above Pool Managers Report.

Carried 8/0

8.8 NRMO Report August 2014

8.8.1 NRMO Report August 2014	
Location:	Mukinbudin
File Ref:	
Applicant:	Claire Baker - NRMO
Date:	11 September 2014
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham - CEO
Author:	Claire Baker - NRMO

COURSES/ WORKSHOPS/ MEETINGS ATTENDED:

- ❖ 1st Aug – Koorda - Meeting with CEO's Re: Contract renewal
- ❖ 5th Aug – Merredin – NRMO Meeting
- ❖ 7th Aug – Mukinbudin – MCG Meeting
- ❖ 7th Aug – Koorda – Boyne Site Survey
- ❖ 8th Aug – Koorda – Henning Site Survey
- ❖ 20th Aug – Mukinbudin – Council Meeting
- ❖ 26th Aug – Southern Cross – NRMO Meeting
- ❖ 27th Aug – Dowerin – Field Day
- ❖ 28th Aug – Merredin – EWDSG Meeting

PRESS RELEASES:

- ❖ 1080 baits
- ❖ Revegetation Guide advertising

MUKINBUDIN CONSERVATION GROUP INC.

- ❖ Meeting held on the 7th of August
- ❖ Looking into funding opportunities for Bird banding Equipment; In contact with "The Norman Wettenhall Foundation" after discussion with them we are eligible
- ❖ Have spoken with the head of the Bird Banding Group and he has sent though documents to help with the grant application
- ❖ Drafted up Bird Banding project plan for review for the MCG; currently underway
- ❖ Funding available from Wheatbelt NRM for Community Groups up to \$1000 for equipment; in discussion with the MCG (Hilary West & Whispie Bayley) as to what might be suitable and useful for the MCG.
- ❖ Discussion at the meeting of holding a Red Card for Red Fox – Fox shoot in February 2015 – Draft plans in place

BIOBLITZ 2013

- ❖ A draft BioBlitz report has been sent out by Katrina Kingston; currently reviewing for the final release of the document; a copy has been supplied to the MCG for their input and edits

DRF WORKS – Nungarin Road

- ❖ Stuart & Bob stated that this area is not of major concern at this present time so the permit is on hold.
- ❖ DER has been notified.

DRF WORKS – North Barbalin Road

- ❖ Permit to take has submitted to DPaW (July) – The application is being reviewed; the works time has been extended for one year.
- ❖ Discussion with the Officer in charge from DPaW; a new map was supplied with the area clearly marked including GPS points of the environmentally sensitive areas.
- ❖ Correspondence states DPaW will be in contact shortly once they have reviewed the application

Clearing – Koorda Bullfinch Road

- ❖ Draft letter written up to respond to DER's letter dated the 18th June
- ❖ Letter was sent 18th of August to DER stating we will adhere to the conditions stated in the previous letter.
- ❖ The permit has been accepted and plans are to commence 1st October 2014.

TREE PRUNING

- ❖ A site assessment at Deeranning Rock took place on the 22nd of July to assess the overgrowth of the vegetation and the need to clear the tracks –I spoke direct to DER and they stated that there would be no issue with the Shire pruning the vegetation of 0.5kms as long as in is done in a way to minimise damage/ disease and it doesn't end in the death of the tree.
- ❖ A written response was received and sent to interested parties.

NEWROC NRM – NEWROC NRM STRATEGY 2005-2010

- ❖ Meeting took place on 26th of June
- ❖ Linda Vernon is forming a draft for review by NEWROC NRM's
- ❖ Some documents have been sent out this month for review from Linda such as achievement timelines etc.

STATE NRM GRANT - Feral Pest Eradication through use of 1080 and research into bait palatability, attractiveness and non – target species attraction"

- ❖ Bait Trial sites; Koorda: Confirmed: Greg Westlund, Carl Fushbishler, Rick Storer & David Nairn. Looking at just monitoring within the Koorda Shire due to location and farmers willing for their land to be a bait trial site.
- ❖ May look at monitoring sites just out of shire boundary where there is an issue to raise awareness before it is a problem (approved by DAFWA)
- ❖ Drafted documents such as expenditure sheets, advertising, trial site information, supplier information such as prices/ licence numbers/ contacts.
- ❖ Baits still being advertised in the three shires
- ❖ All permit applications & records on file in Koorda NRM Office
- ❖ Land holder agreements have been drafted for bait trials
- ❖ Obtained a copy of current permits from DAFWA - Letters and permit amendment requests completed and need signatures from Landholders

OTHER

- ❖ Drafted up new contract for August 2014 until August 2016; sent to David Burton for edit approval and discussion with other CEO's.
- ❖ Attended EWDSG Meeting in Merredin; will be liaising in future with Rebecca Maddock the Executive Officer for minutes and anything relevant for Mukinbudin Shire (eg. Dog Activity etc.).

Voting Requirements

Simple

Recommendation

That Council note the above NRM Report.

Council Decision Number – 1142

Moved: Cr Sippe

Seconded: Cr Ventris

That Council note the above NRM Report.

Carried 8/0

9. Information Report

9.1 Please refer to Correspondence and Information Report submitted as a separate attachment

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.

12.1

Item 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 to 12.3 deals with matters contained under Section 5.23 (2) (e) (ii).

Council Decision Number – 1143

Voting Requirements – Simple Majority

Moved: Cr Ventris

Seconded: Cr Sippe

That Council close the meeting to members of the public in accordance with the Local Government Act 1995, Section 5.23 as Item 12.2 deals with matters contained under Section 5.23 (2) (b).

Carried 8/0

Meeting went behind closed doors at 2.25pm

Council Decision Number – 1144

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Lancaster

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 and 12.3 deals with matters contained under Section 5.23 (2) (a).

Carried 8/0

Meeting went behind closed doors at 3.56pm

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

Council Decision Number – 1145

Voting Requirements – Simple Majority

Moved: Cr Sippe

Seconded: Cr Watson

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 5.25 pm

13. Dates to Remember

13.1 Dates to Remember

ANNUALLY	
Date	Details
January	No Council Meeting this in January
February	Chief Executive Officer and Works Supervisor to inspect all plant evaluate and/or amend its plant replacement programme for recommendation to Council. Audit Committee to review Statutory Compliance Return, meet with Auditor and report to next full Council meeting Local Government Compliance Return 1 January to 31 December each year. Plan for the Future – commence review process (Every two years)
March	Buildings inspection Shire buildings with Property Manager and report to Council's March or April meeting Roads Inspection – Annual Road inspections to prioritise items of roadwork's for forthcoming year. Councillors to present road proposals to CEO for consideration prior to this inspection. Complete review of Annual Budget (FM Regulations (33A) Completion of Statutory Compliance Return (LG Act 7.13, Audit Regulations 13-15) to be sent to Department of Local Government prior to 31 March. Arrange Bush Fire Advisory Committee meeting with Chief Bush Fire Control Officer for April
April	Present any items Councillors or Community requests for Budget inclusion – Community & Recreation Grant Forms. (Advertise) Undertake Review of Delegation of Authority Register to Committee and CEO.(written confirmation to staff concerned)
May	Undertake Staff Annual Performance Reviews. National Volunteer Week Send out recoups of roads and other projects so grant funding can be received by 30 June Review Councils Fees and Charges for all Council services and facilities including rubbish service and charges DCEO to review and renew Council's insurance policies with LGIS
June	Sitting fees – Reminder to Councillors re: forthcoming years fees FOI Return (Note: not necessary if Nil return) FOI Statement – Review this month Works Supervisor to provide comments on RRG Submissions, which are due to go to Council in the August meeting. DCEO to conduct a Finance & Audit Committee meeting and meet with Auditor as per Committee Roles Council's Audit Committee to meet to discuss Interim Audit Every 4 years Financial Management Review due before 30 June Local Government Convention deadline for nominations 30 June each year – Public Interest Disclosure Return to be submitted for previous period 1/7 to 30/6. Chief Executive Officer's performance and remuneration review – commence this month
July	Draft Budget submitted by Chief Executive Officer Issue Employee Group Certificates Councillors and Senior Staff issued with Annual Interest Returns for completion Issue eating house licence renewals CEO performance review
August	Councillors and Senior Staff – reminder of Annual Financial Interest Return to be completed to CEO prior to 31 August Completion/Adoption of budgets (absolute majority). Send copy to Department of Local Government within 30 days (LG Act 6.2, FM Regulations 33) Resolution regarding timing of Annual Electors Meeting

September	CEO to commence a full review of Policies & Procedures manual Completion of Annual Financial Report & submitted to Auditor. AFR sent Dept. of Local Government within 30 days (LG Act 6.5, FM Regulations 5.1)
October	Policy / Procedures Manual Review – Commence review process by including as last item on Council Agenda (if necessary) Review of Council's Code of Conduct – Section 5.103 (if unable to complete full review at this meeting discuss with Council the need to convene a Special Meeting to finalise review at this meeting or simply complete review at December Ordinary Meeting) Local Govt is to review its Code of Conduct within 12 months after each ordinary election day & make such changes to the code as appropriate. Advise Council in the October Information Bulletin of the time, date and venue for the annual staff end of year function. Special Meeting (Election Years Only) advertise special meeting to swear in Councillors, Elect President, Deputy President, Committee etc. for Monday immediately after the Saturday elections.
November	Pensioner rates rebate claim to be lodged Call for nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)
December	Annual Financial Report – Acceptance by Council within two months of receipt of the Auditors report Newsletter & Local Newspaper – advertise date, time and venue of all Council and Committee meetings for next calendar year (with delegated authority, if any) (S.5.251 (g) & Reg 12). Council's Audit Committee to meet to discuss Final Audit Report and Management Letter. Close of nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)

14 Closure of Meeting

14.1 The Shire President declared the meeting closed at 5.42 pm

Next Ordinary Council Meeting – Wednesday 15th October 2014 9.00am.