



Mukinbudin - Classic, Dry, Red

Shire of Mukinbudin

Ordinary Council Meeting

AGENDA

WEDNESDAY 20 May 2015



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 20th May 2015 commencing at 1.00pm.

Thank you

Stuart Billingham
Chief Executive Officer

14th May 2015

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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 - 9.1 Please refer to separate attachment 'Correspondence and Information Report' dated 20 May 2015.
- 10. Elected members Motions of which previous notice has been given**
 - 10.1 Nil
- 11. Urgent Business without notice (with the approval of the president or meeting)**
 - 11.1 Nil
- 12. Confidential Items – Meeting to be closed to the Public in accordance with the provisions of the Local Government Act 1995.**
 - 12.1 Nil
- 13. Dates to Remember**
 - 13.1 See attached list
- 14. Closure of Meeting**
 - 14.1 Closure of Meeting

1. Declaration of Opening

1.1 The Shire President declared the Meeting open at 1. pm

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:

3.1.1 Cr Shadbolt (Shire President)
Cr Comerford (Deputy Shire President)
Cr O'Neil
Cr Seaby
Cr Palm
Cr Watson
Cr Sippe
Cr Ventris

3.2 Apologies:

3.3 On leave of absence:

3.3.1 Cr Lancaster

3.4 Staff:

3.4.1 Stuart Billingham CEO
Bob Edwards WS
Ann Brandis MF

3.5 Visitors:

Mr Greg Godwin Partner UHYHN Auditor

3.6 Gallery:

3.7 Applications for leave of absence:

3.7.1 Cr

Moved Cr Seconded Cr
That leave of absence be granted

Carried /

4. Petitions, deputations and presentations

4.1 Petitions

4.2 Deputations

4.3 Presentations

5. Announcements by the Presiding person without discussion

5.1

6. Confirmation of the Minutes of previous meetings

6.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 15th April 2015.

Voting Requirement

Simple Majority

Recommendation

That the Minutes of the Ordinary Meeting of Council held on the 15th April 2015 and be accepted as a true and correct record of proceedings.

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the Ordinary Meeting of Council held on the 15th April 2015 and be accepted as a true and correct record of proceedings.

Carried /

6.1.1 Business Arising from Minutes

7. Matters for which the meeting may be closed

7.1 Nil

The Local Government Act 1995 Section 5.23 states the following:

5.23. *Meetings generally open to public*

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee 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; and
 - (b) the personal affairs of any person; and
 - (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; and
 - (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; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

8. Reports of Committees and Officers

8.7.1 Work's Supervisor

8.3.2 Work's Supervisor's Report April 2015	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Bob Edwards - WS
Date:	13 May 2015
Disclosure of Interest:	NIL
Responsible Officer	Bob Edwards - WS
Author:	Bob Edwards - WS

MAINTENANCE GRADING

Shane Markham has been given this job while Will Jenkin is away. He has graded the 46 Gate Rd, some sections of Quanta Cutting Nth and Weira, the top end of Wymond Rd was fully graded and the southern section was touched up to repair storm damage.

Shane is now working in the South East corner of the Shire picking up Barbalin Sth, Jones, Fogarty, the Barbalin- Koonkoobing and Wundowlin Rds.

Shane will then work his way north along Barbalin Nth and McGregor Nth Roads and all side roads along the way.

FLOOD DAMAGE March 1st Event

A claim for \$58,000.00 has been submitted to Greg Willis at Main Roads Northam for processing. The claim was originally put through on the WANDRRA format, however following advice from Greg we had to change it to a NDRRA claim. All the work was done by contractors apart from some opening up clearing which was carried out by Shire Staff at the time of the event. The Shire can only claim for hours worked outside regular working hours. The claim was for sections of Lake Brown- Bonnie Rock Road. Two loads of broken concrete were taken to a scoured floodway on Graham Rd from veranda upgrades at the School. Two loads of gravel will be required to finish off the repairs.

NUNGARIN Nth Rd. Full Re-construction SLK 1.1 to 4.0

A survey has been done to pick up the road and creek in order to design a culvert that will handle an Abnormal Event. Roadswest have the job in hand.

POPES HILL HISTORICAL SITE

The Anzac Service went off without a hitch and all were pleased with the venue.

CARAVAN PARK HOME

The paving contractors have completed the 140^{m2} of brick paving, Denis has a shed and fence to erect to complete the project.

CARAVAN PARK LEACH DRAIN

All of the concrete drainage sections, the course oversize and the Geo-tech fabric is on hand and will be installed once the culvert work at the Black Spot is finished. The hired telehandler will be used to lift the concrete sections into place.

NEW HOUSE CONSTRUCTION

The Shire's plant was called upon to prepare the two house pads prior to the start of construction. Rod Munns was called on to carry out the compaction testing and supplying an engineer's report.

RUBBISH TIP

The tip had to be partly emptied again, the type of materials that is finding its way into the pit is the problem, if people would keep mattresses, pallets, drums and green waste out of the pit it would halve the problem.

BARBALIN BLACK SPOT

The culverts have been installed with some concrete head wall work still to be done. This ongoing work will not interfere with Danny and his crew from preparing the pavement for sealing.

OUTSIDE WORKS CREW

Steven Jones has been put on permanent Staff after his three months probationary period as a casual. Steven is fitting in well with the crew. We are noticing a shortfall with Will Jenkin away as we are trying to finish off both the Nungarin Nth Road and the Barbalin Black Spot jobs.

ASSET MANAGEMENT (ROMAN II)

A Pocket RAMM was purchased to record assets associated with our road inventory. The data gathered on the device is downloaded onto the main server. A days training was included in the purchase price. Noel Bond did the training.

WORK UTE CHANGE OVER

The second of the Ford Rangers has been picked up from Valley Ford in Northam 15th of May.

CONSTRUCTION PLANT

Westrac was called in to carry out a 500hr service on the four older machines.

Brian Slater has also organised a trainer to take Danny through the Grade Control feature on the new M Series Grader. It will be a perfect time to do this training as we go into the final trim phase of the pavement construction.

The new multi tyred roller does an excellent job with its heavy weight and the extra tyre.

A telehandler has been hired from Steve Smith while we were installing the culverts.

Voting Requirement

Simple Majority

Recommendation

That Council note the Works Supervisors Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council note the Works Supervisors Report.

Carried /

8.2 Community Development Officer

8.2.1 Community Development Officer's Report April 2015	
Location:	Shire of Mukinbudin
File Ref:	CS.GR.1
Applicant:	Nola Comerford-Smith
Date:	14 th May 2015
Disclosure of Interest:	Swimming Pool quotes
Responsible Officer	Stuart Billingham
Author:	Nola Comerford-Smith

GRANT FUNDING PROJECTS:

Current Successful Projects:

- Government of WA – Road Safety Community Grants Program (Event Grant) – Spring Festival - \$1,000
- Wheatbelt Development Commission - Creating Age Friendly Communities in Small Towns Project - \$53,991.25
The grant includes disabled toilets at the Lion's Park (near current facilities behind Shire) and Gym, some seating and disabled parking bays.
- Lotterywest – 2015 Act-Belong-Commit- Spring Festival
- Lotterywest Equipment Grant – Mukinbudin 1950's Working Farm Shed

Applications in Progress:

- Lotterywest – Events Equipment Kit. On hold.
- Road Safety Community Grants Program – a series of events/activities to promote road safety, such as sponsoring a home game of football.

Completed Acquittals:

- **Swimming Pool – Community Revitalisation Program**
The grant for \$30,000 was acquitted in April, which included the pool cleaner, disabled toilet/shower and training for pool managers.
- **Lotterywest Anzac Centenary Grant** - \$4,500 funds received

Outstanding Acquittals:

- ANZAC Centenary Local Grants Program – Interpretive Centre at Popes Hill applied for \$3,135.00

COMMUNITY PORTFOLIOS – OTHER PROJECTS

- **Swimming Pool**

With the acquittal of the Community Revitalisation Program completed, there is still outstanding work to be completed with the installation of the disabled toilet/shower. This will be listed in the budget for the upcoming financial year.

Quotes have been received from Mukinbudin Building and Mick Sippe Carpentry:

Mukinbudin Building - \$3,460

Mick Sippe Carpentry - \$4,950

As a partner in Mukinbudin Building, I declare an interest in the above quote.

- **Caravan Park –**

Brick Mart from Northam has completed the paving at the Caravan Park (Swimming Pool Manager's house).

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

Amber and the Committee are continuing to work towards this year's Festival.



Funding for the festival includes:

Healthway \$13,500

Lotterywest \$19,265

Road Safety Community Grant \$1,000

Amber has proposed a couple of changes which include holding the Opening Night on Thursday instead of Wednesday, and moving the Saturday activities to the Sporting Complex.

- **Tampu Bin –** Have clarified the information given by retired CBH employer, Graeme McLevie. If we want to continue with the custom shaped sign (wheat bags), a high resolution photo is needed for the printer to use. I am investigating this and will price it for the 2015/16 budget.
- **Creating Age Friendly Communities in Small Towns** A need for more organised seniors activities was identified through the Age Friendly surveys. A visit to Westonia to visit the Hood Penn Museum, the Edna May Mine site lookout, and lunch at the Westonia Tavern was well attended on Monday 4th May by 19 seniors, with Clare Smith as our bus driver. I am planning on organising more excursions throughout the year to regional places of interest such as the Wind Farm in Merredin and possibly a trip to Toodyay, depending on feasibility.
- **Shire of Mukinbudin – Tourist Brochure** This is close to being finalised. The CRC has sent a list of amendments to Tammi and a completed brochure will be presented to Council before printing.
- **Banners in the Terrace** The Young children are painting the banner this year as part of their home schooling curriculum. They have submitted a design, which has been accepted by the City of Perth, and the banner is due to be in Perth by 3rd July.
- **Reflective House Numbers** Am waiting for a quote and design template from two signwriters. This is Version 1 of artwork provided by Jason Signs. Version 2 has not yet arrived and will be portrait-oriented with just a house number.



class 1 reflective text
black background
1.6mm aluminium
15mm crop

Meetings Attended/Events Organised:

- 13/04/15 Familiarisation Tour held with 8 attendees. There were quite a few signs that need to be installed/replaced. Fortunately some of these will be the jurisdiction of either the Shires of Westonia or Nungarin and others may be funded through NEWTRAVEL. I have received quotes from Jason Signs, the preferred supplier of Wheatbelt Way signs.
I am working on quotes for other items noted on this tour for the 2015/16 Budget.
- 22/04/15 Met with Tourist Brochure committee to discuss amendments needed for brochure.
- 30/04/15 Central East Sub-Regional Economic Strategy in Southern Cross.
- 04/05/15 Senior's bus trip to Westonia.
- 07/05/15 Project Management in Kellerberrin.

Financial Implications:

Various Grants Income and Expenditure

Strategic Implications:

Nil

Voting Requirements

Simple Majority

Recommendations

That Council note the above Community Development Officers Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council note the above Community Development Officers Report

Carried /

8.3.1 List of Payments – April 2015	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Ann Brandis – MF
Date:	9 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Ann Brandis – MF
Author:	Ann Brandis – MF

Background

Financial Implications

Policy Implications

Voting Requirements

Recommendation

Direct Debits D/D 1247.1 and 1249.1	(\$2,801.75) and
Muni Cheques 31125 to 31144	(\$47,675.44) and
Muni EFT's – EFT 715 to EFT 781, Payroll - Pay-2	(\$479,189.86) and
Trust DD 1286.1-1262.1,EFT 750 and 804, Cheques 235-239	(\$39,102.35)
Totalling	(\$568,769.50)

for payments made in April 2015. be passed for payment.

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

Direct Debits D/D 1247.1 and 1249.1	(\$2,801.75) and
Muni Cheques 31125 to 31144	(\$47,675.44) and
Muni EFT's – EFT 715 to EFT 781, Payroll - Pay-2	(\$479,189.86) and
Trust D/D 1286.1 – 1262.1 EFT 750 and 804, Cheque 235-239	(\$39,102.35)
Totalling	(\$568,769.50)
for payments made in April 2015, be passed for payment.	

Carried /

8.3.2 Monthly Statement of Financial Activity Report – 30 April 2015	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Ann Brandis - MF
Date:	9 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Ann Brandis - MF
Author:	Ann Brandis - MF

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 **30th April 2015** 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 2014/15 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 30th April 2015 and note any material variances greater than \$10,000 and 10%.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council adopt the Monthly Financial Report for the period ending 30th April 2015 and note any material variances greater than \$10,000 and 10%.

Carried /

8.3.3 Proposed Fees and Charges for 2015/16 Draft Budget	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Ann Brandis - MF
Date:	9 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Ann Brandis - MF
Author:	Ann Brandis - MF

Background

The 2015/16 Draft Schedule of Fees and Charges has been reviewed and prepared by the Administration to include a 3.0% increase across most area deemed appropriate. (Please refer to attached Draft Schedule of Fees and Charges for 2015/16 submitted as a separate attachment)

The Annual Average Perth Consumer Price Index March 14 to March 15 being 2.3%. To assist the Shire Finance Staff to prepare the Shire of Mukinbudin Draft 2015/16 Annual Budget with a level of accuracy the draft schedule of fees and charges is presented for Council consideration.

The Western Australian State Budget for 2015-16 still to be handed down at the time of writing this report. The State Budget 2015/16 expected to show increases affecting WA Local Governments budgets for the 2015/16 financial year. Increases are expected on Electricity, Water MV Rego's and Street lighting. The Federal Government 2014 Budget Froze the indexation of Federal Assistance Grants for three years (equates to Councils a \$10 million loss of funding). 2015/16 will be at the same level as 2014/15 budget.

Financial Implications

2015/16 Draft Budget levels of Income from Fees and Charges to be raised.

Statutory Environment

Local Government Act 1995,

Local Government (Financial Management) Regulations 1996,

Draft 2015/16 Budget

Policy Implication

Council Policy number 1.6.3 'Licence Fees, Rentals and Charges' states:

"All Council charges, license fees, rentals etc. shall be reviewed annually in May, and prior to Council's consideration of the Draft Budget. Purpose to reduce the workload at the budget meeting"

Voting Requirements

Simple Majority

Recommendation

That Council agrees 'In Principle' to use the Draft Schedule of Fees and Charges as presented in the preparation of the Shire of Mukinbudin 2015/16 Draft Budget.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council agrees 'In Principle' to use the Draft Schedule of Fees and Charges as presented in the preparation of the Shire of Mukinbudin 2015/16 Draft Budget.

Carried /

8.4 Chief Executive Officer's Reports

8.4.1 Chief Executive Officer's Report – April 2015	
Location:	Shire
File Ref:	ADM
Applicant:	Stuart Billingham – CEO
Date:	12 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Meetings – Past

April 2015

1 April	Exec Meeting
2 April	CEACA Inc Meeting Nungarin CEO and Cr Shadbolt
9 April	LEMC Meeting Shire Admin Office CEO and Cr Shadbolt
14 April	MCA Workshop and WNESRRG CEO, WS Cr Palm
15 April	Council Meeting
20 April	RDO
24 April	Finance Staff Meeting Cash flow CEO MF SFO
25 April	ANZAC Day Ceremony Popes Hill
27 April	ANZAC Day Public holiday
28 April	Kununoppin Medical Practice Meeting Nungarin Rec Centre CEO and Cr Ventriss
28 April	NEWROC Council Meeting Shire of Nungarin Rec Centre CEO and Cr Ventriss
30 April	WDC Central East Sub-Regional Economic Strategy-Southern Cross CEO, MF, CDO

May 2015

4 May	GE Country Zone Meeting Kellerberrin-CEO
6 May	Exec Meeting
7 May	Pocket RAMM Training
8 May	NEW Health Meeting Shire of Trayning- CEO
11-13 May	LGMA Executive Management Program Trinity College Perth CEO
20 May	Exec Meeting
20 May	Council Meeting/Audit Committee

1.2 Meetings – Future

May 2015

21 May	Exec Budget Meeting
25 May	UHYHN Financial Reporting Workshop CEO and MF
26 May	UHYHN Management Reporting Workshop CEO and MF
26 May	NEWROC Executive Meeting Shire of Trayning (Unable to attend as in Perth at Workshop)
27 May	Exec Meeting
28 May	CEO meeting with Sharon Broad Regional Manager Water Corporation

June 2015

3 June	Annual Electors Meeting 7.00pm District Club
17 June	Council Meeting
18 June	LEMC Practical Exercise

1.3. Staff

Steven Jones appointed as permanent Staff member.
Nola Comerford Smith to become permanent P/T CDO

1.4 Current/Emerging Issues

- 1.4.1 Metropolitan Local Government - Structural Reform – Minister for Local Government and Communities released recommendation on Wednesday 22 October 2014. Premier Barnett announced on Tuesday run up the white flag after 3 metro mergers were stopped by community polls. Minister for Local Government Circular confirmed Governors Orders to be revoked and Boundaries adjustments to no longer proceed. WALGA claim \$5M
- 1.4.2 Beringbooding Tank – Funding for Roof and Conservation Plan meeting held with Acting District Manager Water Corporation-Mr Andrew Ducas. Site Meeting discussed roof programmed to be removed in Dec 15 at around \$99K Copper algae treatment to be negotiated. New Manager Sharon Broad to discuss 28 May 2015
- 1.4.3 Mukinbudin Waste Water agreement expired - meeting held with Acting District Manager Water Corporation-Mr Andrew Ducas to follow up where agreement is at and the provision of water treatment for Mukinbudin. Mrs Angela Herzer from Water Corporation Northam to visit soon re new draft agreement. New Manager Sharon Broad to discuss 28 May 2015
- 1.4.4 LEMC House numbers 300mmx300mm Blue white numbers (Nungarin)

Voting Requirements

Simple Majority

Recommendation

That Council note the Chief Executive Officer's Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council note the Chief Executive Officer's Report.

Carried /

8.4.2 NEWROC Council Meeting Minutes– 28th April 2015	
Location:	NEWROC
File Ref:	ADM
Applicant:	Stuart Billingham – CEO
Date:	9 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Background

A Council Meeting of NEWROC was held on Tuesday 28th April 2015 in the Shire of Nungarin Recreation Centre. (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:

- Assetic Asset Management - James Burns

The following items were discussed at the Council Meeting:

- 6.1. FUTURE PROJECT PRIORITY LIST
- 6.2. CEACA
- 6.3. WHEATBELT EARLY YEARS CONFERENCE REPORT
- 6.4. RESOURCE SHARING
- 6.5. KUNUNOPPIN BONDED MEDICAL SCHOLARSHIP
- 6.6. NEWTRAVEL UPDATE MARCH 2015
- 6.7. NEWTRAVEL SHORT FILM
- 6.8. PLAYGROUND INSPECTION COURSE

Next NEWROC Meeting dates:

The following dates have been adopted for NEWROC meetings during 2015.

26 May	Executive	Shire of Trayning
23 June	Council	Shire of Trayning
28 July	Executive	Shire of Wyalkatchem
25 August	Council	Shire of Wyalkatchem
22 September	Executive	Shire of Koorda
27 October	Council	Shire of Koorda
24 November	Executive	Shire of Mt Marshall
15 December	Council	Shire of Mt Marshall

Voting Requirements

Simple Majority

Officer recommendation:

That Council notes the report on the NEWROC Council meeting minutes held on 28th April 2015.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council notes the report on the NEWROC Council meeting minutes held on 28th April 2015.

Carried /

8.4.3 Audit Committee Minutes 20 May 2015	
Location:	Shire
File Ref:	ADM
Applicant:	Stuart Billingham – CEO
Date:	9 April 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with the minutes of the 20 May 2015 Shire of Mukinbudin Audit Committee for consideration and action.

Background

The Shire of Mukinbudin Audit Committee met on the 20th May 2015 to review the Annual Audit Report and Management Letter and meet with the Shire Auditor. (Please refer to the Audit Committee Minutes and separate attachments for information)

Comment:

The minutes and recommendations from the Audit Committee meeting dated 20 May 2015 are presented for Council consideration.

Financial Implications

Nil.

Statutory Environment

Local Government Act 1995

Local Government (Audit) Regulations 1996

Strategic Implications

Nil.

Policy Implications

Nil

Voting Requirements

Simple Majority

Officer recommendation:

That Council receives the minutes of the Shire of Mukinbudin Audit Committee meeting 20 May 2015 and a copy of the CEO Report on the Audit be forwarded to the Minister of the Department of Local Government and Communities.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council receives the minutes of the Shire of Mukinbudin Audit Committee meeting 20 May 2015 and a copy of the CEO Report on the Audit be forwarded to the Minister of the Department of Local Government and Communities.

Carried /

8.4.4 Policy Manual Annual Review Workshop 2015	
Location:	Shires
File Ref:	ADM
Applicant:	Stuart Billingham – CEO
Date:	9 May 2015
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council a request to hold a workshop to review the Shire of Mukinbudin Policy Manual for 2014/15.

NB: To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2015 Council Meeting or it will again be raised by the Shire auditors as a matter of Non-Compliance and the CEO will be required to explain to the DLGC why it did not comply.

(Please refer to reviewed and amended Policy Manual submitted as a separate attachment.)

Background

The Shire of Mukinbudin Policy Manual was last reviewed by Council on 18 June 2010. Council Policy currently states the following regarding the Policy Manual

Policy Number: 1.1.8 Policy Change and Review

Policy Statement

- (1) That policies of Council be fully reviewed within 6 months of each Ordinary Local Government Election.*
- (2) New policies or changes to existing policy be made only by notice of motion or as a specific agenda item.*
- (3) All changes of policy be issued to Policy Manual holders for Manual update.*

Purpose

To provide for the periodic review of policies and provide a process under which new policies and amendments will not be made 'on the run'.

Comment:

1. Council Elections were last held in October 2013 and the Shire Policy Manual will need to be reviewed each year and adopted by Council by the end of June 2015.
2. A specific Agenda item needs to be prepared after the Council workshop with the Senior staff showing the required changes to the Policy Manual.
3. A new version (either hardcopy or Electronic) of the updated and reviewed Policy manual will be distributed to all Councillors

Strategic Implications

Possible amendments to Shire Strategic Plan.

Legislation

Local Government Act 1995

Policy Implications

Updated Policy Manual

Consultation:

Nil

Financial Implications

Nil

Simple Majority

That Council hold a workshop on Wednesday 27th May 2015 at 9.00am to review the Shire of Mukinbudin Policy Manual with the Shire Senior Staff.

Moved: Cr

Seconded: Cr

Carried /

Wednesday 10th June 2015

8.4.5 Delegated Authority Register Annual Review 2015	
Location:	Shire
File Ref:	
Applicant:	CEO
Date:	12 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council a request to review and adopt the Shire of Mukinbudin Delegated Authority Register for 2014/15.

NB: To ensure the Shire meets its statutory compliance obligations this item must be adopted no later than the June 2015 Council Meeting or it will again be raised by the Shire auditors as a matter of Non-Compliance and the CEO will be required to explain to the DLGC why it did not comply.

(Please refer to reviewed and amended Delegations Register submitted as a separate attachment.)

Background

Under the *Local Government Act 1995* there are basically two types of delegations Council may make:

- Delegations to a Committee of Council or
- Delegations to the CEO.
-

Other Delegations made under the *Bush Fires Act 1954*, *Building Act 2011*, *Health Act 1911* and *Food Act 2008*.

- Delegations to Others such as Chief Bush Fire Control Officer

Section 5.8 of the *Local Government Act 1995* deals with Delegations to Committees of Council. Currently the Shire of Mukinbudin only has an Audit Committee that it may wish to delegate to.

The Shire of Mukinbudin Register of Delegations is attached as a separate attachment and was last reviewed on 17 June 2014. Section 5.46 (1) & (2) requires the Register of Delegations to be reviewed annually.

The *Local Government Act 1995* states the following for delegations to Committees of Council:

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

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

* *Absolute majority required.*

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* *Absolute majority required.*

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

- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (1) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

The *Local Government Act 1995* states the following for delegations to the CEO:

5.42. Delegation of some powers and duties to CEO

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

** Absolute majority required.*

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

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. *CEO may delegate powers and duties to other employees*

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. *Other matters relevant to delegations under this Division*

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

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

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

Audit Committee

7.1B. *Delegation of some powers and duties to audit committees*

- (1) Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.

* *Absolute majority required.*

- (2) A delegation to an audit committee is not subject to section 5.17.

[Section 7.1B inserted by No. 49 of 2004 s. 5.]

Comment:

The Chief Executive Officer has reviewed the Delegated Authority Register and recommends no changes are required. This matter is presented to Council to consider adopting the reviewed Delegated Authority register to ensure the Shire of Mukinbudin meets its Statutory Compliance responsibilities.

Financial Implications

Nil

Statutory Environment:

Local Government Act 1995

Strategic Implications

Nil

Policy Implications

Nil

Consultation:

Nil

Financial Implications

Nil.

Voting Requirements

Absolute Majority Vote Required

Recommendation

That Council adopts the reviewed Register of Delegations as presented at 20 May 2015.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council adopts the reviewed Register of Delegations as presented at 20 May 2015.

Carried /

8.4.6 11 Greenslade St Mukinbudin - Write off of Rates	
Location:	11 Greenslade St
File Ref:	AS365
Applicant:	CEO
Date:	23 April 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with a new request to consider writing off rates owing on 11 Greenslade St Mukinbudin, Assessment A365.

Background

The Shire of Mukinbudin has now sold 11 Greenslade St for unpaid rates owing over 3 years. As a matter of Housekeeping the Shire is now required to write off any balances remaining owing after settlement. The Water Corporation also has been prepared to share the cost to be written off on the property.

The *Local Government Act 1995* Section 6.12 and 6.13 states:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

6.13. Interest on money owing to local governments

- (1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —
 - (a) that person owes to the local government; and
 - (b) has been owed for the period of time referred to in subsection (6).

** Absolute majority required.*

A365 Financial Summary

Levies	Receipts	Balance	C/A	Description
400.00	0.00	400.00	C	Rates
1,920.00	1,720.00	200.00	A	Rates
1,172.34	0.00	1,172.34	C	Interest
4,954.00	474.30	4,479.70	C	Legal Charges
282.72	0.00	282.72	A	ESL PENALTY
50.00	0.00	50.00	C	VOLUNTARY SWIMMING POOL LEVY
300.00	250.00	50.00	A	VOLUNTARY SWIMMING POOL LEVY
64.00	0.00	64.00	C	EMERGENCY SERVICES LEVY
473.00	413.00	60.00	A	EMERGENCY SERVICES LEVY
				=====
9,616.06	2,857.30	6,758.76	*** TOTALS ***	

Comment:

This item is presented to Council to consider writing off the outstanding balances owing on Assessment A365 as set out above.

Strategic Implications

Nil

Policy Implications

Yes – Shire Policy Write Off of Rates

Consultation:

MF, SFO, Water Corporation

Financial Implications

Possible write off of rates owing of A365 total of \$6,758.76

Voting Requirements

Absolute Majority Vote Required

Recommendation

That Council writes off the balance of the rates and charges owing on 11 Greenslade St A365 of \$6,758.76

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council writes off the balance of the rates and charges owing on 11 Greenslade St A365 of \$6,758.76.

Carried /

AMVR

8.4.7 Maureen Prior Write off Sundry Debtor Rent	
Location:	Shire
File Ref:	ADM
Applicant:	CEO
Date:	9 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with a new request to consider writing off a Sundry Debtor #18 Maureen Prior owing rent and water charges for 25B Calder St Mukinbudin of \$3,118.02.

Background

The Shire CEO had to attend the Merredin Magistrates Court to obtain an order for Mrs Prior to be evicted from Duplex 25B Calder St, Mukinbudin for unpaid rates and water charges. Mrs Prior has left no forwarding address and has left the townsite of Mukinbudin believed to have travelled up to the Midwest with her partner.

The *Local Government Act 1995* Section 6.12 and 6.13 states:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

6.13. Interest on money owing to local governments

- (1) Subject to any other written law, a local government may resolve* to require a person to pay interest at the rate set in its annual budget on any amount of money (other than rates and service charges) which —
 - (a) that person owes to the local government; and
 - (b) has been owed for the period of time referred to in subsection (6).

** Absolute majority required.*

18 Maureen Prior							
Batch	Inv No	Inv Date	Amount	Description	Balance	Type	Running Total
164	4181	04/11/2014	525.00	Rent: Prior: 3/10/2014 - 6/11/2014 Rent: Prior: 3/10/2014 - 6/11/2014	525.00	INV	3118.02
144	4142	03/10/2014	27.82	Reimbursements - 25b Calder Street - water usage from 21 July - 19 September 2014 Reimbursements - 25b Calder Street - water usage from 21 July - 19 September 2014	27.82	INV	2593.02
136	4128	22/09/2014	840.00	Rent: Prior: 08/08/2014 - 02/10/2014 Rent: Prior: 08/08/2014 - 02/10/2014	840.00	INV	2565.20
112	4086	11/08/2014	30.38	Reimbursement of Water Usage for 21 May to 21 July 2014 Reimbursement of Water Usage for 21 May to 21 July 2014	30.38	INV	1725.20
98	4060	22/07/2014	210.00	Rent: 25B Calder Street Prior: 25/07/2014 - 07/08/2014	210.00	INV	1694.82
93	4047	07/07/2014	630.00	Rent: 25b Calder Street: Prior: 13/06/2014 - 24/07/2014 Rent: 25b Calder Street Prior: 13/06/2014 - 24/07/2014 6 weeks @ \$105 per week	630.00	INV	1484.82
71	4032	16/06/2014	12.43	Reimbursement of Water Usage for the Month of May 2014 Reimbursement of Water Usage for the Month of May 2014	12.43	INV	854.82
61	4008	29/05/2014	210.00	Rent: 25B Calder Street: Prior: 30/05/2014 - 12/06/2014 Rent: 25B Calder Street: Prior: 30/05/2014 - 12/06/2014	210.00	INV	842.39
56	3996	14/05/2014	420.00	Rent: 25B Calder St Prior: 02/05/2014 - 29/05/2014 Rent: 25B Calder St Prior: 02/05/2014 - 29/05/2014	420.00	INV	632.39
36	3977	17/04/2014	210.00	Rent: Prior: 18/04/2014 - 01/05/2014 Rent: Prior: 18/04/2014 - 01/05/2014	210.00	INV	212.39
21	3963	03/04/2014	35.91	Reimbursement for Water Usage from January - March 2014 @ 26kL Reimbursement of Water Usage for the Months of	2.39	INV	2.39

Comment

This item is presented to Council to consider writing off the outstanding balances owing of \$3,118.02 on Sundry Debtor #18 as set out above. After repeated unsuccessful attempts by the administration to track Mrs Prior down, the Debt is now considered to have gone bad. It is considered not worthwhile spending good money after bad to pursue this matter any further. A skip check costing \$55 and the Shire incurring other legal and debt collector fees seen as fruitless. Going back to Court also seen as not worthwhile as the Shire is not guaranteed to receive and funds from Mrs Prior in the future even if legal action is pursued. Future applications for Shire Housing by prospective tenants to be scrutinised more closely by the administration and if not up to scratch they will be declined their application.

Statutory Environment

Local Government Act 1995.

Strategic Implications

Nil

Policy Implications

Yes – Shire Policy Write Off of Sundry Debts

Voting Requirements

Absolute Majority Vote Required

Recommendation

That Council writes off the balance of \$3,118.02 owing on Sundry Debtor #18 Maureen Prior.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council writes off the balance of \$3,118.02 owing on Sundry Debtor #18 Maureen Prior.

Carried /

8.4.8 Australian Local Government Association –FAGS resolution	
Location:	Shire
File Ref:	ADM
Applicant:	CEO
Date:	4 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with a request from ALGA President Mayor Troy Pickard and WALGA Deputy President Lynne Craigie to move the below motion to support the reinstatement of the Federal Assistance Grants indexation factor by the Federal Government.

Background

The Shire of Mukinbudin has received correspondence dated 10 April 2015 from ALGA and WALGA. (Letter is submitted as a separate attachment.)

Comment

It is supported that Council move the below motion.

Statutory Environment

Local Government Act 1995

Strategic Implications

Integrated Planning and Reporting

Policy Implications

Annual Budgets, Long Term Financial Plan, Corporate Business Plan and Asset Management Plan

Voting Requirements

Simple Majority

Recommendation

That the Council:

1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;
2. Acknowledges that the council will receive \$1.620 million in 2014-15; and
3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grants programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Council:

1. **Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
2. **Acknowledges that the council will receive \$1.620 million in 2014-15; and**
3. **Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grants programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.**

Carried /

8.4.9 Shire of Mukinbudin 2013-2014 Annual Report	
Location:	Shire
File Ref:	ADM
Applicant:	CEO
Date:	8 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with a request to accept the Shire of Mukinbudin Annual Report.

Background

The *Local Government Act 1995* section 5.53 requires the Annual report to contain the following:

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) *deleted*]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - (f) the financial report for the financial year; and
 - (g) such information as may be prescribed in relation to the payments made to employees; and
 - (h) the auditor's report for the financial year; and
 - (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
 - (hb)
 - (i) such other information as may be prescribed.

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

Section 5.54 requires a local government to accept the Annual Report as set out below:

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

The Shire of Mukinbudin 2013-2014 Annual Report has been completed and is now presented to Council for consideration of accepting. (Draft 2013-2014 Annual Report is submitted as a separate attachment.)

Comment

The 2013-2014 Annual Report for the Shire of Mukinbudin has been prepared to comply with the following Acts and Regulations of the WA State Parliament and other relevant requirements as listed:

- *Local Government Act 1995*
- *Disability Services Act 2006*
- *Freedom of Information Act 1992*
- *State Records Act 2000*
- *National Competition Policy*
- *Public Interest Disclosure Act 2003*

Statutory Environment

Local Government Act 1995 S5.54

Strategic Implications

Nil

Policy Implications

2013-2014 Annual Report

Voting Requirements

Absolute Majority Vote Required

Recommendation

That the Council accepts the 2013-2014 Annual Report as presented and the Shire gives local public notice of the availability of the 2013-2014 Annual Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Council accepts the 2013-2014 Annual Report as presented and the Shire gives local public notice of the availability of the 2013-2014 Annual Report.

Carried /

8.4.10 Offer for Sale of 51 Maddock Street Mukinbudin	
Location:	Shire
File Ref:	AS387
Applicant:	CEO
Date:	8 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham – CEO
Author:	Stuart Billingham – CEO

Summary

To present Council with a request to list for sale Shire Assets #415 Land Lot 90 (51) Maddock St Mukinbudin and #504 Buildings Lot 90 (51) Maddock St Mukinbudin on Plan 165791.

The Shire Asset register is currently showing the following:

#415 Land - Lot 90 (51) Maddock Street Mukinbudin Carrying value	\$30,000
#504 Building – Lot 90(51) Maddock Street Mukinbudin WDV	\$ 2,917.83
Total	<u>\$32,917.83</u>

Background

The Shire of Mukinbudin purchased the property at Lot 90 House Number 51 Maddock Street Mukinbudin on the 23/08/2011 from Department of Housing for a sum of \$10,000.

The Local Government act 1995 Section 3.58 covers the disposal of Shire property as listed below:

3.58. Disposing of property

- (1) In this section —
 - dispose* includes to **sell**, lease, or otherwise dispose of, whether absolutely or not;
 - property* includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]



NB: A caveat was lodged on the Property by Department of Housing as the holder of the option to purchase, please refer to caveat document submitted as a separate attachment.

Comment

The Chief Executive Officer has inspected the property on the 8 May 2015 and it is considered to be in poor condition. Estimated market value between \$35,000-\$45,000. Current fair value is \$35,000. As this asset is surplus to Shire requirements it is supported that it be offered for sale firstly back to the Department of Housing and if they do not wish to purchase then the open market at a starting price of \$45,000.

Statutory Environment

Local Government Act 1995.

Strategic Implications

Nil

Financial Implications

Proceeds from sale of Asset surplus to Council requirements, once sold a decrease in operating expenses will result. e.g water rates. Once the property is sold to the public it becomes a rateable property, this will add to the Shire rate base for rate income to increase

Policy Implications

Nil

Voting Requirements

Simple Majority

Recommendation

That the Council offers for sale Lot 90(51) Maddock street, Mukinbudin firstly back to the Department of Housing as per the caveat (Price unknown at this stage), should the Department of Housing not wish to purchase the property the Shire of Mukinbudin offer it for sale for a listed price of \$45,000

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Council offers for sale Lot 90(51) Maddock Street, Mukinbudin firstly back to the Department of Housing as per the caveat (Price unknown at this stage) , should the Department of Housing not wish to purchase the property the Shire of Mukinbudin offer it for sale for a listed price of \$45,000

Carried /

8.5 Environmental Health Officer's Reports

8.5.1 Nil

8.6 Mukinbudin Caravan Park Manager's Report

8.6.1 Mukinbudin Caravan Park Report – April 2015	
Location:	Mukinbudin
File Ref:	
Applicant:	Tania Sprigg
Date:	14 May 2015
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham
Author:	Tania Sprigg

Mukinbudin Council Report May 2015

The park continues to be busy with different contractors coming through. Caravans are a little quiet at the moment, but soon will be on the move!

During the long weekend in May/June we have The Southern West Caravan Club booked in with 20 vans for the three nights. We hope that the South End will be ready for any extras! Dennis is continuing to keep busy so that we're ready for this...

We are looking forward to next budget in order to complete earthworks and tree removal on the West Side of the park.

Thanks for all your continuing commitment with the development of the park...

Tania Sprigg

CEO Comment

Works commenced in Nov 2014, issues with the plumbing sewerage line at CVP addressed and works are now nearing final completion. Plan of proposed new bays and overflow previously submitted to Council.

	14/15 Budget	Actual YTD	
Power Upgrade	\$19,000	\$19,000 Completed	
Install 2 x Power heads Sth	\$ 8,500	\$ 8,500 Completed	
Install 4 x Power heads Wst	\$16,000	\$16,000 Completed	
Install new mains board	\$ 2,000	\$ 2,000 Completed	
Extra Pole/Cable	\$0	\$ 2,128	
Septic Tank Leach Drains	\$ 9,580	\$ 5,052Completed	
Cartage of Leech Drains	\$0	\$ 480 Completed	
Sullage/Septic System Works	\$22,500	\$22,585 Completed	
Sand Fill, Hire plant Etc	\$ 6,425	\$ see below figs Completed	
Labour	0	\$19,038	
Labour overheads	0	\$13,619	
Plant	0	\$8,415	
Plant depn	0	\$3,080	
Misc	0	\$ 522	
Total	\$84,005	\$120,419	\$36,414 over budget

Recommendation

That Council note the above Caravan Park Managers Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council notes the above Caravan Park Managers Report.

Carried /

Mukinbudin Caravan Park Annual Income							
	<i>Self Contained Units</i>	<i>Barracks</i>	<i>Sites</i>	<i>Washing Machine</i>	<i>House</i>	<i>Total</i>	<i>Total Expense</i>
2005/2006	19358.08	11082.32	10521.76	1171.16	N/A	42133.32	
2006/2007	22820.21	9753.06	17095.2	981.35	N/A	50649.82	
2007/2008	27304.76	5422.75	11244.47	678.16	N/A	44650.14	
2008/2009	37214.39	10554.55	16773.76	663.63	N/A	65206.33	
2009/2010	33567.84	9096.35	15504.7	1036.36	N/A	59205.25	
2010/2011	38054.93	15604.59	15817.92	845.55	N/A	70322.99	
2011/2012	34724.53	11056.46	18753.08	773.19	N/A	65307.26	
2012/2013	44682.83	17477.98	24860.15	1050.17	N/A	88071.13	
2013/2014	45332.87	16194.44	26393.17	1278.53	N/A	89199.01	88695.34
Mukinbudin Caravan Park Income and Expenditure							
	<i>Self Contained Units</i>	<i>Barracks</i>	<i>Sites</i>	<i>Washing Machine</i>	<i>House</i>	<i>Total Income</i>	<i>Expenditure</i>
July 14	3210.02	1290.55	1373.61	0.00	3732.00	9606.18	6021.66
Aug 14	3272.75	2442.72	3121.61	325.45	1030.00	10192.53	9202.39
Sept 14	4990.04	1939.99	5698.60	0.00	900.00	13528.63	10560.04
Oct 14	5372.72	2460.46	2829.98	388.59	1960.00	13011.75	9541.07
Nov 14	4120.92	1910.91	2009.98	0.00	1320.00	9361.81	7761.67
Dec 14	4445.46	2257.27	573.64	234.55	1610.00	9120.92	9403.86
Jan 15	663.65	687.73	586.23	0.00	240.00	2177.61	10257.51
Feb 15	2428.20	2388.63	1244.55	0.00	120.00	6181.38	9763.66
Mar 15	3434.11	2481.82	3083.63	158.18	1855.20	11012.94	6419.44
Apr 15	2545.45	1265.44	1277.72	72.73	1452.85	6614.19	9161.81
May 15							
Jun 15							
Total	34483.32	19125.52	21799.55	1179.50	14220.05	90807.94	88093.11

NB: Expenditure Accounts has been corrected removing capital expenditure of wages

NB: Expenditure for month of December includes \$1500.00 for Awning for Camper's Kitchen that falls below capital threshold of \$5000

NB: Income now includes the Caravan Park House displayed in the actual months which was previously missing from report

8.7 Swimming Pool Manager's Report

8.7.1 Mukinbudin Swimming Pool Report April 2015	
Location:	Mukinbudin
File Ref:	
Applicant:	Shannon Seaby
Date:	9 May 2015
Disclosure of Interest:	NIL
Responsible Officer	Stuart Billingham
Author:	Shannon Seaby

No Report from Shannon this month as Pool closed on the afternoon of Sunday 5 April 2015

CEO Comment

\$30,000 Pool Grant received from the Dept Sport and Rec

	Budget	Actual YTD
Pool Vacuum Cleaner	\$11,000	\$14,490 arrived in use Budget amendment
Freight pool cleaner	\$ 0	\$ 899
Disabled Unisex Toilet	\$12,500	\$12,764 arrived to be installed
Stage 4 Drafting Plans	\$ 8,000	\$ 0 On Hold till 2015/16 Budget
Diving Board Stairs	\$10,700	\$ 9,200 completed
Digging around diving board pipe work	0	\$ 900 completed
Total	\$42,200	\$38,353

- Diving Board stairs installed by Mukinbudin Steel fabricators 2014/15 Budget \$10,700 excluding gst.
- Shade Cloth for Ladies Change rooms repaired and to be reinstalled by Denis ASAP.
- New Disabled toilet to be installed 2015/16 Quotes sourced to install to building requirements

Voting Requirements

Simple Majority.

Recommendation

That Council note the above Pool Managers Report.

Council Decision Number –

Moved: Cr **Seconded: Cr**

That Council notes the above Pool Managers Report.

Carried /

8.8 NRMO's Report

8.8.1 NRMO Report April 2015	
Location:	Mukinbudin
File Ref:	
Applicant:	Claire Baker - NRMO
Date:	13 May 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham - CEO
Author:	Claire Baker - NRMO

COURSES/ WORKSHOPS/ MEETINGS ATTENDED:

- ❖ 18th March – 8th April – Annual Leave
- ❖ 14th April – Mukinbudin – Staff Meeting
- ❖ 27th April – Anzac Day (Public Holiday)
- ❖ 30th April – Mukinbudin – Planting with MCG

DRF WORKS – North Barbalin Road

- ❖ A translocation proposal has been advised to tie in with the Black Spot Project and I have submitted a draft Translocation Proposal.
- ❖ Working on the translocation budget for the Shire and obtaining local quotes on materials; A rough figure and agenda item was presented to council in April to continue moving forward.
- ❖ Will be submitting a budget plan for the 2015-2016 Budget.
- ❖ Natasha Moore from DPaW and a member from the Kings Parks herbarium will be coming to take cuttings soon as the seedlings are looking healthy after the last rain – expected mid may; then permit to take should ideally be granted for the clearing of the maintenance zone on North Barbalin.

REVEGETATION PROJECT – Blackspot

- ❖ I have been advised to write up a revegetation plan for the Black Spot Project for the Koorda – Bullfinch section of road which will be closed.
- ❖ In contact with DPaW on suitable plans and how to incorporate the Translocation Proposal into the area for the *Eremophila virens*.

NEWROC NRM – NEWROC NRM STRATEGY 2015 – 2020

- ❖ Meeting to be held mid-May regarding the Strategy and future funding.

STATE NRM GRANT 2013 – 2015- Feral Pest Eradication through use of 1080 and research into bait palatability, attractiveness and non – target species attraction”

- ❖ Baits still being advertised in the three shires; readvertising in NRM News in local papers – 6kg Ready to lay oat baits are no longer available in Mukinbudin, fox and dog baits are still available.
- ❖ All permit applications & records on file in Koorda NRM Office
- ❖ An assistant has been organised for the bait trials and has been approved.

20 MILLION TREES APPLICATION/ GREENING AUSTRALIA

- ❖ Waiting whether we are successful or not.

CORELLA PERMIT

- ❖ Corellas are causing significant damage around town.
- ❖ I have spoken with our local Wildlife Officer from DPaW; Adrian Chesson and he stated I need to complete a Permit to obtain a Damage Licence.
- ❖ All paperwork completed just needed some willing shooters before the permit can be approved.

MUKINBUDIN CONSERVATION GROUP

- ❖ Planted Eremophila seedlings with MCG Members in the Community Garden adjacent the Herbarium.
- ❖ Set up the new printer in the Herbarium for the MCG Members (Printer from the most recent grant for Equipment).

STORMWATER MANAGEMENT

- ❖ Discussed at a staff meeting regarding the transfer of AA Dams from Water Corporation to the Shire of Mukinbudin.
- ❖ In direct contact with Water Corporation and have already completed the process for Koorda with a number of catchments - An aspect dually agreed during discussion of retesting (between Shire of Koorda and Water Corporation) was the concern of the safety of the catchments so a condition made on retesting was a payment from the Water Corporation to cover materials for fencing.
- ❖ Will be meeting with Bob at the end of May of thereafter to survey the catchments in question, discuss with Water Corporation then will put an agenda item to council.

WATER WISE ACCREDITATION

- ❖ ERN Numbers now set up on My Water Account; Have given Bec Billingham main access to the account for the Water Bills.
- ❖ A meeting was planned with Rod Botica from the Water Corporation for myself and David Smith to attend.
- ❖ However before the meeting could take place Rod Botica was sent back to Kalgoorlie early and has been made redundant.
- ❖ I have spent some time trying to obtain a new liaison from the Water Corporation and ensure the WaterWise Accreditation process is going ahead for all councils. This was assured and I am working towards a suitable contact.
- ❖ Although this meeting did not take place I met with Rod Botica for Koorda and Wyalkatchem and know the process of what the meeting was regarding, I produced a time line for the Accreditation Process and will be working with David Smith on getting it completed.
- ❖ David Smith and I will be working towards becoming Water Wise Efficiency Auditors through Water Corporation.
- ❖ The Aquatic centre paperwork has been sent through to me and I have been discussing it with Geoff Diver who is now currently working off shore.

OTHER

- ❖ Applied for \$500 through the Wheatbelt NRM Regional Landcare Facilitator Grant for "Attendance at a conference" which will go towards the State NRM Conference to be held in Mandurah in September. This conference is beneficial for all NRM professionals in the field being able to network, liaise and share projects and ideas as well as suitable workshops.

Voting Requirements

Simple

Recommendation

That Council note the above NRM Report.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council note the above NRM Report.

Carried /

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

10.1 Nil

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

11.1 Nil

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

12.1 Nil

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 -*

- (i) *a trade secret; or*
- (ii) *information that has a commercial value to a person; or*
- (iii) *information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government; and

- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

and

- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

(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.

Council Decision Number –

Voting Requirements – Simple Majority

Moved: Cr

Seconded: Cr

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.

Carried /

Meeting went behind closed doors at am/pm

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

Council Decision Number –

Voting Requirements – Simple Majority

Moved:

Seconded:

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

Carried /

The meeting was reopened at 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. Community Strategic Plan, Long Term Financial Plan and Asset Management Plans – 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 Audit Return (LG Act 7.13, Audit Regulations 13-15) to be sent to Department of Local Government prior to 31 March. Arrange AGM 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) CEO to commence a full review of Delegations Register Policy / Procedures Manual Review – CEO to commence review process by including as last item on Council Agenda (if necessary)
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 MF 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. MF 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 WALGA 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 and manager of Finance Issue Employee Group Certificates Councillors and Senior Staff issued with Annual Interest Returns for completion Issue eating house licence renewals CEO performance review

