



Unconfirmed Minutes for the 672nd Ordinary Council Meeting

20 April 2021

COUNCIL CALENDAR

Date	Time	Meeting
20 April 2021	4.00pm	Ordinary Council Meeting
18 May 2021	4.00pm	Ordinary Council Meeting
15 June 2021	4.00pm	Ordinary Council Meeting
20 July 2021	4.00pm	Ordinary Council Meeting

APRIL 2021 MEETING PROGRAM

2.30pm	Councillor Discussion Forum
3.30pm	Audit Committee Meeting
4.00pm	Ordinary Council Meeting

MEETING GUESTS

Nil

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MINUTES

Shire of Narembeen Ordinary Council Meeting Tuesday 20 April 2021, commencing at 4.00pm

1.0 Opening & Welcome

Presiding Person, Cr Rhonda Cole welcomed everyone to the meeting and declared the meeting open at 4.01pm.

2.0 Attendance & Apologies

Attendance

Councillors

Cr Rhonda Cole	Shire President, Presiding Person
Cr Kellie Mortimore	Deputy Shire President
Cr Peter Lines	Member
Cr Regina DeLuis	Member
Cr Amy Hardham	Member
Cr Alan Wright	Member
Cr Warren Milner	Member

Staff

David Blurton	Acting Chief Executive Officer
Tamara Clarkson	Executive Manager Corporate Services
Sheree Thomas	Community & Economic Development Officer (minute taker)

Public

Kiri Nuthdurft – Medical Student

Apologies

Scott Stirrat	Member
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Approved leave of absence

Nil

3.0 Declarations of Interest

Cr W Milner declared a closely associated person and impartiality interest in Item 8.1.5 – Proposed Dwelling – Lot 27178 (No 1374) Cumminin Road, South Kumminin.

Mr D Blurton declared a financial interest in Item 8.3.2 – Appointment of CEO.

Mr D Blurton declared an impartiality interest in Item 8.2.1 – CEO House.

4.0 Announcements

4.1 Application for leave of absence

COUNCIL RESOLUTION

MIN 7199/21 MOTION - Moved Cr. R DeLuis Seconded Cr. K Mortimore

That Council approve the leave of absence for Cr. R Cole for the May 2021 Ordinary Meeting of Council.

CARRIED 7/0

Note: Cr R Cole will be on leave from 11 May 2021 to 25 May 2021.

5.0 Public Question Time & Deputations (15 min)

Nil

6.0 Minutes of Previous Meetings

6.1 Confirmation of Minutes of Ordinary Meeting of Council

6.1.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Ordinary Meeting held on Tuesday 16 March 2021.

RECOMMENDATION

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 16 March 2021 be confirmed as a true and accurate record of the proceedings.

COUNCIL RESOLUTION

MIN 7200/21 MOTION - Moved Cr. A Wright Seconded Cr. P Lines

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 16 March 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED 7/0

6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 16 March 2021.

Nil

6.2 Receive Minutes – Audit Committee Meeting

Receive minutes of the Shire of Narembeen Audit Committee Meeting held on Tuesday 20 April 2021.

RECOMMENDATION

That the minutes of the Shire of Narembeen Audit Committee Meeting held on Tuesday 20 April 2021 be received and the following actions endorsed:

That Council:

1. Receive the 2021 Financial Management Review and Regulation 17 Review.
2. Rename the Audit Committee to Audit and Risk Management Committee.
3. Direct the CEO to address the recommendations from both reports.

COUNCIL RESOLUTION

MIN 7201/21

MOTION - Moved Cr. A Wright

Seconded Cr. P Lines

That the minutes of the Shire of Narembeen Audit Committee Meeting held on Tuesday 20 April 2021 be received and the following actions endorsed:

That Council:

1. *Receive the 2021 Financial Management Review and Regulation 17 Review.*
2. *Rename the Audit Committee to Audit and Risk Management Committee.*
3. *Direct the CEO to address the recommendations from both reports.*
4. *That letters be written to RoeROC, Great Eastern Country Zone, Hon Mia Davies and other Ministers to escalate Council's concerns over the Shire's current audit costs which have risen from \$20,000 to \$56,000 in the past 12 months. Council were also concerned over the additional burden this has had on staff as well as the additional cost to ratepayers.*

CARRIED 7/0

- 4.14pm – Cr P Lines exited the meeting.
- 4.16pm – Cr P Lines returned to the meeting.
- 4.19pm – Cr A Hardham exited the meeting.

7.0 Status Report

RECOMMENDATION

That the Status Report for April 2021 be received.

COUNCIL RESOLUTION

MIN 7202/21

MOTION - Moved Cr. P Lines

Seconded Cr. W Milner

That the Status Report for April 2021 be received.

CARRIED 6/0

- 4.21pm – Cr A Hardham returned to the meeting.

8.0 Reports

8.1 Acting Chief Executive Officer

AGENDA ITEM: 8.1.1 – Code of Conduct 2021

Subject:	Code of Conduct 2021
Applicant:	Nil
File Ref:	ADM025
Disclosure of Interest:	Nil
Author:	David Blurton – Acting Chief Executive Officer
Date:	25 March 2021
Attachments:	Shire of Narembeen Code of Conduct, Code of Conduct Breach Form, <i>Local Government (Model Code of Conduct) Regulations 2021</i> (see attachment binder)

SUMMARY

Recent legislative changes have been made to the *Local Government Act 1995* requiring Council to adopt a revised Code of Conduct. The Code is applicable to Council Members, Committee Members and Candidates.

BACKGROUND

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed by Parliament. On Tuesday 2 February 2021, the following regulations were gazetted to take effect on Wednesday 3 February 2021:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

New sections of the *Local Government Act 1995* that provided for the New Regulations were proclaimed concurrently and are also now in effect.

The Department of Local Government Sporting and Cultural Industries (DLGSC) recognises the speed with which these changes were made and has provided an implementation timeframe of up to three months for local governments to operationalise the new regulations.

It is expected that local governments will adopt the new regulations for implementation within three months from the regulations taking effect (by 3 May 2021).

COMMENT

The legislative amendments introduce a mandatory Code of Conduct by prescribing a Model Code. The Model Code provides for:

- Overarching principles to guide behaviour
- Behaviours which are managed by local governments
- Rules of conduct breaches which are considered by the Standards Panel.

The purpose of the model is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments. It also provides for a process to deal with complaints to ensure a consistent approach across the sector.

If a council member does not comply with any action required by the local government following a breach of the model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

To implement the Code, the Council must:

- Appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s); and
- Approve a form for complaints to be lodged as attached

While local governments may not amend Division 2 (Principles) or Division 4 (rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model Code of Conduct (section 5.104(3) of the Act). The adoption of the model is recommended, providing consistence across the sector.

The model Code of Conduct supersedes the current Shire of Narembeen Code of Conduct for Councillors, Committee Members and Staff. New regulations also prescribe minimum requirements for an Employee Code of Conduct. The CEO will prepare and implement a Code of Conduct for employees accordingly.

CONSULTATION

No consultation is required in relation to this report. The Code of Conduct will be published on the Shire website, and made available to all Councillors, Committee Members and Candidates.

STATUTORY IMPLICATIONS

The Model Code of Conduct is to be adopted as required by section 5.104 of the *Local Government Act 1995*.

The adopted Code of Conduct must be published on the Shires official website as required by section 5.104(7) *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

[Strategic Community Plan 2017 - 2027](#)

Goal Area 2: Internal and External relationships actively grow our Shire population and positive financial position.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Adopt the Model Code of Conduct as contained within *the Local Government (Model Code of Conduct) Regulations 2021* applicable to Council Members, Committee Members and Candidates (attached).
2. Request the CEO to publish the adopted Code of Conduct on the Shire of Narembeen website in accordance with section 5.104(7) of the *Local Government Act 1995*.
3. Authorise the CEO for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.
4. Delegate to the CEO the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the *Local Government Act 1995*.
5. Approve the Complaint Form as presented in accordance with Clause 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*.

COUNCIL RESOLUTION

MIN 7203/21

MOTION - Moved Cr. R DeLuis

Seconded Cr. W Milner

That Council:

1. *Adopt the Model Code of Conduct as contained within the Local Government (Model Code of Conduct) Regulations 2021 applicable to Council Members, Committee Members and Candidates (attached).*
2. *Request the CEO to publish the adopted Code of Conduct on the Shire of Narembeen website in accordance with section 5.104(7) of the Local Government Act 1995.*
3. *Authorise the CEO for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.*
4. *Delegate to the CEO the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the Local Government Act 1995.*
5. *Approve the Complaint Form as presented in accordance with Clause 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021.*

CARRIED 7/0

AGENDA ITEM: 8.1.2 – Containers for Change program

Subject:	Containers for Change Program
Applicant:	Nil
File Ref:	ADM484
Disclosure of Interest:	Nil
Author:	David Blurton – Acting Chief Executive Officer
Date:	2 March 2021
Attachments:	Letters from Narembeen Golf Club and Mt Walker Sports Club Inc. (see attachment binder)

SUMMARY

For Council to consider community requests calling for a Containers for Change depot to be setup in Narembeen.

BACKGROUND

The Shire is in receipt of correspondence from the Narembeen Golf Club and the Mt Walker Sports Club Inc requesting that consideration be given by Council to establish a can and bottle recycling system in Narembeen. The letters advise of the difficulty and inconvenience in transporting the containers to Bruce Rock, which is the nearest collection centre. Council staff have also been approached by an individual who has expressed interest in establishing a container depot as a business venture.

In 2017, the State Government announced the introduction of the container deposit scheme. As well as diverting waste from landfill, the schemes intent was to boost employment with as many as 500 jobs created at new container sorting and processing facilities, and refund points across metropolitan and regional Western Australia.

The Western Australia Return Recycle Renew (WARRRL) which is a not-for-profit organisation was created to run the Containers for Change scheme in Western Australia.

Following this, an expression of interest process was undertaken, inviting submissions from organisations interested in hosting and managing container receival points.

The Containers for Change program commenced operation in October 2020 and has since recycled over 214 million containers across 214 depots state-wide.

COMMENT

In development of this report, staff discussed the experience of the Shire of Corrigin in establishing and operating a receival point. Corrigin had been identified by WARRRL as a suitable location to host a receival point based on population and likely catchment. Some key operating facts of the Corrigin facility are:

- The facility operates 2 days a week – Wednesday afternoon and Saturday morning.
- Bulk returns of over 800 containers require pre-booking.
- The facility processes approximately 80,000 containers per week.
- The facility employs 2 people directly with management and oversight from Shire staff.
- The Shire of Corrigin constructed a purpose built 144m² shed at a cost of \$70,000 to accommodate the operation on a vested reserve.
- Financial estimates were unavailable.

Some of the challenges identified by the Shire of Corrigin were as follows:

- Attracting and retaining staff is difficult. Works staff are often required to relieve at a higher hourly rate
- There are a significant number of Occupational Health and Safety issues to consider including noise levels, traffic management and container handling
- Cash handling and management is problematic

The Shire of Corrigin CEO also discussed the arrangement at Yealering, where a donation point has been established and an agreed arrangement is in place between the local sporting clubs to share proceeds from the containers on a rotational basis.

In developing this report, staff also contacted WARRRL who advised that a new receipt depot in Narembeen would be supported if the managing entity is able to abide by all necessary requirements and is sustainable for a period of 5 years. A refund point application pack, forms and a refund point agreement have been forwarded by WARRRL for the Shire's information.

The following options are available to the Council:-

Option 1 - Council could identify suitable Council owned land with a view to leasing to a business to run a container depot in Narembeen.

This option effectively de-risks the business from Council while also providing a local business opportunity. It minimises Council involvement and eliminates the management problems cited by the Shire of Corrigin. However, a potential profit-making opportunity is lost for Council with this option; but it is unclear how profitable the venture would be without developing a detailed business case.

Under Section 3.14 the *Local Government Act 1995*, leases for commercial purposes on Council land are considered disposal of property and a legislated process would need to be followed. Exemptions may apply depending on the consideration value and whether a not-for-profit entity is the lessee, amongst other things.

Staff have investigated some possible Council controlled locations where this business could be setup. Given the nature of the operation, properties zoned industrial under TPS2 were preferred over commercial or town centre locations:

a) Old Fire Station Shed at the Shire Depot (identified in yellow on the next page)

The shed is approximately 80m² and has access to Mt Walker Road via a sliding garage door. The shed is powered but does not have access to toilet facilities.

Several parking bays could be set aside at the front of the building where works staff currently park and truck and forklift movements would need to be considered as part of any development.

The small size of the shed may restrict the effectiveness of the operation, particularly with regard to storage of equipment and containers.

In terms of land tenure, the Council owns the Shire Depot property in freehold with no limitations on the ability to lease.



b) Waste Transfer Station site

The Shire's Waste Transfer site was considered as it was proposed as a possible location by the Mt Walker Sporting Club, however there are no vacant sheds on site and would therefore require investment by either Council or a proponent in a similar manner to Corrigin.

It is not clear if the business model would support an investment of this scale.

PM Services, who holds a contract with the Shire, at times transports containers to other depot sites on behalf of local groups has advised he is not interested in establishing a container site at the Naremben Waste Transfer Station.

Option 2 - Council could run the container deposit scheme itself

Based on feedback received from Shire of Corrigin, this option is not supported by management. Running a container depot is not considered core Council business and is considered problematic from a management perspective.

It would also require preparation of a detailed business case and due diligence exercise prior to committing any Council resource.

Option 3 - Council could choose to do nothing

As indicated in the letters from both sporting clubs, the present situation represents an inconvenience to clubs interested in participating in the scheme and it is also an inconvenience to the public more generally.

Staff consider that a container depot would be supported locally, however a successful application through WARRRL would need to be made.

Staff recommend supporting a bid to host a recycling depot in Naremben to reduce inconvenience to residents and sporting clubs. It would also ensure profits generated are retained locally and provide an additional business/employment opportunity for little investment from Council.

CONSULTATION

WARRRL

Shire of Corrigin

TPI solutions

President of Narembeen Club Inc.

PM Services, Waste Contractor

Executive Manager Corporate Services

Environmental Health Officer

Works Manager

STATUTORY IMPLICATIONS

Section 3.14 of the *Local Government Act 1995* – Disposal of Property

FINANCIAL IMPLICATIONS

This would be dependent on the option pursued and requires further investigation.

POLICY IMPLICATIONS

HBP8 – Council delegates its authority and power to the Chief Executive Officer to enter into a management agreement or lease for the use of Council owned buildings, facilities and reserves, subject to compliance with s3.58 of the Act and any other relevant legislation.

STRATEGIC PLAN REFERENCE

Corporate Business Plan 2020/21 – 2023/24

Goal Area 3. We contribute to a healthy community

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Provide in principle support to establish a Containers for Change depot in Narembeen with the following conditions:
 - a) The facility would be managed and operated by a third party; and
 - b) The location known as “Old Fire Station Shed” at the Shire Depot.
2. Approve a lease for the use of “Old Fire Station Shed” on Mt Walker Road for the purposes of a container for change depot should a successful application be made through the Containers for Change Program with conditions to be determined.

COUNCIL RESOLUTION

MIN 7204/21

MOTION - Moved Cr. W Milner

Seconded Cr. A Wright

That Council:

1. *Provide in principle support to establish a Containers for Change depot in Narembeen with the following conditions:*
 - a. *The facility would be managed and operated by a third party;*
 - b. *A suggested location of the “Old Fire Station Shed” at the Shire Depot; and*
 - c. *Advertise the opportunity locally for expressions of interest.*
2. *Approve a lease for the use of “Old Fire Station Shed” on Mt Walker Road for the purposes of a container for change depot should a successful application be made through the Containers for Change Program with conditions to be determined.*
3. *Advertise the opportunity locally for expressions of interest.*

CARRIED 7/0

REASON FOR CHANGE: Council added point 3. above as it felt that the opportunity should be advertised locally for expressions of interest.

AGENDA ITEM: 8.1.3 – Proposed Telecommunications Infrastructure – Lot 27217 (No 1309) Wogarl East Road, Cramphorne

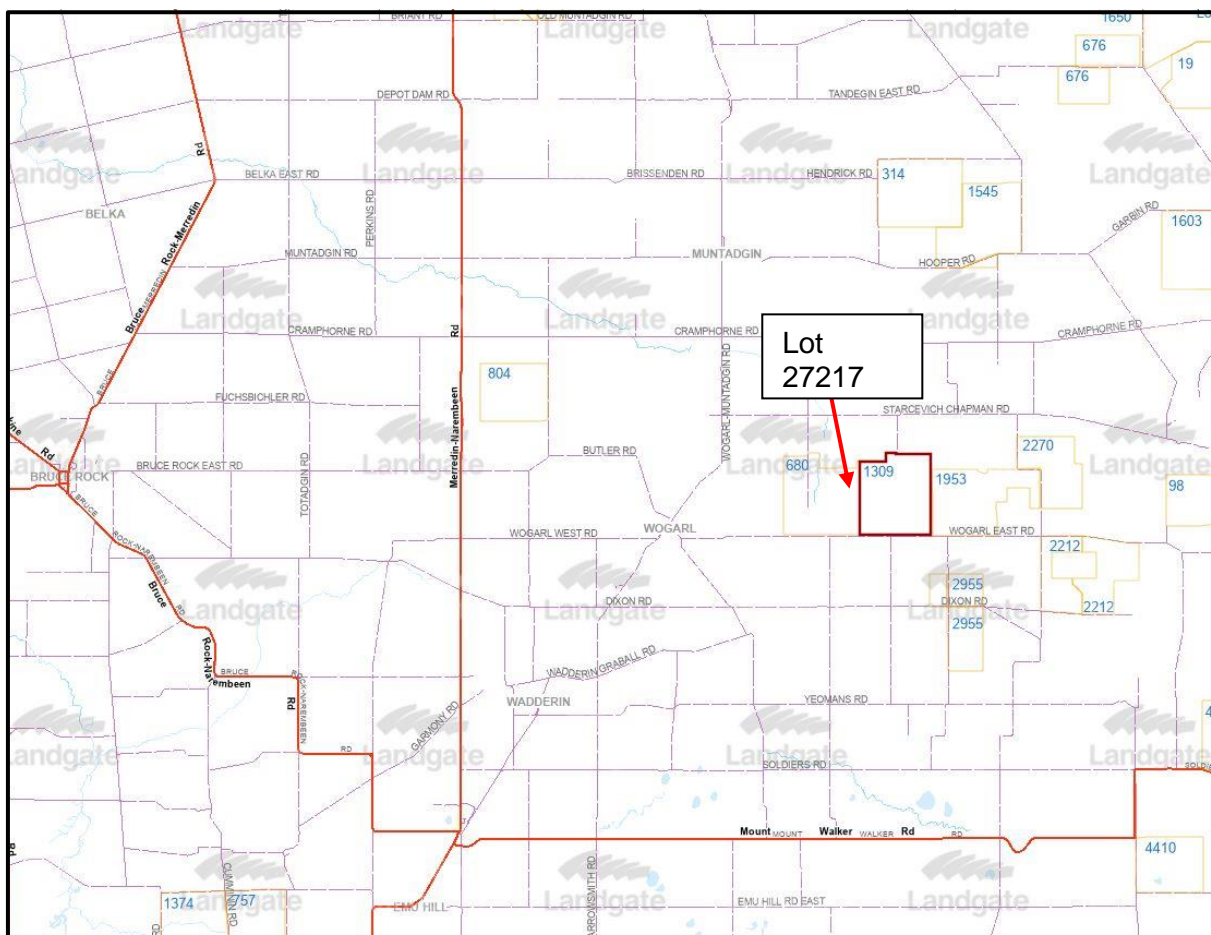
Subject:	Proposed Telecommunications Infrastructure – Lot 27217 (No 1309) Wogarl East Road, Cramphorne
Applicant:	CRISP Wireless Pty Ltd
File Ref:	ADM655
Disclosure of Interest (Staff):	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Disclosure of Interest (Member):	Nil
Author:	Liz Bushby - Town Planning Innovations (TPI)
Date:	1 April 2021
Attachments:	Applicant’s Report (see attachment binder)

SUMMARY

Council is to consider an application for telecommunications infrastructure on Lot 27217 (No 1309) Wogarl East Road, Cramphorne.

BACKGROUND

A location plan for Lot 27217 is included below.



[Click here to enter text.](#)

COMMENT

Description of proposed development

CRISP Wireless is a Network owner/operator licensee for Wireless Broadband services in Western Australia. CRISP provide a telecommunications service that utilises point to point secured wireless connectivity between sites as well as community wireless services and subscriber broadband.

The applicant advises that the CRISP network is proposed to be extended across the wheatbelt. An 18 metre high telecommunications tower is proposed on Lot 27217.

The tower is proposed to be setback a minimum of 2000 metres from any lot boundary – refer plan below.



The applicant has advised that the tower will look similar to the photograph below and will not interfere with continued use of the land for broad agricultural purposes.



An elevation of the proposed tower is included in the applicants report – refer to attachment.

Zoning and Land Use permissibility

The lot is zoned 'Farming' under the Shire of Narembreen Town Planning Scheme No 2 ('the Scheme').

Under Clause 4.17.1 of the Scheme the objectives of the Farming zone are:

- a) to ensure the continuation of broad-hectare farming as the principal land use in the District and encourage where appropriate the retention and expansion of agricultural activities;
- b) to consider non rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;
- c) to allow facilities for tourists and travellers, and for recreational uses.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

The proposed land use is construed as 'telecommunications infrastructure' which is defined in the Scheme as '*means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.*'

Telecommunications Infrastructure is defined in the Shires Scheme, however it is not listed in Table 1 of the Scheme. This is referred to as a 'Use Not Listed'.

Council has two options in dealing with a 'Use Not Listed' under Clause 3.2.5 of the Scheme:

Option 1 Determine that the telecommunications infrastructure use is not consistent with the objectives and purposes of the particular (Farming) zone and is therefore not permitted.

Comment: The proposal will still allow continued agricultural use of the land. TPI does not recommend Option 1.

Option 2 Determine by absolute majority that the proposed telecommunications infrastructure use may be consistent with the objectives and purpose of the (Farming) zone and thereafter follow the "SA" advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval.

Comment: There are clear benefits to the District through any improved telecommunication service in the area. TPI recommends Council pursue Option 2.

If Council supports Option 2 then the application is required to be advertised for public comment.

CONSULTATION

It is compulsory to advertise the application for 21 days if Council pursues Option 2 as outlined in this report.

To expedite processing of the application, Shire Administration has organised advertising of the proposal by writing to adjacent landowners, publishing a notice on the Shire website, and erection of a sign on site. The formal advertising period closes on the 30 April 2021.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Narembreen Town Planning Scheme No 2.

The Regulations have been amended and the revised Regulations became operative on the 15 February 2021.

- *Advertising*

As the application is being processed as a 'Use Not Listed', it is classified as a 'complex application' under the revised Regulations.

The compulsory advertising requirements for a 'complex application' are more onerous under the current Regulations and include:

- (a) Publication of a Notice with copies of the proposed plans on the Shire website; and
- (b) Make a copy of the plans available to the public for viewing at the Shire office; and
- (c) Writing to the owners and occupiers of lots within 200 metres of the proposed development; and
- (d) Erecting a sign in a conspicuous place on Lot 27217 to advertise the proposal.

Advertising must be for a minimum of 21 days.

The Western Australian Planning Commission has exempted the Shire from having to meet some or all of the advertising requirements if it is not practical to achieve. The exemption expires on the 13 August 2021.

- *Matters to be considered by Council*

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

- *Delegated Authority*

Clause 82(1) and 82(2) provides Council with the ability to grant delegated authority to the Chief Executive Officer to determine the application. This will expedite determination of the application (after advertising). Any delegation must be made by an Absolute Majority of Council.

Shire of Narembreen Town Planning Scheme No 2

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations (TPI) for planning advice.

POLICY IMPLICATIONS

There is no local planning policy applicable to the development. There is a Western Australian Planning Commission State Planning Policy 5.2 on Telecommunications Infrastructure.

Adequate and reliable telecommunications are essential for all aspects of contemporary community life, from supporting the State's economy to creating and maintaining connected and cohesive social networks.

The State planning policy aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. The objectives of this policy are to:

- Facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- Manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- Ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons;
- Promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

This policy applies throughout Western Australia in respect to above and below ground telecommunications infrastructure other than those facilities exempted under the Commonwealth *Telecommunications Act 1997* (Telecommunications Act).

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

- 1.4 We find partners to help investigate and seek innovative telecommunication solutions to benefit the majority and to ensure that solutions are not cost prohibitive
- 1.9 We will work with our local businesses to plan significant central business district improvements including beautification, access and activation activities
- 2.1 Our organisational model is responsive to economic conditions, the delivery of core services and infrastructure so too the successful pursuit of economic opportunities that benefit our community

Corporate Business Plan 2020/21 – 2023/24

Goal Area 1: Focus upon local economic drivers to retain and grow existing businesses, employment and to attract new industry. The deliverable being to partner with Go Narembeen to audit the districts telecommunications needs and potential solutions.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Determine by Absolute Majority that the proposed telecommunications infrastructure use may be consistent with the objectives and purpose of the (Farming) zone and thereafter follow the “SA” advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval.
2. Note that the application is being advertised until the 30 April 2021 as required by the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for a telecommunications tower Lot 27217 (No 1309) Wogarl East Road, Cramphorne.

COUNCIL RESOLUTION

MIN 7205/21

MOTION - Moved Cr. P Lines

Seconded Cr. K Mortimore

That Council:

- 1. Determine by Absolute Majority that the proposed telecommunications infrastructure use may be consistent with the objectives and purpose of the (Farming) zone and thereafter follow the "SA" advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval.*
- 2. Note that the application is being advertised until the 30 April 2021 as required by the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 3. Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for a telecommunications tower Lot 27217 (No 1309) Wogarl East Road, Cramphorne.*

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

AGENDA ITEM: 8.1.4 - Proposed Single House on Lot 1305 (No 3798) Emu Hill Road, Mount Walker

Subject:	Proposed Single House on Lot 1305 (No 3798) Emu Hill Road, Mount Walker
Applicant:	TR Homes
File Ref:	P4007
Disclosure of Interest:	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Author:	Liz Bushby - Town Planning Innovations (TPI)
Date:	8 April 2021
Attachments:	Nil

SUMMARY

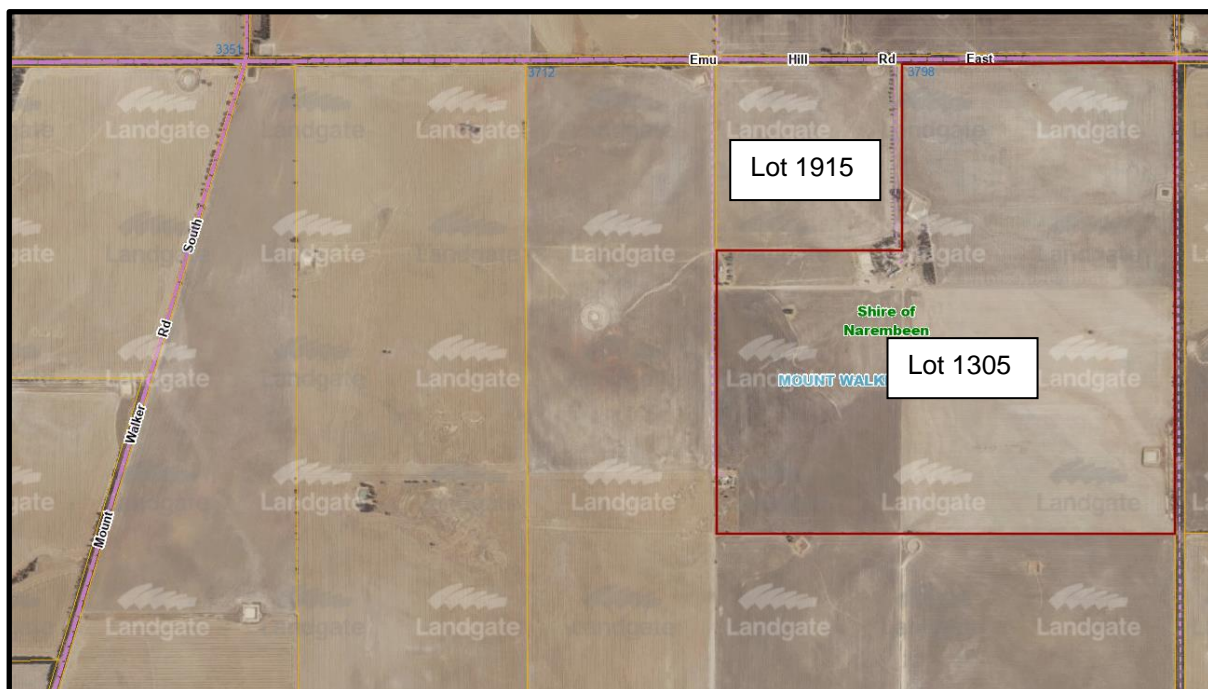
Council is to consider a planning application for a single house on Lot 1305 (No 3798) Emu Hill Road, Mount Walker. The applicant seeks a variation to the setback requirements applicable to the Farming zone under the Shire of Narembreen Local Planning Scheme No 2 (the Scheme).

BACKGROUND

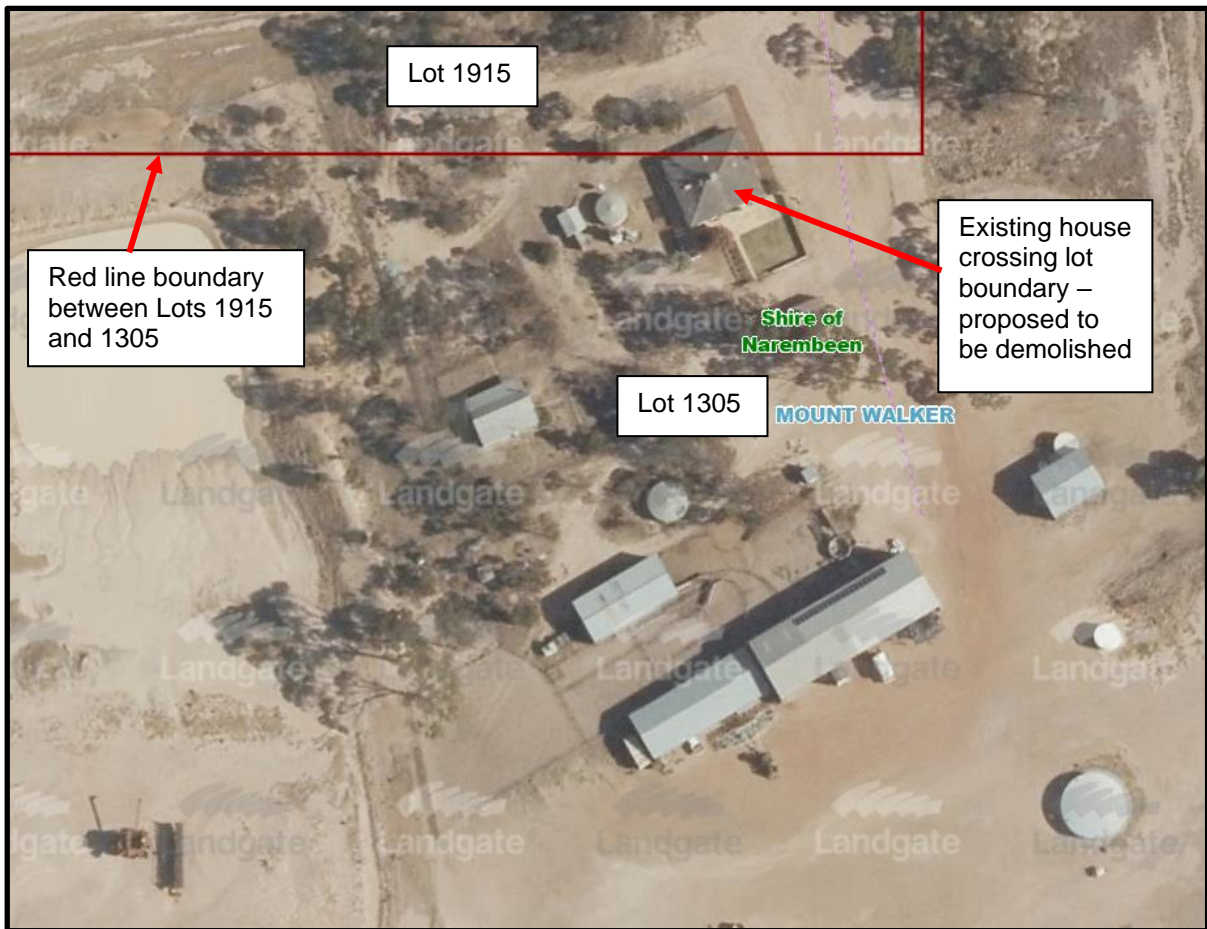
Lot 1305 has an approximate area of 340 hectares. The closest intersection is Mount Walker Road South and Emu Hill Road in Mount Walker.

Lot 1305 and adjacent Lot 1915 are under the same ownership being Milanna Holdings Pty Ltd.

A location plan below.



There is an existing house which traverses the boundary between Lot 1305 and Lot 1915 – refer to enlargement below.



The existing house is proposed to be demolished and a new house is proposed to be constructed in a nearby location.

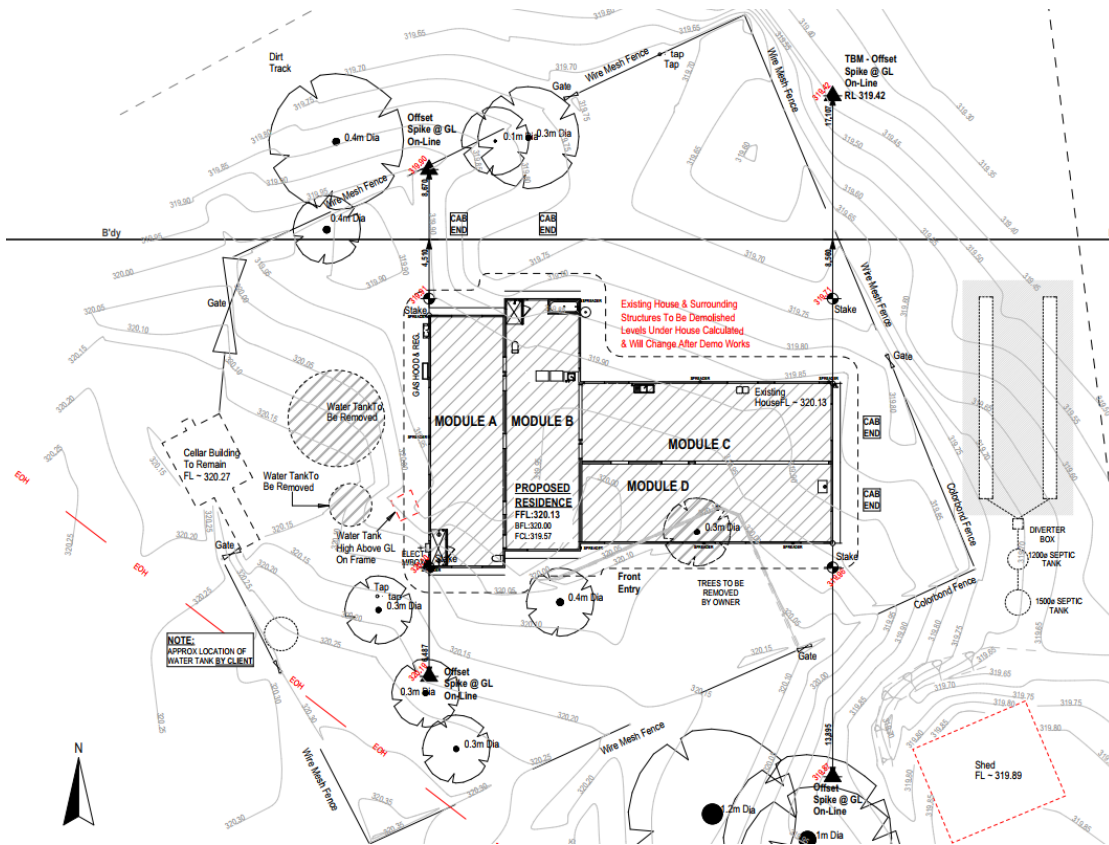
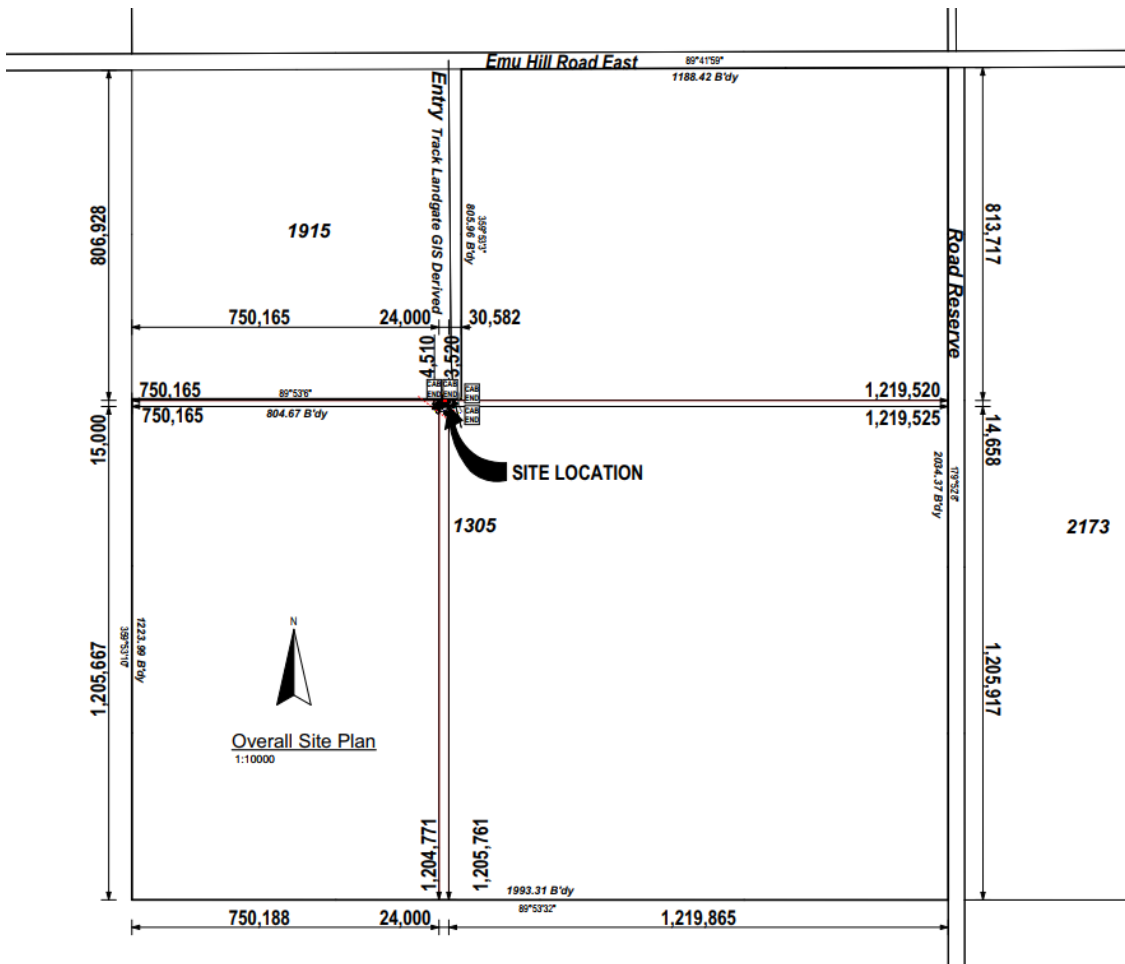
COMMENT

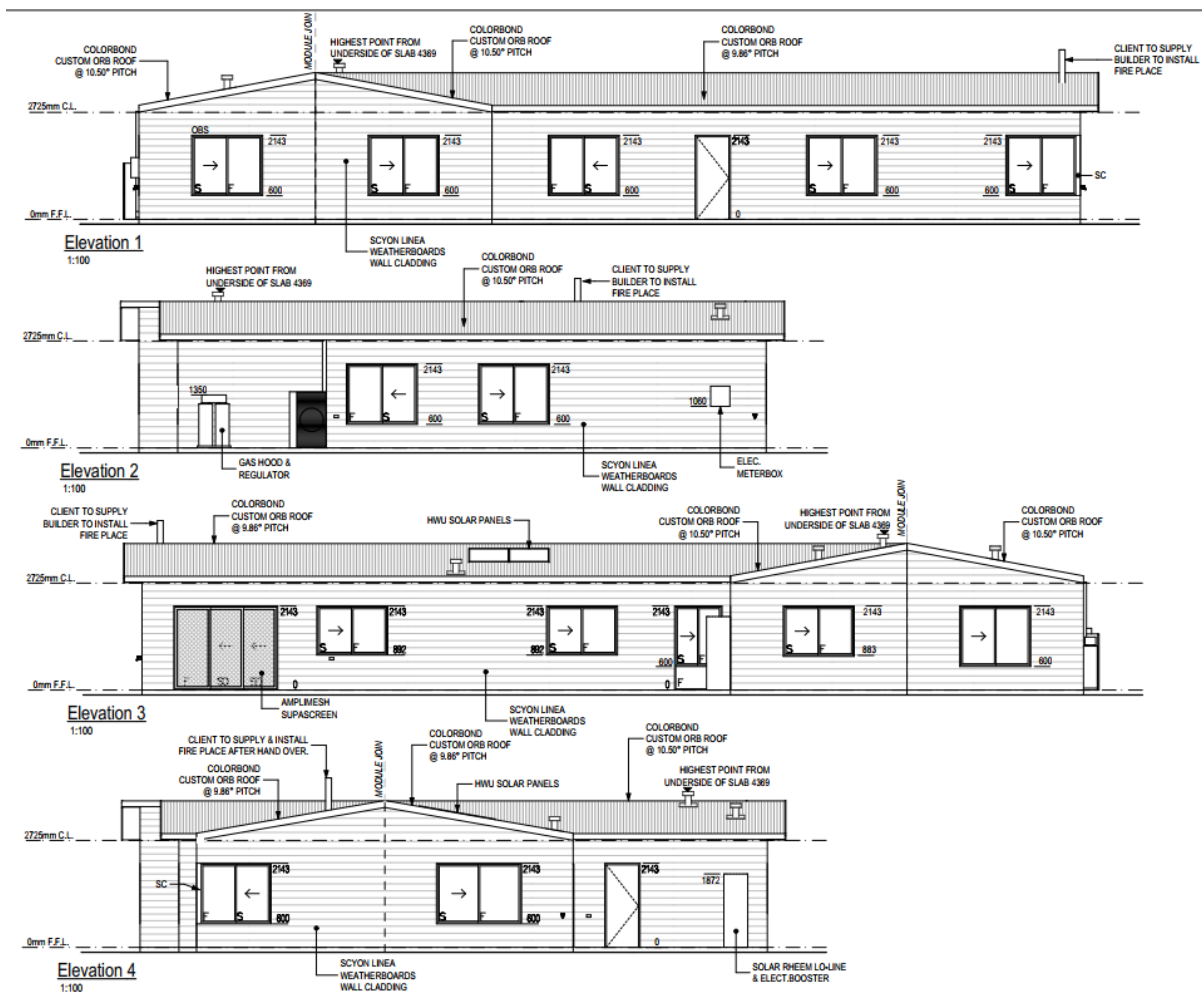
Proposed Development

Once the existing house is demolished the owner proposes a new four-bedroom modular house as a replacement.

The new dwelling is proposed to be setback between 4.51 metres and 8.56 metres from the north boundary – refer to plans over page. The application entails a variation to Clause 4.17.2 of the Scheme which requires a front setback of 20 metres, and a 15 metres side and rear setback for the Farming zone.

The proposed single house only requires planning approval as a setback variation is proposed.





Discretion to vary setbacks

Council has the discretion to vary the setback requirement applicable to the Farming zone under Clause 4.4 of the Scheme if satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

TPI recommends that the setback variation be supported as:

- (i) The existing house traverses a lot boundary. The new dwelling will result in a better development outcome on site;
- (ii) The proposed setback variation is to the boundary shared with adjacent Lot 1915 which is under the same ownership. The variation will not have any negative impact on any other lots in the locality.

CONSULTATION

The application has not been advertised for public comment.

STATUTORY IMPLICATIONS

Shire of Narembeen Local Planning Scheme No 2 –

Lot 1305 is zoned farming. A single house is permitted in the Farming zone under Table 1: Zoning Table.

Clause 4.4.2 states that ‘Subject to sub-clause 4.4.1, if a development the subject of an application for development approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the local government may notwithstanding that non compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

The power conferred by this clause may only be exercised if the local government is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.’

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Narembeen Local Scheme No 2.

The Regulations have been amended and the revised Regulations became operative on the 15 February 2021.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations (TPI) for planning advice.

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Nil

RELATED PARTY TRANSACTIONS

The Shire pays fees to TPI for planning advice.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Note that the application seeks a variation to the setback requirements applicable to the Farming zone, and resolve to support the variation in accordance with Clause 4.4.2 of the Shire of Narembeen Local Planning Scheme No 2 as:
 - a) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
 - b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.
2. Approve the application for a single house on Lot 1305 (No 3798) Emu Hill Road, Mount Walker subject to the following conditions and footnotes:
 - (i) All development shall be in accordance with the approved plans and documents lodged as part of the application unless otherwise approved in writing by the Chief Executive Officer.
 - (ii) All stormwater from roofed and paved areas shall be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.
 - (iii) If the development the subject of this approval is not substantially commenced within a period of two years, the approval shall lapse and be of no further effect.

FOOTNOTE ADVICE:

- (i) The owner is advised that this is only a planning consent. A separate Building Permit is required prior to any on site construction.
- (ii) It is noted that the existing house is proposed to be demolished. A separate demolition permit may be required.
- (iii) Please be advised that a separate 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' form needs to be lodged to the Shire for assessment. All onsite effluent disposal systems require prior Shire approval before installation.

COUNCIL RESOLUTION

MIN 7206/21

MOTION - Moved Cr. P Lines

Seconded Cr. R DeLuis

That Council:

1. *Note that the application seeks a variation to the setback requirements applicable to the Farming zone, and resolve to support the variation in accordance with Clause 4.4.2 of the Shire of Narembeen Local Planning Scheme No 2 as:*
 - a) *Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
 - b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*
2. *Approve the application for a single house on Lot 1305 (No 3798) Emu Hill Road, Mount Walker subject to the following conditions and footnotes:*
 - (i) *All development shall be in accordance with the approved plans and documents lodged as part of the application unless otherwise approved in writing by the Chief Executive Officer.*
 - (ii) *All stormwater from roofed and paved areas shall be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.*
 - (iii) *If the development the subject of this approval is not substantially commenced within a period of two years, the approval shall lapse and be of no further effect.*

FOOTNOTE ADVICE:

- (i) *The owner is advised that this is only a planning consent. A separate Building Permit is required prior to any on site construction.*
- (ii) *It is noted that the existing house is proposed to be demolished. A separate demolition permit may be required.*
- (iii) *Please be advised that a separate 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' form needs to be lodged to the Shire for assessment. All onsite effluent disposal systems require prior Shire approval before installation.*

CARRIED 7/0

AGENDA ITEM: 8.1.5 - Proposed Dwelling – Lot 27178 (No 1374) Cumminin Road, South Kumminin

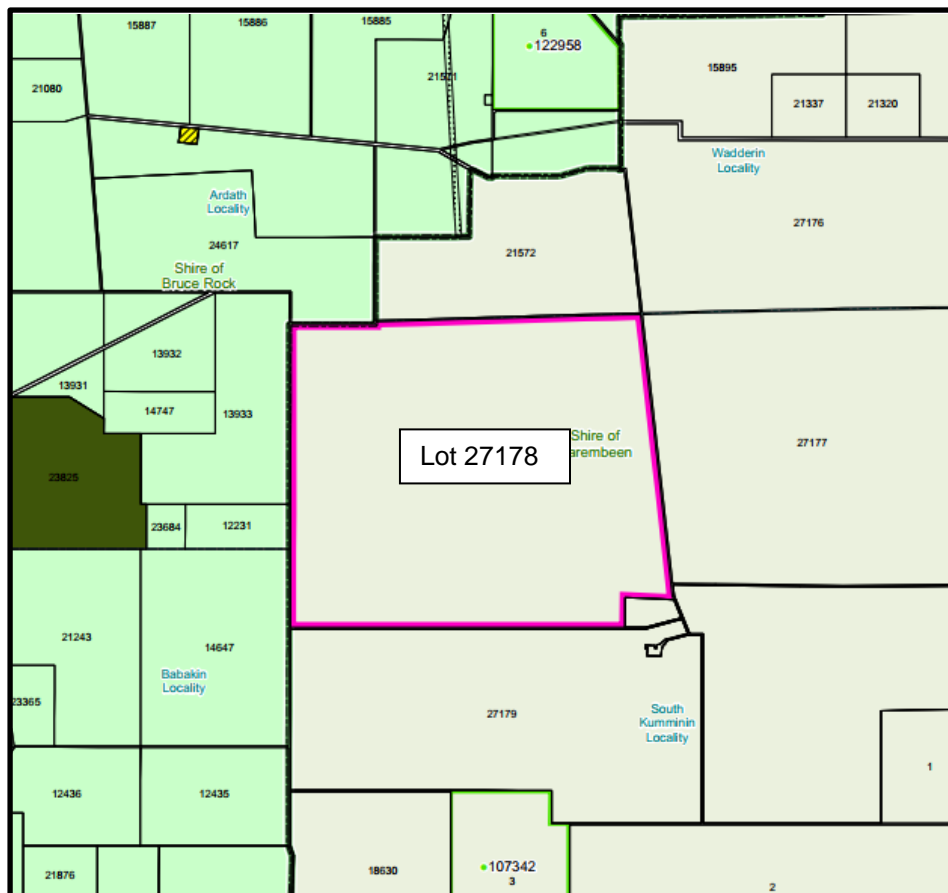
Subject:	Proposed Dwelling – Lot 27178 (No 1374) Cumminin Road, South Kumminin
Applicant:	Koolberin Pastoral Co Pty Ltd
File Ref:	P4134
Disclosure of Interest (Staff):	Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Disclosure of Interest (Member):	Cr W Milner
Author:	Liz Bushby, Town Planning Innovations (TPI)
Date:	6 April 2021
Attachments:	Nil

SUMMARY

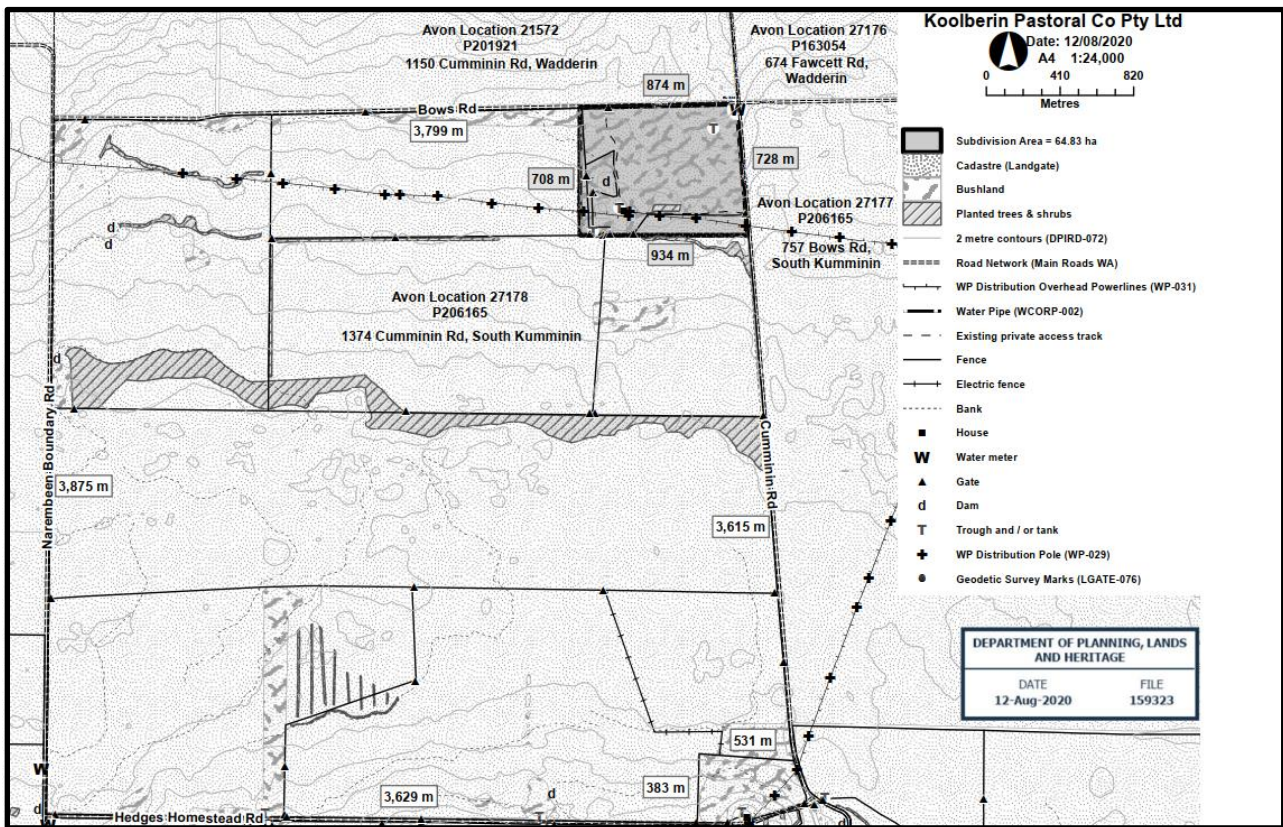
Council is to consider an application for a dwelling on Lot 27178 (No 1374) Cumminin Road, South Kumminin.

BACKGROUND

Lot 27178 is zoned Farming under the Shire of Narembreen Local Planning Scheme No 2 (the Scheme). It has an approximate area of 1,551 hectares.



On the 15 September 2020 the Western Australian Planning Commission granted conditional approval for Lot 27178 (No 1374) Cumminin Road, South Kumminin to be subdivided into two lots.



COMMENT

Proposed Development

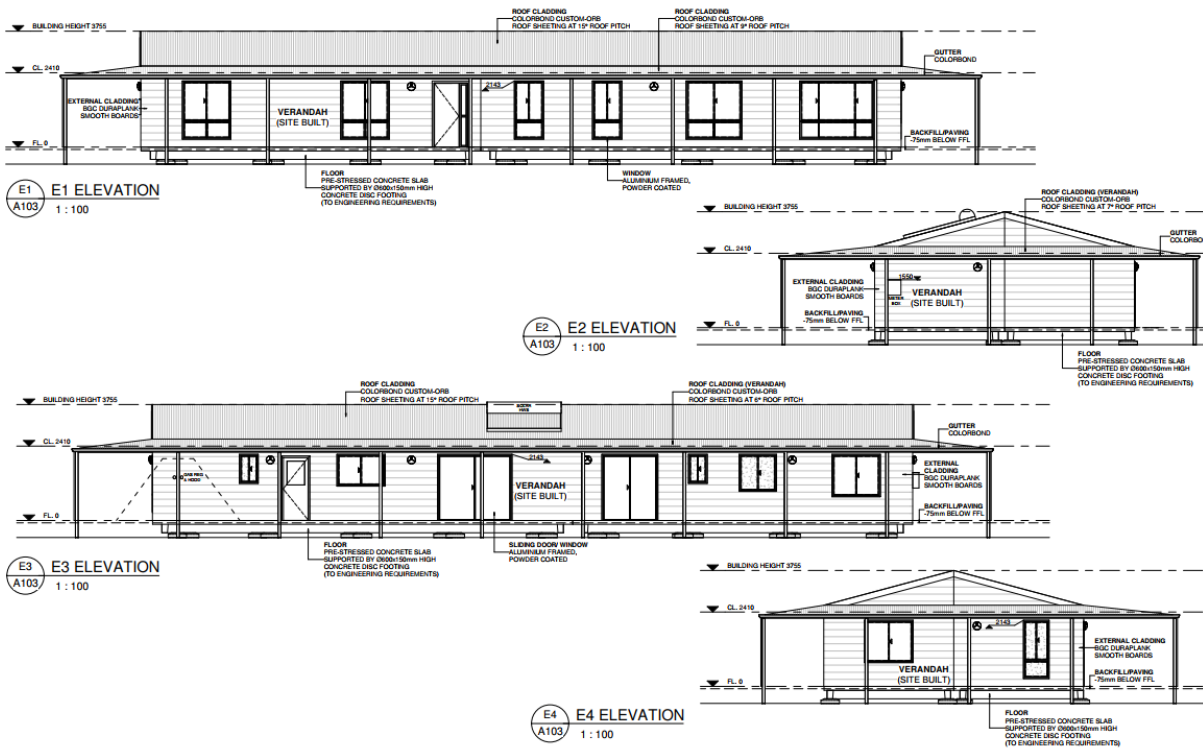
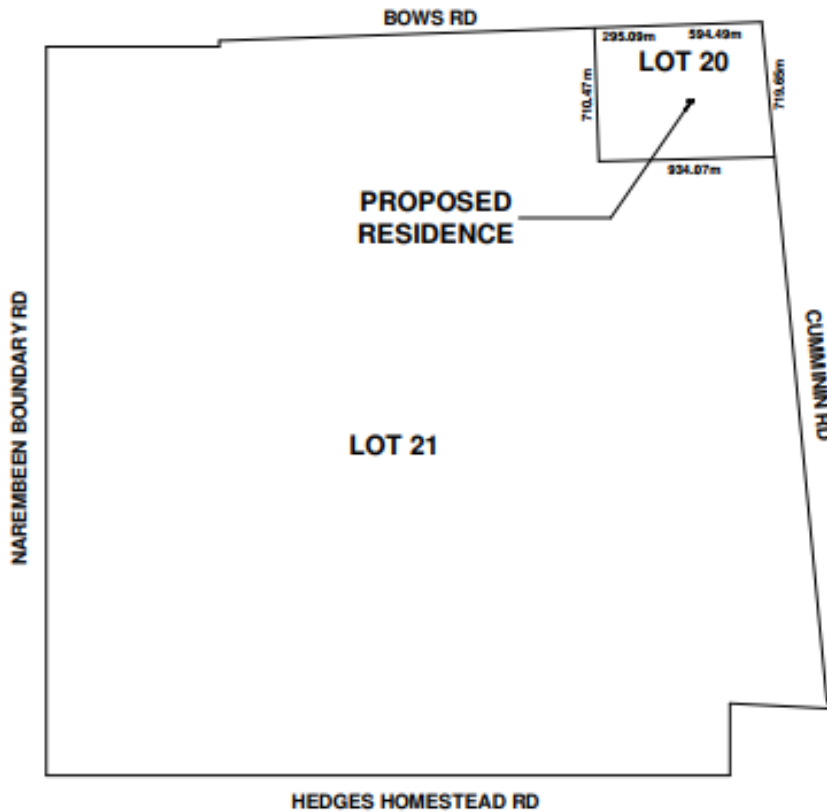
There is an existing dwelling on Lot 27178. The owner has lodged a planning application seeking approval for a second dwelling on the lot.

It is understood that the existing dwelling is proposed to be demolished in the future, however until that occurs, the second dwelling requires planning approval under the Shires Scheme.

The new dwelling is proposed to be setback 400 metres from the Bows Road lot boundary to the north, and 400 metres from the Cumminin Road lot boundary to the east. The proposed house location complies with the setbacks applicable to the Farming zone under the Shires Scheme.

Once the existing lot is subdivided the proposed new house will be contained on a smaller lot.

A site plan and elevations are included over page.



State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP3.7)

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP 3.7).

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 27178 is within the declared bushfire prone area.

As the dwelling is proposed within a bushfire prone area, the applicant has lodged a Bushfire Attack Level (BAL) assessment prepared by a bushfire consultant which identifies that the dwelling is proposed in a location where a BAL-12.5 rating can be achieved (which is acceptable). The BAL rating is a way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact. The BAL-12.5 rating will dictate the level of higher construction standards that will apply at the separate building permit stage.

CONSULTATION

No consultation has been conducted in regards to the proposed dwelling.

STATUTORY IMPLICATIONS

Shire of Narembeen Town Planning Scheme No 2 – Partially explained in the body of this report.

Under Clause 4.17.2 a front setback of 20 metres and side/rear setback of 15 metres applies to the Farming zone.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations (TPI) for planning advice.

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Nil

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

Approve the application for a dwelling on Lot 27178 (No 1374) Cumminin Road, South Kumminin subject to the following conditions and footnotes:

1. All development shall be in accordance with the approved plans and documents lodged as part of the application unless otherwise approved in writing by the Chief Executive Officer.
2. All stormwater from roofed and paved areas shall be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.
3. If the development the subject of this approval is not substantially commenced within a period of two years, the approval shall lapse and be of no further effect.

FOOTNOTE ADVICE:

- (i) The owner is advised that this is only a planning consent. A separate Building Permit is required prior to any on site construction.
- (ii) It is noted that the existing house is proposed to be demolished in the future. A separate demolition permit may be required.
- (iii) Please be advised that a separate 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' form needs to be lodged to the Shire for assessment. All onsite effluent disposal systems require prior Shire approval before installation.

COUNCIL RESOLUTION

MIN 7207/21

MOTION - Moved Cr. A Hardham

Seconded Cr. K Mortimore

That Council:

Approve the application for a dwelling on Lot 27178 (No 1374) Cumminin Road, South Kumminin subject to the following conditions and footnotes:

- 1. All development shall be in accordance with the approved plans and documents lodged as part of the application unless otherwise approved in writing by the Chief Executive Officer.*
- 2. All stormwater from roofed and paved areas shall be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.*
- 3. If the development the subject of this approval is not substantially commenced within a period of two years, the approval shall lapse and be of no further effect.*

FOOTNOTE ADVICE:

- (i) The owner is advised that this is only a planning consent. A separate Building Permit is required prior to any on site construction.*
- (ii) It is noted that the existing house is proposed to be demolished in the future. A separate demolition permit may be required.*
- (iii) Please be advised that a separate 'Application to Construct or Install an Apparatus for the Treatment of Sewerage' form needs to be lodged to the Shire for assessment. All onsite effluent disposal systems require prior Shire approval before installation.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

AGENDA ITEM: 8.1.7 - Wheatbelt Secondary Freight Network – formalisation of commitment to Priority 1 – 5 Year Delivery Plan

Subject:	Wheatbelt Secondary Freight Network
Applicant:	Nil
File Ref:	ADM500
Disclosure of Interest:	Nil
Author:	David Blurton – Acting CEO
Date:	13 April 2021
Attachments:	WSFN Priority 1-5 year Delivery Plan, WSFN MCA Stage 2 Priority route Commentary; WSFN governance Plan for LG's

SUMMARY

It is requested by the Wheatbelt Secondary Freight Network (WSFN) Steering Committee that the relevant Local Governments with WSFN Priority 1 Routes and identified projects formalise their commitment to delivering Council's identified projects in the WSFN Priority 1 – 5-Year Delivery Plan.

BACKGROUND

The WSFN in the Main Roads WA Wheatbelt Region comprises some 4,400km of Local Government managed roads across 53 routes that connect with State and National highways to provide access for heavy vehicles into the region. It consists of 42 LGs of the Wheatbelt region who have worked collaboratively for over 4 years to identify and secure \$187M of Federal, State and Local Government funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. In 2019 the WSFN established a Steering Committee to provide oversight and governance to the program.

An approved Multiple Criteria Analysis (MCA) determined prioritisation of the routes for Priority 1 funding and associated projects over a 5-year delivery plan. This MCA provided a priority ranking of the 53 WSFN routes. The Priority 1 Proposed Routes were endorsed by Wheatbelt South and Wheatbelt North Regional Road Groups at their July 2020 Meetings as follows.

Route

Priority 1 – Budget

1.	Lancelin to Meckering	\$	26,000,000
2.	Dumbleyung to Nyabing	\$	3,900,000
3.	Cuballing to Wickepin	\$	4,800,000
4.	Dowerin to Dalwallinu	\$	25,000,000
5.	Merredin to Kondinin	\$	15,300,000
6.	Jurien Bay to Dalwallinu	\$	25,600,000
7.	Corrigin to Katanning	\$	16,400,000
8.	Cunderdin to Quairading (Pilot)	\$	1,600,000

PRIORITY 1 TOTAL \$ 118,600,000

Capital works for projects along these routes commenced in the 2021/22 financial year. Over the course of the 2020/21 financial year the respective Councils developed a WSFN Priority 1 - 5 Year Delivery Plan (the Plan) of specific projects each year for the total project duration of 5 years along their nominated route. The overall WSFN Priority 1 - 5 Year Delivery Plan and each Council's suite of projects was endorsed by WSFN Steering Committee and approved by the RRG in March 2021.

The specific routes, roads and individual projects approved for funding under the WSFN 5-Year Delivery Plan are included as Attachment 1 WSFN Priority 1 - 5 Year Delivery Plan.

The WSN Steering Committee is in the process of presenting this information to Main Roads WA for inclusion in the WSN Project Planning Report (PPR) due for update for projects commencing 1st July 2021. The Plan envisages completion of Priority 1 Routes by end 2024 / 25 Financial Year.

Moving forward the WSN Steering Committee is working with the relevant individual Councils verifying their commitment to the WSN Priority 1 – 5 Year Delivery Plan for incorporation within their future capital works budgets. The funding break-down for each project is 80% Federal Government, 13.3% State Government and 6.7% Local Government. Claims are to be submitted to Main Roads WA Wheatbelt Region in a similar manner to RRG claims on a 40:40:20 basis. The final 20% claim will only be approved following WSN Project Manager sign off.

It should be noted that as per RRG projects there is no process for variations, however any savings made in any individual year may be carried over as contingency for future years.

Further work is currently being undertaken with relevant LGs to determine routes for Priority 2 funding. This includes development of individual projects with detailed scope of works and budgets for inclusion in WSN Priority 2 - 5 Year Delivery Plan. It is envisaged this will be presented to Steering Committee and RRG in July 2021, with works commencing in the financial year 2022/23 and completion 2026/27. The Priority 2 Routes would entail the remaining approximately \$67M of the \$187M. The nominal Priority 2 Routes have been identified in Attachment 2 WSN MCA Priority 2 Route Commentary. The initial total cost estimate of Priority 1 and 2 Routes is \$184M, however the Steering Committee believe it prudent to determine detailed project budgets before ultimately approved Priority 2 Routes.

COMMENT

Specific Projects identified for the Shire of Narembeen over years 1-5 of the program are attached.

CONSULTATION

WSN Steering Committee
WSN Technical Committee
WSN Project Technical Director
WSN Project Manager
WS and WN RRG

STATUTORY IMPLICATIONS

Local Government Act 1995
Section 3.18 Performing Executive Functions

FINANCIAL IMPLICATIONS

Local Governments with projects approved over the course of the WSN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

- Councils are to incorporate the relevant projects from WSN Priority 1 - 5 Year Delivery Plan into their LTFP.
- Individual Councils to incorporate into Council Budgets Annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

Council's projects will total over \$6.35m over the life of the plan, with includes its own contribution of approximately \$425,450.

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

Goal 1 - Current road infrastructure is maintained and continually improved upon to meet community and business needs.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council in accordance with previously endorsed WSNF Governance Plan:

1. Receives the WSNF Priority 1 – 5-Year Delivery Plan Program.
2. Commit to delivering Council's identified projects in the WSNF Priority 1 – 5-Year Delivery Plan.
3. Include identified projects in future Capital Works Budgets as outlined in the WSNF Priority 1 – 5-Year Delivery Plan as part of annual budget development and adoption processes.

COUNCIL RESOLUTION

MIN 7208/21

MOTION - Moved Cr. A Wright

Seconded Cr. R DeLuis

That Council in accordance with previously endorsed WSNF Governance Plan:

1. *Receives the WSNF Priority 1 – 5-Year Delivery Plan Program.*
2. *Commit to delivering Council's identified projects in the WSNF Priority 1 – 5-Year Delivery Plan.*
3. *Include identified projects in future Capital Works Budgets as outlined in the WSNF Priority 1 – 5-Year Delivery Plan as part of annual budget development and adoption processes.*

CARRIED 7/0

8.2 Executive Manager Corporate Services

AGENDA ITEM: 8.2.1 - 26 Hilton Way, Narembeen – Budget Amendment

Subject:	26 Hilton Way, Narembeen – Budget Amendment
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest (Staff):	David Blurton, Acting Chief Executive Officer
Author:	Tamara Clarkson – Executive Manager Corporate Services
Date:	6 April 2021
Attachments:	Nil

SUMMARY

Council to consider a budget amendment in relation to works required on the Shire owned property at 26 Hilton Way, Narembeen.

BACKGROUND

All Shire owned property is inspected annually and a maintenance and works schedule exists.

The property at 26 Hilton Way, Narembeen is allocated to the Chief Executive Officer (CEO). The previous CEO left in November 2020 and the property has been vacant since February 2021.

With recruitment for a permanent CEO currently in process, now would be an opportune time to undertake necessary maintenance upgrades while the property remains empty.

COMMENT

Quotes have been obtained for internal painting and new carpet in three bedrooms. It is proposed to amend the current budget to include additional operating expenditure of \$10,000 to undertake these works.

The 2020/21 budget includes an amount of \$8,000 for replacement of asbestos fence at 18 Hilton Way. As per Council decision MIN 7090/20 in August 2020, this property was scheduled to be disposed of by way of sale and as such, Officers have not progressed with replacement of the fence.

As at April 2021, the status of this disposal is outstanding as it forms part of a larger housing strategy currently being investigated by the Executive Manager Corporate Services. It is proposed to utilise this money to complete the work required at 26 Hilton Way.

CONSULTATION

Building Maintenance Officer

STATUTORY IMPLICATIONS

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

FINANCIAL IMPLICATIONS

9111022 \$10,000 26 Hilton Way (CEO) Expense
2014 \$8,000 18 Hilton Way asbestos fence replacement

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

Goal 2: Internal and external relationships actively grow our Shire population and positive financial position.

2.1 Our organisation model is responsive to economic conditions, the delivery of core services and infrastructure so too the successful pursuit of economic opportunities that benefit our community.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council approve an amendment to the 2020/21 Annual Budget to include additional non-operating expenditure of \$10,000 (ex GST) and \$8,000 (Job 2014) be reallocated to enable internal painting and laying of carpet at 26 Hilton Way, Narembeen.

COUNCIL RESOLUTION

MIN 7209/21 MOTION - Moved Cr. A Hardham Seconded Cr. K Mortimore

That Council approve an amendment to the 2020/21 Annual Budget to include additional non-operating expenditure of \$10,000 (ex GST) and \$8,000 (Job 2014) be reallocated to enable internal painting and laying of carpet at 26 Hilton Way, Narembeen.

**CARRIED 7/0
ABSOLUTE MAJORITY**

AGENDA ITEM: 8.2.2 - Wheatbelt Secondary Freight Network – Budget Amendment

Subject:	Wheatbelt Secondary Freight Network – Budget Amendment
Applicant:	N/A
File Ref:	ADM663
Disclosure of Interest:	N/A
Author:	Rachael Moore - Finance Officer
Date:	29 March 2021
Attachments:	Nil

SUMMARY

Council to consider a budget amendment in relation to grant funding allocated for the Wheatbelt Secondary Freight Network 2020-2021 program.

BACKGROUND

The Wheatbelt Secondary Freight Network (WSFN) in the Main Roads WA Wheatbelt region comprises some 4,400km of Local Government managed roads across 53 routes that connect with State and National highways to provide access for heavy vehicles into the region. It consists of 42 LGs of the Wheatbelt region who have worked collaboratively for over 4 years to identify to secure \$187M of Federal, State and Local Government funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt.

COMMENT

WSFN Stage 1 - 5 Year Delivery Plan (February 2021) Addendum showed that funding for the stage 1 development of the Narembeen Kondinin Road was brought forward to 2020 – 2021, as this funding was not included in the original budget it is recommended that an amendment be made to include the income of \$107,334 and the expenditure for the Narembeen Kondinin Road (stage 1) SLK 1.64 - 26.61 be adjusted to \$115,000.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate Services
Works Manager
Local Government Interface Manager Wheatbelt Region

STATUTORY IMPLICATIONS

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

FINANCIAL IMPLICATIONS

Capital Expenditure - \$115,000

Capital Income from Main Roads (WSFN) - \$107,334

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

Goal 1: Focus upon our local economic drivers to retain and grow existing businesses, employment and to attract new industry.

Performance and structure of roads are included in our annual road management plan, communicated to Council and the community.

10 Year Outcome - Current road infrastructure is maintained and continually improved upon to meet community and business needs.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Amend the 2020-21 Budget to commence stage 1 development of the Narembeen-Kondinin Road. The Narembeen-Kondinin Road (stage 1) SLK 1.64 - 26.61 upgrade to be funded by the Wheatbelt Secondary Freight Network.
2. Increase Capital Expenditure job number 2075 to \$115,000.
3. Increase Capital revenue GL 1212801 - Wheatbelt Secondary Freight Network income by \$107,334.

COUNCIL RESOLUTION

MIN 7210/21

MOTION - Moved Cr. A Hardham

Seconded Cr. R DeLuis

That Council:

1. *Amend the 2020-21 Budget to commence stage 1 development of the Narembeen-Kondinin Road. The Narembeen-Kondinin Road (stage 1) SLK 1.64 - 26.61 upgrade to be funded by the Wheatbelt Secondary Freight Network.*
2. *Increase Capital Expenditure job number 2075 to \$115,000.*
3. *Increase Capital revenue GL 1212801 - Wheatbelt Secondary Freight Network income by \$107,334.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

AGENDA ITEM: 8.2.3 - Unpaid Rates – 2275 Corrigin Naremben Road, South Kumminin

Subject:	Unpaid Rates - 2275 Corrigin Naremben Road, South Kumminin
Applicant:	Shire of Naremben
File Ref:	P5247
Disclosure of Interest:	Nil
Author:	Rachael Moore - Finance Officer
Date:	25 March 2021
Attachments:	Nil

SUMMARY

Council is to consider action for non-payment of rates.

BACKGROUND

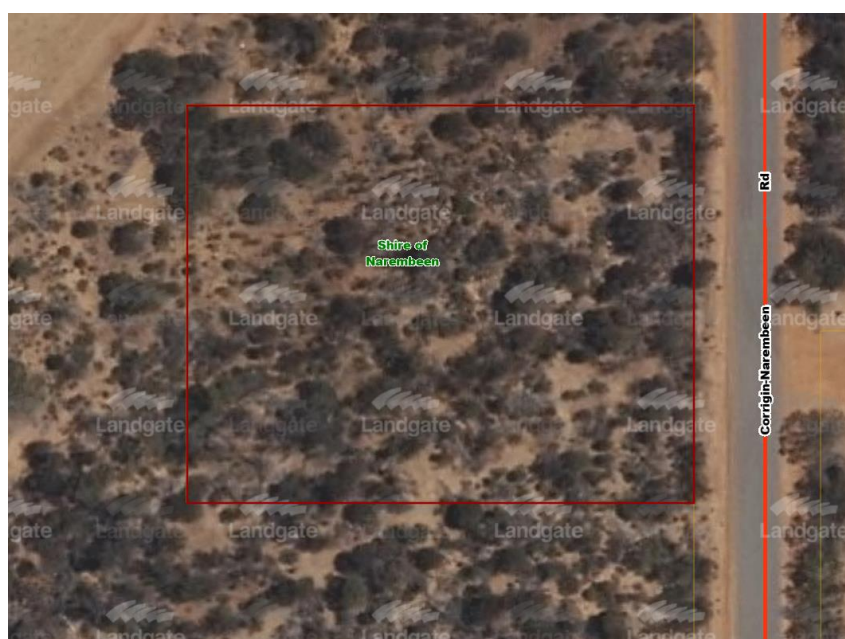
Rates on Avon land parcel 25892 had been included on Assessment A4110, 2275 Corrigin – Naremben road in the name of AC Sedgewick. The parcel is 0.6 hectares. Upon sale of the land in 2017 it was discovered that the land parcel was never transferred from R Owens to AC Sedgewick in 1990 when the land was purchased, R Owens has since passed away.

In 2017, the land parcel was subdivided, and a probate search conducted on the estate of Roma Hazel Owen, no records were found. Ms Owens son Donald Owens was contacted and had no interest in transferring the land into his name as the land is mainly remnant vegetation with little to no value.

In accordance with the *Local Government Act 1995* section 6.64 the Shire has four options.

- (a) From time to time lease the land; or
- (b) Sell the land; or
- (c) Cause the land to be transferred to the Crown; or
- (d) Cause the land to be transferred to itself.

AMPAC have advised that the process will be at a cost of approximately two to three thousand dollars for option c or d and a timeframe of 18 months to complete.



COMMENT

Officers obtained a valuation on the land from Elders, who have advised that as there is little to no sales appeal, they would place a minimum price of \$250.

The current outstanding rates are \$2520, it is recommended that the Shire commence action to have the land transferred to itself or alternatively the crown.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate Services
Works Manager
AMPAC
Elders

STATUTORY IMPLICATIONS

Local Government Act 1995

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
- (a) From time to time lease the land; or
 - (b) Sell the land; or
 - (c) Cause the land to be transferred to the Crown; or
 - (d) Cause the land to be transferred to itself

FINANCIAL IMPLICATIONS

131120000 – Rates write off expense \$2520 not including interest not applied yet
131160000 – Rate recovery expense \$2000 - \$3000

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Nil

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:-

- 1. Resolves to exercise its power to take possession of A4110, 2275 Corrigin-Naremben Road, Naremben under Section 6.64 of the Local Government Act 1995 for the non-payment of rates and cause the land to be transferred to itself.*
- 2. Write off outstanding rates on A4110 totalling approximately \$2,520 as part of the transfer process.*

COUNCIL RESOLUTION

MIN 7211/21

MOTION - Moved Cr. P Lines

Seconded Cr. R DeLuis

That Council:-

- 1. Resolves to exercise its power to take possession of A4110, 2275 Corrigin-Naremben Road, Naremben under Section 6.64 of the Local Government Act 1995 for the non-payment of rates and cause the land to be transferred to itself.*
- 2. Write off outstanding rates on A4110 totalling approximately \$2,520 as part of the transfer process.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

AGENDA ITEM: 8.2.4 - Financial Report – 31 March 2021

Subject:	Financial Report - 31 March 2021
Applicant:	Shire of Narembeen
File Ref:	N/A
Disclosure of Interest:	Nil
Author:	Rachael Moore, Finance Officer
Authorising Officer:	Tamara Clarkson – Executive Manager Corporate Service
Date:	8 April 2021
Attachments:	Financial Report - March 2021 (see attachment binder)

SUMMARY

The monthly Statement of Financial Activity discloses the Shire's financial activities for the period ending 31 March 2021.

BACKGROUND

The monthly financial report is presented in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's financial activities.

COMMENT

Council's closing surplus position at 31 March 2021 amounts to \$2,065,040 with current assets of \$6,657,613 and \$2,810,924 in reserve funds.

There has been a significant increase in current assets due to \$1,834,282 in revenue being transferred from contract liability.

The current receivables are high this period due to \$979,829 expected from Main Roads, this is predominantly Wheatbelt Secondary Freight Network funding.

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate Services
Works Manager

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity.

Regulation 34(2) requires the statement of financial activity to report on the sources and applications of funds, as set out in the annual budget.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

Focus upon our local economic drivers to retain and grow existing businesses, employment and to attract new industry.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receive the Shire of Narembeen's Financial Report for the month of March 2021.

COUNCIL RESOLUTION

MIN 7212/21

MOTION - Moved Cr. W Milner

Seconded Cr. A Wright

That Council receive the Shire of Narembeen's Financial Report for the month of March 2021.

CARRIED 7/0

AGENDA ITEM: 8.2.5 - Schedule of Accounts - March 2021

Subject:	Schedule of Accounts – March 2021
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Author:	Tamara Clarkson – Executive Manager Corporate Services
Date:	6 April 2021
Attachments:	Creditors Payment List March 2021, Card Payment List March 2021 (see attachment binder)

SUMMARY

For Council to review the payments made by the Shire of Narembeen in March 2021.

BACKGROUND

The Shire's schedule of accounts is to be provided to council each month pursuant to the *Local Government (Financial Management) Regulation 1996*.

COMMENT

A schedule of accounts paid during the month of March 2021 is attached to this report and the total amounts paid from the municipal and trust fund are as follows:

Municipal Account:	\$592,175.20
Trust Account	\$0

Total	\$592,175.20

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Reg. 13 List of Accounts

1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared;
 - a. The payee's name;
 - b. The amount of the payment;
 - c. The date of the payments; and
 - d. Sufficient information to identify the transaction.

3. A list prepared under sub regulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017 – 2027

Goal Area 2: Internal and external relationships actively grow our Shire population and positive financial position.

2.1 Our organisation model is responsive to economic conditions, the delivery of core services and infrastructure so too the successful pursuit of economic opportunities that benefit our community.

RELATED PARTY TRANSACTIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council:

1. Receive the Creditors Payment List for March 2021.
2. Receive the Credit Card Payment List for March 2021.

COUNCIL RESOLUTION

MIN 7213/21

MOTION - Moved Cr. A Wright

Seconded Cr. A Hardham

That Council:

1. *Receive the Creditors Payment List for March 2021.*
2. *Receive the Credit Card Payment List for March 2021.*

CARRIED 7/0

4.54pm – Kiri Nuthdurft exited the meeting and did not return.

RECOMMENDATION

These matters will be considered behind closed doors in accordance with Section 5.23(2) (b)(c)(d) and (e) of the *Local Government Act 1995* as they are related to the personal affair of a person, a contract or contracts that may be entered into that may contain information of commercial value and legal advice.

That Council:

1. Close the meeting to the public under section 5.23(2)(b) of the *Local Government Act 1995* to discuss Agenda Item 8.3.1 – Disposal of Shire Owned Land and Property – Lot 67 Cheetham Way, Narembeen as it relates to a contract.
2. Close the meeting in accordance with Section 5.23(2)(b) and (e) of the *Local Government Act 1995* to discuss Agenda Item 8.3.2 – Appointment of Chief Executive Officer as it relates to the personal affairs of a person and a contract.
3. Close the meeting in accordance with Section 5.23(2)(d) of the *Local Government Act 1995* to discuss Agenda Item 8.3.3 – Amendment to Fees and Charges 2020/21 – Standpipe Use as it relates to legal advice obtained.
4. Close the meeting in accordance with Section 5.23(2)(c) and (e) of the *Local Government Act 1995* to discuss Agenda Item 8.1.6 – RFQ 01/2021 - Apex Park Upgrade

COUNCIL RESOLUTION

MIN 7214/21

MOTION - Moved Cr. A Hardham

Seconded Cr. K Mortimore

That Council:

1. *Close the meeting to the public under section 5.23(2)(b) of the Local Government Act 1995 to discuss Agenda Item 8.3.1 – Disposal of Shire Owned Land and Property – Lot 67 Cheetham Way, Narembeen as it relates to a contract.*
2. *Close the meeting in accordance with Section 5.23(2)(b) and (e) of the Local Government Act 1995 to discuss Agenda Item 8.3.2 – Appointment of Chief Executive Officer as it relates to the personal affairs of a person and a contract.*
3. *Close the meeting in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to discuss Agenda Item 8.3.3 – Amendment to Fees and Charges 2020/21 – Standpipe Use as it relates to legal advice obtained.*
4. *Close the meeting in accordance with Section 5.23(2)(c) and (e) of the Local Government Act 1995 to discuss Agenda Item 8.1.6 – RFQ 01/2021 - Apex Park Upgrade.*

CARRIED 7/0

8.3 Confidential Reports

CONFIDENTIAL AGENDA ITEM: 8.3.1 - Disposal of Shire Owned Land – Lots 66 and 67 Cheetham Way, Narembeen

COUNCIL RESOLUTION

MIN 7215/21 **MOTION** - Moved Cr. K Mortimore Seconded Cr. A Wright

That Council:

1. *Authorise staff to negotiate the sale of Lots 66 and 67 Cheetham Way, Narembeen with a minimum sale price of market value.*
2. *If all parties agree to point 1 above, then in accordance with section 3.58 (3) of the Local Government Act 1995, advertise by local public notice of its intention to dispose of Lot 66 Cheetham Way, Narembeen for \$33,664 to Shae Biddulph and Justin Irving and Lot 67 Cheetham Way, Narembeen for \$33,664 to Sam and Hannah Bald.*
3. *In accordance with section 3.58 (4) c (ii), declare the market value of the proposed disposition to be \$33,664.*
4. *Consider any submissions received on the proposed disposal at its meeting in May 2021.*

CARRIED 7/0

5.02pm – D Blurton, T Clarkson and S Thomas exited the meeting.

CONFIDENTIAL AGENDA ITEM: 8.3.2 - Appointment of Chief Executive Officer

COUNCIL RESOLUTION

MIN 7216/21

MOTION - Moved Cr. P Lines

Seconded Cr. A Hardham

That Council:

1. *Appoints Mr David Blurton to the position of Chief Executive Officer with the Shire of Narembeen for a period of three (3) years commencing on 21 April 2021 and concluding on 22 April 2024;*
2. *Is of the belief that Mr David Blurton is suitably qualified for the position of Chief Executive Officer; and*
3. *Is satisfied with the provisions of the proposed employment contract to be entered into with (Full Name) with a total reward package as advertised and in line with the Salaries and Allowances Act 1975 Section 7A Band 4.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

5.07pm – D Blurton and S Thomas returned to the meeting.

5.08pm – T Clarkson returned to the meeting.

Cr R Cole congratulated Mr D Blurton on his new appointment as the Chief Executive Officer of the Shire of Narembeen.

CONFIDENTIAL AGENDA ITEM 8.3.3 - Amendment to Fees and Charges 2020/2021 – Standpipe Use

COUNCIL RESOLUTION

MIN 7217/21

MOTION - Moved Cr. A Hardham

Seconded Cr. W Milner

That Council:-

1. *Rescind the Council Resolution MIN 7168/21 made at the Ordinary Meeting of Council held on 17 February 2021 (Absolute Majority Required).*
2. *Adopt the amendment of the Fees and Charges to reflect a charge of \$5.00 per kilolitre for standpipe use.*
3. *Direct the CEO to commence a local public notice period to inform the community of the change to the fees and charges schedule from Wednesday 21 April 2021, with the changes to be officially imposed from Thursday 6 May 2021.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

CONFIDENTIAL AGENDA ITEM: 8.1.6 – RFQ 01/2021 - Apex Park Upgrade

COUNCIL RESOLUTION

MIN 7218/21 **MOTION** - Moved Cr. R DeLuis Seconded Cr. A Wright

That Council reject the RFQ's as presented and re-tender as per the *Local Government (Functions and General) Regulations (1996)*.

CARRIED 7/0

RECOMMENDATION

That Council re-open the meeting to public.

COUNCIL RESOLUTION

MIN 7219/21 **MOTION** - Moved Cr. K Mortimore Seconded Cr. W Milner

That Council re-open the meeting to public.

CARRIED 7/0

9.0 Urgent business as permitted by Council

Nil

10.0 Councillor's Reports

Cr K Mortimore

Attended

- CEO selection meeting
- Government Regional Officer Housing webinar
- Meeting with Ramelius Management
- St John Ambulance meeting
- Staff v Councillors Bowls evening

Other

Community Wellbeing Plan Survey – Cr Mortimore asked if Councillors could please complete and encourage other community members to complete

Cr P Lines

Attended

- Wadderin meeting

Cr R DeLuis

Attended

- CEO selection meeting
- Staff v Councillors Bowls evening

Other

- Suggestion that Go Narembreen's lease of Avoca Farm be reviewed

Cr A Hardham

Attended

- CEO selection meeting
- School Board meeting

Other

- Reviewed Main Street Beautification Concept Plan

Cr A Wright

Attended

- CEO selection meeting

Cr W Milner

Attended

- CEO selection meeting
- Staff v Councillors Bowls evening
- Men's Shed meetings
- Staff v Councillors Bowls evening

Other

- Reviewed Main Street Beautification Concept Plan
- Assisted Historical Society with drawings

Cr R Cole

Attended

- Several in person and phone meetings for selection, appointment and negotiations for new CEO
- Zone Executive meeting
- Meeting with Ramelius Management
- Government Regional Officer Housing webinar
- CRC functions including an excellent Ladies Long Lunch Event and Coffee Club morning tea at Myola - the CRC continue to prove their worth in education and community inclusivity
- Staff v Councillors Bowls evening.

Other

Staff v Councillors Bowls evening was a great success in a team building and social capacity. This model could be looked at instead of the staff BBQ at chambers for future Christmas events. Thank you to Cr A Wright for cooking BBQ at the Bowls evening. Congratulations to staff who were the winners

11.0 Date, time & place of next meeting

Tuesday 18 May 2021, 4.00pm at the Narembeen Shire Council Chambers, 1 Longhurst Street, Narembeen.

12.0 Closure

There being no further business the Chair declared the meeting closed at 5.41pm.

13.0 Certification of Meeting Minutes

I, Cr Rhonda Cole, Shire President certify that the Minutes of the Ordinary Meeting of Council held on Tuesday 20 April 2021, as show on pages 1 to 54 are confirmed as a true and correct record of the meeting.

Cr Rhonda Cole
PRESIDING PERSON

Date