



COUNCIL CALENDAR

Date	Time	Meeting
21 November 2023	5.00pm	Ordinary Meeting of Council
12 December 2023	5.00pm	Ordinary Meeting of Council

NOVEMBER MEETING PROGRAM

2.00pm	Councillor Discussion Forum
4.00pm	Ordinary Meeting of Council

MEETING GUESTS

Mrs Regina DeLuis

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MINUTES

Shire of Narembeen Ordinary Council Meeting Tuesday 24 October 2023, commencing at 4.00pm

1.0 Opening & Welcome

In accordance with Clause 3 of Schedule 2.3 of the *Local Government Act 1995* the Chief Executive Officer is to preside at the meeting until the office of President is filled.

The Chief Executive Officer, Mrs Rebecca McCall welcomed everyone to the meeting and declared the meeting open at 4.11pm.

2.0 Swearing In Ceremony and Elections

In accordance with Section 2.29 of the *Local Government Act 1995*:

Newly Elected Councillor

Reading of the Oath

Cr Hannah Bald read the Declaration by Elected Member, the ceremony was witnessed by Mrs Regina DeLuis, JP.

Re-elected Councillors

Cr Chris Bray read the Declaration by Elected Member, the ceremony was witnessed by Mrs Regina DeLuis, JP.

Cr Amy Hardham read the Declaration by Elected Member, the ceremony was witnessed by Mrs Regina DeLuis, JP.

Election of President

Mrs Regina DeLuis, JP invited nominations for the position of President of the Council, for the ensuing two years.

The following nomination was received:

Cr Scott Stirrat - Accepted

There being no further nominations Cr Scott Stirrat was duly elected to the position of President for the Shire of Narembeen for a term of office expiring October 2025.

Reading of Oath

Cr Scott Stirrat read the Declaration by President, the ceremony was witnessed by Mrs Regina DeLuis JP.

Election of Deputy President

Mrs Regina DeLuis, JP invited nominations for the position of Deputy President of the Council, for the ensuing two years.

The following nomination was received:

Cr Holly Cusack - Accepted

There being no further nominations Cr Holly Cusack was duly elected to the position of Deputy President for the Shire of Narembeen for a term of office expiring October 2025.

3.0 Seating Arrangements

3.1 To be conducted by Ballot

The seating arrangements for the next two-year period were determined by ballot.
From left to right:

Cr Scott Stirrat
Cr Holly Cusack
Cr Chris Bray
Cr Any Hardham
Cr Trevor Cole
Cr Hannah Bald
Cr Michael Currie

4.0 Attendance & Apologies

Attendance

Councillors

Cr Scott Stirrat	President
Cr Holly Cusack	Deputy President
Cr Chris Bray	
Cr Any Hardham	
Cr Trevor Cole	
Cr Hannah Bald	
Cr Michael Currie	

Staff

Rebecca McCall	Chief Executive Officer
Ben Forbes	Executive Manager Corporate Services
Kathryn Conopo	Senior Administration Officer (minute taker)

Public

Regina DeLuis
Kellie Mortimore (until 4.26pm)
Warren Milner (until 4.26pm)
Lorraine Lethlean (until 4.26pm)
Lynda Cornish (until 4.26pm)
Sam Bald (until 4.26pm)
Sheree Thomas (until 4.26pm)
Georgia Atkins (until 4.26pm)
Sarah Kuhne-Munroe (until 4.26pm)
Bailey Kuhne-Munroe (until 4.26pm)
Mason Kuhne-Munroe (until 4.26pm)
Jack Cusack (until 4.26pm)
Charlie Cusack (until 4.26pm)

Apologies

Nil

Approved leave of absence

Nil

5.0 Declarations of Interest

Cr Bald declared an interest in item 10.1.5

6.0 Announcements

6.1 Application for leave of absence

Nil

7.0 Public Question Time & Deputations (15 min)

Nil

8.0 Minutes of Previous Meetings

8.1 Confirmation of Minutes of Ordinary Meeting of Council

8.1.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Ordinary Meeting held on Tuesday 26 September 2023

RECOMMENDATION/ COUNCIL RESOLUTION

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 26 September 2023 be confirmed as a true and accurate record of the proceedings.

MIN 7661/23 **MOTION** - Moved Cr. Cole

Seconded Cr. Hardham

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

8.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 26 September 2023

8.2 Receive Minutes of the Great Eastern Country Zone (GECZ) meeting

RECOMMENDATION/ COUNCIL RESOLUTION

That the minutes of the meeting of the GECZ Meeting held on Monday 21 August 2023 be received.

MIN 7662/23

MOTION - Moved Cr. Cusack

Seconded Cr. Bray

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

8.3 Receive Minutes of the Bushfire Advisory Committee/Volunteer Fire Brigade meeting

RECOMMENDATION/ COUNCIL RESOLUTION

That the minutes of the meeting of the Bushfire Advisory Committee/Volunteer Fire Brigade meeting held on Friday 29 September 2023 be received.

MIN 7663/23

MOTION - Moved Cr. Cole

Seconded Cr. Currie

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

8.3.1 Committee Recommendation – Office Bearers

RECOMMENDATION/ COUNCIL RESOLUTION

That Council adopts the Narembeen Bushfire Advisory Committee/Volunteer Bushfire Brigade recommendation that the following persons be appointed as Office Bearers for the 2023/2024 fire season:

Chairperson	Murray Dixon
Captain	Brendan Parsons
Lieutenant	Peter Cowan

MIN 7664/23

MOTION - Moved Cr. Cusack

Seconded Cr. Cole

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

8.3.2 Committee Recommendation – Fire Control Officers

RECOMMENDATION/ COUNCIL RESOLUTION

That Council adopts the Narembeen Bushfire Advisory Committee/Volunteer Bushfire Brigade recommendation that the following persons be appointed as Fire Control Officers for the 2023/2024 fire season:

Chief Fire Control Officer	Murray Dixon
Deputy Chief Fire Control Officer	Mitchell Miolini
East Sector	Joel DeLuis
West Sector	Trevor Cole
North Sector	Mitchell Miolini
Central Sector	Alan Yandle
Central Sector	Andrew Hardham

MIN 7665/23

MOTION - Moved Cr. Bald

Seconded Cr. Currie

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

8.3.3 Committee Recommendation – Bushfire Notice

RECOMMENDATION/ COUNCIL RESOLUTION

That Council adopts the Narembeen Bushfire Advisory Committee/Volunteer Bush Fire Brigade recommendation that the Bushfire Notice for 2023/2024:

- Prohibited Burning Period - 1 November to 31 January.
- Restricted Burning Periods - 19 September to 31 October and 1 February to 15 March.

MIN 7666/23

MOTION - Moved Cr. Cole

Seconded Cr. Currie

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

9.0 Status Report

RECOMMENDATION/ COUNCIL RESOLUTION

That the Status Report for October be received.

MIN 7667/23

MOTION - Moved Cr. Bray

Seconded Cr. Hardham

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

10.0 Reports

10.1 Chief Executive Officer

AGENDA ITEM: 10.1.1 - Development Assessment Panels – Local Government Member Nominations

Subject:	Development Assessment Panels – Local Government Member Nominations
Applicant:	Department of Planning, Lands and Heritage
File Ref:	ADM152
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	11 October 2023
Attachments:	Nil

PURPOSE

Following the elections, the Development Assessment Panel (DAP) membership has changed, and Council needs to consider new representative members.

Council is to nominate two members and two alternate members to the DAP.

BACKGROUND

As a key component of planning reform in Western Australia, DAP is intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Each DAP comprises five (5) members – three (3) specialist members (including the presiding member) and two local government members.

Council has the following members nominated as DAP members for the term ending 26 January 2024:

- DAP Local Government Members – Cr H Cusack and Cr S Stirrat
- DAP Local Government Alternate Members – Cr W Milner and Cr C Bray

The Department of Planning, Lands and Heritage have requested that Council nominates four members for a term ending 26 January 2028 by 24 November 2023.

Details of DAPs are as follows:

Mandatory DAP Applications

These are development applications which must be determined by a DAP and cannot be determined by a Local Government or the Western Australian Planning Commission (WAPC). Mandatory applications must meet the following value thresholds:

DAP	Mandatory value threshold
City of Perth	\$20 million or more
Rest of the State	\$10 million or more

Optional “Opt-in” DAP Applications

These are development applications where the applicant may choose to have the application determined by a DAP, or by the Local Government or WAPC under the normal process. In order to be considered an “opt-in” application, the application must fit within the following value thresholds:

DAP	Mandatory value threshold
City of Perth	Between \$2 million - \$20 million
Rest of the State	Between \$2 million - \$10 million

Narembeen is part of the Mid-West/Wheatbelt Joint Development Assessment Panel.

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Planning and Development (Development Assessment Panels) Regulations 2011

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Nil

VOTING REQUIREMENTS

Simple Majority

COMMENT

Following the restructure of the Council numbers there is a vacancy for the local government DAP membership.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the Planning and Development (Development Assessment Panels) Regulations 2011, Council is required to nominate as soon as possible following the elections, four elected council members to sit as DAP members for the Shire of Narembeen.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council's Development Assessment Panel members be:

Local Government Member 1 – Cr Cusack

Local Government Member 2 – Cr Stirrat

Local Government Alternate Member 1 – Cr Bray

Local Government Alternate Member 2 – Cr Hardham

The appropriate Development Assessment Panels Local Government Member Nomination is to be completed and forwarded to the Department of Planning, Lands and Heritage.

MIN 7668/23 **MOTION** - Moved Cr. Currie Seconded Cr. Cole

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

AGENDA ITEM: 10.1.2 - Council Representation on Committee and Working Groups

Subject:	Council Representation on Committee and Working Groups
Applicant:	Not applicable
File Ref:	ADM146
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	11 October 2023
Attachments:	Nil

PURPOSE

Council to appoint representatives to committees and working groups following the 2023 Local Government Election.

BACKGROUND

Council reviews the representation on committee and working groups every two years.

Having Council representation on Council and Community Working Groups provides for effective community consultation and advocacy.

The 2021 - 2023 representation is included below:

Committee/Working Group	Delegates	Proxy
Audit and Risk Management Committee	All Councillors	
Central Agedcare	Cr Hardham	Cr Currie
Community Shed	Cr Milner	Cr Bray
Development Assessment Panel - Wheatbelt	Cr Cusack Cr Stirrat	Cr Milner Cr Bray
Eastern Wheatbelt Biosecurity Group	Cr Stirrat	Cr Cole
Go Narembeen	Cr Currie	Cr Hardham
Great Eastern Country Zone WALGA	Cr Mortimore Cr Stirrat	Cr Milner
Historical Society	Cr Bray	Cr Mortimore
Recreation Working Group	Cr Stirrat Cr Mortimore	Cr Currie
Local Emergency Management Committee	Cr Mortimore	Cr Bray
Local Skeleton Weed Advisory	Cr Currie	Cr Cole
Narembeen Aged Homes Management Committee	Cr Hardham	Cr Cusack
Narembeen Bushfire Advisory Committee/Volunteer Fire Brigade	CEO Murray Dixon Cr Cole	Cr Stirrat
Plant Replacement Advisory Committee	Cr Currie Cr Mortimore Cr Milner	Cr Cole
Roe Regional Organisation of Councils (RoeROC)	Cr Mortimore Cr Stirrat	Cr Milner
Roe Sub-Group RRG	Cr Stirrat	Cr Cusack
Roe Tourism	Cr Hardham	Cr Bray
School P & C	Cr Cusack	Cr Currie

St John Ambulance	Cr Mortimore	Cr Milner
Wheatbelt South Regional Road Group	Cr Stirrat	Cr Cusack
Main Street Project Working Group	Cr Hardham Cr Milner	Cr Bray
Rural Water Council	Cr Bray	Cr Cusack
Shire of Narembeen and Ramelius Resources Community Benefit Fund	Cr Mortimore	Cr Stirrat

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 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

Section 5.10 – Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

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

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish — (a) to be a member of the committee; or (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Local Government Act Section 5.11 – Deputy committee members

5.11A. Deputy committee members

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

* Absolute majority required.

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

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member. [Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

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

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

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

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

Bush Fires Act 1954

67. Advisory committees (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

(2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.

Shire of Narembreen Standing Orders Local Law 2020.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

4.2.17 – Members Sitting Fees and Travel Expenses

4.2.18 – Presidents Representation of Council Great Eastern Zone WALGA

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Corporate Business Plan 2020/21 – 2023/24

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

Goal Area 3. We contribute to a healthy community.

VOTING REQUIREMENTS

Absolute Majority

COMMENT

Audit and Risk Management Committee

This committee meets at least twice a year and is held before an Ordinary Meeting of Council. The purpose of this committee is to oversee risk management, internal control, legislative compliance, and external audit processes. This includes acceptance of the auditors' statements and management reports.

To fulfil its functions under regulation 16(c) of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Management Committee is to report direct to Council.

It is recommended that all members of Council sit on this committee.

Central Agcare

There are no records showing when this committee last met, therefore it is proposed to remove this committee from the list.

Community Shed

The community shed incorporates both the Men's Shed and the community space for Arts and Crafts.

WALGA Great Eastern Country Zone

The Zone meeting provides for Council input on local government issues at a regional level. The representation of this committee is the Shire President and Deputy. A proxy is required.

Eastern Wheatbelt Biosecurity Group

The objects of the association are to limit the impacts of pest animals and pest plant species within Eastern Wheatbelt communities by initiating, promoting and fostering the control of pests on all classes of land in the area, and encouraging landholders, land managers and other persons to adopt sound pest management practices on all classes of land throughout the area.

Go Naremben

Go Naremben is Naremben's Progress Association.

Historical Society

The Naremben Historical Society works to preserve, collect, research and interpret historical information and items.

Recreation Working Group

To provide advice and guidance on sport and recreation relevant to Shire of Narembeen while representing the community's needs and aspirations in line with the Sport and Recreation Plan.

Local Emergency Management Advisory Committee (LEMAC)

The purpose of the LEMAC is to provide advice and assist in the establishment, development, review and testing of local emergency management arrangements and to carry out emergency management activities as directed by State Emergency Management Committee or prescribed by regulations.

This group meets quarterly.

Skeleton Weed Local Action Group

The Local Action Group assists its members in meeting all lawful obligations under the *Biosecurity and Agriculture Management Act 2007* and associated Regulations 2011, by identifying and treating the invasive weed, Skeleton Weed.

Narembeen Aged Homes Management Committee

Narembeen Aged Homes Inc provides housing and support services to the elderly in Narembeen.

Narembeen Bushfire Advisory Committee/Volunteer Fire Brigade

Advise Council on all matters relating to bushfire control including the management of bush fire brigades and coordination of prevention, preparation, and response strategies.

This group meets quarterly.

Plant and Works Working Group

Together with staff representatives, discuss and make recommendations to Council for plant required by the Shire of Narembeen.

Roe Regional Organisation of Councils (RoeROC)

RoeROC is a group of four regional councils consisting of Narembeen, Corrigin, Kondinin and Kulin. The group share health services and management of the Waste Management facility in Bendering.

The representation of this committee is the Shire President and Deputy. A proxy is required.

Roe Subgroup Regional Road Group

Subgroup of the Wheatbelt South Regional Road Group focussed specifically on roads within the region.

Roe Tourism

Roe Tourism is a not-for-profit incorporated community tourism group incorporating six Shires of the Roe district – Corrigin, Kulin, Kondinin, Lake Grace, Narembeen, Beverley, Bruce Rock and Quairading. Roe Tourism is a tourism marketing body for the well-recognised Pathways to Wave Rock self-drive route, which includes the iconic and internally recognised Wave Rock.

School P&C

Representation on the P&C continues to strengthen our relationship with the school.

St John Ambulance

St John volunteers provide first aid services, training, and equipment for our local community.

Wheatbelt South Regional Road Group

The Shire President has historically represented Shire on this group with a focus on our regional road network.

OFFICER RECOMMENDATION

That Council appoints the following Councillors to the committee and working groups listed below:

Committee/Working Group	Representatives	Proxy
Audit and Risk Management Committee		
Community Shed		
Eastern Wheatbelt Biosecurity Group		
Go Narembeen		
Great Eastern Country Zone WALGA		
Historical Society		
Recreation Working Group		
Local Emergency Management Committee		
Local Skeleton Weed Advisory		
Narembeen Aged Homes Management Committee		
Narembeen Bushfire Advisory Committee/Volunteer Fire Brigade	CEO Murray Dixon	
Plant & Works Working Group		
Roe Regional Organisation of Councils (RoeROC)		
Roe Sub-Group RRG		
Roe Tourism		
School P & C		
St John Ambulance		
Wheatbelt South Regional Road Group		

COUNCIL RESOLUTION

Committee/Working Group	Representatives	Proxy
Audit and Risk Management Committee	All Councillors	
Community Shed	Cr Bray	Cr Cole
Eastern Wheatbelt Biosecurity Group	Cr Stirrat	Cr Currie
Go Narembeen	Cr Currie	Cr Hardham
Great Eastern Country Zone WALGA	Cr Stirrat	Cr Cusack
Historical Society	Cr Bray	Cr Hardham
Recreation Working Group	Cr Stirrat Cr Cusack	Cr Curie
Local Emergency Management Committee	Cr Stirrat	Cr Bray
Local Skeleton Weed Advisory	Cr Cole	Cr Currie
Narembeen Aged Homes Management Committee	Cr Cusack	Cr Hardham
Narembeen Bushfire Advisory Committee/Volunteer Fire Brigade	CEO Murray Dixon	Cr Cole
Plant & Works Working Group	Cr Cole Cr Currie Cr Bray	Cr Stirrat
Roe Regional Organisation of Councils (RoeROC)	Cr Stirrat Cr Cusack	Cr Hardham
Roe Sub-Group RRG	Cr Stirrat	Cr Cusack
Roe Tourism	Cr Hardham	Cr Bald
School P & C	Cr Bald	Cr Cusack
St John Ambulance	Cr Bald	Cr Currie
Wheatbelt South Regional Road Group	Cr Stirrat	Cr Cusack
Housing Committee	Cr Cusack Cr Hardham Cr Bald	
CEACA	Cr Cusack	Cr Hardham Cr Bald
Shire of Narembeen and Ramelius Resources Community Benefit Fund	Cr Stirrat	Cr Cusack

MIN 7669/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Cusack

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

Reason for change: There was a need to nominate representatives and proxies for all committees and working groups listed under Background, except for Central Agcare.

AGENDA ITEM: 10.1.3 - 2024 Council Meeting Dates

Subject:	2024 Council Meeting Dates
Applicant:	Not applicable
File Ref:	ADM195
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	11 October 2023
Attachments:	Nil

PURPOSE

To consider the Ordinary Council meeting dates for 2024.

BACKGROUND

Council is required to consider and adopt the Ordinary Council Meeting dates including venue, time and place and the advertising of this information by way of local public notice.

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - g) the giving of public notice of the date and agenda for council or committee meetings

Local Government (Administration) Regulations 1996

Regulation 12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 4.2.13 - Meetings – When Held

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2017-2027

Goal 3. We contribute to a healthy community.

3.1 We can provide leadership and networks to our local community groups to help them achieve their goals, identify common priorities and to provide opportunities for active participation in our community.

VOTING REQUIREMENTS

Simple Majority

COMMENT

The suggested dates for 2024 are:

20 February 2024

19 March 2024

16 April 2024

21 May 2024

18 June 2024

16 July 2024

20 August 2024

17 September 2024

15 October 2024

19 November 2024

17 December 2024

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council:

1. resolves to hold its Ordinary Council Meetings for 2024 on the third Tuesday of every month, with meetings commencing at 5.00pm to be held in the Council Chambers, 1 Longhurst Street, Narembeen, except for January.
2. directs the Chief Executive Officer to give local public notice of the date, time, and place of the 2024 Ordinary Council Meetings.

MIN 7670/23

MOTION - Moved Cr. Cole

Seconded Cr. Bald

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

AGENDA ITEM: 10.1.4 - Christmas and New Year Administration, Depot, and Community Resource Centre Closure

Subject:	Christmas and New Year Administration, Depot, and Community Resource Centre Closure
Applicant:	Not applicable
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	11 October 2023
Attachments:	Nil

PURPOSE

For Council to acknowledge the closure of the administration, depot, and Community Resource Centre (CRC) over the 2023/24 Christmas and New Year period.

BACKGROUND

Shire of Narembeen historically closes the administration, depot, and CRC between Christmas and New Year.

CONSULTATION

Executive Manager Corporate Services
Works Manager
Staff

STATUTORY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 – 2032

Community: Happy, safe, healthy, and inclusive community.

Civic Leadership: Well governed and efficiently managed Local Government.

VOTING REQUIREMENTS

Simple Majority

COMMENT

In considering the Christmas and New Year period, it is proposed to close the administration, depot, and CRC between COB Friday 22 December 2022 to 5 January 2024, reopening Monday 8 January 2024.

The CEO will be available to response to emergency callouts. The CEO will provide public notice.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council acknowledges the administration, depot and Community Resource Centre closure for the period commencing Monday 25 December 2023, reopening 8.30am Monday 8 January 2024.

MIN 7671/23 **MOTION** - Moved Cr. Cusack Seconded Cr. Hardham

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

AGENDA ITEM: 10.1.5 - Debtor Write Off – Venue Hire Charges

Subject:	Debtor Write – Venue Hire Charges
Applicant:	Laura Cala – For the Country Kids Dance School
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	11 October 2023
Attachments:	Letter - request to waive fees

PURPOSE

For Council to approve the write off of venue hire charges at the request of For the Country Kids Dance School.

BACKGROUND

For the Country Kids Dance School is having their annual end of year showcase on Thursday 16 November 2023.

A representative from For the Country Kids contacted the Chief Executive Officer (CEO) requesting if the hire charges could be waived to help facilitate the event. Historically, hire fees have been approved.

As part of the annual budget for the year ended 30 June 2024, Council adopted fees for the hire of the Town Hall of \$140.91 (excluding GST) per 24 hours, plus a bond of \$300.00.

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

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.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

FINANCIAL IMPLICATIONS

Waiving the charge would forgo \$140.91 in fees and charges revenue. Council has budgeted \$2,000.00 for the 2024 financial year for writing off debts.

POLICY IMPLICATIONS

Council Policy 1.8 – Debt Management
Executive Policy – Debtor Management
Delegation F.2 – Writing off debts

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan – 2022 – 2032

Strategic Priority 1.1: Together with key stakeholders identify and deliver opportunities for young people across the Shire.

Strategic Priority 1.3: Inclusive community activities, events and initiatives.

Corporate Business Plan 2022 – 2024

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

Goal 3: We contribute to a healthy community.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Supporting the dance school to host the event aligns with Council's goals outlined in the Strategic Community Plan.

Given that the financial impact is minimal and within budget it is recommend approving the request to waive the hire fees.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, write off the Town Hall hire charges for the end of year Showcase for the Country Kids Dance School.

MIN 7672/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Cusack

**CARRIED 7 / 0
BY SIMPLE MAJORITY**

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

AGENDA ITEM: 10.1.6 - Rural Industry – Lot 300 Merredin-Narembeen Road/ Fricker Road, Wadderin

Subject:	Rural Industry (2 bulkheads) – Lot 300 Merredin-Narembeen Road / Fricker Road, Wadderin
Applicant:	Cooperative Bulk Handling
File Ref:	ADM 550
Disclosure of Interest (Staff):	Nil
Author:	Liz Bushby, Town Planning Innovations
Date:	4 October 2023
Attachments:	1. Temporary works exemption, 2022 2. Site Plan

PURPOSE

Council is to consider a new application lodged by Cooperate Bulk Handling (CBD) for two permanent bulkheads on Lot 300 Merredin-Narembeen Road/Fricker Road, Wadderin.

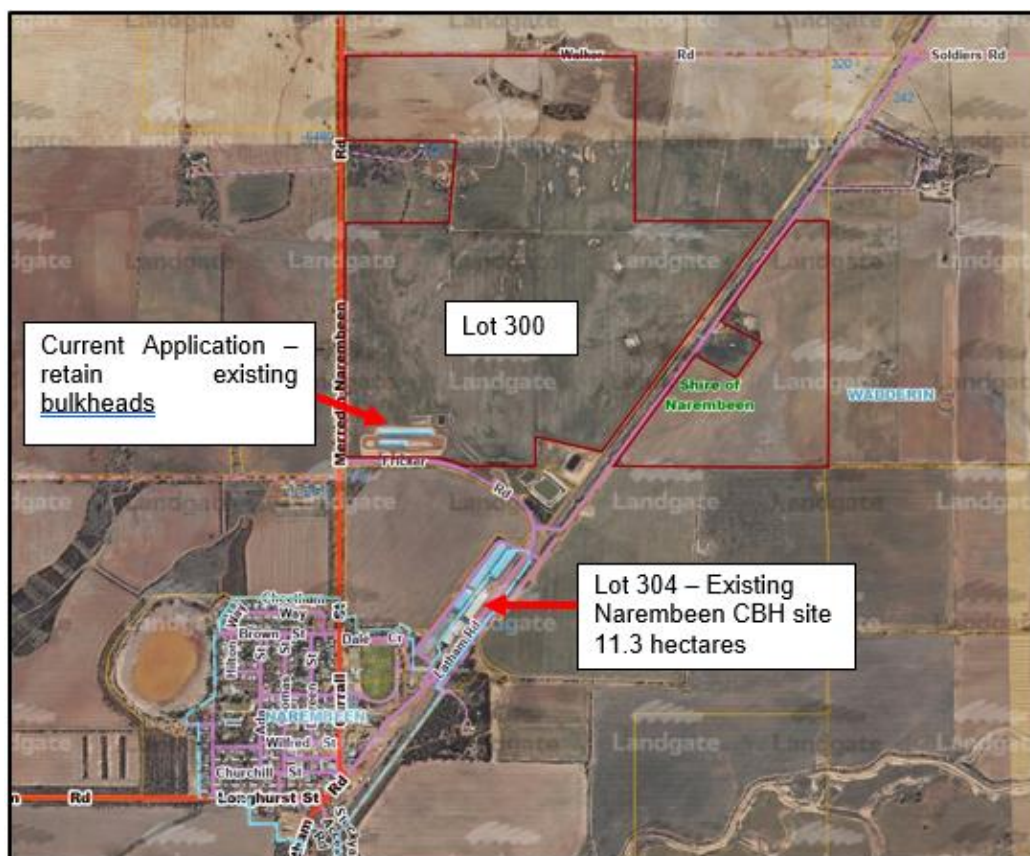
BACKGROUND

There is an existing CBH receival facility on Lot 304 adjacent to Latham Road.

At the Ordinary Meeting held on 19 July 2022, Council resolved to grant delegated authority to the Chief Executive Officer (CEO) to deal with requests seeking an exemption from the need for planning approval for temporary works (Item 8.1.4).

The delegation was put in place for 12 months between the 19 July 2022 to the 19 July 2023.

On 22 July 2022, the CEO granted an exemption for emergency bulkheads on Lot 300 for a maximum period of twelve months. Construction of the bulkheads was completed on 7 December 2022. A location plan of Lot 300 is included over page for ease of reference.



Left: Location Plan showing Lot 300

CONSULTATION

The application has not been advertised for public comment. The Shire has discretion to advertise any application for public comment.

STATUTORY IMPLICATIONS

Shire of Narembeen Town Planning Scheme No 2 –

Lot 300 is zoned 'Farming' under the Shire of Narembeen Local Planning Scheme No 2 ('the Scheme').

The objectives of the Farming zone are:

- 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; and
- 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.

The proposed land use is construed as a 'Rural Industry' defined in the Scheme as means "*an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality*".

A 'Rural Industry' is listed as an 'AA' use in the Farming zone. In the Zoning Table of the Scheme, 'AA' means "*that the use is not permitted unless the local government has granted development approval*".

Council has discretion to approve the development.

Planning and Development (Local Planning Schemes) Regulations 2015

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

Development application fees apply.

POLICY IMPLICATIONS

The Town Planning Scheme No 2 is applicable.

RISK MANAGEMENT IMPLICATIONS

There are no known risk management implications associated with this report.

STRATEGIC PLAN REFERENCE

Not applicable.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Due to back-to-back record harvests over the last two years, CBH has advised that they have a large amount of grain left across the network that they continue to hold in addition to this year's harvest.

Subsequently, CBH have applied to retain the two existing bulkheads on Lot 300 which have a total storage capacity of 60,260 tonnes. The bulkheads may be replaced or upgraded if required.

CBH has advised that:

- The CBH Narembeen facility is a key site within its Kwinana North zone that has been identified for expansion, however, it is constrained.
- CBH is working collaboratively with one landowner over a long-term solution however due to the confidential nature of these discussions is not able to comment any further on this.
- CBH is grateful to both the landowner and Shire for their ongoing assistance allowing CBH to continue to store and handle crop in the area.

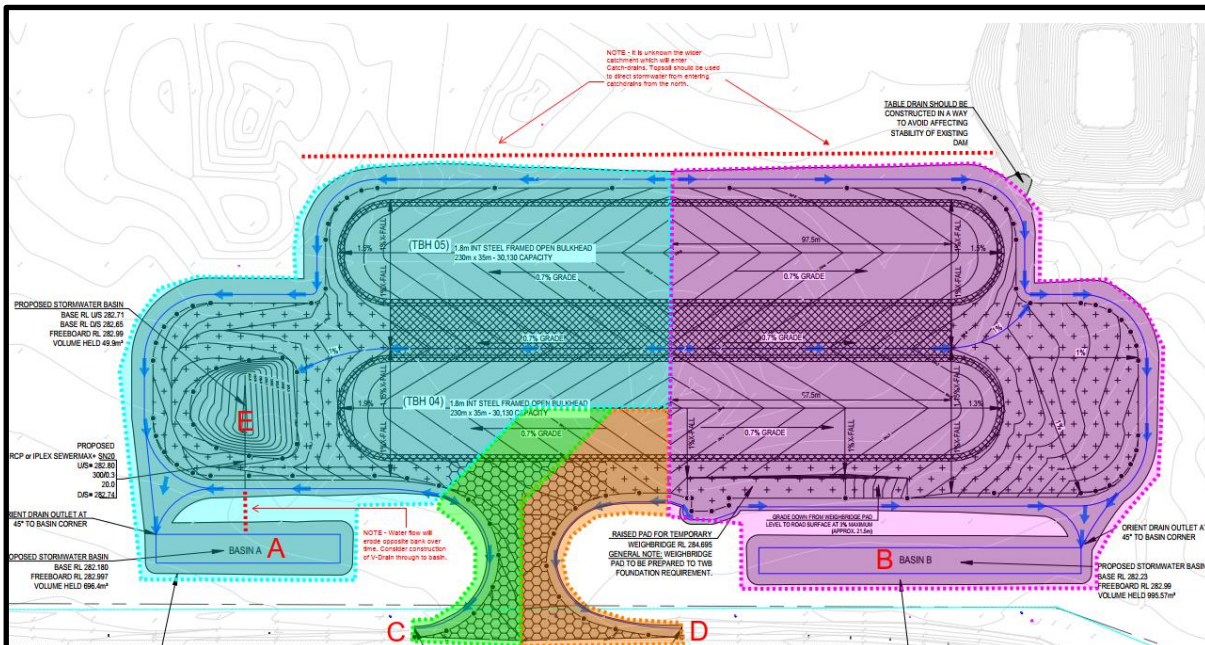
A site plan and elevations are included.

Stormwater drainage was addressed as part of the proposal lodged in 2022 for temporary works.

This development application proposes to retain the impervious surfaces and associated stormwater runoff created by the construction of the two bulkheads.

Two drainage basins have been designed and constructed to detain runoff volume in excess of predevelopment flows. Basin A has been designed to detain flows from the western portion of the site and Basin B has been designed to detain flows from the eastern portion of the site.

A storage volume of 696m³ has been provided for Basin A and 995m³ has been provided for Basin B to cater for the development. The storage volumes are greater than the minimum storage required of 573m³ and 633m³ respectively.



Above: Extract of drainage plan from the Drainage Report, which shows Basin A and B

Maintenance (pumping out) of the two stormwater drainage basins by the CBH site operations team will be undertaken after each storm event to return the basin to pre-storm levels. Maximum basins pump out rates have been estimated at 40l/s however pumping is monitored as per the recommendations within the drainage report.

CBH has advised that they will ensure that noise from the specification and installation of any mechanical equipment as well as traffic and construction noise does not exceed assigned levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

CBH has advised they frequently undertake noise and dust monitoring across its sites when required.

The Shire has not received any complaints about dust or noise associated with the two bulkheads on Lot 300.

CBH has also lodged a Traffic Impact Statement (TIA) prepared by a traffic consultant to support retention of the existing bulkheads.

A summary of the TIA is as follows:

- (a) if local production exceeds the capacity of the Narembeen receival site, CBH must out-turn grain simultaneously (Harvest Essential Moves) to continue to offer a service to growers, and by doing so, increase the traffic on surrounding roads during the peak harvest period.
- (c) the proposal to retain the bulkheads on Lot 300 will enable CBH to reduce the volume of Harvest Essential Moves (HEMs) with the intention of reducing trucks on road during the harvest, and instead holding the grain on site to out-turn over the remaining 9 months of the year when the road network is less busy.
- (d) If the two bulkheads are decommissioned, then a total of 1004 additional truck movements (Harvest Essential Moves) would be required during the harvest period (which equates to 23 truck movements per day) – refer Table 4 below.

	Decommission OBH	Retain OBH
Record Site Task ¹	217,568t	217,568t
Available Site Capacity	135,100t	195,360t
Harvest Essential Moves (HEMs) - Road	82,468t	22,208t
Road HEMs per Harvest	1,374	370
Road HEMs per Day	31	8

Notes: A. $1,374 - 370 = 1004$ truck movements

B. The figures in Table 4 outline truck movements for the Narembeen receival site and the storage/bulkheads on Lot 300

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council approves the application for a Rural Industry (two bulkheads) on Lot 300 Merredin Narembeen Road/Fricke Road, Wadderin subject to the following conditions:

1. the plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
2. the Drainage Report prepared by EDG (20 September 2022) together with any requirements and recommendations detailed thereon, are approved as part of this application, and shall form part of the development approval issued. The operator, Cooperative Bulk Handling, shall implement the approved plans as they relate to the operational phase of the development, during the life of the development.

MIN 7673/23 MOTION - Moved Cr. Cusack

Seconded Cr. Currie

CARRIED 5 / 2

For: Cr Cusack, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Cr Stirrat, Cr Bray

AGENDA ITEM: 10.1.7 – Budget Amendment – Fees and Charges

Subject:	Inclusion of Feed Vendor Fees
Applicant:	Not applicable
File Ref:	ADM121
Disclosure of Interest:	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	13 October 2023
Attachments:	Nil

PURPOSE

For Council to consider and approve a budget amendment to include fees for food vendors:

1. Food Vendor – Annual Fee
2. Mobile Food Vendors
3. Mobile Food Vendors (Charity, Local Sporting, Community Groups Exempt)

BACKGROUND

Under Section 6.19 of the *Local Government Act 1995*, Councils are required to give local public notice if it wishes to impose any new fees or changes after the budget has been adopted.

This item brings a recommendation from Management before Council to give local public notice of the introduction of fees for food vendors to the fees and charges schedule.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate Services
Environmental Health Officer

STATUTORY IMPLICATIONS

Food Act 2008
Local Government Act 1995

6.19. Local Government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed

FINANCIAL IMPLICATIONS

The addition of fees and charges will generate unbudgeted revenue for the 2023/24 financial year.

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

STRATEGIC PLAN REFERENCE

Civic Leadership – Well governed and efficiently managed Local Government
Compliant and resourced Local Government

VOTING REQUIREMENTS

Absolute Majority

COMMENT

Periodically, the Shire of Narembeen receives requests from food vendor requesting seeking permission to operate within the townsite. It is deemed appropriate to incorporate fees and charges, aligning with the provisions of the *Food Act 2008*.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council adopts the inclusion of the below listed fees and charges:

		Ex-GST
7524010	Food Vendors Trading in Public places – Annual Fee	\$156.00
7524010	Mobile Food Vendors – per application	\$75.00
7524010	Mobile Food Vendors (Charity, Local Sporting, Community Groups Exempt) – per application	\$0.00

MIN 7674/23 **MOTION** - Moved Cr. Hardham Seconded Cr. Bald

CARRIED 7 / 0
BY ABSOLUTE MAJORITY

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil

AGENDA ITEM: 10.1.8 – Disposal of Property

Subject:	Disposal of Property; Plant and Equipment
Applicant:	Not Applicable
File Ref:	ADM597
Disclosure of Interest (Staff):	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	13 October 2023
Attachments:	Nil

PURPOSE

This item presents a proposal for Council to consider the reserve price of budgeted disposal of property; plant and equipment.

BACKGROUND

The annual budget 2023/2024 includes the disposal of the following assets – plant and equipment:

Mack Prime Mover NB 6079
Mack Prime Mover NB 7704
Volvo Loader PE1207
Toro Reelmaster Mower PE156

Except as stated in Section 3.58 of the *Local Government Act 1995*, a local government can only dispose of property to the highest bidder at public auction or 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.

CONSULTATION

Plant Replacement Advisory Committee
Chief Executive Officer
Executive Manager Corporate Services
Works Manager
Pickles

STATUTORY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* is applicable and states:

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.*

FINANCIAL IMPLICATIONS

The annual budget 2023/2024 includes the disposal of asset, plant and equipment. The value provided by Pickles is considerably lower than the budgeted proceeds as depicted below:

Plant	\$ (GST Exclusive)		
	Budgeted Proceeds	Budgeted Book Value	Budgeted Profit/(Loss)
Mack Prime Mover NB 6079	105,000	100,000	5,000
Mack Prime Mover NB 7704	100,000	100,000	0
Volvo Loader PE1207	250,000	110,000	140,000
Toro Reelmaster Mower PE156	3,500	8,000	(4,500)

Plant	\$ (GST Exclusive)		
	Estimated Proceeds	Budgeted Book Value	Estimated Profit/(Loss)
Mack Prime Mover NB 6079	75,205	100,000	(24,795)
Mack Prime Mover NB 7704	79,628	100,000	(20,372)
Volvo Loader PE1207	88,476	110,000	(21,524)
Toro Reelmaster Mower PE156	4,424	8,000	(3,576)

Based on the estimated proceeds after fees, the Shire will incur a net loss of (\$70,267) instead of the budgeted gain of \$140,500 resulting in an overall deficit in the budget of \$215,767.

Prior to the Budget Review, the staff in conjunction with the Plant Replacement Advisory Committee will need to identify the implications of the reduced proceeds and what strategies can be considered by Council to accommodate the deficit.

POLICY IMPLICATIONS

Council Policy 1.2 – Procurement Framework
Executive Policy

RISK MANAGEMENT IMPLICATIONS

Risk Rating – High; risk acceptable with adequate controls, managed by senior management and subject to monthly monitoring.

There is a high risk of not achieving the budgeted plant replacement program.

STRATEGIC PLAN REFERENCE

Strategic Community Plan – 2022 – 2032

4. Civic Leadership: well governed and efficiently managed Local Government.
- 4.2: Compliant and resourced local government.

Corporate Business Plan 2022 – 2024

2.1(b): Continue to meet compliance with statutory and regulatory requirements.

VOTING REQUIREMENTS

Simple Majority

COMMENT

The annual budget 2023/2024 included acquisitions to replace identified plant. Council nominated to go to auction for the disposal of plant and equipment rather than trade at the time of replacement.

Pickles provided values based on the latest sales history available and online research.

Description	Registration	Auction Value Inclusive GST plus Fees	Photo
2011 6X4 Mack CMMT M Drive Auto Granite Prime Mover Day Cab MP8 435hp 50,000KG GCM 226622km's 8497 Engine Hours	NB 6079	\$65,000.00 – 75,000.00	
2012 6X4 Mack CMMT M Drive Auto Granite Prime Mover Day Cab MP8 435hp 70,000KG GCM 163800km's 7188 Engine Hours	NB 7704	\$75,000.00 - \$85,000.00	
Volvo L120F Wheel Loader Volvo D7E Engine Approx 2013 Model 8380 Hrs To Be Sold Unregistered Transmission Oil Leak Visible Underneath	NB461	\$55,000.00 - \$65,000.00	
Toro Reelmaster 3100D Reel Mower 3175 Hrs Showing Kubota D1102-ES04 Engine Estimate around 2016 To Be Sold Unregistered Hydraulic Leak Visible Underneath	NB7536	\$3,500.00	

The Plant Replacement Advisory Committee recommended setting the following reserve prices:

Plant	Reserve Price (\$) GST Inclusive + Fees
Mack Prime Mover NB 6079	85,000
Mack Prime Mover NB 7704	90,000
Volvo Loader PE1207	100,000
Toro Reelmaster Mower PE156	5,000

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council proceeds with Pickles to auction the listed plant with a set reserve price of:

Plant	Reserve Price (\$) GST Inclusive + Fees
Mack Prime Mover NB 6079	85,000
Mack Prime Mover NB 7704	90,000
Volvo Loader PE1207	100,000
Toro Reelmaster Mower PE156	5,000

MIN 7675/23 MOTION - Moved Cr. Bray

Seconded Cr. Currie

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

R DeLuis left the meeting 5.35pm

AGENDA ITEM: 10.1.9 – RFT 02/2023 – Provision of Engineering Technical Services

Subject:	RFT 02/2023 Provision of Engineering Technical Services
Applicant:	Not Applicable
File Ref:	ADM053
Disclosure of Interest (Staff):	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	12 October 2023
Attachments:	Panel Assessments & Price Summary (Confidential)

PURPOSE

This item presents Request for Tender (RFT) 02/2023 Provision of Engineering Technical Services for consideration and if satisfactory endorsement.

BACKGROUND

At its Ordinary Council Meeting dated June 2020 (**MIN 7055/20**), Council endorsed the following:

- 1. Approved that SEMC Pty Ltd, based on the recommendation of the evaluation panel, local knowledge as the current provider and their company experience be awarded the contract for the Provision of Engineering and Technical Services for the Shire of Narembeen for the period 1 July 2020 until 30 June 2021, with an option to extend for a further two years subject to satisfactory performance of the contractor.*
- 2. Approve that the CEO be endorsed to undertake the contract performance assessment at 30 June 2021 and to approve to the two year option to extend the contract if the assessment is confirmed that the contractor is performing to a satisfactory standard.*

Upon the expiration of the initial two (2) period and satisfactory contract performance of the contractor, the CEO approved the two-year option to extend the contract.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate Services
Works Manager

STATUTORY IMPLICATIONS

Section 3.57 of the *Local Government Act 1995* is applicable:

3.57 Tenders for providing goods and services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.
- (2) Regulations may make provision about tenders.

Division 2 of the *Local Government (Functions and General) 1996* is application for the conduct of the tender process.

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

FINANCIAL IMPLICATIONS

Budgeted funds for engineering and technical services are included as part of road construction and design, and future budgets will also incorporate a separate allocation for the development of identified projects.

POLICY IMPLICATIONS

Council Policy 1.2 – Procurement Framework
Executive Policy

RISK MANAGEMENT IMPLICATIONS

Risk Rating – Low

Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

The formation of the contract will include appropriate conditions to minimise the exposure to risk.

STRATEGIC PLAN REFERENCE

Strategic Community Plan – 2022 – 2032

- 4. Civic Leadership: well governed and efficiently managed Local Government.
- 4.2: Compliant and resourced local government.

Corporate Business Plan 2022 – 2024

2.1(b): Continue to meet compliance with statutory and regulatory requirements.

VOTING REQUIREMENTS

Simple Majority

COMMENT

In accordance with Section 3.57 of the *Local Government Act 1995* tenders were invited from suitably experienced and qualified contractors for the provision of engineering services for an initial period of one (1) year with the option to extend for a further two (2) years.

The Confidential Attachment outlines the scope of engagement, which aims to support the Shire of Narembeen in successfully carrying out its annual capital and maintenance projects and programs.

The statutory advertising period commenced on 12 August 2023 and upon closing on 1 September 2023, eight (8) submissions were received.

The submissions were assessed by the selection panel against the Qualitive Criteria outlined in the RFT, with the price summary and panel assessments shown in the Confidential Attachments.

The assessment indicated score variances, however upon a consultative discussion with the Works Manager and carrying out due diligence, including reference checks, the panel recommends SEMC Pty Ltd as the preferred supplier.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council:

1. accepts the Tender submitted by SEMC Australia Pty Ltd as the successful supplier for Request for Tender 02/2023 – Provision of Engineering Technical Services in the amount as per the Confidential Attachment as the most advantageous tender to form a Contract; and
2. in accordance with regulation 20(1) of the *Local Government (Functions & General) Regulations 1996*, Council delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.
3. authorises the Chief Executive Officer to execute the contract.

MIN 7676/23 MOTION - Moved Cr. Hardham

Seconded Cr. Bray

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

R DeLuis re-entered the meeting at 537

AGENDA ITEM: 10.1.10 - Rural Industry (2 Bulkheads) – Lot 15 (No 4544) Hyden-Mount Walker Road, Mount Walker

Subject:	Rural Industry (2 Bulkheads) – Lot 15 (No 4544) Hyden-Mount Walker Road, Mount Walker
File Ref:	ADM550
Disclosure of Interest (Staff):	Nil
Author:	Liz Bushby, Town Planning Innovations
Date:	4 October 2023
Attachments:	1. Temporary planning approval, 2021 2. Temporary works exemption, 2022 3. Site Plan with TPI notes (in red text)

PURPOSE

Council is to consider a new application lodged by Cooperative Bulk Handling for two permanent bulkheads on Lot 15 (No 4544) Hyden-Mount Walker Road, Mount Walker.

BACKGROUND

In 2021, CBH advised of their intention to seek a temporary planning approval for an emergency bulkhead on Lot 278 (now known as Lot 15). A report on the proposal was considered by Council at the Ordinary Meeting held on 20 July 2021 (**MIN 7244/21**)

In July 2021, Council resolved to grant delegated authority to the Chief Executive Officer to determine the application once formally lodged.

Formal development approval was issued on the 7 September 2021 by the Chief Executive Officer – Attachment 10.1.10. The approval was for a two-year period.

Lot 15 originally formed part of Lot 278 Hyden-Mount Walker Road in Mount Walker.

In 2021, a boundary re-alignment was pursued between original Lots 3119, 278 and 2165 Hyden-Mount Walker Road, Mount Walker.

The purpose of the boundary re-alignment was to contain all CBH infrastructure on a new Lot 15. Council supported the application at the Ordinary Meeting held on the 16 November 2021 (**MIN 7289.21**).

The subdivision/boundary re-alignment was subsequently approved by the Western Australian Planning Commission on the 23 November 2021.

A location plan is included over page.



Above: Aerial showing Lot 15

At the Ordinary Council Meeting held on the 19 July 2022, Council resolved to grant delegated authority to the Chief Executive Officer to deal with requests seeking an exemption from the need for planning approval for temporary works **(MIN 7464/22)**.

The delegation was put in place for 12 months between the 19 July 2022 to the 19 July 2023.

On the 22 July 2022, the Chief Executive Officer granted an exemption for an emergency bulkhead on the subject land for a maximum period of twelve months.

CONSULTATION

The application has not been advertised for public comment. The Shire has discretion to advertise any application for public comment.

STATUTORY IMPLICATIONS

Shire of Narembeen Town Planning Scheme No 2 –

Lot 15 is zoned 'Farming' under the Shire of Narembeen Local Planning Scheme No 2 ('the Scheme').

The objectives of the Farming zone includes:

- 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; and
- 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.

The proposed land use is construed as a 'Rural Industry' defined in the Scheme as '*means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality*'.

A 'Rural Industry' is listed as an 'AA' use in the Farming zone in the Zoning Table of the Scheme, which '*means that the use is not permitted unless the local government has granted development approval*'.

Council has discretion to approve the development.

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 Town Planning Scheme No 2.

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

Development application fees will be applicable.

POLICY IMPLICATIONS

The Town Planning Scheme No 2 is applicable.

RISK MANAGEMENT IMPLICATIONS

There are no known risk management implications associated with this report.

STRATEGIC PLAN REFERENCE

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Due to back-to-back record harvests over the last two years, CBH has advised that they have a large amount of grain left across the network that they continue to hold in addition to this year's harvest.

Subsequently CBH have applied to retain the two existing bulkheads on site permanently which provides an additional total storage capacity of 60,260 tonnes.

The two existing bulkheads currently contain carryover grain. The intention is to use the bulkheads during peak or above average years to avoid the need to seek temporary approvals as has been done over the last two seasons.

A site plan showing the existing bulkheads is included. The site plan has been marked to reflect the 2021 and 2022 approval history.

Stormwater drainage was addressed as part of the application lodged in 2021 for a temporary approval, and as part of the request for an exemption for a temporary bulkhead in 2022.

The first bulkhead (TBH 03) established in 2021 incorporated a new cut off drain and bunded area, as well as diversion of stormwater drainage to an off-site catchment discharged to the south of the site.

A storage volume of 400m³ was provided for the second 2022 bulkhead (TBH 04) which was in excess of the minimum storage required of 240m³.

The stormwater information lodged in 2021 and 2022 has been re-lodged to support this new application.

CBH has advised that they will ensure that noise from the specification and installation of any mechanical equipment as well as traffic and construction noise does not exceed assigned levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

CBH has advised they frequently undertake noise and dust monitoring across its sites when required.

The Shire has not received any complaints about dust or noise associated with the two bulkheads.

CBH has also lodged a Traffic Impact Statement (TIA) prepared by a traffic consultant to support retention of the bulkhead extensions.

A summary of the TIA is as follows:

- (a) CBH propose to retain the two existing bulkheads and maintain the existing nameplate capacity of 142,060 tonnes.
- (b) if local production exceeds the capacity of the Mount Walker, CBH must out-turn grain simultaneously (Harvest Essential Moves) to continue to offer a service to growers, and by doing so, increase the traffic on surrounding roads during the peak harvest period.
- (c) the proposal to retain the bulkhead extensions will enable CBH to reduce the volume of Harvest Essential Moves (HEMs) with the intention of reducing trucks on road during the harvest, and instead holding the grain on site to out-turn over the remaining 9 months of the year when the road network is less busy.
- (d) if the bulkhead extensions are decommissioned, then an additional 274 truck movements per day would be required during the harvest period – refer Table 4 below.

Table 4: Retaining the development.

	Decommission TBH 04	Retain TBH 04
Record Site Task ¹	128,341t	128,341t
Available Site Capacity	111,930t	142,060t
Harvest Essential Moves (HEMs)	16,411t	-
HEMs per Harvest	274	-
HEMs per Day	6	-

¹ For the purposes of this assessment the record site task has been adopted and therefore should not be interpreted as the average.

² Figures may not sum due to rounding.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

That Council approves the application for a Rural Industry (two bulkheads) on Lot 15 (No 4544) Hyden-Mount Walker Road, Mount Walker subject to the following conditions:

1. the plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
2. all existing drainage infrastructure associated with this development shall be maintained in a clean and clear condition.

MIN 7677/23 MOTION - Moved Cr. Currie

Seconded Cr. Cole

CARRIED 6 / 1

For: Cr Stirrat, Cr Cusack, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Cr Bray

10.2 Executive Manager Corporate Services

AGENDA ITEM: 10.2.1– Request to Waive Aquatic Centre Entrance Fees

Subject:	Request to Waive Aquatic Centre Entrance Fees
Applicant:	Narembeen District High School
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Ben Forbes, Executive Manager Corporate Services
Date:	16 October 2023
Attachments:	Nil

PURPOSE

For Council to approve the waiver of entrance fees to the Narembeen pool for Narembeen District High School students attending the Education Department’s Interim Swimming program.

BACKGROUND

The Department of Education runs an Interim Swimming program for two weeks every year, teaching school children how to swim for students in pre-primary through to Year 6.

This long-standing program sees consistent attendance by the students.

The school has estimated about 940 children would enter the facility over the two-week period, not accounting for any existing season pass holders.

Entry fees for children aged 5-16 are \$2.27 (ex-GST); based on the school’s estimates, waiving the fees would forgo approximately \$2,133 (ex-GST) in fees.

CONSULTATION

Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995

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.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

FINANCIAL IMPLICATIONS

Waiving the charge would forgo approximately \$2,133 (ex-GST) in fees and charges revenue.

Council has budgeted \$2,000.00 for the year ended 30 June 2024 for debt write off.

POLICY IMPLICATIONS

Council Policy 1.8 – Debt Management
Executive Policy – Debtor Management
Delegation F.2 – Writing off Debts

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan – 2022 – 2032

Strategic Priority 1.1: Together with key stakeholders identify and deliver opportunities for young people across the Shire.

Strategic Priority 1.3: Inclusive community activities, events and initiatives.

Corporate Business Plan 2022 – 2024

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

Goal 3: We contribute to a healthy community.

VOTING REQUIREMENTS

Simple Majority

COMMENT

There is historical precedent to the school's application; entry fees were waived in 2019, 2020 and 2021 for the same program.

Given that the financial impact is relatively minimal, the school does a lot to generate traffic and business throughout the town and the fee waiver is strongly in alignment with Council's strategic community plan there is good reason to waive the fees.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council, pursuant to Section 6.12 (1) (c) of the Local Government Act 1995, waive the entrance fees for the Narembeen District High School for all student entry under the Education Department's Interim Swimming program.

MIN 7678/23 **MOTION** - Moved Cr. Cusack Seconded Cr. Cole

**CARRIED 7 / 0
BY SIMPLE MAJORITY**

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

AGENDA ITEM: 10.2.2 - Monthly Financial Statements for the Month ended 30 September 2023

Subject:	Monthly financial statements for month ended 30 September 2023
Applicant:	Shire of Narembeen
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Ben Forbes, Executive Manager Corporate Services
Date:	17 October 2023
Attachments:	Monthly financial statements – 30 September 2023

PURPOSE

For Council to accept the financial statements for the month ended 30 September 2023.

BACKGROUND

The monthly financial reports are 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.

CONSULTATION

Chief Executive Officer

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

RISK MANAGEMENT IMPLICATIONS

- Compliance risk - low.
Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring
- Financial Impact risk - moderate.
Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 - 2032

Strategic priority 4.2: “We have sound financial and asset management policies and practices in place”.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Council’s closing funding surplus as at 30 September 2023 is \$6,316,795, with cash on hand of \$10,517,836 including \$4,734,815 of restricted reserves.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council receive the monthly financial statements for the month ended 30 September 2023.

MIN 7679/23 **MOTION** - Moved Cr. Currie Seconded Cr. Cusack

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

AGENDA ITEM: 10.2.3 - Schedule of Accounts for Month Ended 30 September 2023

Subject:	Schedule of Accounts for month ended 30 September 2023
Applicant:	Not Applicable
File Ref:	ADM018
Disclosure of Interest:	Nil
Author:	Annette Byrne – Administration Officer
Date:	10 October 2023
Attachments:	Schedule of accounts paid - 1 September to 30 September 2023 Credit card payments - 14 July 2023 – 15 August

PURPOSE

For Council to receive the list of payments made by the Shire of Narembeen for the month ended 30 September 2023.

BACKGROUND

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

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

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

CIVIC LEADERSHIP: Well governed and efficiently managed Local Government.

4.2 Compliant and resourced Local Government

- We have sound financial and asset management policies and practices in place.
- Transparent, accountable, and integrated reporting.

VOTING REQUIREMENTS

Simple Majority

COMMENT

The schedule of accounts paid during the month of September 2023 is attached to this report. Total payments from the municipal fund for the month ended 30 September 2023 is \$269,738.54

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council:

1. Receive the schedule of accounts paid for the month ended 30 September 2023
2. Receive the credit card payments list for the period 14 July 2023 – 15 August 2023.

MIN 7680/23

MOTION - Moved Cr. Bray

Seconded Cr. Currie

CARRIED 7 / 0

*For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil*

10.3 Confidential Reports

Nil

R DeLuis left the meeting at 5.42pm

11.0 Urgent Business as Permitted by Council

COUNCIL RESOLUTION

That Council agrees to allow urgent business.

MIN 7681/23 **MOTION** - Moved Cr. Stirrat Seconded Cr. Hardham

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

COUNCIL RESOLUTION

That Council close the meeting to public, under Section 5.23 (2) (a) (b) and (c), of the Local Government Act 1995, as the following agenda item relates to a contract that may be entered into.

MIN 7682/23 **MOTION** – Moved Cr. Cusack Seconded Cr. Cole

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.

Against: Nil

The meeting was closed to the public.

AGENDA ITEM: 11.1.1 – Prism Contracting & Consulting Pty Ltd

Subject:	Draft Minor Works Contract
Applicant:	Not Applicable
File Ref:	ADM053
Disclosure of Interest (Staff):	Nil
Author:	Rebecca McCall, Chief Executive Officer
Date:	12 October 2023
Attachments:	Draft Contract; Technical Requirement & Scope of Works

PURPOSE

This item presents the draft Minor Works Contract between the Shire of Narembeen and Prism Contracting & Consulting Pty Ltd for consideration and if satisfactory endorsement.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

That Council:

1. endorses the draft Minor Works Contract and Technical Requirements and Scope of Works between the Shire of Narembeen and Prism Contracting & Consulting Pty Ltd;
2. in accordance with regulation 20(1) of the *Local Government (Functions & General) Regulations 1996*, Council delegates the of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.
3. authorises the Chief Executive Officer to execute the contract.
4. authorises the Chief Executive Officer to approve project variations after the execution of the contract as per the below:

Project Variations	Value	Authorisation
Single Project Variation	Capped at \$20,000	CEO Authorised
Single Project Variation	Above \$20,000	To be presented to Council
Total Project Variations	Capped at \$55,000	CEO Authorised
Total Project Variations	Above \$55,000	To be presented to Council

MIN 7683/23 **MOTION** - Moved Cr. Bray Seconded Cr. Currie

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil

COUNCIL RESOLUTION

That Council re-open the meeting to public.

MIN 7684/23 **MOTION** – Moved Cr. Cole Seconded Cr. Bald

CARRIED 7 / 0

For: Cr Stirrat, Cr Cusack, Cr Bray, Cr Hardham, Cr Cole, Cr Bald, Cr Currie.
Against: Nil

The meeting was re-opened to the public and R DeLuis returned.

12.0 Councillor's Reports

Cr S Stirrat

Attended

- Swearing In Ceremony
- EWBG AGM

Cr H Cusack

Attended

- Swearing In Ceremony
- CEACA Auditors. CEACA will be having a meeting with State Government in next few weeks regarding funding options for housing projects.

Cr T Cole

Attended

- Swearing In Ceremony
- Bushfire AGM

Cr C Bray

Attended

- Swearing In Ceremony

Cr A Hardham

Attended

- Swearing In Ceremony
- Wadderin Meeting
- Town Team Meeting – intend to install Christmas lights at the clock tower

Cr M Currie

Attended

- Swearing In Ceremony

Cr H Bald

Attended

- Swearing In Ceremony

13.0 Date, time & place of next meeting

Tuesday 21 November, 5.00pm at the Shire of Narembeen Council Chambers.

14.0 Closure

There being no further business the Chair declared the meeting closed at 5.56pm.