

# SHIRE OF CARNAMAH

## Ordinary Meeting of Council

20 June 2018

### Notice of Meeting

Dear Councillor,

The next Ordinary Meeting of the Carnamah Shire Council is to be held:

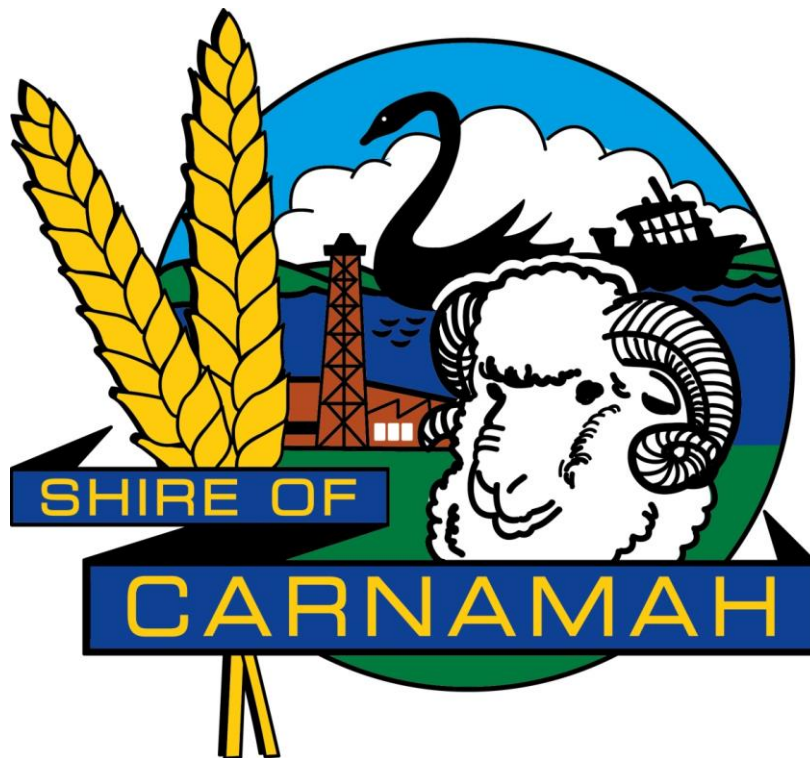
On: Wednesday 20 June 2018

At: Carnamah Council Chambers  
33-37 Macpherson Street, Carnamah 6517

Commencing at: 4:00pm

*Note: Briefing Session will commence at 3:00pm*

.....  
**K L OBORN**  
**CHIEF EXECUTIVE OFFICER**



# AGENDA

Ordinary Meeting of Council

20 June 2018

**SHIRE OF CARNAMAH**  
**ORDINARY MEETING OF COUNCIL – 20 June 2018**

**AGENDA**

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APPENDIX "A"

Minutes of Ordinary Meeting of Council – 16 May 2018  
(As circulated)

## SHIRE OF CARNAMAH

### DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Carnamah during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnamah.

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

Signed: \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER**

# SHIRE OF CARNAMAH

## AGENDA

### ORDINARY MEETING OF COUNCIL

To be held at the Council Chambers, 33-37 Macpherson Street, Carnamah  
On Wednesday 20 June 2018  
Commencing at 4.00pm

1. **DECLARATION OF OPENING**
  
2. **RECORD OF ATTENDANCE**
  - Present
  
  - Apologies
  
  - Leave Of Absence (Previously Approved)
  
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
  
4. **PUBLIC QUESTION TIME**
  
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
  
6. **DISCLOSURE OF INTEREST**
  
7. **PETITIONS, DEPUTATIONS AND PRESENTATIONS**
  
8. **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**
  
9. **CONFIRMATION OF MINUTES**

<b>9.1 Minutes of Ordinary Meeting of Council held 16 May 2018</b>
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*As Circulated*

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Item 9.1**

*That the Minutes of the Ordinary Meeting of Council held on 16 May 2018 be accepted as a true and correct record.*



## 10 MANAGEMENT REPORTS

### 10.1 FINANCE REPORTS

#### 10.1.1 Accounts for Payment

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	14 June 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

#### SUMMARY

Council to confirm the payment of creditors for the period 3 May 2018 to 8 June 2018, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

#### ATTACHMENT

Copy of list of accounts paid (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

#### BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

#### COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4 *Financial Report*  
Local Government (Financial Management) Regulations 1996 -  
*Section 12 Payments from municipal fund or trust fund;*  
*Section 13 Lists of accounts; and*  
*Section 15 Rounding off figures*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Item: 10.1.1**

*That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 3 May 2018 to 8 June 2018; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:*

<b>Manual Municipal cheques:</b>	<b>022540 – 022545</b>
<b>Municipal cheques:</b>	<b>28113 – 28120</b>
<b>Municipal EFT's:</b>	<b>11245 – 11361</b>
<b>Trust Cheques:</b>	<b>300422 – 300424</b>
<b>Payroll direct debits:</b>	<b>#23 - #24</b>
<b>Municipal Direct Debits</b>	<b>31/05/2018</b>

***Totalling \$ 1,366,182.51 be approved and passed for payment.***

## 10.1.2 Financial Reports to 31 May 2018

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	14 June 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

### SUMMARY

A Statement of Financial Activity and other supplementary financial information is produced monthly as part of the Council meeting agenda.

### BACKGROUND

The attached financial report for the period 1 July 2017 to 31 May 2018 (Attachment 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

### COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2017 to 31 May 2018;
- Summary Rates Trial Balance Report as at 31 May 2018;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 34 - *Financial activity statement report* — s. 6.4

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.1.2

***That Council receive the Statement of Financial Activity for the period 1 July 2017 to 31 May 2018; and other supplementary financial information as presented.***

### 10.1.3 Adoption of proposed Differential Rating for 2018/2019 Budget

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0145
Disclosure of Interest:	Nil
Date:	12 June 2018
Author:	Deputy Chief Executive Officer
Attachments:	Nil

#### SUMMARY

The Shire has historically utilised the capacity with the Local Government Act to adopt differential rates. Differential rates enables a local government to best apportion the rates burden across the district in a fair and consistent manner.

Local Government costs across Western Australia have risen significantly over the past 12 months, much of which is attributed to the changing financial circumstances of the Western Australian economy and the subsequently difficult financial position the State Government finds itself now in.

Officers have considered the impacts upon the Shire as a result of these cost increases and this report outlines the necessary 2018/19 rating levels if Council wishes to maintain a “status quo” position in respect to its capacity to service its community and maintain its other responsibilities.

#### BACKGROUND

Where infrastructure other than that required for the normal operations of a rural property is in place, Council has the opportunity to rate that section of the property using a Gross Rental Valuation rather than an Unimproved Valuation.

In June 2009 Council resolved to adopt differential rating to ensure that the apportionment of the rates burden across the district is undertaken in a fair and consistent manner, and that rating bases are not eroded due to differing methods and periods of revaluation, land usage and impact of operations on shire resources.

Section 6.36 of the Local Government Act 1995 requires Council to give at least 21 days public notice of its intention to impose differential rates, and invite public submissions. Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment. Council at its budget meeting can adopt the advertised rates, or resolve to adopt a modified version of them.

There are several significant budget challenges that the Shire will face in 2018/19 and these are highlighted below -

1. The State Government, as part of the 2017/18 budget, proposed to remove the stamp duty exemption for local government. Whilst this was reversed the State Government then reduced the direct grants paid to local government from Main Roads. This has resulted in Council losing approximately \$41,000 in the coming year compared to 2015/16.

2. Recent successful appeals against the valuations on some properties has resulted in a loss of revenue to the tune of \$88,848 or 4.7% of the total rate revenue for 2017/18.
3. In addition to the above, there are the normal annual inflationary type impacts to accommodate on Council's operating costs, including but not limited to, electricity and water charges, incremental wage increases, insurance and regulatory requirements associated with the valuation of road and infrastructure assets.

## COMMENT

The proposed rates are based on the need to deliver a no overall increase in revenue raised from rates compared to the 2017/18 year.

The valuation rolls supplied by the Valuer General's Office has seen an overall decrease in rateable valuations of approximately 0.9% for 2018/19.

The reduction in individual rate category valuations is as follows:

Gross Rental Valuations - Town sites	5.58%
Gross Rental Valuations - Mining	66.64%
Gross Rental Valuations - Rural	28.57%
Unimproved Valuations - Rural & Mining	0.378%

During the visit by the WA Local Government Grants Commission in 2014 it was noted that the rate revenue from residential, commercial, industrial, and the mining sector was less than the Commission's assessed capacity and that the rural sector was contributing more.

With the above points in mind, and to achieve a nil increase in rate revenue, it is proposed that Council increase the Rate in the \$ by 4.0% on all rate categories.

It is also proposed that the general minimum rate be increased by 5.59% from \$715.00 to \$755.00. This is to achieve the objective of setting a reasonable minimum contribution that property owners should make to the community facilities and services that the Shire provides.

To comply with legislation (LGA 1995 Sect 6.35) Council will need to have a lower minimum rate for the rating category of GRV Rural compared to the rating categories of GRV town sites and GRV Mining and UV Rural.

It is proposed that the GRV Rural minimum rate be decrease from \$496.00 to \$389.00

The draft budget generally maintains the capacity to accommodate a similar level of services and facilities to past years, and also contains the following capital works. Roadworks grants in the main provide a significant revenue stream for several of the below projects, but in most instances these also require contributory Shire funding allocations to be made.

<b>Project</b>	<b>Budget</b>
Continued widening & sealing - Eneabba Coolimba Rd	\$1,600,000
Widen & seal to 8 metres approx. 2 km – Eneabba Three Springs Rd	\$421,000
Widen & seal to 8 metres approx. 4.1 km - Carnamah Eneabba Rd	\$449,500
Water bind & 2 coat seal - Railway Reserve (Yarra St)	\$75,056
Gravel Re-sheet Chatfield-Clarke Rd	\$182,216
Carnamah refuse site expansion	\$45,000
Eneabba refuse site expansion	\$20,000
Liquid waste site fencing	\$30,000
Replacement of 2 x dam reticulation tanks	\$50,000
Winchester Cemetery niche wall extension and bench seating	\$10,000
Astro Tourism	\$4,500
Replacement of Drake Low Loader	\$100,000
Replacement of Isuzu Truck	\$190,000
Replacement of Landcruiser Ute with Isuzu DMax 4 x 4 Ute	\$36,000
Replacement of John Deere 4255 Tractor	\$80,000
John Deere Ride On Mower	\$6,500
Replacement of Front Deck Mower	\$36,250

## **CONSULTATION**

Chief Executive Officer  
 Manager Works and Services

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

### 6.28. Basis of rates

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
  - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
  - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
  - (a) an interim valuation is made under the *Valuation of Land Act 1978*;
  - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or

(c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

*[Section 6.28 amended by No. 1 of 1998 s. 20.]*

### 6.32. Rates and service charges

- (1) When adopting the annual budget, a local government —
- (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

\* *Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
- (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
- (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

\* *Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
- (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
  - (b) the predominant purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.

- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

*[Section 6.33 amended by No. 38 of 2005 s. 15.]*

#### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6),
 on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),
 unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*



### 6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### **STRATEGIC IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The proposed general, differential and minimum rates will generate approximately the same rate revenue as raised in the 2017/18 financial year.

**VOTING REQUIREMENT**

ABSOLUTE Majority

**OFFICER RECOMMENDATION**

**Item: 10.1.3**

*That Council –*

- 1. Advertise its intention, in accordance with section 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2018/19 Financial Year:**

<b>Rating Category</b>	<b>Minimum Rate \$</b>	<b>Rate in\$ (c)</b>
<b>GRV Townsite</b>	<b>755.00</b>	<b>14.9760</b>
<b>GRV Rural</b>	<b>389.00</b>	<b>14.9760</b>
<b>GRV Mining</b>	<b>755.00</b>	<b>29.9520</b>
<b>UV Rural &amp;Mining</b>	<b>755.00</b>	<b>1.9459</b>

- 2. Consider any submissions received prior to imposing the proposed 2018/19 differential rates and minimum payments.**

#### 10.1.4 REQUEST TO WRITE OFF RATE AND SUNDRY DEBTOR

Applicant:	N/A
Location / Address:	N/A
File Ref:	Rate Debtor A536 & Sundry Debtor 1134
Disclosure of Interest:	Nil
Date:	13 June 2018
Author:	Ian Walsh, Deputy Chief Executive Officer
Attachments:	Nil

#### SUMMARY

This report recommends that the following debts, amounting to \$4,601.53 be written off.

Debtor #	Dates	Description	Amount
A536	01/07/2015 To 31/05/2018	Outstanding rates, rubbish, ESL and interest	4,368.08
1134	15/03/2017	Delivery of blue metal and sand to residence in Eneabba.	233.45

#### COMMENT

Rate Debtor A536

The rates are owed on property owned by the crown and leased to a private company. Council's debt collection firm have ascertained that the company in question was liquidated on the 14 December 2014.

As the property has reverted back to the Crown, and the lessee liquidated, Council is unable to receive payment of the debt.

Sundry Debtor 1134

The account was for supply and delivery of aggregate and sand to the debtors house in Eneabba. The debtor paid for the sand and metal on 04/04/2017 but refused to pay the remaining balance of \$233.45 being the delivery charge.

The debtor has since left town and Council debt collection firm have been unable to trace the debtor.

Considering the cost of trying to recovery these debts through legal action it would be considered financially prudent to write the debt off.

#### CONSULTATION

CEO

## STATUTORY ENVIRONMENT

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;
  - (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.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

## STRATEGIC IMPLICATIONS

Nil

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Writing off the \$4,601.53 will not have a significant impact.

## VOTING REQUIREMENT

ABSOLUTE Majority

<b>OFFICER RECOMMENDATION</b>			<b>Item: 10.1.4</b>
<b><i>That Council Write Off the following debts:</i></b>			
<b><i>Debtor #</i></b>	<b><i>Invoice #</i></b>	<b><i>Description of Debt</i></b>	<b><i>Amount</i></b>
<b><i>A536</i></b>	<b><i>N/A</i></b>	<b><i>Outstanding rates, refuse, emergency service levy and interest charges</i></b>	<b><i>\$4,368.08</i></b>
<b><i>1134</i></b>	<b><i>10803</i></b>	<b><i>Charge for delivering aggregate and sand</i></b>	<b><i>\$ 233.45</i></b>

## 10.2 ADMINISTRATION REPORTS

### 10.2.1 Adoption of Council Policy Manual

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0072
Disclosure of Interest:	Nil
Date:	6 June 2018
Author:	Karen Oborn, Chief Executive Officer
Attachments:	Att 10.2.1(a) – New policies section Att 10.2.1(b) - Policy Manual (as circulated)

#### SUMMARY

This report recommends that the updated Shire of Carnamah Policy Manual, as attached, be adopted by Council.

#### BACKGROUND

The Shire's Policy Manual is reviewed annually.

#### COMMENT

The main changes to the Policy Manual are formatting and grammar corrections. However the Credit Card policy has been revised to encompass the recommendations from the Office of the Auditor General. In addition, uniform and boot allowances have increased slightly to accommodate price increases. The other changes are the Purchasing Policy and a new Vexatious Customer Policy which were both adopted in May 2018. *For ease of review, all changes are in blue text. Upon adoption this will return to black text.*

#### CONSULTATION

Executive Team

#### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government Regulations 1996*

#### STRATEGIC IMPLICATIONS (Strategic Community Plan 2017-2022)

Nil

#### POLICY IMPLICATIONS

2018 Annual review of the whole Shire of Carnamah Policy Manual in its entirety.

#### FINANCIAL IMPLICATIONS

Nil

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER RECOMMENDATION

Item: 10.2.1

***That Council adopts the 2018 Shire of Carnamah Policy Manual, as attached.***

## 10.2.2 Community Cropping Program

Applicant:	Doust Agri- Services
Location / Address:	N/A
File Ref:	ADM0270
Disclosure of Interest:	Nil
Date:	12 June 2018
Author:	Karen Oborn, Chief Executive Officer
Attachments:	Att 10.2.2 - Carnamah Community Crop (letter)

### SUMMARY

The proposal put forward is for the Shire of Carnamah to purchase land, in order to provide an opportunity for the community to raise funds through community cropping. Some grant funds might be available for land acquisition and there is also the potential for the cropping returns to be transferred to the Shire to subsidise loan repayments. As there is a negative financial impact upon the Shire, at least for the foreseeable short term future, it is suggested that either a community group is formed to purchase and/ or lease land for this purpose; or alternatively, the Council seek approval to access unclaimed crown land for this purpose in addition to providing land for social enterprise opportunities for community development. The Shire is also currently investigating future funding opportunities through Stronger Communities and Building Better Regions funding streams, to obtain land for cropping.

### BACKGROUND

Mr Doust is suggesting that the Shire purchase land in order to provide an opportunity for the community to raise funds through community cropping, to raise much needed funds for local activities. Key points around this proposal would be:

- Cropping program to be coordinated by a community elected “cropping manager”;
- Funds to be distributed by a committee who would ask for applications from community groups;
- The committee would form Carnamah Crop Inc. and would purchase inputs (fuel, fertiliser, chemical, seed etc); and
- Local growers would donate plant and equipment for seeding, spraying and harvest.
- Mr Doust has offered to initiate and manage the program for the first 3-5 years in order to get the process established.

### COMMENT

The Shire currently allows community groups to crop approximately 11ha of land surrounding the Carnamah airstrip, however with the size modern machinery, and the shape of that particular land parcel, the area does not maximise cropping efficiency or financial returns.

With the possibility of grant opportunities not yet known or even in the current economic environment, a funding round will even be invited, the Shire would currently need to get a loan to buy land. The cost of the loan repayments would likely negate any fundraising opportunities.

If Council were to support the community cropping proposal the argument could be put that as the community groups would have access to the profits from cropping, that the reliance on the Shire for funding community projects may decrease. However, some of the cropping profits

would need to be allocated to assist with the Shire's loan repayments required for the capital costs of the land purchase. In addition, if the Shire were to own the land, Council would want to say who or what projects, the profits went to. As the land would be a Council asset, the Council would be bound to make decisions in accordance with regulations etc. and that may not be what the community committee wants, on a season by season basis. But the Shire of Carnamah could form a Council run community advisory group.

Alternatively, the Council can seek approval to access unclaimed crown land for this purpose in addition to providing land for social enterprise opportunities to facilitate community development.

## **CONSULTATION**

Executive Management Team  
Manager of Works and Services  
Shire Project Officer

## **STATUTORY ENVIRONMENT**

Local Government Act S3.59 and Local Government (Functions & General) Regulations Clause 8A (Commercial Enterprises by Local Governments).

## **STRATEGIC IMPLICATIONS (Strategic Community Plan 2017-2022)**

**Social Objective 1:** Continuity and improvement of existing services and facilities in the Shire.

## **POLICY IMPLICATIONS**

Policy 2.9 – Community Engagement.  
Policy 2.10 – Risk Management.  
Policy 2.12 – Proposals Requiring Shire Funding and/or In-kind Support.

## **FINANCIAL IMPLICATIONS**

The proposal could be funded by borrowings, grants and/or gifted land.

## **VOTING REQUIREMENT**

For information only

## **OFFICER RECOMMENDATION**

**Item: 10.2.2**

***That Council considers this proposal for future reference.***

### 10.2.3 Local Emergency Management Committee

Applicant:	Shire of Carnamah
Location / Address:	Shire of Carnamah
File Ref:	ADM0085
Disclosure of Interest:	Nil
Date:	5 June 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Att 10.2.3 - MOU LEMC arrangements

#### SUMMARY

The Western Australian Emergency Management Act 2005 requires each local government to have in place Local Emergency Management Arrangements. This report seeks Council's consideration to formally adopt the formation of a regional LEMC formed by the Shire of Carnamah, Shire of Three Springs, Shire of Mingenew, Shire of Morawa and Shire of Perenjori.

#### BACKGROUND

The Emergency Management Act 2005 sets out the requirement that each local government must have in place Local Emergency Management Arrangements. Section 38 allows for two or more local governments to form a LEMC;

#### 38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
  - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

#### COMMENT

The five Shire's have been liaising over a number of months regarding the formation of a regional LEMC. All five have now determined that a regional LEMC would be the most effective arrangement to meet the requirements of the Emergency Management Act 2005. Following the formal adoption of the regional LEMC, a MOU will be circulated to all 5 shires for sign off. A MOU was selected as the mechanism to formalise that 5 Shire collaboration as the Shires have different arrangements regarding LEMCs, such as, some having CESM's and some Shires having a shared EMRS officer instead. In addition some Shires have already formed a LEMC group and some are on their own. In addition there is a lengthy process and requirement to disband the current groups in order to reform the LEMC itself and include the 5 Shires. The MOU is designed to be the collaborative regional agreement for all 5 Shires – that will be an overarching document and sit in front of the existing LEMA's. This will mean none of the groupings or arrangements will need to formally change, each Shire will be responsible for updating their own LEMA, there is no extra cost or workload for anyone - but we can have



combined district LEMC meetings as a group by having the MOU and sharing the same agencies throughout the region.

## CONSULTATION

Adrian Brannigan from the Midwest Gascoyne, Office of Emergency Management (OEM), the Shire of Carnamah, Shire of Three Springs, Shire of Mingenew, Shire of Morawa and Shire of Perenjori.

## STATUTORY ENVIRONMENT

Emergency Management Act 2005: s.41. Emergency management arrangements in local government district – (2) The local emergency management arrangements are to set out —

- (a) the local government's policies for emergency management;
- (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
- (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
- (d) a description of emergencies that are likely to occur in the local government district;
- (e) strategies and priorities for emergency management in the local government district;
- (f) other matters about emergency management in the local government district prescribed by the regulations; and
- (g) other matters about emergency management in the local government district the local government considers appropriate.

Emergency Management Act 2005: s.42. Reviewing and renewing local emergency management arrangements –

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

## STRATEGIC IMPLICATIONS (Strategic Community Plan 2017-2022)

**Civic Leadership Objective 4: Disaster Management:** *To ensure Bush Fire Brigades and State Emergency Services have vehicles, plant, buildings, equipment and training to respond to emergencies in accordance with the local emergency management plan.*

## POLICY IMPLICATIONS

The Shire has three policies that relate to bush fires (3.1; 3.2; 3.3; and 3.4) and all have a degree of relevance to these proposed Local Emergency Management Arrangements. It is not thought though, that any changes to these policies will be required as a result of the adoption of the new Local Emergency Management Arrangements.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Item: 10.2.3**

*That Council endorse the formal agreement to collaborate as a regional LEMC and adopt the MOU subject to the other Shires agreement, formed by the Shire of Carnamah, Shire of Three Springs, Shire of Mingenew, Shire of Morawa and Shire of Perenjori, as well as each Shires representative related community groups and emergency service providers.*

## 10.2.4 Playground at the Carnamah Bowling Club

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0153
Disclosure of Interest:	Nil
Date:	12 June 2018
Author:	Karen Oborn, Chief Executive Officer
Attachments:	Att 10.2.4 - Playground Report

### SUMMARY

This report is for Councils information and recommends that the playground equipment at the Carnamah Bowling Club be removed due to safety concerns.

### BACKGROUND

Community concerns were raised regarding the playground located at the Carnamah Bowling Club. On the 31 May 2018 the playground was inspected by a LGIS representative. A report was then compiled and submitted to the Shire regarding this matter, as attached.

### COMMENT

The report from the inspection has found the playground is in an aged and worn condition and does not meet current guidelines and regulatory standards. Therefore the play equipment should be removed. Currently the playground is closed to the public and not used.

### CONSULTATION

Executive Team  
LGIS

### STATUTORY ENVIRONMENT

Various OH&S regulations and standards

### STRATEGIC IMPLICATIONS (Strategic Community Plan 2017-2022)

Nil

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.2.4

*That Council accepts the report from LGIS and agrees that the playground equipment located at the Carnamah Bowling Club is to be removed due to safety concerns.*

## 10.2.5 Coastal Shack Reserve - 42477

Applicant:	N/A
Location / Address:	Reserve 42477
File Ref:	ADM0248
Disclosure of Interest:	Nil
Date:	5 June 2018
Author:	Deputy Chief Executive Officer
Attachments:	Nil

### SUMMARY

This report recommends that Council relinquish the management order over Reserve 42477 in order that it may be transferred to the appropriate government agency.

### BACKGROUND

The management arrangements for the Carnamah Shire coastline have a long and convoluted history. The Shire has over the last 26 years (in conjunction with other parties and agencies) undertaken a number of studies to assess the environmental dynamics of the location with the objective of developing and implementing a strategy for the future utilisation and conservation of the area. For various reasons there has been no concerted approach to adopting or implementing a structured plan for the area. These reasons would include the fact that several agencies, as well as the Shire have been involved, all of which, over time, have been subject to changing priorities, changes of direction, turnover of key personnel and elected members and essentially no continuity of managing any processes to achieve an end result.

A brief history of recent dealings with the reserve are as follows:

- a) 20<sup>th</sup> January 2014 – Email inquiry to the Department of Lands (DoL) stating that the *Shire was exploring the idea of creating one or more nature based (camping) parks on the reserve, similar to those in the adjoining Shires of Coorow and Irwin and seeking advice as to whether the current designated purposes would cover this activity or whether Ministerial or other approvals would be necessary to allow the creation and operation of nature based parks*
- b) February 2014 - Council considered a report entitled: *“Report on Establishing a Nature Based Camping Ground at Gum Tree Bay”*.
- c) 19<sup>th</sup> February 2014 – *Response from DoL advising that in order for the DoL to assess the Shires proposal to create one or more nature based camping parks within Reserve 42477, it would be appreciated if the Shire could provide a “concept” plan indicating design, size and locality. DoL can then determine whether the proposal is ancillary to the existing purpose of reserve 42477”*.

The concept plan, would have, as a minimum needed to comprise the following elements:

- The design, size and locality as required by DoL;
- Details of vehicular entry and egress to the camping site;

- Environmental approvals to clear the area required;
  - Fire management plan;
  - What toilet facilities would be constructed?
- d) 20<sup>th</sup> May 2015 – Agenda item presented to Council to consider various options available with respect to the Shire’s future arrangements for managing the coastline.
- e) 13<sup>th</sup> August 2015 - Correspondence was received from the Dept of Lands stating among other things that *“If DoL does not receive the development plan(s) within six months of the date of this letter, DoL will then need to consider options to proceed with the removal of the cottages on the Reserve”*
- f) 18th August 2015 – Correspondence sent to DoL requesting clarification on couple of issues and also inquiring as to whether there was any legal impediment to relinquishing the management order
- g) 12th October 2015 - Representatives from DoL, including Henty Farrar (Manager Case Management - Mid West and Gascoyne) attended a meeting in Carnamah to discuss the matter with the following outcomes:
- DoL to conduct an aerial survey of the structures along the coastline
  - DoL to deal with the removal of the existing "fishermen's" shacks and any new structures that have been built
  - The Shire will remove any abandoned shacks or remains thereof; (DoL will advise whether concrete slabs have to be removed or whether they can stay in situ)
  - DoL will determine where existing known sites of Aboriginal heritage are located in order that they may be avoided during the shack removal process
  - At the conclusion of the above process, DPaW may take over the Management of the reserve
- h) 18th November 2015 - email response from Henty Farrar stating that they had just received a quote from Landgate for the aerial survey and once they received the survey they would get on with the identification phase
- i) 28<sup>th</sup> February 2017 - CEO, Bill Atkinson, wrote to DoL stating:
- a) *The Shire has not received any further correspondence relating to progress on this matter from DoL and would be pleased to receive an update and*
  - b) *Council also wishes to explore the option of relinquishing the Management Order the Shire holds with respect to Reserve 42477 and seeks your advice on the process that needs to be followed to facilitate this.*

To date no response has been received

## COMMENT

Reserve 42477 was registered as a Management (Vesting) Order in favour of the Shire in December 1998 for the designated purpose of *“Parkland, Recreation and the letting of cottages existing thereon on 18<sup>th</sup> May 1992”*

Some subsequent extensions/amendments were made to the Management Order over time with the most recent variation being in 2009 which stated:

*“The Management Order registered on 30 December 1998 granting “Power, subject to the approval in writing of the Minister for Lands to each and every lease being first obtained, and to the conditions set out in the Management Order, to lease the whole or any portion thereof to a professional fisherman for a term or terms expiring on or before 30 June 2002” for “of (1) one year.”*

The conditions attached to the Management Order are listed hereunder with the most critical points of relevance to this report being the highlighted conditions (i), (ii) & (vi)

#### “PART I

- i. The Shire is to ensure removal of all structures that are not subject to a lease to a professional fisherman and rehabilitate the affected areas by 30 June 1999.
- ii. The Shire is to ensure clearing of all remaining structures and rehabilitation of all affected areas by 30 June 2002.
- iii. Following removal of the structures the Shire of Carnamah shall rehabilitate the sites of the structures and their surrounds in sympathy with the adjacent conservation reserve.
- iv. No new cottages, other than replacement fishermen’s cottages that are destroyed by natural causes, will be allowed to be constructed within the reserve from the date of the making of this order.
- v. The Shire will manage the reserve in accordance with a management plan prepared in consultation with the Department of Conservation and Land Management (CALM) and approved by the Minister for Lands.
- vi. It is the intent for future management of Reserve No. 42477 that the land north of Coolimba will be returned to vesting in the National Parks and Nature Conservation Authority (NPNCA) following removal of the structures and rehabilitation by the Shire, provided that:-
  - a. in the intervening period the NPNCA will co-operate with the Shire, CALM, Ministry for Planning, and any other relevant agencies to identify development nodes for professional fishermen’s accommodation and/or development of short term accommodation, chalets, camping areas, beach access and other facilities for the visiting public. This is likely to occur mainly through the recommendations of the Ministry of Planning’s Central Coast Regional Strategy, but would not be restricted to that process;
  - b. the Shire, CALM and NPNCA will establish a Memorandum of Understanding to cover the management of the area – in particular proposed developments, raw material extraction, mining exploration (if any), road construction, fire management, control of off road vehicles etc.

#### PART II

- i. Leasing is to be restricted to professional fishermen who hold an Unrestricted West Australian Licence and/or a Managed Fishery Licence in accordance with the Fish Resource Management Act 1994 Regulations.
- ii. Assignment and subletting leases will not be permitted.
- iii. Transfer of leases will only be permitted when it is in conjunction with the transfer/sale of the lessees fishing licence and other assets associated with that licence.
- iv. A Maximum of one cottage site for each professional fisherman who meets the criteria mentioned in (i) will apply.
- v. Leases issued to professional fishermen shall conform with the general requirements of the policy for dealing with professional fishermen’s shacks along the central coast of Western Australia.”

Council has not been able to obtain Ministerial approval to renew the leases past the 30<sup>th</sup> June 2015.

## **CONSULTATION**

CEO – Shire of Carnamah

## **STATUTORY ENVIRONMENT**

Land Administration Act 1997

## **STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)**

Coastal Management

Environment Objective 2: To provide sustainable management of resources and the protection and enhancement of biodiversity, land, air and water.

- Remnant vegetation, wildlife habitat identification and protection – effectively manage reserves under Councils control
- Coastal Management – effectively manage the coastal assets of the Shire

## **POLICY IMPLICATIONS**

Council policy 8.2: Accounting procedures and uses of income from coastal squatters

## **FINANCIAL IMPLICATIONS**

The cost of removing structures and rehabilitating affected areas is not known, however Council does have a reserve fund to assist with this expenditure.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER RECOMMENDATION**

**Item: 10.2.5**

***That Council advise the Department of Lands that it wishes to relinquish the management order over Reserve 42477***

## 10.2.6 Closure of Administration Office on Monday 24 December 2018

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0063
Disclosure of Interest:	Nil
Date:	14 June 2018
Author:	Deputy Chief Executive Officer
Attachments:	Nil

### SUMMARY

This report seeks Council's permission to close the Administration Office on Monday 24 December 2018.

### BACKGROUND

In previous years, the Administration Office is open until noon on Christmas Eve. This allows staff wishing to travel for Christmas to be able to leave earlier, and thus avoid being on the road on Christmas Day.

### COMMENT

Generally, there is low demand for customer services on Christmas Eve as most people have already left for the Christmas break.

Should Council approve the request it would allow those staff not on annual leave, the opportunity to utilise the preceding weekend to travel, rather than staying to complete 4 hours of work. Staff would either take the day as annual leave, or approved leave without pay.

### CONSULTATION

Chief Executive Officer and office staff

### STATUTORY ENVIRONMENT

Nil

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.2.6

*That the Carnamah Administration Office be closed on Monday 24 December 2018.*



**11. ORDERING THE COMMON SEAL**

**12. REPORTS OF COMMITTEES AND MEMBERS**

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**14. NOTICE OF MOTIONS**

(For consideration at the following meeting, if given during the meeting)

**15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

**16. CLOSURE OF MEETING**