

MINUTES

Ordinary Meeting of Council

19 September 2018

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL – 19 September 2018

MINUTES

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APPENDIX "A"

Minutes of Ordinary Meeting of Council – 15 August 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

MINUTES

ORDINARY MEETING OF COUNCIL

Held at the Eneabba Sportsman's Club, Eneabba Drive, Eneabba WA 6518

On Wednesday 19 September 2018

Commencing at 3.02pm

1. DECLARATION OF OPENING

The President welcomed those in attendance and declared the meeting open at 3.02pm.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister

President

Cr Dwayne Wooltorton

Deputy President

Cr Ian Stirling

Cr Con Kikeros

Cr Luke Risinger

Ms Karen Oborn

Chief Executive Officer

Mr Ian Walsh

Deputy Chief Executive Officer

Mr Phil Casbolt

Acting Manager of Works and Services

Ms Jennie Benson

Executive Support Officer

Apologies

Nil

Leave Of Absence (Previously Approved)

Cr Ian Bowman

Cr Andrew Bowman-Bright

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

There were no members of the public present.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURE OF INTEREST

Cr Wooltorton and Kikeros declared in interest in Item 10.2.11

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. CONFIRMATION OF MINUTES

9.1 Minutes of Ordinary Meeting of Council held 15 August 2018

As Circulated

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180901

Item 9.1

Moved: Cr Wooltorton

Seconded: Cr Risinger

That the Minutes of the Ordinary Meeting of Council held on 15 August 2018 be accepted as a true and correct record.

CARRIED 5-0

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:	12 September 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 4 August 2018 to 12 September 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

Council Resolution 20180902

Item: 10.1.1

Moved: Cr Stirling
Seconded: Cr Risinger

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 4 August 2018 to 12 September 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:

Manual Municipal cheques:	022555 – 022560
Municipal cheques:	28129 – 28131
Municipal EFT's:	11544 – 11676
Trust Cheques:	NIL
Payroll direct debits:	#03 - #04 - #05
Municipal Direct Debits	31/08/2018

Totalling \$ 1,627,630.32 be approved and passed for payment.

CARRIED 5-0

10.1.2 Financial Reports to 31 August 2018

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	12 September 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 2018 to 31 August 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 2018 to 31 August 2018;
- Summary Rates Trial Balance Report as at 31 August 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

Council Resolution 20180903

Item: 10.1.2

Moved: Cr Woollorton

Seconded: Cr Kikeros

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

CARRIED 5-0

10.2 ADMINISTRATION REPORTS

10.2.1 Asset Disposal – Old Church Building

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0226
Disclosure of Interest:	Nil
Date:	20 August 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council dispose of the 'Old Church' building located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street, Carnamah.

BACKGROUND

Many years ago the Shire of Carnamah purchased the 'Old Church' building, located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street, Carnamah, for the sum of \$10,000.

COMMENT

The building is very aged and in need of extensive renewal, which will be a significant cost burden on the rate payers within the Shire. Additionally the building in its current state is not utilised by the community, apart from the 'Playgroup' who use the front room, one day a week. This group have indicated they will be relocating to the Carnamah Childcare Centre once it is accredited (this should be around November 2018). Consequently, this report recommends that the Council dispose of the 'Old Church' building located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street, Carnamah, by calling for tenders from those interested in purchasing the property.

CONSULTATION

CEO

DCEO

Shire President

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 3.58. Disposing of property.

Local Government (Function and General) Regulations 1996 – clause 11 - Tenders to be invited for certain contracts.

STRATEGIC IMPLICATIONS

Civic Leadership Objective 4:

Financial Planning and Management –

2. To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

Policy 2.11 – Process for dealing with tenders.

FINANCIAL IMPLICATIONS

If the property is sold there will be an increase in revenue for the Shire budget for the Financial Year the sale takes place in.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180904

Item: 10.2.1

Moved: Cr Kikeros
Seconded: Cr Risinger

That Council:

1. ***Dispose of the 'Old Church' building located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street, Carnamah, by calling for tenders from those interested in purchasing the property;***

and
2. ***Advertises the calling for tenders from those interested in purchasing the property in accordance with the Local Government Act (WA) 1995 and Council Policy.***

CARRIED 5-0

10.2.2 Asset Acquisition – Shire Housing & Industrial Shed

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0226
Disclosure of Interest:	Nil
Date:	20 August 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council purchase the house at 3 (Lot 39) Caron Street, Carnamah, and also purchase the industrial shed at Lot 80 Forrester Avenue, Carnamah, which are both currently for sale.

BACKGROUND

The house owned by Jill Tilly at 3 (Lot 39) Caron Street Carnamah WA is currently being advertised for sale at \$172,000. <https://www.realestate.com.au/property-house-wa-carnamah-128435518>. The property is a very well presented and well maintained 3x1 that would be an appropriate Shire employee's house.

The industrial shed is owned by Sandra Laundry and is advertised for sale through Ray White Real Estate at \$95,000. The block is 2,738 square metres with a good quality 144m² shed and 24m² office and has 3 phase power connected.

COMMENT

Currently the only unallocated employee house the Shire has available is 42 (Lot 114) Macpherson Street, Carnamah. This is an older and small 3x1 that really requires renewal to bring it up to the standard of other Shire employee's houses. The house is more suitable for singles or couples. In addition, this house may be rented out shortly to the pending Childcare Centre Manager at \$174.50 a week. Therefore, this report recommend Council consider purchasing, 3 (Lot 39) Caron Street Carnamah WA, for the purpose of providing Shire housing, should one of the current outside team vacancies need filling, at a future date. To complete the purchase Council would need to reallocate the purpose of some of its Reserve funds.

Enquiries have been received from a couple wishing to establish a business in Carnamah as to the availability of one of Councils' factory units. Unfortunately all three are currently leased and the lessees have indicated that they wish to continue to lease the units.

Council is being requested to give consideration to purchasing Lot 80 Forrester Avenue in order to attract another business to town.

CONSULTATION

CEO
DCEO
Shire President

STATUTORY ENVIRONMENT

Local Government Act 1995 – section: 6.11. Reserve accounts

(3), before a local government —

- (a) changes* the purpose of a reserve account; or
- (b) uses* the money in a reserve account for another purpose,

- it must give one month's local public notice of the proposed change of purpose or proposed use.

* *Absolute majority required.*

STRATEGIC IMPLICATIONS

Civic Leadership Objective 4:

Financial Planning and Management –

- 3. To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

Economic Objective 3:

Business –

- 4. Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

POLICY IMPLICATIONS

Policy 8.13 – Asset Management Policy.

FINANCIAL IMPLICATIONS

If the property is purchased there will be an increase in capital expenditure for the Shire budget for the Financial Year the purchase takes place in. There will also be a decrease in reserve funds.

VOTING REQUIREMENT

ABSOLUTE Majority

OFFICER RECOMMENDATION

Item: 10.2.2

That Council:

- 1. ***Purchase No 3 (Lot 39) Caron Street, Carnamah, for the sum of \$160,000;***
- 2. ***Submit an offer to purchase Lot 80 Forrester Avenue, Carnamah, for the sum of \$75,000;***
- 3. ***Make available No 42 (Lot 114) Macpherson Street, Carnamah, for community purpose housing, such as supporting the Childcare Centre or employee housing;***

and
- 4. ***Advertise the change in use of a portion of funds from the Fair Value Asset and Long Service Leave Reserve accounts for the purpose of purchasing housing and an industrial shed, by one months' local public notice of the proposed change of purpose or proposed use.***

The original recommendation was amended to reflect the advertised asking price of one of the properties concerned.

Council Resolution 20180905

Item: 10.2.2

Moved: Cr Woollorton

Seconded: Cr Kikeros

That Council:

- 1. Negotiate the purchase of No 3 (Lot 39) Caron Street, Carnamah, up to the sum of \$170,000;***
- 2. Submit an offer to purchase Lot 80 Forrester Avenue, Carnamah, for the sum of \$75,000;***
- 3. Make available No 42 (Lot 114) Macpherson Street, Carnamah, for community purpose housing, such as supporting the Childcare Centre or employee housing;***

and
- 4. Advertise the change in use of a portion of funds from the Fair Value Asset and Long Service Leave Reserve accounts for the purpose of purchasing housing and an industrial shed, by one months' local public notice of the proposed change of purpose or proposed use.***

CARRIED by ABSOLUTE MAJORITY 5-0

10.2.3 Use of Medical Centre facilities by Alicia Rayner (Physiotherapist)

Applicant:	Alicia Rayner
Location / Address:	N/A
File Ref:	ADM0097
Disclosure of Interest:	Nil
Date:	20 August 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Att: 10.2.3 Physiotherapy Proposal

SUMMARY

This report recommends that Council approve the use of the Medical Centre facilities by Alicia Rayner Physiotherapy, as support from Council for a required primary health care service.

BACKGROUND

On 17 August 2018, Alicia Rayner met with the CEO, Shire President and ESO, to discuss the establishment of Physiotherapy Clinic to operate from the existing Medical Centre four days per month for a trail period of one year. A Physiotherapy Proposal prepared by Alicia Rayner is attached.

COMMENT

There are no fees applicable to the hiring of these facilities by allied health care providers.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Social Objective 1:

Continuity and improvement of existing services and facilities in the Shire:

Health Services -

1. *To optimise primary care services and opportunities for the community.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20180906

Item: 10.2.3

Moved: Cr Kikeros

Seconded: Cr Stirling

That Council approve the use of the Medical Centre facilities by Alicia Rayner Physiotherapy, as support from Council, for a required primary health care service.

CARRIED 5-0

10.2.4 Ordinary Meeting of Council – Change of date & Christmas Office Closure

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0198
Disclosure of Interest:	Nil
Date:	27 August 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.2.4 – 2018 WA Transport and Roads Forum (flyer)

SUMMARY

This report recommends that the scheduled date for Ordinary Meeting of Council on 17 October 2018, be changed to 24 October 2018, and the scheduled date for Ordinary Meeting of Council on 19 December 2018 be changed to 20 December 2018, and the Shire of Carnamah Office close for the Christmas break from noon Friday 21 December 2018, and reopen on Wednesday, 2 January 2019.

BACKGROUND

The scheduled time for the Ordinary Meeting of Council is 17 October 2018. It is believed this should be changed to 24 October 2018, to enable Council representatives to attend the 2018 WA Transport and Road Forum on 16 October 2018 in Perth. The CEO would also be back from Annual Leave at that time.

At the March 2018 OMC, the scheduled time for the December Ordinary Meeting of Council was moved to 19 December 2018, and the scheduled date for the Annual Rate Payers meeting was moved to 5pm on Friday 8 February 2019. It has been suggested the OMC on 19 December 2018 be changed to Thursday 20 December 2018, to enable the Councillors to attend the Shire of Carnamah Christmas Function on 20 December 2018, after a Council meeting. The Shire of Carnamah closes for the Christmas break each year to enable all employees to visit their families and friends, as well as take holidays during this time. Employees will be required to take leave during this time, either paid or unpaid if they do not have enough leave.

The Shire of Carnamah policy 15.17 from 2016, regarding Christmas Functions and Christmas/New Year Shut Down, states – the Administration Offices be closed from noon on the last working day preceding Christmas Day, being Monday 24 December 2018. And the Administration offices re-open on the day following the New Year's Day public holiday, being 2 January 2019, and days not covered by public holidays, be taken as time-in lieu, annual leave, or approved leave without pay.

However, it is felt that the Shire of Carnamah should close for the Christmas break at noon Friday 21 December 2018, and re-open on Wednesday 2 January 2019. Secondly, to ensure equity and preserve morale, it is believed it would be unfair to ask staff to come into the Administration Office for one day, being Monday 31 December 2018.

COMMENT

Previously adopted meeting times – OMC March 2018:

2018 COUNCIL MEETING DATES

21 February Carnamah Council Chambers
21 March Eneabba Sportsman's Club
18 April Carnamah Council Chambers
16 May Carnamah Council Chambers
20 June Carnamah Council Chambers
18 July Carnamah Council Chambers
15 August Carnamah Council Chambers
19 September Eneabba Sportsman's Club
17 October Carnamah Council Chambers
21 November Carnamah Council Chambers
19 December Carnamah Council Chambers

**All meetings held at Eneabba commence at 3:00pm, unless otherwise advised.
All meetings held at Carnamah will now commence at 4:00pm, unless otherwise advised.**

Members of the public are welcome to attend.

Proposed meeting times:

2018 COUNCIL MEETING DATES

21 February Carnamah Council Chambers
21 March Eneabba Sportsman's Club
18 April Carnamah Council Chambers
16 May Carnamah Council Chambers
20 June Carnamah Council Chambers
18 July Carnamah Council Chambers
15 August Carnamah Council Chambers
19 September Eneabba Sportsman's Club
24 October Carnamah Council Chambers
21 November Carnamah Council Chambers
20 December Carnamah Council Chambers

Proposed Christmas Closure:

2018 Christmas Closure

The Shire of Carnamah will close for the Christmas break from noon Friday 21 December 2018, and reopen on Wednesday 2 January 2019.

STATUTORY ENVIRONMENT

LGA s. s. 5.3 *Ordinary and special council meetings*

Convening council meetings

5.5. (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

STRATEGIC IMPLICATIONS

Corporate Business Plan

Civic Leadership

Objective 4:

To be a professional, customer focussed organisation, which

- *effectively engages (with) the community to determine strategic direction,*
- *responsibly manages the organisation's assets and financial resources,*
- *is a strong advocate for the community.*

POLICY IMPLICATIONS

(2016) Council Policy 15.17: Christmas Functions and Christmas/New Year Shut Down-

1. Monies be budgeted each year for the purpose of holding a Christmas function.
2. The Christmas Function be for Councillors, Staff, partners and children.
3. Administration staff, in consultation with Councillors, be responsible for the organisation of the Christmas function.
4. Administration offices be closed from 12 noon on the last working day preceding Christmas Day.
5. Administration offices re-open on the day following the New Year's Day public holiday.
6. The public holidays for Christmas Day, Boxing Day, day after New Year's Day and Easter Tuesday (for those employed at the preceding Easter) be utilised for the days between Christmas and New Year.
7. Any days not covered by public holidays, be taken as time-in lieu, annual leave, or approved leave without pay.
8. That notices be placed in the two local newsletters to advise all residents of the office closures.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

**Moved: Cr Risinger
Seconded: Cr Wooltorton**

That Council approve –

- 1. The scheduled date for Ordinary Meeting of Council on 17 October 2018, be changed to 24 October 2018;***
- 2. The scheduled date for Ordinary Meeting of Council on 19 December 2018, be changed to 20 December 2018;***
- 3. The Shire of Carnamah Administration Office close for the Christmas break from noon Friday 21 December 2018, and reopen on Wednesday 2 January 2019; and***
- 4. These matters are advertised locally.***

CARRIED 5-0

10.2.5 Request to rent the Supper Room and Kitchen facilities at the ‘Carnamah Town Hall and Performing Arts Centre’ for a catering business

Applicant:	One L of a Good Feed Catering & Events
Location / Address:	Carnamah Town Hall and Performing Arts Centre
File Ref:	ADM0262
Disclosure of Interest:	Nil
Date:	28 August 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council offer a 10% discount for the long term hire of the Supper Room and Kitchen, and as a part of this agreement the applicant agrees not to offer the same food products offered by the existing food outlets in town.

BACKGROUND

The applicant met with the CEO and DCEO at the location on 27 July to look at the kitchen, discuss her ideas and ascertain the likely hire charges. In August the applicant wrote to Council outlining her proposal, requesting to rent the kitchen and supper room three days a week at a cost of \$50.00 per week. Council’s fees and charges schedule for 2017/18 set the hire fee for the Supper Room and Kitchen at \$66 per day or part thereof. The existing kitchen at the Carnamah Town Hall and Performing Arts Centre was refurbished about 10 years ago in order to provide catering facilities to improve the usage of the building. The applicant wishes to operate her catering business from the Supper Room at the Carnamah Town Hall and Performing Arts Centre for 1 to 2 days per week with an additional day for food preparation.

At the OMC August 2018, Council unanimously agreed that Council should not be seen to favour one commercial entity over another, particularly in the establishment of business/private enterprise, therefore, resolved not to reduce the hire fee for the kitchen and supper room at the ‘Carnamah Town Hall and Performing Arts Centre’ (CARRIED 6-0. Council Resolution 20180805). The applicant then met with the CEO to discuss Council’s decision which she believes discriminates against her as others in the community pay reduced fees for Shire facilities. It was agreed the CEO would review the matter.

COMMENT

Many of those the applicant felt were receiving discounted fees, are ‘not-for-profit’ community groups offering free services to the community and this was explained to her. It was also explained that she is not providing a community service as she claims, but filling a perceived market gap with a product the community appears to be demanding. Some users, such as the Dance School, which is a private enterprise, are allowed to pay by the hour to hire the Hall. However, their operation does not consume ongoing utilities at Councils’ cost, and there are no other dance schools in Carnamah to meet this need. Council does, however, discount fees based on length of hire. For example, to attract clientele, the Caravan Park offer discounts for longer term stays being, \$28 a day with power or \$167.50 a week, being a 14% discount, or \$142 a week if staying more than 4 weeks, being a 27% discount. However this is to encourage users to stay within the Shire and purchase goods and services from local businesses. The park users receiving the discounted fees are not operating a private enterprise, they are adding to the economy of Carnamah. Whilst there is other accommodation available in Carnamah, there is no other Caravan Park or camping facilities.

From the applicants' point, they will be meeting a community demand, as although there are other food outlets in town, her product would be uniquely different. The Hotel offers lunches when there is an event on and the Roadhouse offers lunch daily. These are takeaway roadhouse style food. However, the Roadhouse does offer meals with salads, sandwiches made to order and Indian cuisine, as well as the traditional roadhouse fare. As a result the applicant's food outlet could be in commercial competition with the Roadhouse.

Therefore, based on the consideration of Council's original decision not to commercially disadvantage anyone, the applicant's claim that the business will be meeting an existing community demand to address a perceived 'market gap', and the CSP to support and promote business; Council should consider offering a discounted long term fee structure of 10%, for the hire of Kitchen and / or Supper Room as policy 2.8 and policy 8.5. The 10% would be in keeping with the Shires' local suppliers pricing preference for tenders as outlined in policy 2.8; 5% - Experience in the Carnamah Shire and/or North Midlands area; and 5% - Resident within the Shire of Carnamah.

This is \$59.40 a day for both rooms or \$47.48 a day for the Kitchen alone. To justify the discounting of the hire fees of the premises, as a part of this agreement, the applicant would not be able to offer the same food products offered by the existing food outlets in town.

CONSULTATION

Deputy Chief Executive Officer
Shire President

STATUTORY ENVIRONMENT

Local Government Act 1995 6.12 Power to defer, grant discounts, waive or write off debts.
Local Government Act 1995 3.58 (3) Disposing of property.

STRATEGIC IMPLICATIONS

Economic Objective 3: Business - Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

POLICY IMPLICATIONS

Policy 2.8- Purchasing Policy

Policy 8.5- Fees and Charges Setting Policy

FINANCIAL IMPLICATIONS

There will be an increase in power costs as there is likely to be fridge/freezers running 24 hours a day 7 days a week.

VOTING REQUIREMENT

Simple majority

Council Resolution 20180908

Item: 10.2.5

Moved: Cr Kikeros

Seconded: Cr Woollorton

That Council offer a 10% discount for the long term hire of the Supper Room and Kitchen, and as a part of this agreement the applicant agrees not to be in direct competition with the existing food outlets in town, as policy 2.8 & 8.5. To be agreed to by both parties prior to the COB 28 September 2018 and the power and water costs will be reviewed in 6 months' time to ensure the hire fee is covering costs.

CARRIED 5-0

10.2.6 Application for Planning Approval – Proposed expansion to an existing approved rural industry (grain handling & storage facility)

Applicant:	Cooperative Bulk Handling Limited (Landowner)
Location / Address:	Lot 305 Slater Street & Lots 68 (No.60), 69 (No.44) & 250 (No.22) Inja Street, Carnamah
File Ref:	
Disclosure of Interest:	Nil
Date:	4 September 2018
Author:	Mr Joe Douglas – Exurban Rural & Regional Planning (Town Planning Consultant)
Attachments:	10.2.6 - Application for Planning Approval (including plans)

SUMMARY

This report recommends that an application for planning approval submitted by Cooperative Bulk Handling Limited (Landowner) to develop additional temporary grain storage infrastructure at its existing grain handling and storage facility in the Carnamah townsite be approved subject to conditions.

BACKGROUND

Cooperative Bulk Handling Limited (CBH) is seeking Council's planning approval to develop additional temporary grain storage infrastructure at its existing grain handling and storage facility in the Carnamah townsite to provide for the receipt and storage of grain from local growers during the forthcoming harvest period. CBH intend out-loading the grain stored in the proposed new infrastructure by the end of February 2019 which is intended to be retained for future use for the same purpose if / when required.

The land subject to this application comprises four (4) separately titled freehold lots located in the north-western extremities of the Carnamah townsite which form part of CBH's existing established grain handling and storage facility. The subject land comprises a total combined area of approximately 32.32 hectares with a small portion having direct frontage and access to Railway Avenue and Inja, Parker and Slater Streets along its southern boundary.

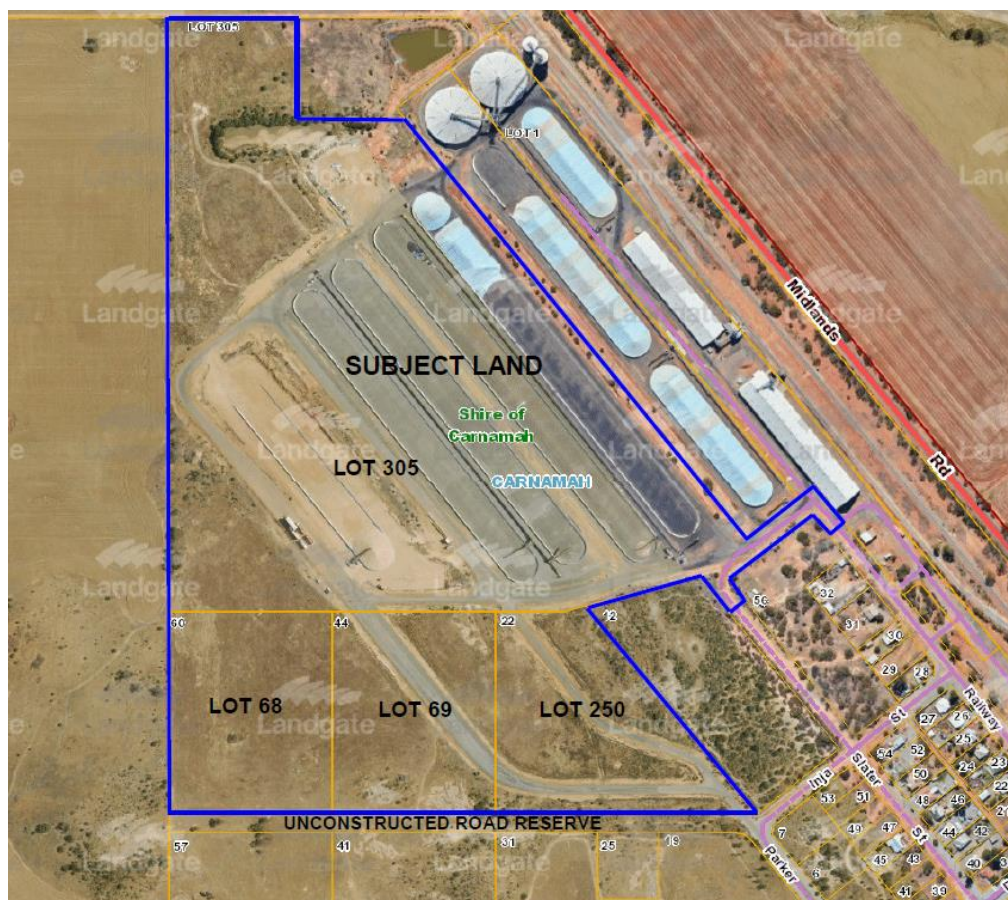
Lot 305, the largest of the four (4) lots, has historically been developed and used for grain handling and storage purposes and contains a number of associated improvements including open bulkhead storage facilities of varying capacity, sealed and unsealed hardstand areas, sealed vehicle accessways, a grain sampling hut, conveyors, a weighbridge and stormwater drainage infrastructure.

Lots 68, 69 and 250 located in the south-western corner of the site are currently vacant with the exception of two (2) sealed vehicle accessways and associated stormwater drainage infrastructure which provide a direct connection to Inja and Parker Streets immediately south.

Immediately adjoining and other nearby land uses include:

- Broadacre agriculture (i.e. cropping and grazing) to the north and west;
- The balance portion of CBH's grain handling and storage facility to the east including an operational railway reserve, Midlands Road and broadacre agriculture (i.e. cropping and grazing) beyond; and

- Vacant undeveloped Crown land including an undeveloped Main Roads WA depot site, a Crown reserve developed and used for vehicle access and parking purposes and low density residential and rural living type development.



Location & Lot Configuration Plan (Source: Landgate)

Under the terms of the information and plans submitted in support of the application the following is proposed:

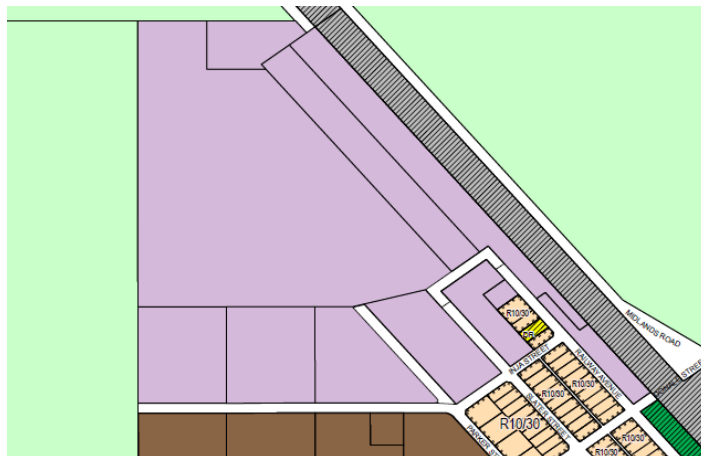
- Construction of a new unsealed (i.e. gravel) hardstand area and associated vehicle accessways and stormwater drainage infrastructure over portions of Lots 305, 68, 69 and 250;
- The erection of a new 30,000 tonne capacity steel framed open bulkhead grain storage facility on the hardstand area referred to in point i) above with wall heights of either 1.2 or 1.8 metres depending upon availability at the time of construction;
- The installation and use of a large capacity grain conveyor immediately adjacent to the proposed new open bulkhead storage facility;
- The use of tarpaulins to cover the proposed new open bulkhead storage facility for dust management purposes; and
- The temporary storage of grain received from local farmers within the new open bulkhead storage facility, all of which is intended to be out-loaded by the end of February 2019.

The proposal, if approved by Council, will see the total approved grain storage capacity on the land increase from 316,150 to 346,150 tonnes (i.e. an increase of approximately 9.5%).

Full details of the application submitted are provided in the attachment to this report.

COMMENT

The subject land is classified 'Light Industry' zone under the Shire of Carnamah Local Planning Scheme No.2 (LPS No.2).



Current Zoning Plan (Source: Shire of Carnamah Local Planning Scheme No.2)

Council's stated objectives for the development and use of any land classified 'Light Industry' zone are as follows:

- a) To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses;
- b) To provide for a range of employment opportunities;
- c) To preclude the storage of bulky and unsightly goods where they may be in public view; and
- d) To ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction.

The existing and proposed development and use of CBH's grain storage facility in the Carnamah townsite is most appropriately defined as a 'Rural Industry'. Under the terms of LPS No.2 the development and use of any land classified 'Light Industry' zone for 'Rural Industry' purposes is not permitted unless Council has exercised its discretion by granting planning approval following public advertising.

Having regard for:

- a) Council's stated objectives for all land classified 'Light Industry' zone which only allow for the storage of bulky goods where they are screened from public view and considered unlikely to have a detrimental impact upon nearby residential or other sensitive land uses;
- b) The fact the land's current 'Light Industry' zoning classification was assigned erroneously during formulation of Local Planning Scheme No.2 as evidenced by the guidance provided in the Shire's Local Planning Strategy which recommended the land be classified 'General Industry' zone to allow for its continued development and use for the storage and distribution of bulky goods;
- c) Previous planning approvals granted by Council which have allowed the land to be extensively developed and used for 'Rural Industry' purposes similar to what is proposed by this latest application; and

d) The fact no public submissions were received during public advertising,

it is concluded there is scope for Council to favorably consider and grant approval to this latest planning application.

Assessment of the application in the context of the specific standards and requirements of LPS No.2 and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 has confirmed it is generally compliant. Notwithstanding this conclusion there are four (4) elements of the proposal that warrant further consideration prior to Council's final determination of the application, the specific details of which are outlined as follows:

1. Buffer Separation Distances between Industrial and Sensitive Land Uses

The Environmental Protection Authority's (EPA's) Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses' recommends a minimum buffer separation distance of 500 metres between any form of sensitive land use and grain elevators such as those currently used and proposed at CBH's facility in Carnamah.

It is noted a significant amount of 'Residential', 'Rural Residential' and 'Commercial' zoned land is located within 500 metres of CBH's facility which has not precluded the issuance of planning approvals by Council for the expansion of CBH's existing facility or the development of any sensitive uses within these zones over the past 20 years. Furthermore the Shire has no record of any complaints from those living or working within 500 metres of CBH's facility. It's fair to say people are generally accepting of such operations in small country towns like Carnamah given their historic development prior to the introduction of contemporary planning control mechanisms and the significant economic benefits to their local communities. As such the proposed intensification of development and usage arising from CBH's latest proposal is not considered fatal to the issuance of development approval by Council with suitable conditions able to be imposed to help guard against any potential negative impacts.

2. Unconstructed Roads

Lots 68 and 69 have direct frontage to an unconstructed portion of Inja Road along their southern boundaries. Whilst these two lots are contiguous with Lots 250 and 305 with practical access available through them to the public road network, clause 5.13.1 of LPS No.2 clearly states that when considering applications for planning approval for the development of land abutting an unconstructed road, or any lot which does not have frontage to a constructed road, Council shall either:

- a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
- c) require other such arrangements be made for permanent access to the satisfaction of the Council.

Having regard for the various options available to Council to address the requirements of clause 5.13.1, it is concluded the easiest and most cost effective option would be to require CBH to amalgamate Lots 68, 69, 250 and 305 into one (1) new separately titled lot as a condition of any planning approval issued.

Given CBH's desire to undertake the proposed works in time for the forthcoming harvest period, it is considered reasonable to allow CBH to proceed on the condition that the subject land be amalgamated within the next twelve (12) month period which should be sufficient time to enable CBH to make the necessary application to the Western Australian Planning Commission (WAPC), satisfy any approval conditions imposed by the WAPC and then make application to Landgate for the issuance of a new title.

3. Landscaping

A key objective of LPS No.2 is to ensure any form of industrial development is provided with sufficient landscaping to help screen such development from public view.

Given CBH are proposing to expand its existing facility southwards towards a number of 'Rural Residential' zoned lots located on the southern side of the unconstructed portion of Inja Street, it is considered reasonable to impose a condition on any planning approval issued requiring the provision of a five (5) metre wide landscaping strip along the frontage of Lots 68, 69 and 250 to help screen the proposed development from the adjacent rural living precinct.

4. Traffic Impacts & Road Maintenance / Upgrade Contributions

The proposed increase to the total grain storage capacity at CBH's Carnamah receival facility could reasonably be expected to result in a slight increase in the total number of heavy vehicle movements to/from the site via the Shire's local road network. No estimates regarding the expected increase to heavy vehicle traffic volumes arising from the proposal were provided by CBH in support of the application due to the difficulties associated with quantifying them with any accuracy.

It is understood Parker and Donald Streets, being the main access roads to/from the facility within the Carnamah townsite, were upgraded to a bitumen standard in 2011 following protracted negotiations with CBH regarding cost contributions to these works and a successful funding application under the State Government's Royalties for Regions program. Given these upgrade works, both Parker and Donald Streets are considered capable of accommodating the expected slight increase in the total number of heavy vehicle movements to/from the Carnamah facility.

By virtue of the site's classification as a 'primary receival point' it is expected grain will continue to be delivered from growers and receival facilities located outside the Shire's municipal district as well as local growers within the Shire. CBH contend the additional storage capacity proposed by its latest application will accommodate the needs of local growers only however there's no way of verifying this claim or ensuring compliance.

Recent discussion with the Shire's Chief Executive Officer has indicated Council may wish to consider imposing a condition on any planning approval issued requiring CBH to make a financial contribution towards the maintenance and/or upgrade of roads within the Shire's municipal district which need to be used to access the Carnamah facility.

Recent case law has confirmed it is reasonable for a local government authority to impose conditions requiring a financial contribution towards the maintenance and upgrade of roads directly affected by applications for planning approval provided:

- i) they relate to the care, control and management of roads for which the local government has responsibility;
- ii) the care, control and management of the roads is affected by the development the subject of the planning approval; and

- iii) the financial contribution required is a reasonable contribution to assist in defraying the costs incurred in remediating any affects and is calculated using a methodology that is sound and fair having regard to all circumstances.

In light of the above criteria it is contended the imposition of conditions on any planning approval issued in this instance requiring CBH to make a financial contribution towards the maintenance and upgrade of roads within the Shire is likely to be challenged by CBH at the State Administrative Tribunal on the following grounds:

- i) There is too much uncertainty as to exactly which roads under the care, control and management of the Shire grain growers and transport contractors will use to transport grain to the newly expanded facility;
- ii) there is no clear methodology immediately available to accurately and fairly quantify the costs likely to be incurred by the Shire to remediate any effects on the local road network;
- iii) Council has no local planning policy or provisions embodied in LPS No.2 enabling or requiring developer contributions to local infrastructure; and
- iv) previous planning approvals issued by Council for the same type of development on the subject land did not contain any conditions requiring CBH to make a financial contribution towards the full cost of maintaining and upgrading local roads throughout the Shire's municipal district (i.e. agreement was reached with CBH for some partial funding of road works immediately adjacent to the site with most of the funding provided by the State Government under the Royalties for Regions program).

Should Council still wish to secure some sort of financial contribution towards the maintenance and upgrade of roads required to be used to access the expanded facilities on the subject land, it is recommended it do so under the rating provisions of the Local Government Act and not as a condition any planning approval issued due to the significant risk of CBH successfully challenging any such condition at the State Administrative Tribunal.

CONSULTATION

The application was advertised for public comment for the minimum required period of fourteen (14) days with no submissions received from the local community or any State government agencies following its conclusion on 3 September 2018. The reporting officer also consulted with the Shire's Chief Executive and Deputy Chief Executive Officers as well as Tim Dolling of CBH during assessment of the application.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 2.5 – *Rural Planning*
- State Planning Policy 3 – *Urban Growth and Settlement*
- State Planning Policy 3.6 – *Development Contributions for Infrastructure*
- State Planning Policy 4.1 – *State Industrial Buffer*
- EPA Guidance Statement No.3 – *Separation Distances between Industrial and Sensitive Land Uses*

- Mid West Regional Planning and Infrastructure Framework

FINANCIAL IMPLICATIONS

All costs associated with the project's implementation will be borne by the applicant / landowner.

As mentioned previously above it is open to Council to seek to secure some sort of financial contribution towards the maintenance and upgrade of local roads required to be used to access the expanded facilities on the subject land under the rating provisions of the Local Government Act. The imposition of a condition for this specific purpose on any planning approval issued is not recommended.

VOTING REQUIREMENT

Simple majority required

Council Resolution 20180909

Item 10.2.6

Moved: Cr Stirling
Seconded: Cr Kikeros

That the application for planning approval submitted by Cooperative Bulk Handling Limited (Landowner) to develop additional temporary grain storage infrastructure at its existing grain handling and storage facility on Lot 305 Slater Street and Lots 68 (No.60), 69 (No.44) and 250 (No.22) Inja Street, Carnamah be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The applicant / landowner shall continually monitor any dust generated by the use approved by this application and implement suitable measures in accordance with any relevant Environmental Protection Authority and Department of Water and Environmental Regulation regulations, policies, guidance statements or guidelines to ensure any dust impacts are appropriately managed and controlled.
3. In the event dust generated by the use approved by this application becomes an issue of concern to the local community and/or Council, a dust management plan prepared in accordance with the specific requirements of the Environmental Protection Authority and/or the Department of Water and Environmental Regulation shall be submitted to the Shire of Carnamah for consideration and determination by Council. Upon receipt of notification from the Shire of the need for a dust management plan, the applicant / landowner shall prepare and submit a dust management plan to the Shire within sixty (60) days with the use to cease operation immediately pending approval to the plan and implementation of the required management measures to the satisfaction of the Shire's Chief Executive Officer.
4. All lots the subject of this application shall be amalgamated into one (1) new separately titled lot within twelve (12) months from the date of issuance of this approval.
5. A five (5) metre wide landscaping strip along the frontage of Lots 68, 69 and 250 abutting the unconstructed portion of Inja Street immediately south shall be planted using local endemic plant species within twelve (12) months of issuance of this approval to visually screen the proposed development from the adjacent rural living precinct.

6. All stormwater drainage associated with the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.

Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Carnamah having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
4. This is a planning approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
5. In accordance with the Building Act 2011 and Building Regulations 2012 a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any building construction or earthworks on the land.
6. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.
7. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
8. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
9. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
10. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED 5-0

10.2.7 CEO Attendance at the Global Eco Asia-Pacific Tourism Conference-Townsville 26-28 November 2018

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	CEO – Officer that would be attending the QLD Conference
Date:	3 September 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.2.7 - Conference program

SUMMARY

This report recommends that Council grant approval for the CEO to attend the Global Eco Asia-Pacific Tourism Conference in Townsville QLD, on the dates of 26-28 November 2018. As well as, grant approval, for the Shire to pay for the cost of the conference and accommodation, for the conference, up to \$2,250.

BACKGROUND

Tourism is becoming a major issue for the Shire of Carnamah, in particular attracting people travelling to our region, to view the wildflowers. In addition, the Shire is supporting the early stages of developing an Astro-tourism program. The Shire of Carnamah also has a rich heritage and historical sites for tourists to interact with.

However, there is a need to promote this well in order to increase visitor numbers. Some other Shires in our region also feel there is a need to reform our tourism approach and develop an economic plan that looks at wildflowers, Astro-tourism and other key features at each location, including geocaching and eco-tourism, as a whole, to promote the development of the region.

There will be a Global Eco Asia-Pacific Tourism Conference - Townsville 26-28 November 2018. The program is relevant to local government and may contribute many ideas for our regions' tourism strategy, especially avenues to maximise our coastal areas and beekeepers reserve.

COMMENT

I will already be in the Eastern States, as I will be staying in Hobart on Annual Leave from 22 to 26 November 2018, and it may be a good opportunity for me to attend the Global Eco Asia-Pacific Tourism Conference in Townsville QLD, on the dates of 26-28 November 2018.

If Council agrees that the conference would be worth me attending, I would pay for my airfares, car hire/taxis and meals, if Council are happy to pay for the conference itself and accommodation.

To be transparent - I would also take the opportunity to visit my son in that case, whilst in Townsville.

It is ~\$1500 to attend the conference and accommodation would be another ~\$750. Global Eco Asia-Pacific Tourism Conference - Townsville 26-28 November 2018 - *Special Delegate Rates*

- Standard Twin room: \$130 per night
- Standard King room: \$135 per night
- Executive King room: \$150 per night

•One Bedroom Apartment: \$155 per night (this room type includes breakfast complimentary).

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Economic Objective: Business - Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

Economic Objective: Tourism -To promote and develop a sustainable tourism industry in the Shire of Carnamah

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There will be a cost to the Shire for the cost of the conference and accommodation whilst the CEO is in Townsville QLD for the conference ~\$2,250.

VOTING REQUIREMENT

Simple majority

Council Resolution 20180910

Item: 10.2.7

Moved: Cr Risinger

Seconded: Cr Stirling

That Council -

1. Grant approval for the CEO to attend the Global Eco Asia-Pacific Tourism Conference in Townsville QLD, on the dates of 26-28 November 2018.

and

2. Grant approval for the Shire to pay for the cost of the conference and accommodation whilst the CEO is in Townsville QLD for the conference up to \$2,250.

CARRIED 5-0

10.2.8 Continued participation in the Wildflower Country Inc program

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	4 September 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	***

SUMMARY

This report recommends that Council review their continued participation in the Wildflower Country Inc program.

BACKGROUND

Tourism is becoming a major issue for the Shire of Carnamah, in particular attracting people travelling in our region, to view the wildflowers. In addition, the Shire is supporting the early stages of developing an Astro-tourism program. The Shire of Carnamah also has a rich heritage and historical sites for tourists to interact with. However, there is a need to promote this well in order to increase visitor numbers. Currently the Shires wildflowers are promoted through the Wildflower Country Inc marketing program.

COMMENT

It seems that the Wildflower Country Inc marketing group are not making the best decisions for the whole 9 Shires involved. Some other Shires in our region also feel there is a need to reform our tourism approach and develop an economic plan that looks at wildflowers, Astro-tourism and other key features at each location, including geocaching and eco-tourism, as a whole, to promote the development of the region. A CEO forum has been scheduled to review this on 20 September 2018.

Recently there was a two and a half page article in the Sunday Times, to promote the region. WA's Wildflower Country was mentioned several times but the towns of Carnamah and Eneabba were not mentioned in the article, or the travel tips. The only mention of our Shire was the caption with the photo, which named Carnamah. Interestingly Coorow, Geraldton and Mingenew were mentioned numerous times. In response to expressing our disappointment at this, the WA's Wildflower Country Inc employee, felt was unrealistic to think all nine shires would be represented. Further, that Carnamah was previously featured as a stand-alone post on Australia's Coral Coast Instagram and Facebook with more than 1,000 people engaging and viewed by more than 70k people.

However, the 'grey nomads' most likely to visit for wildflowers, are clearly responding to traditional media, such as the newspaper and especially the TV. This was witnessed this week with caravans' passing through Carnamah and Three Springs 'en masse', to go to Mingenew, following the media campaign they have undertaken separately to the Wildflower Country Inc initiative. Additionally, if you google search "wildflowers WA", Wildflower Country Inc does not come up on the first 2 pages, so this marketing, may not be hitting the tech savvy traveller either.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Economic Objective: *Business* - Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

Economic Objective: *Tourism* -To promote and develop a sustainable tourism industry in the Shire of Carnamah

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire contributes \$4,500 pa. to Wildflower Country Inc.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Item: 10.2.8

That Council review their continued participation in the Wildflower Country Inc program.

The recommendation was amended given that Council unanimously agreed that the Shire of Carnamah were not receiving value for the annual subscription that is being paid.

Council Resolution 20180911

Item: 10.2.8

Moved: Cr Kikeros

Seconded: Cr Stirling

That Council withdraw its continued membership of Wildflower Country Inc, effective from the meeting scheduled for October 2018.

CARRIED 5-0

10.2.9 Lease Renewal - 8 (Lot 13) Railway Avenue, Carnamah

Applicant:	Housing Authority
Location / Address:	8 (Lot 13) Railway Avenue, Carnamah
File Ref:	ADM0292
Disclosure of Interest:	Nil
Date:	13 September 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.2.9 - Offer of Lease Renewal

SUMMARY

In December 2008 the Housing Authority signed a 10 year lease on the above property for Department of Education housing.

The Housing Authority is requesting a new 1 year lease with an option of a further 1 year with the rent being reduced from \$360 per week to \$340.

BACKGROUND

The rent review clause in the lease restricts rent increases to the CPI or market rent whichever is the lesser.

The weekly rent received during the term of the lease is as follows:

from 18/12/2008 to 28/02/2016	\$495.00
from 01/03/2016 to 05/01/2017	\$470.00.
from 06/01/2017 to 05/01/2018	\$400.00
from 06/01/2018 to 17/12/2018	\$360.00
from 18/12/2018 to 17/12/2019	\$340.00 (proposed)

COMMENT

A request has been received from persons interested in starting a business in Carnamah as to the availability of an industrial factory unit and housing.

The only vacant house that Council has at present is Lot 114 Macpherson Street, which has been set aside for the Childcare Centre co-ordinator.

On past history the rent being received from the Housing Authority is only likely to decrease each year and therefore Council is being requested to consider not renewing the lease to the Housing Authority and instead retain the house for the purpose of assisting in attracting a new business to town.

CONSULTATION

CEO

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Civic Leadership Objective 4:

Financial Planning and Management –

4. To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

Economic Objective 3:

Business –

5. Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

POLICY IMPLICATIONS

Policy 7.8 Industrial Factory Units & Associated Dwellings, Carnamah - Tenancy Guidelines / Special Conditions

FINANCIAL IMPLICATIONS

Potentially loss of rental income, however this may be offset to some extent by the provision of another business in town

VOTING REQUIREMENT

ABSOLUTE Majority

Council Resolution 20180912

Item: 10.2.9

**Moved: Cr Risinger
Seconded: Kikeros**

That Council decline the offer to renew the lease on 8 (Lot 13) Railway Avenue, Carnamah, and advise the Housing Authority that Council wants vacant possession of the property on the expiry of the current lease.

CARRIED by ABSOLUTE MAJORITY 5-0

10.2.10 Sport and Recreation Facilities (Carnamah & Eneabba)

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0150 & ADM0153
Disclosure of Interest:	Nil
Date:	13 September 2018
Author:	Jess Atchamah – Projects Officer
Attachments:	10.2.10 - Proposal maps for Carnamah & Eneabba

SUMMARY

This report provides feedback to Council from the parent community consultation undertaken in Carnamah and Eneabba for a period of 3 weeks. The survey aimed at children has been sent to the schools for distribution and will be collected on the last day of school term for collating. This report also gives Council an insight into the other improvements that could be incorporated in future plans and projects. Please refer to attachments.

BACKGROUND

Niven Park Sports Complex is a very focal space in the community where everyone gathers for all events big or small. While the complex has a lot on offer, there is still room for improvement and addition. Currently we have the netball courts, basketball courts, tennis courts, indoor stadium, the oval, the hockey field, the sheds for different purposes and the Bowling Club.

COMMENT

The survey results were very underwhelming with 18 responses from Carnamah and 11 responses from Eneabba. While we still believe a skate park in each town will benefit both towns, we need to find a way to incorporate them so that these spaces are easily accessible and meet the needs of the community in regards to additional activities for the children of various ages.

CONSULTATION

Executive Management Team
Acting Manager of Works and Services
Shire Project Officer
Shire of Carnamah communities

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Social Objective 1: Continuity and improvement of existing services and facilities in the Shire- 3. To plan and implement town beautification programs; 5. To encourage the level of participation in sport and recreation whilst improving facilities and access; and 6. To promote and facilitate the development of a wide variety of artistic and cultural pursuits that forge connections between residents of the district and their natural and built environments.

POLICY IMPLICATIONS

Policy 2.10 – Community Engagement

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20180913

Item: 10.2.10

Moved: Cr Kikeros

Seconded: Cr Stirling

That Council endorse the Recreation Participation and Inclusion Strategy as presented in the attachment, which outlines each of the new and updated facilities purposes, locations and likely inclusions.

CARRIED 5-0

3.58pm

Crs Woollorton and Kikeros left the meeting.

10.2.11 Three Springs – Arrino RSL – Request for financial assistance for Remembrance Day 2018 Centenary Celebrations

Applicant:	Three Springs - Arrino Sub Branch RSL
Location / Address:	N/A
File Ref:	ADM0051
Disclosure of Interest:	Crs Kikeros & Wootorton – Financial Interest
Date:	12 September 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.2.11 - Letter of request, minutes and budget

SUMMARY

This report recommends that the Shire of Carnamah give consideration to making a contribution towards the cost of the centenary celebrations.

BACKGROUND

The Three Springs – Arrino RSL want to celebrate Remembrance Day by going back in time and experiencing the Armistice celebrations of 11 November 1918, by way of a street party and barbeque which will include singing and dancing performed by children from local schools and townspeople being encouraged to dress in period costume.

COMMENT

The Three Springs- Arrino RSL is one of the most active RSL Clubs in the Mid-West region and maintains a high profile in interacting with schools and in co-ordinating Anzac Day ceremonies in the North Midlands.

CONSULTATION

CEO

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Social Objective 1:

Continuity and improvement of existing services and facilities in the Shire:

Culture and the Arts -

1. *To promote and facilitate the development of a wide variety of artistic and cultural pursuits that forge connections between residents of the district and their natural and built environments.*

POLICY IMPLICATIONS

The request complies with the requirements of Policy 2.13

FINANCIAL IMPLICATIONS

An allocation of \$3,000 for donations is contained in the 2018/2019 Budget.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.2.11

That Council give consideration to matching any contribution from the Shire of Three Springs, up to a total of \$....., toward the cost of the 2018 Remembrance Day Centenary Celebrations.

The recommendation was completed following discussion held to arrive at an agreed maximum amount of contribution.

Council Resolution 20180914

Item: 10.2.11

**Moved: Cr Risinger
Seconded: Cr Stirling**

That Council give consideration to matching any contribution from the Shire of Three Springs, up to a total of \$1,000 toward the cost of the 2018 Remembrance Day Centenary Celebrations.

CARRIED 3-0

4.04pm

Crs Wooltorton and Kikeros returned to the meeting.

4.05pm

**Moved: Cr Wooltorton
Seconded: Cr Stirling**

That the meeting be adjourned for afternoon tea.

4.24pm

**Moved: Cr Stirling
Seconded: Cr Wooltorton**

That the meeting resume.

10.2.12 Tender 11-18 – Supply of 6 x 4 Tip Truck

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tender 11-18
Disclosure of Interest:	
Date:	4 September 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.2.12 - Tender Documentation

SUMMARY

This report recommends that Council delegate authority to the CEO, in consultation with a nominated Councillor, to accept the most advantageous tender/s for the supply of a new 6 x 4 diesel Tip Truck and the disposal of the 2004 Isuzu 6 x 4 diesel Tip Truck (CA 5029).

BACKGROUND

Council has budgeted for the replacement in the current financial year.

COMMENT

Tenders have been called through WALGA's E-Quotes with three firms being invited to tender for:

- a) Supply and delivery of a new truck with trade in,
- b) Supply and delivery of a new truck only, or
- c) Outright purchase of the truck being disposed of.

Due to the time lag from when tenders close, and the next Council meeting in October, it is recommended that the CEO be delegated authority to accept the most advantageous tender or, if necessary, to reject all tenders if they are unacceptable.

The Local Government Act requires Council to nominate values not to be exceeded when a delegation is granted for the acceptance of a tender where a purchase is made and for the acceptance of a tender where property is disposed of.

For the purpose of complying with this requirement, it is recommended that the value not to be exceeded for purchase of a new truck, being \$220,000 (excluding GST) and the value not to be less than \$15,000 for the disposal of the old truck.

If these values are exceeded, then the matter will be referred to Council at its meeting scheduled for October 2018.

CONSULTATION

DCEO

STATUTORY ENVIRONMENT

Local Government Act 1995 s 3.57 – *Tenders for providing goods or services*

Local Government (Functions and General) Regulations 1996 r 18 – *Rejecting and accepting tenders*

STRATEGIC IMPLICATIONS

Civic Leadership Objective 4:

Financial Management –

- 3. To responsibly manage Council's scarce financial resources*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil – Sufficient provision exists in the Shires 2018/19 financial year budget to change over the tip truck.

VOTING REQUIREMENT

ABSOLUTE Majority

Council Resolution 20180915

Item: 10.2.12

Moved: Cr Kikeros
Seconded: Cr Risinger

That:

- Council delegate authority to the CEO, in consultation with a nominated Councillor, to accept the most advantageous tender/s for supply of a new 6 x 4 Tip Truck and the disposal of the Isuzu 6 x 4 Tip Truck registration number CA 5029 (Tender 11/18).***
- The nominated Councillor will be Cr Risinger.***

CARRIED by ABSOLUTE MAJORITY

10.3 CONFIDENTIAL REPORTS

10.3.1 MOTION TO CLOSE THE MEETING TO THE PUBLIC: CONSIDERATION OF CONFIDENTIAL REPORTS

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	
Date:	13 September 2018
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Items 10.3.2 & 10.3.3 of the Agenda of 19 September 2018, deals with matters affecting Council, of which the meeting may be closed to the public.

COMMENT

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 5.23 (2) (a) (c) (d) (e) Meetings generally open to the public.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180916

Item 10.3.1

Moved: Cr Risinger

Seconded: Cr Kikeros

That the meeting be closed to the public to consider Confidential Items 10.3.2 & 10.3.3 of the 19 September 2018 Agenda.

CARRIED

4.26pm

10.3.2 CONFIDENTIAL ITEM #1

Council Resolution 20180917

Moved: Cr Kikeros
Seconded: Cr Risinger

CARRIED 5-0

10.3.3 CONFIDENTIAL ITEM #2

Council Resolution 20180918

Moved: Cr Risinger
Seconded: Cr Kikeros

CARRIED 5-0

4.35pm

10.3.4 MOTION TO RE-OPEN THE MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	13 September 2018
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180919

Item 10.3.4

Moved: Cr Stirling
Seconded: Cr Wooltorton

That the meeting be re-opened to the public.

CARRIED 5-0

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

15.1 Motion to admit late business

An Addendum to the Agenda for the Ordinary Meeting of Council (19 September 2018) was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

Council Resolution 20180920

Item: 15.1

Moved: Cr Wooltorton

Seconded: Cr Kikeros

That items 10.2.13 and 10.3.5 be admitted to the meeting as late business.

CARRIED 5-0

10.2 ADMINISTRATION REPORT

10.2.13 Higher Duties for Deputy CEO

Applicant:	N/A
Location / Address:	N/A
File Ref:	PER #101
Disclosure of Interest:	
Date:	19 September 2018
Author:	Karen Oborn – Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council approve the payment of Higher Duties Allowance to the Deputy Chief Executive Officer while filling the role of Acting CEO, whilst I am on Annual Leave from 8 October to 19 October 2018 (inclusive), as per Policy 9.23.

BACKGROUND

The Shire of Carnamah policy states that in the absence of the CEO for periods of 5 or more working days, the Deputy CEO shall be appointed Acting CEO and be authorised to carry out all duties and responsibilities and hold the requisite authority of that office and position.

COMMENT

The CEO will be absent whilst taking two weeks' Annual Leave for 10 consecutive days from 8 October to 19 October 2018 (inclusive).

CONSULTATION

Shire President
Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Civic Leadership Objective 4:

To be a professional, customer focussed organisation, which responsibly manages the organisation's assets and financial resources.

POLICY IMPLICATIONS

Council Policy 9.23 – Acting Chief Executive Officer

FINANCIAL IMPLICATIONS

Payment for higher duties to the Deputy CEO in the absence of the CEO is included in budget allocations.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180921

Item: 10.2.13

Moved: Cr Stirling

Seconded: Cr Kikeros

That Council appoints the Deputy Chief Executive Officer to be Acting Chief Executive Officer and approves the payment of higher duties allowance to the Deputy Chief Executive Officer, for the period 8 October to 19 October 2018 (inclusive) as per Policy 9.23, whilst the Chief Executive Officer is on Annual Leave.

CARRIED 5-0

10.3 CONFIDENTIAL REPORT

10.3.5 TENDERS 07-18, 08-18, 09-18 & 10-18

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tenders 07-18, 08-18, 09-18 & 10-18
Disclosure of Interest:	Nil
Date:	19 September 2018
Author:	Ian Walsh, Deputy Chief Executive Officer
Attachments:	Tender 07-18, 08-18, 09-18 & 10-18 Advertisement and specifications Report on Evaluation of Conforming Tenders 07-18 Report on Evaluation of Conforming Tenders 08-18

SUMMARY

The Shire of Carnamah's 2017/2018 budget included provision for the supply of bitumen and aggregate along with the sale of a John Deere Ride- on Mower and the Toyota Landcruiser Utility.

This report recommends:

- a) That the tender submitted by Bitutek Pty Ltd for the supply and spray of hot bitumen / cold emulsion as specified in Tender 07 -18, be accepted;
- b) That the tender submitted by Winchester Industries for the supply of aggregate 10mm and 14mm as specified in Tender 08 -18, be accepted;
- c) That the tender submitted by BGC Moora for the supply of aggregate 7 mm as specified in Tender 08 -18, be accepted;
- d) That Council delegate authority to the CEO, in consultation with a nominated Councillor to accept the most advantageous tenders.

BACKGROUND

Tenders were called for all off the above with Tenders 07-18 and 08-18 closing at noon on Tuesday 18 September and Tender 09-18 and 10-18 closing at noon on Wednesday 19 September.

COMMENT

Two tenders have been received for Tender 07-18.

Three tenders have been received for Tender 08-18.

Evaluation reports will be presented for these two tenders at the Council meeting.

At the time of writing this report tenders 09-18 and 10-18 had not closed and therefore it is recommended that the CEO be delegated authority to accept the most advantageous tenders or, if necessary, to reject all tender if they are unacceptable.

The Local Government Act requires Council to nominate values not to be exceeded when a delegation is granted for the acceptance of a tender where a purchase is made and for the acceptance of a tender where property is disposed of.

For the purpose of complying with this requirement, it is recommended that the value not to be less than \$4,000 for the disposal of the Toyota Landcruiser and \$1,500 for the John Deere ride on mower.

In the event that the tenders received do not exceed the values set, then the matter will be referred to Council at its meeting scheduled for October 2018.

CONSULTATION

CEO
Acting Manager of Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 3.57 - Tenders for providing goods and services.
Local Government (Function and General) Regulations 1996 – clause 11 - Tenders to be invited for certain contracts.

STRATEGIC IMPLICATIONS

Civic Leadership Objective 4:

Financial Management –

- 4. To responsibly manage Council's scarce financial resources*

POLICY IMPLICATIONS

Policy 2.11 – Process for dealing with tenders.

FINANCIAL IMPLICATIONS

Nil – Sufficient provision exists in the Shires 2018/19 financial year budget

VOTING REQUIREMENT

Simple Majority

Council Resolution 20180922

Item: 10.3.5

Moved: Cr Stirling
Seconded: Cr Kikeros

That Council:

- Award tender submitted by Bitutek Pty Ltd for the supply and spray of hot bitumen / cold emulsion as specified in Tender 07-18, In the event that Bitutek Pty Ltd is unable to provide the required service, or any component of the service within a two week notification period, that the services of all or any of the other tenderers be engaged, if available;***
- Award tender submitted by Winchester Industries for the supply of aggregate 10mm and 14mm as specified in Tender 08-18. In the event that Winchester***

Industries is unable to provide the required service, or any component of the service within a two week notification period, that the services of all or any of the other tenderers be engaged, if available.

- 3. *Award tender submitted by BGC Moora for the supply of aggregate 7mm as specified in Tender 08-18. In the event that BGC Moora is unable to provide the required service, or any component of the service within a two week notification period, that the services of all or any of the other tenderers be engaged, if available;***
- 4. *Council delegate authority to the CEO, in consultation with a nominated Councillor, to accept the most advantageous tenders for the disposal of the 1994 Toyota Landcruiser and the 2009 John Deere mower.***
- 5. *The nominated Councillor be Cr Wooltorton.***

CARRIED 5-0

16. CLOSURE OF MEETING

There being no further business, the meeting was closed at 4.40pm.