



MINUTES

Ordinary Meeting of Council

20 February 2019

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL – 20 February 2019
MINUTES

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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 Council Chambers – 33-37 Macpherson Street, Carnamah 6517

On Wednesday 20 February 2019

Commencing at 4:08pm

1. DECLARATION OF OPENING

The President welcomed those in attendance and declared the meeting open at 4:08pm.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister

President

Cr Dwayne Wooltorton

Deputy President

Cr Ian Stirling

Cr Andrew Bowman-Bright

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 Con Kikeros

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 requested.

6. DISCLOSURE OF INTEREST

Cr Andrew Bowman-Bright declared an interest in Item 10.2.2.
Mr Phil Casbolt declared an interest in Item 10.3.2.

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The President welcomed everyone to the first meeting for the year.

9. CONFIRMATION OF MINUTES

9.1 Minutes of Ordinary Meeting of Council held 20 December 2018

As Circulated

VOTING REQUIREMENT

Simple Majority

Council Resolution 20190201

Item 9.1

Moved: Cr Wooltorton

Seconded: Cr Bowman-Bright

That the Minutes of the Ordinary Meeting of Council held on 20 December 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:	13 February 2019
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 13 December 2018 to 4 February 2019, 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 20190202

Item: 10.1.1

Moved: Cr Risinger
Seconded: Cr Woollorton

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 13 December 2018 to 4 February 2019; 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:	022575 – 022586
Municipal cheques:	NIL
Municipal EFT's:	11951 – 12096
Trust Cheques:	300431 – 300432
Payroll direct debits:	#13 - #14 - #15
Municipal Direct Debits	31/12/18 and 31/01/19

Totalling \$ 690,772.77 be approved and passed for payment.

CARRIED 5-0

10.1.2 Financial Reports to 31 December 2018 and 31 January 2019

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	13 February 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.2(a) Monthly Statement of Financial Activity 10.1.2(b) 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 reports for the periods 1 July 2018 to 31 December 2018, and 1 July 2018 to 31 January 2019 (Attachments 10.1.2(a) and (b)) have 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 December 2018, and 1 July 2018 to 31 January 2019;
- Summary Rates Trial Balance Report as at 31 December 2018, and 31 January 2019;
- 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 20190203	Item: 10.1.2
Moved: Cr Bowman-Bright	
Seconded: Cr Stirling	
<i>That Council receive the Statement of Financial Activity for the period 1 July 2018 to 31 December 2018, and 1 July 2018 to 31 January 2019; and other supplementary financial information as presented.</i>	
	CARRIED 5-0

10.2 ADMINISTRATION REPORTS

10.2.1 Recruitment of a Trainee

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0030
Disclosure of Interest:	Nil
Date:	30 January 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.2.1 – Draft Grant Application

SUMMARY

This report seeks Council's approval for the CEO to recruit and employ a 'Trainee', subject to being awarded the \$20,000 grant from the Regional Traineeship Program.

BACKGROUND

The Minister for Regional Development, the Hon Alannah MacTiernan, has launched a new opportunity for select Local Government Authorities and The Western Australian Community Resource Centre Network. The Shire of Carnamah is one of the 22 eligible Local Government Authorities that can apply for this grant.

COMMENT

A draft application is attached regarding the employment of a Trainee over a 12 month period. There is a requirement to submit 4 options; these are listed in the draft application attached. The cost will be in the order of \$25,500 per annum. It is expected the grant will cover \$20,000 wages per annum. The Shire will need to cover superannuation and insurance, of about \$2,000 as well as TAFE (about \$3,500). The Shire has suitable work spaces with equipment already in place, so there is no further cost involved there.

CONSULTATION

- The Shire President
- The Deputy CEO
- Executive Director NMP

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

Social Objective 1: Continuity and improvement of existing services and facilities in the Shire;
To support an appropriate level of education in the Shire from child care to Vocational Educational Training Programs.

Civic Leadership Objective 4: To be a professional, customer focused 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

Nil

FINANCIAL IMPLICATIONS

\$3,500 will need to be included in the Shires wages budget for the next year.

RISK IMPLICATIONS

There is a small (non-material) financial risk if costs exceed current levels as planned.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20190204

Item: 10.2.1

Moved: Cr Bowman-Bright
Seconded: Cr Stirling

That Council;

- 1. Approves the submission of a grant application for the “Regional Traineeship Program”;***
and
- 2. Authorises the CEO to recruit and employ a ‘Trainee’, subject to the \$20,000 grant being awarded to the Shire of Carnamah, toward the cost of the 12 month term of the Traineeship.***

CARRIED 5-0

4:17pm

Cr Bowman-Bright left the meeting.

10.2.2 North Midlands Project – Activation of the Macpherson Homestead & 14 Macpherson Street (community garden), Carnamah

Applicant:	North Midlands Project
Location / Address:	Macpherson Homestead and 14 Macpherson Street
File Ref:	ADM0316
Disclosure of Interest:	Cr Bowman-Bright declared an interest in this Item
Date:	30 January 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.2.2(a) Letter re: Macpherson Homestead 10.2.2(b) Letter re:14 Macpherson Street (community garden)

SUMMARY

This report recommends that Council agree to parts of Macpherson Homestead being used for short-term accommodation for artists who come to Carnamah to run free programs with the community. In addition, Council will seek resources to undertake repairs at Macpherson Homestead. The Council also approves the inclusion of an outdoor gallery being created at the community gardens approved for 14 Macpherson Street, as well as contributes \$1,500 of water use each year.

BACKGROUND

The North Midlands Project (NMP) is a not-for-profit organisation that is delivering some very successful community engagement and development projects through the arts, heritage and culture, in the district. These activities are shaping Carnamah as a central cultural gateway between Perth and Geraldton, creating services and opportunity.

The North Midlands Project, in collaboration with the Carnamah Historical Society & Museum, would like permission to utilise the internal kitchen, adjoining room and bathroom of the Macpherson Homestead for short-term accommodation for artists who come to Carnamah to run free programs with the community.

Some maintenance is also required at the Homestead. The inserts of the doors leading outside from the kitchen are about to fall off, a very small section of the kitchen floor needs repairing and there are three substantial cracks - one in each of the three above-mentioned rooms (kitchen, adjoining room and the bathroom).

In addition, during 2018, the Shire of Carnamah granted the North Midlands Project permission to utilise the vacant block at 14 Macpherson Street for an extension of the community garden being established at The Exchange in Carnamah. They are looking at progressing this in 2019 but would like the Shires' permission to also make the space into an outdoor gallery with Aboriginal artworks and interpretation, telling stories of the four language groups that intersect in the North Midlands.

The intended name is Nyoongara Gallery. When Daisy Bates visited Carnamah in about 1905 she spoke to an Aboriginal man named Baandee and he gave Nyoongara as the local word for an Aboriginal person. So it is strongly felt this will add strongly to both cultural and ecotourism.

COMMENT

- The internal kitchen, adjoining room and bathroom of the Macpherson Homestead are entirely separate to the rest of the building, are generally not open to tourists and were only used once in 2018 (which was by the North Midlands Project for the Harvest

Festival). This initiative will activate a disused portion of the building, bring some life back to the Homestead and artists who stay there will contribute to opening the Homestead to the public during peak tourism season.

- For the preservation and future-use of the Homestead, the Shire will need to attend to the issues highlighted in the background section of this item.
- The NMP expect to be able to cover the cost of plants, artworks and interpretation at the community garden, however, they are seeking a donation from the Shire to cover the cost of water usage once plants are in place. This is an element that wasn't covered when use of the block was granted in 2018.

CONSULTATION

Shire Administration Team

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

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

Council Policy 2.1: Contributions and Donations, requires this matter to be presented for consideration by Council.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Item 10.2.2

That Council;

- 1. Approves the use of the internal kitchen, adjoining room and bathroom of the Macpherson Homestead for short-term accommodation for artists who come to Carnamah to run free programs with the community; and***
- 2. Agrees to seek grant funding, as well as allocate own source funding, to undertake the repairs outlined above, at Macpherson Homestead, subject to budgetary constraints; and***
- 3. Approves the use of 14 Macpherson Street as a community garden as well as an outdoor gallery with Aboriginal artworks and interpretation; and***
- 4. Agrees to donate the cost of water needed to water the plants in the community garden at 14 Macpherson Street to a maximum of \$1,500 pa.***

The original recommendation was amended taking into account the anticipated increase in usage of Macpherson Homestead in the future, and a suggestion that the proposed community garden area is surrounded by building rooftops not utilising rainfall catchment.

Council Resolution 20190205

Item 10.2.2

Moved: Cr Stirling
Seconded: Cr Risinger

That Council;

- 1. Approves the use of the internal kitchen, adjoining room and bathroom of the Macpherson Homestead for short-term accommodation for artists who come to Carnamah to run free programs with the community; and***
- 2. Agrees to seek grant funding, as well as allocate own source funding, to undertake the repairs outlined above, as well as the inclusion of a water-wise heritage themed garden and lawn area, at Macpherson Homestead, subject to budgetary constraints; and***
- 3. Approves the use of 14 Macpherson Street as a community garden as well as an outdoor gallery with Aboriginal artworks and interpretation; and***
- 4. Agrees to donate the cost of water needed to water the plants in the community garden at 14 Macpherson Street to a maximum of \$1,500 per annum for the first year, with the project progressing towards being water-wise and installing water tanks that access the rain water flow from the neighbouring rooftops, if possible.***

CARRIED 4-0

4:32pm

Cr Bowman-Bright returned to the meeting.

10.2.3 Economic Development Plan & Strategy

Applicant:	N/A
Location / Address:	N/A
File Ref:	
Disclosure of Interest:	Nil
Date:	31 January 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.2.3 (a) Carnamah Proposed Economic Development Initiatives 10.2.3 (b) Summary of enabling recommendations

SUMMARY

This report recommends Council endorse the enabling statements and investigation of the Economic Development Plan actions, as attached.

BACKGROUND

The Shire of Carnamah recently engaged an Economic Development consultant to develop an Economic Development Plan. As a part of that process, the Shire of Carnamah is seeking to formulate/establish an Economic Development Blueprint (EDB) and corresponding Action Plan to stimulate the local economy. This is expected to be achieved through five discreet activities:

1. Research into two or three local new, alternative and or improved businesses and industries initiatives;
2. Collaborative communication with government agencies, stakeholders and potential partners;
3. Drafting of a locality specific EDB and Action Plan (to be ultimately incorporated in the Local Planning Strategy);
4. Quantifying/verifying the predicted outcomes of implementing the EDB; and
5. Developing, for the purpose of funding application, two or three business cases for each initiative.

On 10 December 2018, a community workshop was held to hear ideas and views on what the EDP priorities should be. From that, a “Carnamah Proposed Economic Development Initiatives” report was drafted. The Shire is calling for expression of interest from Council and community members interested in forming a volunteer working group to develop and initiate the Economic Development Plan (EDP).

COMMENT

Following the workshop the EDP consultant has prepared the attached “Carnamah Proposed Economic Development Initiatives”. If Council gives approval for these actions to be pursued, the document will be given to a working group to pursue the initiatives contained within it.

CONSULTATION

Shire President
Consultant (Calmy Planning & Design)
DCEO

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

Shire of Carnamah Aspiration;
Be a place of economic and lifestyle opportunity-
We will ensure that our residents and visitors will have access to a variety of work and leisure options and will enjoy an excellent quality of life attuned to a rural lifestyle.

POLICY IMPLICATIONS

Policy 8.2 - 'Long-term Financial Planning'.

FINANCIAL IMPLICATIONS

Nil, at this stage. In the event a particular initiative is found to be appropriate and able to be implemented as determined by the working group, discreet project plans with costs, will be presented to Council for their approval, prior to any expenditure being incurred.

VOTING REQUIREMENT

Simple majority

Council Resolution 20190206

Item 10.2.3

Moved: Cr Risinger
Seconded: Cr Wooltorton

That Council;

- 1. Endorses the enabling statements and the economic development plan actions, as attached; and***
- 2. Approves the establishment of a working group to investigate and pursue the initiatives contained within the economic development plan, as attached; and***
- 3. Approves the investigation of the economic development plan actions, as attached, with the view of them being implemented where applicable, subject to Council approval for each initiative that is determined to be viable by the working group and available funding.***

CARRIED 5-0

10.2.4 WALGA Advocacy Policy Statement – Local Government Act Review (Phase 2)

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0222
Disclosure of Interest:	Nil
Date:	31 January 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.2.4 (a) WALGA Advocacy Position statement 10.2.4 (b) & (c) Beneficial enterprises - notes

SUMMARY

This report recommends Council endorses the WALGA Advocacy Position statements as attached, regarding the matters to be addressed in Phase 2 of the Local Government Act Review.

BACKGROUND

WALGA is seeking endorsement from Councils for WALGA's Advocacy Position statements as attached, regarding the matters to be addressed in phase 2 of the Local Government Act review, by 22nd February 2019.

COMMENT

The statements presented by WALGA, align with the verbal views on these matters expressed by members of the Shire of Carnamah Council.

CONSULTATION

Shire President

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

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

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20190207

Item 10.2.4

Moved: Cr Risinger

Seconded: Cr Bowman-Bright

That Council endorses the WALGA Advocacy Position statements as attached, regarding the matters to be addressed in Phase 2 of the Local Government Act review.

CARRIED 5-0

10.2.5 Lighting Policy

Applicant:	N/A
Location / Address:	Carnamah Shire (inc townsites of Carnamah & Eneabba)
File Ref:	Policy Manual
Disclosure of Interest:	Nil
Date:	11 February 2019
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.2.5 (a) Draft Policy 3.10 10.2.5 (b) Western Power Information Bulletin

SUMMARY

This report seeks Council approval for the adoption of a lighting policy, designed to protect the dark night skies, and the economic opportunities presented by Astro-tourism.

BACKGROUND

The Shire of Carnamah has become an Astro-tourism town with a viewing and an Astro-photography site. To ensure the dark night skies needed for these activities are available, Councils are adopting Lighting Policies. These provide for public lighting that is designed in a way to not cause light spill or light pollution away from the light area.

COMMENT

The policy will ensure that any lighting works undertaken by utility providers meet the requirements needed to protect our fledgling Astro-tourism endeavors. The draft policy attached is one that Stargazers WA and WALGA have developed for Councils to use.

CONSULTATION

Executive management team
Stargazers WA

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

A new Policy 3.10 will need to be endorsed by Council (as attached).

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20190208

Item: 10.2.5

Moved: Cr Stirling

Seconded: Cr Bowman-Bright

That Council adopt the Lighting Policy 3.10, as attached, to protect the dark night skies, and the economic opportunities presented by Astro-tourism.

CARRIED 5-0

10.2.6 Change of Date – Ordinary Meeting of Council – May 2019

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0198
Disclosure of Interest:	Nil
Date:	11 February 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that the request to move the scheduled 15 May 2019 Ordinary Meeting of Council to 22 May 2019, be adopted and advertised.

BACKGROUND

The scheduled date for Ordinary Meetings of Council is the third Wednesday of each month. Council may amend scheduled dates for meetings if required.

COMMENT

It is proposed to change the scheduled date of the Ordinary Meeting of Council from 15 May to 22 May 2019, as the Deputy CEO will be on Long Service Leave prior to the meeting. The change of date will enable the financial reports for April 2019, to be compiled and submitted to the May meeting.

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 Strategic Community Plan 2017 – 2027

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.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20190209

Item: 10.2.6

Moved: Cr Risinger
Seconded: Cr Woollorton

That Council adopt the change to the scheduled date of the Ordinary Meeting of Council, from 15 May to 22 May 2019, and approves the advertising of the change locally.

CARRIED 5-0

10.2.7 Application for Planning Approval – 16 Yarra Street, Carnamah

Applicant:	Miss Hope Casbolt
Location / Address:	16 Yarra Street, Carnamah
File Ref:	Assessment #A200
Disclosure of Interest:	
Date:	12 February 2019
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.2.7 – Application for Planning Approval and plans

SUMMARY

This report recommends that an application for Planning Approval submitted by Miss Hope Casbolt (Landowner) to install a carport/patio and fencing, in the Carnamah townsite be approved subject to conditions.

BACKGROUND

Miss Casbolt is seeking to install a carport/patio and replacement of fencing at 16 Yarra Street, Carnamah.

The carport/patio is for weather protection of vehicles and will be at the front of the house. The roofing will go to the block boundary with little to no setback. However the supporting columns will be set back 100mm from the south boundary. It will align with the edge of the existing patio to the east of the house. The existing patio is set back 100mm from the south boundary as well. It will be constructed from new ‘steel’ materials. The fencing will replace the existing asbestos/cement fibre fencing between the property and the neighbour to the North.

The fence will commence at 1.5m high matching the height of the existing boundary fence on the west side, and graduate to approximately 1.8m in height to match the height of the boundary fence on the east side. It will be constructed from new ‘steel’ materials. Full details of the application submitted are provided in the attachment to this report.

COMMENT

The subject land is classified ‘residential’ zone under the Shire of Carnamah Local Planning Scheme No.2 (LPS No.2).

Whilst the carport/patio will go to the block boundary with little to no setback, it is for weather protection over an existing parking area at the front of the house. It does not impinge on any neighbouring homes as there are no neighbours that would look over it and it is across from an agriculture machinery lot. Although the setback is technically not large enough, there is already a patio with the same setback on the south boundary in place.

The replacement fencing is already deemed approved and also a permitted use. Generally speaking a development approval is not required for boundary fencing unless it’s a new fence within the front setback area of a ‘Residential’ zoned property and the fence doesn’t comply with the following standards and requirements of the Residential Design Codes of WA:

- Front fences within the primary street setback area must be visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.
- Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect.

In this case the intersecting street fence is not new and already exists and the proposal for the new fence is to install a replacement fence that matches the existing heights of the boundary fencing.

However as the proposal doesn't comply with the R-Code requirements outlined above, a development/planning application may be required to be approved prior to the commencement of construction.

Council's stated objectives for the development and use of any land classified 'Residential' zone include:

- a) To provide for predominately residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia;

CONSULTATION

Town planning consultant

DCEO

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

- Shire of Carnamah Policy 3.8 – *Townscape Amenity Policy*
- State Planning Policy 3 – *Urban Growth and Settlement*

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENT

Simple majority

Moved: Cr Risinger
Seconded: Cr Stirling

That the application for Planning Approval submitted by Miss Hope Casbolt (Landowner) to install a carport/patio and replace fencing, at 16 Yarra Street, Carnamah, be **APPROVED** subject to the following conditions and advice notes:

Conditions

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.

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 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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

10.2.8 Request to surrender/return – Lot 230 Cooper Street, Eneabba

Applicant:	Mr & Mrs Gregory & Kathryn Gilder
Location / Address:	Lot 230 (13) Cooper Street, Eneabba
File Ref:	ADM0222
Disclosure of Interest:	Nil
Date:	11 February 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.2.8 – Letter of offer to hand over land to the Shire

SUMMARY

This report recommends that Council accept the offer of Mr & Mrs Gilder to donate Lot 230 Cooper Street, Eneabba, to the Shire - subject to Council covering outstanding rates and all costs associated with the transfer of the land.

BACKGROUND

The applicants have advised that they can no longer afford to keep the property and would prefer Council take ownership of the block rather than it revert back to the Crown.

CONSULTATION

Shire Administration Team

STATUTORY ENVIRONMENT

Transfer of Lands Act 1893

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

Civic Leadership Objective 4: Responsibly manage the organisation's assets and financial resources –

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The amount of outstanding rates totals \$867.78, plus Water Corp charges, plus the transfer cost which is yet to be ascertained but not expected to exceed \$1,000.

It should be noted that if the land was to revert back to the Crown, Council would more than likely have to write off the outstanding rates. These costs could be accommodated within the budget framework for the 2018/19 financial year.

VOTING REQUIREMENT

Simple majority

Council Resolution 20190211

Item 10.2.8

Moved: Cr Wooltorton

Seconded: Cr Risinger

That Council accept the offer from Mr & Mrs Gilder to purchase 13 (Lot 230) Cooper Street, Eneabba for the value of all outstanding council rates, water corporation charges and transfer costs.

CARRIED 5-0

10.2.9 Citizen of the Year Award – Policy Amendment

Applicant:	N/A
Location / Address:	N/A
File Ref:	Policy Manual & ADM0203
Disclosure of Interest:	Nil
Date:	13 February 2019
Author:	Executive Support Officer
Attachments:	Policy 1.8 – Proposed Amendment

SUMMARY

This report recommends the amendment of Policy 1.8 'Shire of Carnamah – Citizen of the Year Awards'.

BACKGROUND

The Shire of Carnamah administers the 'Citizen of the Year Awards' by calling for nominations each year (during October & November). The nominations are then considered at the Ordinary Meeting of Council held in December, during which the selection matrix is applied to determine the recipient of the Award/s in each category.

COMMENT

Whilst it has long been considered that a nominee 'not' be awarded more than once, this ruling has not been included in the Policy. Therefore, we propose that a statement be included to this effect, noting that it should not rule out the possibility of a person receiving the Award in the 'Youth' category, and then being eligible to receive the 'Citizen of the Year Award' after a considerable amount of time has elapsed.

CONSULTATION

Executive Management Team and Shire President

STATUTORY ENVIRONMENT

Section 3.1 (General Function) of the Local Government Act states that the general function of a local government is to provide for the good government of persons in its' district.

STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Civic Leadership Object 4: To be a professional, customer focused 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

Council Policy 1.8 – A copy of the proposed policy amendment is attached.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.2.9

That Council approve the proposed amendment to Policy 1.8 'Shire of Carnamah – Citizen of the Year Awards'.

The reason for amendment of recommendation – having distinct age categories allowed for repeat awarding, if required, ie: a recipient of the 'Youth' category might be awarded the 'Citizen of the Year' after considerable time has elapsed.

Council Resolution 20190212

Item: 10.2.9

**Moved: Cr Stirling
Seconded: Cr Woollorton**

That Council approve the proposed amendment to Policy 1.8 'Shire of Carnamah – Citizen of the Year Awards', with the inclusion of the category 'Citizen of the Year Award – Senior' (65 years old and over), and change the 'Youth' category to 'Citizen of the Year Award – Youth' (25 years and under).

CARRIED 4-1

10.2.10 Reserve 32316 (Slater St, Carnamah) & Reserve 36802 (Gooch St, Eneabba)

Applicant:	Main Roads Western Australia
Location / Address:	56 (Lot 65) Slater St, Carnamah & 7 (Lot 381) Gooch St, Eneabba
File Ref:	ADM0242
Disclosure of Interest:	Nil
Date:	13 February 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.2.10 - Email from MRWA re: surplus Reserves

SUMMARY

This report recommends that Council seek approval to have both Reserves vested with the Shire of Carnamah.

BACKGROUND

These Reserves were vested with Main Roads WA for the purpose of depot sites in Carnamah (1973) and Eneabba (1980) respectively. Main Roads WA have decided that the Reserves are now surplus to their requirements and have approached Council to see if the Shire is interested in them.

CONSULTATION

Chief Executive Officer
Acting Manager Works & Services

STATUTORY ENVIRONMENT

Transfer of Lands Act 1893

STRATEGIC COMMUNITY PLAN 2027 IMPLICATIONS

Economic Objective 3: To retain existing industries and encourage the establishment of new industries to broaden the district's economic base and develop and maintain an efficient road transport system -

Business

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

Rationale: To add to the economic and social viability of the Shire.

Restraints to success: Access to land to accommodate industries. Cost of developing land.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

Council Resolution 20190213

Item: 10.2.10

Moved: Cr Risinger

Seconded: Cr Bowman-Bright

That Council notify Main Roads WA that the Shire of Carnamah is prepared to have Reserves 32316 and 36802 vested with the Shire of Carnamah.

CARRIED 5-0

10.3 CONFIDENTIAL REPORTS

10.3.1 Motion to close the meeting to the public for the consideration of Confidential Reports

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Mr Phil Casbolt declared an interest in Item 10.3.2
Date:	13 February 2019
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Item 10.3.2 of the Agenda of 20 February 2019 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 20190214

Item: 10.3.1

Moved: Cr Wooltorton
Seconded: Cr Bowman-Bright

That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 20 February 2019 Agenda.

CARRIED 5-0

4:59pm

Mr Phil Casbolt left the meeting.

10.3.2 CONFIDENTIAL ITEM

File: PER #147

Date: 13 February 2019

Author: Karen Oborn – Chief Executive Officer

Council Resolution 20190215

Moved: Cr Risinger

Seconded: Cr Wooltorton

CARRIED 5-0

5:01pm

Mr Phil Casbolt returned to the meeting.

10.3.3 Motion to re-open the meeting

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	13 February 2019
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT

Simple Majority

Council Resolution 20190216

Item 10.3.3

Moved: Cr Wooltorton

Seconded: Cr Risinger

That the meeting be re-opened to the public.

CARRIED 5-0

11. ORDERING THE COMMON SEAL

11.1 Ordering the Common Seal

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0216
Disclosure of Interest:	Nil
Date:	14 February 2019
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Nil

BACKGROUND

Council has given final approval for execution of the Contract of Sale and Deed of Easement documents for the Old Church Building which require the Common Seal to be affixed.

OFFICER COMMENT

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 2.7 Shire of Carnamah Common Seal

VOTING REQUIREMENT

Simple Majority

Council Resolution 20190217

Item: 11.1

Moved: Cr Stirling
Seconded: Cr Risinger

That Council endorse the use of the Common Seal on the Contract of Sale and Deed of Easement documents for the sale of the Old Church Building to Brendon and Lydia Haeusler.

CARRIED 5-0

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 (20 February 2019) was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

Council Resolution 20190218

Item: 15.1

Moved: Cr Wooltorton

Seconded: Cr Bowman-Bright

That items 10.2.11, 10.2.12 and 10.2.13 be admitted to the meeting as late business.

CARRIED 5-0

10.2 ADMINISTRATION REPORT

10.2.11 Donation Request from the Carnamah Childcare Centre

Applicant:	Carnamah Childcare Centre Inc
Location / Address:	N/A
File Ref:	ADM0175
Disclosure of Interest:	Nil
Date:	20 February 2019
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.2.11 – Letter from Carnamah Childcare Centre

SUMMARY

This report recommends that the scheduled fee for the hire of the sports oval and Recreation Centre facilities by the Carnamah Childcare Centre on 16 March 2019, be waived as a donation from Council.

BACKGROUND

On 13 February 2019 the CEO received a letter from the applicant asking if the Shire would consider donating the facilities for their fundraising event. This function will utilise the Recreation Centre along with the kitchen, cool room and sports oval from 2:00pm – midnight. Along with the bar they will selling sausage sizzles, cool drinks, confectionery, etc. The purpose of this event is to raise funds for the Carnamah Childcare Centre.

COMMENT

The fees applicable to the hiring of these facilities are \$396.00 which is a significant sum for a community group engaged in fundraising.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Corporate Business Plan

Social - Objective 1:

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

POLICY IMPLICATIONS

Council policy 2.1: Contributions and Donations, requires donations over \$200 of value to be considered by Council.

FINANCIAL IMPLICATIONS

Reduction of Fees and Charges income by \$396.00.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Item: 10.2.11

That Council waive the scheduled hire fees for the sports oval and Recreation Centre for the Carnamah Childcare Centre fundraising activity on 16 March 2019, as a donation.

The original recommendation contains a specific date which could possibly be changed by the applicant due to another regional event being held on that date.

Council Resolution 20190219

Item: 10.2.11

Moved: Cr Bowman-Bright

Seconded: Cr Risinger

That Council waive the scheduled hire fees for the sports oval and Recreation Centre for the Carnamah Childcare Centre fundraising activity in March 2019, as a donation.

CARRIED 5-0

10.2.12 Application for Planning Approval – Carnamah Roadhouse

Applicant:	Stipulor Pty Ltd (David Smith) for Carnamah Roadhouse
Location / Address:	LOC 3002 PTA/ARC Infrastructure - Rail Reserve, Carnamah
File Ref:	ADM0212
Disclosure of Interest:	Nil
Date:	19 February 2019
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.2.12(a) Carnamah Roadhouse Site Plan 10.2.12(b) Emergency Response Plan (Carnamah Roadhouse) 10.2.12(c) Serial badge of diesel tank 10.2.12(d) Emails 10.2.12(e) Aerial imagery of Carnamah Roadhouse

SUMMARY

This report recommends that a retrospective development application for planning approval submitted on behalf of Stipulor Pty Ltd at the request of the P.T.A. (Landowner) to relocate the fast flow diesel bowser and install a diesel fuel tank, be approved, on the condition that all of the fuel contaminated soil on both sides of the boundary, near the bowser is disposed of, by Stipulor Pty Ltd, in accordance with the environmental regulations. Pending the receipt of a signed development application from the P.T.A.

BACKGROUND

In November 2017 Stipulor Pty Ltd installed a new diesel fuel tank at the rear of the Carnamah Roadhouse and relocated the fast flow diesel bowser to the boundary of the area of the Rail Reserve the Shire of Carnamah leases from ARC Infrastructure. The area occupied by the Roadhouse is still under the management of the P.T.A.

COMMENT

The P.T.A. now requires the Roadhouse to have a development application for this. ARC Infrastructure has no objection to the bowser being accessed across the boundary as detailed in the emails included in the attachments. At present the P.T.A. will no longer allow the Roadhouse to operate the fast flow bowser. The closure of the fast flow will seriously impact the economic viability of the Roadhouse, which could lead to the Roadhouses' complete closure, resulting in another economic blow to the town, as well as impact CBH's operations in Carnamah.

CONSULTATION

Town planning consultant
DCEO & David Smith (Stipulor Pty Ltd)

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

- Shire of Carnamah Policy 3.8 – *Townscape Amenity Policy*
- State Planning Policy 3 – *Urban Growth and Settlement*

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENT

Simple majority

Council Resolution 20190220

Item 10.2.12

Moved: Cr Wooltorton
Seconded: Cr Risinger

That the retrospective application for planning approval submitted on behalf of Stipulor Pty Ltd at the request of the P.T.A. (Landowner) to relocate the fast flow diesel bowser and install a diesel fuel tank, be **APPROVED** upon receipt of a signed development application form from the landowners, being the P.T.A., 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. Any fuel contaminated soil on both sides of the boundary, near the fast flow bowser is disposed of, by Stipulor Pty Ltd, in accordance with the environmental regulations.
3. All site works are undertaken and environment requirements met, by Stipulor Pty Ltd, at their cost, in a manner consistent with the requirements of the P.T.A., ARC Infrastructure and related regulatory requirements.
4. 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 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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

10.2.13 Payment of Higher Duties for Deputy Chief Executive Officer

Applicant:	N/A
Location / Address:	N/A
File Ref:	PER #101
Disclosure of Interest:	Nil
Date:	20 February 2019
Author:	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 was on Annual Leave, 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 was on Annual Leave from 4 February 2019 to 8 February 2019 (inclusive), totalling 5 consecutive days, returning on Monday 11 February 2019.

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 20190221

Item: 10.2.13

Moved: Cr Wooltorton

Seconded: Cr Bowman-Bright

That Council appoint the Deputy CEO to be Acting CEO, and approves the payment of higher duties allowance to the Deputy CEO, for the period 4 February 2019 to 8 February 2019 (inclusive).

CARRIED 5-0

16. CLOSURE OF MEETING

There being no further business, the president thanked everyone for attending and closed the meeting at 5:13pm.