

Minutes

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SHIRE OF CARNAMAH

Disclaimer

No responsibility whatsoever 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 derogating 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 warns that anyone who has any application lodged with the Shire of Carnamah must 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 COUNCIL MEETING

HELD IN THE COUNCIL CHAMBERS, CARNAMAH

ON WEDNESDAY 16TH AUGUST 2006

1**DECLARATION OF OPENING**

President Cr. Heinrich welcomed members and declared the meeting open at 9:00am

MOVED: CR. MILLS
SECONDED: CR. FORSYTH

That in order to allow free flowing debate, that Standing Orders be suspended.

CARRIED: 5 - 0

2**RECORD OF ATTENDANCE****PRESENT**

Councillors	B. Heinrich (President)
	E Cockin
	R. Launer (out 3:01pm in 3:04pm)
	D. Forsyth
	D. Mills (out 3:09pm)
	M. Isbister (in 11:15am out 2:2pm)
	(in 2:08pm out 3:27pm)
Deputy Chief Executive Officer	S. Appleton (out 9:18am in 9:27am)
	(out 1:45pm in 1:55pm)
Executive Secretary	R V Miller
Manager of Community Services	G. J Agnew (in 10:47am out 12:45pm)
Environmental Health Officer	A. Njoku (in 10:47 am out 12:45pm)

APOLOGIES

Cr. M. Isbister advised that due to a medical emergency she would not be in Council meeting until later in the day.

Cr. J. Read advised that due to work commitments, he was unable to attend Council meeting.

LEAVE OF ABSENCE (Previously Approved)

Councillor Forsyth asked for leave of absence from the 20th September meeting of Council.

Several Councillors requested leave of absence from the Special Meeting of Council to be held on the 7th September. It was agreed that a Telephone meeting would take place in order that a quorum be obtained.

MOVED: CR. COCKIN

SECONDED: CR. MILLS

That Councillor Forsyth be granted leave of absence from the September Ordinary meeting of council.

That a Telephone Special Meeting of Council take place on the 7th September 2006.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

There were no members of the Public in attendance.

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 PETITIONS, DEPUTATIONS AND PRESENTATIONS

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Councillor Heinrich advised the meeting that the CEO, Tony Nottle and his wife Jolene had a baby boy on Monday 14th August - Bailey Craig 6lb 5onz and Stacey and Correy Brown had a baby girl on Tuesday 14th August - Jorja Kaye 7lb 3onz. All Mums, Dads and babies were doing well. Council had sent flowers to both.

Councillor Heinrich asked the Deputy CEO, Samantha Appleton, to make enquiries and a booking for a telephone hookup on the 7th September 2006 for a Special Meeting of Council to take place.

8 CONFIRMATION OF MINUTES

313604 8.1. ORDINARY MINUTES OF COUNCIL MEETING HELD 19TH JULY 2006.

MARKED APPENDIX A

MOVED: CR. LAUNER

SECONDED: CR. COCKIN

That the minutes of the Ordinary meeting of Council held on the 19th July 2006 be accepted as a true and correct record.

VOTING REQUIREMENT: SIMPLE MAJORITY

CARRIED 5 - 0

Councillor Heinrich advised that Council's Manager of Community Services Mr. Garry Agnew and Council's Environmental Health Officer Ms. Andrea Njoku were required to attend the Three Springs Council meeting however would be attending Carnamah's meeting later.

MOVED: CR. MILLS

SECONDED: CR. COCKIN

That Council move out of sequence of the Agenda and attend to other items, returning to the Community and Development Report when the Manager of Community Services and Environmental Health Officer joined Council meeting.

CARRIED 5 - 0

Council moved to Item 9.3.1

9 MANAGEMENT REPORTS

9.2 MANAGER OF PARKS & GARDENS REPORT

9.3 WORKS ADMINISTRATION REPORT

313605 9.3.1. TENDER 1/07 BITUMEN, AGGREGATE AND ASPHALT - CALLED BY THE SHIRE OF THREE SPRINGS.

Applicant:	N/A
Location / Address:	N/A
File Ref:	R12/148, T12/6
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	M.H. Pumphrey, Manager of Works and Services
Signature of Author:	
Attachments:	

Summary

A joint tender for the supply of bitumen, aggregate and asphalt is to be called annually.

Background

This is a joint tender with the Shires of Three Springs, Coorow and Carnamah. The Shire of Three Springs was responsible for calling the 2006 tender which closed Friday 4th August 2006 at 4pm.

Comment

The following Tenders were received:

Company		14mm	10mm	7mm
Winchester Industries	Supply Only	\$30.80	\$28.60	\$35.20
	Supply & Deliver (Delivered to town dump site)	\$38.50	\$36.30	\$42.90
Readymix Quarries	Supply Only	\$35.20	\$41.80	\$49.50
	Supply & Deliver (Delivered to town dump site)	\$56.10	\$62.70	\$70.40

Prices include GST

Supply and Spray Class 170 Bitumen

Company	Bitumen 98/2 Hot 274,950 Lts	Emulsion CRS 170 256,346 Lts	Bitumen 50/50 Cold 20,000 Lts	Asphalt Black/Red 4,200 m²
RNR Contracting Pty Ltd	0.89 \$244,705	0.73 \$187,132	\$1.20 \$24,000	N/A N/A
Pioneer Road Services Pty Ltd	0.726 \$199,613	0.682 \$174,828	\$0.858 \$17,160	\$13.45 M@
Boral Asphalt	0.79 \$218,000	0.69 \$176,878	\$1.27 \$25,400	N/A N/A

RATES INC. G.S.T.

It has been recommended that the following tenders be accepted:

- Aggregate - Winchester Industries
- Bitumen - Pioneer Road Services

Consultation

Shires of Three Springs and Coorow

Statutory Environment

Local government act Section 3.57 requires Council to call tenders for purchases over \$50,000

Policy Implications

Nil

Financial Implications

Provision has been made in Council's budget for the purchase of Bitumen Aggregate and Asphalt.

Voting Requirement – Absolute Majority**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.3.1.**

MOVED: CR. FORSYTH

SECONDED: CR. LAUNER

1. That Council accept Winchester Industries tender for the supply of:

Aggregate 7mm = \$35.20 per tonne

10mm = \$28.60 per tonne

14mm = \$30.80 per tonne

2. That Council accepts Pioneer Road Surfaces tender for the supply delivery and application of:

Hot Bitumen @ 0.726¢ per litre

CRS170 Emulsion @ 0.682¢ per litre

Asphalt Black 20mm thick 7mm mix \$13.45 per m².

CARRIED 5 - 0

9.4. FINANCE REPORTS**313606 9.4.1. FINANCIAL REPORTS TO 31 JULY 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	8 August 2006
Author:	S. Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Item 9.4.1.

Summary

A Statement of Financial Activity and Rates Trial Balance is produced monthly as part of the Council meeting agenda.

Background

The attached financial report for the period 1 July 2006 to 31 July 2006 (marked 9.4.1.) 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 2006 to 31 July 2006;
- Rates Trial Balance Report as at 31 July 2006;

The Statement of Financial Activity has been prepared using a new template provided by the Department of Local Government and Regional Infrastructure. This is their recommended format.

Consultation Nil

Statutory Environment

Financial Management Regulation 34 prescribes which financial reports are to be presented to Council.

Policy Implications Nil

Financial Implications Nil

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.1.

MOVED: CR. LAUNER

SECONDED: CR. MILLS

That Council receive the following reports as presented:

- *Statement of Financial Activity as at 31 July 2006*
- *Rates Trial Balance Report as at 31 July 2006*

CARRIED 5 - 0

313607 9.4.2. ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/7
Disclosure of Interest:	Nil
Date:	8 August 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Cheque & EFT Listing

Summary

As part of the monthly reporting procedures a full listing of cheques and EFT payments made is submitted to Council.

Background

Attached is a listing of accounts paid since the last Council meeting in June 2006 (marked 9.4.2).

Comment Nil

Consultation Nil

Statutory Environment

Financial Management Regulations 12 (1) (a) provides that payment may only be made from the Municipal Fund or the Trust Fund when a local government has delegated to its CEO the power to make payments from those funds. Such delegation to the Shire of Carnamah's Chief Executive Officer exists.

Financial Management Regulation 13 (1) itemises the requirement for reporting to Council the payments made by the CEO.

Policy Implications Nil

Financial Implications Nil

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.2.

MOVED: CR. FORSYTH

SECONDED: CR. COCKIN

That accounts totalling \$253,590.77 on Municipal vouchers: 26161 to 26180, to EFT1328 to EFT1355;

as per the attached listing - 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 - be approved and passed for payment.

CARRIED 5 - 0

313608 9.4.3. INVESTMENTS, OPERATING AND CASH MANAGEMENT ACCOUNTS AS AT 31 JULY 2006

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	8 August 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Item 9.4.3 Investment Report

Summary

Every month a report on balances of investments, operating and cash management accounts is presented to Council.

Background

The attached investments, operating and cash management accounts report for July 2006 was prepared as per Council Policy and the Local Government Financial Management Regulations (marked 9.4.3.).

Comment

Included with this report are the following:

- Report on Investments; and
- Cash Management and Operating Accounts,

at 31 July 2006.

Consultation Nil

Statutory Environment

Financial Management Regulation 19 requires that local governments implement procedures that enable the identification of the nature and location of all investments, and the transactions related to each investment.

Policy Implications

The reports were prepared in accordance with Policies:

13.3 - that reserve interest be transferred to the reserve account on which the interest was earned; and

14.2 – that authority to invest surplus funds is delegated by Council to the Chief Executive Officer, policy requiring that monthly investment reports include amount invested, interest rate, security provided and transactions during the period if any.

Financial Implications Nil

Voting Requirement – Simple Majority**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.3.**

MOVED: CR. MILLS
SECONDED: CR. COCKIN

That Council receive the following reports as presented:

- *Report on Investments as at 31 July 2006 as invested by the Chief Executive Officer under delegated authority of Council; and*
- *Operating and Cash Management Accounts as at 31 July 2006*

CARRIED 5 - 0

9.5. ADMINISTRATION REPORTS

313609 9.5.1. ANNUAL LEAVE CHIEF EXECUTIVE OFFICER – TONY NOTTLE

Applicant:	N/A
Location / Address:	N/A
File Ref:	S4/38
Disclosure of Interest:	The author is also the applicant for the annual leave request
Date:	9th August 2006 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	

Summary

The author requests annual leave in accordance with the employment contract.

Background

I commenced employment with the Shire of Carnamah on the 1st August 2005 and in accordance with my contract of employment I am entitled to five (5) weeks annual leave. Since commencing work with the Council I have taken approximately two (2) weeks leave.

I plan to take three (3) weeks leave accrued plus a further one (1) week leave in advance.

Comment

Due to the circumstances surrounding my reason for leave, it is unclear as to an exact date in which I intend to commence leave.

The original intention is to take leave one week prior to the event which is due 14th September 2006 (commence leave approx. 7th September). However recent information has suggested that I may need to leave earlier.

Deputy CEO Sam Appleton has indicated that she would be available to undertake Acting duties if dates were to change.

Consultation

Shire President

Statutory Environment

Employment contract with Mr. Anthony G Nottle – Chief Executive Officer.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.1.

MOVED: CR. FORYTH
SECONDED: CR. MILLS

That Council:

- 1. Grant approval to take four (4) weeks Annual Leave at a date to be confirmed between the Shire President and the CEO; and*
- 2. Appoint Ms. Samantha Appleton as Acting CEO during the period that the CEO is on Annual Leave.*

CARRIED 5 - 0

313610 9.5.2. APPLICATION FOR EXPLORATION LICENSE – 70/3025

Applicant:	Emerald Tenement Services
Location / Address:	25 Charles Street, South Perth
File Ref:	E13/3.1
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	9.5.2.,

Summary

Council is requested to receive the notification of application from Emerald Tenement Services for Exploration License 70/3025.

Background

Council received notification from Emerald Tenement Services (acting on behalf of their client) that they had applied for an exploration license (EL) for subsurface rights only of an area in the Shires of Carnamah, Coorow and Dandaragan.

Comment

This Please see attached 9.5.2. which outlines the area of the license application. Only a very small portion of this falls within the Shire of Carnamah boundary.

The applicant is required to advise the Shire of its application to the Department of Industry and Resources.

Consultation Nil

Statutory Environment

Mining Act 1978

Policy Implications Nil

Financial Implications Nil

Voting Requirement Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.2.

MOVED: CR. MILLS
SECONDED: CR. LAUNER

That Council receive the notification from Emerald Tenement Services that an application for Exploration License 70/3025 (subsurface rights only) has been made, some of which is located in the Carnamah Shire boundary.

CARRIED 5 - 0

313611	9.5.3.	APPLICATION FOR EXPLORATION LICENSE – 70/3034
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Applicant:	McMahon Mining Title Services P/L
Location / Address:	Level 1 202 Pier Street, Perth
File Ref:	M13/3.1
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	9.5.3.

Summary

Council is requested to receive the notification of application from McMahon Mining Title Services for Exploration License 70/3034

Background

Council received notification from McMahon Mining Title Services (acting on behalf of their client) that they had applied for an exploration license (EL) of an area in the Shires of Carnamah, Three Springs and Mingenew.

Comment

Please see attached 9.5.3. which outlines the area of the license application. The area outlined includes private property north of the Carnamah townsite.

The applicant is required to advise the Shire of its application to the Department of Industry and Resources.

Consultation

Nil

Statutory Environment

Mining Act 1978

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM: 9.5.3.
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MOVED: CR. FORSYTH
SECONDED: CR. LAUNER

That Council receive the notification from McMahon Mining Title Services Pty Ltd that an application for Exploration License 70/3034 has been made, some of which is located in the Carnamah Shire boundary.

CARRIED 5 - 0

**9:18am Deputy CEO Samantha Appleton left the meeting.
Council moved to Item 9.5.5 until the DCEO returned with
information pertaining to Item 9.5.4.**

313612	9.5.5.	HARVEST MASS MANAGEMENT SCHEME MOU – COOPERATIVE BULK HANDLING
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Applicant:	N/A
Location / Address:	N/A
File Ref:	C13/5
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	9.5.5.A,

Summary

This report requests Council to consider signing and address concerns regarding the Memorandum of Understanding produced by Cooperative Bulk Handling (CBH) to implement the Harvest Mass Management Scheme (HMMS).

Background

In an attempt to reduce the amount of overloaded trucks on our local roads, CBH have created the HMMS which penalises overloaded trucks (after 8 instances of non-compliance) by forcing the owner to forfeit overloaded grain. Funds raised from this overloaded grain are to be given to the Shire that the grain was harvested from.

See attachment 9.5.5.A for the explanation sheet provided by CBH as to how the HMMS will work and what it is.

CBH have produced a MoU for all Shires to endorse. However there are a few problems I see with the document.

Comment

My issues regarding the document (and the HMMS in general) involve how the overloading is to be rectified, the legality of the document and an issue surrounding GST.

Rectifying Overloaded Loads

CBH have advised that the operator will be able to choose from either:

1. Forfeit the amount of grain over the acceptable vehicle mass (10% variation);
or
2. Adjust the load off CBH premises and re-present for delivery.

Option 2 is actually allowing overloaded trucks back onto our roads, therefore doubling the amount of traffic travelling to and from the CBH facility. This option is likely to cause more damage to our roads without any recourse. I question whether

CBH may even be made liable as they were aware that this truck was overloaded, yet they still allowed them back onto public roads.

Legality of the MoU

While we may never know exactly if this document would be binding unless challenged, my concern is raised over section 6 of the MoU document which states:

“6. Severance

If this all or part of this MoU or any part of the Scheme relating to grain forfeiture option should subsequently become illegal, invalid or unenforceable at law, then this MoU shall cease to be binding on the Parties and shall terminate without further obligation.”

I am of the opinion that I do not see how the HMMS could be forceable by law as this has not been legislated. If a grain producer told them they will not comply then I fail to see (legally) what could be done about it.

GST Clause

The MoU states the following in regards to GST:

“8. GST

8.1 The Parties agree that if GST is to be paid on the supply of funds under this MoU then:

8.1.1 the payment of funds will be deemed to be inclusive of GST

8.1.2 CBH will provide the Shire with a tax invoice; and

8.1.3 the Shire will reimburse CBH for any GST that it is required to remit.”

I am concerned that section 8.1.3 will force Council to pay the GST twice over, as we would be required to pay both the Australian Tax Office as well as CBH.

Consultation

- CBH

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

If Council signed the MoU it seems that the Council may receive funding from CBH through the forfeited grain during the 2006/07 harvest. This income was not budgeted for.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.3.

MOVED: CR. FORSYTH
SECONDED: CR. LAUNER

That Council write to Cooperative Bulk Handling outlining its concerns regarding the Harvest Mass Management Scheme and the proposed Memorandum of Understanding given to the Shire to sign.

CARRIED 5 - 0

Note: Council authorized Councillor Mills to invite a CBH representative to the next meeting of Council

9:27am Deputy CEO Samantha Appleton returned to the meeting.
 Council returned to Item 9.5.4.

313613 9.5.4. Auction of Lot 16 Yarra Street, Carnamah

Applicant:	N/A
Location / Address:	N/A
File Ref:	H9/23
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	

Summary

- **Some minor changes have occurred in order to undertake the auction of Lot 16 Yarra Street, Carnamah which require Council's ratification.**

Background

At Council's July Meeting it was resolved that:

1. *That Council accept the CEO's report regarding the sale of Lot 16 Yarra Street, Carnamah.*
2. *That Lot 16 Yarra Street Carnamah be opened for inspection to the Community on August 5th 2006 between 9:00am and 11:30am and this to be advertised in the local newspapers. Private viewing may take place by appointment.*
3. *That the Chief Executive Officer be given the Authority to appoint an Auctioneer to undertake a public auction for the sale of Lot 16 Yarra Street on 31st August 2006. The Auction to take place on site.*

Since the last meeting, the CEO has requested that Elders Carnamah undertake the public auction. The President and the CEO have signed the necessary documentation for authorisation.

The original auction date of 31st August 2006 however, clashed with the Dowerin Field Days. Therefore the President and the CEO agreed to put the auction date forward to 7th September 2006.

Comment

The author seeks Council's endorsement of the "change of auction date."

Council will also need to hold a special meeting for the purposes of setting the reserve figure for the auction of the residence. It is suggested that this meeting be held at 9.00am the morning of the auction (7th September 2006)

Consultation

- Shire President
- Elders Carnamah (and Elders Real Estate Moora)
- Department of Local Government & Regional Development

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

Voting Requirement Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.4.

MOVED: CR. MILLS
SECONDED: CR. FORSYTH

That Council:

1. *Endorse the change of auction date from the 31st August 2006 to the 7th September 2006 commencing at 11.00am on site for the auction of Lot 16 Yarra Street Carnamah; and*
2. *Hold a Special Meeting at 9.00am 7th September 2006 for the purposes of setting a reserve amount prior to auction.*

CARRIED 5 - 0

313614	9.5.6.	REQUEST TO ESTABLISH BEACH VOLLEYBALL COURTS – NIVEN PARK COMPLEX
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Applicant:	S/C Steve McCrea – Carnamah Police
Location / Address:	N/A
File Ref:	C4/7
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	9.5.6.A, 9.5.6.B

Summary

Council is requested to endorse and assist the Carnamah Police’s initiative to establish beach volleyball courts on the disused bowling rink at the Niven Park Sporting Complex.

Background

The southern bowling rink at Niven Park has not been used for a number of years. This has become quite unsightly now that it is no longer in use and is located right near the entrance of the complex.

The Carnamah Police have spoken to numerous people regarding the possibility of establishing a beach volleyball comp to be played on this site. Please see attached 9.5.6.A for proposal and list of local names who are interested.

As the proposal also affects the Carnamah Bowling Club, a letter of support has also been provided, (see attachment 9.5.6B)

Comment

I concur with the opinion of the Carnamah Police that this project will create another outlet for all ages to enjoy themselves and keep them occupied.

Provided the beach volleyball courts are established without major impact on Council’s budget I would be quite supportive of the Carnamah Police’s initiative.

Consultation

- Senior Constable Steve McCrea – Carnamah Police

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The applicant states:

“Local farmers and tradesmen have offered to donate time and resources to assist with getting the project completed.”

A detailed project cost has not been produced and this should be the next step. While this is not something that was provided for in the budget, Council will have the capacity to support the proposal with in – kind works.

Council administration staff may need to spend some time assisting with funding applications for such a project.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.6.

MOVED: CR. FORSYTH

SECONDED: CR. LAUNER

1. *That Council make available the “south” bowling rink (disused) at Niven Park for the purposes of constructing a beach volleyball facility; and*
2. *Council assist the Carnamah Police to apply for suitable funding for the costs associated with the project.*

CARRIED 5 - 0

313615 9.5.7. DONATION OF COST FOR USE OF COUNCIL VEHICLES - WCRC

Applicant:	N/A
Location / Address:	N/A
File Ref:	R10/8
Disclosure of Interest:	Nil
Date:	9th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	

Summary

Council vehicles have been used for travel to attend the meetings of the Wildflower Country Regional Council (WCRC) Meetings. The author requests Council's opinion on if it donates the use of the vehicles for such a purpose.

Background

At the recent WCRC meeting held on the 2nd August 2006, the issue of reimbursements was raised in regards to travel.

Many of the members of the WCRC felt that the individual Council's, if using a Shire vehicle would not seek reimbursement for travel costs from the WCRC.

Comment

Due to the limited funds available to the WCRC, it is the opinion of the author that Council should donate the use of Council vehicles for the purposes of travel to and from the WCRC meetings for their member of the WCRC.

Consultation

- WCRC

Statutory Environment

The reimbursement of expenses of the local government is the responsibility of each local government. Therefore the WCRC is responsible for any elected member payments, reimbursements or out of pocket expenses incurred by their members.

Policy Implications

Nil

Financial Implications

Council will be required to cover the cost of travel to these meetings if the recommendation is adopted. However, Council has always covered the cost of travel to meetings when the WCRC was the NMVROC. There is minimal effect on Council's budget.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION**ITEM: 9.5.7**

That Council agree to donate the use of Council vehicles for attendance of the Member for Carnamah of the Wildflower Country Regional Council at required meetings of the Wildflower Country Regional Council.

Council discussed the Officer Recommendation and agreed that the wording of the recommendation need to be changed.

COUNCIL DECISION**ITEM: 9.5.7.****MOVED: CR. FORSYTH****SECONDED: CR. LAUNER**

That Council agree to meet the traveling costs for attendance of the Member for Carnamah Council to required meetings of the Wildflower Country Regional Council.

CARRIED 5 - 0

Council agreed to defer the Confidential Report until Councillor Isbister joined the meeting.

MOVED: CR. FORSYTH**SECONDED: CR. MILLS**

That Council defer addressing Confidential Items until Councillor Isbister joined Council meeting.

CARRIED 5 - 0

Council moved to Item 11 of the Agenda.

10 ORDERING THE COMMON SEAL.

MOVED: CR. LAUNER

SECONDED: CR. FORSYTH

*That Item 11.1 to 11.4 be voted on 'En-Bloc'.***CARRIED 5 - 0****11 REPORTS OF COMMITTEES AND MEMBERS****313616 11.1. MINUTES OF THE MID WEST MANAGERS/ SUPERVISORS
COMMITTEE MEETING HELD THURSDAY 15TH JUNE 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	W12/1, R4/1
Disclosure of Interest:	None
Date:	24th July 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.1.

Summary

The Minutes of the North Midlands Voluntary Regional Organisation of Councils meeting held on Thursday 16th June 2006 are attached marked Item 11.1.

Background

Minutes of each meeting are to be tabled at the next meeting of Council

Comment

None Required

Consultation

None Required

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 11.1.

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That the Minutes of the Mid West Managers/Supervisors Committee Meeting held Thursday 16th June 2006 be received by Council.

CARRIED EN-BLOC 5 - 0

313617 11.2. MINUTES OF THE PAINTED ROAD REGIONAL MEETING HELD FRIDAY 21ST JULY 2006.
--

Applicant:	N/A
Location / Address:	N/A
File Ref:	C4/7
Disclosure of Interest:	None
Date:	24th July 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.2.

Summary

The Minutes of the Painted Road Regional meeting held on Friday 21st July 2006 are attached marked Item 11.2.

Background

Minutes of each meeting are to be tabled at the next meeting of Council

Comment

None Required

Consultation

None Required

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 11.2.
--

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That the Minutes of the Painted Road Regional meeting held Friday 21st July 2006 be received by Council.

CARRIED EN-BLOC 5 - 0

313618 11.3. MINUTES OF THE WILDFLOWER COUNTRY REGIONAL COUNCIL MEETING HELD MONDAY 24TH JULY 2006.
--

Applicant:	N/A
Location / Address:	N/A
File Ref:	T10/8.4
Disclosure of Interest:	None
Date:	1st August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.3.

Summary

The Minutes of the Wildflower Country Regional Council meeting held on Monday 24th July 2006 are attached marked Item 11.3.

Background

Minutes of each meeting are to be tabled at the next meeting of Council

Comment

None Required

Consultation

None Required

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 11.3.
--

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That the Minutes of the Wildflower Country Regional Council meeting held Monday 24th July 2006 be received by Council.

CARRIED EN-BLOC 5 - 0

313619 11.4. MINUTES OF THE NORTH MIDLANDS MEDICAL PRACTICE MANAGEMENT COMMITTEE MEETING HELD THURSDAY 22ND JUNE 2006.

Applicant:	N/A
Location / Address:	N/A
File Ref:	M7/2.2
Disclosure of Interest:	None
Date:	8th August 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.4.

Summary

The Minutes of the North Midlands Medical Practice Management Committee meeting held on Thursday 22nd June 2006 are attached marked Item 11.4.

Background

Minutes of each meeting are to be tabled at the next meeting of Council

Comment

None Required

Consultation

None Required

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 11.4.
--

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That the Minutes of the North Midlands Medical Practice Management Committee meeting held Thursday 22nd June 2006 be accepted by Council.

CARRIED EN-BLOC 5 - 0

10:00am

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That Council adjourn for morning tea.

CARRIED 5 - 0

10:47 am

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That Council meeting resume.

CARRIED 5 - 0

10:47 am.

Council's Manager of Community Services Mr. Garry Agnew and Council's Environmental Health Officer Ms. Andrea Njoku joined the meeting.

Council resumed and returned to the Community and Development Report Item 9.1.

9.1. COMMUNITY AND DEVELOPMENT REPORT

313620 9.1.1. APPLICATION FOR PLANNING CONSENT – EXTENSION OF BUILDING

Applicant:	Carnamah Historical Society
Location / Address:	Lot 50 MacPherson Street Carnamah
File Ref:	P5/4
Disclosure of Interest:	Nil
Date:	6 August 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	

Summary

Council is to consider an application for planning consent for an extension to the existing Carnamah Historical Society building at Lot 50 McPherson Street Carnamah.

Comment

Council is in receipt of an Application for Planning Consent submitted by Mr. G.E. Fowler on behalf of Carnamah Historical Society for extension to the existing

Carnamah Museum situated at lot 50 Cnr. Caron and McPherson Streets Carnamah – see Attachment 9.1.1a.

Council is advised that Lot 50 McPherson Street is zoned “*Commercial*” pursuant to the Shire of Carnamah Town Planning Scheme No. 1; consequently the proposed development is acceptable, subject to any condition(s) that Council may impose.

It is therefore the view of the writer that approval be granted conditional upon:

1. the proposed extension being designed to compliment the type of construction and appearance of the existing Museum building;

2. detailed, scaled building structural plans, in accordance with Council's "Guidelines for Application for Building Licence" being submitted to the Shire with a Building Application Form; and
3. prior to commencing any site work in preparation of any building work for the extension that a formal Building Licence is obtained.

Statutory Environment

Shire of Carnamah Town Planning Scheme No. 1
Local Government (Miscellaneous Provisions) Act 1960.

Policy Implications Nil.

Financial Implications Nil

Voting Requirement Simple Majority

OFFICER RECOMMENDATION	ITEM 9.1.1.
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That:

Planning Approval is granted to the Carnamah Historical Society for the construction of an extension to the existing Carnamah Museum at Lot 50 McPherson Street Carnamah, as displayed on the site plan accompanying the application; conditional upon:

- 1. the proposed extension being designed to compliment the type of construction and appearance of the existing Museum building;*
- 2. detailed, scaled building structural plans, in accordance with Council's "Guidelines for Application for Building Licence", being submitted to the Shire with a Building Application Form: and*
- 3. prior to commencing any site work in preparation for any building works that a formal Building Licence is obtained.*

Council discussed the Officer Recommendation and viewed the attached plan and agreed to the following decision.

COUNCIL DECISION	ITEM 9.1.1.
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MOVED: CR. MILLS
SECONDED: CR. LAUNER

That Council approve in principal to the concept of extension to the Museum.

That the applicant is to be advised to submit further details to be considered by Council in terms of building structure and materials to be used to compliment the existing building and streetscape.

CARRIED 5 - 0

313621 9.1.2. APPLICATION FOR PLANNING CONSENT – BED & BREAKFAST	
Applicant:	Susanne Levett
Location / Address:	Lot 2 Carnamah-Perenjori Road, Carnamah WA 6517
File Ref:	P10/3
Disclosure of Interest:	Nil
Date:	3rd August 2006
Author:	Andrea Njoku, Environmental Health Building Officer
Signature of Author:	
Attachments:	9.1.2a

Summary

Council is to consider an Application for Planning Consent for the operation of a commercial Bed & Breakfast activity (Home Occupation use) at Lot 2 Carnamah-Perenjori Road.

Background

Mrs. Susanne Levett has submitted a planning application for Council consideration to operate a commercial Bed & Breakfast business at her “Rural” zoned property at Lot 2 Carnamah-Perenjori Road.

Comment

Council is advised that Mrs. Levett proposes to use an existing detached 2-bedroom building, located beside the primary dwelling at Lot 2, for a commercial Bed & Breakfast operation – see Attachment 9.1.2a.

The property at Lot 2 Carnamah-Perenjori Rd has a “Rural” zoning, and a Home Occupation operation is permitted at Council’s discretion.

An inspection of the premise by the author on 26 July 2006 revealed that each bedroom in the detached brick outbuilding is approximately 4m x 7m in dimension and is equipped with an en-suite bathroom, a queen-sized bed, and a desk with two (2) chairs.

The front-facing room has a sit-out verandah, while the rear-facing room has a ramp leading to the internal.

Statutory Environment

Shire of Carnamah Town Planning Scheme No. 1
Health Act 1911 (as amended)

Policy Implications Nil

Financial Implications Nil

Voting Requirement Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.1.2.**MOVED: CR. MILLS****SECONDED: CR. FORSYTH***That:*

Planning Consent is granted to Mrs. S Levett to operate a Bed & Breakfast (Home Occupation) at Lot 2 Carnamah-Perenjori Road, subject to the following conditions:

- *That the Bed & Breakfast operation is restricted to accommodation within the confines of the detached 2-bedroom dwelling on the property.*
- *That no more than six (6) persons (other than immediate family) are accommodated at Lot 2 Carnamah-Perenjori Road at any given time.*
- *That the building in question satisfies the requirements of Sections 99 and 107 of the Health Act 1911 (as amended), at all times.*

CARRIED 5 - 0

11:15am Council Isbister joined Council meeting.

**313622 9.1.3. TOWN PLANNING SCHEME No. 1, MODIFICATION TO
OMNIBUS AMENDMENT No. 3**

Applicant:	Shire of Carnamah
Location / Address:	N/A
File Ref:	P 10/2
Disclosure of Interest:	Nil
Date:	7 August 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	9.1.3a and 9.1.3b

Summary

Council is to consider modifications to its Town Planning Scheme No. 1 Amendment No. 3, as required by the Minister for Planning and Infrastructure.

Comment

Council will recall its Final Approval of Town Planning Scheme No. 1 Amendment No. 3 at its December 2005 Ordinary Meeting (Item 14.2.3 Resolution 313462).

Consequent to that determination endorsed and sealed documentation was sent to the WAPC for Granting of Final Approval by the Minister for Planning and Infrastructure.

Correspondence is now at hand advising that the Minister for Planning and Infrastructure has decided not to approve the amendment until such time as modifications are affected - see **Attachment 9.1.3a**.

The issue has been discussed with Council's Planning Consultant.

Paul Bashall of Planwest has advised that he has had all sorts of traumas with this amendment. It turns out that the digital copy of the Carnamah TPS that he had previously purchased from DPI was changed. The changes are significant and do not relate to any amendment that the Shire has done. He stated he has almost had to rewrite the Amendment.

He is not happy with what the DPI has done to the TPS, so he has asked them to report back to him on the matter. He says that it appears that the DPI has got rid of all the separate types of Public Purposes.

Nevertheless he has provided 3 copies of modified documents for resigning and 'sealing' by Council before returning to the DPI in Geraldton – see **Attachment 9.1.3b**.

Note: Council is directed to the following paragraph on the second page of Attachment 9.1.3a.

“In accordance with the provisions of regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), Council is required to return the executed, modified amending documents to the Commission within 42 days of being notified of the Minister’s decision (return by the 25 August 2006).”

Statutory Environment

**Shire of Carnamah Town Planning Scheme No. 1
Town Planning and Development Act
Town Planning Regulations 1967
Local Government Act 1995 –**

- The Common Seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the Seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

Policy Implications Nil.

Financial Implications

Council has allocated \$.... in the 2006/07 Budget for amendment to the TPS.

Voting Requirement Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.1.3.

MOVED: CR. FORSYTH
SECONDED: CR. LAUNER

That the modified Shire of Carnamah Town Planning Scheme No.1 Amendment No. 3 – Attachment 9.1.3b to this report - is adopted for FINAL APPROVAL as required by the Minister Planning and Infrastructure and authorisation is given for the placement of the Common Seal to the documentation.

CARRIED 6 - 0

Council agreed to moved out of sequence of the Agenda and address the Manager of Community Services' Agenda Addendum items.

MOVED: CR. MILLS
SECONDED: CR. ISBISTER.

That Council move out of sequence of events and move to the Manager of Community Services' Agenda Addendum item 9.1.4.

CARRIED 6 - 0

313623 9.1.4. UNLAWFUL BUILDING WORKS – LOT 248 KING STREET ENEABBA
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Applicant:	N/A
Location / Address:	Lot 248 King Street Eneabba
File Ref:	Lot 248 King Street Eneabba
Disclosure of Interest:	Nil
Date:	11 August 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	9.1.1a, 9.1.1b

Summary

Council is to consider unlawful building work at lot 248 King Street Eneabba – Mr John Huxtable of 9 McGowan Place Eneabba.

Comment

Mr John Huxtable of 9 McGowan Place Eneabba contacted the MES around early June 2006 regarding relocating an old 1950's asbestos clad and tile roof house to Eneabba that he had acquired in the Perth metropolitan area. I understand that the old house was ear-marked for demolition but was removed from its original site in-tact instead.

He asked whether it could be brought in to Eneabba and placed on his block.

He was told that the structure **was not** to be brought into the Shire unless/until Planning Approval under Council's Local Planning Policy was applied for; and if that approval was forthcoming then **not before** a formal Building Licence had been issued.

Council's 'Relocated Second Hand Dwellings' Local Planning Policy was explained to him, as was the procedure for obtaining a Building Licence – see Local Planning Policy as Attachment 9.1.1a.

Later that month (June 2006) Mr. Huxtable brought some pencil drawings in to the Shire Office and was told that the information he had did not satisfy the minimum requirements for Council to consider a Planning Application under its Local Planning Policy. The essential detail and support information necessary for Council consideration was explained and he left with the intention of acquiring that.

On Wednesday the 9th August the MES noticed that an old house had been dumped on lot 248 King Street and was sitting on stacked timbers – see photos following.



Mr. Huxtable was contacted and reminded of the advice given to him twice in June 2006 by the MES and was told that the old house was to be removed from lot 248 until Planning Consent had been obtained from Council and until a formal Building Licence had been issued. His response was “can’t we work this out”. Mr. Huxtable had ignored advice from the MES regarding the necessity for prior planning and building approval and had disregarded Council legislated planning and building approval procedures which had been explained to him very carefully.

Council is advised that a relocated building is classified as and is to be treated as new building work with respect to the requirements for obtaining a Building Licence.

Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 states, inter-alia:

(1) No person shall –

- (a) lay out for a building, or commence or proceed with a building on, land in a district; or*
- (b) in respect of the structure already erected on land in a district, amend, alter, extend, or enlarge, or commence or proceed with the amendment, alteration, extension, or enlargement of the structure of the building,*

until he has caused to be submitted to the local government, and the local government has approved by the issue of a building licence.

Penalty: \$5,000.00 plus a daily penalty of \$100.00.

Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 states, inter-alia;

(1) Where in contravention of this Act, a building is being constructed, erected, adapted, amended, enlarged, added to, repaired or taken down, the local government may, by notice in writing served on builder order the builder to stop all work specified in the notice as being done in contravention of this Act.

Penalty: \$5,000.0

Council is informed that under ‘Delegated Authority’ a Notice has been served on Mr. John Huxtable of 9 McGowen Place Eneabba under Section 401A and 374 of the Local Government (Miscellaneous Provisions) Act 1960 see Attachment 9.1.1b.

Statutory Environment

Shire of Carnamah Town Planning Scheme No. 1
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989

Policy Implications

Shire of Carnamah Town Planning Scheme ‘Local Planning Policy’.

Financial Implications

Nil.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.1.4

MOVED: CR. FORSYTH

SECONDED: CR. ISBISTER

That:

The 'Stop Work Notice' under section 401A of the Local Government (Miscellaneous Provisions) Act 1960 served on Mr. John Huxtable of 9 McGowan Place Eneabba in respect to an illegal structure (relocated old dwelling) deposited at lot 248 King Street Eneabba is endorsed; and

Should the unlawful building (relocated old dwelling) remain on lot 248 King Street Eneabba after the 31 August 2006, prosecution proceedings under section 374 of the Local Government (Miscellaneous Provisions) Act 1960 is to be implemented.

CARRIED 6 - 0

11:50am

Council agreed to adjourn the meeting to address the Manager of Community Services Management Information items.

MOVED: CR. FORSYTH

SECONDED: CR. ISBISTER

That Council adjourn Council meeting to address the Manager of Community Services' Management Information items.

CARRIED 6 - 0

12:43pm

MOVED: CR. MILLS

SECONDED: CR. LAUNER

That Council meeting resume.

CARRIED 6 - 0

12:45pm

MOVED: CR. LAUNER

SECONDED: CR. MILLS

That Council meeting adjourn for luncheon.

CARRIED 6 - 0

1:30pm

MOVED: CR. LAUNER

SECONDED: CR. FORSYTH

That Council meeting resume.

CARRIED 6 - 0

Council's Manager of Community Services and Council's Environmental Health Officer did not return to the meeting.

Council returned to consider Item 9.6. Confidential Items.

9.6. CONFIDENTIAL REPORT.

9.6.1. MOTION TO CLOSE THE MEETING TO THE PUBLIC: CONSIDERATION OF CONFIDENTIAL REPORT.

File:

Author: A G Nottle, Chief Executive Officer
Disclosure of Interest: Nil

Date: 10th August 2006

Background:

Items 9.6.2, of the Agenda of 16th August 2006 deals with matters affecting Council, of which the meeting may be closed to the public.

Council considered a separate confidential report, marked 9.6.2. ,

Comment: Nil

Statutory Environment:

Section 5.23(2)(a)(c)(d)(e) of the Local Government Act 1995.

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Voting Requirement : Simple Majority

OFFICER RECOMMENDATION:

ITEM 9.6.1.

MOVED: CR. FORSYTH

SECONDED: CR. LAUNER

That the meeting be closed to the public to consider Confidential Item of 16th August Agenda Item 9.6.2.

CARRIED 6 - 0

313624 9.6.2. ACQUISITION OF LAND

File: L10/1

Author: A.G. Nottle, Chief Executive Officer
2006

Date: 10th August

Attached Confidential item marked Item 9.6.2.

1:45pm Deputy Chief Executive Officer Samantha Appleton left the meeting.

1:55pm Deputy Chief Executive Officer Samantha Appleton joined the meeting

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.6.2.

MOVED: CR. ISBISTER

SECONDED: CR. FORSYTH

CARRIED 6 - 0

9.6.3. MOTION TO RE-OPEN THE MEETING:**File:**

Author: A.G. Nottle, Chief Executive Officer
Disclosure of Interest: Nil.

Date: 10th August 2006

MOVED: CR. ISBISTER**SECONDED: CR. COCKIN**

That the meeting be re-opened to the General Public and Council come 'out of camera'.

Voting Requirement: Absolute Majority**CARRIED 6 - 0**

2:02pm Cr. Isbister left the meeting
2:08pm Cr. Isbister returned to the meeting

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

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

3:09pm Councillor Mills left the meeting.

14 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**14.1. ELECTED MEMBERS****14.1.1. Councillor Heinrich and Councillor Forsyth gave a report to Council on their attendance at Local Government Week.**

- Interesting discussion on a "vexatious claim".
- President and Deputy President forum was very interesting but related more to larger Councils and not really relative for smaller Councils. Filled in the suggestion form at the end of the forum suggesting that the next forum cater for the smaller Councils.
- Dinner with the WRCC was at the Atrium and with 54 people, was a little too big for 'networking'.

14.1.2. Council asked that the back door to Council be looked at. Councillors were again 'locked out' and felt very 'unwelcome' to Council meeting. It was suggested previously the lock would be changed back but this has yet to be done. The door bell does not work and has not done so for a few months.

14.1.3. At the recent Wildflower Country Regional Council meeting held in Carnamah, Council staff did not attend behind the bar at lunch time, causing a Carnamah Councillor to be getting the drinks out and on the table and filling up milk jugs.

The back door area should be swept clean before any meeting to be held in Council Chambers. A Councillor had to sweep the area prior to the WCRC meeting as it was an embarrassment.

14.2. OFFICERS

14.2.1 MOTION TO ADMIT LATE BUSINESS

An Addendum to the Agenda for the Ordinary Meeting of 16th August 2006 was circulated to Council. Council may resolve that the late business be admitted to the meeting.

MOVED: CR ISBISTER
SECONDED: CR MILLS

That items 9.1.4, 9.5.8 to 9.5.10 be admitted to the meeting as late business.

VOTING REQUIREMENT: SIMPLE MAJORITY

CARRIED 6 - 0

5. ADMINISTRATION REPORTS

313625 9.5.8. NORTH ROAD STOCK ROUTE

Applicant:	N/A
Location / Address:	N/A
File Ref:	R11/2.13
Disclosure of Interest:	None
Date:	14 August 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Letter From Shire of Greenough

Summary

The North Road Stock Route feasibility study has been completed after three years work. Further support from the Shire of Carnamah is now sought to proceed further in the development of the Stock Route.

Background

The feasibility study identifies nine projects that need to be undertaken for the development of the trails, these are:

- | | |
|---|-------------------|
| 1. Detailed Trail Design/Development Planning for Drive Trail | \$ 34,830 (+GST) |
| 2. Detailed Trail Design/Development Planning for Walk/Horse Trail | \$ 57,460 (+ GST) |
| 3. Preparation of Aboriginal Heritage Survey | \$ 25,200 (+GST) |
| 4. Preparation of Interpretation Plan | \$ 20,000 (+ GST) |
| 5. Development of Drive Trail between Perth (Reabold Hill) and Geraldton (Champion Bay) | \$439,300 (+ GST) |
| 6. Development of long distance walk trail between Neergabby and Champion Bay | \$365,130 (+ GST) |

7. Development of equestrian trail between Neergabby and Nambung \$ 56,590 (+ GST)
8. Preparation of Trail Management/Maintenance Plan - Combined Trail Projects \$ 22,250 (+GST)
9. Preparation of Trail Marketing and Promotion Plan - Combined Trail Projects \$ 30,150 (+ GST)

A grant application has been made through Aus Industry Australian Tourism Development Program to enable projects 1 - 3 to proceed. The outcome of this application is unknown at this time.

Comment

The development of the trail in the Shire of Carnamah has received the support of Council since May 2003 when a meeting of the Neergabby Community Association was attended. The acceptance of the report by Council and the endorsement of its recommendations will allow this project to further progress. Participation in future project steering committees will allow the Shire of Carnamah have a say in the ongoing development of the project with regard to any impacts on stakeholders and the community. Should the Shire of Carnamah proceed with the drawing up of a trails master plan and is successful in obtaining funding, the drawing up of these plans are likely to have a nil financial impact for Council.

Consultation

Various stakeholders and local governments have been given copies of the feasibility study for their comment, these are:

Organisations:

Midwest Development Commission
 Department of Conservation and Land Management
 Tourism WA
 Department of Sport and Recreation
 Wheatbelt Development Commission
 Yamitji Land and Sea Council
 South West Aboriginal Land and Sea Council
 Yued Natural Resource Management Advisory Group
 Department of Indigenous Affairs
 Neergabby Community Association
 Australia's Coral Coast

Local Governments:

City of Geraldton
 Shire of Greenough
 Shire of Irwin
 Shire of Coorow
 Shire of Dandaragan
 Shire of Gingin
 City of Wanneroo
 City of Joondalup
 City of Stirling
 City of Cambridge

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Should grant funding be successful for a trails master plan, there will need to be a budget provision made in the 2007/08 budget for the income and expenditure related to the preparation of the trails master plan.

Voting Requirement – Simple Majority**OFFICER RECOMMENDATION****ITEM: 9.4.3.**

1. *That the Shire of Carnamah receive the North Road Stock Route report.*
2. *That the Shire of Carnamah endorses the recommendations of the report.*
3. *That the Shire of Carnamah agree to participate in future project steering committees.*
4. *That the Shire of Carnamah apply to Lotterywest for \$5,000 from the Trails funding Program to appoint a consultant to prepare a Trails Master Plan.*

Council discussed the Officer Recommendation and felt that the recommendations could not be received until Council's North Stock Route Delegate, Councillor Cockin, had read the report.

COUNCIL DECISION**ITEM: 9.5.8.**

**MOVED: CR. FORSYTH
SECONDED: CR. MILLS**

That Council not endorse the Officer Recommendations of the report until a full copy of the report has been read by Cr. Cockin and her recommendations brought back to the next meeting of Council.

That Council attend to the report at the next meeting of Council

CARRIED 6 - 0

313626 9.5.9. COLLECTION OF SEED - SHIRE OF CARNAMAH

Applicant:	N/A
Location / Address:	N/A
File Ref:	F10/1, R11/2
Disclosure of Interest:	None
Date:	14 August 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Letter From Iluka Resources

Summary

Iluka Resources have requested permission from the Shire of Carnamah for four of its employees to harvest seeds for rehabilitation of its mining leases within the Eneabba Region (marked Item 9.5.9). All four employees hold CALM seed picking licenses.

Background

A request for permission to collect seeds from flora on Council-controlled reserves has been received from Iluka Resources for four employees.

Licence regulations specify, amongst other matters, which species of flora cannot be taken, limit flower and stem harvesting to 20% of a plant and requires debris to be dealt with in specific ways.

The licence also specifies a list of some 65 local governments that have advised the Department that they would generally disallow any commercial seed collection on land they control. This list includes Carnamah and most of our adjoining neighbours though no record of such advice has been located.

Comment

Iluka resources operate a considerable area of mining leases in the Shire of Carnamah. It is expected that the seed collected will be used in revegetation of the leases after completion of mining. All four applicants are currently have Department of Conservation and Land Management seed picking licences.

Should Council grant permission for seed harvesting along road reserves, there may be issues relating to safety and traffic protection that would need to be addressed. Council may also specify any reserves it may, or may not allow, seed harvesting as another method of control.

Some previous requests by individuals to harvest seed on Council-controlled land have been denied and the applicant referred to the Department.

Consultation

Nil

Statutory Environment

Native seed harvesting activities are controlled by the Dept. of Conservation & Land Management to the extent they are conducted on Crown land in accordance with Section 23C of the Wildlife Conservation Act, 1950.

Policy Implications

Council policy 11.2 “Wildflower Picking” prohibits the picking of wildflowers on roadsides and reserves under the control of Council.

As wildflower picking is prohibited on any public land in this State under the above Act, this policy seems irrelevant.

SHOULD COUNCIL DETERMINE THAT NO SEED HARVESTING IS TO BE PERMITTED, THE ABOVE POLICY SHOULD BE REPLACED WITH A MORE APPROPRIATE ONE.

Financial Implications

Nil

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.9.

MOVED: CR. MILLS

SECONDED: CR. FORSYTH

1. *That Council permit Iluka Resources employees that hold seed picking licences to harvest seeds on Council owned reserves for a period of two years as of 16th August 2006 to 16th August 2008.*

CARRIED 6 - 0

313627 9.5.10. STRATEGIC PLANNING SUPPORT TO THE GERALDTON GREENOUGH AREA.

Applicant: Shire of Greenough
Location / Address: PO Box 21, Geraldton WA 6531
File Ref: L4/7
Disclosure of Interest: None
Date: 14 August 2006
Author: A.G. Nottle, Chief Executive Officer
Signature of Author:
Attachments: Letter

Summary

This item requests Council to support the Shire of Greenough's and the Northern Country Zone of WALGA for the retention of strategic planning support for the Midwest region.

Background

Letter received from the Shire of Greenough reads:

"The Shire of Greenough writes to express its serious concerns over recent decisions by the WAPC/DPI to cut funding support for the provision of a Strategic Planner to the Geraldton Greenough Region and request that this service be provided by the local Regional Office of the DPI.

The shire of Greenough has worked on a number of committees over the years where a strategic planner has been made available by the WAPC or DPI to have input to or a controlling role in the issue to hand. This has been a very successful way to tackle many of these issues and ensure that independent views can be put into the discussion process to ensure positive outcomes.

The allocation of a dedicated strategic planner to attend many community meetings has developed a strong rapport with the community and fostered a high level of trust by the community in the broader reaching effects of long term planning. This is invaluable in ensuring that timely decisions and processes can be put in place particularly given the booming economic times that is being faced presently in the MidWest Region.

It has also been found that the presence of a dedicated Strategic Planner on many of these Committees or Community Meetings (usually the same person for the last 11 years) has resulted in continuity of strategic direction being maintained. This is important in areas such as the progression of the Geraldton Region Planning process and the North-South road studies etc.

There would also be a concern that if the Strategic matters are diverted to the Regional Office with its current staffing levels then other statutory matters could become further delayed or alternatively the strategic matters may not be given the full focus that they warrant.

Council is of the belief that these concerns should be raised with not only WAPC and DPI but also with the Hon. Minister and Local Members to ensure that the quality and consistency of service to the region on strategic matters particularly during such an economic boom period is maintained.

Council resolved at its meeting held on 26 July 2006:

"That Council raise its concerns with the WA Planning Commission, Department for Planning and Infrastructure, the Minister for Planning and Infrastructure, Local Members, Northern Zone of the WA Local Government Association BROC and North Midlands VROC at the reduction of financial support for the retention of a dedicated Strategic Planner, over and above the staff presently at the Regional Officer of the DPI, to service the Geraldton Greenough region particularly given the economic growth that is evident in the region at this point in time and the need to ensure that major strategic projects and matters are dealt with in a timely manner."

Trusting that this letter clarifies Council's concerns, etc....."

Comment

These services are important for the Mid West region. Council support would be advantageous.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.5.10.
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MOVED: CR. FORSYTH

SECONDED: CR. MILLS

1. *That Council support the Shire of Greenough's position regarding the retention of Strategic Planning services for the Mid West region based in Geraldton.*

CARRIED 6 - 0

15

CLOSURE OF MEETING.

Presiding Member Cr. Heinrich declared the meeting closed at 3:27pm

SHIRE OF CARNAMAH

THESE MINUTES WERE CONFIRMED AT A MEETING ON THE 20TH SEPTEMBER 2006.

.....
PRESIDING PERSON AT THE MEETING
AT WHICH THE MINUTES WERE CONFIRMED

.....
Date