

# *Minutes*

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## TABLE OF CONTENTS

---

	Page
<b>DISCLAIMER</b>	
<b>1</b> <b>DECLARATION OF OPENING.....</b>	<b>6</b>
<b>2</b> <b>RECORD OF ATTENDANCE.....</b>	<b>6</b>
<b>PRESENT.....</b>	<b>6</b>
<b>APOLOGIES.....</b>	<b>6</b>
<b>LEAVE OF ABSENCE (Previously Approved).....</b>	<b>6</b>
<b>CR. FORSYTH</b>	
<b>3</b> <b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....</b>	<b>6</b>
<b>4</b> <b>PUBLIC QUESTION TIME.....</b>	<b>6</b>
<b>5</b> <b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>7</b>
<b>6</b> <b>PETITIONS, DEPUTATIONS AND PRESENTATIONS..</b>	<b>7</b>
<b>Mr. Jeremy O'Neill from CBH will be giving a presentation at 11:45am.</b>	
<b>7</b> <b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....</b>	<b>7</b>

<b>8</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>7</b>
313628	8.1 ORDINARY MEETING 16TH AUGUST 2006 (ATTACHMENT A).....	7
313629	8.2. SPECIAL MEETING OF COUNCIL 6TH SEPTEMBER 2006 (ATTACHMENT B).....	7
<b>9</b>	<b>MANAGEMENT REPORTS.....</b>	<b>8</b>
9.1	COMMUNITY AND DEVELOPMENT REPORT.....	8
313630	9.1.1. Town Planning Scheme 1 Amendment No: 4 - To Re-classify Railway Land in Carnamah.....	8
	File: P10/1 (Attachment 9.1.21a and 9.1.1.b)	
313631	9.1.2. Conceptual Amendment To Shire of Carnamah Town Planning Scheme No: 1.....	10
	File: P10/2	
9.2.	MANAGER OF PARKS & GARDENS REPORT.....	13
9.3.	WORKS ADMINISTRATION REPORT.....	13
9.4.	FINANCE REPORT.....	14
313632	9.4.1. FINANCIAL REPORTS TO 31 AUGUST 2006.....	14
	FILE: A4/9.1, B4/1 (MARKED ITEM 9.4.1.)	
313633	9.4.2. ACCOUNTS FOR PAYMENT.....	15
	FILE: A4/7 (MARKED ITEM 9.4.2.)	
313634	9.4.3. INVESTMENTS, OPERATING AND CASH MANAGEMENT ACCOUNTS AS AT 31 AUGUST 2006.....	16
	FILE: A4/9.1, B4/1. (MARKED ITEM 9.4.3)	
313635	9.4.4. NORTH ROAD STOCK ROUTE.....	18
	FILE: R11/2.13 (MARKED ITEM 9.4.4)	
313636	9.4.5. CENTRAL COAST TOURISM STRATEGY.....	21
	FILE: T13/7 (MARKED ITEM 9.4.5)	
9.5.	ADMINISTRATION REPORTS.....	23
313637	9.5.1. COUNCIL HOUSING - ENEABBA TOWNSITE.....	23
	FILE: H9/15	
9.6.	CONFIDENTIAL REPORTS.....	26
9.6.1.	MOTION TO CLOSE THE MEETING TO THE PUBLIC.....	26
313638	9.6.2. SALE OF COUNCIL HOUSING (LOT 88 LUCAS DRIVE).....	26
	FILE: H10/3, LEG DOCS (MARKED ITEM 9.6.2.)	
9.6.3.	MOTION TO RE-OPEN THE MEETING.....	27

<b>10</b>	<b>ORDERING THE COMMON SEAL.....</b>	<b>27</b>
<b>11</b>	<b>REPORTS OF COMMITTEES AND MEMBERS.....</b>	<b>27</b>
	313639 11.1. Minutes of the North Midlands Medical Practice Management Committee Meeting Held 17th August 2006.....	27
	File: M7/2.2 (Marked Item 11.1)	
	313640 11.2. Minutes of the Wildflower Country Regional Council Meeting Held Wednesday 6th September 2006.....	29
	File: R10/8.4 (Marked Item 11.2)	
<b>12</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....</b>	<b>30</b>
<b>13</b>	<b>NOTICE OF MOTIONS.....</b>	<b>30</b>
	(For consideration at the following meeting, if given during the meeting)	
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.....</b>	<b>30</b>
	14.1 ELECTED MEMBERS.....	30
	14.2 OFFICERS.....	30
	10. ORDERING THE COMMON SEAL.....	31
	313640 10.1. ORDERING THE COMMON SEAL.....	31
	FILE: C4/9	
	11. REPORTS OF COMMITTEES AND MEMBERS.....	32
	313641 11.1. MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) MEETING HELD WEDNESDAY 2ND AUGUST 2006.....	32
	FILE: S5/2 (MARKED ITEM 11.1)	
	313642 11.2. MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) MEETING HELD WEDNESDAY 23RD AUGUST 2006.....	33
	FILE: S5/2 (MARKED ITEM 11.2)	
	313643 11.3. MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) MEETING HELD WEDNESDAY 12TH SEPTEMBER 2006.....	34
	FILE: S5/2 (MARKED ITEM 11.3)	

313644 9.5.2. HARVEST MASS MANAGEMENT SCHEME MOU - COOPERATIVE BULK  
HANDLING - RE-SUBMITTED..... 36  
FILE: C13/5  
(MARKED ITEM 9.5.2)

**15 CLOSURE OF MEETING..... 38**

**APPENDICES**

- APPENDIX "A" - MINUTES OF ORDINARY COUNCIL MEETING  
16TH AUGUST 2006
- APPENDIX "B" - SPECIAL MEETING OF COUNCIL HELD  
6TH SEPTEMBER 2006

**SHIRE OF CARNAMAH**

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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 20TH SEPTEMBER 2006

**1**

### DECLARATION OF OPENING

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

**MOVED:** CR. COCKIN

**SECONDED:** CR. READ

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

**CARRIED: 6 - 0**

**2**

### RECORD OF ATTENDANCE

#### PRESENT

Councillors

B. Heinrich (President)  
E Cockin  
R. Launer  
D. Mills  
M. Isbister  
J. Read

Chief Executive Officer

T. Nottle

Deputy Chief Executive Officer

S. Appleton (in 9:14am out 9:27am)

Executive Secretary

R V Miller

Manager of Community Services

G. J Agnew (in 9:04am out 9:11am)

#### APOLOGIES

**LEAVE OF ABSENCE** (Previously Approved)

Cr. D. Forsyth

**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**

Cr. Heinrich advised the meeting that Mr. Jeremy O'Neill from CBH would be giving a presentation at 11:45am

**7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Councillor Heinrich advised the meeting she would be away for 10 days commencing after the meeting.

**8 CONFIRMATION OF MINUTES****313628 8.1. ORDINARY MINUTES OF COUNCIL MEETING HELD 16TH AUGUST 2006.**

MARKED APPENDIX A

**Moved:** CR. ISBISTER

**Seconded:** CR. COCKIN

*That the minutes of the Ordinary meeting of Council held on the 16th August 2006 be accepted as a true and correct record.*

**VOTING REQUIREMENT:** SIMPLE MAJORITY

**CARRIED 6 - 0**

**313629 8.2. MINUTES OF SPECIAL MEETING OF COUNCIL HELD 6TH SEPTEMBER 2006.**

MARKED APPENDIX B

**Moved:** CR. READ

**Seconded:** CR. LAUNER

*That with the following change on page 5 of the Special meeting of Council be changed to read:*

*7:36pm Cr. Mills left the meeting (not Cr. Read)*

*7:40pm Cr. Mills returned to the meeting (not Cr. Read)*

*the minutes of the Special meeting of Council held on the 6th September 2006 be accepted as a true and correct record.*

**VOTING REQUIREMENT:** SIMPLE MAJORITY

**CARRIED 6 - 0**

## **9** MANAGEMENT REPORTS

9:04am Manager of Community Services, Mr. Garry Agnew, entered the meeting.

### 9.1. COMMUNITY AND DEVELOPMENT REPORT

<b>313630</b>	<b>9.1.1. TOWN PLANNING SCHEME 1 AMENDMENT NO. 4 – TO RECLASSIFY RAILWAY LAND IN CARNAMAH</b>
---------------	---

Applicant:	Grey & Lewis Planners
Location / Address:	Lot 3002 Midlands Road, Carnamah
File Ref:	P 10/2
Disclosure of Interest:	Nil
Date:	1 September 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	9.1.1a and 9.1.1b

#### **Summary**

**Council to approve a minor amendment to its Town Planning Scheme to reclassify parts of railway land in Carnamah.**

#### **Comment**

Council is referred to Resolution No. 31355 of the June 2006 Minutes.

*“It is agreed that:*

*A Town Planning Scheme Amendment be initiated to reclassify portions of Railway Reserve land from Local Reserve for Railway to Local Reserve for Park/Recreation/Conservation, Special Use Zone (Road House), and Industrial zone; conditional upon:*

- a) all amendment documentation being prepared by Grey Lewis Land Use Planners at no cost to Council; and*
- b) Grey Lewis being responsible for all Planning Scheme Amendment procedural steps/phases to final signing of documentation by the Minister.”*

Council is now in receipt of advice from the Western Australian Planning Commission that it has received an application for planning consent for subdivision of the Railway Reserve; Council is also in receipt of documentation from Gray & Lewis Planners for a Shire of Carnamah Town Planning Scheme No. 1 Amendment No. 4 – see Attachments 9.1.1a and 9.1.1b.

#### **Statutory Environment**

Shire of Carnamah Town Planning Scheme No. 1  
Planning and Development Act 2005

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**

Nil.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION    ITEM 9.1.1.**

**MOVED:        CR. ISBISTER**

**SECONDED:    CR. MILLS**

*That:*

*Town Planning Scheme No.1 Amendment No.4 as attached to this report is adopted, the Shire President and CEO are to endorse the documentation and placement of the Common Seal is authorised.*

**CARRIED 6 - 0**

**313631 9.1.2. CONCEPTUAL AMENDMENT TO SHIRE OF CARNAMAH TOWN  
PLANNING SCHEME No.1**

Applicant:	N/A
Location / Address:	N/A
File Ref:	P 10/2
Disclosure of Interest:	Nil
Date:	1 September 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	

**Summary**

**Council is asked to consider the benefit of amending its Town Planning Scheme text to require Planning Approval for the construction/erection on a residential zoned lot of a single dwelling house.**

**Comment**

Clause 5.1 of the Shire of Carnamah Town Planning Scheme No. 1 states, inter-alia –

*5.1.2 The planning consent of the Council is not required for the following development of land:*

- c) the erection on a lot of a single dwelling house, including ancillary outbuildings, in a zone where the proposed use is designated with the symbol 'P' in the cross-reference to that zone in the zoning table.*

*TABLE 1 - ZONING TABLE*

USE CLASSES		ZONES						Uses as permitted in Schedule 3 and as indicated on the Scheme Map
		RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	SPECIAL RURAL	RURAL	SPECIAL USE	
1.	ADDITIONAL ACCOMMODATION	AA	-	-	IP	AA		
2.	ANCILLARY ACCOMMODATION	AA	AA	-	-	-		
3.	AGED & DEPENDENT PERSONS DWELLING	AA	-	-	-	-		
4.	CAFE/RESTAURANT	-	P	SA	-	-		
5.	CARETAKER'S DWELLING	IP	IP	IP	-	IP		
6.	CAR PARKS	-	P	P	-	-		
7.	CAR SALES PREMISES	-	AA	P	-	-		
8.	CIVIC BUILDING	SA	P	-	-	-		
9.	CLUB PREMISES	-	AA	SA	-	-		
10.	CONSULTING ROOMS	SA	AA	-	-	-		
11.	DAY CARE CENTRE	SA	SA	-	AA	-		
12.	DRY CLEANING PREMISES	-	SA	P	-	-		
13.	EDUCATIONAL ESTABLISHMENTS	AA	AA	-	-	-		
14.	FAST FOOD OUTLET	-	AA	-	-	-		
15.	FISH SHOP	-	AA	-	-	-		
16.	FUEL DEPOT	-	-	P	-	-		

USE CLASSES		ZONES					SPECIAL USE
		RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	SPECIAL RURAL	RURAL	
17.	GROUPED DWELLING	AA	AA	-	-	-	Uses as permitted in Schedule 3 and as indicated on the Scheme Map
18.	HEALTH STUDIO	-	AA	SA	-	-	
19.	HOLIDAY ACCOMMODATION	SA	AA	-	SA	SA	
20.	HOME OCCUPATION	AA	AA	-	AA	AA	
21.	HOTEL	-	P	-	-	-	
22.	INDUSTRY - GENERAL	-	-	P	-	-	
23.	INDUSTRY - LIGHT	-	SA	P	-	-	
24.	INDUSTRY - RURAL	-	-	P	-	AA	
25.	INDUSTRY - SERVICE	-	SA	P	-	-	
26.	INDUSTRY - EXTRACTIVE	-	-	-	-	AA	
27.	INDUSTRY - COTTAGE	AA	AA	P	AA	AA	
28.	INDUSTRY - NOXIOUS OR HAZARDOUS		-	SA	-	SA	
29.	LODGING HOUSE	-	AA	-	-	-	
30.	MEDICAL CENTRE	AA	AA	-	-	-	
31.	MOTEL	-	AA	-	-	-	
32.	MOTOR VEHICLE REPAIR STATION	-	AA	P	-	-	
33.	OFFICE	-	P	AA	-	-	
34.	PETROL FILLING STATION	-	AA	AA	-	-	
35.	PROFESSIONAL OFFICE	SA	P	-	-	-	
36.	PUBLIC AMUSEMENT	-	AA	-	-	-	
37.	PUBLIC RECREATION	P	P	P	P	P	
38.	PUBLIC UTILITY	SA	P	P	P	P	
39.	PUBLIC WORSHIP, PLACE OF	AA	AA	-	-	-	
40.	RESIDENTIAL BUILDING	AA	AA	-	-	-	
41.	RURAL PURSUIT	-	-	-	AA	P	
42.	SINGLE HOUSE	P	AA	-	P	P	
43.	SERVICE STATION	-	P	P	-	-	
44.	SHOP	-	P	AA	-	-	
45.	SHOWROOM/WAREHOUSE	-	AA	P	-	-	
46.	TRADE DISPLAY	-	-	P	-	-	

### Clause 3.3 ZONING TABLE

3.3.1 *The zoning table indicates, subject to the provisions of the scheme, the several uses permitted in the scheme area in various zones, such uses being determined by cross reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.*

3.3.2 *The symbols used in the cross reference in the zoning table have the following meanings.*

'P' *means that the use is permitted provided it complies with the relevant standards and requirements laid down in the scheme and all conditions (if any) imposed by the council in granting planning consent.*

'AA' *means that the council may, at its discretion, permit the use;*

'SA' means that the council may, at its discretion, permit the use after notice of application has been given in accordance with clause 6.2;

'IP' means that the use is not permitted unless such use is incidental to the predominant use of the land as determined by the council.

3.3.3 Where no symbol appears in the cross reference of a use class against a zone in the zoning table a use of that class is not permitted in that zone.

3.3.4 Where in the zoning table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.

3.3.5 If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the council may:

- a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or;
- b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 6.2 in considering an application for planning consent.

Consequent to the above and notwithstanding the requirements of the Residential Design Codes an application for a building licence for a dwelling house on a "Residential" zoned lot is assessed solely in respect to the structural standard of the building in terms of the requirements under the Housing Provisions of the Building Code of Australia.

This means that Council does not have authority to determine the aesthetic suitability of a residential building in respect to the desired amenity of the residential area.

In essence this permits the use of unconventional residential building practices such as the conversion to a residence of an old sea container, the fitting out for residential use of a building originally designed as an ancillary building (shed) or the relocation of an old house as an alternative to its demolition at its original site outside the Shire.

The above scenarios are and will become more probable with the current escalating cost of residential land and building construction in West Australia.

Council also needs to consider the affect on its autonomy in respect to the application for a Building Licence with the impending promulgation of a new Building Act.

A new Building Act has the potential of changing the existing building licence approval process by the introduction of Private Building Certifiers. Should this occur, as proposed by the draft new Building Act, a individual may engage the service of a Private Building Certifier in the metropolitan area or elsewhere to

process his/her application and issue a Building Licence, without involvement by local Shire officers.

Not only will Council forego the receipt of Building Licence fees, its building staff will become enforcement officers only. The anticipated Private Building Certifiers will be recompensed for their building licence approval work but not the enforcement responsibility in respect to compliance with the Australian Building Code.

It is therefore the writer's view that consideration should be given to investigating the adoption of an administrative mechanism that provides Council with statutory authority to decide on the aesthetic suitability of the type structure to be erected as a dwelling in its "Residential" zoned areas; and that it is never sidelined from primary involvement in the building application process.

### **Statutory Environment**

Shire of Carnamah Town Planning Scheme No. 1  
 Planning and Development Act 2005  
 Building Regulations 1989  
 Local Government (Miscellaneous Provisions) Act 1995  
 Building Code of Australia  
 Residential Design Codes of Australia

### **Policy Implications**

Nil.

### **Financial Implications**

Nil.

### **Voting Requirement**

Simple Majority

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	<b>ITEM 9.1.2.</b>
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**MOVED:** CR. LAUNER

**SECONDED:** CR. COCKIN

*That:*

*Council's Town Planning Consultant (Planwest) is to be requested to provide comment on whether and if so how the Shire of Carnamah Town Planning Scheme may be amended to ensure that Planning Consent is required for all new residential development in "Residential" zoned areas prior to Council's acceptance of an application for building licence under the Local Government (Miscellaneous Provisions) Act.*

<b>CARRIED 6 - 0</b>
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9:11am The Manager of Community Services, Mr. Garry Agnew, left the meeting.

9.2           **MANAGER OF PARKS & GARDENS REPORT**  
 9.3           **WORKS ADMINISTRATION REPORT**

**9.4. FINANCE REPORTS****313632 9.4.1. FINANCIAL REPORTS TO 31 AUGUST 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	12 September 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 August 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 August 2006;
- Rates Trial Balance Report as at 12 September 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. ISBISTER

**SECONDED:** CR. COCKIN

*That Council receive the following reports as presented:*

- *Statement of Financial Activity as at 31 August 2006*
- *Rates Trial Balance Report as at 12 September 2006*

**CARRIED 6 - 0**

9:14am Deputy CEO/Finance Manager, Mrs. Samantha Appleton joined the meeting.

<b>313633 9.4.2. ACCOUNTS FOR PAYMENT</b>
---

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/7
Disclosure of Interest:	Nil
Date:	12 September 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 August 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 9.4.2.</b>
--

**MOVED: CR. ISBISTER**

**SECONDED: CR. LAUNER**

*That accounts totalling \$317,037.65 on Municipal vouchers: 26181 to 26223, to EFT1356 to EFT1412;*

*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.*

<b>CARRIED 6 - 0</b>
----------------------

**313634 9.4.3. INVESTMENTS, OPERATING AND CASH MANAGEMENT ACCOUNTS AS AT 31 AUGUST 2006**

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	12 September 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 August 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 August 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. LAUNER****SECONDED: CR. READ***That Council receive the following reports as presented:*

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

**CARRIED 6 - 0**

<b>313635</b>	<b>9.4.4.</b>	<b>NORTH ROAD STOCK ROUTE</b>
---------------	---------------	-------------------------------

Applicant:	N/A
Location / Address:	N/A
File Ref:	R11/2 13
Disclosure of Interest:	None
Date:	13 September 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Letter From Shire of Greenough marked 9.4.4.

### 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. This motion was originally presented to Council at the August 2006 meeting but was lost as Council felt that they had insufficient information. Since that time Cr. Cockin has reviewed the report on behalf of Council.**

### 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.

The recommendations put to Council are those requested by the Shire of Greenough in the letter attached to this report.

### **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

**CARRIED 6 - 0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.4.**

MOVED: CR. MILLS

SECONDED: CR. READ

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.*

**CARRIED 6 - 0**

<b>313636</b>	<b>9.4.5.</b>	<b>CENTRAL COAST TOURISM STRATEGY</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	T13/7
Disclosure of Interest:	None
Date:	13 September 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Letter From Tourism Western Australia

### **Summary**

**An application for a Regional Development Scheme grant is being submitted to the Wheatbelt Development Commission for funding for the development of a Central Coast Tourism Planning Strategy. A letter from Tourism WA has been received requesting financial support towards the strategy as well as matching funding should the grant be received.**

### **Background**

The strategy is being developed on behalf of the five shires in the Central Coast Region (Gingin, Dandaragan, Coorow, Carnamah and Irwin). Of the five shires, the Carnamah Shire is the only shire without any development in its coastal region.

A request for support was requested before this item could be presented to Council. A letter advising of in principal support only has been forwarded to the Wheatbelt Development Commission. The letter also advises the WDC that any financial support forthcoming would be decided on by Council and that no financial commitment could be made at the present time.

### **Comment**

The Shire of Carnamah has not included any funding for this in its budget for 2005/06. Additionally the promotion of tourism within this part of the shire would be unlikely to directly benefit any businesses within the shire due to there being no commercial development along the coast within the Shire of Carnamah. Any benefits received from this project are likely to flow on to businesses in the Coorow and Irwin Shires.

### **Consultation**

Chief Executive Officer  
Bob Bower - Shire of Dandaragan

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

**Financial Implications**

Section 6.8 (1)(b) of the Local Government Act requires the authorization in advance of expenditure not included in the annual budget.

**Voting Requirement** – Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 9.4.5.**

**MOVED:** CR. ISBISTER

**SECONDED:** CR. LAUNER

*That the Shire of Carnamah provide in principal support only to the development of the Central Coast Tourism Planning Strategy.*

**CARRIED 6 - 0**

**Note:** Application for Financial Assistance was not received in time to include into the 2006/2007 Budget.

9:27am Council's Deputy CEO/Finance Manager, Mrs. Samantha Appleton, left the meeting.

## 9.5. ADMINISTRATION REPORTS

### 313637 9.5.1. COUNCIL HOUSING - ENEABBA TOWNSITE

Applicant:	
Location / Address:	
File Ref:	H9/15
Disclosure of Interest:	Nil
Date:	13th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	

#### Summary

- Council has two vacant properties at present in Eneabba.
- Council is requested to consider renting one of the properties out (and keeping another for the swimming pool manager)

#### Background

The Eneabba Swimming Pool Manager has previously occupied the Shire residence at Lot 11 Clark Place. This residence remains vacant for seven (7) months during the pool “off” season.

Council’s other residence in Eneabba (Lot 74 Eneabba Drive) housed a Council employee. However, recently, this employee has purchased their own residence and therefore, lot 74 Eneabba Drive is now also vacant.

The Chief Executive Officer has received enquiries in regards to the rental of these houses.

#### Comment

Council has previously mentioned for security reasons, that Lot 74 Eneabba Drive should be occupied as much as possible.

Lot 74 Eneabba Drive is in close proximity to the Eneabba Swimming Pool and therefore a suitable house for the Swimming Pool Manager contractor.

It seems pointless to have two properties sitting unoccupied for most of the year and suggest that Council rent one of these properties out, leaving the other for the Swimming Pool Manager.

#### Consultation

- General enquiries from the public relating to any available properties for rent.

#### Statutory Environment

Section 3.58 of the Local Government Act 1995 requires the Local Government to (prior to disposing of property by way of lease or sale) obtain a valuation of the property and advertise for a period of 14 days the following information:

- Description of property for lease
- Details of the disposition (As prescribed by the Act)
- Invitation of submissions

### **Policy Implications**

Nil

### **Financial Implications**

Council will not receive any rental for Lot 74 Eneabba Drive under the current circumstances. Council receives \$60.00 per week during the swimming pool season from the management company for Lot 11 Clark Place.

It seems that the rental of Lot 11 Clark Place could be in the vicinity of \$150.00 per week.

### **Voting Requirement**

Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM: 9.5.1.</b>
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1. *That Council offer Lot 74 Eneabba Drive to Contract Aquatic Services for the Eneabba Pool Management staff;*
2. *That Council resolve to rent Lot 11 Clarke Place to the general public for an initial period of six (6) months; and*
3. *That the CEO be authorised to undertake the tasks required as per Section 3.58 of the Local Government Act 1995.*

**Council discussed the Officer Recommendation and agreed that additional information was required in order to comprehensively cover this item.**

<b>COUNCIL DECISION</b>	<b>ITEM: 9.5.1.</b>
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**MOVED: CR. COCKIN**  
**SECONDED: CR. READ**

1. *That Council offer Lot 74 Eneabba Drive to Contract Aquatic Services for the Eneabba Pool Management staff;*
2. *That Council resolve to rent Lot 11 Clarke Place to the general public for an initial period of six (6) months and be reviewed at the annual Housing inspection.*
3. *That the CEO be authorised to undertake the tasks required as per Section 3.58 of the Local Government Act 1995.*

4. *That rental monies received on Lot 11 Clarke Place, Eneabba be used to maintain the property and grounds.*
5. *That the future of Lot 11 Clarke Place be considered in the next Housing Strategic Plan review.*

**CARRIED 6 - 0**

9:45am

**MOVED: CR. READ****SECONDED: CR. LAUNER**

*That Item 9.5.2. be deferred until Council had received Mr. Jeremy O'Neill's presentation at 11:45am.*

**CARRIED 6 - 0**

Council moved to Item 9.6. Confidential Report.

## 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: 14th September 2006

**Background:**

Items 9.6.2, of the Agenda of 20th September 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION:</b>	<b>ITEM 9.6.1.</b>
---	--------------------

**MOVED: CR. READ**

**SECONDED: CR. MILLS**

*That the meeting be closed to the public to consider Confidential Item of 20th September 2006 Agenda Item 9.6.2.*

**CARRIED 6 - 0**

<b>313638 9.6.2. SALE OF COUNCIL HOUSING (LOT 88 LUCAS DRIVE)</b>
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**File: H10/3, Leg Doc 607**

Author: A.G. Nottle, Chief Executive Officer

Date: 14th September 2006

Attached Confidential item marked Item 9.6.2.

Due to the confidentiality of Item 9.6.2, the Officer Recommendation and Council Decision, is not made available for publication.

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	<b>ITEM 9.6.2.</b>
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**MOVED: CR. MILLS**

**SECONDED: CR. COCKIN**

*That the Officer Recommendation and Council Decision be endorsed.*

**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: 14th September 2006

**MOVED: CR. ISBISTER****SECONDED: CR. READ**

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

**Voting Requirement:** Absolute Majority**CARRIED 6 - 0****10 ORDERING THE COMMON SEAL.****11 REPORTS OF COMMITTEES AND MEMBERS****MOVED: CR. ISBISTER****SECONDED: CR. READ***That Item 11.1 to 11.4 be voted on 'En-Bloc'.***CARRIED 6 - 0**

<b>313639 11.1. MINUTES OF THE NORTH MIDLANDS MEDICAL PRACTICE MANAGEMENT COMMITTEE MEETING HELD THURSDAY 17TH AUGUST 2006.</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	M7/2.2
Disclosure of Interest:	None
Date:	12th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.1.

**Summary**

**The Minutes of the North Midlands Medical Practice Management Committee meeting held on Thursday 17th August 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

<b><u>Consultation</u></b>	None Required
<b><u>Statutory Environment</u></b>	Nil
<b><u>Policy Implications</u></b>	Nil
<b><u>Financial Implications</u></b>	Nil
<b><u>Voting Requirement</u></b>	Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION    ITEM 11.1.****MOVED:    CR. ISBISTER****SECONDED: CR. READ**

*That the Minutes of the North Midlands Medical Practice Management Committee meeting held Thursday 17th August 2006 be received by Council.*

**CARRIED EN-BLOC 6 - 0**

**Council discussed the Medical service to Carnamah, or lack of, and agreed that the service Council is paying for, is not being provided.**

**MOVED:    CR. MILLS****SECONDED:    CR. COCKIN**

*That the Chief Executive Officer write to Dr. Innoue regarding the lack of service provision in Carnamah recently. A copy of this letter is to be sent to the North Midlands Medical Practice Committee.*

**CARRIED 6 - 0**

<b>313640 11.2. MINUTES OF THE WILDFLOWER COUNTRY REGIONAL COUNCIL MEETING HELD WEDNESDAY 6TH SEPTEMBER 2006.</b>
---

Applicant:	N/A
Location / Address:	N/A
File Ref:	R10/8.4
Disclosure of Interest:	None
Date:	14th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.2.

**Summary**

**The Minutes of the Wildflower Country Regional Council meeting held on Wednesday 6th September 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.2.</b>
---

**MOVED: CR. ISBISTER**

**SECONDED: CR. READ**

*That the Minutes of the Wildflower Country Regional Council meeting held Wednesday 6th September 2006 be received by Council.*

<b>CARRIED EN-BLOC 6 - 0</b>
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**12** MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**13** NOTICE OF MOTIONS  
(For consideration at the following meeting, if given during the meeting)

**14** NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

- 14.1. ELECTED MEMBERS
- 14.2. OFFICERS

**14.2.1** MOTION TO ADMIT LATE BUSINESS

An Addendum to the Agenda for the Ordinary Meeting of 20th September 2006 was circulated to Council. Council may resolve that the late business be admitted to the meeting.

**MOVED:** CR ISBISTER  
**SECONDED:** CR LAUNER

*That items 10.1 & 11.1 to 11.3 be admitted to the meeting as late business.*

**VOTING REQUIREMENT:** SIMPLE MAJORITY

**CARRIED 6 - 0**

**313640 10.1 ORDERING THE COMMON SEAL:****FILE: C4/9**

AUTHOR: S. APPLETON, DCEO

DISCLOSURE OF INTEREST: NIL

DATE: 14TH SEPTEMBER 2006

**BACKGROUND:**

The Council has entered into a contract for the following:

- WA Treasury Corporation - Loan 131 Bowling Club \$50,000

**OFFICER COMMENT:** Nil**STATUTORY ENVIRONMENT:** Nil**POLICY IMPLICATIONS:** Nil**FINANCIAL IMPLICATIONS:** Nil**STRATEGIC IMPLICATIONS:** Nil**OFFICER RECOMMENDATION AND COUNCIL DECISION: ITEM 10.1.****MOVED: CR. LAUNER****SECONDED: CR. MILLS***That the President and the Deputy Chief Executive Officer action signing the Contracts between:*

- WA Treasury Corporation - Loan 131 Bowling Club \$50,000

*and the Shire of Carnamah and use of the common seal be endorsed by Council.***VOTING REQUIREMENT:** Absolute Majority**CARRIED 6 - 0**

**MOVED: CR. ISBISTER**

**SECONDED: CR. LAUNER**

*That Item 11.1 to 11.3 of the Agenda Addendum be voted on 'En-Bloc'.*

**CARRIED 6 - 0**

## **11** REPORTS OF COMMITTEES AND MEMBERS

**313641 11.1. MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) MEETING HELD WEDNESDAY 2ND AUGUST 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	S5/2
Disclosure of Interest:	None
Date:	18th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.1.

### **Summary**

**The Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) meeting held on Wednesday 2nd August 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. ISBISTER**

**SECONDED: CR. LAUNER**

*That the Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) Meeting held Wednesday 2nd August 2006 be received by Council.*

**CARRIED EN-BLOC 6 - 0**

<b>313642</b>	<b>11.2.</b>	<b>MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) ANNUAL GENERAL MEETING HELD WEDNESDAY 23RD AUGUST 2006.</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	S5/2
Disclosure of Interest:	None
Date:	18th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.2.

**Summary**

**The Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) Annual General Meeting held on Wednesday 23rd August 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	<b>ITEM 11.2.</b>
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**MOVED: CR. ISBISTER**

**SECONDED: CR. LAUNER**

*That the Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) Annual General Meeting held Wednesday 23rd August 2006 be received by Council.*

<b>CARRIED EN-BLOC 6 - 0</b>
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<b>313643</b>	<b>11.3.</b>	<b>MINUTES OF THE COASTAL DISTRICTS (ENEABBA) STATE EMERGENCY SERVICE UNIT (INC) MEETING HELD WEDNESDAY 12TH SEPTEMBER 2006.</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	S5/2
Disclosure of Interest:	None
Date:	18th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 11.3.

**Summary**

**The Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) meeting held on Wednesday 12th September 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

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	<b>ITEM 11.3.</b>
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**MOVED: CR. ISBISTER**

**SECONDED: CR. LAUNER**

*That the Minutes of the Coastal Districts (Eneabba) State Emergency Service Unit (Inc) Meeting held Wednesday 12th September 2006 be received by Council.*

<b>CARRIED EN-BLOC 6 - 0</b>
------------------------------

10:15AM

MOVED: CR. LAUNER

SECONDED: CR. MILLS

*That Council meeting adjourn for morning tea.*

**CARRIED 6 - 0**

11:50AM

MOVED: CR. LAUNER

SECONDED: CR. MILLS

*That the Council meeting resume.*

**CARRIED 6 - 0**

11:55am

Mr. Jeremy O'Neill was invited in to Council meeting to make his presentation on behalf of C.B.H.

Mr. O'Neill thanked Council for giving him the opportunity on behalf of CBH, to make his presentation. Mr. O'Neill then went on with an overhead presentation and talk.

Mr. O'Neill covered:

- Background information why CBH have introduced the Harvest Mass Management Scheme including key stakeholders.
- How the Scheme operates including the 10% Extra Mass Tolerance and 8 Strikes.
- How the Scheme deals with overloaded vehicles.
- Registration to the Scheme.
- Update on CBH and Main Roads WA current positions.

Questions and answers followed Mr. O'Neill's presentation. (attached for Councillor's information).

12:40pm Council moved to Item 9.5.2.

Councillor Mills declared a Financial Interest. Cr. Mills was not required to leave the meeting but was not entitled to vote.

MOVED: CR. LAUNER

SECONDED: CR. ISBISTER

*That Councillor Mills not be required to leave the meeting but was not entitled to vote.*

**CARRIED 6 - 0**

<b>313644</b>	<b>9.5.2.</b>	<b>HARVEST MASS MANAGEMENT SCHEME MOU – COOPERATIVE BULK HANDLING - RE-SUBMITTED</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	C13/5
Disclosure of Interest:	Nil
Date:	13th September 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	9.5.2.

### Summary

**This report, re-submitted, 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: 9.4.2.****MOVED: CR. ISBISTER****SECONDED: CR. LAUNER**

*That Council agrees to sign the Harvest Mass Management Scheme proposed Memorandum of Understanding.*

**CARRIED 5 - 0****15****CLOSURE OF MEETING.**

Cr. Heinrich thanked Mr. O'Neill for attending and making his presentation to Council then invited Mr. O'Neill to Council luncheon.

Presiding Member Cr. Heinrich declared the meeting closed at 12:45pm