

# Minutes

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## SHIRE OF CARNAMAH

# Minutes

## ORDINARY COUNCIL MEETING

HELD IN THE COUNCIL CHAMBERS, CARNAMAH

ON WEDNESDAY 21ST JUNE 2006

**1**

### DECLARATION OF OPENING

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

**MOVED:** CR. LAUNER  
**SECONDED:** CR. FORSYTH

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

**CARRIED: 7 - 0**

**2**

### RECORD OF ATTENDANCE

#### PRESENT

Councillors

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

Chief Executive Officer

A G Nottle

Executive Secretary

R V Miller

Manager of Community Services

G Agnew (in 9:20 am out 10:10 am)

Guests:

Mr. Neil Butterworth, Chairman of Small Business Centres WA and Small Business Centre Central Coastal (SBCCC).  
Mr. Richard Notley  
Mr. Norm Skogland, Executive Officer SBCCC.

#### APOLOGIES

**LEAVE OF ABSENCE** (Previously Approved)

**3**

### RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

**4 PUBLIC QUESTION TIME**

The President opened the meeting to the Public.  
There were no members of the public present.  
The President closed Public Question time.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillors Forsyth and Mills applied for leave of absence from the July meeting of Council.

**MOVED:** Cr. Isbister

**SECONDED:** Cr. Read

*That Councillor Forsyth and Councillor Mills be granted leave of absence from the July meeting of Council.*

**CARRIED: 5 - 0**

**6 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

- 6.1. Students from Carnamah District High School Quiet Lion Tour will be joining Council for morning tea
- 6.2. Mr. Neil Butterworth, Chairman of Small Business Centres WA and Small Business Centre Central Coastal (SBCCC), Mr. Richard Notley and Mr. Norm Skogland, Executive Officer of the SBCCC will be presenting a 'Service Delivery Plan for your Region' to Council at 11:00am
- 6.3. Ms. Jo Smith and Mr. Andrew Watham from Iluka Resources will be making a presentation at 11:30am, 'Eneabba Mine Operations', and will then be joining Council for lunch.
- 6.4. Council's Finance Officer, Ms. Stacey Sutherland will be joining Council for lunch. Stacey commences Maternity Leave on 29<sup>th</sup> June 2006.

**7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.****8 ANNUAL REVIEW OF DELEGATIONS TO THE CEO.****313550 8.1. Annual Review of Delegations to the Chief Executive Officer.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	M4/1, S4/1.1
Disclosure of Interest:	Appointment of Delegations applies to the Author.
Date:	9 <sup>th</sup> June 2006
Author:	A. G. Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	.

**Summary**

**Delegations to the CEO are to be appointed by Council annually.**

**Background**

The Local Government Act requires that Council's delegation of its authority to the Chief Executive Officer be reviewed at least once each financial year by the delegator.

**Comment**

Council Policy 15.16 states that a review of delegations to the CEO be carried out by the Management Review Committee in conjunction with the CEO's annual performance review.

This review will not be carried out until August and the Act requires it to be reviewed once each financial year. The last review was June 2006.

**Consultation**

Nil

**Statutory Environment**

Section 5.46(2) of the Local Government Act.

**Policy Implications**

Policy 15.16 states that a review of delegations to the CEO be carried out by the Management Review Committee in conjunction with the CEO's annual performance review.

**Financial Implications**

Nil

**Voting Requirement** – Absolute Majority**OFFICER RECOMMENDATION AND COUNCIL DECISION      ITEM 8.1.**

**MOVED:**            **CR. ISBISTER**

**SECONDED:**      **CR. READ**

*(1) That Council re-confirm the following delegations of its authority to the Chief Executive Officer for a further 12 months –*

- *Authority to empower the Chief Executive Officer to allow burials in the Winchester Cemetery after the hours as set down in Local Laws and that fees and charges be adjusted accordingly.*
- *Authority to approve or disapprove local and non-local applications for Trading in Public Places Licences, subject to conditions deemed appropriate by the CEO. In the event the CEO declines to approve any such application, it shall be referred to Council for its information, and if necessary adjudication.*
- *The power, in accordance with the provisions of the Local Government Act and its Regulations, and in consultation with the Carnamah Factory Units Committee,*

*to let the tenancy of the Carnamah factory units and associated residential accommodation, where such letting is in accordance with Policy 11.18.*

- *Authorise commencement of legal proceedings for the collection of outstanding debts as deemed necessary*
- *Make payments from Council's Municipal and Trust Funds in accordance with policy (2.4) guidelines*
- *Verifying officer to identify signatories of Council's bank accounts*
- *Authorise and approve transfers of monies between the Municipal and Reserve funds held at Challenge Bank, Carnamah*
- *Under Winchester Cemetery Local Laws:*
  - *Clause 8 : Issue of Grant of Exclusive Right of Burial*
  - *Clause 11 : Transfer of Grant of Exclusive Right of Burial*
  - *Clause 36 : Carrying out of Memorial Works*
  - *Clause VI Item No 17: Times for Funerals*
- *Approve crossover applications which are to be constructed in accordance with the superior crossing specification (policy 10.6)*
- *Authority to sign direct debit authorities in favour of the Department of Transport/State Treasury, authorising the direct debit recouping of monies received for licensing from this special account*
- *(Private Coaching – Public Swimming Pools) Authority to grant approvals in accordance with policy guidelines*
- *Approve applications for the consumption of alcohol at functions on or in Council property and premises (policy 2.7)*
- *Implement the budget in accordance with policy guidelines (policy 2.11/14.1)*
- *Approve the non-application of advertising fees in the Carnamah and Eneabba newsletters (policy 2.8)*
- *Bush Fire Policy 3.1 –  
To call out or authorise the use of Shire vehicles, plant or equipment other than that normally used exclusively for fire fighting or control.*

*In consultation with the CBFCO or his deputy may hire, use or authorise the hire or use of privately owned vehicles, plant or equipment at their discretion.*

*On the recommendation of the Carnamah Volunteer Fire Brigade, the CEO is authorised to issue fire permits.*

*Issue infringement notices for offences under the Bush Fires Act on the recommendation of a Bush Fire Control Officer, or of his own volition*

*Approve or reject applications for extensions of time in which firebreaks are to be provided, and to approve or reject requests for alternative positions or methods for firebreaks in consultation with the CBFCA or BFCO*

*Authorise a driver of any Shire fire-fighting appliance.*

- *(Liability of Council for Trespassing Stock – policy 3.4)  
To initiate notices and prosecutions under this policy.*
- *Sign tenancy agreements for the Carnamah Units on Council's behalf, when units are allocated (policy 7.3)*
- *(Private swimming pools – policy 9.6)  
An authorised officer for the purposes of section 245A of the Local Government (Miscellaneous Provisions) Act 1960*
- *Vary the period of opening for public swimming pools (policy 9.7)*
- *Vary open pool hours to meet community demands, without incurring an unreasonable extra call on local government funds, in accordance with policy guidelines (policy 9.8)*
- *Approve applications for pipelines under Shire roads, and a register of pipeline approvals be maintained (policy 10.4)*
- *(Temporary road closure for events on roads – policy 10.5)  
Consider each and every application under this policy and to grant temporary closures on Council's behalf at his discretion*
- *(Stop work orders – Unlawful building works – policy 11.4)  
Issue stop-work orders under section 401A of the Local Government (Miscellaneous Provisions) Act*
- *Authority to invest surplus funds as per policy guidelines (policy 14.2)*
- *Authority to make agreement with a person as to payment of rates, but subject to the imposition of appropriate interest rate charges, having regard to the interest rate policies adopted by Council in the annual budget, in accordance with policy guidelines (policy 14.3)*
- *Authorised officer under the following sections of the Local Government Act 1995-*

*Part 3, Div 3, Subdiv 2 – Certain Provisions about Land, section 3.24*

- 1 Notices to owners/occupiers requiring them to do certain things on their land e.g.: to make safe a tree on the land that endangers any person or thing on adjoining land*
- 2 Doing things on private land that is not local government property e.g.: taking gravel for road works*

*Pt 3 – Div 3, Subdiv 3 – Powers of Entry*

*Exercise powers of entry, where entry is required to perform a function under the Act, other than under a local law*

*Pt 3, Div 3, Subdiv 4 – Impounding Goods involved in Certain Contraventions*

*Section 3.39(1) – May remove and impound any goods involved in a contravention that can lead to impounding*

*Part 9, Div 2, Subdiv 1 – Enforcement and Legal Proceedings*

*Section 9.13(1) – To give notice shifting the onus of proof onto the owner (of a motor vehicle)*

*Part 9 – Div 2 – Infringement Notices*

*Section 9.17 - To receive modified penalties*

*Section 9.19 - To extend the time for payment of a modified penalty*

*Section 9.20 - To withdraw an infringement notice (Policy 15.17)*

- *Approve fireworks displays within the Shire of Carnamah*
- *Delegation from the President – To speak on behalf of and represent the views of the Council of the Shire of Carnamah to the media and other third parties as appropriate.*
- *Authority to Approve Permits for the use of roads in accordance with Heavy Transport Routes and Operations (Policy 10.2A) – and to close any approved road where it is deemed to have become unsafe for such use*
- *Authority to approve demolition applications.*

*Power to approve applications for development under the Shire of Carnamah Town Planning Scheme No: 1, provided that the applications fully conform and comply with the Shire of Carnamah Town Planning Scheme No: 1 and Council Policy from time to time.*

**CARRIED 7 - 0**

## **9 CONFIRMATION OF MINUTES**

### **313551 9.1. ORDINARY MINUTES OF COUNCIL MEETING HELD 17<sup>TH</sup> MAY 2006.**

MARKED APPENDIX A

**MOVED: CR. FORSYTH**

**SECONDED: CR. READ**

*That subject to:*

*Item 1 'Declaration of Opening*

*Deputy President Cr. Forsyth welcomed*

*Being amended to read:*

*President, Cr. Heinrich welcomed.*

*That the minutes of the Ordinary meeting of Council held on the 17<sup>th</sup> May 2006 be accepted as a true and correct record.*

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**CARRIED: 7 - 0**

## **10 MANAGEMENT REPORTS**

### **10.1. COMMUNITY AND DEVELOPMENT REPORT**

**9:20am Council's Manager of Community Services, Mr. Garry Agnew entered the meeting.**

#### **313552 10.1.1. Shire Building Maintenance – 4 Year Building Management Program.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	B9/1
Disclosure of Interest:	Nil
Date:	31 May 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	10.1.1a

### **Summary**

**Receipt and adoption of the Building Management Committee's 'Four (4) Year Shire Building Management Program'.**

### **Comment**

Council will recall discussing and supporting the concept that Shire owned buildings, especially houses, should be recognised as a Capital Investment therefore must receive appropriate on-going maintenance together with progressive upgrade where it is agreed upon.

As a consequence, the Shire's Building Management Committee concluded that; during its annual Shire Buildings Inspection for the 2006/7 budget comment will not only be made on obvious and essential maintenance as has been the practice in the past but also restoration of failed/failing structural components, refurbishment and general upgrade of some Shire housing.

Additionally, the Committee discussed long-term strategies in regard to the acceptability of the Shire Works Depot being located in the centre of town, refurbishment of the Shire Administration Centre and more effective utilisation of existing office space for formal local government administration processes only.

Council is referred to the attached spread sheet (Attachment 10.1.1a) which presents the conclusions reached by the Shire's Building Management Committee.

Council is directed to the comments on Attachment 9.1.1a in respect to:

- Lot 94 Bierman Street – progressive upgrade as house is considered a good standard for retention for staff housing.
- Lot 60 Robertson Street – affirmation that this house is designated for the Manager Works & Services position.
- Carnamah RSL Hall – consensus that this building be returned to the RSL on expiry of current lease.
- Carnamah Works Depot – the Building Committees unanimous agreement with the concept that of gradual relocation of the Shire Works Depot away from the “Residential” area of town.

**Statutory Environment** Nil.

**Policy Implications** Nil.

**Financial Implications**

Subject to budget 2006/7 consideration

**Voting Requirement** Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1.**

**MOVED:** CR. LAUNER

**SECONDED:** CR. ISBISTER

*The Shire of Carnamah Building Committee's 4 Year Building Management Program as presented and amended, is accepted with the following being endorsed:*

1. *All maintenance and upgrade of Shire buildings, as listed in Year 1 of the Attached Building Management Program Spread Sheet are to be included in the 2006/7 Budget.*
2. *The progressive upgrade of Lot 94 Bierman Street is agreed to and this house is to be retained for Shire staff housing.*
3. *The designation of Lot 60 Robertson Street for the Manager Works & Services position is reaffirmed.*
4. *The lease for the RSL Hall will not be renewed at expiry of the current lease term.*

*The conceptual relocation of the Shire Works Depot out on the centre of town is agreed to.*

**CARRIED: 7 – 0**

**313553 10.1.2. Carnamah-Coorow Key Issues Workshop.**

Applicant:	Planwest
Location / Address:	Carnamah Coorow Coastal Plan
File Ref:	C 10/3
Disclosure of Interest:	Nil
Date:	12 June 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	10.1.2a, 10.1.2b, 10.1.2c, and 10.1.2d

**Summary**

Comment on Key Issues Papers produced by Planning Consultants (Planwest) in preparation of the Carnamah-Coorow Coastal plan.

**Comment**

In preparation of the Carnamah- Coorow Coastal Strategy the consultants appointed to prepare the Strategy have visited all coastal access points along the coast of both Shires.

On the 2 May 2006 the Consultants run a Key Issues Workshop in Green Head to assist them in gaining wider public consultation in the preparation of a Draft Strategy for consideration. That Key Issues Workshop was attended by the Shire President Cr. Heinrich, Cr. Cockin, the CEO Tony Nottle and MCS Garry Agnew. Other attendees included representatives from the Shire of Coorow, Mr. Steve Douglas from the Mid-West Development Commission, Representatives from the local fishing fraternity as well as other key stakeholders.

Resulting from that Key Issues Workshop the Planning Consultants have produced 4 Key Issues Papers for review of all participants prior to the preparation of a draft plan – see Attachment 10.1.2a, 10.1.2b, 10.1.2c and 10.1.2d.

Council must now review the attached 4 Key Issue documents and make comment/s that will be passed on to the consultants.

Once in receipt of comments from all stakeholders the consultants will prepare a Draft Plan which is to form the base for a wider community consultation process.

**Statutory Environment**

Shire of Carnamah Town Planning Scheme No. 1.  
Carnamah-Coorow Coastal Strategy.

**Policy Implications** Nil.

**Financial Implications**

The cost of the Carnamah-Coorow Coastal Strategy has been covered by a grant provided by the Department for Planning and Infrastructure and which was supported by the Mid-West Development Commission.

**Voting Requirement**      Simple Majority**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.2.****MOVED:            CR. MILLS****SECONDED:      CR. READ**

*The 4 Key Issue Papers presented by the Carnamah-Coorow Coastal Strategy Consultants are accepted and endorsed.*

**CARRIED 7 - 0****Notes from Item 10.1.2.**

- Councillors expressed concern that Carnamah initiated dialogue and consultation but now seem excluded in regards to development in issues papers.
- Suggest tracks be developed in Carnamah coastal area and rehabilitation of random tracks.

<b>313554 10.1.3. Eneabba Swimming Pool</b>
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Applicant:	N/A
Location / Address:	Eneabba Swimming Pool
File Ref:	S11/2
Disclosure of Interest:	Nil
Date:	12 June 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	

**Summary**

**Council approval to proceed with the relining of the 25m and toddlers pools at the Eneabba Swimming Pool Complex.**

**Comment**

Council is referred to Resolution 313373 of its September 2005 Council Minutes.

*Moved: Cr. Skipworth*

*Seconded: Cr. Isbister*

*“That Council replace the Eneabba Swimming Pool Liner following the 2005/2006 season and have the new liner in place for the 2006/2007 season.*

*That Council approve the out of budget expenditure from the pool liner Reserve.*

*Carried: 7-0”*

Council is advised that the 25m and toddlers pools at the Eneabba Swimming Pool Complex have been removed with only minor cracking to the base of the 25m pool deep end.

Following inquiry concerning the most experienced and capable company to carry out the work on the Eneabba pool liners using reinforced vinyl and after providing photographs of the shells a quotation has been received from AVP Constructions to reline the 25m and toddlers pools.

**Quote includes –**

- Prepare pool shells and seal gutters
- Install new coping strip
- Supply and install Nylex Commercial Reinforced Vinyl lining to pools
- Install lane markings

**Quote \$48.300 + GST**

**Not included –**

- Empty of Pool
- Refilling of Pool
- Chemical balancing and re-commissioning

The cost of relining the Eneabba Pools was not included in the 2005/6 budget.

Council approved out of budget expenditure from the Pool Liner Reserve at its September 2005 Meeting however the Pool Liner Reserve stands at only \$46,232.00 therefore a further out of budget expenditure of \$2,068.00 is required.

### **Statutory Environment**

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

6.8 Expenditure from municipal fund not included in annual budget.

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure – is incurred in a financial year before the adoption of the annual budget by the local government;  
is authorised in advance by resolution\*; or  
is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

**Policy Implications** Nil.

### **Financial Implications**

Out of budget expenditure of \$46,232.00 from Pool Liner Reserve.

Out of budget expenditure of \$2,068.00 from municipal fund.

**Voting Requirement** Absolute Majority

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.3.**

**MOVED: CR. FORSYTH**

**SECONDED: CR. COCKIN**

1. *Out of budget expenditure of \$46,232.00 from the Pool Liner Reserve is reaffirmed and out of budget expenditure of \$ 2,068.00 from the municipal fund is authorised (total \$48,300.00).*
2. *The quotation of \$48,300.00 from AVP Constructions for relining of the 25m and toddlers pools at the Eneabba Swimming Pool Complex is accepted.*
3. *Executive staff to arrange for relining of the Eneabba Pools shells to be completed prior to the 2006/7 season.*

**CARRIED 7 - 0**

**313555 10.1.4. Local Planning Scheme Amendment – Railway Land - Carnamah**

Applicant:	Gray & Lewis Land Use Planners
Location / Address:	Railway Land - Carnamah
File Ref:	P 10/2
Disclosure of Interest:	Nil
Date:	12 June 2006
Author:	Garry Agnew – Manager Community Services
Signature of Author:	
Attachments:	10.1.4a

### **Summary**

#### **Application for Council to initiate a minor amendment to its Town Planning Scheme No. 1.**

### **Comment**

Correspondence has been received from Gray & Lewis Land Use Planners for Council to initiate an amendment to its Town Planning Scheme see Attachment No. 10.1.4.a

As indicated on the sketch with Attachment 9.1.4a, it is proposed that the Shire of Carnamah Local Planning Scheme be amended to reclassify portions of Railway Reserve land from Local Reserve for Railway to Local Reserve for Parks/Recreation/Conservation, Special Use Zone (Road house), and Industrial Zone.

Gray & Lewis state in their correspondence that following Council's resolution to initiate the Amendment they will prepare all amending documents for adoption and refer the matter to the Environmental Protection Authority.

### **Statutory Environment**

Shire of Carnamah Town Planning Scheme No. 1.

**Policy Implications** Nil.

### **Financial Implications**

All costs for the amendment to be borne by Gray Lewis.

**Voting Requirement** Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.4.**

**MOVED:** CR. ISBISTER

**SECONDED:** CR. FORSYTH

*It is agreed that:*

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

**CARRIED 7 - 0**

**313556 10.1.5. Refurbishment of the Carnamah Town Hall**

Applicant: N/A  
Location / Address: N/A  
File Ref: H11/1  
Disclosure of Interest: Nil  
Date: 12<sup>th</sup> June 2006  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:  
Attachments:

**Summary**

**This report outlines the obligations of Council in regards to the funding required and conditions on the Shire of Carnamah.**

**Background**

At the May Council meeting an item was presented to Council requesting endorsement of concept plans that were used to access funding for the refurbishment of the Carnamah Town Hall.

A structural engineer has since reviewed these plans, inspected the building and advised Horizon Designs of the detail required to be included on the plans to assist in the tendering process. These complete plans will then be forwarded to the Manager of Community Services.

Staff are now at the point that once the engineer drawings for the project are received that a method of tendering needs to be considered.

**Comment**

The method of tender can either be done one of two ways. These are:

- Tendering of entire project to be undertaken by a Registered Builder
- Tendering or operating piecemeal using Council's Manager of Community Services (MCS) as the Shire of Carnamah's "Appointed (Building Surveyor) Builder"

By tendering the entire project to a "Registered Builder", this should ensure timeliness of the completion of the project. (These would be factored into the tender documentation.) It will provide less of a burden on staff resources as well as control via contractual arrangements on the way the job is to be carried out. However this option will be likely to be more expensive.

By operating the project piecemeal and appointing the MCS as the Builder the project can be broken into smaller projects and be carried out progressively by the MCS.

Most of the costs associated with the appointment of the Building Surveyor as Builder will be in house. However his commitments with other Councils and projects may impact on the time allocated to the Carnamah Hall project. It is unquestionable that this option will affect the predicted timeframe of completion of the project.

It is also imperative that should this option be considered, that the “Building Surveyor” is the qualified person representing Council, and therefore must be the Manager of the project.

Council’s current milestone / time frame is as follows:

Completion of tender process	1st July 2006
Appointment of contractors etc and comm. of project	1st September 2006
Main Hall construction, offices, storage, kitchen	1st December 2006
Fit out of constructed areas	1st March 2007
Completion and audit	1st April 2007

**Consultation** None Required

### **Statutory Environment**

Various funding agreements have been signed by Council representatives which outline conditions on how various grants will be spent.

**Policy Implications** Nil

### **Financial Implications**

According to Borrell Rafferty Quantity Surveyors the total cost of the project is estimated at \$896,967 plus GST.

Funding has been successfully sought to assist in the upgrade as follows:

Carnamah Shire Council Contribution	\$105,000
Department of Community Development	\$25,000
Department of Local Government & Regional Development	\$240,000
Lotterywest (Building & IT Equipment)	\$130,000
Midwest Development Commission	\$51,000
Regional Partnerships	\$192,967
Department of Sport & Recreation (Unsuccessful)	\$0
Department of Culture and the Arts	\$50,000
<b>Total</b>	<b>\$793,967</b>

This leaves the total funds short by \$103,000. Therefore with Council’s contribution to satisfy the funding requirements, a total of \$208,000 plus GST will need to be allocated to the project.

Council has a Multi Purpose Facility Reserve which was established to fund this project. This reserve currently stands at \$118,997.99.

Therefore Council will need to either raise from general rate revenue, or by loan funds, the amount of \$89,002.01 provided all costs are within budget.

Total cost to Council	\$208,000
Less amount in reserve	\$118,997.99
<b>Total extra cost to Council</b>	<b>\$89,002.01</b>

Council had also allocated from general revenue the following amounts for equipment required (post refurbishment)

Chairs	\$5,800
Tables	\$3,000
Kitchen equipment	\$5,050
Total	\$13,850

**Voting Requirement** Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 10.1.5.</b>
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1. *That Council choose from the following options to undertake the Carnamah Hall refurbishment project:*

a) *That Council resolve to tender out all aspects of the Carnamah Hall Refurbishment Project to be undertaken by a Registered Builder as per tender documentation.*

**OR**

b) *That Council resolve to undertake the Carnamah Hall Refurbishment Project itself, appointing the Manager of Community Services (Building Surveyor) as its Builder/Project Coordinator, who will undertake the project on behalf of Council*

2. *That the report on the Refurbishment of the Carnamah Town Hall be received.*

**Council discussed the Officer Recommendations and agreed that a further recommendation be included and that Item 2 be amended.**

**Council chose option 1(b), changed Item 2 and added Item 3.**

<b>COUNCIL DECISION</b>	<b>ITEM 10.1.5.</b>
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**MOVED:** CR. ISBISTER

**SECONDED:** CR. FORSYTH

1. *That Council choose from the following options to undertake the Carnamah Hall refurbishment project:*

a) *That Council resolve to undertake the Carnamah Hall Refurbishment Project itself, appointing the Manager of Community Services (Building Surveyor) as its Builder/Project Coordinator, who will undertake the project on behalf of Council*

2. *That the project be assessed financially at regular staged intervals to determine the progress.*
3. *That the community be encouraged to assist by fundraising towards the project.*

**CARRIED 7 - 0**

The Manager of Community Services advised Council that he would be on annual leave for three weeks.

10:09AM            **Manager of Community Services, Mr. Garry Agnew left the meeting.**

10.2            **MANAGER OF PARKS & GARDENS REPORT**  
 10.3            **WORKS ADMINISTRATION REPORT**

10:10AM            **MOVED:            CR. ISBISTER**  
                          **SECONDED:       CR. LAUNER**  
                          *That Council adjourns for morning tea.*

**CARRIED: 7 - 0**

Council met with Students from the Carnamah District High School who each gave an account of their experience on the Quiet Lion Tour to Thailand for the Anzac Day service.

10:40AM            **MOVED:            CR. ISBISTER**  
                          **SECONDED:       CR. FORSYTH**  
                          *That Council meeting resume.*

**CARRIED: 7 - 0**

10:40AM

Guests Mr. Neil Butterworth, Chairman of Small Business Centres WA and Small Business Centre Central Coastal (SBCC), Mr. Richard Notley and Mr. Norm Skogland, Executive Officer of the SBCCC entered the meeting.

Councillor Heinrich welcomed Council's guests and asked them to be brief in their presentation.

It was explained that although the Government had reduced the Small Business Centre agencies from 37 to 26, this had not reduced the quality of service being made available to clients.

Council was being asked to contribute \$4,000 towards coverage of a Small Business Centre Officer in this area.

Councillor Heinrich thanked Mr. Butterworth, Mr. Notley and Mr. Skogland for attending.

11:15am Council's guests left the meeting.

**10.4. ADMINISTRATION AND FINANCE REPORTS****313557 10.4.1. Financial Reports to 31 May 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	9 June 2006
Author:	S. Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Item 10.4.1.

**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 2005 to 30 May 2006 (marked 10.4.1.) 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 2005 to 31 May 2006;
- Rates Trial Balance Report as at 31 May 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 10.4.1.**

**MOVED:**            **CR. LAUNER**

**SECONDED:**      **CR. ISBISTER**

*That Council receive the following reports as presented:*

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

**CARRIED 7 - 0**

**Councillor Forsyth declared a financial interest. Councillor Forsyth was not required to leave the meeting and was entitled to vote.**

<b>313558 10.4.2. Accounts For Payment</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/7
Disclosure of Interest:	Nil
Date:	13 June 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 May 2006 (marked 9.4.2., Appendix x).

**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: 10.4.2.</b>
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**MOVED:** CR. ISBISTER

**SECONDED:** CR. FORSYTH

*That accounts totalling \$214,194.51 on Municipal vouchers: 26046 to 26093 and EFT1198 to EFT1256;*

*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 7 - 0**

**313559 10.4.3. Investments, Operating and Cash Management Accounts As At 31 May 2006**

Applicant:	N/A
Location / Address:	N/A
File Ref:	A4/9.1, B4/1
Disclosure of Interest:	Nil
Date:	9 June 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Item 10.4.3 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 May 2006 was prepared as per Council Policy and the Local Government Financial Management Regulations (marked 10.4.3).

**Comment**

Included with this report are the following:

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

at 31 May 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: 10.4.3.****MOVED:** CR. MILLS**SECONDED:** CR. FORSYTH*That Council receive the following reports as presented:*

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

**CARRIED 7 - 0**

**Councillor Launer declared a financial interest in Item 10.4.4 being a member of the Bowling Club Committee.**

**MOVED: CR. ISBISTER**

**SECONDED: CR. FORSYTH**

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

**CARRIED 6 - 0**

### **313560 10.4.4. Self Supporting Loan – Carnamah Bowling Club**

Applicant:	N/A
Location / Address:	N/A
File Ref:	B11/5
Disclosure of Interest:	None
Date:	6 <sup>th</sup> June 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Letter from and Statement of Financial Position for the Carnamah Bowling Club.

#### **Summary**

**The Carnamah Bowling Club is seeking a self supporting loan from the Shire of Carnamah to enable the carrying out of large scale renovations to its premises.**

#### **Background**

The Carnamah Bowling Club have requested that the Shire of Carnamah assist them in funding renovations through the provision of a self supporting loan.

They are seeking to borrow \$50,000 over a period of five years and propose to make monthly repayments to Council. It is estimated that repayments will be around \$980 per month based on current interest rates, but the amount will be determined at the time of borrowing. (Attached Item 10.4.4)

The renovations to be carried out include the replacement of ceilings, carpets, and air conditioning. It is advantageous to the club to carry out all of these works at the one time rather than on a piecemeal basis.

#### **Comment**

The bowling club provides a major social and sporting facility to the residents of the Carnamah Shire. The facilities are available for utilisation by other groups within the area.

It is anticipated that the loan will be taken out during the 2006/07 and will be included as part of the budget for that year.

#### **Consultation**

The CEO and the Deputy CEO met with members of the Carnamah Bowling Club on May 16. The members explained the extent of the renovations required. The financial

position of the club and its ability to make any projected repayments was discussed at this meeting. The club members feel that a five year loan period will meet their needs.

### **Statutory Environment**

Section 6.20 (2) of the Local Government Act refers to the "power to borrow" and states that any proposals to borrow should be included in the budget for the year in which the money should be borrowed. It is proposed to include the loan in the budget for the 2006/07 financial year.

**Policy Implications** Nil

### **Financial Implications**

The loan liabilities of Council will increase by \$50,000 on taking out the loan. Cash payments amounting to approximately \$7,295 (\$4342.48 principal, \$1,547.50 interest and \$1405.29 accrued interest) are expected to be made during 2006/07. Repayments made will be matched by reimbursements from the Carnamah Bowling Club.

**Voting Requirement** – Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.4.**

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

*That council supports the request by the Carnamah Bowling Club to borrow \$50,000, in the form of a self supporting loan, repayable over 5 years in monthly installments, and that the loan is included in the budget for 2006/07.*

**CARRIED 6 - 0**

**313561 10.4.5. Overdraft on Municipal Account**

Applicant:	N/A
Location / Address:	N/A
File Ref:	B4/1
Disclosure of Interest:	None
Date:	13 June 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	

**Summary**

**An temporary overdraft facility of \$150,000 has been sought from the Westpac Bank in Carnamah.**

**Background**

In order to satisfy payment requirements of creditors, an overdraft of up to \$150,000 has been requested from Westpac Bank.

This will allow Council to continue to pay creditors promptly during the period prior to the collection of rates and the payment of Grants Commission and other funds in July/August.

**Comment**

A statement of expected income and expenditure has been presented to the bank (shown below). While income during the period during which the overdraft is requested is substantial, the majority of it is not expected to be received until the latter part of the period. Two large creditors (Oracle and Fleetwood) require immediate payment, and other smaller creditors will also require payment within normal terms. The obtaining of an overdraft facility allows Council to continue trading as normal during this period.

**SHIRE OF CARNAMAH  
ESTIMATED CASH FLOWS  
12 JUNE 2006 TO 16 AUGUST 2006**

<b>Estimated Expenses</b>	<b>Amount</b>
Wages 14/6, 28/06, 12/7, 26/7, 9/8	200,000
Oracle Energy - Installation of Street Lighting	60,000
Fleetwood Durabuild - Final Payment on Houses	130,000
Sundry Creditors (Estimated)	250,000
<b>Total</b>	<b>640,000</b>

<b>Estimated Income</b>	<b>Amount</b>
Rates	650,000
Main Roads Grants	298,000
Grants Commission	199,000
Department of Transport & Infrastructure	97,000
Grant - Regional Partnerships	96,483
Sundry Income (Estimated)	36,000
	<b>1,376,483</b>

**Consultation**

The CEO discussed the obtaining of the overdraft with the Shire President on Monday 12 June 2006.

**Statutory Environment** Nil

**Policy Implications** Nil

**Financial Implications**

The use of the overdraft facility will result in an expense of \$550 plus interest for each period of 45 days that the overdraft is in place.

**Voting Requirement** – Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 10.4.5.**

**MOVED:** CR. LAUNER

**SECONDED:** CR. FORSYTH

*That the report on the setting up of the overdraft facility be received.*

**CARRIED 7 - 0**

**313562 10.4.6. Continuation of Contract – Communication and Wireless Services**

Applicant:	N/A
Location / Address:	N/A
File Ref:	L. Docs 426, C4/10
Disclosure of Interest:	Nil
Date:	6 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	10.4.6.A, 10.4.6.B

### **Summary**

- **Council is requested to consider the continuation of the maintenance contract between the Shire of Carnamah and Communication and Wireless Services.**
- **A contract has previously existed and expires 30th June 2006.**
- **The contractor has supplied a quotation for the continuation of the service indicating a CPI increase of 2.55% over the contract period only.**

### **Background**

Council has previously held a three year contract with Communication & Wireless Services to provide ongoing maintenance and trouble shooting services to the Eneabba and Carnamah television and radio broadcasting equipment. This contract expires 30th June 2006.

Council had previously gone to tender for the provision of these services.

In April 2006, the CEO wrote to the director of the company to request a quotation for a further three (3) years service under similar conditions to the previous contract.

The director has recently responded and supplied a quotation for consideration.

### **Comment**

The proposal (which the author feels is suits the Shire's requirements) is outlined in attachment 10.4.6.A.

In summary, Communication and Wireless Services propose the same service as previously carried out under the existing contract. (See attachment 10.4.6.B for detail) It has also been suggested that we may wish to include the Carnamah site in the quarterly inspections, as only field strength tests were required under the original contract.

While the Carnamah site generally requires less maintenance we have had an issue over the summer period where one of the decoders failed. It is unclear whether regular maintenance may have prevented the call out required on the public holiday.

The costs associated with including the maintenance visit to Carnamah are discussed under the financial implications.

The current contract has been carried out with professionalism and Council has received excellent service from the contractor.

### **Consultation**

Director, Communication and Wireless Services Pty Ltd

### **Statutory Environment**

Council had previously tendered this contract three (3) years ago. The amount of this contract is under the public tender threshold of \$50,000 and therefore Council is not required to undertake the tender process for this contract.

(Local Government Functions and General Regulation 11)

### **Policy Implications**

Nil

### **Financial Implications**

For contractual services only (not call out or ad hoc work required.) the amount of the contract is \$5098.50 per annum not including travel costs. Over the past three years, Council has spent a total of the following:

Purchase of new equipment - \$12,237.80

05/06 - \$7,250.67

04/05 - \$4,924.99

03/04 - \$10,386.40\*

**Total - \$34,799.86**

\*Includes \$3,514.50 of upgrades to degraded equipment

It is estimated that as there has been no indication that major upgrades are required, the estimated costs of the new contract will be as follows. (Including a quarterly inspection of Carnamah site.)

06/07 - \$7,868

07/08 - \$8,000

08/09 - \$10,500

**Total - \$26,368**

This is based on the costs provided by Communication and Wireless Services in Schedule 1 in attachment 10.4.6.A.

### **Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 10.4.6.****MOVED: CR. FORSYTH****SECONDED: CR. ISBISTER**

1. *That Council agree to a contractual arrangement with Communications and Wireless Services Pty Ltd for a three year period commencing 1st July 2006 to carry out preventative maintenance and repairs on a quarterly basis on the sites located at:*
  - a) *Ocean Hill – Eneabba*
  - b) *Radio Hill – Carnamah*
2. *That the Chief Executive Officer and the Shire President be authorised to affix the common seal and sign the necessary documentation on behalf of Council.*

**CARRIED 7 - 0**

<b>313563 10.4.7.</b>	<b>Proposed New Policy – Administering / Supply of Aspirin</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	P4/5
Disclosure of Interest:	Nil
Date:	6 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	10.4.7.(a) Information sheet

**Summary**

**Council is requested to consider a new policy in relation to the administering of aspirin as per St. John Ambulance guidelines.**

**Background**

At Council's May meeting the CEO was requested to produce a draft policy on administering aspirin to staff members who may be experiencing symptoms heart conditions.

A number of Council's staff has been trained in senior first aid that are aware of the St. John's Ambulance guidelines. (see attached 10.4.7.A).

**Comment**

St. John's guidelines are all that is required for administering the aspirin as the staff who are trained are already aware of the action needed when symptoms are apparent. However, Council may wish to consider that its policy be focused on the inclusion of aspirin in the Shire's first aid kits.

*Proposed Policy:*

That as a matter of policy, the Shire of Carnamah shall include aspirin in all first aid kits supplied.

Staff that hold a Senior First Aid qualification are authorised to administer aspirin if required or deemed necessary.

In all instances when aspirin is administered the details of the situation are to be recorded and a report is to be given to the Chief Executive Officer.

**Consultation**

St. John Ambulance Guidelines

**Statutory Environment** Nil

**Policy Implications**

This is a proposed new policy.

**Financial Implications**

Minimal costs in purchasing aspirin for the first aid kits will occur. Approximately \$20.00.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 10.4.7.****MOVED: CR. ISBISTER****SECONDED: CR. FORSYTH***That Council adopt the following policy:**That as a matter of policy, the Shire of Carnamah shall include aspirin in all first aid kits supplied.**Staff that hold a Senior First Aid qualification are authorised to administer aspirin if required or deemed necessary.**In all instances when aspirin is administered the details of the situation are to be recorded and a report is to be given to the Chief Executive Officer.***CARRIED 7 - 0****Note: Thank you to Councillor Isbister for bringing this to Council's attention.**

**313564 10.4.8. Proposed New Policy – Influenza Vaccination for Staff**

Applicant:	N/A
Location / Address:	N/A
File Ref:	P4/5
Disclosure of Interest:	Nil
Date:	6 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Nil

**Summary**

**Council is requested to consider a new policy in relation to the supplying of influenza vaccination for staff members.**

**Background**

At Council's May meeting the CEO was requested to produce/investigate a draft policy on supplying influenza vaccinations to staff members prior to the cold and flu "season."

Quite a number of staff members have contracted influenza symptoms throughout the year.

**Comment**

There are obviously advantages in Council considering supplying influenza vaccinations to staff members. Some of these are as follows:

**Employees**

- Helps maintain health and wellbeing of staff
- Avoidance of sick leave
- Reduced sick leave causes less pressure and workload for fellow workers
- Staff morale is boosted because the employer is investing in their health and welfare
- Reduced risk of taking the flu home to other family members (especially young and old)

**Employers**

- Reduced sick leave absence
- Potential cost-saving to the organisation
- Helps maintain staff performance and productivity
- Less risk of workplace injuries and mistakes
- Less risk of spreading influenza amongst co-workers, and hence family contacts and community
- Reinforces to the staff that they are valued by their organization

Influenza vaccination is generally considered to be 70 – 90% effective in preventing influenza illness in healthy adults. The vaccine takes about two weeks to start

working, so it is best to be vaccinated before the 'flu season' is at its height. Optimum immunity levels last 9–12 months, so it is possible to be vaccinated as early as February and remain protected for the rest of the year.

There are instances however, where people should not receive the influenza vaccine, for example those who are allergic to eggs or the chicken products used to prepare the vaccine. This will need to be conveyed to the staff.

It is my view that Council and its employees will benefit from an influenza vaccination program.

*Proposed Policy:*

*Council understands that influenza infection causes down time and costs associated with reduced work capacity, absenteeism and work morale.*

*As a matter of policy, Council may supply staff members with one influenza vaccination per annum per staff employee.*

The above proposed policy states the reasons for the decision and outlines what Council plans to do to address these problems with influenza in the workplace.

**Consultation** CSL Pharmaceuticals

**Statutory Environment** Nil

**Policy Implications** This is a proposed new policy.

**Financial Implications**

Council will need to consider allocating approximately \$350 - \$400 per annum to fund the vaccination program if all staff were to take part.

**Voting Requirement** Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 10.4.8.</b>
-------------------------------	---------------------

*That Council adopt the following policy:*

*Council understands that influenza infection causes down time and increased costs associated with reduced work capacity, absenteeism and work morale.*

*As a matter of policy, Council may supply staff members with one influenza vaccination per annum per staff employee.*

**Council discussed the Officer Recommendations and agreed that influenza vaccinations should be on a voluntary basis and added a third recommendation to the Officer's Recommendation.**

**COUNCIL DECISION****ITEM 10.4.8.****MOVED: CR. FORSYTH****SECONDED: CR. COCKIN***That Council adopt the following policy:*

*Council understands that influenza infection causes down time and increased costs associated with reduced work capacity, absenteeism and work morale.*

*As a matter of policy, Council may supply staff members with one influenza vaccination per annum per staff employee.*

*Influenza vaccinations will be supplied on a voluntary basis at the request of the employee.*

**CARRIED 7 - 0**

<b>313565 10.4.9. WALGA AGM Voting Delegates 2006</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	L4/7
Disclosure of Interest:	Nil
Date:	6 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Nil

**Summary**

**Council is requested to nominate two representatives to attend the Western Australian Local Government Association (WALGA) AGM as its voting delegates.**

**Background**

WALGA's AGM is to be held on Sunday 6th August 2006. Council requires two representatives as voting delegates at the meeting.

Council has indicated that both the President and Deputy President will represent the Shire of Carnamah at the AGM.

**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 10.4.9.</b>
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**MOVED: CR. ISBISTER**

**SECONDED: CR. READ**

*That Council nominate the President Cr. Brenda Heinrich and Deputy President Cr. Di Forsyth as its voting delegates for the Shire of Carnamah at the Western Australian Local Government Association AGM to be held on the 6th August 2006.*

<b>CARRIED 7 - 0</b>
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**313566 10.4.10. Wildflower Country Regional Council Establishment Agreement**

Applicant:	N/A
Location / Address:	N/A
File Ref:	L4/8
Disclosure of Interest:	Nil
Date:	12 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	10.4.10A, 10.4.10.B

### Summary

- **The Wildflower Country Regional Council (WCRC) will be created when the Establishment Agreement between the seven (7) shires and the Minister for Local Government is signed. (14th June 2006)**
- **Some “hurdles” have presented themselves during the process of signing the Establishment Agreement and holding the inaugural WCRC meeting.**
- **A copy of legal advice obtained explains the steps that will need to be taken to progress.**
- **This report is to inform Councillors of the current situation.**

### Background

In September 2005, Council agreed to become a member of the (then unnamed) Regional Local Government for the North Midlands District.

Council also resolved for the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Carnamah to the necessary documentation.

Council nominated Shire President Brenda Heinrich to be its representative on the WCRC, with the Deputy Shire President Di Forsyth as proxy in December 2005.

Throughout this time the WCRC has not officially been established as the North Midlands VROC was still waiting for funds as well as approval from the Minister for Local Government and Regional Development.

The North Midlands VROC were advised in Geraldton on the 29th May 2006 by the Minister for Local Government and Regional Development that the Department would be providing funding towards the WCRC project over a three (3) year period. (See attachment 10.4.10.A)

On Wednesday 14th June 2006, the official signing of the Establishment Agreement will take place between the seven (7) Shires of the North Midlands VROC which will be the first step in the creation of the WCRC. These documents will then be forwarded to the Department for Local Government and Regional Development for the Minister to sign. This signing will take place at Carnamah.

The North Midlands VROC has already prepared a position description and salary package for the employment of a CEO for the WCRC as soon as the organisation is established. These details have previously been circulated to Councillors.

## **Comment**

While all Councils involved with the establishment of the WCRC, some interesting situations have arisen due to how the Local Government Act 1995 is written.

The original plan was to hold the inaugural meeting of the WCRC as soon as the establishment agreement was signed off by the Shires.

However the Minister must also sign the establishment agreement and publish the establishment of the WCRC in the Government Gazette. Therefore no decisions of the WCRC, (such as appointing a CEO, Acting CEO or undertaking of elections for Chairman and Deputy Chairman) could be undertaken under the authority of the WCRC.

Legal advice was sought and the following was received by John Woodhouse:

*I write to confirm my advice, as requested, as follows:*

- 1. The WCRC is established once the Minister has approved the establishment agreement executed by the 7 Shires. You should obtain written confirmation of the approval (and therefore the date of establishment) before the first meeting of the WCRC.*
- 2. The establishment agreement requires the election of a chairman and deputy chairman at the first meeting. See clause 5.3.*
- 3. It is also important that the WCRC council employ a CEO. As you would appreciate, the CEO has a number of vital statutory responsibilities.*
- 4. You have noted that clause 5.3(3) requires the election of the chairman and deputy chairman to be conducted "by the CEO" and that this appears to raise the question as to which should occur first, the election or the employment of the CEO. The question does not appear to be expressly answered by the Act.*
- 5. However, in my view, the first priority should be to elect a chairman. It seems to me that the meeting cannot be conducted in an orderly fashion unless there is a presiding person i.e. the chairman. In addition, the person presiding has the important responsibility of ensuring that minutes are caused to be kept of the meetings proceedings. See section 5.22(1).*
- 6. My suggestion is that the council asks one of the 7 Shire CEO's to conduct the election, in the absence of the WCRC's first CEO being employed.*
- 7. I also recommend that one of the 7 Shire CEO's be asked to arrange for local public notice to be given of the proposed inaugural meeting so that Regulation 12 of the Local Government (Administration) Regulations 1996 is satisfied.*
- 8. It is a requirement that the WCRC employ a person to be the CEO. See section 5.36(1). The council must believe that the person is suitably qualified for the position and is satisfied (by an absolute majority) with the provisions of the proposed employment contract. However, section 5.39(1a)(a) provides that "an employee may act in the position of a CEO... for a term not exceeding one year without a written contract for the position which he or she is acting".*

9. *In my view, this would enable the council of the WCRC to employ a person to act in the position of CEO for a short term (not exceeding one year) without a written contract. This would enable sufficient time for the council to engage the "permanent" CEO.*

The above advice is self explanatory. Please see attached "Draft" Establishment Agreement attachment 10.4.10.B (which has yet to be signed at the time of print) which should at this stage become the official establishment agreement.

Some changes were made to the previous draft in section 3D. This section has been altered to provide examples of what functions can be undertaken by the WCRC, but states "without limitation." This wording ensures that anything outside of the functions of land control, refuse, tourism and economic development can also be considered.

This officer report and attachments offers a summary of the progress to date to inform all Councillors of the "state of play."

### **Consultation**

Staff and elected representatives in the NMVROC

### **Statutory Environment**

All references to the Local Government Act 1995 that are relevant are included in the detail of the report.

The Establishment Agreement forms the basis for how the WCRC will operate.

### **Policy Implications**

Council may need to review certain policies that make reference to the NMVROC once the WCRC is established.

### **Financial Implications**

Council has committed an amount of \$20,000 per annum over a four year period commencing 2006.

### **Voting Requirement**

Simple Majority

## **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 10.4.10.**

**MOVED: CR. ISBISTER**

**SECONDED: CR. FORSYTH**

*That Council receive the report on the Establishment of the Wildflower Country Regional Council.*

**CARRIED 7 - 0**

**10.5 CONFIDENTIAL REPORT.****11 ORDERING THE COMMON SEAL.****313567 11.1 ORDERING THE COMMON SEAL:****FILE: S4/38, S4/25, G3/3, C4/9**

AUTHOR: A.G. NOTTLE, CHIEF EXECUTIVE OFFICER

DATE: 10<sup>TH</sup> MAY 2006

DISCLOSURE OF INTEREST: NIL

**BACKGROUND:**

The Council has entered into a contract for the following:

- Emergency Services Levy (ESL) Administration – Section 36ZJ (Option B) Agreement.

**OFFICER COMMENT:** NIL**STATUTORY ENVIRONMENT:** NIL**POLICY IMPLICATIONS:** NIL**FINANCIAL IMPLICATIONS:** NIL**STRATEGIC IMPLICATIONS:** NIL**OFFICER RECOMMENDATION AND COUNCIL DECISION:****MOVED: CR. COCKIN****SECONDED: CR. MILLS***That the President and Chief Executive Officer action signing the Contract for:*

- Emergency Services Levy (ESL) Administration Agreement.

*and the Shire of Carnamah and use of the common seal be endorsed by Council.***VOTING REQUIREMENT: ABSOLUTE MAJORITY****CARRIED 7 - 0**

## **12**      **REPORTS OF COMMITTEES AND MEMBERS**

**MOVED:**    CR. ISBISTER

**SECONDED:** CR. READ

*That Items 12.1 to 12.5 be moved En-Bloc*

**CARRIED 7 - 0**

### **313568 12.1. Minutes of Wildflower Country Tourism Steering Committee Meeting Held Monday 24<sup>th</sup> April 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	T12/5
Disclosure of Interest:	None
Date:	2 <sup>nd</sup> June 2006
Author:	Samantha Appleton, Deputy Chief Executive Officer
Signature of Author:	
Attachments:	Item 12.1.

#### **Summary**

**The Minutes of the Wildflower Country Tourism Steering Committee meeting held on Monday 24<sup>th</sup> April 2006 are attached marked Item 12.1.**

#### **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 12.1.**

**MOVED:**    CR. FORSYTH

**SECONDED:** CR. LAUNER

*That the Minutes of the Wildflower Country Tourism Steering Committee Meeting held Monday 24<sup>th</sup> April 2006 be accepted by Council.*

**CARRIED EN-BLOC 7 - 0**

<b>313569 12.2. Minutes of the North Midlands Medical Practice Management Committee Meeting Held Thursday 13<sup>th</sup> April 2006.</b>
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Applicant:	N/A
Location / Address:	N/A
File Ref:	H7/5
Disclosure of Interest:	None
Date:	27 <sup>th</sup> April 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 12.2.

### **Summary**

The Minutes of the North Midlands Medical Practice Management Committee meeting held on Thursday 13<sup>th</sup> April 2006 are attached marked Item 12.2.

### **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 12.2.</b>
--

**MOVED: CR. FORSYTH**

**SECONDED: CR. LAUNER**

*That the Minutes of the North Midlands Medical Practice Management Committee meeting held Thursday 13<sup>th</sup> April 2006 be accepted by Council.*

<b>CARRIED EN-BLOC 7 - 0</b>
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**313570 12.3. Minutes of the Group Fire Prevention Committee Meeting Held  
Wednesday 10<sup>th</sup> May 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	B5/9
Disclosure of Interest:	None
Date:	12 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 12.3.

**Summary**

**The Minutes of the Group Fire Prevention Committee meeting held on Wednesday 10<sup>th</sup> May 2006 are attached marked Item 12.3.**

**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 12.3.**

**Moved:** CR. FORSYTH

**Seconded:** CR. LAUNER

*That the Minutes of the Group Fire Prevention Committee meeting held Wednesday 10<sup>th</sup> May 2006 be accepted by Council.*

**CARRIED EN-BLOC 7 - 0**

**313571 12.4. Minutes of the Group Fire Advisory Committee Meeting Held  
Wednesday 10<sup>th</sup> May 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	B5/10
Disclosure of Interest:	None
Date:	12 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 12.4.

**Summary**

**The Minutes of the Group Fire Advisory Committee meeting held on Wednesday 10<sup>th</sup> May 2006 are attached marked Item 12.4.**

**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 12.4.**

**MOVED:    CR. FORSYTH**

**SECONDED: CR. LAUNER**

*That the Minutes of the Group Fire Advisory Committee meeting held Wednesday 10<sup>th</sup> May 2006 be accepted by Council.*

**CARRIED EN-BLOC 7 - 0**

**313572 12.5. Minutes of the Executive Meeting of the Northern Country Zone of the Western Australian Local Government Association Held Monday 29<sup>th</sup> May 2006.**

Applicant:	N/A
Location / Address:	N/A
File Ref:	N4/3
Disclosure of Interest:	None
Date:	12 <sup>th</sup> June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	Item 12.5.

**Summary**

**The Minutes of the Executive Meeting of the Northern Country zone of the Western Australian Local Government Association held on Monday 29<sup>th</sup> May 2006 are attached marked Item 12.5.**

**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 12.5.**

**MOVED: CR. FORSYTH**

**SECONDED: CR. LAUNER**

*That the Minutes of the Minutes of the Executive Meeting of the Northern Country zone of the Western Australian Local Government Association held Monday 29th May 2006 be accepted by Council.*

**CARRIED EN-BLOC 7 - 0**

11:40AM

MOVED: CR. FORSYTH  
SECONDED: CR. ISBISTER

*That Council adjourn for lunch and receive guests from Iluka resources.*

**CARRIED 7 - 0**

Ms. Jo Smith and Mr. Andrew Watham from Iluka Resources gave an overview of the Midwest Mine operations and what the future holds for the town of Eneabba.

Mr. Watham presented a power point presentation on the various mining operations Iluka held and how the future of the Midwest operation held in good stead for Eneabba.

1:30PM

MOVED: CR. FORSYTH  
SECONDED: CR. ISBISTER

*That Council meeting resume.*

**CARRIED 7 - 0**

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

### **14 NOTICE OF MOTIONS**

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

Councillor Isbister advised Council that in the Management Information papers, an anonymous letter of complaint had been received by Council. It should be advertised and a policy, that Council does not accept notices for publication or letters that arrive un-signed.

**ADVERTISING - ON THE MAT AND ENEABBA NEWS.**

**File: A4/3**

**MINUTE No: 31572**

**MOVED: CR. ISBISTER**

**SECONDED: CR. FORSYTH**

*That notice be placed in 'On The Mat' and the 'Eneabba News' and a Policy written, stating that Council will not accept or publish, letters or articles that are not signed by the author.*

*That a 'Disclaimer' acknowledging that the views of the writer may not necessarily be the views of the Editor.*

**CARRIED 7 - 0**

**Note: A letter to be written to the Progress Association  
Adverts to be placed in On The Mat and Eneabba News.  
Policy to be made up**

**15** **NEW BUSINESS OF AN URGENT NATURE  
ADMITTED BY COUNCIL****15.1. ELECTED MEMBERS.**

**15.1.1.** Chief Executive Officer Mr. Nottle, advised Council meeting on the definition and obligations of Committees and Committee meetings.

It would be recommended at the next meeting of Council to abolish certain Council Committees and replace with 'workgroups'.

Mr. Nottle would advise which Committees were mandatory and would remain.

**15.2. OFFICERS.****15.2.1 MOTION TO ADMIT LATE BUSINESS**

An Addendum to the Agenda for the Ordinary Meeting of 21st June 2006 was circulated to Council. Council may resolve that the late business be admitted to the meeting.

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

*That items 14.2.1 & 10.4.11 to 10.4.13 be admitted to the meeting as late business.*

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**CARRIED 7 - 0**

**10.4. ADMINISTRATION AND FINANCE REPORTS****313573 10.4.11. Donation Request - Annual Garden Competition**

Applicant: N/A  
 Location / Address: N/A  
 File Ref: E4/5, D11/1  
 Disclosure of Interest: Nil  
 Date: 16th June, 2006  
 Author: Ros Miller, Executive Assistant  
 Signature of Author:  
 Attachments:

**Summary**

**A local Garden Competition is held in Carnamah and Eneabba annually and additional sponsorship is being sought.**

**Background**

Council resurrected the local garden competition and over the past three years, has organised a Garden Competition for the towns of Carnamah and Eneabba with categories being:

Best front garden	Private Carnamah	\$100
Best garden	GEHA Carnamah	\$100
Best Street	Carnamah	
Best front garden	Private Eneabba	\$100
Best Garden	GEHA Eneabba	\$100
Best Street	Eneabba	

Previous sponsorship of \$100 has been donated by Eneabba General Store, Reynolds Store in Carnamah and the Government Employees Housing Authority.

Judging has usually been judged by persons with no vested interest.

**Comment**

This year, I am suggesting there be a first and second prize in each of the private sections with Council donating two \$50 vouchers, to be spent in the local general stores in Eneabba and Carnamah.

I also seek Council's decision on whether they wish the Community to judge the competition or to continue with independent judges.

**Consultation**

Nil

**Statutory Environment**

Nil

**Policy Implications**

Council policy 2.1 "Contributions and Donations" generally precludes the making of donations but does allow applications to be reviewed prior to budget adoption annually.

**Financial Implications**

Donation, if any, to be allocated against a budget of \$1,000.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.11.**

**MOVED: CR. ISBISTER**

**SECONDED: CR. FORSYTH**

1. *That Council consider a cash donation of \$100.00 being, \$50 towards the Eneabba Garden Competition and \$50 towards the Carnamah Garden Competition to be in the form of vouchers to the respective local general stores.*
2. *That Council continues with independent judges for the competition.*

**CARRIED 7 - 0**

**Note:** \* Iluka Resources to be approached for sponsorship  
\* That GEHA be taken out of the competition and have as Garden Competition only.  
\* Prize money to be broken down to:

1st Prize	\$100
2nd Prize	\$ 30
3rd Prize	\$ 20

**Item 10.4.12 concerned the Chief Executive Officer, Mr. Tony Nottle. Mr. Nottle declared an Interest of Impartiality but was not required to leave the meeting.**

<b>313574 10.4.12 North Midlands Agricultural Society – Rural Ambassador Award 2006</b>
---

Applicant:	Tony Nottle – Chief Executive Officer
Location / Address:	N/A
File Ref:	D11/2
Disclosure of Interest:	The author has been requested to nominate for the NMAS Rural Ambassador Award 2006
Date:	20th June 2006
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	
Attachments:	

### **Summary**

**The Chief Executive Officer seeks endorsement for a nomination for the Rural Ambassador Award 2006.**

### **Background**

The Rural Ambassador Award is aimed at youth and provides them with an opportunity to promote rural Western Australia and to play a greater role in promoting agriculture and rural Western Australia.

Applicants must be:

- Permanent residents of Western Australia
- Aged between 20 and 30 years of age as at 1st May in the year of the State final

The Rural Ambassador Award is conducted in 3 stages:

1. **Local Show Level** – The winner selected at the local level represents the Society at the Group Finals.
2. **Group Level** – The winner at the Group Final represents the group in the State Final.
3. **State Level** – The winner of the State Final will be expected to represent Western Australia

The Rural Ambassador Award is designed to attract young people capable of representing their local Agricultural Society, region and rural Western Australia.

Group Finalists travel to Perth for State Judging Finals on Friday 11th and Saturday 12 August 2006 and are accommodated at the expense of the Royal Agricultural Society. The winner and the runner-up are announced at a Gala Dinner on Saturday evening 12th August 2006.

The finalist chosen as the “Royal Agricultural Society Rural Ambassador” is required to attend the Perth Royal Show from Monday 2nd October to Thursday 5th October 2006.

As State finalist, the applicant will represent Western Australia at the national finals to be held in Perth this year.

### **Comment**

The Rural Ambassador program represents everything that I as an individual and community member believe with a passion.

Having been approached to consider nomination for the award, I request Council’s permission to enter as an individual, (but also as part of my commitment to the community through my tenure as Chief Executive Officer of the Shire of Carnamah) to represent the youth of the region.

It is likely that should a successful nomination occur, both Carnamah and the region would benefit through statewide and national promotion.

### **Consultation**

- North Midlands Agricultural Society
- Shire President

### **Statutory Environment**

Section 6.7 of the Contract of Employment between Anthony Graham Nottle and the Shire of Carnamah states that:

*“Devote the whole of their professional effort to their employment and will not hold any position or take on any activities which may in any way be seen to conflict with the CEO’s obligations under this contract unless approved by the Council.”*

It is the officer’s opinion that the proposal would assist in promoting the Shire of Carnamah, its communities and the region.

### **Policy Implications**

Nil

### **Financial Implications**

Costs to Council would be minimal. If successful my attendance may be required for judging and representation of the region. This would be scheduled into work commitments and any overtime worked.

### **Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.12**

**MOVED: CR. ISBISTER**

**SECONDED: CR. READ**

*That Council endorse and support Mr. Anthony G. Nottle's nomination for Rural Ambassador Award 2006.*

**CARRIED 7 - 0**

**313575 10.4.13 North Midlands Health Scheme Contribution**

Applicant: N/A  
Location / Address: N/A  
File Ref: H7/4  
Disclosure of Interest: Nil  
Date: 19th June 2006  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:  
Attachments: 10.4.13A,

**Summary**

- **A recent meeting of the North Midlands Health Scheme (NMHS) was held 14<sup>th</sup> June 2006.**
- **At the meeting it was resolved that the committee recommend to Councils that the portions be changed to reflect the actual use of the Scheme.**

**Background**

The Shire of Carnamah is the administrator of the NMHS.

The NMHS resolved to employ a second officer for the Scheme to assist with the back log of tasks. A graduate was employed and therefore further costs were born by the Councils.

At present, the Scheme is split as per the following:

Carnamah – 40%  
Perenjori – 40%  
Three Springs – 20%

See attached the unconfirmed minutes attachment 10.4.13A of the NMHS Committee meeting indicating a change be made as follows:

Carnamah – 35%  
Perenjori – 35%  
Three Springs – 30%

The committee were of the opinion that the above split of costs was more reflective of the current situation and usage.

**Comment**

The proposed split of costs is, in the opinion of the author, reflective of the usage by the Shires.

**Consultation**

NMHS Committee

**Statutory Environment**

Duties undertaken by the Scheme are carried out in accordance to the Health Act 1911 and Local Government (Miscellaneous Provisions).

**Policy Implications**

Nil

**Financial Implications**

By adopting the new proposed proportions / splits, the costs to Council would be less than originally budgeted for in the 2006/07 budget.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.4.13**

**MOVED: CR. LAUNER**

**SECONDED: CR. READ**

1. *That Council endorse the North Midlands Health Scheme's recommendation to apply the following proportions for the costs of the Scheme:*

*Carnamah – 35%*

*Perenjori – 35%*

*Three Springs – 30%*

2. *That Council staff make the adjustments as required and implement changes after June 30th 2006 as administrators of the Scheme.*

**CARRIED 7 - 0**

**16**

**CLOSURE OF MEETING.**

Presiding Member Cr. Heinrich declared the meeting closed at 2:25pm

SHIRE OF CARNAMAH

**THESE MINUTES WERE CONFIRMED AT A MEETING ON THE 19TH JULY 2006.**

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

.....  
Date