

SHIRE OF CARNAMAH

Ordinary Meeting of Council

15th February 2017

Notice of Meeting

Dear Councillor,

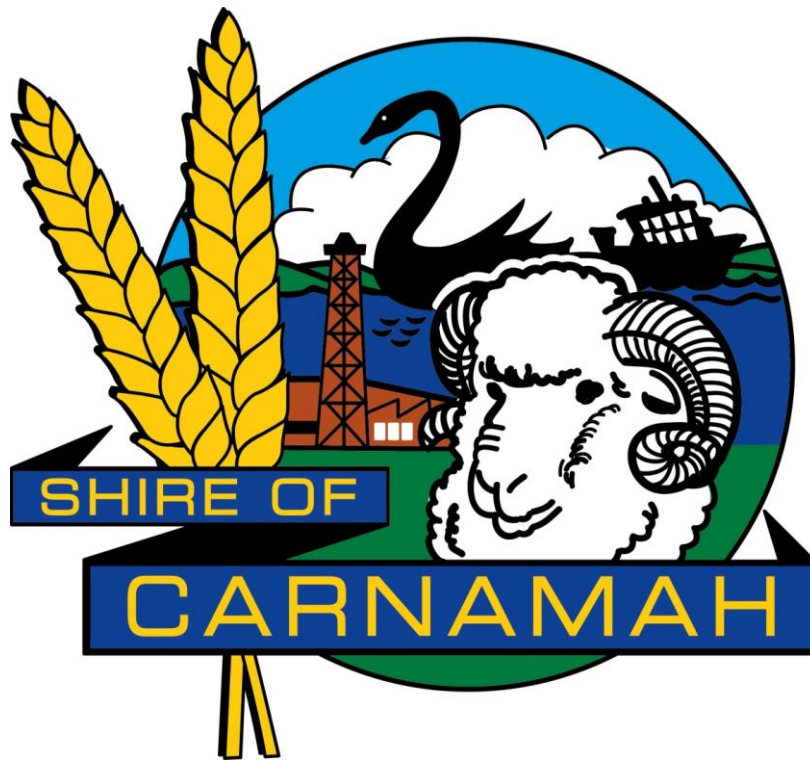
The next Ordinary Meeting of the Carnamah Shire Council is to be held

On: Wednesday 15th February 2017

At: Carnamah Council Chambers
33-37 Macpherson Street, Carnamah

Commencing at: 3:00pm

.....
W T Atkinson
CHIEF EXECUTIVE OFFICER



AGENDA

Ordinary Meeting of Council

15th February 2017

SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL – 15th FEBRUARY 2017

AGENDA

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APPENDIX “C”	Minutes of Audit Committee Meeting – 16 th November 2016 (As circulated)

SHIRE OF CARNAMAH

DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Carnamah during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnamah.

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

Signed: _____

CHIEF EXECUTIVE OFFICER

SHIRE OF CARNAMAH

AGENDA

ORDINARY MEETING OF COUNCIL

**To be held in the COUNCIL CHAMBERS, 33-37 MACPHERSON STREET,
CARNAMAH**

On WEDNESDAY 15th FEBRUARY 2017

Commencing at 3.00 pm

- 1. DECLARATION OF OPENING**

- 2. RECORD OF ATTENDANCE**
 - Present**

 - Apologies**

 - Leave Of Absence (Previously Approved)**

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

- 4. PUBLIC QUESTION TIME**

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**

- 6. DISCLOSURE OF INTEREST**

- 7. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Ms Dierdre Morgan and Ms Lesley Paterson (Carnamah District High School) will be present at the commencement of this meeting (3.00pm) to discuss the '*Ten Year Education and Training Plan for the Morawa Shire and the wider North Midlands Region*', which is the subject of Agenda Item 10.2.8.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 9th DECEMBER 2016

As Circulated

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 9.1

That the Minutes of the Ordinary Meeting of Council held on the 9th December 2016, be accepted as a true and correct record.

9.2 MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD 9TH DECEMBER 2016

As Circulated

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 9.2

That the Minutes of the Annual General Meeting of Electors held on the 9th December 2016, be accepted as a true and correct record.

9.3 MINUTES OF AUDIT COMMITTEE MEETING HELD 16th NOVEMBER 2016

As Circulated

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 9.3

That the Minutes of the Audit Committee Meeting held on the 16th November 2016, be accepted as a true and correct record.

10. MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	7 th February 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 1st December 2016 to 7th February 2017, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

ATTACHMENT

Copy of list of accounts paid (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

BACKGROUND

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

COMMENT

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995, Section 6.4 *Financial Report*
Local Government (Financial Management) Regulations 1996 -
Section 12 Payments from municipal fund or trust fund;
Section 13 Lists of accounts; and
Section 15 Rounding off figures

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.1.1

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 1st December 2016 to 7th February 2017; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:

<i>Manual Municipal cheques:</i>	<i>022467 - 022474</i>
<i>Municipal cheques:</i>	<i>28009 - 28027</i>
<i>Municipal EFT's:</i>	<i>9748 - 9928</i>
<i>Trust Cheques:</i>	<i>300394 - 300396</i>
<i>Payroll direct debits:</i>	<i>#12, #13, #14 and #15</i>
<i>Municipal Direct Debits</i>	<i>31/01/2017</i>

Totalling \$857,497.46 be approved and passed for payment.

10.1.2 FINANCIAL REPORTS TO 31st January 2017

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	7 th February 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

SUMMARY

A Statement of Financial Activity and other supplementary financial information is produced monthly as part of the Council meeting agenda.

BACKGROUND

The attached financial report for the period 1 July 2016 to 31 January 2017 (marked 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2016 to 31 January 2017;
- Summary Rates Trial Balance Report as at 31 January 2017;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 34 - *Financial activity statement report* — s. 6.4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.1.2

That Council receive the Statement of Financial Activity for the period 1 July 2016 to 31 January 2017; and other supplementary financial information as presented.

10.2. ADMINISTRATION REPORTS

10.2.1 PUBLIC HEALTH ACT 2016 - DELEGATIONS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0291
Disclosure of Interest:	Nil
Date:	11 th January 2017
Author:	Environmental Health Officer
Attachments:	

SUMMARY

This report recommends that Council, pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016, delegates all the powers and duties conferred or imposed on the Shire of Carnamah by the Public Health Act 2016, to the Chief Executive Officer.

BACKGROUND

The gazettal of the Public Health Act 2016, represents a significant update and change to the implementation of environmental health legislation, replacing the Health Act 1911. As there is a significant amount of work required to transition to the new regulatory framework, the Department of Health (WA) has advised that implementation is to occur in a staged manner over the next 3 to 5 years.

The old Health Act 1911 (which will be known as the Health (Miscellaneous Provisions) Act 1911), and all regulations made under the Health Act, will continue to be the main enforcement tool used by the Shire's Environmental Health Officers until the provisions of the new Act are proclaimed over the coming years.

There are five (5) stages of implementation, of which Stages 1 and 2 are already in effect and have no practical implications for local government. Stage 3 involves key elements of the administrative framework provided by Part 2 of the Public Health Act 2016 coming into operation to replace the equivalent administrative framework provided by Part II of the Health Act 1911. This includes the gazettal of Environmental Health Officers to enforce the provisions of the Act within their local government authority and annual reporting requirements. Stage 3 is expected to occur on 24th January 2017, with works needed to be undertaken to effect this transition within the Shire of Carnamah.

Stage 4 will adopt changes to the Public Health Act 2016, relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Date for commencement is yet to be determined. No action by local government is expected during this implementation stage.

Stage 5 will be the most significant stage of implementation for enforcement agencies as it represents the point at which they move from the framework provided by the Health (Miscellaneous Provisions) Act 1911 to the Public Health Act 2016. The development of

new regulations under the Public Health Act 2016, relating to environmental health matters will commence, and feature provisions for:

- the built environment,
- water,
- body art and personal appearances,
- pests and vectors.

Equivalent provisions in the Health (Miscellaneous Provisions) Act 1911 and regulations and by-laws made under that Act will be repealed. The following provisions will also commence with the enforcement provisions:

- Public Health Planning,
- Public Health Assessments, and
- Registration and licensing.

Stage 5 will require substantial works by local government to implement this stage. The Department of Health has advised that it will be working closely with Local Government Authorities in the lead up to this stage, including consultation on the development of the required regulations.

All currently employed Environmental Health Officers will automatically be authorised officers and will continue to enforce both the new and the old public health legislation as the transition continues. However, implementation of Stage 3 requires that they must be provided a certificate of authority, to be produced on request. The Shire's authorised delegate is required to sign the certificate.

Using Section 21(1)(b)(i) Part 2 of the new Public Health Act 2016, Council may delegate the powers and duties conferred on it to the Chief Executive Officer or an authorised officer of the Local Government. At this time, the effect of the delegation being sought is minor (sign the certificate), however as further provisions are gazetted to expand the powers of the Public Health Act 2016, this delegation will provide for the smooth implementation of these provisions as they are implemented.

Precedent for this is already in place for the Health Act (Delegation 30) which enables the CEO to act on behalf of Council in respect to the Act and associated Regulations. This includes initiating legal action on behalf of the Shire for breaches of the Health Act 1911. The current delegation will need to remain in place during the transition to the new Public Health Act 2016.

COMMENT

The designation of authorised officers and the appointment of EHO's is now the responsibility of Local Government (enforcement agency). The Department of Health no longer has a role in the designation or appointment of EHO's/authorised officers.

Once Stage 3 comes into effect, all designations must be made under the Public Health Act 2016, and no longer under the Health Act 1911 (to be renamed the Health (Miscellaneous Provisions) Act 1911).

Section 17 of the new Public Health Act 2016, provides Council the ability to appoint Environmental Health Officers/Authorised Officers without the need to apply for approval from the Health Department of WA. As such, Council will need to provide delegation to the CEO to carry out this new function.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Public Health Act 2016 – Section 21(1)(b)(i), part 2

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

ITEM: 10.2.1

That Council, pursuant to section 21(1)(b)(i) Part 2, of the Public Health Act 2016, delegates all the powers and duties conferred or imposed on the Shire of Carnamah by the Public Health Act 2016, to the Chief Executive Officer.

10.2.2 INDIAN OCEAN FARMS PTY LTD – APPLICATION FOR PLANNING APPROVAL – INSTALLATION OF POWER LINES

Applicant:	Indian Ocean Farms Pty Ltd
Location / Address:	Rose Thompson Road and Garibaldi-Willis Road
File Ref:	ADM0273
Disclosure of Interest:	Nil
Date:	1 st February 2017
Author:	Chief Executive Officer
Attachments:	10.2.2 Application for planning approval and associated documentation

SUMMARY

This report recommends that planning approval be granted to Indian Ocean Farms Pty Ltd for the installation of power poles, 33kV overhead power lines and associated fire breaks through the Rose Thompson Road and the Garibaldi-Willis Road, reserves.

BACKGROUND

The applicant proposes to construct a 33kV overhead power distribution network between its Beros Road and Chatfield-Clarke Road almond orchards. The network will pass through six properties and make two road crossings on its path to the Chatfield-Clarke Road orchard. It is proposed to erect 10 power poles and overhead lines on the Rose Thompson Road reserve and 1 power pole and overhead line on the Garibaldi-Willis Road reserve.

COMMENT

The proposal has the support of adjoining landholders and will be approved by Western Power prior to being commissioned.

CONSULTATION

Mr Tim Rosser – Blair Fox Pty Ltd

STATUTORY ENVIRONMENT

Shire of Carnamah – Local Planning Scheme No 2

STRATEGIC IMPLICATIONS

The proposal is a significant addition to the power infrastructure within the region and will benefit several primary producers as well as the almond farm.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.2

That planning approval be granted to Indian Ocean Farms Pty Ltd for the installation of power poles, 33kV overhead power lines and associated fire breaks through the Rose Thompson Road and Garibaldi-Willis Road, reserves.

10.2.3 PROPOSED POWER DISTRIBUTION LINE TO SERVICE *INDIAN OCEAN FARMS (ALMOND FARM)* – CLEARING OF ROADSIDE RESERVES

Applicant:	Blair Fox Pty Ltd
Location / Address:	Rose Thompson Road & Garibaldi-Willis Road
File Ref:	ADM0184
Disclosure of Interest:	Nil
Date:	9 th January 2017
Author:	Chief Executive Officer
Attachments:	10.2.3(a) Surveyors sketch – proposed power line 10.2.3(b) Letter advising of the Shires’ consent

SUMMARY

This report recommends that the action taken by the Chief Executive Officer advising the applicant that the Shire has no objection to the clearing of portions of the roadside reserves on Rose Thompson Road and Garibaldi-Willis Road, to accommodate 11 power poles for an electricity distribution line to service the Sumich Almond Farm, be endorsed.

BACKGROUND

Blair Fox Pty Ltd has been engaged to design and project manage the construction of a power distribution line to service the Sumich Almond Farm (the section within the Coorow Shire). Landholders along the proposed route of the powerline have been consulted and several will be able to access power when the line is commissioned. It will be necessary for ten power poles to be placed within the Rose Thompson Road reserve, and one power pole in the Garibaldi-Willis Road reserve. Although the extent of vegetation clearing within the road reserves will be minimal, the required approvals from the Department of Environmental Protection will be required. The Shire has been asked to provide its consent to the required clearing.

COMMENT

Given that the installation of power poles on the road reserves is unlikely to create any adverse issues for the Shire, and that the required clearing of native vegetation will be minimal, the CEO has advised the applicant that the Shire of Carnamah has no objection to the proposal, subject to:

- The provisions of the Environmental Protection (Cleaning of Native Vegetation) Regulations 2004 being complied with;
- The Shire of Carnamah being indemnified against any costs, claims or damages that may arise from this proposal.

CONSULTATION

Manager of Works and Services

STATUTORY ENVIRONMENT

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

STRATEGIC IMPLICATIONS

The proposal is a significant addition to the power infrastructure within the region and will benefit several primary producers as well as the Sumich Almond Farm.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.3

That the action taken by the Chief Executive Officer advising the applicant that the Shire of Carnamah has no objection to the clearing of portions of the roadside reserves on the Rose Thompson Road and Garibaldi-Willis Road, to accommodate 11 power poles for an electricity distribution line to service the Indian Ocean (Sumich) Almond Farm, be endorsed.

10.2.4 DEVELOPMENT ASSESSMENT PANELS – NOMINATION OF MEMBERS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0072
Disclosure of Interest:	Nil
Date:	30 th January 2017
Author:	Chief Executive Officer
Attachments:	10.2.4 Letter

SUMMARY

The report recommends that Council nominate Councillors _____ and _____ as the local members and Councillors _____ and _____ as alternate members to sit on the Mid-West Joint Development Assessment Panel.

BACKGROUND

Fifteen Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises five members – three specialist members, one of which is the presiding member, and two Local Government members.

Councillors Isbister and Stirling are the current local government members for the Shire of Carnamah and Councillors Wooltorton and Kikeros are the nominated alternate members.

Appointments of all Local Government DAP members and alternate members will expire on 26 April 2017. Members whose term has expired will be eligible for re-consideration.

Under the Development Assessment Panel (DAP) regulations, each DAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The DAP regulations state that DAP applications cannot be determined by Local Government or the Western Australian Planning Commission (WAPC).

The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

The Shire of Carnamah is a member of the Mid-West Joint Development Assessment Panel (JDAP) along with the following local governments: Chapman Valley, Coorow, Cue, Geraldton-Greenough, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Three Springs, Wiluna and Yalgoo.

Further information is available online at <http://daps.planning.wa.gov.au>.

COMMENT

The Shire is required to nominate four (4) elected members of Council to sit on the local DAP. This consists of two local members; and two alternate members in case of unavailability of the local members.

Details including curriculum vitae will be required for the nomination form. Nominations are required to be received by the DAP by 28th February 2017. The Minister for Planning will consider and appoint all nominees for up to a three year term, expiring on 26th April 2020.

All appointed local members will be placed on a Local Government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local Government representatives who have previously received training are not required to attend further training, however are encouraged to attend refresher training.

Since the inception of the DAP system, Carnamah has only been involved in the assessment of one proposal.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.4

That Council nominate Councillors _____ and _____ as the local members, and Councillors _____ and _____ as alternate members to site on the Mid-West Joint Development Assessment Panel.

10.2.5 DECISIONS MADE AT ANNUAL GENERAL MEETING OF ELECTORS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0198
Disclosure of Interest:	Nil
Date:	4 th January 2017
Author:	Chief Executive Officer
Attachments:	10.2.5 - Minutes of Annual General Meeting of Electors held 9 th December 2016

BACKGROUND

The Annual General Meeting of Electors was held on Friday 9th of December 2016. Section 5.33 of the Local Government Act 1995, requires that all decisions made at an Elector's meeting are to be considered at the next Ordinary Meeting of Council.

COMMENT

The following decision was made at the Annual General Meeting of Electors, to which this agenda item refers:

- To receive the Annual Report for the year ended 30th June 2016.

The following requests were made by electors:

- That the Shire acknowledge the efforts of the (Work for the Dole) MEEDAC group in improving the appearance of Carnamah; and
- That dog waste disposable bags be installed in the vicinity of the Information Bay/Playground area in Carnamah.

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 5.33 – Decisions made at electors' meetings.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.5

That Council:

- 1. Note the decisions made at the Annual General Meeting of Electors to receive the Annual Report for the year ended 30th June 2016, and**
- 2. Note that the requests made by electors have been attended to.**

10.2.6 ANNUAL REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

Applicant:	N/A
Location / Address:	N/A
File Ref:	Delegation Register
Disclosure of Interest:	The CEO will declare an impartiality interest as the delegations have a direct bearing on the extent of his authority to act on behalf of Council
Date:	6 th January 2017
Author:	Chief Executive Officer
Attachments:	10.2.6 Delegation Register - 2016

SUMMARY

This report recommends that Council confirm the delegations encompassed in the attached Register of Delegations and incorporating an Instrument of Delegation to the Chief Executive Officer.

BACKGROUND

Council last reviewed its delegations to the CEO in February 2015.

COMMENT

A copy of current delegations to the CEO attaches to this report.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

5.42. *Delegation of some powers and duties to CEO*

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

5.43. *Limits on delegations to CEO*

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

ITEM: 10.2.6

That Council confirm the delegations encompassed in the attached Register of Delegations and incorporating an Instrument of Delegation to the Chief Executive Officer.

10.2.7 REVIEW OF COUNCIL POLICIES

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0072
Disclosure of Interest:	Nil
Date:	19 th January 2017
Author:	Chief Executive Officer
Attachments:	10.2.7 – Draft Policy Manual (February 2017)

SUMMARY

This report recommends that Council appraise the draft Policy Manual, as presented, with a view to having the manual finalised for adoption at its meeting scheduled for the 15th March 2017.

BACKGROUND

The policies of Council were last comprehensively reviewed in 2015. Since that time, new policies have been added and some policies have been deemed to be redundant. The attached draft Policy Manual reflects these changes and is submitted for review by Council.

COMMENT

Policies established by Council are intended to provide guidance to elected members and staff on a range of matters which are useful in dealing with the day to day business of the organisation, without the constant need for referral to Council for a decision. Policies do not carry any statutory authority but provide parameters within which decisions may be made with the confidence that those decisions will be supported by Council. Some policies are mandatory such as the code of conduct for elected members and staff and these need to be subject to regular review.

The attached draft Policy Manual indicates where recommended changes should be made.

CONSULTATION

Executive Support Officer
Deputy CEO

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Significant – major review of policies.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.7

That Council appraise the draft Policy Manual, as presented, with a view to having the manual finalised for adoption at its meeting scheduled for the 15th of March 2017.

10.2.8 EDUCATION AND TRAINING PLAN FOR THE NORTH MIDLANDS REGION

Applicant:	Midwest Development Commission
Location / Address:	
File Ref:	ADM0277
Disclosure of Interest:	Nil
Date:	7 th February 2017
Author:	Chief Executive Officer
Attachments:	10.2.8 - Ten Year Education and Training Plan for the Morawa Shire and the Wider North Midlands Region

SUMMARY

This report recommends that Council consider the Ten Year Education and Training Plan for the Morawa Shire and the Wider North Midlands Region, provide feedback on the plan, circulate the document to local schools and place the plan on the Shire website to encourage feedback.

BACKGROUND

Last year the Shire of Morawa in conjunction with the Midwest Development Commission engaged consultants to prepare the Ten Year Education and Training Plan for the Morawa Shire and the Wider North Midlands Region (“The Plan”).

The plan is based on the premise that the only way that smaller primary schools and the towns in which they are situated are going to survive is through co-operation and collaboration with and between surrounding towns and schools. The plan (of which a copy is attached) ...

“identified that schools in the North Midlands are at a tipping point in their quest for sustainability and without a concerted effort and affirmative action a number of schools may face the prospect of closure. Along with the general economic conditions and the consolidation of farming land, the Government decision to move Year 7 students to high school has severely impacted school numbers and the viability of towns.”

And:

“Although the Western Australian College of Agriculture – Morawa, and Morawa and Carnamah District High Schools are somewhat protected from the Year 7 transfer, by having secondary students, the other Primary Schools in the area are being significantly impacted. From 2012 to 2016 there has been a decline of over 20% in Primary numbers in the region.”

“Schools will only survive if formalised education clusters are established with a school of choice District High School as a hub. To transform the current North Midlands District High Schools into schools that can compete with metropolitan or larger regional schools is going to require major changes, including a quantum shift in resourcing and staffing, and a cultural shift in the thinking of many community members.”

COMMENT

The attached plan makes a number of detailed recommendations covering the following:

1. Early Childhood Education
2. Declining School Populations
3. Limited Residential Accommodation
4. Student Welfare
5. Disengaged Students
6. Aboriginal Education
7. Attraction and Retention of Staff
8. Breadth and Depth of Learning Opportunities
9. Infrastructure and Facilities
10. Career Pathways and Post School Options
11. Digital Infrastructure and Information Technology
12. Reputational Management

Page 12 of the Plan provides 18 specific recommendations in relation to Carnamah and Coorow. These recommendations require some significant buy-in by the Shire, the schools in question and the community.

The Plan (report) will be provided to the Morawa Education & Industry Training Alliance (MEITA) which will lead the process. The Chair of MEITA is Mr Grant Woodhams.

The Mid West Development Commission is seeking feedback from the wider community, Schools, and Shires, and it is expected that MEITA will convene a meeting of community, School and Shire representatives in due course.

CONSULTATION

Mr Gavin Treasure – CEO Mid West Development Commission

Mr Trevor Price – Assistant Director Communities and Learning, Mid West Development Commission

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

The Shire of Carnamah Community Strategic Plan 2012-2022 includes a strategy to: Support an appropriate level of education in the Shire from childcare to Vocational Education Training Programs.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.8

That Council consider the Ten Year Education and Training Plan for the Morawa Shire and the Wider North Midlands Region, provide feedback on the Plan, circulate the document to local schools and place the Plan on the Shire website to encourage feedback.

10.2.9 ADOPTION OF THE SHIRE OF CARNAMAH STRATEGIC COMMUNITY PLAN

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	6 th February 2017
Author:	Chief Executive Officer
Attachments:	10.2.9 Shire of Carnamah Strategic Community Plan

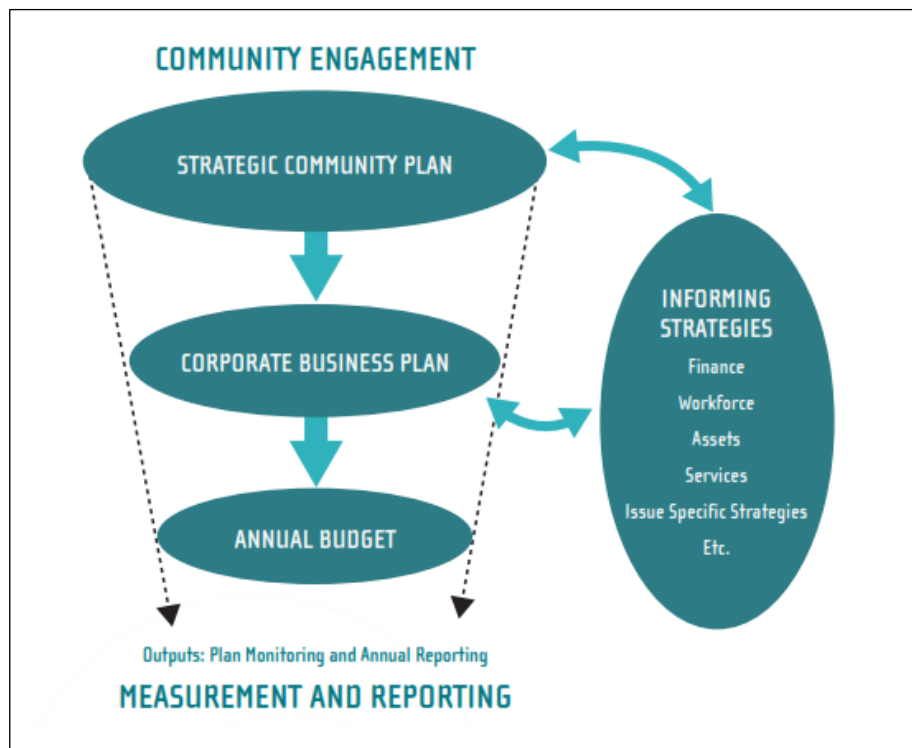
SUMMARY

This report recommends that Council adopt the Shire of Carnamah Strategic Community Plan for the 10 year period commencing the 1st of July 2017, and to invite further comment before the Plan is adopted in February 2017.

BACKGROUND

The *Shire of Carnamah Strategic Community Plan* is the key document underpinning the legislative requirement for the Integrated Planning and Reporting compliance obligations.

The Integrated Planning and Reporting components are illustrated hereunder.



Council at its meeting of the 17th February 2016, resolved:

That the following process be adopted for the review of the Shire of Carnamah Strategic Community Plan:

- 1. Introduction paper prepared to initially engage the community in the process (March/April);***
- 2. Fact sheet prepared and circulated to inform the community of the current status of the Community Strategic Plan (March/April);***
- 3. Fact sheet prepared on the current financial environment in which the Shire is operating in terms of government grants and rate levels (March/April);***
- 4. “Round Table” public meetings to be held after the Ordinary Council meetings in May (Carnamah) and June (Eneabba), facilitation of these meetings to be conducted by staff;***
- 5. Outcomes from public meetings to be collated and made public (July/August);***
- 6. Public survey to be circulated along the lines of the survey for the inaugural Community Strategic Plan (August);***
- 7. Community Strategic Plan developed along with other plans and informing strategies and adopted in late 2016/early 2017.***

The following actions have been taken to progress the compilation of the Shire of Carnamah Strategic Community Plan:

March 2016

Introduction paper prepared and circulated in the ‘Carnamah Mat & Eneabba News’. Fact sheet prepared and distributed on the current status of the Community Strategic Plan.

April 2016

Fact sheet prepared and distributed on the financial environment in which the Shire is operating. Public invitation extended for public planning (“Round Table”) meeting in Carnamah.

May 2016

Community planning meeting held in Carnamah. Public invitation extended for the community planning meeting held in Eneabba.

June 2016

Community planning meeting held in Eneabba.

July 2016

Proposed Community Survey tabled at Council Meeting for approved distribution.

August 2016

Surveys sent to all residents and placed on the Shire website. Survey to end on 30/09/16.

October 2016

Survey responses collated.

November 2016

Action initiated for preparation of discussion paper and draft Strategic Community Plan.

December 2016

Draft Strategic Community Plan completed.

COMMENT

There has been a concerted effort to engage the community in establishing priorities for the Shire of Carnamah for the next 10 years. The draft *Strategic Community Plan* has taken into account the ideas and comments that have been received through the community engagement process.

Whilst it is not a mandated requirement to circulate the draft *Strategic Community Plan* for further comment, the draft plan was made available to the community along with the opportunity for final input to be had up to Monday the 6th of February 2017. No submissions were received and the draft plan was completed taking into account the additional inputs from Councillors and staff during last December.

CONSULTATION

- Communities of Carnamah and Eneabba
- Ms Jenny Hayley – Consultant
- Mr Ian Walsh – Deputy CEO

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 – r19C

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*

- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

ITEM: 10.2.9

That Council adopt the “Shire of Carnamah Strategic Community Plan” and associated informing documents for the 10 year period commencing the 1st of July 2017.

10.2.10 PROPOSED WANDRRA CLAIM – FLOOD DAMAGED ROADS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0142
Disclosure of Interest:	Nil
Date:	8 th February 2017
Author:	Chief Executive Officer
Attachments:	10.2.10 - Spreadsheet – Flood Damaged Roads

SUMMARY

The report recommends:

- That Council endorse the actions taken to lodge a claim through the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) for flood damaged roads within the Shire of Carnamah.
- That on approval of the claim, that quotations be sought from engineering consultants to administer and manage works associated with reinstating flood damaged roads to their pre-flood condition.

BACKGROUND

Over the weekend of the 28th and 29th January 2017, some areas of the Shire (mainly north eastern sector) sustained rainfall of up to 100mm, which resulted in the flooding and resultant damage of several roads. In accordance with WANDRRA guidelines, nearly 50 kilometres of road require repairs.

COMMENT

The value of the reinstatement works will not be known until tenders are received. The Shire has, and will, incur some financial disadvantage because of these events for the following reasons:

- The cost of “opening up” works which entailed some gravel patching and sheeting over the worst affected areas; and maintenance grading the roads when conditions allowed, were not budgeted for and some of which are ineligible to be claimed back through WANDRRA funding;
- The Shire has to contribute funding of \$143,200.00 per event as its contribution towards reinstatement works.

The WANDRRA conditions exclude local governments from carrying out the works themselves (notwithstanding the fact that the engagement of external contractors to carry out this work will be significantly more expensive than if the Shire carried it out). Hence, the Shire will have no option but to call tenders and to contribute \$143,200.00 in cash towards the works.

Administration of the WANDRRA process is somewhat complex and beyond the resources of the Shire with its current workload. It is proposed to engage engineering consultants to administer and manage works associated with repairing the flood damaged roads. It will be necessary to also engage a site supervisor and contractors and this will be subject to a tender process should the WANDRRA claim be approved.

At this point, MRWA personnel are assessing the damage in company with the Manager of Works and Services. It is understood that several other Shires in the region (including Morawa and Yalgoo) have sustained damage through the same flood event.

CONSULTATION

- Main Roads WA
- Manager of Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – S 3.57 – Tenders for providing goods or services
Local Government (Functions and General) Regulation 1996

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Administration Purchasing Policy 2.8

FINANCIAL IMPLICATIONS

Provision for the Shire's contribution of \$143,200.00 will be made in the 2016/17 Financial Year Budget.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 10.2.10

- 1. That Council endorse the actions taken to lodge a claim through the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) for flood damaged roads within the Shire of Carnamah;*
- 2. That on approval of the claim, that quotations be sought from engineering consultants to administer and manage works associated with reinstating flood damaged roads to their pre-flood condition.*

10.3 CONFIDENTIAL REPORTS

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

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	
Date:	6 th February 2017
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Item 10.3.2 of the Agenda of 15th February 2017, deals with matters affecting Council, of which the meeting may be closed to the public.

COMMENT

Nil

STATUTORY ENVIRONMENT

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.3.1

That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 15th February 2017 Agenda.

10.3.2 CONFIDENTIAL ITEM

File: ADM0097 – Request for Subsidy (Dr S Risinger)
Author: Chief Executive Officer

Date: 6th February 2017

VOTING REQUIREMENT

Simple Majority

10.3.3 MOTION TO RE-OPEN THE MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	6 th February 2017
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.3.3

That the meeting be re-opened to the public.

11. ORDERING THE COMMON SEAL

11.1 ORDERING THE COMMON SEAL

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0216
Disclosure of Interest:	Nil
Date:	3 rd January 2017
Author:	Deputy Chief Executive Officer
Attachments:	Nil

BACKGROUND:

Council has received the 'Application and Transfer of Land' document for the extension of the Eneabba Refuse Site (Lot 10240 Mineral Sands Road, Eneabba). This document has been endorsed by the CEO and Shire President, and the Common Seal was affixed prior to lodgement.

OFFICER COMMENT

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 2.7 - Shire of Carnamah Common Seal

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM: 11.1

That Council endorses the use of the Common Seal on the Application and Transfer of Land document for the extension of the Eneabba Refuse Site (Lot 10240 Mineral Sands Road, Eneabba).

12. REPORTS OF COMMITTEES AND MEMBERS.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.

14. NOTICE OF MOTIONS.

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

15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.

16. CLOSURE OF MEETING.