

MINUTES

Ordinary Meeting of Council

17th February 2016

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL 17th FEBRUARY 2016
MINUTES

TABLE OF CONTENTS

	DISCLAIMER	6
1.	DECLARATION OF OPENING	7
2.	RECORD OF ATTENDANCE	7
	Present.....	7
	Apologies.....	7
	Leave of Absence (Previously Approved).....	7
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.	PUBLIC QUESTION TIME	8
5.	APPLICATIONS FOR LEAVE OF ABSENCE	8
6.	DISCLOSURE OF INTEREST	8
7.	PETITIONS, DEPUTATIONS AND PRESENTATIONS	8
8.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	8
9.	CONFIRMATION OF MINUTES	8
9.1	Ordinary Meeting of Council 11 th December 2015 (as circulated)..... <i>Council Resolution 20160201</i>	8
9.2	Electors Meeting 11 th December 2015 (as circulated)..... <i>Council Resolution 20160202</i>	9
9.3	Audit Committee Meeting of Council 17 th February 2016 (to be circulated)..... <i>Council Resolution 20160203</i>	10
10.	MANAGEMENT REPORTS	11
10.1	FINANCE REPORTS	11

10.1.1	Accounts for Payment.....	11
	File: ADM0075 (Attachment 10.1.1) <i>Council Resolution 20160204</i>	
10.1.2	Financial Reports to 31 st January 2016.....	13
	File: ADM0075 (Attachment 10.1.2) <i>Council Resolution 20160205</i>	
10.1.3	Cropping of Carnamah Airstrip.....	15
	File: ADM0023 <i>Council Resolution 20160206</i>	
10.1.4	Carnamah Hall Hire – Request for Fee Reduction.....	17
	File: ADM0262 <i>Council Resolution 20160207</i>	
10.2	ADMINISTRATION REPORTS.....	19
10.2.1	Proposal to Amend Restricted and Prohibited Burning Times.....	19
	File: ADM0083 <i>Council Resolution 20160208</i>	
10.2.2	Annual Review of Delegations to the CEO.....	23
	File: Delegation Register (Attachment 10.2.2) <i>Council Resolution 20160209</i>	
10.2.3	Community Survey on Eneabba and Carnamah Revitalisation Projects.....	26
	File: ADM0202 (Attachment 10.2.3) <i>Council Resolution 20160210</i>	
10.2.4	Decisions made at Electors Meeting.....	28
	File: ADM0198 (Attachment 10.2.4) <i>Council Resolution 20160211</i>	
10.2.5	Future of Eneabba Golf Clubhouse.....	29
	File: ADM0021 (Attachment 10.2.5) <i>Council Resolution 20160212</i>	

10.2.6	Request for Removal of Street Tree.....	33
	File: ADM0063 (Attachment 10.2.6) <i>Council Resolution 20160213</i>	
10.2.7	Review of the Shire of Carnamah Community Strategic Plan – Suggested Process.....	35
	File: ADM0202 (Attachment 10.27 a & b) <i>Council Resolution 20160214</i>	
10.2.8	Wildflower Country (Inc) Invitation for the Shire of Carnamah to Rejoin.....	39
	File: ADM0202 (Attachment 10.2.8 a, b & c) <i>Council Resolution 20160215</i>	
10.2.9	Process for Dealing with Tenders.....	42
	File: ADM0072 (Proposed Policy 2.11) <i>Council Resolution 20160216</i>	
10.2.10	Proposals Requiring Shire funding and/or In-Kind Support.....	44
	File: ADM0072 (Proposed Policy 2.12) <i>Council Resolution 20160217</i>	
10.3	CONFIDENTIAL REPORTS.....	46
11.	ORDERING THE COMMON SEAL.....	46
12.	REPORTS OF COMMITTEES AND MEMBERS.....	46
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	46
14.	NOTICE OF MOTIONS..... (For consideration at the following meeting, if given during the meeting)	46
15.	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL.....	46
15.1.	Motion to Admit Late Business.....	46
	<i>Council Resolution 20160218</i>	
10.1	FINANCE REPORTS.....	47

10.1.5	G & L Bryant Superannuation fund Application for Planning Consent..... (Attachments 10.1.5a & 10.1.5b) <i>Council Resolution 20160219</i>	47
10.2	ADMINISTRATION REPORTS.....	49
10.2.1	Iluka Resources Limited – Iluka Midwest Limited Sale of Eneabba 1 Landfill Site to Shire of Carnamah..... File: ADM0253/ADM0269 (Attachments 10.2.11 (1) to (5)) <i>Council Resolution 20160220</i>	49
10.3	CONFIDENTIAL REPORTS.....	53
10.3.1	Motion to Close the Meeting to the Public: Consideration of Confidential Report <i>Council Resolution 20160221</i>	53
10.3.2	Confidential Item <i>Council Resolution 20160222</i>	55
10.3.3	Motion to Re-Open the Meeting..... <i>Council Resolution 20160223</i>	55
16.	CLOSURE OF MEETING.....	56

APPENDICES

APPENDIX “A”

MINUTES OF ORDINARY MEETING OF COUNCIL
11th DECEMBER 2015 AS CIRCULATED.

APPENDICES

APPENDIX “B”

MINUTES OF THE ELECTORS MEETING
11th DECEMBER 2015 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

MINUTES

ORDINARY MEETING OF COUNCIL

Held in the SHIRE OF CARNAMAH COUNCIL CHAMBERS
On WEDNESDAY 17th FEBRUARY 2016
Commencing at 3.00pm

1. DECLARATION OF OPENING

President, Cr Merle Isbister welcomed everyone in attendance and declared the meeting open at 3.00pm.

2. RECORD OF ATTENDANCE

Present

Cr M Isbister	President
Cr I Stirling	Deputy President
Cr D Wooltorton	Councillor
Cr C Kikeros	Councillor
Cr I Bowman	Councillor
Cr L Piccles-Popham	Councillor
Mr W Atkinson	Chief Executive Officer
Mr I Walsh	Deputy Chief Executive Officer
Mr M Pumphrey	Manager Works & Services
Ms S Boyton	Executive Support Officer

Apologies

Cr S Laundry	Councillor
--------------	------------

Leave Of Absence (Previously Approved)

Members of the Public

Mr Tim Davies

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr Tim Davies gave a presentation on the state of the Eneabba Golf Club building and he requested Council defer making a decision on *Item 10.2.5 Future of Eneabba Golf Clubhouse* until the March Council meeting in order for Council to conduct an inspection of the building.

3.16pm Mr Tim Davies left the meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Moved: Cr Piccles-Popham
Seconded: Cr Woollorton

That Cr Isbister, Cr Laundry and Cr Bowman be granted a leave of absence for the March 2016 meeting of Council.

Carried 6-0

6. DISCLOSURE OF INTEREST

Nil

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 11th DECEMBER 2015

As Circulated

VOTING REQUIREMENT:

Simple Majority

COUNCIL RESOLUTION 20160201

ITEM: 9.1

Moved: Cr Stirling
Seconded: Cr Kikeros

That the Minutes of the Ordinary Meeting of Council held on the 11th December 2015 be accepted as a true and correct record.

CARRIED 6-0

9.2 MINUTES OF ELECTORS MEETING HELD 11th DECEMBER 2015

As Circulated

VOTING REQUIREMENT:

Simple Majority

COUNCIL RESOLUTION 20160202

ITEM: 9.2

Moved: Cr Bowman

Seconded: Cr Stirling

That the Minutes of the Electors Meeting held on the 11th December 2015 be accepted as a true and correct record.

CARRIED 6-0

**9.2 MINUTES OF AUDIT COMMITTEE MEETING OF COUNCIL HELD
17th FEBRUARY 2016**

As Circulated

VOTING REQUIREMENT:

Simple Majority

COUNCIL RESOLUTION 20160203

ITEM: 9.2

Moved: Cr Bowman

Seconded: Cr Kikeros

That the Minutes of the Audit Committee Meeting of Council held on the 17th February 2016 be accepted as a true and correct record and that Council adopts all recommendations therefrom.

CARRIED 6-0

10 MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM075
Disclosure of Interest:	Nil
Date:	9 th February 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 2nd December 2015 – 5th February 2016 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 1996, 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/COUNCIL RESOLUTION 20160204

ITEM: 10.1.1

Moved: Cr Stirling

Seconded: Cr Kikeros

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the 2nd December 2015 - 5th February 2016; 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>022403-022411</i>
<i>Municipal cheques:</i>	<i>27947-27954</i>
<i>Municipal EFT's:</i>	<i>8654- 8839</i>
<i>Trust Cheques:</i>	<i>300372 - 300375</i>
<i>Payroll direct debits:</i>	<i>#12 - #16</i>
<i>Municipal Direct Debits</i>	<i>30112015 & 31012016</i>

Totalling \$1,032,315.40 be approved and passed for payment.

CARRIED 6-0

10.1.2 FINANCIAL REPORTS TO 31st JANUARY 2016

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	9 th February 2016
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 2015 to 31 January 2016 (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 2015 to 31 January 2016;
- Summary Rates Trial Balance Report as at 31 January 2016;
- 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/COUNCIL RESOLUTION 20160205

ITEM: 10.1.2

Moved: Cr Woollorton

Seconded Cr Bowman

That Council receive the Statement of Financial Activity for the period 1st July 2015 to 31st January 2016; and other supplementary financial information as presented.

CARRIED 6-0

10.1.3 CROPPING OF CARNAMAH AIRSTRIP

Applicant:	N/A
Location / Address:	Carnamah Airstrip
File Ref:	ADM0023
Disclosure of Interest:	Nil
Date:	17th January 2016
Author:	Deputy Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that expressions of interest be called for the cropping rights of the land around the Carnamah airstrip for a three (3) year period.

BACKGROUND

By way of background, Council at its meeting of the 17th April 2013, resolved:

To advertise for expressions of interest for the cropping of the Carnamah airstrip, for a three year period for the purpose of community fundraising. Applicants are to provide in their expressions of interest their management plans for fertilizing and rotating crops to ensure the future viability of the land for cropping purposes."

Council at its meeting of the 15th May 2013, resolved:

That approval be granted for the Carnamah Bowling Club to crop the vacant land surrounding the Carnamah airstrip runways with the exception of that area of land used by the Carnamah Model Aero Club for a period of three (3) years at no charge on the following conditions:

- 1. Council will accept no responsibility for crop loss or damage from any means either mechanical or Act of God and*
- 2. The Carnamah Bowling Club to meet the conditions of Council's Fire Break Order.*

COMMENT

Given the precedent of calling for expressions of interest, it is proposed that this course of action be repeated. It is also suggested that in order to ensure that the viability of this land for cropping purposes is retained, that expressions of interest include details of the proposed fertiliser and crop rotation programs intended to be implemented by the successful party.

It is also understood that the Carnamah Aero Club utilises an area of land which has been exempt from the area allowed for cropping.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160206

ITEM: 10.1.3

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

That Council advertise for expressions of interest for the cropping of the Carnamah airstrip, for the three year period 2016 to 2018 for the purpose of community fundraising. Applicants are to provide in their expressions of interest their management plans for fertilizing and rotating crops to ensure the future viability of the land for cropping purposes

CARRIED 6-0

10.1.4 CARNAMAH HALL HIRE – REQUEST FOR FEE REDUCTION

Applicant:	Glitzy Dancing
Location / Address:	
File Ref:	ADM0262
Disclosure of Interest:	Nil
Date:	8 th February 2016
Author:	Deputy Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends the reduction of the adopted budget fees for the hire of Carnamah Hall by the applicant

BACKGROUND

Mrs Louise Watson has advised that enrolments in the dancing classes have reduced again this year and as a result she will be reducing her use of the facility to 1 x two hour session per week instead of the 2 x three hours sessions in the past.

Louise has requested that Council give consideration to reducing the fees accordingly.

COMMENT

The adopted fee, being \$2140.00, was based on 2 x three hour sessions per week for forty weeks and included the hire fees for the annual presentation night which equated to \$8.92 per hour.

The current hire fee for the facility is \$173.50 per day or part thereof with a 50% reduction for activities that are aimed at children.

It is proposed that Council, for the balance of the 2015/16 financial year, reduce the current fee down from \$535.00 per term to an hourly rate of \$10.00 per hour for dance classes.

It is considered that give the current cleaning costs for the Carnamah hall is around \$45.00 per week that the proposed hire fee is more than fair and reasonable.

Further that dress rehearsals and presentation night for the end of year concert to be charged as per the adopted fees and charges.

CONSULTATION

CEO

STATUTORY ENVIRONMENT

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

STRATEGIC IMPLICATIONS

The recommendation is unlikely to carry any significant strategic implications.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If the recommendation is adopted the financial impact is forecast to be less than \$700 this financial year.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160207

ITEM: 10.1.4

Moved: Cr Wooltorton

Seconded: Cr Piccles-Popham

That in accordance with Section 6.12 (c), Council resolve to reduce the cost of hiring the hall for dancing classes to \$10.00 per hour (inc GST) for the balance of the 2015/16 financial year,

and

that dress rehearsals and the end of year presentation night be charged as per Councils adopted fees and charges.

CARRIED 6-0

10.2. ADMINISTRATION REPORTS

10.2.1 PROPOSAL TO AMEND RESTRICTED AND PROHIBITED BURNING TIMES

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0083
Disclosure of Interest:	Nil
Date:	18 January 2016
Author:	Kyle Pollitt (Community Emergency Services Manager)
Attachments:	Nil

SUMMARY

This report recommends amendments to the *Restricted* and *Prohibited Burning Times* for the whole of the Shire of Carnamah effective from the commencement of the 2016/17 fire season.

BACKGROUND

Presently within the Shire of Carnamah, the following dates apply:

- *Restricted Burning Times*
 - 17 September to 15 October for East of Brand Mudge Rd
 - 17 September to 1 November for West of Brand Mudge Rd
 - 31 January to 15 March all sectors
- *Prohibited Burning Times*
 - 15 October to 31 January for East of Brand Mudge Rd
 - 1 November to 31 January for West of Brand Mudge Rd

This mixture of dates and areas poses some confusion for the community.

Also, should the need arise to extend or shorten the *Restricted* and *Prohibited Burning Times* (by up to 14 days), the time taken for the process to be completed may not allow for sufficient communication, consultation, or advertising to be completed. This is due to time constraints on Fire Chiefs and Shire staff following their return to normal business in early- January, and taking into account the several Public Holidays that occur at the start of each New Year.

COMMENT

By amending both the *Restricted* and *Prohibited Burning Times* as follows, it brings the whole of the Shire of Carnamah into line, thereby minimising confusion amongst the community, and reducing the aforementioned time constraints on Shire staff and Fire Chiefs.

- Restricted Burning Times
17 September to 15 October all sectors
1 March to 15 March all sectors
- Prohibited Burning Times
15 October to 28 February all sectors

CONSULTATION

Shire of Carnamah Chief Bush Fire Control Officer, Mr Wayne Barry, was consulted in preparation of this agenda item.

Consultation with Parks & Wildlife and Department of Fire and Emergency Services officers will be sought following approval by Shire of Carnamah.

STATUTORY ENVIRONMENT

Bush Fires Act (1954)

section 17 : *Prohibited burning times may be declared by Minister*

(8)Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —

- (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the FES Commissioner and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
- (b) the Minister, on the recommendation of the FES Commissioner, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
- (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.

section 18 : *Restricted burning times may be declared by FES Commissioner*

(5C)The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Shire of Carnamah *Bush Fire Policy*

1.4 Prohibited and Restricted Burning Times

Restricted Burning Period - the restricted burning period within the Shire of Carnamah is 17th September to the following 15th March exclusive of the Prohibited Burning Period.

Prohibited Burning Periods - The prohibited burning periods within the Shire of Carnamah are:

East of the Brand Mudge road - 15th October to 31st January

West of the Brand Mudge road - 1st November to 31st January

Variations to either prohibited or restricted burning times or conditions may be authorised by the Chief Fire Control Officer and the Shire President. Such variations are to be publicised in accordance with the provision of the Bush Fires Act.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160208

ITEM: 10.2.1

Moved: Cr Stirling
Seconded: Cr Kikeros

That the dates for the Shire of Carnamah's Restricted & Prohibited Burning Times, from the commencement of the 2016/17 fire season be as follows:

- **Restricted Burning Times**
17 September to 15 October
1 March to 15 March

- **Prohibited Burning Times**
15 October to 28 February

AMENDMENT

Moved: Cr Bowman
Seconded: Cr Woollorton

That the dates for the Shire of Carnamah's Restricted & Prohibited Burning Times, from the commencement of the 2016/17 fire season be as follows:

- **Restricted Burning Times**
17 September to 15 October
15 February to 14 March

- **Prohibited Burning Times**
15 October to 14 February

The amendment became the motion. The motion was put.

CARRIED 6-0

10.2.2 ANNUAL REVIEW OF DELEGATIONS TO THE CEO

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 of the extent of his authority to act on behalf of Council.
Date:	11 th January 2016
Author:	Chief Executive Officer
Attachments:	10.2.2 Delegation Register 2015

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/COUNCIL RESOLUTION 20160209

ITEM: 10.2.2

Moved: Cr Kikeros

Seconded: Cr Stirling

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

CARRIED 6-0

10.2.3 COMMUNITY SURVEY ON ENEABBA AND CARNAMAH REVITALISATION PROJECTS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	8 th February 2016
Author:	Chief Executive Officer
Attachments:	10.2.3 Proposed Community Survey

SUMMARY

This report recommends that as part of the evaluation and grant acquittal process with respect to the Eneabba and Carnamah revitalisation projects, a short survey be conducted to gauge community perceptions of the improvements that have been implemented.

BACKGROUND

Of the \$712,466 collective project funding, \$356,233 was sourced from the *Midwest Investment Plan* and \$121,293 was sourced from the *Royalty for Regions Country Local Government Fund*. These funding components were governed by a Financial Assistance Agreement administered by the Department of Regional Development.

One of the performance measures contained within the agreement was the requirement to carry out a community survey to evaluate project outcomes. This needs to be completed in order to satisfy the project acquittal date of the 30th June 2016.

COMMENT

A draft survey document has been prepared and attaches to this report. It is proposed to run this survey in two consecutive editions of *The Mat and Eneabba News* to enable responses from the general public. Investigations are also underway to ascertain the process involved to facilitate on line responses. It is also intended to specifically target those people who generously gave of their time as members of the respective Eneabba and Carnamah Reference Groups who played a pivotal role in the planning phase of the revitalisation projects.

CONSULTATION

Ian Walsh - Deputy CEO
Jenny Hayley – Former Project Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of carrying out the survey will be accommodated within existing budget provisions.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160210

ITEM: 10.2.3

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

That as part of the evaluation and grant acquittal process with respect to the Eneabba and Carnamah revitalisation projects, a short survey be conducted to gauge community perceptions of the improvements that have been implemented.

CARRIED 6-0

10.2.4 DECISIONS MADE AT ELECTOR'S MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0198
Disclosure of Interest:	Nil
Date:	6 th January 2016
Author:	Chief Executive Officer
Attachments:	10.2.4 Minutes of Annual General Meeting of Electors held 11 th December 2015.

BACKGROUND

The Annual General Meeting of Electors was held on Friday the 11th December 2015.

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, were:

- To receive the Annual Report for the year ended 30th June 2015.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160211

ITEM 10.2.4

Moved: Cr Kikeros

Seconded: Cr Stirling

That Council note the decisions made at the Annual General Meeting of Electors to receive the Annual Report for the year ended 30th June 2014 and the actions therefrom.

CARRIED 6-0

10.2.5 FUTURE OF ENEABBA GOLF CLUBHOUSE

Applicant:	N/A
Location / Address:	Reserve 26044
File Ref:	ADM0021
Disclosure of Interest:	Nil
Date:	28 th January 2016
Author:	Chief Executive Officer
Attachments:	10.2.5 Photographs

SUMMARY

This report recommends that given the deteriorated state of the Eneabba Golf Clubhouse, the costs involved in making the building compliant, the limited membership of the Golf Club and the availability of other venues in Eneabba, that the building and associated fencing be listed for demolition.

BACKGROUND

Council previously considered a report from its consultant Building Surveyor and in December 2015, resolved that a meeting be held with the office bearers of the Eneabba Golf Club to discuss its accommodation requirements and that the Golf Club be advised that the Golf Club building is not to be used until it has been further assessed.

On the 18th January, the CEO and Deputy CEO met on site with Mr Tim Davies who was representing the Golf Club. During the meeting a further inspection of the building was made by the Shires Building Surveyor and an electrician to ascertain what works would be required to bring the building to a compliant condition.

The following Reports have since been received:

.....

ENEABBA GOLF CLUB BUILDING BUILDING SURVEYORS REPORT NO 2 – JANUARY 2016

On the 18th of January 2016 a follow-up inspection was carried out on the Eneabba Golf Club building with the Shire CEO, DCEO, Manager of Regulatory Services and Mr Tim Davies, in conjunction with a licenced Electrical Contractor. The purpose of the inspection was to ascertain the extent of required refurbishment to bring it the building up to an acceptable standard. The building is in a poor state and would require large capital and extreme commitment from volunteers to bring it up to an acceptable standard.

Description of Building

The building is comprised of two transportables on a steel chassis, asbestos external cladding with timber internal lining. The decking is pressed fibre board with carpet and linoleum cover. The kitchen has a deteriorated welded vinyl for flooring with melamine shelves, also showing signs of deterioration. At the time of inspection it was raining and noted that the roof was leaking due to its flat nature and tech screw holes in the roof cladding itself.

Work required to bring the building up to an acceptable standard

- *The installation of Residual Current Devices (RCDs) to comply with Part iv of the Electricity Regulations 1947.*
- *Hard wired smoke alarms to comply with the Building Regulations 2012*
- *All Plumbing to comply with the National Plumbing Code.*
- *Provide sufficient surfaces to the kitchen area so to provide as smooth impervious finish.*
- *Service fire extinguishers to comply with the building regulations 2012.*
- *Repair or replace all damaged internal and external cladding to an acceptable standard.*
- *Repair roof to an acceptable standard to prevent further water damage.*

Conclusion

To bring the Building up to modern standard including access for disabled and Public Building requirements would cost in excess of \$250,000. Perhaps the Golf club could utilise volunteer labour for the required works to keep the costs to a minimum.

TREVOR BRANDY
MANAGER REGULATORY SERVICES

ENEABBA GOLF CLUB BUILDING ELECTRICIANS REPORT– JANUARY 2016

Electrical Upgrades Required:

*Installation of new main panel board and switch gear.
Installation of new sub- board and switch gear in kitchen.
Installation of new main earth.
Installation of under bench GPO cable into conduit.
Installation of spot light cable into conduit.
Replacement of 1 x fluoro fitting and 2 x powerpoints.*

Quote - \$5240 plus GST

WCC ELECTRICAL & AIRCONDITIONING

COMMENT

Mr Davies advised that past and present members of the Golf Club would be prepared to donate voluntary labour to repair the building.

It is understood that the Golf Club relocated to the new Sportsman's Club when it was built in 1987 and operated from there for a time. It is assumed that the old Golf Club building was meant to be made redundant at that time. There was a movement back to the original Clubhouse at some stage and the building has been utilised each golfing season since then.

The Shire owns the building by default as it is located on Reserve 26044 over which the Shire holds a Management Order for the purpose of: *Recreation, Showground and Accommodation*. The Shire has not maintained the building, however the Shire currently pays the insurance on the building (\$415.00 per year) and the Golf Club meets the cost of power and water.

At present the Golf Club has a membership of six. It hosts two or three regional golf events each year and derives most of its operating revenue of around \$7000.00 a year through bar sales to keep the club going. If the building was not able to be used, the Golf Club would need to find another venue, particularly to host its larger golf days and to continue to profit from bar sales. Alternative venues for this could be:

- Eneabba Recreation Centre through arrangements with the Shire of Carnamah
- Eneabba Sportsman's Club, through arrangements with the Committee which currently leases the premises (at no cost) from the Shire.

The other alternative would be to renovate and make compliant the old golf clubhouse; however it seems that this was meant to have been made redundant when the Sportsman's Club was built in 1987. There is a significant cost involved with this alternative and it would be difficult to give this funding priority due to the already heavy demands on the Shire budget.

The Deputy CEO has discussed the future of the building with the Shires insurers who advised that due to the poor condition of the building and the asbestos issue it should be demolished.

In the meantime, because of the known issues with the building and its exposure to risk, the Shire is unable to allow it to be used until the matter is resolved.

CONSULTATION

Mr Trevor Brandy – Building Surveyor
Deputy CEO
Mr Tim Davies

STATUTORY ENVIRONMENT

Electricity Regulations 1947
Building Regulations 2012

STRATEGIC IMPLICATIONS

The recommendation is unlikely to carry any significant strategic implications.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

If the recommendation is adopted, budget provision will need to be made for the cost of decommissioning and demolishing the building and associated infrastructure (fencing, leach drain system).

If the recommendation is not accepted, budget provision will need to be made to bring the building into compliance with current electrical and building regulations.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160212

ITEM: 10.2.5

Moved: Cr Piccles-Popham
Seconded: Cr Kikeros

That given the deteriorated state of the Eneabba Golf Clubhouse, the costs involved in making the building compliant, the limited membership of the Golf Club and the availability of other venues in Eneabba, that the building and associated fencing be listed for demolition.

CARRIED BY CASTING VOTE 4-3

MOTION

Moved: Cr Kikeros
Seconded: Cr Piccles-Popham

That the Eneabba Golf Club be informed of Councils decision to list the golf clubhouse for demolition however, should the Golf Club wish to upgrade the building to a compliant condition, it be given 30 days to present a plan to the Shire, detailing the following:

- *How it would propose to bring the building to a compliant standard acceptable to the Shires Building Surveyor and the Shires insurers;*
- *Who will carry out the required work;*
- *How the upgrade works will be funded;*
- *The proposed timeline for the completion of the works.*

CARRIED 6-0

4.02pm

Moved: Cr Bowman

Seconded: Cr Piccles-Popham

That the Council meeting is adjourned for afternoon tea.

CARRIED 6-0

4.24pm

Moved: Cr Bowman

Seconded: Cr Piccles-Popham

That the Council meeting resume.

CARRIED 6-0

10.2.6 REQUEST FOR REMOVAL OF STREET TREE

Applicant:	Mr John Morgan
Location / Address:	6 Robertson Street, Carnamah
File Ref:	ADM 0063
Disclosure of Interest:	
Date:	19 th January 2016
Author:	Chief Executive Officer
Attachments:	10.2.6 Letter from Applicant

SUMMARY

This report recommends that approval be granted for the removal of the street tree at the front of 6 Robertson Street Carnamah and that the cost of removal be borne equally by the applicant and the Shire of Carnamah.

BACKGROUND

The tree in question was long established before the residence at this address was constructed. The tree does impede direct access to the driveway which results in greater care having to be taken than would normally be required when reversing vehicles from the property. There have been requests from previous occupants of the property for the tree to be removed, however due to the tree being healthy, providing shade and the fact that the tree was there before the residence, these requests have not been approved. The Shire does incur expense from time to time to have some of the higher branches lopped.

COMMENT

Whilst the Shire generally does not approve of the removal of healthy street trees requested by property owners there is some argument in favour of giving this request some consideration. Notwithstanding the fact that the tree was there before the residence was constructed, it has presented an obstacle for current and former residents of the property when reversing vehicles. Additionally, the Shire periodically incurs expense in lopping the tree. All trees have a finite life and the tree would need to be removed eventually in any event.

Removal of this tree would not set a precedent due to the extenuating circumstances prevailing.

A compromise in this situation would be for the applicant and the Shire to share the cost of having the tree removed. A quote of \$950.00 has been obtained to remove the tree.

CONSULTATION

Manager of Works and Services

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shires share of the cost would be accommodated within its current budget provision for tree lopping.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160213

ITEM: 10.2.6

Moved: Cr Stirling
Seconded: Cr Piccles-Popham

That approval be granted for the removal of the street tree at the front of 6 Robertson Street Carnamah and that the cost of removal be borne equally by the applicant and the Shire of Carnamah.

CARRIED 6-0

10.2.7 REVIEW OF THE SHIRE OF CARNAMAH COMMUNITY STRATEGIC PLAN – SUGGESTED PROCESS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	8 th February 2016
Author:	Chief Executive Officer
Attachments:	<ul style="list-style-type: none"> • 10.2.7a Status Report on meeting the objectives of the Shire of Carnamah Community Strategic Plan. • 10.2.7b Guideline – Integrated Planning & Reporting Framework (Under separate cover)

SUMMARY

This report recommends that the process detailed in this agenda item be adopted for the review of the Shire of Carnamah Community Strategic Plan.

BACKGROUND

In September 2012, Council, after a concerted process of community consultation and after the preparation of a number of informing strategies adopted the *Shire of Carnamah Community Strategic Plan* for the 10 year period from July 2012. Most of this work was done in-house with consultants only being engaged for the Asset Strategy which had to be compiled using professional valuations of the Shire's assets.

The principal “living part” of the Community Strategic Plan is in the area of identifying key themes and objectives, determining what actions are to be taken to progress those objectives and establishing key performance indicators as a measurement tool.

A status report on the key themes (Social, Environment, Economic and Civic Leadership) has been prepared which shows that significant inroads have been made towards meeting the objectives within the plan, particularly with respect to new or improved infrastructure projects.

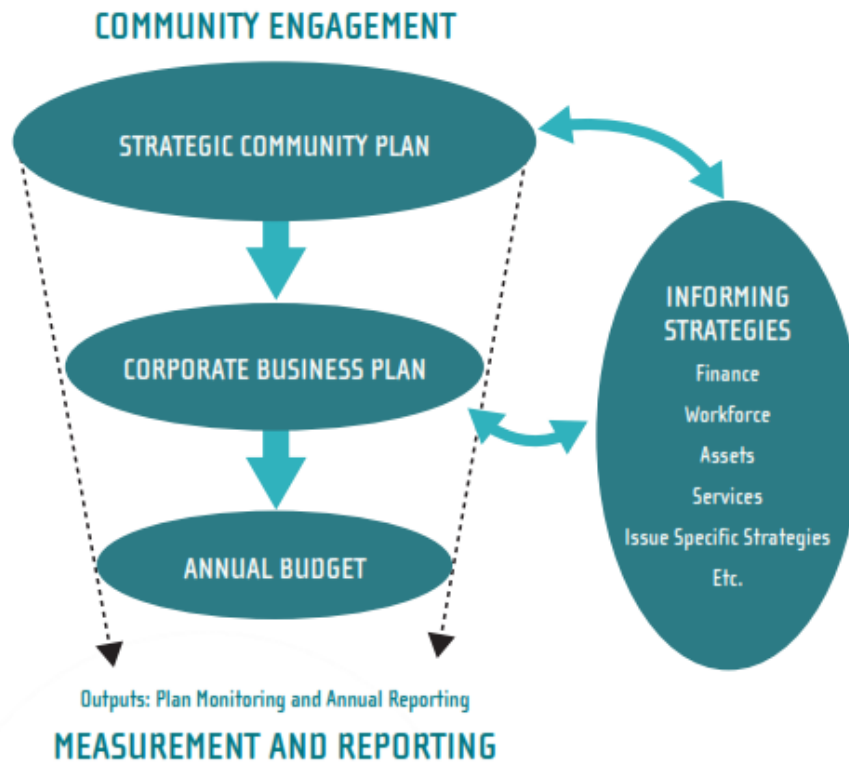
Legislation requires that the *Community Strategic Plan* is subject to a major review every 4 years with the following questions being put to the community:

- Where are we now?
- Where do we want to be?
- How do we get there?

All Councillors have previously been issued with the voluminous integrated planning and reporting documents which may also be accessed on the Shires website www.carnamah.wa.gov.au

COMMENT

The first stage of the review is to embark on the community engagement process:



The current Shire of Carnamah Community Engagement Strategy details the principles, objectives and engagement techniques and options.

When considering how best to engage with the community as part of this review, the following factors have been taken into account:

1. While community consultation is a critical component of the exercise, it is important not to overburden the community with too many meetings and surveys as this can be counterproductive;
2. Community engagement has to be more than just an invitation for participants to simply provide an unfunded “wish list”. Given the tight grant funding situation at both the Federal and State levels of government and the fact that ratepayers would be unlikely to support rate increases much above the current low rate of inflation, the financial constraints to which local government is subject, has to be brought into the equation to assist the prioritisation process;
3. A snapshot of major projects currently being staged along with their financial implications needs to be part of the informing process.

Given the above, it is suggested that the community consultation process comprise of the following:

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 meeting 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.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 – r 19C

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.*

STRATEGIC IMPLICATIONS

The *Community Strategic Plan* is the principal plan articulating the priorities of the community and determining how those priorities will be resourced and brought through to completion.

POLICY IMPLICATIONS

Policy 2.10 *Community Engagement Policy*

FINANCIAL IMPLICATIONS

Given that it is intended to manage the community strategic planning process by using in – house resources rather than external consultants (apart from the asset management/ valuation components for which a Reserve fund has been established), there should not be any financial implications outside of the usual operational costs of the Shire.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160214

ITEM: 10.2.7

Moved: Cr Stirling
Seconded: Cr Kikeros

That the following process be adopted for the review of the Shire of Carnamah Community Strategic 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 meeting 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.*

CARRIED 6-0

10.2.8 WILDFLOWER COUNTRY (INC) INVITATION FOR THE SHIRE OF CARNAMAH TO REJOIN

Applicant:	Wildflower Country
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	
Date:	15 th January 2016
Author:	Chief Executive Officer
Attachments:	10.2.8a Letter – Wildflower Country 10.2.8b Extract from Council Minutes 17 th July 2013 10.2.8c Extract – Midwest regional Blueprint – Tourism Exemplar

SUMMARY

This report offers alternative recommendations.

BACKGROUND

In July 2013, Council resolved to withdraw its membership from the Wildflower Country Incorporated due to a number of long standing concerns. A copy of the Minute, which contains a background report detailing the concerns which led to this decision, is attached for the information of Council.

It is understood that some other members also withdrew support after Carnamah had done so. In recent times there has been a resurgence of interest in Wildflower Country Inc and forward planning for the group’s activities for the next four years has been completed, details of which are listed in the attached correspondence from the group. A review of the Constitution dealing with the governance arrangements of the group is also underway.

Councillors Isbister and Laundry attended a meeting of the group in December last year.

COMMENT

The Shire of Carnamah is being asked to rejoin the group in order that its original intention of taking a regional approach to the attraction of tourists may be resumed. This will include the production of a brochure, promotional banners, presence at caravan and camping shows and targeted advertising. The projected cost of membership is \$4500.00 per annum.

The 2050 vision of the *Mid West Regional Blueprint* is to attract one million visitors to the region each year which will require a coordinated regional approach and the development of “game changing” attractions. (Refer to attached extract).

Critical elements which will influence the success or otherwise of the group will include proper governance arrangements with respect to representation and voting rights at meetings and strict budgetary control.

Since having withdrawn from the group, the Shire has provided additional support to the Carnamah Tourist Group to carry out its functions and to promote the district by way of advertising in selected tourism related publications.

During 2015 the Shire attracted many more tourists than previously as demonstrated by a 100% increase in the occupation of caravan bays in Carnamah, greater patronage of Lake Indoon (probably as a result of it being free) and strong patronage of the newly created short stay facility at Eneabba which was part of the Eneabba revitalisation initiative. From a local perspective, it is clear that the Shire is achieving some positive and measurable results in attracting and retaining tourists.

One of the challenges in promoting tourism, particularly at a regional level is that tangible results can take some time to materialise and can be difficult to measure in terms of direct economic benefits, particularly in small towns through which tourists travel *en route* to the coast or to the North West.

In assessing the invitation to rejoin the Wildflower Country Inc, Council may wish to consider the following aspects:

- Does Council share ownership of the overall aspirations to attract significantly more tourists to the Mid West region?
- Should Council decide not to rejoin, is it comfortable being the “odd one out” given that the all of the other Shires in the region hold membership?
- Does optimism exist that, if properly governed, Wildflower Country Inc will play a part in attracting more tourists to the region along with associated economic benefits to all of the participating Shires?
- If Council decides to rejoin, is it willing to provide enthusiastic representatives to attend meetings and be part of the decision making processes?
- Is Council confident that given the demise of regional initiatives such as the Midwest Regional Council, the Midwest Primary Care Project, the Mid West Local Government Services Agreement with Main Roads WA, that a revitalised and well governed Wildflower Country Inc will be sufficiently robust to ensure continuity and results?
- In the interests of regional cooperation should Council consider rejoining?

CONSULTATION

Cr Merle Isbister

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$4500.00 per year

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160215

ITEM: 10.2.8

Moved: Cr Stirling

Seconded: Cr Kikeros

That the Shire of Carnamah resume membership of Wildflower Country Inc subject to its satisfaction with a revised Constitution and governance arrangements of the group (particularly with respect to voting rights)

CARRIED 6-0

10.2.9 PROCESS FOR DEALING WITH TENDERS

Applicant:	Cr Isbister (Notice of Motion submitted 11 th December 2015)
Location / Address:	N/A
File Ref:	ADM0072 (Proposed Policy 2.11)
Disclosure of Interest:	
Date:	8 th February 2016
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

Cr Isbister submitted the following Notice of Motion to Council's Ordinary meeting on the 11th December 2015:

That all agenda reports and recommendations dealing with tenders presented to Council for consideration be listed on the agenda as confidential items.

BACKGROUND

There have been occasions in the past when Council Meeting agendas containing agenda reports and recommendations dealing with tenders have become the subject of discussion within the community, before Council has had the opportunity to consider the items in question.

COMMENT

These situations have sometimes resulted in conjecture and comment within the public arena and with Councillors being approached by members of the public, before the items have been subject to discussion and determination by Council. This can create an element of discomfort for people submitting tenders, and for Council and staff members. It is considered to be in the interest of all parties that items dealing with tenders be listed as confidential until they have been formally dealt with by Council.

CONSULTATION

Cr Isbister

STATUTORY ENVIRONMENT

Local Government Act 1995 – s 5.95. *Limits on right to inspect local government information.*

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

It is proposed that this motion be embodied as Council policy.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160216

ITEM: 10.2.9

Moved: Cr Isbister

Seconded: Cr Woollorton

That all agenda reports and recommendations dealing with tenders presented to Council for consideration be listed on the agenda as confidential items;

and that this be embodied as a policy of Council.

CARRIED 6-0

10.2.10 PROPOSALS REQUIRING SHIRE FUNDING AND/OR IN-KIND SUPPORT

Applicant:	Cr Isbister (Notice of Motion submitted 11 th December 2015)
Location / Address:	N/A
File Ref:	ADM0072 (Proposed Policy 2.12)
Disclosure of Interest:	
Date:	8 th February 2016
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

Cr Isbister submitted the following Notice of Motion to Council's Ordinary meeting on the 11th December 2015:

That proposals submitted by organisations, which require Shire funding and/or in kind support, will only be considered by Council if they are supported by:

- 1. Overview and justification for the proposal/s;*
- 2. Copies of minutes clearly demonstration (minuted) support for the proposal/s by a majority of member of the organisation;*
- 3. Indicative costing of the proposal/s in question;*
- 4. Proposed cost sharing arrangement between the organisations, the Shire and grant funding bodies; and*
- 5. Indicative timelines for the proposal/s in question*

BACKGROUND

In the past, Council has frequently received requests from representatives of local organisations from both Eneabba and Carnamah requesting either Shire funding or in-kind works. If this motion is successful, it will allow Council and administrative staff to assess submitted proposals in the knowledge that they have the full support of the organisation/s in question. This will enhance the involvement of; and ownership taken by the organisation/s with respect to submitted proposals along with the responsibility to meet the pre-requisites involved.

COMMENT

The Shire continues to support clubs and organisations wishing to progress initiatives that are of benefit to the community. Because of the demands on the Shires resources, it is vital that community priorities are carefully assessed. The purpose of the *Shire of Carnamah Community Strategic Plan* is to regularly engage with the community to determine what these priorities comprise. This in turn ensures that these priorities may be planned for; and resourced accordingly.

There are however occasions when proposals are submitted to the Shire outside of this framework and this can create challenges for the Shire in responding, as these proposals

have not been previously identified as community priorities nor has provision been made to fund or resource them. There have also been occasions when proposals have been submitted which purportedly have the backing of the majority of the members of the club or organisation in question, however there is no evidence (such as minutes from meetings) actually supporting this. This motion, which, if successful should be embodied in policy, will help to ensure the integrity of proposals presented to Council for consideration.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

It is proposed that this motion be embodied as Council policy.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

MOTION:/COUNCIL RESOLUTION 20160217

ITEM: 10.2.10

Moved: Cr Isbister

Seconded: Cr Piccles-Popham

That proposals submitted by organisations, which require Shire funding and/or in kind support, will only be considered by Council if they are supported by:

- 1. Overview and justification for the proposal/s;*
- 2. Copies of minutes clearly demonstrating (minuted) support for the proposal/s by a majority of member of the organisation;*
- 3. Indicative costing of the proposal/s in question;*
- 4. Proposed cost sharing arrangement between the organisations, the Shire and grant funding bodies; and*
- 5. Indicative timelines for the proposal/s in question*

and that this be embodied as a policy of Council.

CARRIED 6-0

10.3 CONFIDENTIAL REPORTS

11. ORDERING THE COMMON SEAL

12. REPORTS OF COMMITTEES AND MEMBERS.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.

14. NOTICE OF MOTIONS.

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

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

15.1 MOTION TO ADMIT LATE BUSINESS

An Addendum to the Agenda for the Ordinary Meeting of 17th February 2016 was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

COUNCIL RESOLUTION 20160218

ITEM: 15.1

Moved: Cr Bowman
Seconded: Cr Woollorton

That items 10.1.5, 10.3.1, 10.2.1, 10.3.2 & 10.3.3 be admitted to the meeting as late business.

CARRIED 6-0

10.1 FINANCE REPORTS

10.1.5 G & L BRYANT SUPERANNUATION FUND PTY LTD – APPLICATION FOR PLANNING CONSENT

Applicant:	G & L Bryant Superannuation Fund Pty Ltd
Location / Address:	Lot 202 Forrester Avenue - Carnamah
File Ref:	
Disclosure of Interest:	
Date:	15 th February 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.5a Application for Planning Approval 10.1.5b Plan of Proposed Development

SUMMARY

This report recommends that the *Application for Planning Approval* for construction of a 30x16x6m storage shed and office on Lot 202 Forrester Ave be approved.

COMMENT

There are no impediments to Council approving this application as the proposed use of the site is consistent with the current use of the site and conforms to the provisions of the Shire of Carnamah Local Planning Scheme No 2. The cost of the development has been estimated at \$121,000.

CONSULTATION

Mr Trevor Brandy – Consultant Environmental Health Officer and Building Surveyor.

STATUTORY ENVIRONMENT

Shire of Carnamah – Local Planning Scheme No 2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Planning application fees of \$387.20 have been received.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160219

ITEM 10.1.5

Moved: Cr Kikeros

Seconded: Cr Stirling

That the Application for Planning Approval for the construction of a 30x16x6m storage shed and office be approved.

CARRIED 6-0

10.2 ADMINISTRATION REPORTS

10.2.11 ILUKA RESOURCES LIMITED – ILUKA MIDWEST LIMITED SALE OF ENABBA LANDFILL SITE TO SHIRE OF CARNAMAH

Applicant:	Slee Anderson & Pidgeon- lawyers acting for Iluka Resources Limited and Iluka Midwest Limited (collectively “ Iluka”)
Location / Address:	Lot 10240
File Ref:	ADM0253/ADM 0269
Disclosure of Interest:	
Date:	17 th February 2016
Author:	Chief Executive Officer
Attachments:	<ol style="list-style-type: none">1. Letter (copy) to Slee Anderson & Pidgeon 15/1/14 – Draft agreement concerns;2. Letter (copy) to Iluka 2/7/15 – seeking information on contamination of site;3. Extract of letter (copy) from Iluka 5/8/15 – clarifying contamination on site;4. Email from Consultant Gordon Houston (Dallywater Consulting) regarding Clause 6 in the original draft Contract of Sale.5. Letter from Slee Anderson and Pidgeon and proposed Contract of Sale of the landfill site;

SUMMARY

This report recommends that: Council advise Iluka that the proposed Contract of Sale (including the revision to clause 6) for the Eneabba landfill site, is acceptable to the Shire

BACKGROUND

Negotiations for the purchase of this site by the Shire from Iluka go back many years. The history on this matter from March 2007 to the present time is summarised as follows:

Action:

That Council advise Mr. Russell Harvie, Manager of Land and Property for Iluka, that the Shire is willing to pay for the costs associated with the transfer of the Land identified, and to purchase the said land for the price of \$1.00. That a letter of appreciation be forwarded to Mr. Harvie in regard to the consideration Iluka has had in this matter for the needs of the Community.

Status:

CEO

Mar 07 Legal Document Forwarded to Iluka with changes.
July 07 Document with Iluka's lawyers Slee and Anderson
Dec 07 Documents signed. F.R. Rodda & Co engaged to carry out survey.

Mar 08	Documents signed - ready for creation of Title.
Apr 08	Issues with easement. Awaiting contact from Lawyers.
May 08	Progressing
Mar 09	No Change
Apr 09	Subdivision application expired – Surveyor to prepare another application Form 1A
Sept 09	Final paperwork with Planning Commission.
Nov 09	Contract of Sale documentation received and executed.
July 10	Site being assessed under Contaminated Sites legislation.
Aug 10	Received conditions for endorsement of deposited plan – Western Power and EPA
Sept 10	Waiting for clearance from Western Power and DEC.
Nov 10	DEC clearance received – requested surveyor to proceed with process. Western Power clearance received. Landgate & WAPC lodgements completed to allow for the subdivision to be place “In order for dealing so that Titles can be applied for” Agreement for Sale of Land being amended as some parts have expired.
June 12	Advised by Russell Harvie from Iluka should be finalised by end of July
Aug 12	Letter received (07.08.12).
Jan 13	New contract of sale signed and sent to Slee, Anderson & Pidgeon Lawyers on 4 Jan 2013
Jun 13	Signed Contracts received. Council needs to comply with conditions regarding possible contaminated site before the transfer of land can be completed.
Jan 14	Further information sought from solicitors.
Feb 14	Consultants engaged to assess site with a view to securing environmental approvals and acquiring land.
April 14	Consultant preparing update report for Council on extent of recommended area of land to be acquired and results of his communication with the relevant government agencies.
May 14	Letter being prepared to Department of Lands initiating acquisition of recommended area of land for landfill site.
June 14	Consultants continuing attempting to engage Iluka in discussions regarding the relinquishment of the land.
July 14	No meaningful progress made.
Aug 14	No progress made. Consultant appears to be having difficulty engaging Department of State Development and Iluka.
Sept 14	No progress made. Communication will be initiated with the consultant again to follow up.
Jan 15	Given the responses from DSD and DoM , Consultant contacted suggesting that he initiate a meeting with Illuka, the agencies involved and the Shire to ascertain a way forward.
Feb 15	No response – consultant prompted again early March.
Mar 15	Further communication with consultant with the objective of getting all parties together.
April 15	Consultant pursued response from DSD (still forthcoming).
May 15	Follow up made with Slee Anderson & Pidgeon (Lawyers) for new contract to effect new contract of sale.
June 15	Consultant pursuing responses from DSD – very difficult. Ministerial intervention may be required.

	Letters sent to Iluka seeking clarification of its position with respect to the sale of the land and the contamination memorial on the title. Response received to the effect that Iluka is still prepared to sell the land on an "as is – where is basis". As this does not satisfactorily address the issue with respect to future liability of the Shire, further clarification on the contamination issue was sought.
August 15	Response received by Iluka providing details of contamination on the site which is largely due to the Shires existing landfill activity. Iluka advises that it is progressing the preparation of a draft contract for the sale of the site to the Shire.
Sept 15	Letter written to Iluka encouraging the prompt preparation of the draft contract.
Oct 15	Follow up phone call made to expedite preparation of draft contract document. Proposed revised Contract of Sale – Concern about Clause 6.
Nov 15	Request sent to Iluka requesting rewording of Clause 6 of the proposed Contract of Sale document.
Jan 16	Follow up email sent enquiring as to progress on this matter.
Feb 16	Letter and draft Contract of Sale document received detailing revision of Clause 6.

COMMENT

The current proposed *Contract of Sale* does not include the "Conditions Subsequent" which were a matter of concern with the previous proposed agreement. It has been ascertained that the contamination on the site insofar as it impacts on the Shire is limited to the existing portion of Lot 10240, upon which the current landfill facility is situated. No other contamination is recorded on the part of that location that is the subject of this transaction.

Clause 6 of the proposed *Contract of Sale* refers to the continued use of the excision parcel by Iluka for the disposal of waste, without charge. There is a proviso however that the company *shall be subject to all rules, regulations and obligations lawfully and reasonably imposed on all users of the excision parcel and landfill*. There was concern in the previous draft Contract of Sale (Clause 6) that there were no limitations as to the amount of waste that the company would be able to deposit at the site. This could have had serious consequences if for example the mine infrastructure was decommissioned and deposited the site.

Clause 6 in the most recent draft Contract of Sale (Page 8) places some restrictions and safeguards to ensure that the Shire has some control over the amount of refuse the company may deposit at the site.

The proposed *Contract of Sale* has not been vetted by any external legal agency engaged by the Shire. Whilst there is some confidence that the contamination issue should not result in any implications to the Shire beyond those that already exist; and that the provisions of the *Contract of Sale* are reasonable (and certainly not as potentially onerous as previously proposed), Council may wish to seek independent legal advice on the implications of being party to the agreement.

While the site has been successfully rezoned for its intended purpose as a landfill site, it still remains for the Shire to excise the parcel of land in question through a formal subdivision process and for the necessary approvals and licences to be obtained to utilise the site for landfill purposes, from the Department of Environmental Regulation.

CONSULTATION

- Dallywater Consulting
- Slee Anderson & Pidgeon
- DCEO

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

The acquisition and commissioning of this site will cater for the landfill requirements for Eneabba for several decades.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications associated with the acquisition of the land are minimal. Costs associated with the required subdivision process, complying with environmental approvals and fencing and commissioning the site have been provided for by way of a Reserve created for this purpose and will not impact on the Shires 2015/16 budget.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160220

ITEM 10.2.11

Moved: Cr Woollorton

Seconded: Cr Bowman

That Council advise Iluka that the proposed Contract of Sale for the Eneabba landfill site is acceptable to the Shire;

CARRIED 6-0

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:	Nil
Date:	17 th February 2016
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Item 10.3.2 of the Agenda of 17th February 2016 deal with matters affecting Council, of which the meeting may be closed to the public.

Council considered a separate confidential report marked 10.3.2.

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160221

ITEM 10.3.1

Moved: Cr Woollorton

Seconded: Cr Bowman

That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 17th February 2016 Agenda

CARRIED 6-0

10.3.2 CONFIDENTIAL ITEM.

File: PER

Author: Chief Executive Officer

Date: 17th February 2016

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160222

ITEM 10.3.2

Moved: Cr Woollorton

Seconded: Cr Bowman

That the Shire makes available the Carnamah Medical Centre to Dr Sasha Risinger to conduct a medical practice one day per week; and that the Shires contribution be limited to:

- *Providing use of the Carnamah Medical Centre without charge;*
- *Meeting the cost of telephone, water and electricity;*
- *Allowing the use of equipment at the Medical Centre which is owned by the Shire, without charge.*

CARRIED 6-0

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:	17 th February 2016
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION 20160223

ITEM 10.3.3

Moved: Cr Woollorton

Seconded: Cr Kikeros

That the meeting be re-opened to the public

CARRIED 6-0

Moved: Cr Isbister
Seconded: Cr Wooltorton

Cr Isbister proposed that the March meeting be deferred to the 30th March 2016 due to a number of Councillors requesting leave for the meeting to be held on the 16th March 2016.

CARRIED 6-0

16. CLOSURE OF MEETING.

There being no further business the President declared the meeting closed at 5.02pm.

SHIRE OF CARNAMAH

These Minutes were confirmed at a meeting on the 30th March 2016

.....
Presiding Person at the Meeting
at which the Minutes were Confirmed

.....
Date