



UNCONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

15 NOVEMBER 2023

SHIRE OF CARNAMAH COUNCIL CHAMBERS
33-37 Macpherson Street Carnamah



Unlocking the past, securing our future

We reflect on the spirit of the people who settled this country and developed the land; along with the service personnel and volunteers whose sacrifices have enabled us to enjoy the lifestyle we are accustomed.

**UNCONFIRMED MINUTES
ORDINARY COUNCIL MEETING
15 NOVEMBER 2023**

DISCLAIMER

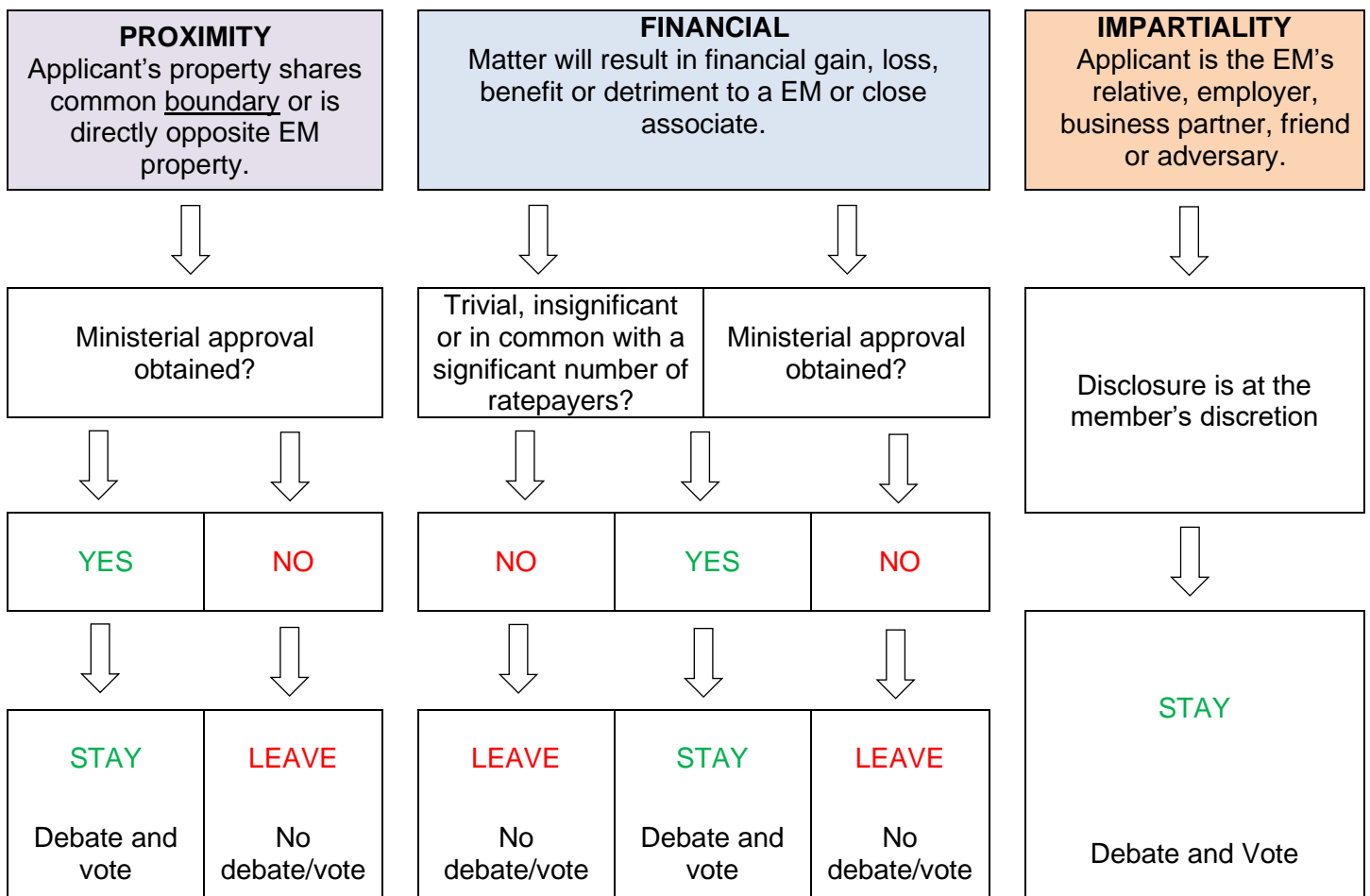
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Shire of Carnamah advises that anyone who has any application lodged with Shire of Carnamah shall obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by Shire of Carnamah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

Disclosure of Interests at Meetings

The Act places specific obligations on **elected members of council, local government employees** and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally, those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the verbal disclosure of financial interests at council and council committee meetings.

- **Financial interest:** a financial interest is where it is reasonable to expect that a matter being considered will result in a financial gain, loss, benefit or detriment for the person declaring the interest.
- **Proximity interest:** a proximity interest in a matter is where the matter being considered involves redevelopment or other changes of use of land that adjoins or has a common boundary or is directly across a thoroughfare to any land belonging to the person making the declaration of interest.
- **Indirect financial interest:** an indirect interest is where a matter being considered by the local government relates to another person with which the person making the declaration has a financial relationship.
- **Impartiality interest:** An impartiality interest is where there is an actual or perceived relationship that could adversely affect the impartiality of the person making the decision, and includes family, friends or membership of an association (*Local Government (Administration) Regulations 1996 reg 34C*).



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ORDINARY COUNCIL MEETING
Wednesday, 15 November 2023

1.0 DECLARATION OF OPENING

1.1 OPENING

The Presiding Person declared the meeting open at 4.14pm

Acknowledgement of Country

The President acknowledged the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community; and pays respect to Elders past, present and emerging.

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

<u>Elected Members</u>	Cr Isbister Cr Wooltorton Cr Chisholm Cr Kikeros Cr Ogilvie Cr Risinger Cr Smallwood	Shire President (Presiding Person) Shire Deputy President Councillor Councillor Councillor Councillor Councillor
<u>Staff</u>	Robert Paull Joe Hodges Rachael Moore Zhichao (Sam) Song	Chief Executive Officer Manager Works and Services Executive Coordinator Senior Finance Officer
<u>Guests</u>	Carol Raynor Dianne Van Buerle	Carnamah Community Builders Carnamah Community Builders

2.2 TABLE OF COUNCILLOR ATTENDANCE OVER THE LAST 12 MONTHS

2022/23	Cr Isbister	Cr Woollorton	Cr Smallwood	Cr Ogilvie	Cr Kikeros	Cr Chisholm	Cr Risinger
10-22 OCM							
11-22 OCM							
12-22 OCM							
02-23 OCM							
03-23 OCM							
04-23 OCM							
05-23 OCM							
06-23 OCM							
07-23 OCM							
08 – 23 OCM							
09-23 OCM							
10-23 OCM							

Legend:

Attended		
Leave of Absence		
Apology		

2.3 APOLOGIES

Nil

2.4 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATION FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS

6.1.1 Chief Executive Officer, Robert Paull – Item 10.3.1 Chief Executive Authorisations

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.3.1 Chief Executive Authorisations and Reporting due to the item addressing matters relating to his employment as CEO.

6.1.2 Cr Chisholm – Item 10.4.3 Future of Carnamah Golf Course

Cr Chisholm declared a proximity interest in 10.4.3 Future of Carnamah Golf Course due to him being a part owner of property that abuts Reserve 23497.

6.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY

6.2.1 Cr Smallwood – Item 7.1 Deputation from representatives of the ‘Carnamah Community Builders to advise Council of the outcome of its recent workshops

Cr Smallwood declared an impartiality interest in Item 7.1 Deputation from representatives of the ‘Carnamah Community Builders’ to advise Council of the outcome of its recent workshops due to her participating in the workshops’ as she was a participant of the Workshops.

6.2.2 Cr Ogilvie – Item 10.4.2 Carnamah Business House Christmas Tree - Request to Waive Carnamah Recreation Centre Facility Hire Fees

Cr Ogilvie declared an impartiality interest in Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees due to her being a volunteer organiser of the event and contributor to the Business House.

6.2.3 Cr Smallwood – Item 10.4.2 Carnamah Business House Christmas Tree - Request to Waive Carnamah Recreation Centre Facility Hire Fees

Cr Smallwood declared an impartiality interest in Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees due to her being Treasurer of the Business House.

6.2.4 Cr Risinger – Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees

Cr Risinger declared an impartiality interest in Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees due to her being a business owner and contributor to the Business House.

6.2.5 Cr Wooltorton – Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees

Cr Wooltorton declared an impartiality interest in Item 10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees due to being a member of the Business House.

7.0 PETITIONS AND DEPUTATIONS

7.1 REPRESENTATIVES OF THE ‘CARNAMAH COMMUNITY BUILDERS’ TO ADVISE COUNCIL OF THE OUTCOME OF ITS RECENT WORKSHOPS

In relation to Item 7.1 Petitions and Deputations, Clause 6.9 of the *Shire of Carnamah Meeting Procedures Local Law 2013* (amended 15 June 2021) addresses deputations:

“6.9 Deputations

- (1) *Any person or group wishing to be received as a deputation by the council is to either*
- (a) apply, before the meeting, to the CEO for approval; or*
 - (b) with the approval of the presiding member, at the meeting, address the council.”*

The Chief Executive Officer advised Council that an application from the Carnamah Community Builders to make a deputation to Council was received. The Presiding Person advised Council that she had approved the Carnamah Community Builders making a deputation to Council.

Carol Raynor and Dianne Van Buerle presented to Council on the ‘Carnamah Community Builders’ recent workshop outcomes. In particular, they noted workshops took place in:

- Carnamah;
- Coorow;
- Dalwallinu;
- Mingenew;
- Mullewa;
- Perenjori; and
- Three Springs.

Council was advised that Community Builders will be facilitating a Community Opportunity Workshop event set for Monday 26 February 2024, with the intention to formulate a ‘Community Development Action Plan’ in collaboration with each town. Community Builders will also reach out to Eneabba residents to see if they would like to participate.

The Presiding Person thanked Carol and Dianne for their Deputation and invited the Carnamah Community Builders to formally writing to the Chief Executive Officer on its workshops and recommendations where they could be discussed further at a future Councillor Briefing.

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

9.0 CONFIRMATION OF MINUTES

9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 25 OCTOBER 2023**OCM 20231101 OFFICER RECOMMENDATION / COUNCIL DECISION**

That the Minutes of the [Ordinary Meeting of Council](#) held on 25 October 2023 be accepted as a true and accurate record.

Moved:	Cr Woollorton
Seconded:	Cr Chisholm
CARRIED 7/0	

10.0 REPORTS OF THE CEO

10.1 MANAGER REGULATORY SERVICES

Nil

10.2 WORKS ADMINISTRATION REPORTS

Nil

10.3 FINANCE REPORTS

Chief Executive Officer Robert Paull had earlier declared a financial interest in Item 10.3.1 and left the Chambers at 4.35pm.

10.3.1 Chief Executive Officer Authorisations and Reporting

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Ian Walsh, Deputy Chief Executive Officer
Attachments	1. CEO's Timesheets 2. CEO's Credit Card Statement

SUMMARY

The purpose of this agenda item is to report to Council on the Chief Executive Officer (CEO) leave applications, use of corporate credit card and reimbursement of CEO expense applications.

COMMENT

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

These functions can only be approved by Council resolution.

Leave Taken

This report covers period between 14 October and 10 November 2023 (**Attachment 1**).

No leave was taken during the period.

Leave Sought

This report covers the period between 16 November 2023 to 13 December 2023.

The CEO is requesting the following leave:

- Personal Leave from Thursday 16 and Friday 17 November 2023 (2 days); and
- Annual Leave for Thursday 30 November 2023 until Monday 4 December 2023 (3 days).

In accordance with Council Policy 9.23 *Acting Chief Executive Officer*, for the period Thursday 16 and Friday 17 November 2023, Deputy CEO Mr Ian Walsh will be Acting CEO.

However for the period Thursday 30 November 2023 until Monday 4 December 2023 Mr Walsh will be on leave. Accordingly, it is recommended that the Shire's Manager Works and Services, Mr Joe Hodges be considered suitably qualified to perform the role of Acting CEO for this period.

Reimbursement Applications

This report covers period between 14 October 2023 and 10 November 2023.

The CEO did not seek or receive any reimbursements during this period.

Corporate Credit Card

This report covers 14 October 2023 and 10 November 2023 credit card statement (**Attachment 2**).

CONSULTATION

Chief Executive Officer

Manager Works and Services

STATUTORY ENVIRONMENT

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.”

STRATEGIC IMPLICATIONS

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised December 2022):

Outcome 4.2 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Policy 1.9 CEO Leave Authorisations and Other Approvals

Policy 9.23 Acting Chief Executive Officer

Policy 9.23 States in part:

“In accordance with the requirements of the Local Government Act 1995, section 5.36(2)(a), Council has determined that the person appointed as the permanent incumbent to the position of Deputy Chief Executive Officer is suitably qualified to perform the role of Acting Chief Executive Officer or in emergency situations.

The Shire's incumbent Deputy Chief Executive Officer is Ian Walsh, Deputy Chief Executive Officer. Appointment to the role of Acting Chief Executive Officer shall be made in writing by the Chief Executive Officer for a defined period that does not exceed 3 months. A Council resolution is required for periods exceeding 3 months.

RISK IMPLICATIONS

Risk: Legal and Reputational – Only Council can approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.		
Likelihood	Consequence	Acceptance Criteria
Possible	Low	Moderate
Action / Strategy		
The risk is mitigated by complying with the approved policy.		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Absolute Majority (due to appointment of Acting CEO's)

OCM 20231102 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Chief Executive Officer Authorisations and Reporting, Council:

1. *Receives the information presented to this meeting of the time worked by the Chief Executive Officer between 14 October 2023 and 10 November 2023 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.*
2. *Receives the information presented to this meeting that the Chief Executive Officer took no leave since the last Ordinary Council meeting held on 25 October 2023.*
3. *Receives the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card between 14 October 2023 and 10 November 2023 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy.*
4. *Receives the information presented to this meeting of no expense reimbursements applications made by the Chief Executive Officer between 14 October 2023 and 10 November 2023.*
5. *Approves the following leave for the Chief Executive Officer:*
 - a) *Personal Leave for Thursday 16 and Friday 17 November 2023 (2 days); and*
 - b) *Annual Leave for Thursday 30 November 2023 until Monday 4 December 2023 (3 days).*
6. *For the period of the Chief Executive Officer's leave being:*

- a) *Thursday 16 and Friday 17 November 2023, Council appoints Mr Ian Walsh as Acting Chief Executive Officer in accordance with Council Policy 9.23 Acting Chief Executive Officer; and*
- b) *Thursday 30 November 2023 until Monday 4 December 2023, the Shire's Manager Works and Services, Mr Joe Hodges is considered suitably qualified to perform the role of Acting Chief Executive Officer and is accordingly appointed Acting Chief Executive Officer for this period.*

Moved:	Cr Risinger
Seconded:	Cr Kikeros
CARRIED BY ABSOLUTE MAJORITY 7/0	

Chief Executive Officer Robert Paull returned to the meeting at 4.38pm and the Presiding Person advised him of the outcome.

10.3.2 Accounts for Payment

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Cheque and EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 19 October 2023 to 10 November 2023, in accordance with the *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 (**Attachment 1**). All invoices and vouchers presented to Council have been certified as to the receipt of goods, the provision of services, confirmation of prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4 Financial Report
Local Government (Financial Management) Regulations 1996 -

- *Section 12 Payments from Municipal Fund;*
- *Section 13 Lists of accounts; and*
- *Section 15 Rounding off figures.*

From 1 September 2023, local governments are required to disclose information about each transaction made on a credit card, debit card or other purchasing cards. New regulation 13A has been added to the *Local Government (Financial Management) Regulations 1996* to increase transparency and accountability, by providing greater oversight of incidental local government spending:

- *Regulation 13A Payments via purchasing cards*
 - (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*

- (d) sufficient information to identify the payment.
- (2) A list prepared under subregulation (1) must be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Revised December 2022)

- Outcome 4 *Open, collaborative and empowered*
- Priority 4.1 *Improvement in efficient and effective service delivery*
- Strategy 4.1.2 *Continuous improvement in efficient and effective service delivery*

POLICY IMPLICATIONS

Council has a suite of Financial Polices to achieve Council’s overarching financial objectives.

RISK IMPLICATIONS

Risk: Payments are not monitored against approved budget and delegation		
Likelihood	Consequence	Acceptance Criteria
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the CEO’s approved delegation		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OCM 20231103 OFFICER RECOMMENDATION / COUNCIL DECISION	
<p><i>That with respect to Accounts for Payment, Council approves the payments listed as Attachment 1 for the period 19 October 2023 to 8 November 2023, and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy Chief Executive Officer (in the Chief Executive Officer’s absence) as delegated by the Chief Executive Officer including:</i></p> <p><i>Municipal cheque: 28357 & 28358</i> <i>Municipal EFT’s: 16763 – 16816</i> <i>Payroll direct debits: # 108 & 109</i> <i>Municipal direct debit: 14663.1, 14645.1, 14656.1 & BANK FEE</i></p> <p><i>Totalling \$ 600,305.10 be approved and passed for payment.</i></p>	
Moved:	Cr Chisholm
Seconded:	Cr Kikeros
CARRIED 7/0	

10.3.3 Financial Reports to 31 October 2023

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Financial reports for October 2023

SUMMARY

Council is requested to receive the Financial Report for 31 October 2023 and other supplementary financial information.

BACKGROUND

The attached financial reports for the month of October 2023 (**Attachment 1**) have been prepared in accordance with the *Local Government (Financial Management) Regulations 1996*.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for October 2023;
- Cash and Financial Assets Listing;
- Receivables;
- Other Current Assets;
- Payables;
- Disposal of Assets;
- Capital Acquisitions;
- Borrowings;
- Reserve Accounts;
- Other Current Liabilities; and
- Operating & Non Operating Grants.

CONSULTATION

Executive Management Team

STATUTORY ENVIRONMENT

Local Government Act 1995 (Act)

Local Government (Financial Management) Regulations 1996

Regulation 34 - Financial activity statement required each month (Act s.6.4)

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

- (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity must be shown according to nature or type classification.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Revised December 2022)

Outcome 4. Open, collaborative and empowered

Strategy 4.1 Improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Council has a suite of Financial Policies to achieve Council's overarching financial objectives.

RISK IMPLICATIONS

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Acceptance Criteria
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire's actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire's financial performance throughout the financial year.		

FINANCIAL IMPLICATIONS

There are no known Financial Implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OCM 20231104 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Financial Reports to 31 October 2023, Council:</i>	
<i>1. Receive the Monthly Financial Reports for October 2023 and other supplementary financial information as presented in Attachment 1.</i>	
Moved:	Cr Woollorton
Seconded:	Cr Ogilvie
CARRIED 7/0	

10.4 ADMINISTRATION REPORTS

10.4.1 Appointment of Councillors to the Audit and Risk Management Committee and Chief Executive Officer's Performance Review Occasional Committee

File Code	ADM0468
Author	Rachael Moore – Executive Co-ordinator
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Audit and Risk Management Committee Terms of Reference 2. Chief Executive Officer Performance Review Occasional Committee Terms of Reference

SUMMARY

Council is requested to appoint elected members to the Audit and Risk Management and Chief Executive Officer's Performance Review Occasional Committee and to adopt the Terms of Reference for both committees..

BACKGROUND

Following the 2023 elections, Council is to appoint members to the Audit and Risk Management and Chief Executive Officer's Performance Review Occasional Committee. No delegation to either committee is recommended. The Chief Executive Officer and other staff members will provide advice and administrative support to both Committees.

COMMENT

The list of Council's required delegates and previous representatives is summarised as follows:

	Committee of Council	Elected Member	Meetings	Approximate duration
1	Audit and Risk Management	All Councillors	At least three times per year and additional meetings as required.	1 hour December meeting subject to change depending on results of audit
2	Chief Executive Officer's Performance Review Occasional Committee	All Councillors	Annually in October 2024	4 hours

The tenure of members of Council Committees expires on Local Government Election Day in October 2025. Draft terms of reference for the Audit and Risk Management Committee and Chief Executive Officer Performance Review Occasional Committee are provided as **Attachment 1** and **Attachment 2** respectively.

CONSULTATION

Executive Management Team

STATUTORY ENVIRONMENT

“Local Government Act 1995:

s.5.38. Annual review of employees’ performance

s.5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

s.5.11. Committee membership, tenure of

- 1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person’s membership of the committee continues until —
 - a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be; or*
 - b) the person resigns from membership of the committee; or*
 - c) the committee is disbanded; or*
 - d) the next ordinary elections day, whichever happens first.**
- 2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person’s membership of the committee continues until —
 - a) the term of the person’s appointment as a committee member expires; or*
 - b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - c) the committee is disbanded; or*
 - d) the next ordinary elections day, whichever happens first.”**

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Revised December 2022)

Outcome 4 Open, collaborative and empowered

Priority 4.1 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Policy 5.21 Chief Executive Officer Performance Review.

RISK IMPLICATIONS

Risk: Committee/association delegations are not set or monitored		
Likelihood	Consequence	Acceptance Criteria
Possible	Low	Moderate
Action / Strategy		
Reference to Council for appointments.		

FINANCIAL IMPLICATIONS

Budgeted expenditure for meeting fees and cost associated with committees.

VOTING REQUIREMENT

Absolute Majority

OCM 20231105 OFFICER RECOMMENDATION / COUNCIL DECISION			
<i>That in relation to the appointment of Councillors to the Audit and Risk Management and Chief Executive Officer's Performance Review Occasional Committee, Council:</i>			
1. <i>Appoint the following Elected Members:</i>			
	<i>Committee of Council</i>	<i>Elected Member</i>	<i>Meetings</i>
1	<i>Audit and Risk Management Committee</i>	<i>Cr Isbister Cr Wooltorton Cr Chisholm Cr Kikeros Cr Ogilvie Cr Risinger Cr Smallwood</i>	<i>At least three times per year and as required.</i>
2	<i>Chief Executive Officer Performance Review Occasional Committee</i>	<i>Cr Isbister Cr Wooltorton Cr Chisholm Cr Kikeros Cr Ogilvie Cr Risinger Cr Smallwood</i>	<i>Annually October</i>
2. <i>Adopt the Terms of Reference for the Audit and Risk Management Committee (Attachment 1) and the Chief Executive Officer Performance Review Occasional Committee (Attachment 2).</i>			
Moved:	Cr Risinger		
Seconded:	Cr Chisholm		
CARRIED BY ABSOLUTE MAJORITY 7/0			

Cr Ogilvie, Cr Smallwood Cr Risinger and Cr Woollorton had earlier declared an impartiality interest in Item 10.4.2 and remained in the Chambers.

10.4.2 Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees

File Code	ADM0476
Author	Rachael Moore, Executive Coordinator
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachment	1. Letter from Carnamah Business House

SUMMARY

Council is requested to waive the Carnamah Recreation Centre facility hire fee in relation to the Carnamah Business House Community Christmas Tree function to be held on Saturday 16 December 2023.

BACKGROUND

Each year the Carnamah Business house holds a community Christmas function. As with previous years, a request has been received from the Treasurer of the Carnamah Business House requesting Council to waive the hire fee for the use of the Carnamah Recreation Centre. This year's function is to be held on Saturday 16 December 2023.

COMMENT

This annual event is open to the whole community to gather and celebrate the festive season. The function is a free family friendly event that provides an opportunity for the community to come together. In addition, the function is sponsored by local businesses.

It is recommended that Council consider an annual sponsorship in line with the recent resolution to sponsor the Merry Markets (Eneabba) annual event.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (Revised December 2022).

Outcome 1 Close-knit and family-friendly
 Priority 1.2 Improve the standard and utilisation of community and recreation facilities
 Strategy 1.2.2 Work with the community to improve utilisation of community and recreation facilities

POLICY IMPLICATIONS

Council Policy 8.5 Fees and Charges Setting applies to this Item.

RISK IMPLICATIONS

Risk: Financial Impact, Reputational		
Likelihood	Consequence	Acceptance Criteria
Almost Certain	Insignificant	Moderate
Action / Strategy		
There will be a loss of potential income of \$250, however the benefit to the community will mitigate this.		

FINANCIAL IMPLICATIONS

Should Council agree to waive the requested fee, it would forego \$250 of potential income.

VOTING REQUIREMENT

Absolute Majority

OCM 20231106 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That in relation to Carnamah Business House Christmas Tree – Request to Waive Carnamah Recreation Centre Facility Hire Fees, Council:</i>	
<ol style="list-style-type: none"> 1. <i>Notes the request for Carnamah Business House to waive the Carnamah Recreation Centre facility hire fee in relation to the Community Christmas Tree function to be held on Saturday 16 December 2023; and</i> 2. <i>Resolves to waive the facility hire fee for the Recreation Centre to Carnamah Business House for the Carnamah Christmas Tree event 2023 by way of sponsorship; and</i> 3. <i>Authorises the Chief Executive Officer in consultation with the Shire President to consider on a case by case basis, any future waiving of Carnamah Recreation Centre hire fees in relation to the Christmas Tree Event.</i> 	
Moved:	Cr Ogilvie
Seconded:	Cr Chisholm
CARRIED BY ABSOLUTE MAJORITY 7/0	

Cr Chisolm had early declared a proximity interest in Item 10.4.3 and left the Chambers at 4.47pm.

10.4.3 Future of Carnamah Golf Course

File Code	ADM0021
Author	Robert Paull - Chief Executive Officer
Senior Employee	Robert Paull - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Copy of Carnamah Golf Club Constitution 2. Advertising Notice

SUMMARY

This report recommends that Council:

- endorse the Chief Executive Officer's (CEO) actions of requesting the Department of Planning Lands and Heritage to establish Reserve 23497 as Freehold and to dispose of it to the Shire; and
- request the CEO to call an Annual General Meeting of the Carnamah Golf Club ('Club') in 2024 with the aim to either formally dissolve the Club or for it to continue as a Club run by volunteers.

BACKGROUND

The Carnamah Historical Society & Museum notes that the Carnamah Golf Club ('Club') was formed at a community meeting at the Carnamah Hall on Monday 5 May 1930.

The Club is located on Old Telegraph Road and comprises 2 parcels being Reserve 23497 (39.3711ha) and Lot 1 D18672 (19.5337ha) as follows:

- Reserve 23497 is vested with the Shire of Carnamah for the purpose of *Golf Links and Recreation* and has an area of 39.3711ha and it is understood that the Reserve was established for that purpose in 1952. The Reserve has the power to lease for any term not exceeding 21 Years and as a reserve, cannot be sold and can only be used for the defined purpose (i.e. for Reserve 23497, '*Golf Links and Recreation*'). Reserve 23497 is in 2 parts separated by Old Telegraph Road as follows:
 - South-West of Old Telegraph Road – triangular portion comprising approximately 5.7935ha.
 - North West of Old Telegraph Road – irregular portion comprising the golf fairways with an area of approximately 33.5776ha.
- Lot 1 D18672 (19.5337ha) is Freehold owned by the Shire and occupied by the Clubhouse. The Clubhouse:
 - has commercial fridges and freezers, tables chairs and (was) approved to cater for up to 120 people.

- Is connected to reticulated electricity with a septic wastewater system and rainwater catchment.

When operational, the Carnamah Golf Course comprises 18 holes and Clubhouse, with sheds and various tractors, slashing and maintenance equipment in various levels of repair.

In July 2023, the former Club President advised the Shire that the Carnamah Golf Club is 'non-operational' as follows:

“On behalf of the Carnamah Golf Club, I am writing to inform the Shire of Carnamah that we are no longer an operational club. Unfortunately, due to lack of participants and volunteers, we have not played at the Carnamah Golf Course since 2021.”

The correspondence went on to say that a:

“... club member, has had a discussion with Ian Walsh regarding the Shire managing the maintenance and administration of the Golf Club while the club is non-operational. This letter is a formal request for that action”.



COMMENT

Whilst it is anticipated that the community would prefer the Club to remain and operate, there are several factors that need to be addressed. Importantly, the Club would need to be run by community based volunteers who have a passion for the game of golf and the ability to commit to the level of work involved in operating a golf club.

Whilst the passion may exist, accessing volunteers to operate the Club is very limited and is likely to result in disbanding or dissolving the Club. The Constitution of the Club is included as **Attachment 1**.

The Constitution addresses the dissolution of the Club as follows:

“25. DISSOLUTION

The Club may be dissolved or wound up by a resolution at any General Meeting or at a Special General Meeting called for such purpose. If upon the dissolution or winding up of the Club there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst the Members of the Club.

It shall be given to some other Club, institution or body having objects similar wholly or in part to the objects of the Club, provided that the Club, institution or body shall prohibit the distribution of its income and property among its members, or it shall be paid to or transferred to some charitable institution or body which shall be determined by the Members of the Club at or before the time of dissolution or winding up.

In default of any such resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.”

As noted, the Club is non-operational and it is understood that despite numerous attempts to have an Annual General Meeting (AGM) as required under Constitution, no quorum has been achieved. The Constitution requires that an AGM must be called before 31 October in that year. Accordingly, the next AGM can only be called in 2024. It is recommended that the Shire support past member and hopefully new members to revive the Club via an AGM and perhaps a Special Meeting.

If there is no community capacity for the Club to continue, it would be appropriate to seek ‘dissolution’ under Cause 25 of the Constitution. Otherwise, the Shire would need to refer the dissolution to the District Court.

It is suggested that once the issue of the revival of the Club or ‘dissolution’ has been addressed that Council consider the need to progress to Expressions of Interest for alternate uses of the land. It is noted that the current Reserve Status (i.e. ‘*Golf Links and Recreation*’) and potentially LPS2 may limit what type of alternate uses could be considered on the land.

CONSULTATION

The future of the Club and the land holding has been informally discussed with Councillors at two Councillor Briefings (20 September 2023 and 25 October 2023). It is noted that at the 25 October 2023 Briefing, Councillors noted the CEO’s advice that to ensure Council and the community had options for any required alternate uses that seeking to have Reserve 23497 as Freehold would maximise such opportunities and compliment the Shire’s ownership of Lot 1 (with the Clubhouse).

With a strong intent to seek community views on the possibility of retaining the Club, Councillors requested a broad community consultation process. In this regard, notices were provided to all post boxes in Carnamah as well as via the Shire’s Website, 3 editions of the *Carnamah Mat and Eneabba News* and Facebook page, Shire Notice Board and electronic signs (note **Attachment 2**).

Under the heading of “*Seeking community interest in reviving the Carnamah Golf Club*”, the consultation notice stated:

“This opportunity would be suitable for an existing not-for-profit organisation that has a strong presence in the community and a dedicated group of volunteers. All submissions will be referred to the 15 November 2023 ordinary Meeting of Council for consideration. It is anticipated that should there be no submissions to revive the Club, the Shire will recommend Council; to formally seek Expressions of Interest from parties (both within the Shire and external) that may have alternate plans for the golf course and Clubhouse. Submissions close on 31 October 2023.”

No submissions or comments were received to revive the Club. One submission was received during the consultation period addressed possible alternative uses and is summarised as follows:

- A representative of the Community Builders Program suggested:
 - A venue for off road motorcycling events – contact the state governing body for interest in hosting an annual (or more frequent) event.
 - A venue for mountain biking or gravel cycling - contact the state governing body for interest in hosting an annual (or more frequent) event.
 - Equestrian events – horse walking trail.
 - Contact TrailsWA for suggestions
 - Selling it to the private sector but once out of community hands, it is gone forever!

An unsolicited Email was received after the close of submissions seeking interest in purchasing the land. The author of the Email was advised:

“Council’s desire from a community perspective is to encourage the re-formation of the Club. In addition, whilst the Clubhouse is on fee simple land, the majority of the land is State reserve which means it cannot be sold. Should any of these factors change, the Shire will extensively communicate with the community on the future of the club and the land. Accordingly, we are not seeking or accepting Expressions of Interest in the land.”

STATUTORY IMPLICATIONS

Land Administration Act 1997

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Carnamah Local Planning Scheme No.2 (LPS 2)

Both Reserve 23497 and Lot 1 are reserved for *Parks and Recreation* under LPS2. In addition, both parcels are with Special Control Area’ (SCA) 2 of LPS 2 as follows:

“Clause 5.3 SCA 2 Winchester Quarry

5.3.1 Purpose

The purpose of Special Control Area 2 is to identify land which may be affected by the Winchester Quarry.

5.3.2 Objectives

The objectives for the SCA 2 are to:

- (a) ensure that the use and development of land is compatible;*
- (b) any development does not restrict the access to or operation of the quarry operations; and*
- (c) minimise impacts on residential and other sensitive uses.*

5.3.3 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government with regard to advice received from the Environmental Protection Authority.”

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (reviewed 16 December 2022):

Outcome 1 Close-knit and family-friendly

Priority 1.2 Improve the standard and utilisation of community and recreation facilities

Strategy 1.2.1 Review and rationalise surplus property

1.2.2 Work with the community to improve utilisation of community and recreation facilities

1.2.3 Improve the condition of recreation facilities, with an early focus on change rooms and kitchen facilities

1.2.4 Construct a right size, fit-for-purpose multi-function centre, subject to needs assessment, feasibility, and grant funding

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

RISK IMPLICATIONS

Risk: Compliance - No noticeable regulatory or statutory impact.		
Likelihood	Consequence	Acceptance Criteria
Rare	Insignificant (Rare/Low)	Low
Action / Strategy		
The proposal is referred to Council to consider to dissolution or revival of the Club.		

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this Item.

However, if the dissolution is required to be referred to the District Court, the Shire would be responsible for any such costs. Under the Council's current financial status, there is no scope for the Shire to operate the Club.

VOTING REQUIREMENT

Simple Majority

OCM 20231107 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to the Carnamah Golf Club, Council:

- 1. Note the Report;*
- 2. Endorse the Chief Executive Officer's (CEO) actions of requesting the Department of Planning Lands and Heritage to establish Reserve 23497 as Freehold and to dispose of it to the Shire; and*
- 3. Request the CEO to assist past members of the Club to call an Annual General Meeting of the Carnamah Golf Club ('Club') in accordance with the Club's Constitution with the aim to either formally dissolving the Club or for it to continue as a Club run by volunteers.*

Moved:	Cr Kikeros
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Seconded:	Cr Risinger
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CARRIED 6/0

Cr Chisholm returned to the meeting at 4.54pm and the Presiding Person advised him of the outcome.

10.4.4 Review of Council Policy 9.23 – Protective Clothing

File Code	ADM0072
Author	Joe Hodges- Manager Works and Services
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Revised Policy 9.23 – Protective Clothing

SUMMARY

Council is requested to approve revised Policy 9.24 – Protective Clothing as part the policy manual.

BACKGROUND

As part of Council's commitment to the health, safety and welfare of its employees, all outside staff are issued with appropriate protective clothing and footwear. Council's Policy 9.24 – Protective Clothing ('Policy') was originally adopted in 1995, and most recently reviewed in 2023. Under the Policy, the allocation for a pair of Steel Capped Safety Boots is \$200.00. Any cost above that price is the responsibility of the employee.

COMMENT

Whilst reviewing the existing policy, it was discovered that the policy is not keeping pace with the increasing cost of the price of safety boots. The average pricing for reasonable quality safety boots is between \$230-\$250. The outcome is that for outside staff to be provided with safety boots they will be between \$30-\$50 out of pocket. The recommended revised Policy is included as **Attachment 1**.

It is recommended that the Chief Executive Officer be authorised to exceed the values expressed in this Policy where the Chief Executive Officer considers that there are extenuating circumstances.

CONSULTATION

Executive Management Team
Outside Staff.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7 (2) (b) of the states that one of the roles of a Council is to determine the Local Government's policies:

2.7. Role of council

- (1) The council —***
 - (a) governs the local government's affairs; and***
 - (b) is responsible for the performance of the local government's functions.***
- (2) Without limiting subsection (1), the council is to —***
 - (a) oversee the allocation of the local government's finances and resources; and***
 - (b) determine the local government's policies.***

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031(as revised on 16 December 2022):

Outcome 4 Open, collaborative and empowered
Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Any amendments to Policy 9.23 – Protective Clothing will be updated in Council’s policy manual.

RISK IMPLICATIONS

Risk: That the allocation of funds to provide adequate protective clothing and footwear is realistic in relation to cost.		
Likelihood	Consequence	Acceptance Criteria
Unlikely	Minor	Low
Action / Strategy		
Provided Outdoor staff are supplied with adequate protective clothing and footwear the perceived level of risk is considered low.		

FINANCIAL IMPLICATIONS

The additional cost of safety boots is considered to be minor in relation to the overall 2023/24 Budget.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

OCM 20231108 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Review of Council Policy 9.23 – Protective Clothing, Council adopts the revised Policy as per Attachment 1.</i>	
Moved:	Cr Ogilvie
Seconded:	Cr Chisholm
CARRIED BY ABSOLUTE MAJORITY 7/0	

11.0 CONFIDENTIAL REPORTS

Nil

12.0 ORDERING OF THE COMMON SEAL

Nil

13.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)

Nil

16.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

Nil

17.0 CLOSURE OF MEETING

The Presiding Person declared the meeting closed at 4.55pm

Next Ordinary Council Meeting to be held on Wednesday 13 December 2023 at Carnamah Council Chambers commencing at 4.00pm.