



CONFIRMED MINUTES

ORDINARY COUNCIL MEETING

22 April 2020

Shire of Carnamah
Meeting held electronically via Go To Meetings



**CONFIRMED MINUTES
ORDINARY COUNCIL MEETING
22 APRIL 2020**

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These minutes were confirmed at
Ordinary Council Meeting on 20 May 2020

Maree Webster
.....

Presiding Person at the meeting at which the minutes were confirmed

20th May 2020
.....
Date

CONTENTS

1.0	DECLARATION OF OPENING	5
2.0	RECORD OF ATTENDANCE	5
2.1	PRESENT	5
2.2	APOLOGIES	5
2.3	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	5
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.0	PUBLIC QUESTION TIME	5
5.0	APPLICATION FOR LEAVE OF ABSENCE	6
	<i>OCM20200401 COUNCIL DECISION</i>	6
6.0	DISCLOSURE OF INTEREST	6
6.1	DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS	6
6.2	DECLARATION OF INTEREST AFFECTING IMPARTIALITY	6
7.0	PETITIONS AND DEPUTATIONS	6
8.0	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	6
9.0	CONFIRMATION OF MINUTES	7
	<i>OCM20200402 COUNCIL DECISION</i>	7
10.0	MANAGEMENT REPORT	8
10.1	FINANCE REPORTS	8
10.1.1	ACCOUNTS FOR PAYMENT	8
	<i>OCM20200403 COUNCIL DECISION</i>	9
10.1.2	FINANCIAL REPORTS TO 31 MARCH 2020	10
	<i>OCM20200404 COUNCIL DECISION</i>	11
10.1.3	ADOPTION OF 2019/20 BUDGET REVIEW	12
	<i>OCM20200405 COUNCIL DECISION</i>	13
10.1.4	ESTABLISHMENT OF RESERVE FUND – COMMUNITY BENEFIT PROJECT RESERVE	14
	<i>OCM20200406 COUNCIL DECISION</i>	15
10.2	ADMINISTRATION REPORTS	16
10.2.1	DROUGHT COMMUNITIES PROGRAMME APPLICATION	16
	<i>OCM20200407 COUNCIL DECISION</i>	18
10.2.2	COVID-19 FINANCIAL HARDSHIP POLICY	19
	<i>OCM20200408 COUNCIL DECISION</i>	20
10.2.3	COVID-19 EMERGENCY RESPONSE	21
	<i>OCM20200409 COUNCIL DECISION</i>	23
10.2.4	ECONOMIC DEVELOPMENT WORKING GROUPS TERMS OF REFERENCE	24
	<i>OCM202004010 COUNCIL DECISION</i>	25
10.2.5	PLANNING CHANGES TO SUPPORT COVID-19 RESPONSE & RECOVERY	26
	<i>OCM20200411 COUNCIL DECISION</i>	28
10.2.6	REVISED PURCHASING POLICY	29
	<i>OCM20200412 COUNCIL DECISION</i>	30

10.2.7	ENEABBA AIRSTRIP – PROPOSAL TO CONSTRUCT WATER BOMBER REFILLING FACILITY	31
	<i>OCM20200413 COUNCIL DECISION</i>	33
10.2.8	REVIEW OF SHIRE OF CARNAMAH POLICIES 1.1, 1.2 AND 9.23	34
	<i>OCM20200414 COUNCIL DECISION</i>	35
10.3	CONFIDENTIAL REPORTS	36
11.0	ORDERING THE COMMON SEAL	36
12.0	REPORTS OF COMMITTEES AND MEMBERS	36
13.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	36
14.0	NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)	36
15.0	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	36
	MOTION TO ADMIT LATE BUSINESS	36
	<i>OCM20200415 COUNCIL DECISION</i>	36
15.1	POLICY 9.6 – STAFF FURNITURE REMOVAL COSTS	37
	<i>OCM20200416 COUNCIL DECISION</i>	38
16.0	CLOSURE OF MEETING	38

**ORDINARY COUNCIL MEETING
HELD ELECTRONICALLY – 4PM**

1.0 DECLARATION OF OPENING

The Presiding Person declared the meeting open at 4pm and welcomed Elected Members and Staff.

Acknowledgment of Country

Shire of Carnamah would like to acknowledge the traditional custodians of this land, and pay its respect to local Aboriginal Elders, both past and present.

We also reflect on the spirit of the pioneers who settled this country and developed the land, and the service personnel whose sacrifices have enabled us to enjoy the lifestyle we have become accustomed to.

2.0 RECORD OF ATTENDANCE

2.1 Present

<i>Cr Merle Isbister</i>	<i>Shire President (Presiding Person)</i>
<i>Cr Dwayne Woollorton</i>	<i>Deputy President</i>
<i>Cr Ian Bowman</i>	
<i>Cr Bruce Chisholm</i>	
<i>Cr Wayne Counsel</i>	
<i>Cr Con Kikeros</i>	
<i>Cr Luke Risinger</i>	
<i>Vin Fordham Lamont</i>	<i>Chief Executive Officer</i>
<i>Ian Walsh</i>	<i>Deputy Chief Executive Officer</i>
<i>Phil Casbolt</i>	<i>Manager Works and Services</i>
<i>Giulia Stangle</i>	<i>Executive Co-ordinator (Minute Taker)</i>

2.2 Apologies

Nil

2.3 Leave of Absence (Previously Approved)

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil received

5.0 APPLICATION FOR LEAVE OF ABSENCE

Cr Counsel has advised of his request for leave of absence from the Ordinary Council Meeting scheduled on 20 May 2020.

OCM20200401 COUNCIL DECISION

RECOMMENDATION

That Cr Counsel be granted leave of absence for the Ordinary Council Meeting scheduled for 20 May 2020.

Moved: Cr Wooltorton

Seconded: Cr Risinger

CARRIED 7/0

6.0 DISCLOSURE OF INTEREST

6.1 Declaration of Financial Interest and Proximity Interests

Nil

6.2 Declaration of Interest Affecting Impartiality

Cr Kikeros disclosed an interest affecting impartiality in Item 10.2.2 (COVID-19 Financial Hardship Policy) as Cr Kikeros is President of Carnamah Bowling Club; the Club has requested loan payments be suspended during the pandemic.

Cr Wooltorton disclosed an interest affecting impartiality in Item 10.2.2 (COVID-19 Financial Hardship Policy) as Cr Wooltorton is a committee member of the Carnamah Bowling Club; the Club has requested loan payments be suspended during the pandemic.

Cr Risinger disclosed an interest affecting impartiality in Item 10.2.2 (COVID-19 Financial Hardship Policy) as Cr Risinger is a member of the management committee.

7.0 PETITIONS AND DEPUTATIONS

Nil received.

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Isbister welcomed everyone to a different format for Ordinary Council Meetings and thanked everyone for their patience and understanding.

9.0 CONFIRMATION OF MINUTES

OCM20200402 COUNCIL DECISION**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 18 March 2020 be accepted as a true and correct record.


Moved: Cr Counsel
Seconded: Cr Chisholm

CARRIED 7/0

10.0 MANAGEMENT REPORT

10.1 FINANCE REPORTS

10.1.1 Accounts for Payment

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

SUMMARY

Council to confirm the payment of creditors for the period 4 February 2020 to 31 March 2020, 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. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the provision of services and as to prices, computations and costings, and that the amounts shown were due for payment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OCM20200403 COUNCIL DECISION

RECOMMENDATION

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 4 February 2020 to 31 March 2020; 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:


Manual Municipal cheques:	22642 – 22646
Municipal cheques:	28159 – 28160
Municipal EFT's:	13227 – 13306
Payroll direct debits:	#18 - #19
Municipal Direct Debits:	310320
Trust cheques:	300451 - 300452

Totalling \$ 540,432.31 be approved and passed for payment.

Moved: **Cr Kikeros**
Seconded: **Cr Chisholm**

CARRIED 7/0

10.1.2 Financial Reports to 31 March 2020

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Monthly Statement of Financial Activity March 2020 

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 reports for the period 1 July 2019 to 31 March 2020 (Attachment 10.1.2(a)) have 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 2019 to 31 March 2020;
- Summary Rates Trial Balance Report as at 31 March 2020;
- Cash and Investment Listing;
- Debtors Listing; and
- 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

OCM20200404 COUNCIL DECISION


RECOMMENDATION

That Council receives the Statement of Financial Activities for the period 1 July 2019 to 31 March 2020 and other supplementary financial information as presented.

Moved: Cr Wooltorton
Seconded: Cr Chisholm

CARRIED 7/0

10.1.3 Adoption of 2019/20 Budget Review

File Code	ADM0176
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Budget Review Report 

SUMMARY

To consider and adopt the Budget Review as presented for the period 1st July 2019 to 29th February 2020

BACKGROUND

Statements of Budget Review as at the 29th February 2020, by nature & type and by program, incorporating year to date budget variations and forecasts to 30 June 2020 are being presented for council consideration.

The Local Government (Financial Management) Regulations 1996, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

COMMENT

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Council adopted 10% as the materiality variances to be used in the statements of financial activity and the annual budget review.

CONSULTATION

Chief Executive Officer

Manager Works & Services.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- responsibly manages the organisation's assets and financial resources,

POLICY IMPLICATIONS

The budget is based on the principles contained in the Strategic Plan and Long Term Financial Plan.

FINANCIAL IMPLICATIONS

Whilst the review shows that it is likely that there will be a surplus of around \$503,000 \$129,000 of this is for projects that have been deferred to the 2020/21 financial year and the balance as a result of some permanent variation to the original budget either as a result of projects being completed under budget or additional income being generated.

It is recommended that balance of the estimated surplus be allocated the following reserve funds:

- | | |
|---------------------------|-----------|
| • Carnamah Pool Reserve | \$ 24,000 |
| • Refuse Site Reserve | \$ 50,000 |
| • Roadworks Reserve | \$100,000 |
| • Council Housing Reserve | \$200,000 |

VOTING REQUIREMENT

Absolute majority

OCM20200405 COUNCIL DECISION

RECOMMENDATION

That Council:

- a) adopts the 2019/20 budget review as presented; and
- b) amends the 2019/20 budget by increasing transfers to reserves as follows:
 - i) Carnamah Pool Reserve \$ 24,000
 - ii) Refuse Site Reserve \$ 50,000
 - iii) Roadworks Reserve \$100,000
 - iv) Council Housing Reserve \$200,000

Moved: Cr Chisholm
Seconded: Cr Kikeros

CARRIED 7/0

10.1.4 Establishment of Reserve Fund – Community Benefit Project Reserve

File Code	ADM0167
Author	Ian Walsh – Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

Council is requested to consider the proposals to establish a Community Benefit Project Reserve.

BACKGROUND

Council has recently received an anonymous donation of \$15,000 to be utilized to for the benefit of the whole community.

The only condition is that the funds are to be used to improve the spirit of the community as a whole after the COVID-19 pandemic.

COMMENT

Given that the current situation is unlikely to improve for at least 6 months it is recommended that the donation be placed in a reserve fund guaranteeing the funds will be quarantined for the intended purpose.

CONSULTATION

Shire President
Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Functions and General) Regulations 1996

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

Strategy 2: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

Policy 8.1 – Financial Governance Management

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute majority

OCM20200406 COUNCIL DECISION

RECOMMENDATION


That Council resolve to create a Community Benefit Project Reserve the purpose of which is to be to fund future projects for the benefit of the whole community.

Moved: Cr Kikeros
Seconded: Cr Counsel

CARRIED 7/0

10.2 ADMINISTRATION REPORTS

10.2.1 Drought Communities Programme Application

File Code	ADM0550
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. DCP FAQs 

SUMMARY

Council is requested to endorse the attached list of projects for Drought Communities Programme (DCP) funding.

BACKGROUND

On 27 January 2020, the Federal government announced 52 WA Councils now have access to the DCP funding. The Shire of Carnamah was included in this new group of Councils, having access to \$500,000.

The Department of Industry, Science, Energy and Resources subsequently invited the Shire of Carnamah to submit an application under the programme.

The objectives of the programme are to deliver support to targeted drought-affected regions of Australia by funding:

- local community infrastructure and
- other drought relief projects.

Funding will target infrastructure and other projects that:

- provide employment for people whose work opportunities have been impacted by drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries on which they depend.

The intended outcomes of the programme are to, within a three year timeframe:

- increase employment in regions by providing work for locals and/or farmers and farm labourers/staff/contractors whose employment opportunities have been affected by drought
- improve levels of economic activity in regions
- increase productivity in regions
- enable better retention of businesses, services and facilities.

This item details the scope and approximate cost for those projects recommended for inclusion in the application to the funding body. One of the conditions of the grant is that a minimum of \$25,000 must be spent on each project included in the grant application. Another condition is that any infrastructure project can only be included if it is situated on Shire owned or managed land.

COMMENT

Projects were assessed on their eligibility based on the activity for which funding was sought, and whether the funding met the funding guidelines. Those that met the guidelines were then rated on how they met the intent of the programme.

Council is requested to support the Officer recommendation so that the funding application can be submitted as soon as possible. This will give us the maximum amount of time to be able to complete all projects by 30 June 2021, which is another condition of the grant.

CONSULTATION

The Community was asked in the local newsletter to submit potential projects for consideration by 31 March 2020.

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which:

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

Strategy 2: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

8.13 Asset Management Policy

2.8 Purchasing Policy

2.11 Risk Management Policy

FINANCIAL IMPLICATIONS

Immaterial. All projects will be fully funded by the grant. There may be some small incidental costs associated with the administration of some of the projects but these will be able to be accommodated in the 2020/2021 budget allocation for Consultants.

To ensure that all projects are able to be completed within the grant's allowable timeframe (by 30 June 2021), a number of these projects have been costed without obtaining the necessary number of quotes required by Council's Purchasing Policy.

VOTING REQUIREMENT

Absolute majority

OCM20200407 COUNCIL DECISION

RECOMMENDATION


That Council:

1. Waives its Purchasing Policy to the extent that one quote is sufficient for each of the elements of the Drought Communities Programme grant application;
2. Endorses the attached Drought Communities Programme project list which includes the following projects:
 - Construction and fit out of multi-purpose community activity areas (gyms) in Eneabba and Carnamah;
 - Repairs to and renovation of Carnamah Museum and Macpherson Homestead;
 - Creation of CCTV network in Eneabba and Carnamah;
 - Installation of generators at community swimming pools in Eneabba and Carnamah;
 - Installation of solar lighting at various shire facilities in Eneabba and Carnamah; and
3. Authorises the CEO to lodge the Drought Communities Programme grant application with the abovementioned projects included.

Moved: **Cr Chisholm**
Seconded: **Cr Risinger**

CARRIED 7/0

10.2.2 COVID-19 Financial Hardship Policy

File Code	ADM0230
Author	Vin Fordham Lamont
Disclosure of Interest	Nil
Attachments	1. Draft COVID-19 Financial Hardship Policy 

SUMMARY

Council is requested to approve the draft COVID-19 Financial Hardship Policy as attached.

BACKGROUND

At an emergency meeting on 27 March 2020, WALGA State Council endorsed a suite of actions for Councils to consider in supporting their communities through the COVID-19 Pandemic. Endorsed measures for consideration include:

- Consider not increasing rates for the 2020-21 financial year;
- Adoption of the WALGA template rates hardship policy by Local Governments that do not currently have a policy;
- Consider rate relief options to support small businesses affected by the COVID-19 pandemic;
- Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic;
- Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing;
- Prioritise Local Government spending with businesses and contractors located within the Local Government;
- Implement business friendly payment terms to support business cash flow;
- Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges; and
- Redeploy staff affected by facility closures to tasks that support the community.

COMMENT

The WALGA template has been used to develop the attached draft COVID-19 Financial Hardship Policy in response to the recommendations of the WALGA State Council. Officers consider it to be a fair and reasonable method of providing practical support to those members of the community financially affected by the COVID-19 pandemic.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 2.7 Role of Council

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

Strategy 2: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

The new COVID-19 Financial Hardship Policy will be updated and added to Council's Policy Manual.

FINANCIAL IMPLICATIONS

Unknown. There may be some implications as a result of this policy but it is considered that they will not be of a material nature at this stage.

VOTING REQUIREMENT

Simple majority

OCM20200408 COUNCIL DECISION

RECOMMENDATION

That Council Accepts the draft COVID-19 Financial Hardship Policy as recommended and approves the policy's inclusion in its Policy Manual.

Moved: Cr Chisholm
Seconded: Cr Wooltorton

CARRIED 7/0

10.2.3 COVID-19 Emergency Response

File Code	ADM0230
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

Council is requested to consider the proposals set out below to mitigate the effects of COVID-19 on community members, and endorse the Officer Recommendation.

BACKGROUND

At an emergency meeting on 27 March 2020, WALGA State Council endorsed a suite of actions for Councils to consider in supporting their communities through the COVID-19 Pandemic. Endorsed measures for consideration include:

- Consider not increasing rates for the 2020-21 financial year.
- Adoption of the WALGA template rates hardship policy by Local Governments that do not currently have a policy.
- Consider rate relief options to support small businesses affected by the COVID-19 pandemic.
- Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic.
- Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing.
- Prioritise Local Government spending with businesses and contractors located within the Local Government.
- Implement business friendly payment terms to support business cash flow.
- Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges.
- Redeploy staff affected by facility closures to tasks that support the community.

COMMENT

The COVID-19 pandemic has forced temporary closures of public and commercial facilities, and led to limited access to essential services such as supermarkets. Due to the prohibition of public gatherings, it is expected that the economic and social impact will be very high and costly. The Premier and Minister of Local Government have urged local governments to consider all measures, financial and otherwise, to provide ongoing support to their communities. Officers are suggesting several actions to assist our community members in this testing time:

- Consider using the funds in the Special Projects Reserve (currently \$100,000) for COVID-19 related projects. Other local governments have created special COVID-19 Reserves but we believe that our suggestion is less messy from an administrative aspect. The purpose of Council's Special Projects Reserve is believed to allow for spending on projects relating to the pandemic.
- Authorise the Chief Executive Officer in advance to spend those funds on COVID-19 related projects without further reference to Council. This will enable projects to be carried out quickly and effectively without having to wait for a Council meeting.
- Request the Chief Executive Officer to develop the 2020/2021 annual budget, based on a nil increase of Rates, Fees/Charges and other statutory charges. Based on the

Premier's comments, there is an expectation in the community that LGs will adopt this stance.

- Endorse the Chief Executive Officer's actions in the event that he decides to redeploy staff to undertake tasks that support the community during the COVID-19 pandemic. While this is an operational matter, it is good practice to keep Council advised of changes when it is "not business as usual".

CONSULTATION

Deputy Chief Executive Officer

Other Local Government Chief Executive Officers

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Functions and General) Regulations 1996

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

Strategy 2: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Unknown. There may be some implications as a result of this decision but this is to be expected in the current COVID-19 pandemic. The 2020-2021 annual budget will be developed with revenue freezes in mind.

VOTING REQUIREMENT

Absolute majority

OCM20200409 COUNCIL DECISION

That Council:


1. Consider using the funds in the Special Projects Reserve (currently \$100,000) for COVID19 related projects.
2. Authorise the Chief Executive Officer in advance to spend those funds on COVID19 related projects without further reference to Council.
3. Request the Chief Executive Officer to develop the 2020/2021 annual budget, based on a nil increase of Rates, Fees/Charges and other statutory charges.
4. Endorse the Chief Executive Officer actions in the event that he decides to redeploy staff to undertake tasks that support the community during the COVID-19 pandemic.

Moved: Cr Chisholm

Seconded: Cr Kikeros

CARRIED 7/0

10.2.4 Economic Development Working Groups Terms of Reference

File Code	ADM0585
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Draft Generic EDWG Terms of Reference 

SUMMARY

Council is requested to endorse the attached draft generic Economic Development Working Groups Terms of Reference document.

BACKGROUND

At its Briefing Session on 18 March, Council requested that a Terms of Reference (TOR) document be developed for the Economic Development Working Groups that were created as part of the Shire's Economic Development Plan.

COMMENT

The Chief Executive Officer sourced a template for the TOR through Regional Development Australia – Mid West Gascoyne and customized it to suit the Shire's requirements. It is anticipated that, following Council's endorsement of the draft, it will be presented to the Economic Development Steering Group for distribution to the current EDWGs.

CONSULTATION

Regional Development Australia – Mid West Gascoyne
Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Economic

Objective 3: To retain existing industries and encourage the establishment of new industries to broaden the district's economic base and develop and maintain an efficient road transport system.

Strategy 3: Retain existing industries and encourage the establishment of new industries to broaden the district's economic base.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

OCM20200410 COUNCIL DECISION

RECOMMENDATION

That Council:




1. Endorses the attached draft generic Economic Development Working Groups Terms of Reference document; and
2. Authorises the Chief Executive Officer to present the endorsed document to the Economic Development Steering Committee for distribution to the relevant Economic Development Working Groups.

Moved: Cr Wooltorton

Seconded: Cr Chisholm

CARRIED 7/0

10.2.5 Planning Changes To Support Covid-19 Response & Recovery

File Code	ADM0230
Applicant	Western Australian Government & Minister for Planning
Location / Address	All land within the Shire of Carnamah Municipal District
Author	Mr Joe Douglas – Exurban Rural & Regional Planning (Town Planning Consultant)
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none">1. Planning and Development (Local Planning Schemes) Amendment Regulations 2020 2. Notice of Exemption issued by the Minister for Planning on 8 April 2020 3. Explanatory notes published by the Western Australian Planning Commission 

SUMMARY

The following report provide details of recent amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* initiated by the State Government and approved by the Minister for Planning to temporarily override requirements of local planning schemes, and existing conditions of planning approvals, in response to the current State of Emergency for the Coronavirus (COVID-19) pandemic. It recommends the Shire Administration be authorised to prepare and publish information on the Shire’s website, Facebook page and newsletter to inform the local community of the potential implications and associated obligations.

BACKGROUND & COMMENT

On 3 April 2020 the *Planning and Development (Local Planning Schemes) Regulations 2015* were formally amended to empower the Minister for Planning to issue a notice to temporarily exempt the planning requirements prescribed in local planning schemes where such an exemption is considered necessary to respond to a State of Emergency, or to assist with the recovery.

On 8 April 2020 the Minister for Planning issued a Notice of Exemption to provide specific guidance to both landowners and local government on a range of temporary exemptions for certain approvals and requirements within local planning frameworks. These exemptions, which are a direct response to the current State of Emergency for the Coronavirus (COVID-19) pandemic, will remain in effect until 90 days after the end of the State of Emergency.

The exemptions remove any existing barriers within the planning system to ensure flexible and speedy responses to a changing crisis environment, support business and guarantee the provision of essential community services. They include:

- medical or health-related facilities required in response to the COVID-19 pandemic;
- truck and logistic companies needing to deliver goods but currently with restricted loading and unloading times;
- businesses seeking to adapt by changing their current approved use;
- restaurants and cafes required to sell takeaway in contravention of current planning conditions;
- people operating their businesses from residential zones;
- parking commercial vehicles on residential properties;
- a blanket two-year extension for all current development approvals;
- businesses needing to change advertising signs; and
- temporary workers accommodation.

A copy of the notice published in the Government Gazette providing details of the Planning and Development (Local Planning Schemes) Amendment Regulations 2020 is provided in Attachment 1. A copy of the Notice of Exemption issued by the Minister for Planning on 8 April 2020 is provided in Attachment 2.

A set of explanatory notes in relation to each exemption has been prepared and published by the Western Australian Planning Commission to guide implementation of the Notice of Exemption by local governments across the State (see Attachment 3).

Council should also note the following key points:

1. The exemptions listed in the Notice of Exemption are discretionary. There is no obligation for a local government or landowners to use an exemption if they do not wish to do so. However, if they wish to rely upon an exemption, all relevant conditions as stated in the Notice must be complied with.
2. The exemptions listed in the Notice of Exemption are temporary. The Notice does not provide a permanent exemption from a planning requirement under a local planning scheme. Once an exemption expires, the existing planning framework requirements, including existing conditions of approval, will apply. That means without a new or amended development approval:
 - any exempt condition of approval will be reinstated;
 - any uses that were exempt from planning approval requirements under the Notice will need to seek approval through the appropriate processes if no similar exemption applies under the existing planning framework;
 - any requirements that were exempt from applying, such as cash-in-lieu or the provision of car bays are not permanently waived; and
 - any temporary works associated with any exemption will need to be removed.

For this reason, many of the conditions set out in the Notice have a 90-day transitional period from the end of the State of Emergency, whenever that may be declared by the State government, to the end of the exemption. This period gives time for any landowner who wishes to continue the particular use or regularise any particular work to obtain a new or amended development approval. An application for development approval can be submitted and determined at any point while the exemption is in place if it is intended that the activity continues beyond the Notice period.

3. Given the very fast nature of change and uncertainty surrounding the Pandemic, it is impossible to forecast when the State of Emergency will finish, and when any necessary recovery phase might also conclude. As an in-built safeguard, the Minister is required to revoke the Notice if considered no longer necessary to respond to or recover from the emergency. Similarly, because of the dynamic changing nature of the Pandemic, the Minister also has the power to amend the Notice.

Given the significance of the of recent amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* and the subsequent Notice of Exemption issued by the Minister for Planning in response to the COVID-19 pandemic, it is considered prudent and beneficial to inform the local community of its potential implications to raise awareness and ensure landowners comply with the relevant conditions as stated in the Notice if they wish to rely upon an exemption. This could be achieved through the preparation and publication of information on the Shire's website, Facebook page and newsletter.

CONSULTATION

- Ms Vanessa Jackson – Policy Manager, Planning and Improvement, WALGA
- Department of Planning, Lands & Heritage

STATUTORY ENVIRONMENT

- *Planning and Development Act 2005*
 - Part 15, Division 1 – ‘Subsidiary legislation made by Minister’
- *Planning and Development (Local Planning Schemes) Amendment Regulations 2020*
 - Amendments to the Deemed Provisions being Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- *Shire of Carnamah Town Planning Scheme No.2*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil aside from the cost associated with preparing and publishing information on the Shire’s website, Facebook page and newsletter to inform the local community of the potential implications of the Notice of Exemption issued by the Minister for Planning on 8 April 2020 which is expected to be in the order of \$350.00 excluding GST.

VOTING REQUIREMENT

Simple majority required.

OCM20200411 COUNCIL DECISION

RECOMMENDATION


That Council resolve to:

1. Note the recent amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 initiated by the State Government and approved by the Minister for Planning to temporarily override requirements of local planning schemes, and existing conditions of planning approvals, in response to the current State of Emergency for the Coronavirus (COVID-19) pandemic;
2. Acknowledge the Notice of Exemption issued by the Minister for Planning on 8 April 2020 providing details of the various temporary exemptions now in force for certain approvals and requirements under the Shire of Carnamah’s local planning framework; and
3. Authorise the Shire Administration to prepare and publish information on the Shire’s website, Facebook page and newsletter to inform the local community of the potential implications of the Notice of Exemption issued by the Minister for Planning on 8 April 2020 with the cost to be assigned to the Shire’s town planning budget for the 2020 financial year.

Moved: Cr Counsel
Seconded: Cr Chisholm

CARRIED 7/0

10.2.6 Revised Purchasing Policy

File Code	ADM0072
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Policy 2.8 – Purchasing Policy (marked up) 

SUMMARY

Council is requested to approve the revised Purchasing Policy as attached.

BACKGROUND

At an emergency meeting on 27 March 2020, WALGA State Council endorsed a suite of actions for Councils to consider in supporting their communities through the COVID-19 Pandemic. Endorsed measures for consideration include:

- Consider not increasing rates for the 2020-21 financial year.
- Adoption of the WALGA template rates hardship policy by Local Governments that do not currently have a policy.
- Consider rate relief options to support small businesses affected by the COVID-19 pandemic.
- Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic.
- Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing.
- Prioritise Local Government spending with businesses and contractors located within the Local Government.
- Implement business friendly payment terms to support business cash flow.
- Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges.
- Redeploy staff affected by facility closures to tasks that support the community.

COMMENT

In order to allow the Shire to swiftly respond to the COVID-19 emergency, and to assist with prioritizing its spending with businesses and contractors located within the Shire of Carnamah, Council is asked to consider amending its Purchasing Policy. The recommended amendments relate to increasing the Shire's purchasing limits where a single quotation is required and to reflect the State Government's increase of the tender threshold from \$150,000 to \$250,000.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 2.7 Role of Council

Local Government (Functions & General) Regulations 1996
Part 4 Provisions of Goods and Services

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

Strategy 2: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

POLICY IMPLICATIONS

Policy 2.8 – Purchasing Policy will be updated and added back into Council's Policy Manual.

FINANCIAL IMPLICATIONS

Unknown. There may be implications due to using local suppliers more than usual but the Premier has strongly stated that local governments should implement measures to increase spending with local businesses.

VOTING REQUIREMENT

Simple majority

OCM20200412 COUNCIL DECISION

RECOMMENDATION








That Council accepts the recommended changes to Policy 2.8 – Purchasing Policy and approves the updated policy's inclusion in its Policy Manual.

Moved: Cr Kikeros

Seconded: Cr Risinger

CARRIED 7/0

10.2.7 Eneabba Airstrip – Proposal to Construct Water Bomber Refilling Facility

File Code	ADM0439
Author	Vin Fordham Lamont - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none">1. Email from DBCA detailing request 2. Map showing the two options for the facility 3. Feedback from Contract Planning Officer 4. Advice from DPLH 5. Feedback from Contract Building Officer 6. Confirmation of additional undertakings from DBCA 7. Map showing selected option 

SUMMARY

Council is requested to endorse the attached request from the Department of Biodiversity, Conservation and Attractions to construct a water bomber refilling facility at the Eneabba Airstrip.

BACKGROUND

On 20 March 2020, the Chief Executive Officer, along with the EMRS Officer, met with representatives from the Department of Biodiversity, Conservation and Attractions (DBCA) at the Eneabba Airstrip to discuss the construction of a water bomber refilling facility at the airstrip.

While Shire officers were supportive in principle of the proposal, a request was made for DBCA to submit a written request for consideration.

On 23 March, an email (attachment 1) was received from Ben Thornton, DBCA's Fire Operations Officer (Fire Management Development Program). In it, Ben advised that DBCA had received funding to provide infrastructure in the form of a:

- 150,000 litre water tank;
- sea container for on-site storage
- pump and supporting materials including PPE;
- signage, and;
- the formation of a hard stand for the reloading of the planes.

The email also contained a map (attachment 2) showing the two options proposed by DBCA for the location of the facility. Option 1, the preferred option for DBCA's aviation team, involves the installation of a separate area used for the purpose of water bombing activities and therefore would not impact on existing facilities. The area would comprise of 100 metre by 50 metre gravelled area on which a hard stand and water tank would sit in the middle of the site. Access for vehicle traffic would come off the existing gated entry whereby water trucks could fill the tank from one side whilst aviation operations are still being undertaken. It would also provide both a designated entry and exit pathway for the planes to the airstrip.

Option 2 is an expansion of the existing footprint: This proposal would work within the existing footprint, and gravel a 35 metre by 70 metre area adjacent to the existing hangar. A 50 metre by 50 metre hard stand would fall within the existing footprint opposite the water tank. This is the option finally agreed to by both parties as it requires less clearing of vegetation and will be the least expensive option.

COMMENT

The proposal was discussed with the Shire's Deputy Chief Executive Officer and Manager of Works and Services, before being referred to the Contract Planning Officer for comment.

In his emailed response (attachment 3), Joe Douglas confirmed that a Development Application is not required in this instance due to an exemption under section 2 of the *Public Works Act 1902*. The response also included a suggestion that the Department of Planning, Lands and Heritage (DPLH) should be consulted to ensure that this development would not contravene the conditions of the existing management order in favour of the Shire over Reserve 36108, and that a lease is not required to support this proposal.

The response from DPLH (attachment 4) confirmed that the proposal for the construction of a water bomber refilling facility within Reserve 36108 is ancillary to the reserve's purpose. It made no mention of the need for a lease to DBCA to support this facility.

Officers also sought advice from the Shire's Contract Building Officer who subsequently confirmed that a Building Application is not required for this project either. Dave Gibson's response (attachment 5) also confirmed that a Bushfire Attack Level (BAL) Assessment is not required.

Confirmation (attachment 6) was received from DBCA that the Department agrees to the following conditions:

- DBCA will contact the Royal Flying Doctor Service to ensure it has no objections to the proposal and to ensure that the RFDS is made aware of the period over which the project will be undertaken.
- DBCA will contact the party who leases a hangar at the airstrip, to ensure he has no objections to the proposal and to ensure that he is made aware of the period over which the project will be undertaken.
- DBCA will be responsible for any ongoing maintenance and repairs to the infrastructure that it constructs or locates on site.
- DBCA will be responsible for the initial filling of the new tank.
- DBCA will carry out all works associated with the project.

CONSULTATION

- Ian Walsh – Deputy Chief Executive Officer
- Phil Casbolt – Manager of Works & Services
- Joe Douglas – Contract Planning Officer
- Dave Gibson – Contract Building Officer
- DPLH

STATUTORY ENVIRONMENT

Section 6 of the *Planning and Development Act 2005*

Section 2 of the *Public Works Act 1902*

Land Administration Act 1997

Part 5 Division 2 Section 70 *Building Act 2011*

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Theme: Economic

Objective 3: To retain existing industries and encourage the establishment of new industries to broaden the district's economic base and develop and maintain an efficient road transport system.

Strategy 4: To maintain and improve the standard of community infrastructure including roads, public buildings, water, drainage, parks, gardens and public open space, footpaths and walk trails.

POLICY IMPLICATIONS

Policy 2.11 Risk Management

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

OCM20200413 COUNCIL DECISION

RECOMMENDATION




That Council endorses the proposal by the Department of Biodiversity, Conservation and Attractions (option 2) to construct/locate a water bomber refilling facility at the Eneabba Airstrip, subject to the following conditions:

- DBCA will contact the Royal Flying Doctor Service to ensure it has no objections to the proposal and will ensure that the RFDS is made aware of the period over which the project will be undertaken.
- DBCA will contact the party who leases a hangar at the airstrip, to ensure he has no objections to the proposal and will ensure that he is made aware of the period over which the project will be undertaken.
- DBCA will be responsible for any ongoing maintenance and repairs to the infrastructure that it constructs or locates on site.
- DBCA will be responsible for the initial filling of the new water tank.
- DBCA will carry out all works associated with the project to the satisfaction of the Shire of Carnamah. This includes adequate stormwater drainage measures.
- Any signage erected by DBCA will comply with the Shire's Signage Policy.
- If requested, DBCA executes a lease document for the new facility on Reserve 36108.
- DBCA obtains any necessary authorisation from the Department of Water and Environmental Regulation in regards to the clearance of native vegetation during this project.

Moved: Cr Counsel
Seconded: Cr Kikeros

CARRIED 7/0

10.2.8 Review of Shire of Carnamah Policies 1.1, 1.2 and 9.23

File Code	ADM0
Author	Giulia Stangle, Executive Co-ordinator
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none">1. Policy 1.1 Ordinary Council Meetings 2. Policy 1.2 Model Code of Conduct for Elected Members and Staff 3. Policy 9.23 Appoint Acting Chief Executive Officer 

SUMMARY

Council is requested to endorse the changes to the policies below as per attached changes

1. Policy 1.1 Ordinary Council Meetings
2. Policy 1.2 Model Code of Conduct for Elected Members and Staff
3. Policy 9.23 Appoint Acting Chief Executive Officer

BACKGROUND

Nil

COMMENT

Nil

CONSULTATION

- Vin Fordham Lamont – Chief Executive Officer
- Ian Walsh – Deputy Chief Executive Officer
- Phil Casbolt – Manager of Works & Services
- Giulia Stangle - Executive Co-ordinator

STATUTORY ENVIRONMENT

As contained in each policy

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 1.1 Ordinary Council Meetings
Policy 1.2 Model Code of Conduct for Elected Members and Staff
Policy 9.23 Appoint Acting Chief Executive Officer

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

OCM20200414 COUNCIL DECISION

RECOMMENDATION

That Council endorses the changes to Policy 1.1, 1.2 and 9.23 as highlighted in the attachments.

Moved: Cr Kikeros
Seconded: Cr Risinger

CARRIED 7/0

10.3 CONFIDENTIAL REPORTS

Nil

11.0 ORDERING THE COMMON SEAL

Nil

12.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

Motion to admit late business

*Item 15.2 – Policy 9.6 – Staff Furniture Removal Costs was circulated to Council.
Council is requested to admit Item 15.1 to be considered at this Meeting.*

OCM20200415 COUNCIL DECISION

RECOMMENDATION

That Item 15.1 be considered at the 22 April 2020 Ordinary Council Meeting.

Moved: Cr Wooltorton

Seconded: Cr Risinger

CARRIED 7/0

15.1 Policy 9.6 – Staff Furniture Removal Costs

File Code	ADM0494
Author	Ian Walsh, Deputy Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

Council is requested to waive the requirement for a staff member to reimburse Council 50% of the removal costs.

BACKGROUND

The employee in question commenced their employment with the Shire in August 2018, however due to a change in personal circumstances had to relocate to Mandurah to care for a family member.

COMMENT

The combined length of service of the employee and his partner has been more than 2 years and both were valued employees. Senior staff consider the request to be fair and reasonable.

CONSULTATION

CEO
Manager Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995
Section 6.12 Power to defer, grant discounts, waive or write off debts

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective 4: To be a professional, customer focussed organisation, which

- effectively engages (with) the community to determine strategic direction,
- responsibly manages the organisation's assets and financial resources,
- is a strong advocate for the community.

POLICY IMPLICATIONS

A waiver of the condition in Policy 9.6 to repay 50% of staff removal costs if an employee terminates his employment before the completion of two years' service.

FINANCIAL IMPLICATIONS

The cost would be a loss of revenue amounting to \$668.92.

VOTING REQUIREMENT

Absolute majority

OCM20200416 COUNCIL DECISION

RECOMMENDATION

That Council agrees to waive the debt for reimbursement of removal expenses amounting to \$668.92.

Moved: Cr Wooltorton

Seconded: Cr Chisholm

CARRIED 7/0

16.0 CLOSURE OF MEETING

The Presiding Person declared the meeting closed at 4.50pm.