

# SHIRE OF CARNAMAH

## Ordinary Meeting of Council

17 July 2019

### Notice of Meeting

Dear Councillor,

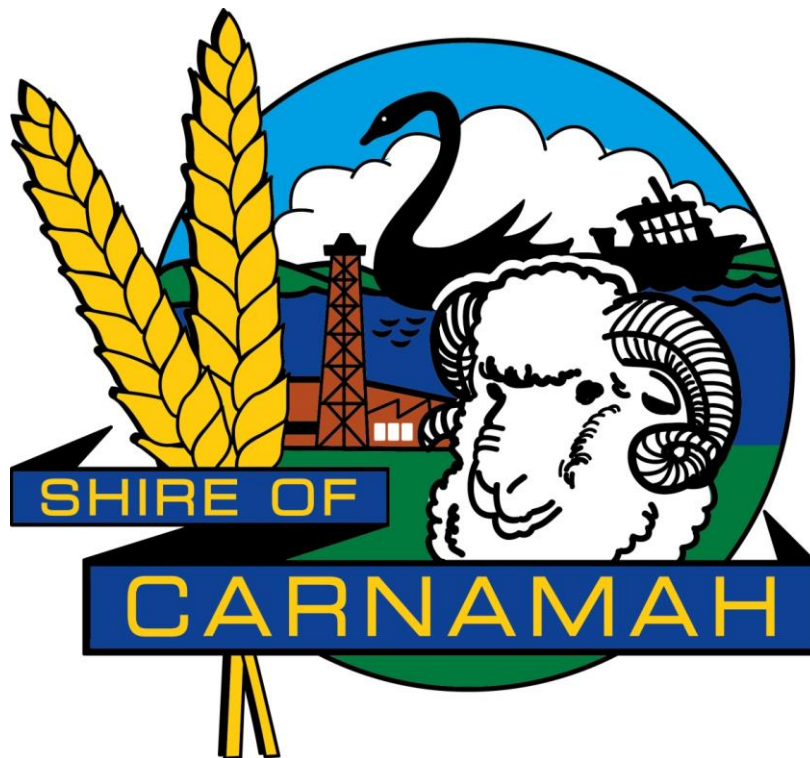
The next Ordinary Meeting of the Carnamah Shire Council is to be held:

On: Wednesday 17 July 2019

At: Council Chambers  
33-37 Macpherson Street, Carnamah WA 6517

Commencing at: 4:00pm

.....  
**SEAN FLETCHER**  
**ACTING CHIEF EXECUTIVE OFFICER**



# AGENDA

Ordinary Meeting of Council

17 July 2019

**SHIRE OF CARNAMAH**  
**ORDINARY MEETING OF COUNCIL - 17 July 2019**  
**AGENDA**

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APPENDIX "A"

Minutes of Ordinary Meeting of Council - 20 June 2019  
(As circulated)

## SHIRE OF CARNAMAH

### DISCLAIMER

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

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

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

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

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

Signed: \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER**

# SHIRE OF CARNAMAH

## AGENDA

### ORDINARY MEETING OF COUNCIL

To be held at the 33-37 Macpherson Street, Carnamah WA 6517  
On Wednesday 17 July 2019  
Commencing at 4:00pm

1. **DECLARATION OF OPENING**
  
2. **RECORD OF ATTENDANCE**
  - Present**
  
  - Apologies**
  
  - Leave Of Absence (Previously Approved)**
  
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
  
4. **PUBLIC QUESTION TIME**
  
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
  
6. **DISCLOSURE OF INTEREST**
  
7. **PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Colleen Bennier, Caroline Hirt and Catie Davenport, a deputation of officials representing Carnamah Childcare Centre will be providing a Childcare presentation to Council at 4:00pm. This is expected to last no longer than half an hour in length.
  
8. **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**9. CONFIRMATION OF MINUTES**

**9.1 Minutes of Ordinary Meeting of Council held 17 April 2019 - Correction to Item 10.2.1.**

As Circulated

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**ITEM 9.1**

**That the Council Resolution for Item 10.2.1 of the Minutes of the Ordinary Meeting of Council held on 17 April 2019 be amended to read Carried by an Absolute Majority 6-0 and be accepted as a true and correct record.**

**9.2 Minutes of the Ordinary Meeting Held on 20 June 2019.**

As Circulated

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**ITEM 9.2**

**That the Minutes of the Ordinary Meeting of Council held on 20 June 2019 be accepted as a true and correct record.**



## 10 MANAGEMENT REPORTS

### 10.1 FINANCE REPORTS

#### 10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	11 July 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

#### SUMMARY

Council to confirm the payment of creditors for the period 13 June 2019 to 10 July 2019, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

#### ATTACHMENT

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

#### BACKGROUND

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

#### COMMENT

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

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.1.1

*That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 13 June 2019 to 10 July 2019; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:*

<i>Manual Municipal cheques:</i>	<i>022605 - 022610</i>
<i>Municipal cheques:</i>	<i>Nil</i>
<i>Municipal EFT's:</i>	<i>12448 - 12530</i>
<i>Trust Cheques:</i>	<i>300438 - 300439</i>
<i>Payroll direct debits:</i>	<i>#26 - #01</i>
<i>Municipal Direct Debits</i>	<i>30/06/2019</i>

*Totalling \$406,714.55 be approved and passed for payment.*

## 10.1.2 FINANCIAL REPORTS TO 30 JUNE 2019

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	11 July 2019
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

### SUMMARY

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

### BACKGROUND

The attached financial report for the period 1 July 2018 to 30 June 2019 (Attachment 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

### COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2018 to 30 June 2019;
- Summary Rates Trial Balance Report as at 30 June 2019;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.1.2

***That Council receive the Statement of Financial Activity for the period 1 July 2018 to 30 June 2019; and other supplementary financial information as presented.***

## 10.2 ADMINISTRATION REPORTS

### 10.2.1 DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL ON LOCAL GOVERNMENT ELECTED COUNCIL MEMBERS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0263
Disclosure of Interest:	Nil
Date:	2 <sup>nd</sup> July 2019
Author:	Deputy Chief Executive Officer
Attachments:	Summary of the Western Australian Salaries and Allowances Tribunal Determination Effective 1 July 2019

#### **SUMMARY**

This report recommends the setting of Council meeting attendance fees, annual allowance for the President and other allowances, applicable from the 1<sup>st</sup> July 2019.

#### **BACKGROUND**

The Western Australian Salaries and Allowances Tribunal (“the Tribunal”) has recently brought down a determination of the minimum and maximum meeting attendance fees for elected members for Ordinary meetings of Council and Committee meetings.

Council is required to resolve by *absolute majority* the amount of meeting attendance fees to be paid within the range stipulated by the Tribunal.

#### **COMMENT**

A summarized report of the Tribunals decision is attached

The following points should be noted by Council when considering this matter:

The entitlement of a council member to a fee, allowance or reimbursement of an expense established under the Local Government Act, Regulations thereto and this determination of the Tribunal cannot be proscribed, limited or waived by a local government.

Where the Tribunal has determined a minimum and maximum amount for a fee, expense or allowance for members of the council of a local government, the Council is to set an amount within the relevant range determined and the amount set shall be paid accordingly.

Council may determine Council/Committee fees to members on a per meeting basis (as it currently does). This is essentially on a fee for service arrangement. Alternatively, Council may determine that an annual attendance fee may be paid in lieu of Council /Committee meeting attendance fees.

Carnamah has been designated a Level 4 Council and the following ranges of fees and allowances apply:

a) Council Meeting Attendance Fees

Councillors: Minimum \$91.00 Maximum \$238.00 (Currently \$236.00)

President: Minimum \$91.00 Maximum \$490.00 (Currently \$472.00. However the President is currently only claiming \$238.00)

b) Committee Meeting Fees

Councillors & President: Minimum \$46.00 Maximum \$119.00

c) Annual Attendance Fees (In Lieu of Council Meeting and Committee Meeting Attendance Fees)

Councillors: Minimum \$3,589.00 Maximum \$9,504.00

(Currently NIL as Council has elected to pay Council meeting attendance fees).

President: Minimum \$3,589.00 Maximum \$19,534.00

(Currently Nil as Council has elected to pay Council meeting attendance fees).

d) Annual Presidential Allowance

Minimum \$513.00 Maximum \$20,063.00

(Currently \$19,684.00. However the President is currently only claiming \$3,650.00)

e) Annual Deputy Presidential Allowance

The Local Government may decide to pay the Deputy President up to the 25 percent of the annual local government allowance to which the President is entitled. Council has not previously exercised this discretionary allowance.

f) Travel Costs

Calculated at the same (per kilometre) rate applicable to the reimbursement of travel costs under the *Public Service Award 1992*.

g) ICT (telephone and information and communication technology expenses)

Actual cost of rental charges for one telephone and one facsimile machine OR an annual allowance for ICT expenses - Minimum \$500.00 per annum Maximum \$3,500.00 per annum. (Currently \$525.00)

## **CONSULTATION**

CEO

## **SATUTORY ENVIRONMENT**

### ***Salaries and Allowances Act 1975***

*Section 7B(2) of the SA Act requires the Tribunal to inquire into and determine the amount of fees to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings and other allowances.*

**Local Government Act 1995**

*Section 5.98(1)(b) and (2A)(b) of the LG Act, entitles a council member who attends a council meeting or committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations to be paid the fee set by the local government*

**Local Government Admin Regulations**

*Regulation 31(1) prescribes the kinds of expenses that are to be reimbursed*

**POLICY IMPLICATIONS**

Nil.

Note: The subject will need to be reviewed in July each year in accordance with Council's compliance calendar

**FINANCIAL IMPLICATIONS**

As detailed in the comments section.

Provision will be made in the Shires 2019/20 financial year budget to meet these expenses.

**VOTING REQUIRMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**ITEM: 10.2.1**

**That Council adopt the following fees and expenses (payable to elected members for the 2019/20 financial year:**

**Council Meeting Attendance Fees**

**Councillors \$**

**President \$**

**Committee Meeting Fees - \$**

**Annual Presidential Allowance - \$**

**Travel Costs**

**Calculated at the same (per kilometre) rate applicable to the reimbursement of travel costs under the Public Service Award 1992.**

**ICT (telephone and information and communication technology expenses) - \$**

## 10.2.2 Integrated Planning and Reporting Update

Applicant:	Sean Fletcher, Acting CEO
Location / Address:	Shire of Carnamah
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	11 July 2019
Author:	Sean Fletcher, Acting CEO
Previous Item Ref:	
Attachments:	Corporate Business Plan Update

### SUMMARY

Council is requested to accept the June Quarterly update on the Shire's Strategic Community Plan. The Shire has fallen behind on its level of completion for 2018/19 from 80.5% to 68.75% due to unsuccessful grants, withdrawal from the Wildflower Country, and uncertainty regarding a number of actions.

### BACKGROUND

The progress of the Corporate Business Plan should be reviewed quarterly. It would appear that the previous update regarding the CBP was conducted in November 2018. The review for June 2019 has now been completed.

#### Note:

The CBP is also required to be reviewed annually and this is reported in the Annual Report. It is also a requirement that the objectives for the next 12 months in the CBP are reported as well. The Shire has reported in very broad terms the achievements under the objectives of the Plan for the Future in the 2017/2018 Annual Report, but it has not listed what it is planning to undertake for 2018/2019.

### COMMENT

Outcome	Actions					Comp %
Social	15	1	4	8	2	53
Environment	9	1	1	7	0	70
Economic	12	0	3	8	1	67
Civic Leadership	13	0	0	11	2	85
<b>Total/Overall Status</b>	<b>49</b>	<b>2</b>	<b>8</b>	<b>34</b>	<b>5</b>	<b>68.75</b>

### Social

There has been a significant shift re the green flag from 13 actions completed/on-track to 8. The reason for this is that 5 actions have reverted to orange (monitor) due to the status of the CCC Inc changing, the status of the education precinct is unclear, the Carnamah Hockey fence grant being unsuccessful and the status of the LEMC MOU is unclear. The status of the funding opportunities for youth and community development is unclear.

## Environment

The red flag indicates that it is difficult to address some environmental actions:

- No real progress has been made on ongoing contact with personnel regarding the unconventional gas industry;
- Coastal management issues regarding the development in this area are long term and are being reviewed in terms of economic development opportunities;

June 19: The Shire now needs to develop a new Waste Plan.

## Economic

All in all, the Shire has a number of economic actions in place that are providing some benefit to the wider district. However, the number of green actions has changed from 10 to 8 due to withdrawing from the WFC and some beautification works at the Caravan Park. Also, the LPS 2 Review has been brought forward.

## Civic Leadership

There are no red flags in this objective. The Shire has made good inroads with its actions regarding civic leadership. In particular it has met its Integrated Planning and Reporting obligations.

## Overall Assessment

The level of actions completed (68.75%) is down from 80.5% in November 2018 and below what would be normally expected (at least 70% - 80%).

## Major Projects

### **Carnamah - Bunjil Road upgrade**

This major project is completed. Maintenance only going forward.

### **Eneabba - Coolimba Road upgrade**

Ongoing for the next 3 - 4 years. Funding of \$1.6M per year au spiced via Main Roads WA.

**Note:** 2019/20 is the last year regarding this funding.

### **Commissioning of extended refuse sites at Carnamah and Eneabba**

Completed.

## Integrated Planning and Reporting Review: Due Second Half of 2020

Please note that the Shire's Strategic Community Plan is due for review in the second half of next year (2020) to meet the adoption and implementation timelines in the first half of 2021. This will also mean that the Shire's other integrated plans will need to be updated accordingly i.e.:

- Corporate Business Plan;
- Long Term Financial Plan;
- Asset Management Plans; and
- Workforce Plan.

**Note: The Shire needs to undertake the SCP Desk Top (Two Yearly) review in the second half of 2019**



## CONSULTATION

Senior Staff

## STATUTORY ENVIRONMENT

### Local Government Act 1995

#### **Section 5.56. Planning for the future**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

### **Local Government (Administration) Regulations 1996**

#### **19C. Strategic community plans, requirements for (Act s. 5.56) – In part:**

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

#### **19DA. Corporate business plans, requirements for (Act s. 5.56) – In part:**

- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Department of Local Government, Sporting and Cultural Industries Guidelines on Integrated Planning and Reporting

## **STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)**

### **Strategic Planning**

#### **1. Ongoing reviews of the Strategic Community Plan**

**Rationale** - To comply with legislation as well as keeping the Plan relevant. **Restraints to success** - Lack of community interest and involvement. Negativity in the community towards the Shire Council and staff.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**ITEM: 10.2.2**

**That Council accept the June Quarterly Review of the Shire's Corporate Business Plan as provided for in Attachment 10.2.2**

## 10.3 CONFIDENTIAL REPORTS

### 10.3.1 MOTION TO CLOSE THE MEETING TO THE PUBLIC - CONSIDERATION OF CONFIDENTIAL REPORTS

Applicant:	Acting CEO, Mr Sean Fletcher
Location / Address:	Shire of Carnamah
File Ref:	ADM0174
Disclosure of Interest:	Nil
Date:	8 July 2019
Author:	Acting CEO, Mr Sean Fletcher
Previous Item Ref:	
Attachments:	Nil

#### SUMMARY

Item 10.3.1 in today's Agenda, deals with matters affecting Council, of which the meeting may be closed to the public.

#### BACKGROUND

Council is required to consider the contract of employment for the Shire's Acting Chief Executive Officer (A/CEO).

#### COMMENT

As per other sections in this report.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

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

Matters of a sensitive nature may be dealt with in camera (behind closed doors). In this case sub-section 5.23(2)(a) deals with matters affecting an employee. Sub-section 5.23(c) deals with matters regarding contracts.

#### STRATEGIC IMPLICATIONS (Community Strategic Plan 2017-2022)

Nil

#### POLICY IMPLICATIONS

Nil

#### FINANCIAL IMPLICATIONS

Nil

#### VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

**Item: 10.3.1**

**That Council under s5.23 (2)(a) and (c) of the *Local Government Act 1995* closes the meeting to the public so that it can consider item 10.3.2**

**Moved:**

**Seconded:**

**Carried:**

Meeting closed to the public and Council moved behind closed doors at:

**10.3.2 CONFIDENTIAL ITEM - ACTING CHIEF EXECUTIVE OFFICER'S CONTRACT**

Applicant:	Sean Fletcher
Location / Address:	Shire of Carnamah
File Ref:	ADM0174
Disclosure of Interest:	Financial - Matter deals with Mr Fletcher's remuneration as the Acting CEO
Date:	8 July 2019
Author:	Sean Fletcher, Acting CEO
Previous Item Ref:	
Attachments:	Employment Contract Sean Kelleher Fletcher

**Moved:**

**Seconded:**

**Carried:**

**10.3.3 MOTION: COUNCIL DECLARE THE MEETING RE-OPENED TO THE PUBLIC**

**Moved:**

**Seconded:**

**Carried:**

Meeting re-opened to the public and Council returned from behind closed doors at:

- 11. ORDERING THE COMMON SEAL**
  
- 12. REPORTS OF COMMITTEES AND MEMBERS**
  
- 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 14. NOTICE OF MOTIONS**  
(For consideration at the following meeting, if given during the meeting)
  
- 15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**
  
- 16. CLOSURE OF MEETING**