

# **SHIRE OF CARNAMAH**

Ordinary Meeting of Council

25 October 2017

## **Notice of Meeting**

**Dear Councillor,**

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

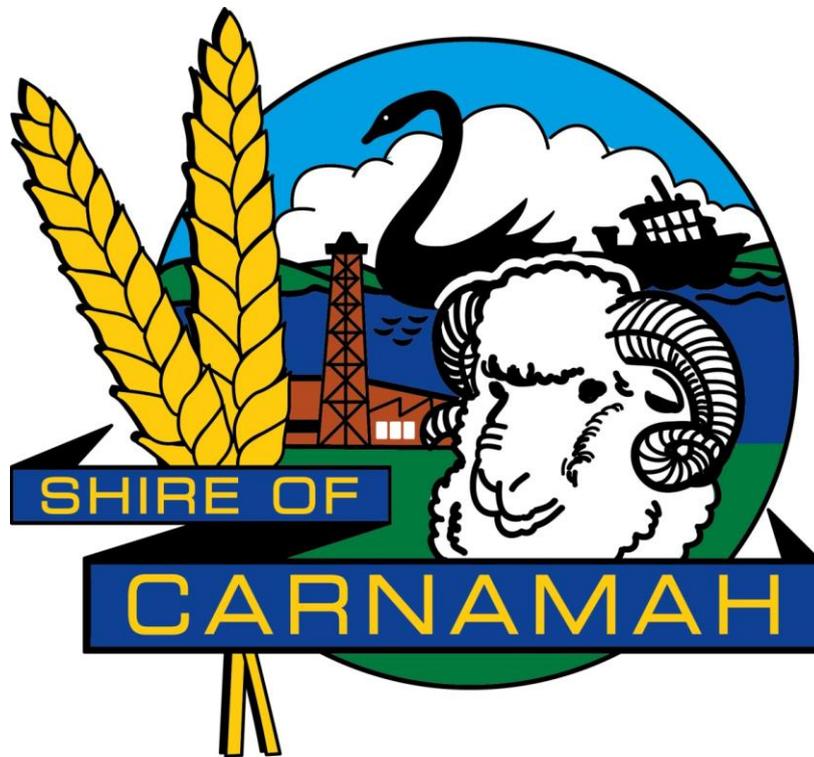
**On: Wednesday 25 October 2017**

**At: Council Chambers**

**33-37 Macpherson Street, Carnamah**

**Commencing at:3:00pm**

.....  
**N P Hartley**  
**CHIEF EXECUTIVE OFFICER**



# AGENDA

Ordinary Meeting of Council

25 October 2017

# SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL – 25 October 2017

## AGENDA

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**APPENDICES**

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(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**

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**AGENDA**

**ORDINARY MEETING OF COUNCIL**

**To be held in the Council Chambers, 33-37 Macpherson Street, Carnamah  
On WEDNESDAY 25 October 2017  
Commencing at 3.00 pm**

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**1. DECLARATION OF OPENING**

**2. RECORD OF ATTENDANCE**

**Present**

**Apologies**

**Leave Of Absence (Previously Approved)**

Nil

**2.1 SWEARING IN OF COUNCILLORS**

Each successful candidate of the election is required to make a declaration before they can act in the capacity of a Councillor; or a Council elected President or Deputy President.

In accordance with section 2.29 of the Local Government Act 1995 Councillors elect will be sworn in by making the Declaration by an Elected Members of Council (Electoral Form 7).

Swearing in of Councillors –

**Four Councillors as elected on Saturday 21 October 2017.**

## **2.2 ELECTION OF PRESIDENT – TWO YEAR TERM TO OCTOBER 2019**

File: ADM0258

Author: Chief Executive Officer

In accordance with the Section 2.28 (Item 11) the term of the Shire President ends when the President is next elected at or after the Local Government's next Ordinary Election. Therefore, it is necessary to elect the Shire President. The election of President is therefore for a two year term to October 2019.

The election of Shire President will be conducted in accordance with clause 4(2) of Schedule 2.3 of the Local Government Act 1995. The Chief Executive Officer will conduct this election and as required by the Act, will preside at the Council meeting until:

- the election of the President is complete;
- a result has been declared, and
- a declaration of office has been made by the newly elected President.

Councillors may nominate themselves or another Councillor (provided that person has indicated to the CEO in writing or verbally his/her willingness to accept the nomination). Nominations for President are to be submitted in writing to the CEO. If there is more than one nomination for the office a secret ballot will be conducted by the CEO, and the candidate with a majority of votes declared elected. If there is an equality of votes, the meeting shall be adjourned for not more than seven days and the secret ballot conducted again on resumption of the meeting.

After the election the Shire President will make a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitutions) Regulations 1996 prior to acting in the position.

**Newly elected President to preside over the remainder of the meeting.**

### **2.3 ELECTION OF DEPUTY PRESIDENT – TWO YEAR TERM TO OCTOBER 2019**

File :ADM0258

Author: Chief Executive Officer

In accordance with the Section 2.28 (Item 12) of the Local Government Act 1995 the term of the Deputy Shire President ends at the start of the first meeting of the Council after the Local Government's next Ordinary Election. Therefore, it is necessary to elect the Deputy Shire President. The Shire President will conduct this election as per clause 8(2) of Schedule 2.3. The election of the Deputy President cannot take place until the election of the President is finalised.

The election of Deputy President is for a two year term to October 2019 and will be conducted by the President (or in the absence of the President or the President would prefer, the CEO). Councillors may nominate themselves or another Councillor (provided that person has indicated to the person conducting the election in writing or verbally his/her willingness to accept the nomination). Nominations for Deputy President are to be submitted in writing to the person conducting the election.

If there is more than one nomination for the office a secret ballot will be conducted by the person conducting the election, and the candidate with a majority of votes declared elected. If there is an equality of votes, the count will be discontinued and a special meeting convened not more than seven days later to conduct a second ballot.

After the election the Deputy Shire President will make a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitution) Regulations 1996, prior to acting in this position.

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

Nil

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. DISCLOSURE OF INTEREST**

The Manager of Works and Services has declared a financial interest in Item 10.3.2.

**7. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

**Eneabba War Service Land Settlement (WSLS) Memorial**

This initiative was first referred to the Shire several months ago and has been informally discussed amongst Councillors in the interim period. The proposal has now reached the stage where it has secured the necessary funding and warrants a more formalised presentation to Council. Tammy Sandison and Kate Heal have made themselves available to present this Eneabba War Service Land Settlement Memorial proposal to Councillors.

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**9. CONFIRMATION OF MINUTES**

**9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 20 SEPTEMBER 2017**

*As Circulated*

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Item 9.1**

That the Minutes of the Ordinary Meeting of Council held on 20 September 2017 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:                   | 19 October 2017                |
| Author:                 | Deputy Chief Executive Officer |
| Attachments:            | 10.1.1 - Cheque & EFT Listing  |

#### **SUMMARY**

Council to confirm the payment of creditors for the period 9 September 2017 to 13 October 2017, in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

#### **ATTACHMENT**

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

#### **BACKGROUND**

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

#### **COMMENT**

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

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**Item: 10.1.1**

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 9 September 2017 to 13 October 2017; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer’s absence) as delegated by the Chief Executive Officer including:

|                           |                 |
|---------------------------|-----------------|
| Manual Municipal cheques: | 022505 – 022508 |
| Municipal cheques:        | 28073 – 28079   |
| Municipal EFT’s:          | 10518 – 10639   |
| Trust Cheques:            | Nil             |
| Payroll direct debits:    | #06 - #07       |
| Municipal Direct Debits   | 30/09/2017      |

Totalling \$1,844,134.01 be approved and passed for payment.

## 10.1.2 FINANCIAL REPORTS TO 30 SEPTEMBER 2017

|                         |   |
|-------------------------|---|
| Applicant:              | N/A   |
| Location / Address:     | N/A   |
| File Ref:               | ADM0075   |
| Disclosure of Interest: | Nil   |
| Date:                   | 19 October 2017                                 |
| Author:                 | Deputy Chief Executive Officer                  |
| Attachments:            | 10.1.2 Monthly Statement of Financial Activity, |

### SUMMARY

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

### BACKGROUND

The attached financial report for the period 1 July 2017 to 30 September 2017 (marked 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

### COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2017 to 30 September 2017;
- Summary Rates Trial Balance Report as at 30 September 2017;
- Cash and Investment Listing;
- Debtors Listing;
- Other Supplementary Information;

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

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

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

Item: 10.1.2

That Council receive the Statement of Financial Activity for the period 1 July 2017 to 30 September 2017; and other supplementary financial information as presented.

## 10.2 ADMINISTRATION REPORTS

### 10.2.1 ENEABBA WAR SETTLEMENT MEMORIAL (1947-1951)

|                         |   |
|-------------------------|---|
| Applicant:              | Eneabba War Settlement Memorial Working Group |
| Location / Address:     | 'Pioneer Walk/Park' – Eneabba Drive, ENEABBA  |
| File Ref:               | ADM0193 / ADM0175                             |
| Disclosure of Interest: | Nil   |
| Date:                   | 26 September 2017                             |
| Author:                 | Chief Executive Officer                       |
| Attachments:            | 10.2.1 – Working Group Paper (proposal)       |

#### SUMMARY

A proposal to construct an Eneabba War Settlement Memorial (1947–1951) on Shire controlled land on Eneabba Drive (just off the brick paved area near the 'Pioneer Walk/Park' that formed part of the Eneabba town centre revitalisation project) has been received.

A working group of war settlement families and Eneabba residents have been working with the Eneabba Progress Association to secure funding for the project and to seek Council approval for the site.

The report outlines the proposal and requires Council consideration of the memorial's construction and in particular, the suggested site for the memorial.

#### BACKGROUND

Several months ago, a proposal for an Eneabba War Settlement Memorial (1947–1951) was being considered by Eneabba residents. A working group (consisting of three of the settlers themselves (sons of), Kate Heal, and Tammy Sandison) was then established to help some of the settler families look at grant options etc, and a grant application was submitted to the CBH *Grass Roots Fund* to part fund it under the name of the Eneabba Progress Association. Sufficient funds have now been raised to enable the project to proceed (i.e. no Shire funds are being sought for the construction phase).

Attached is an artist's impression of the Memorial and the suggested preferred site is on Eneabba Drive (see photo attached), namely, to be located just off the brick paved area near the 'Pioneer Walk/Park' that formed part of the town centre revitalisation project.

The Working Group are at this point contemplating a limestone wall to house the plaques but the group has held off seeking engineered drawings until Council's "in principle" approval is in place (the estimate for these structural drawings is \$950).

Some thought has been given to the future of the area and the Working Group have indicated the potential to extend the heritage project down into the area already set aside as the 'Pioneer Walk', but will not be pursuing that until they are closer to applying for additional grant funds for that piece of work.

Some informal discussion has occurred with Councillors several months ago and representatives of the group will make themselves available at the Council meeting to answer questions.

## COMMENT

Whilst informal discussion has occurred with Councillors the matter has not formally been raised at a Council Meeting.

The local working group and the Eneabba Progress Association have lodged a successful grant application to CBH's *Grass Roots Fund* to part fund the Memorial. Including other fundraising, sufficient funds have now been raised to enable the project to proceed and so there is no request for Shire funds to be allocated (at least to the construction phase). It would be expected however that the Shire's Eneabba employees will have some involvement from time to time with the project, particularly with site delineation and preparation.

The attached artist's impression of the Memorial and the suggested site are anticipated to receive community support.

## CONSULTATION

Eneabba War Settlement Memorial Working Group

## STATUTORY ENVIRONMENT

Whilst it does not seem to be inconsistent, Council will need to be comfortable that the proposal sits with the intentions of the recent revitalisation initiatives undertaken in Eneabba, the Community Strategic Plan, and the Corporate Business Plan.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil for construction, but there will be the ongoing need for general maintenance of the area (not the memorial itself) which will need to be accommodated in future budgets. This can be budgeted through the annual maintenance budget and will add a small sum to existing funding levels, perhaps up to \$1,000pa.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

Item 10.2.1

That Council –

1. Endorse the suggested preferred site for the Memorial (vis. within the 'Pioneer Walk/Park' area revitalised with gardens and facilities on Eneabba Drive, Eneabba); and
2. Endorse the involvement of the Shire's Eneabba equipment/employees as a Shire "in kind" contribution for the project, particularly with site delineation and preparation, up to the value of \$1,000.

## **10.2.2 HOME OCCUPATION PERMIT – FIREARMS AND AMMUNITION DEALERSHIP**

|                         |   |
|-------------------------|---|
| Applicant:              | Fraternity Ag Services (Sebastien Fidock)                         |
| Location / Address:     | 2 Robertson Street, Carnamah                                      |
| File Ref:               | ADM0270   |
| Disclosure of Interest: | Not Applicable  |
| Date:                   | 13 October 2017   |
| Author:                 | Chief Executive Officer   |
| Attachments:            | 10.2.2 – Application by Fraternity Ag Services (Sebastien Fidock) |

### **SUMMARY**

An application (see Attachment 10.2.2) has been received for a letter of support from Council so that a Carnamah townsite resident might apply for a license from the Western Australia Police to be a firearms dealer. A Home Occupation License for a firearms dealership service under the Shire of Carnamah Town Planning Scheme No.2 will also be required and will in effect, satisfy the “letter of support” requirement of WA Police.

It is suggested that this is an approval consideration that would benefit from wider community engagement before Council makes its final deliberation on the matter and that the proponent should be responsible to undertake that community consultation.

### **BACKGROUND**

An application has been received from Fraternity Ag Services (Sebastien Fidock) of 2 Robertson Street, Carnamah for a license to operate a Home Occupation under the Shire of Carnamah Town Planning Scheme No.2 (see Attachment). The Home Occupation is sought for a firearms dealership service.

The property is zoned Residential and the Shire of Carnamah’s Town Planning Scheme Zoning Table provides that a “Home Occupation” is a “D” use (vis. the use is not permitted unless the local government has exercised its discretion by granting planning approval). The Shire may therefore permit a Home Occupation (see Statutory Environment section of this report for the definition of a Home Occupation) in a “Residential” zone if it believes that is appropriate to do so.

One of the requirements of a Home Occupation is that it *“will not cause injury to or adversely affect the amenity of the neighbourhood.”*

### **COMMENT**

Home Occupations come in many forms and on this occasion, the request is for a business to satisfy the firearms and ammunition market in the district/region.

Such a business is heavily regulated by the WA Police and one of the first steps an interested body needs to take to secure a police approval is to seek a letter of approval from the relevant local government. Consideration of the matter as a Home Occupation under the

Town Planning Scheme provides a good structure to the consideration process as this process provides for the relevant legislation (e.g. Health Act) to be part of the thinking process, as well as the normal Town Planning Scheme regulations. An approved Home Occupation should satisfy WA Police of the Shire's endorsement of the business proposal and its location.

On this occasion however it would also be appropriate to consider the warrant for wider community input as notwithstanding the rural location of Carnamah, there is likely to be keen local interest in the topic, particularly from adjoining and near neighbours. As such, Council's Policy 2.9 (Community Engagement) outlines the various forms of community consultation options available to the Shire. It is not uncommon for a local government to require a proponent to undertake the community consultation process itself as part of the process of submitting an application for a license (in this case a Home Occupation) and that is suggested should be the case on this occasion.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

The Local Government Act 1995 at section 3.1 outlines that the general Function of Local Government is to provide for the good government of people in its district.

The property is zoned Residential and the Shire of Carnamah's Town Planning Scheme Table 10 - Zoning Table provides that a "Home Occupation" is a "D" use (vis. the use is not permitted unless the local government has exercised its discretion by granting planning approval).

The Planning and Development (Local Planning Schemes) Regulations 2015 defines a Home Occupation as follows –

*means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —*

- (a) does not involve employing a person who is not a member of the occupier's household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) does not occupy an area greater than 20 m<sup>2</sup>; and*
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m<sup>2</sup>; and*
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (f) does not —*
  - (i) require a greater number of parking spaces than normally required for a single dwelling; or*
  - (ii) result in an increase in traffic volume in the neighbourhood; and*
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*

- (h) does not include provision for the fueling, repair or maintenance of motor vehicles; and*
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is locate.*

### **STRATEGIC IMPLICATIONS**

Whilst such a proposal is not specifically referred to, the Strategic Community Plan refers to aspirations like community safety and being a place of economic opportunity. The Corporate Business Plan refers to the need for the Shire's Planning Scheme to be reviewed to ensure appropriate land use zoning to accommodate future business activity (which has occurred); and to encourage the establishment of new industries to broaden the district's economic base.

There would seem to be the potential for this application to both meet, and be conflicting to, the intentions of the Strategic Community Plan and the Corporate Business Plan, causing somewhat of a conundrum for Council as it progresses its consideration of the proposal.

### **POLICY IMPLICATIONS**

Policy 2.9 (Community Engagement) outlines the various forms of community engagement options available to the Shire.

### **FINANCIAL IMPLICATIONS**

There is a small fee for the provision of the Home Occupation License if one is issued. No significant impact will result unless Council decides to conduct the community consultation process using the Shire's own resources.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

**Item 10.2.2**

That Council –

1. Notes the potential competing priorities and aspirations of the Strategic Community Plan and the Corporate Business Plan as they relate to this particular proposal;
2. Not make a decision on the question of whether to provide a letter of support or a Home Occupation License to Fraternity Ag until it can satisfy Council that it has undertaken a reasonable level of local community consultation and the result of that community consultation is generally positive to the Home Occupation proposed; and
3. Consider that application after the satisfactory completion by the proponent of (2) above, noting that Council will be giving priority consideration to the views of contiguous and other near neighbours of 2 Robertson Street, Carnamah.

### 10.2.3 RECYCLING METALS – CARNAMAH AND ENEABBA REFUSE SITES

|                         |                         |
|-------------------------|-------------------------|
| Applicant:              | MSC Matthews Trading    |
| Location / Address:     | N/A                     |
| File Ref:               | ADM0227                 |
| Disclosure of Interest: | Nil                     |
| Date:                   | 13 October 2017         |
| Author:                 | Chief Executive Officer |
| Attachments:            | Nil                     |

#### SUMMARY

A proposal has been received by a commercial provider, to remove recyclable materials from the Carnamah and Eneabba Refuse Disposal Sites.

Whilst only a modest sum is offered for the materials themselves, it is considered worth progressing as whilst the revenues received will be negligible, the physical removal of dumped materials from the tip site will reduce future tip earthworks expenses and also lengthen the life of the facility. When considered as a “package”, it is believed that the proposal is worth progressing, at least for a trial period.

#### BACKGROUND

The Shire received a proposal from Mr Milton Matthews of MSC Matthews Trading (ABN 23 429 451 771). Mr Mathews has been working in the scrap metal recycling industry for the last couple of years and now wishes to expand his own business, buying, processing and exporting paper, cardboard, steel and other non-ferrous metals.

Mr Matthews wishes to extract all the scrap steel, wire, car bodies and any other scrap metal from the various refuse disposal sites within the Shire of Carnamah and transport them to Perth for processing. MSC Matthews Trading has its own truck/trailers and excavator to clean and load the steel into the truck.

He has visited Carnamah for a site inspection in the last month and has offered a payment of \$20(+GST) per tonne for the materials taken.

#### COMMENT

The sum of \$20/tonne is modest, but must be considered in light of the small quantities involved and the distance to market (Perth) for the product. Notwithstanding the relatively low purchase price offered, it is worth considering as whilst the revenues received will be negligible, the removal of dumped materials from the tip site will reduce future tip earthworks expenses (like the covering of the waste on a regular basis) and it will also lengthen the life of the facility (a process currently being progressed through via contiguous land procurement and licensing ..... and taking a great deal of time and effort).

As MSC Matthews Trading is a new business, special care will need to be taken with establishing any contractual arrangements to ensure that the necessary levels of workplace safety and insurances are in place before any access to the sites are provided. In light of the

risk of any new business, it is suggested that whilst the proposal is worth progressing, it be on the basis of a trial period of 12 months initially.

## **CONSULTATION**

Manager of Works and Services

## **STATUTORY ENVIRONMENT**

Whilst the question of tenders (for value over \$150,000 and to open the proposal up to a wider commercial audience) requires consideration, it is not thought relevant in this instance as the value of the product and the likely commercial viability is considered to be quite low. If the service has potential to be sustainable into the long term, tenders might be warranted at some future point in time.

Section 55 of the Waste Avoidance and Recovery Act outline that all waste received by a local government becomes the property of the local government, and may be destroyed, sold or otherwise disposed of by the local government.

## **POLICY IMPLICATIONS**

Policy 2.7 (Purchasing) is relevant and provides for the Council to consider a purchase option.

## **FINANCIAL IMPLICATIONS**

Any revenue received would be beneficial to the Shire, although the annual sum is expected to be less than \$500.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER RECOMMENDATION**

**Item 10.2.3**

That Council –

1. Authorise the removal of recyclable material from the Carnamah and Eneabba Refuse Disposal sites for a 12 month trial period, subject to there being a suitable contract entered into with MSC Matthews Trading; and
2. Delegate authority to the Chief Executive Officer to negotiate and enter into suitable contractual arrangements with MSC Matthews Trading for a 12 month period.

## 10.2.4 PROPOSED ROAD VERGE TREATMENT – AFGRI EQUIPMENT (CARNAMAH)

|                         |  |
|-------------------------|--|
| Applicant:              | Afgri Equipment (Carnamah)                     |
| Location / Address:     | 1 Forrester Avenue, Carnamah                   |
| File Ref:               | ADM0270  |
| Disclosure of Interest: | Nil  |
| Date:                   | 11 October 2017                                |
| Author:                 | Chief Executive Officer                        |
| Attachments:            | 10.2.4 – Plan of proposed road verge treatment |

### SUMMARY

AFGRI has requested permission to replace a portion of its two road frontages (Forrester Avenue and Bowman Street) with a crushed granite material.

The Shire's Local Law does not provide the flexibility to approve the request administratively.

It is suggested that Council formally authorise the material for use as an "acceptable material" for a road verge treatment, so that future applications can be promptly processed.

### BACKGROUND

AFGRI Equipment has recently asphalted a portion of its front yard and wishes to use crushed granite for the remainder. AFGRI have sought permission to also replace a portion of its two road frontages (Forrester Avenue and Bowman Street) by "*scraping back the vegetation (weeds & grasses) that goes to the road curb and put the Blue Metal dust all the way up to the road curb*" (refer to attached plan).

The Shire has a Public Places and Local Government Property Local Law and one of the roles of this local law is to address road verges, but the local law does not accommodate the request at hand (although quite obviously the material is commonly and almost exclusively used with good effect across much of the Carnamah Townsite).

### COMMENT

The model local law dealing with Public Places and Local Government Property does not specifically accommodate this particular road verge treatment in the manner that it is applied in Carnamah. This is unsurprising as it is not a material commonly used across the state.

Whilst the Shire itself has installed much of the materials in the past, and over many years (and it is presently being replaced as part of the WANDRAA works underway) the local law does not provide for it to be administratively approved upon application by an adjoining landowner.

It is suggested that Council adopt a formal position on the material and its permissible application levels so that any future applications for its use can be promptly processed.

### CONSULTATION

Nil

## **STATUTORY ENVIRONMENT**

The Shire of Carnamah’s Public Places and Local Government Property Local Law (Clause 6.6 – Permissible Verge Treatments) outlines that the owner/occupier of a property may seek permission to install a permissible verge treatment on the verge directly in-front of their property.

A permissible verge treatment can be a lawn or a garden (subject to clear sight visibility) and provision for the footpath (or a space for pedestrians) also needs to be maintained. Also permissible is an “acceptable material” (up to a maximum of 30% of the area in question) however an “acceptable material” is not defined in the Local Law or a Policy.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER RECOMMENDATION**

**Item 10.2.4**

That Council –

1. Endorse a modification to the Local Government Property Local Law at clause 6.6 to accommodate the use of crushed granite (as an “acceptable material”) to up to 100% of a road verge within the Carnamah Townsite (to be undertaken when the local laws are next reviewed);
2. Authorise the use of crushed granite (similar to that which is commonly used as verge treatments throughout the Carnamah Townsite) for the Forrester Avenue and Bowman Street verges adjacent to the property of 1 Forrester Avenue as requested by AFGRI Equipment and outlined in the attachment, subject to the several trees that AFGRI is soon to be planting along these road verges not being adversely impacted; and
3. Authorise the Chief Executive Officer to endorse any future applications for similar verge treatment applications receive until the Local Government Property Local Law is formally updated as per #1 above.

## 10.2.5 APPOINTMENT OF MEMBERS TO COMMITTEES AND WORKING GROUPS

|                         |                         |
|-------------------------|-------------------------|
| Applicant:              | N/A                     |
| Location / Address:     | N/A                     |
| File Ref:               | ADM0198                 |
| Disclosure of Interest: | Nil                     |
| Date:                   | 2 October 2017          |
| Author:                 | Chief Executive Officer |
| Attachments:            | Nil                     |

### SUMMARY

Following Council elections, appointments to Committees and Working Groups are to be made.

### BACKGROUND

In October 2015, the following Committees and Working Groups had appointments made to them. Notes on the current status of the groups are as outlined below.

#### AUDIT COMMITTEE

ALL COUNCILLORS

*Note: This is a statutory requirement under the Local Government Act 1995. The role of the Committee is to provide audit guidance and assistance to the local government, including in regard to audit scope and appointment of auditors; review the compliance audit return; and consider the CEO's biennial review on the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control, and legislative compliance; .*

#### CARNAMAH SINGLE UNITS MANAGEMENT GROUP

Councillors (2) –  
 Cr. Kikeros  
 Cr. Laundry  
 DCEO  
 Homeswest representative

*Note: Council is required to retain this Group in accordance with the funding agreement with the Homeswest Joint Venture program. While this Group does not meet (as the units are managed within the administration) it needs to be retained.*

**CARNAMAH AGED PERSONS MANAGEMENT GROUP**

Councillors (2) –  
Cr. Woollorton  
Cr. Laundry  
DCEO  
Homeswest representative

*Note: Council is required to retain this Group in accordance with the funding agreement with the Homeswest Joint Venture program. While this Group does not meet (as the units are managed within the administration) it needs to be retained.*

**WINCHESTER CEMETERY WORKING GROUP**

**CA** Councillor - Cr. Woollorton  
Chief Executive Officer  
Community members (3)  
  
**CW** Councillor (to be Specified)  
Manager Works and Services  
Community member (1)

*Note: This is a joint Working Group with representation from the Shires of Coorow and Carnamah which manages improvements, maintenance and funding of cemetery operations. This is not an active working group as the area is largely managed within the administration.*

**CARNAMAH/ENEABBA VOLUNTEER FIRE BRIGADE**

Council Representatives (2) -  
Cr. Piccles-Popham (Eneabba)  
Cr. Bowman (Carnamah)  
Chief Bush Fire Control Officer  
Deputy BFCOs – Carnamah and Eneabba  
FESA Liaison Officer  
Brigade Captains – Carnamah and Eneabba  
Fire Weather Officer (Eastern Sector)  
Fire Weather Officer (Western Sector)  
Chief Executive Officer  
Manager of Works and Services  
Beekeeper Representative; and  
DEC Representatives (2)

*Note: The volunteer Fire Brigades are supported by the Shire in terms of administration, funding and operational coordination. At present, the Shire's role is as requirement under the provisions of the Bush Fires Act 1954.*

**CARNAMAH FACTORY UNITS MANAGEMENT GROUP**

Councillor - Cr. Bowman  
Chief Executive Officer  
Community Members (2)

*Note: This working group has two community members. It meets rarely, as required and is managed through the administration.*

**CULTIVATING CARNAMAH WORKING GROUP**      Councillor - Cr. Stirling  
Chief Executive Officer  
Community Member (Toy Library)  
Community Member (Education)  
Community Member (Seniors)  
Community Member (Youth)  
Community Member (Job Creation)  
Community Member (Tourism)

*Note: This working group is retained and is activated as necessary, although most matters that arise are now of an operational nature and are managed by the administration.*

## **COMMENT**

Most business of Council is now conducted through full Council rather than through committees and the Council has delegated authority to the CEO to make some decisions that might have otherwise been made by working groups. Should the need arise however, Council may establish committees and working group at any time.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

Subdivision 2 — Committees and their meetings

5.9(2) A committee is to comprise —

- (a) council members only;
- (b) council members and employees;
- (c) council members, employees and other persons;
- (d) council members and other persons;
- (e) employees and other persons (i.e. a person who is not a council member or an employee); or
- (f) other persons only.

5.10. Appointment of committee members

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

**\* Absolute majority required.**

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2) (a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.

(3) Section 5.2 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 5.2(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**Item: 10.2.5**

That Council appoint the following as members of committees and working groups for a term of office expiring in October 2019:

**AUDIT COMMITTEE**

All Councillors

**CARNAMAH SINGLE UNITS MANAGEMENT COMMITTEE**

Councillors (2) –  
Cr.....  
Cr.....  
DCEO  
Homeswest representative

**CARNAMAH AGED PERSONS MANAGEMENT COMMITTEE**

Councillors (2) –  
Cr.....  
Cr.....  
DCEO  
Homeswest representative

**WINCHESTER CEMETERY WORKING GROUP**

**CA** Councillor  
Cr.....  
Chief Executive Officer  
Community members (3)  
  
**CW** Councillor (**Specify**)  
Manager Works and Services  
Community member

**CARNAMAH/ENEABBA VOLUNTEER FIRE BRIGADE**

Council Representatives (2)  
Cr.....  
Cr.....  
Chief Bush Fire Control Officer  
Deputy BFCOs – Carnamah and Eneabba  
FESA Liaison Officer  
Brigade Captains – Carnamah and Eneabba  
Fire Weather Officer (Eastern Sector)  
Fire Weather Officer (Western Sector)  
Chief Executive Officer  
Manager of Works and Services  
Beekeeper Representative 1; and  
DEC Representative (2)

**CARNAMAH FACTORY UNITS WORKING GROUP**

- Councillor
- Cr.....
- Chief Executive Officer
- Community Members (3)

**CULTIVATING CARNAMAH WORKING GROUP**

- Councillor
- Cr.....
- Chief Executive Officer
- Community Member (Toy Library)
- Community Member (Education)
- Community Member (Seniors)
- Community Member (Youth)
- Community Member (Job Creation)
- Community Member (Tourism)

## 10.2.6 APPOINTMENT OF DELEGATES AND REPRESENTATIVES

|                         |                         |
|-------------------------|-------------------------|
| Applicant:              |                         |
| Location / Address:     | N/A                     |
| File Ref:               | ADM0198                 |
| Disclosure of Interest: | Nil                     |
| Date:                   | 2 October 2017          |
| Author:                 | Chief Executive Officer |
| Attachments:            | Nil                     |

### SUMMARY

This report recommends the appointment of Council's delegates and representatives to other organisations.

### BACKGROUND

Every two years, after the ordinary local government elections, Council appoints its delegates and representatives to other organisations for two year terms (unless specified otherwise).

The listing of current appointments are as below:

#### **P & C Associations**

CA: Cr. Laundry  
EN: Cr. Piccles-Popham

#### **North Midlands Sub-Regional Road Group**

Cr. Bowman

#### **Midwest – Gascoyne Regional Road Group**

Cr Bowman

#### **Midwest – Gascoyne Technical Working Group**

CEO

#### **Carnamah Land Conservation District Committee**

*(3 year appointments to November 2019)*

Cr. Kikeros  
Cr. Isbister

#### **Local Emergency Management Committee (LEMC)**

Cr. Isbister  
Cr. Kikeros  
Executive Support Officer

#### **Eneabba Progress Association**

Cr. Stirling

#### **Carnamah Historical Society**

Cr. Laundry

#### **WALGA Northern Country Zone**

Cr. Isbister  
Cr. Woollorton (Proxy)

**Development Assessment Panel** *(all current local government DAP members were appointed on the 26 July 2017, for the term ending 26 July 2018)*

Cr. Isbister  
Cr. Stirling  
Chief Executive Officer

## COMMENT

Having delegates on a broad range of groups provides the opportunity for elected members to make a contribution on behalf of the Carnamah community.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Nil

## FINANCIAL IMPLICATIONS

Reimbursement of travel expenses to Councillor appointees in carrying out their duties as representatives of the Council will be met by the Shire on the submission of the relevant claim form to the Chief Executive Officer.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

Item: 10.2.6

That Council appoint its delegates and representatives to the following organisations, for a two year term to October 2019 unless specified otherwise.

|                               |                               |
|-------------------------------|-------------------------------|
| <b>P &amp; C Associations</b> | Carnamah: Cr.<br>Eneabba: Cr. |
|-------------------------------|-------------------------------|

|   |     |
|---|-----|
| <b>North Midlands Sub-Regional Road Group</b> | Cr. |
|---|-----|

|   |     |
|---|-----|
| <b>Midwest – Gascoyne Regional Road Group</b> | Cr. |
|---|-----|

|   |     |
|---|-----|
| <b>Midwest – Gascoyne Technical Working Group</b> | CEO |
|---|-----|

**Carnamah Land Conservation District Committee**  
(confirm previous appointment at 16 November 2016 Council Meeting of Crs Kikeros and Isbister - from November 2016 to November 2019)

|  |            |
|--|------------|
| <b>Local Emergency Management Committee (LEMC)</b> | Cr.<br>Cr. |
|--|------------|

### 10.3 CONFIDENTIAL REPORTS

|                               |
|-------------------------------|
| <b>OFFICER RECOMMENDATION</b> |
|-------------------------------|

|                    |
|--------------------|
| <b>Item 10.3.1</b> |
|--------------------|

|   |
|---|
| That Council close the meeting to members of the public as provided for in Section 5.23(2)(e)(iii), “ <i>a matter affecting an employee or employees</i> ”. |
|---|

That the meeting be re-opened to the public and if there are no members of the public present, the motions passed behind closed doors, not be read out.

**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**