

# SHIRE OF CARNAMAH

## Ordinary Meeting of Council

21 June 2017

### Notice of Meeting

Dear Councillor,

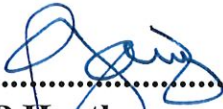
The next Ordinary Meeting of the Carnamah Shire Council is to be held

On: Wednesday 21 June 2017

At: Council Chambers

33-37 Macpherson Street, Carnamah

Commencing at 3:00pm



.....  
N P Hartley

ACTING CHIEF EXECUTIVE OFFICER



# AGENDA

Ordinary Meeting of Council

21 June 2017

# SHIRE OF CARNAMAH

## ORDINARY MEETING OF COUNCIL – 21 June 2017

# AGENDA

## TABLE OF CONTENTS

	Page
<b>DISCLAIMER</b>	<b>6</b>
<b>1. DECLARATION OF OPENING</b>	<b>7</b>
<b>2. RECORD OF ATTENDANCE</b>	<b>7</b>
Present	
Apologies	
Leave of Absence (previously approved)	
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>7</b>
<b>4. PUBLIC QUESTION TIME</b>	<b>7</b>
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>7</b>
<b>6. DISCLOSURE OF INTEREST</b>	<b>7</b>
<b>7. PETITIONS, DEPUTATIONS AND PRESENTATIONS</b>	<b>7</b>
<b>8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b>	<b>8</b>
<b>9. CONFIRMATION OF MINUTES</b>	<b>8</b>
9.1 Ordinary Meeting of Council – 17 May 2017 (as circulated)	<b>8</b>

<b>10. MANAGEMENT REPORTS</b>	<b>9</b>
<b>10.1 FINANCE REPORTS</b>	<b>9</b>
10.1.1 Accounts for Payment File: ADM0075 (Attachment 10.1.1 – List of Creditors Due & Submitted)	9
10.1.2 Financial Reports to 31 May 2017 File: ADM0075 (Attachment 10.1.2 – Monthly Financial Statement)	11
10.1.3 Adoption of proposed Differential Rating for 2017/2018 Budget File: ADM0145	12
10.1.4 Budget Amendment – Advanced Part Payment of 2017/2018 Financial Assistance Grants File: ADM0071	19
<b>10.2 ADMINISTRATION REPORTS</b>	<b>21</b>
10.2.1 Application for approval to temporarily keep additional dogs at Lot 277 (2) Eneabba Drive, Eneabba File: ADM0064	21
10.2.2 Provision of Air Conditioner – Lot 83 (10) Lucas Drive, Carnamah File: ADM0101	24
10.2.3 Request for Quotation (Tender 4/17) Refuse Collection Service File: Tender 4/17	26
<b>10.3 CONFIDENTIAL REPORTS</b>	<b>29</b>
10.3.1 Motion to close the meeting to the public, consideration of Confidential Report	29
10.3.2 Tender 3/17 – Flood Damage: Site Supervisor File: Tender 3/17 (Attachment: 10.3.2 – Report (Tender Evaluation – GHD)	30
10.3.3 Tender 4/17 – Flood Damage: Supply of Road Construction Plant and Operators File: Tender 4/17 (Attachment: 10.3.3 – Report (Tender Evaluation – GHD)	30
10.3.4 Motion to re-open the meeting	31

<b>11.</b>	<b>ORDERING THE COMMON SEAL</b>	<b>31</b>
<b>12.</b>	<b>REPORTS OF COMMITTEES AND MEMBERS</b>	<b>31</b>
<b>13.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>31</b>
<b>14.</b>	<b>NOTICE OF MOTIONS</b> (For consideration at the following meeting, if given during the meeting)	<b>31</b>
<b>15.</b>	<b>NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL</b>	<b>31</b>
<b>16.</b>	<b>CLOSURE OF MEETING</b>	<b>31</b>

#### **APPENDICES**

APPENDIX "A"	Minutes of Ordinary Meeting of Council – 17 May 2017 (As circulated)
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## 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:  \_\_\_\_\_  
**ACTING 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 21 June 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)**

**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**

The Shire has recently had a Bush Fire Risk Management Plan completed (copy provided under separate cover). This Plan was co-ordinated by Mr Trevor Dunstan, an officer funded by Fire & Emergency Services (Trevor is based at the Shire of Irwin and is preparing plans for Coorow, Irwin and Carnamah).

The Bushfire Risk Management Planning project is the identification and classification of bushfire risk within the respective Local Government(s). The project involves the development of a treatment plan in respect of the identified risk(s), through the utilisation of shared resources and the cooperation between Local Governments, State Agencies and private landowners and occupiers.

Bushfire Risk Management (BRM) Plans document the risk to communities from bushfire and outline the required treatments to reduce these risks. The Bushfire Risk Management System (BRMS) is a risk tool which will aid the prioritisation of treatment works to help lower the bushfire risk faced by the community and designate accountability for treatment. The BRMP project is the initiative and related activities that result in the development and implementation of BRM Plans through the BRMS.

The Plan requires Council's endorsement and it is proposed that this occur at the July Council meeting.

Mr Dunstan is however, available to provide a prior presentation, outlining the background to the report, its content, purpose and an implementation methodology.

A June presentation will enable more time for Councillors to study the report, provide an opportunity for a question and answer session with Mr Dunstan, and the Shire can also then make any final changes to the report itself is that is required prior to presenting the formal Council report to the July Council meeting for endorsement.

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

## **9. CONFIRMATION OF MINUTES**

### **9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 17 MAY 2017**

*As Circulated*

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Item 9.1**

*That the Minutes of the Ordinary Meeting of Council held 17 May 2017, be accepted as a true and correct record.*



## 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:	14 June 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

#### Summary

Council to confirm the payment of creditors for the period 10 May 2017 to 9 June 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 its 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 10 May 2017 to 9 June 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:*

<i>Manual Municipal cheques:</i>	<i>022486 – 022491</i>
<i>Municipal cheques:</i>	<i>28047 – 28055</i>
<i>Municipal EFT's:</i>	<i>10165 – 10272</i>
<i>Trust Cheques:</i>	<i>300401 – 300403</i>
<i>Payroll direct debits:</i>	<i>#23 - #24</i>
<i>Municipal Direct Debits</i>	<i>31052017</i>

*Totalling \$559,848.26 be approved and passed for payment.*

### **10.1.2 FINANCIAL REPORTS TO 31 MAY 2017**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	13 June 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 2016 to 31 May 2017 (see 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 2016 to 31 May 2017;
- Summary Rates Trial Balance Report as at 31 May 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 2016 to 31 May 2017; and other supplementary financial information as presented.*

### **10.1.3 ADOPTION OF PROPOSED DIFFERENTIAL RATING FOR 2017/2018 BUDGET**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0145
Disclosure of Interest:	Nil
Date:	7 June 2017
Author:	Deputy Chief Executive Officer
Attachments:	Nil

#### **Summary**

The Shire has historically utilised the capacity with the Local Government Act to adopt differential rates. Differential rates enable a local government to best apportion the rates burden across the district in a fair and consistent manner.

Local Government costs across Western Australia have risen significantly over the past 12 months, much of which is attributed to the changing financial circumstances of the Western Australian economy and the subsequently difficult financial position the State Government finds itself now in.

Officers have considered the impacts upon the Shire as a result of these cost increases and this report outlines proposed 2017/2018 rating levels if Council wishes to maintain a “status quo” position in respect to its capacity to service its community and maintain its other responsibilities.

#### **Background**

Where infrastructure other than that required for the normal operations of a rural property is in place, Council has the opportunity to rate that section of the property using a Gross Rental Valuation rather than an Unimproved Valuation.

In June 2009, Council resolved to adopt differential rating to ensure that the apportionment of the rates burden across the district is undertaken in a fair and consistent manner, and that rating bases are not eroded due to differing methods and periods of revaluation, land usage and impact of operations on shire resources.

Section 6.36 of the Local Government Act 1995 requires Council to give at least 21 days public notice of its intention to impose differential rates, and invite public submissions. Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment. Council at its budget meeting can adopt the advertised rates, or resolve to adopt a modified version of them.

There are several significant budget challenges that the Shire will face in 2017/2018 and these are highlighted below -

1. The removal of the State Government's stamp duty exemption from the 1st July 2017 will result in approximately \$30,000 in additional Shire expenditure (which will require the equivalent of a 1.6% increase in rate revenue).
2. It is likely that there will be appeals against the valuations on some properties and therefore a provision should be made in the event that those appeals are upheld (to allow for the refund of those rates to be accommodated). A provision of \$40,000 (or approximately 2% of rates) is suggested.
3. In addition to the above, there are the normal annual inflationary type impacts to accommodate on Council's operating costs, including but not limited to, electricity and water charges, incremental wage increases and regulatory requirements associated with the valuation of road and infrastructure assets.

### **Comment**

The proposed rates are based on the need to deliver a 5.52% overall increase in revenue (or approximately \$100,000) raised from rates compared to the 2016/17 year.

The unimproved valuation roll (UV Rural) for rural properties supplied by the Valuer General's Office has seen a 10.77% increase in the total valuations for 2017/18. This increase is purely resultant from the normal cyclical revaluation program and does not reflect any growth in valuations caused by additional farmland areas becoming available.

During the visit by the WA Local Government Grants Commission in 2014 it was noted that the rate revenue from residential, commercial, industrial, and the mining sector was less than the Commission's assessed capacity and that the rural sector was contributing more.

With the above two points in mind, and to achieve an overall 5.52% increase in rate revenue, it is proposed that Council increase the "GRV Rate in the \$" by 7.026% on all GRV rated categories and decrease the "UV Rate in the \$" by 5.21% (noting that because of the increased overall UV valuations, that a decrease in the UV rate in the \$ will not result in a decrease in total UV rate receipts). It should be noted that there are numerous variations possible to the above, where the UV, GRV and minimum rate mix can be modified to achieve a net \$100,000 rate increase.

It is also recommended that the general minimum rate be increased by 4.99% from \$681.00 to \$715.00. This is to achieve the objective of setting a reasonable minimum contribution that property owners should make to the community facilities and services that the Shire provides, and to also assist in containing the overall rate yield increase for agricultural rates to 5.014% and the town sites to 6.871%.

To comply with legislation (LGA 1995 Sect 6.35) Council will need to have a lower minimum rate for the rating category of GRV Rural compared to the rating categories of GRV town sites and GRV Mining and UV Rural.

It is proposed to increase the minimum rates as follows:

<b>Rating Category</b>	<b>From</b>	<b>To</b>
GRV Rural	\$496.50	\$496.00
GRV Townsites & Mining	\$681.00	\$715.00
UV Rural	\$681.00	\$715.00

The draft budget generally maintains the capacity to accommodate a similar level of services and facilities to past years, and also contains the following capital works. Roadworks grants in the main provide a significant revenue stream for several of the below projects, but in most instances these also require contributory Shire funding allocations to be made. Of particular note is the \$7.8m WANDRRA extreme weather event grant (which requires a \$153,400 Shire contribution):

<b>Project</b>	<b>Budget</b>
Widen & seal 5 km – Eneabba-Coolimba Rd	\$1,600,000
Top seal over primer seal 0.5 km - Winchester East Rd	\$132,386
Widen & seal 3.9 km – Carnamah-Eneabba Rd	\$433,000
Flood damage repairs – Various gravel rural roads and town streets	\$7,800,000
Reseal - Eneabba Drive	\$59,000
Water bind & 2 coat seal - Railway Reserve Yarra St	\$75,056
Construct, seal and kerb 0.2 km - Inja St	\$94,725
2,000 square metres Ashpalt - Carnamah Town Sts	\$79,895
Widen, side entry drainage, seal and kerb 0.47 km - Bowman St	\$402,500
Repaint Carnamah pool bowl, repair expansion joint and replace vacuum system	\$32,000
Completion of Carnamah refuse site fencing & security camera	\$45,000
Completion of Eneabba refuse site expansion & fencing	\$20,000
Liquid waste site fencing & security camera	\$35,000
Replacement of 2 x dam reticulation tanks	\$49,000
Winchester Cemetery niche wall extension	\$8,000
Replacement of Komatsu Loader CA 5016	\$265,740
Works Managers vehicles (1)	\$47,665
CEO & DCEO vehicles (2)	\$92,760
Staff & other houses	\$60,000

### **Consultation**

Acting Chief Executive Officer  
Manager Works and Services

### **Statutory Environment**

Local Government Act 1995

#### **6.28. Basis of rates**

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
  - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and

- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
  - (a) an interim valuation is made under the *Valuation of Land Act 1978*;
  - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
  - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force,
 the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

*[Section 6.28 amended by No. 1 of 1998 s. 20.]*

#### 6.32. Rates and service charges

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;
 and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed

valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
  - (b) the predominant purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

*[Section 6.33 amended by No. 38 of 2005 s. 15.]*

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.



- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
- (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

### **Policy Implications**

Nil

### **Financial Implications**

The proposed general, differential and minimum rates should generate an additional \$100,000 in 2017/2018, sufficient to accommodate the anticipated additional costs the Shire will need to meet over the forthcoming 12 months.

### **Voting Requirement**

Simple Majority

### **OFFICER RECOMMENDATION**

**Item: 10.1.3**

*That Council –*

- 1. Advertise its intention, in accordance with section 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2017/2018 Financial Year:*

<i>Rating Category</i>	<i>Minimum Rate \$</i>	<i>Rate in\$ (c)</i>
<i>GRV Townsite</i>	<i>715.00</i>	<i>14.700</i>
<i>GRV Rural</i>	<i>496.00</i>	<i>14.700</i>
<i>GRV Mining</i>	<i>715.00</i>	<i>29.400</i>
<i>UV Rural &amp; Mining</i>	<i>715.00</i>	<i>1.910</i>

- 2. Consider any submissions received prior to imposing the proposed 2017/2018 differential rates and minimum payments.*

#### **10.1.4 BUDGET AMENDMENT – ADVANCED PART PAYMENT OF 2017/2018 FINANCIAL ASSISTANCE GRANTS**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0071
Disclosure of Interest:	Nil
Date:	12 June 2017
Author:	Deputy Chief Executive Officer
Attachments:	Nil

#### **Summary**

The Commonwealth Government has decided to make advance payments of 50% of the 2017/2018 Financial Assistance Grants to local governments across Australia. In light of the significance of the dollar sum involved (\$656,419) and even though there is only a short period of time between now and the end of the 2016/2017 financial year, a Council endorsed budget variation is warranted.

#### **Background**

On the 2nd June correspondence was received from the WA Local Government Grants Commission (WALGCC) advising that the Commonwealth Government had announced that it would be making an advance payment of the 2017/2018 Financial Assistance Grants, based on a funding pool equivalent to one half of the 2017/2018 funding pool. This will provide an additional payment to WA local governments of \$145,309,000 in 2016/2017 with a corresponding reduction in 2017/2018. This amount includes both General Purpose and Road Grants.

#### **Comment**

The advance payment totaling \$656,419 (General Purpose \$444,721 and Local Road \$211,698) was received on 9 June 2017.

It is important to note that these payments do not actually reflect 50% of the Shire's anticipated 2017/2018 grant allocation. The advance payments were calculated using the relativities established under the Commission's calculations for 2016/2017.

There will still be four quarterly payments made to the Shire in 2017/2018, however the total of these payments will be reduced by the advance payment referred to above.

The advance payment must be recognised as revenue for 2016/2017 as control has passed to the Shire on receipt of the grant. This will affect the comparatives between the budget figures and actual figures for the 2016/2017 financial year and therefore will require a budget amendment.

The advance payment received will be reflected in the surplus carried forward into the 2017/2018 financial year and be mirrored by a corresponding reduction in the Financial Assistance Grants that will be received in 2017/2018.

#### **Consultation**

Acting Chief Executive Officer

### **Statutory Environment**

Nil

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

The reduction in grant income in the 2017/2018 financial year will be offset by an increase in the surplus brought forward from 2016/2017. If the variation is not undertaken prior to 30 June 2017, this will adversely affect the comparatives between the budget figures and actual figures for the 2016/2017 financial year.

### **Voting Requirement**

ABSOLUTE majority

## **OFFICER RECOMMENDATION**

**Item 10.1.4**

*That Council;*

- 1. Amend the 2016/2017 Budget as follows:*

*Increase account number 103300 (General Purpose Grants by \$444,721)*

*and*

*Increase account number 103310 (Untied road Grants by \$211,698);*

- 2. Note that the \$656,419 Financial Assistance Grants advance payment received will be reflected in the surplus carried forward into the 2017/2018 financial year (and be mirrored by a corresponding reduction in the Financial Assistance Grants that will be received in 2017/2018).*

## 10.2 ADMINISTRATION REPORTS

### 10.2.1 APPLICATION FOR APPROVAL TO TEMPORARILY KEEP ADDITIONAL DOGS – LOT 277 (2) ENEABBA DRIVE, ENEABBA

Applicant:	Samantha Abud
Location / Address:	Lot 277 (2) Eneabba Drive, Eneabba
File Ref:	ADM0064
Disclosure of Interest:	Nil
Date:	12 June 2017
Author:	Deputy Chief Executive Officer
Attachments:	Nil

#### **Summary**

The Shire of Carnamah Local Law (Dogs) permits a maximum of two dogs (over the age of three months) to be kept on a townsite property, unless there is a specific approval provided by the local government. A resident in Eneabba is seeking approval to temporarily keep an additional two dogs at the above property until 31 July 2017, and it is proposed that approval be granted (with conditions) on this occasion.

#### **Background**

On 23 May 2017, a complaint was received from a person staying in Eneabba about multiple dogs constantly barking.

Mr John Richardson (Ranger – Shire of Coorow), attended the property on 24 May 2017 to discuss with the owner, the requirements under the Shire of Carnamah Dogs Local Law for keeping of more than two dogs. Samantha Abud was not home at the time, however, the Ranger spoke to her partner and was advised that Samantha would make contact to discuss this matter.

On 25 May, Samantha rang the Ranger advising him that two of the dogs were being kept temporarily for a family friend and that she had accepted a job in Dongara and would be shifting in late July and would take the dogs with her.

Later that day, the Shire received a phone call from Samantha requesting approval to keep the additional two dogs at Lot 277 (2) Eneabba Drive, Eneabba, until the end of July.

There are currently four dogs at the premises, all of which are licensed.

#### **Comment**

Ms Abud has agreed to install citronella collars to the dogs to prevent the barking and to shift the dogs to the other side of the property to try and reduce the disturbance to the neighbours.

No further complaints have been received about the dogs since.

### **Consultation**

Chief Executive Officer  
Ranger – Shire of Coorow

### **Statutory Environment**

#### **Shire of Carnamah Dogs Local Law 2014**

Part 3 - Requirements and limitations on the keeping of dogs

Clause 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises, is for the purpose of section 26(4) of the Act –
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite.

#### **Dog Act 1976 Section 26 (3)**

Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
- (b) cannot authorise the keeping in or at those premises of –
  - (i) more than 6 dogs that have reached 3 months of age; or
  - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and
- (c) may be revoked or varied at any time.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

**Financial Implications**

Nil

**Voting Requirement**

Simple majority

**OFFICER RECOMMENDATION**

**Item: 10.2.1**

*That Council grant approval for the keeping of four dogs at Lot 277 (2) Eneabba Drive, Eneabba, subject to the following conditions:*

- (a) Approval being granted until 31 July 2017 only;*
- (b) All provisions of the Dog Act and the Shire's Dogs Local Laws being complied with;*
- (c) Ms Abud being advised that if any further noise complaints are received by the Shire regarding the dogs then either:*
  - (1) All dogs must be fitted with bark collars at the owners' expense; or*
  - (2) The approval will be revoked immediately and the additional two dogs will have to be removed within 24 hours.*

### **10.2.2 PROVISION OF AIR CONDITIONER - Lot 83 (10) Lucas Drive, Carnamah**

Applicant:	Phil Casbolt
Location / Address:	Lot 83 (10) Lucas Drive, Carnamah
File Ref:	ADM0101
Disclosure of Interest:	Nil
Date:	8 June 2017
Author:	Deputy Chief Executive Officer
Attachments:	Nil

#### **Summary**

Mr Casbolt is a Shire employee (Leading Hand) and is provided with a Shire residence for his accommodation. The tenant is requesting that a reverse-cycle air conditioner be installed in the dining/kitchen area of his Shire residence, to provide a dual heating and cooling capacity. There is capacity within the current budget to accommodate the request.

#### **Background**

Mr Casbolt was recently appointed to the position of Leading Hand and he occupies one of the three factory unit houses that the Shire of Carnamah owns. Whilst one of the units has a wood tile fire, two have no heating at all. Mr Casbolt's residence has no heating.

Some years ago, Council indicated a preference to move away from wood fires for heating and install gas heaters instead. It is estimated that the cost of installing a gas heater with sufficient capacity to heat the dining/kitchen area will be approximately \$1,000.

It has been requested however, that reverse-cycle air conditioning be provided as the preferred outcome and a quote (\$2,860.00 excluding GST) was subsequently sought for consideration.

#### **Comment**

Mr Casbolt's employment contract entitled him to claim up to \$4,000 towards the cost of relocating his furniture and personal effects to Carnamah. He, however, only claimed \$2,099.50 of that allowance and has asked if the balance (\$1,900.50) could be utilised, to at least offset in part, the cost to install a reverse-cycle air conditioner in the residence.

The applicant would prefer a reverse cycle air conditioner rather than a gas heater because it will be capable of also cooling the house in the summer months, as well as being more cost effective.

#### **Consultation**

Chief Executive Officer  
Manager Works and Services

#### **Statutory environment**

Nil



## **Policy implications**

### *Policy 9.6 Staff Furniture Removal Costs*

*As a matter of policy Council agrees to reimburse the furniture removal costs of new employees to a maximum of Six Thousand Dollars (\$6,000) on the following basis:*

- i. Three (3) quotations shall be submitted, and the Chief Executive Officer be authorised to determine the most suitable.*
- ii. 50% of the removal cost will be paid on the presentation of receipts.*
- iii. The remaining 50% will be paid at the end of 1 year (12 months) service provided that where an employee terminates his or her own services before the completion of 2 years (twenty four months) service he or she shall reimburse the initial 50% reimbursement.*
- iv. Fuel expenses and/or hire of a removal trailer or van used in self-relocation will be reimbursed in accordance with the policy on the production of receipts able to be verified as applicable to the relocation of household furniture and effects.*

*This arrangement shall be recognised between the Shire and the employee by a simple form of contract (Appendix 5).*

The letter of appointment for Mr Casbolt amongst other matters contained the following clause:

*Relocation expenses (on production of receipts, for household and personal effects) up to a value of \$4000 will be reimbursed on the basis of 50% upon commencement and 50% after twelve months service. If the employee leaves the employ of Council within two years of commencement, he shall be required to repay 50% of the relocation expenses claimed, to the Shire.*

## **Financial implications**

Whilst there would be approximately an additional nett cost of \$950 for the supply and installation of a reverse-cycle air conditioner, the financial impact for 2016/2017 on the Shire if the request were to be granted, would be minimal as there are surplus funds within the budget for both capital improvements to staff housing and employee relocation expense account numbers, 24BU and 114190 respectively. The air conditioner would remain with the property as an asset of the Shire.

## **Voting requirement**

Simple majority

### **OFFICER RECOMMENDATION**

**Item: 10.2.2**

*That Council authorise the procurement and installation of a split system reverse cycle air conditioner to the residence situated at Lot 83 (10) Lucas Drive, Carnamah, provided that the applicant is prepared to contribute the remaining unclaimed portion of his relocation expense allowance of \$1,900.50 toward the cost. Purchase and installation costs to be allocated to account H083.*

### **10.2.3 REQUEST FOR QUOTATION (TENDER 4/17) REFUSE COLLECTION SERVICE**

Applicant:	Shire of Carnamah
Location / Address:	N/A
File Ref:	Tender 4/17
Disclosure of Interest:	Nil
Date:	9 June 2017
Author:	Acting Chief Executive Officer
Attachments:	Nil

#### **Summary**

The Shire of Carnamah has had its rubbish removed under the existing contract since 2011. The contractor has provided a satisfactory service and the Shire would find it difficult to replicate this in a financially sustainable manner. It is proposed therefore that requests for quotations be called for a new contract, generally upon similar service delivery lines to that which currently exists.

#### **Background**

In July 2011, Council resolved '*That the tender submitted by Veolia Environmental Services for Rubbish Collection Services for a three year period, commencing on the 1<sup>st</sup> September 2011, be accepted*'. This contract was for a period of 3 + 3 years and was extended for the option period (a further three years) at the Council meeting on June 2014. The current contract is due to expire on 31 August 2017.

The Western Australia Local Government Association (WALGA) has a procurement service (which includes a prequalified "Preferred Supplier" facility) that local governments can access. kerbside refuse removal is one of the services that WALGA has already called tenders for, on the WA local government industry's behalf. There are nine pre-qualified businesses, namely Avon Waste, Cleanaway, Great Southern Waste Disposal, Perth Waste, Southern Metropolitan Regional Council, SUEZ, Toxfree, Veolia Environmental Services, and Warren Blackwood Waste.

#### **Comment**

The current contract provided service is satisfactory and the cost alone to the Shire to bring it back "in-house" (capital purchases costs for plant and equipment, and operational labour) is not considered warranted or sustainable, particularly when taking into account the added contemporary environmental health, and workplace safety standards.

The existing contract is a useful base document, but will need to be contemporised to ensure the Shire is suitable protected and the community has certainty as to the service it wishes to maintain. This can be achieved by undertaking the task "in-house" (in consultation with the Shire's normal legal advisors) or by utilising the WALGA procurement service (which

includes a prequalified “Preferred Supplier” facility and existing draft Request for Quotation documents and Contracts).

Conducting the process in-house, including calling a separate tender and establishing a dedicated contract would require staff time, but would also be expected to incur some expenditure for things like tender advertising costs (say \$500 - \$1,000) and also for legal advice (\$2,000 - \$3,000) with regard to the contract terms and conditions. Most, if not all, of these costs should be avoidable if the Shire accesses the WALGA Preferred Supplier Program.

From a Risk perspective, if Council was to consider re-establishing its own in-house service, the risk would be “Extreme” (vis. inevitable high capital cost requirements, plus the need to locate, train and house suitable staff), if however Council were to maintain its historic position of contracting out the service, the Risk would be “Low to Medium” (vis. with the risk of any financial, continuation of service, or environmental health impact being within the Unlikely/Possible range).

### **Consultation**

The current contractor (Veolia Environmental Services Australia Pty Ltd) has been reminded that the service expires on 31 August 2017 and will be the subject of Council consideration via this report. Veolia is agreeable to maintain the service beyond 31 August, until the tender process is completed. Discussed with WALGA, the option of utilising the Preferred Supplier list.

### **Statutory Environment**

Local Government Act 1995 – section 3.57 *Tenders for providing goods and services*.  
Local Government (Function and General) Regulations 1996 – clause 11 *Tenders to be invited for certain contracts*. Noting that tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

The Shire’s Corporate Business Plan includes the aspiration to “*establish and maintain cost effective, efficient and sustainable community infrastructure and services*”. The proposal to call tenders to maintain this service in a similar way to that which currently exists, meets that aspiration.

### **Policy Implications**

Nil

### **Financial Implications**

Based on a continuation of the current contract style of service delivery, an annual allocation in the vicinity of that which has applied in the past should suffice. The budget provision for 2016/2017 was \$73,000 and a similar sum will be proposed for 2017/2018 in order to accommodate the ongoing cost of rubbish removal. There is an automatic CPI increase applicable on 1 July annually provided for in the contract.

### **Voting Requirement**

Simple Majority

#### **OFFICER RECOMMENDATION**

#### **Item 10.2.3**

*That Council authorise the Acting Chief Executive Officer to call for Requests for Quotation (via the WALGA Preferred Supplier Program) for a three + three years contract for refuse removal, commencing on either 1 September 2017, or if required, a later date to accommodate the necessary legislative and contractual development/settlement processes (noting that the current contractor, Veolia, is prepared to extend its service for a short term period at existing prices plus CPI).*

### 10.3 CONFIDENTIAL REPORTS

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

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	
Date:	16 June 2017
Author:	Executive Support Officer
Attachments:	Nil

#### **Background**

Items 10.3.2 and 10.3.3 of the Agenda of 21 June 2017, deal with matters affecting Council, of which the meeting may be closed to the public.

#### **Comment**

Nil

#### **Statutory environment**

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

#### **Strategic implications**

Nil

#### **Policy implications**

Nil

#### **Voting requirement**

Simple Majority

#### **OFFICER RECOMMENDATION**

#### **Item 10.3.1**

*That the meeting be closed to the public to consider Confidential Items 10.3.2 and 10.3.3 of the 21 June 2017 Agenda.*

### **10.3.2 CONFIDENTIAL ITEM**

File: Tender 3/17 – Flood Damage: Site Supervisor

Date: 16 June 2017

Author: Chief Executive Officer

#### **Voting requirement**

Simple Majority

### **10.3.3 CONFIDENTIAL ITEM**

File: Tender 4/17 – Flood Damage: Supply of Road Construction Plant and Operators

Date: 16 June 2017

Author: Chief Executive Officer

#### **Voting requirement**

Simple Majority

#### **10.3.4 MOTION TO RE-OPEN THE MEETING**

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	16 June 2017
Author:	Executive Support Officer
Attachments:	Nil

#### **Voting requirement**

Simple Majority

#### **OFFICER RECOMMENDATION**

**Item 10.3.4**

*That the meeting be re-opened to the public.*

#### **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**