



MINUTES

Ordinary Meeting of Council

17th May 2017

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL – 17th May 2017

MINUTES

TABLE OF CONTENTS

	Page
DISCLAIMER	6
1. DECLARATION OF OPENING	7
2. RECORD OF ATTENDANCE	7
Present	
Apologies	
Leave of Absence (previously approved)	
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4. PUBLIC QUESTION TIME	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	8
6. DISCLOSURE OF INTEREST	8
7. PETITIONS, DEPUTATIONS AND PRESENTATIONS	8
8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	8
9. CONFIRMATION OF MINUTES	9
9.1 Ordinary Meeting of Council – 19 th April 2017 (as circulated) <i>Council Resolution 20170501</i>	9
9.2 Special Meeting of Council – 29 th April 2017 (as circulated) <i>Council Resolution 20170502</i>	9
10. MANAGEMENT REPORTS	10
10.1 FINANCE REPORTS	10
10.1.1 Accounts for Payment File: ADM0075 (Attachment 10.1.1 – List of Creditors Due & Submitted) <i>Council Resolution 20170503</i>	10

10.1.2	Financial Reports to 30 th April 2017 File: ADM0075 (Attachment 10.1.2 – Monthly Financial Statement) <i>Council Resolution 20170504</i>	12
10.2	ADMINISTRATION REPORTS	14
10.2.1	Proposed Warradarge Wind Farm – Application for Extension of Approvals File: ADM0300 (Attachment 10.2.1(a) – Letter of Application (email) (Attachment 10.2.1(b) – Executive Summary from the Warradarge Wind Farm Application Report) (Attachment 10.2.1(c) – Copy of Minute – 15 th August 2012) <i>Council Resolution 20170505</i>	14
10.2.2	Appointment of Acting Chief Executive Officer and Chief Executive Officer File: ADM0305 <i>Council Resolution 20170506</i>	16
10.2.3	Application for Planning Approval – Transportable Accommodation unit (Eneabba) File: ADM0273 / A1138 (Attachment: 10.2.3 – Application for Planning Approval and Notice of Determination) <i>Council Resolution 20170507</i>	18
10.2.4	Valuation of Lot 200 Macpherson Street, Carnamah File: ADM0222 / A70 (Attachment: 10.2.4 – Plan of Lot 200 Macpherson Street) <i>Council Resolution 20170508</i>	20
10.3	CONFIDENTIAL REPORTS	22
10.3.1	Motion to close the meeting to the public, consideration of Confidential Report <i>Council Resolution 20170509</i>	22
10.3.2	Tender 1/17 Gravel Pushing and Rehabilitation Works <i>Council Resolution 20170510</i>	23
10.3.3	Motion to re-open the meeting <i>Council Resolution 20170511</i>	25
11.	ORDERING THE COMMON SEAL	26
11.1	Ordering the Common Seal <i>Council Resolution 20170512</i>	26

12.	REPORTS OF COMMITTEES AND MEMBERS	27
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	27
14.	NOTICE OF MOTIONS (For consideration at the following meeting, if given during the meeting)	27
15.	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	27
15.1	Motion to admit late business <i>Council Resolution 20170513</i>	27
10.1	FINANCE REPORT	28
10.1.3	Amendment to the 2016/2017 Budget Review File: ADM0267 (Attachment: 10.1.3 – Amended Budget Review) <i>Council Resolution 20170514</i>	28
10.2	ADMINISTRATION REPORT	30
10.2.5	Legislative Burdens on Local Government File: ADM0059 (Attachment: 10.1.3 – Items for Discussion: Appendix 1) <i>Council Resolution 20170515</i>	30
10.2.6	Request to Waive Hire Fees – <i>Salvation Army Blanket Appeal</i> File: ADM0051 <i>Council Resolution 20170516</i>	33
10.2.7	Tender 2/17 – Purchase and Removal of Tennis Club Sheds (Eneabba) File: Tender 2/17 <i>Council Resolution 20170517</i>	35
16.	CLOSURE OF MEETING	36

APPENDICES

APPENDIX “A” Minutes of Ordinary Meeting of Council – 19th April 2017
(As circulated)

APPENDIX “B” Minutes of Special Meeting of Council – 29th April 2017
(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

MINUTES

ORDINARY MEETING OF COUNCIL

Held in the Council Chambers, 33-37 Macpherson Street, Carnamah
On Wednesday the 17th of May 2017
Commencing at 3.00 pm

1. DECLARATION OF OPENING

The President, Cr Merle Isbister, welcomed those in attendance and declared the meeting open at 3.08pm.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister	President
Cr Ian Stirling	Deputy President
Cr Ian Bowman	
Cr Sandra Laundy	
Cr Con Kikeros	
Cr Dwayne Wooltorton	
Cr Liz Piccles-Popham	

Mr Bill Atkinson	Chief Executive Officer
Mr Ian Walsh	Deputy Chief Executive Officer
Mr Mal Pumphrey	Manager of Works and Services
Mr Phil Casbolt	Leading Hand
Ms Jennie Benson	Executive Support Officer

Apologies

Nil

Leave Of Absence (Previously Approved)

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURE OF INTEREST

Nil

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Mr John Lorenti (*Project Manager – Warradarge Wind Farm*) and Mr Hugh Webster (*General Manager – Greenough River Solar Farm*), from Synergy (Renewables Development Programme) were in attendance to answer any questions and provide information regarding the Agenda item relating to the Application for Extension of the proposed Warradarge Wind Farm.

Both Mr Lorenti and Mr Webster left the meeting at 3.24pm.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Merle Isbister advised that as this would be the final Council Meeting attended by Bill Atkinson (outgoing Chief Executive Officer); she would like to take the opportunity to thank him for the seven and a half years of service to the Council and the community. Merle added that his dedication and integrity were very much respected and appreciated by Council and staff, all of whom wished him health and happiness in his forthcoming retirement.

In addition to the above, Cr Isbister also presented a letter from the Carnamah Historical Society (by Mr George Fowler), in which he thanked Bill Atkinson (and the Shire) for all of the assistance and, in particular, the ongoing support for the Macpherson Homestead. George also wishes Bill & Val Atkinson ‘all the very best’ for the future.

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 19th APRIL 2017

As Circulated

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170501

Item 9.1

Moved: Cr Stirling

Seconded: Cr Laundry

That the Minutes of the Ordinary Meeting of Council held on the 19th of April 2017 be accepted as a true and correct record.

CARRIED 7-0

9.2 MINUTES OF SPECIAL MEETING OF COUNCIL HELD 29th APRIL 2017

As Circulated

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170502

Item 9.2

Moved: Cr Stirling

Seconded: Cr Kikeros

That the Minutes of the Special Meeting of Council held on the 29th of April 2017 be accepted as a true and correct record.

CARRIED 7-0

Cr Kikeros extended a thank-you, on behalf of the Councillors, to the Executive Support Officer (J Benson) for arranging the luncheon on Saturday 29th April 2017.

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:	9 th May 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 7th April 2017 to 9th May 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

COUNCIL RESOLUTION 20170503

Item: 10.1.1

Moved: Cr Laundry
Seconded: Cr Woollorton

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 7th of April 2017 to 9th of May 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>022484 – 022485</i>
<i>Municipal cheques:</i>	<i>28041 – 28046</i>
<i>Municipal EFT's:</i>	<i>9710, 9713 and 10093 –10164</i>
<i>Trust Cheques:</i>	<i>300399 – 300400</i>
<i>Payroll direct debits:</i>	<i>#21 - #22</i>
<i>Municipal Direct Debits</i>	<i>30/04/2017</i>

Totalling \$482,924.91 be approved and passed for payment.

CARRIED 7-0

10.1.2 FINANCIAL REPORTS TO 30th APRIL 2017

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	4 th May 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 1st July 2016 to 30th April 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 1st July 2016 to 30th April 2017;
- Summary Rates Trial Balance Report as at 30th April 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

COUNCIL RESOLUTION 20170504

Item: 10.1.2

Moved: Cr Bowman

Seconded: Cr Kikeros

That Council receive the Statement of Financial Activity for the period 1st July 2016 to 30th April 2017; and other supplementary financial information as presented.

CARRIED 7-0

10.2 ADMINISTRATION REPORTS

10.2.1 PROPOSED WARRADARGE WIND FARM APPLICATION FOR EXTENSION OF APPROVALS

Applicant:	Synergy
Location / Address:	Lots 10847 and 10848 Rose Thompson Road
File Ref:	ADM0300
Disclosure of Interest:	Nil
Date:	2 nd May 2017
Author:	Chief Executive Officer
Attachments:	10.2.1(a) Letter of Application (email) 10.2.1(b) Executive Summary from the Warradarge Wind Farm Application Report 10.2.1(c) Copy of Minute (original approval) 15 th August 2012

SUMMARY

This report recommends that Council support the applicant's request for an amendment to Condition 2 of *Development Approval DP/12/000624 A2370626* to extend approval for the proposed Warradarge Wind Farm Development for a further 5 years (new expiry date becoming 31st August 2022).

BACKGROUND

The Warradarge Wind Farm project was originally initiated by Verve Energy, and due to its significant (circa \$600 million) development cost was required to be placed before a *Development Assessment Panel* for determination.

The Warradarge Wind Farm project proposed to develop an (approximate) 10 kilometre transmission line from the existing 330kV line, across Lots 10847 and 10848 Rose Thompson Road, Warradarge within the Shire of Carnamah to link to the proposed Warradarge Wind Farm site within the Shire of Coorow that would comprise of 100 turbines.

Both the Shires of Carnamah and Coorow advertised the application as per the Local Planning Scheme requirements and recommended to the *Development Assessment Panel* that the application be supported.

The Development Assessment Panel gave conditional approval to the application on 31st August 2012. Condition 2 of the approval specified the requirement for the development to be substantially commenced within a 5 year period. Synergy and Verve Energy were subsequently merged to operate as Synergy, and the applicant is now seeking an extension of their planning approval for a further 5 years.

COMMENT

Evidence has been provided that landholders affected by the proposal have given their consent to the amendment of Condition 2 for the requested 5 year approval extension.

In addition to the attachments to this report, comprehensive and voluminous supporting documentation has been submitted by the applicant. As there has been no change from the original proposal, other than the request for the extended period of approval, this has not been circulated with this report, however is available on request to the CEO.

It is considered that support for the request for an extension of the approval period is reasonable given that delays are not unknown for projects of this size due to financing requirements, applicant restructuring, Commonwealth and State Government policy changes, project costings and other matters.

CONSULTATION

The original application was widely advertised to 18 relevant government agencies and all surrounding landowners within 5 kilometres, and the applicant is not seeking to modify their development.

STATUTORY ENVIRONMENT

Shire of Carnamah Local Planning Scheme No 2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170505

Item: 10.2.1

Moved: Cr Stirling
Seconded: Cr Wooltorton

That Council advise the Development Assessment Panel that it supports the applicant's request for an amendment to Condition 2 of Development Approval DP/12/000624 A2370626 to extend approval for the proposed Warradarge Wind Farm Development for a further 5 years (new expiry date becoming 31st August 2022).

CARRIED 7-0

10.2.2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER, AND CHIEF EXECUTIVE OFFICER

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0305
Disclosure of Interest:	Nil
Date:	9 th May 2017
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council appoint Mr Neil Philip Hartley as Acting Chief Executive Officer for the Shire of Carnamah from the 29th of May to the 7th of July inclusive, and as Chief Executive Officer from the 8th of July 2017, in accordance with the provisions of the Contract of Employment which has been executed.

BACKGROUND

Council, at its Special Meeting on the 29th of April 2017, resolved to offer the position of Chief Executive Officer to Mr Neil Hartley for a period of three years, subject to the successful finalisation of a Contract of Employment. A Contract of Employment has since been entered into with Mr Hartley.

COMMENT

Mr Hartley will be commencing duties on Monday the 29th of May 2017 and will work during that week with the outgoing CEO, to facilitate a handover of duties and an orientation into the position. The outgoing CEO will be on annual leave from the 2nd of June 2017 through to the date of his effective resignation on the 7th of July 2017. It will be necessary to appoint Mr Hartley as Acting CEO from the time he commences duties with the Shire, through to the resignation date of the outgoing CEO and to appoint him as CEO from that date.

CONSULTATION

Cr Merle Isbister (Shire President)
Mr Mike Fitz Gerald (Fitz Gerald Strategies)
Mr Neil Hartley

STATUTORY ENVIRONMENT

Local Government Act 1995 – s 5.36(1) – *A local government is to employ a person to be the CEO of the local government.*

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications outside of current budgetary provisions.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170506

Item: 10.2.2

Moved: Cr Laundy

Seconded: Cr Stirling

That Council appoint Mr Neil Philip Hartley as Acting Chief Executive Officer for the Shire of Carnamah from the 29th of May to the 7th of July 2017 inclusive, and as Chief Executive Officer from the 8th of July 2017, in accordance with the provisions of the Contract of Employment which has been executed.

CARRIED 7-0

10.2.3 APPLICATION FOR PLANNING APPROVAL – TRANSPORTABLE ACCOMMODATION UNIT (ENEABBA)

Applicant:	Mr David Mills
Location / Address:	Lot 109 King Street, Eneabba
File Ref:	ADM0273 / A1138
Disclosure of Interest:	Nil
Date:	2 nd May 2017
Author:	Chief Executive Officer
Attachments:	10.2.3 - Application for Planning Approval and Notice of Determination

SUMMARY

This report recommends that the action taken by the Chief Executive Officer in conditionally approving the placement of a second-hand transportable dwelling on Lot 109 King Street, Eneabba, be endorsed.

BACKGROUND

As explained to Council during its Special Meeting on Saturday the 29th of April 2017, the applicant was placed in a difficult situation with respect to having to pay storage fees to a transport operator with respect to the accommodation unit, due to some misunderstanding as to the timeline for transporting the unit to Eneabba. In order to fast track the planning approval process for this development, the applicant engaged an engineering consultant who has signed off on the structural integrity of the unit. The applicant has also submitted a building application for the placement of the unit on his property.

COMMENT

Given the tacit agreement by Council to the development, the CEO has processed planning approval accordingly on the condition that Conditions 3, 4 and 5 of Council Policy 7.9: *Relocated Secondhand Dwellings*, are met.

CONSULTATION

Deputy CEO
Manager Regulatory Services (Coorow)
Full Council

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Shire of Carnamah Local Planning Scheme No 2

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Councils Policy 7.9: *Relocated Second-hand Dwellings*

FINANCIAL IMPLICATIONS

Planning and building application fees are payable by the applicant.

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION 20170507

Item: 10.2.3

Moved: Cr Piccles-Popham

Seconded: Cr Laundry

That the action taken by the Chief Executive Officer in conditionally approving the placement of a second-hand transportable dwelling on Lot 109 King Street, Eneabba, be endorsed.

CARRIED 7-0

10.2.4 VALUATION OF LOT 200 MACPHERSON STREET, CARNAMAH

Applicant:	N/A
Location / Address:	Lot 200 Macpherson Street, Carnamah
File Ref:	ADM0222 / A70
Disclosure of Interest:	Nil
Date:	9 th May 2017
Author:	Chief Executive Officer
Attachments:	10.2.4 Plan of Lot 200 Macpherson Street, Carnamah

SUMMARY

This report recommends that a valuation be obtained for Lot 200 Macpherson Street, Carnamah, in order that Council may dispose of the land by private treaty, for an approved commercial development.

BACKGROUND

Lot 200 Macpherson Street was purchased by the Shire in 2014 and made more presentable with some picket fencing being placed along the frontage. This action was taken to make the property more attractive in keeping with the rest of the streetscape in the vicinity. The viewpoint was taken that the land could be on-sold in the future should there be a demand for property with a commercial zoning.

COMMENT

There have been two enquiries about the availability of Lot 200 in the last two months. The most recent enquirer expressed interest in knowing what the land was valued at in order to determine the feasibility of purchasing and developing it. Council would need to give planning approval in advance of any development proceeding. The decision as to whether the proposal would proceed would be dependent on several factors, including the initial cost of the land.

The Shire may dispose of the land by auction, tender or private treaty. If the latter option is taken then a valuation of the land is required to be obtained and details of the proposed sale advertised (for the opportunity for third parties to make submissions) before the land can be sold. This is the favoured method of acquiring the land by the most recent enquirer.

There is a small weather station situated on the Lot which would need to be relocated should the Shire sell the property.

CONSULTATION

Deputy CEO

STATUTORY ENVIRONMENT

Local Government Act – section 3.58(3) – *Disposing of Property*

STRATEGIC IMPLICATIONS

If the land is sold for a commercial establishment to be developed, it would be a welcome addition to the business sector of Carnamah.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of obtaining a valuation should not exceed \$400.00 which would be accommodated within the Shires current budget provisions. A valuation for the purposes of disposing of land remains current for six (6) months.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.2.4

That the valuation be obtained for Lot 200 Macpherson Street, Carnamah, in order that Council may dispose of the land by private treaty, for an approved commercial development.

The CEO advised that the valuation fee was, in fact, considerably higher than anticipated. Discussion ensued regarding options for the sale/disposal of the land, which resulted in the amended recommendation/resolution.

COUNCIL RESOLUTION 20170508

Item: 10.2.4

Moved: Cr Laundry

Seconded: Cr Kikeros

That the valuation be obtained, at the proponents' cost, for Lot 200 Macpherson Street, Carnamah, in order that Council may dispose of the land by private treaty, for an approved commercial development;

Or ...

That the option be given to sell the land by public tender with a reserve price being set by Council.

CARRIED 7-0

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:	10 th May 2017
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Item 10.3.2 of the Agenda of 17th May 2017, deals 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

COUNCIL RESOLUTION 20170509

Item 10.3.1

Moved: Cr Piccles-Popham
Seconded Cr Woollorton

That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 17th May 2017 Agenda.

CARRIED 7-0

10.3.2 TENDER 1/17 – GRAVEL PUSHING AND REHABILITATION WORKS

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tender 1/17
Disclosure of Interest:	Nil
Date:	10 th May 2017
Author:	Chief Executive Officer
Attachments:	10.3.2 (a) Tender 1/17 – Advertisement 10.3.2 (b) Tender Evaluation Schedule and Report

SUMMARY

This report recommends that Council accept the tender submitted by Cardinal Contractors Pty Ltd, for gravel pushing and gravel pit rehabilitation works for a two year period commencing on the 1st of July 2017.

BACKGROUND

Tenders were called for gravel pushing works for a two year period (minimum quantity 63,500 cubic metres in the first year) and gravel pit rehabilitation work as required. Tenders closed on the 10th of May 2017.

COMMENT

Nil

CONSULTATION

Manager Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – s 3.57 – *Tenders for providing goods or services*
Local Government (Functions and General) Regulations 1996

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Budget provision will be made in the Shire's 2017/2018 Financial Year budget to fund the required works.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170510

Item: 10.3.2

Moved: Cr Woollorton

Seconded: Cr Bowman

That Council accept the tender submitted by Cardinal Contractors Pty Ltd for gravel pushing and gravel pit rehabilitation works for a two year period commencing the 1st of July 2017, utilizing Komatsu D355-5 and Komatsu D275-5 machines.

CARRIED 7-0

10.3.3 MOTION TO RE-OPEN THE MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	10 th May 2017
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170511

Item 10.3.3

Moved: Cr Piccles-Popham

Seconded: Cr Laundry

That the meeting be re-opened to the public.

CARRIED 7-0

11. ORDERING THE COMMON SEAL

11.1 ORDERING THE COMMON SEAL

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0216
Disclosure of Interest:	Nil
Date:	9 th May 2017
Author:	Chief Executive Officer
Attachments:	Nil

BACKGROUND

Council has given final approval for the Contract of Employment between the Shire of Carnamah and Mr Neil Philip Hartley, which requires use of the Common Seal.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 2.7 Shire of Carnamah Common Seal

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170511

Item: 11.1

Moved: Cr Stirling
Seconded: Cr Piccles-Popham

That Council endorses the use of the Common Seal on the Contract of Employment between the Shire of Carnamah and Mr Neil Philip Hartley.

CARRIED 7-0

3.57pm

Moved: Cr Bowman **Seconded: Cr Piccles-Popham**

That the meeting be adjourned for afternoon tea.

CARRIED 7-0

4.16pm

Moved: Cr Stirling **Seconded: Cr Piccles-Popham**

That the meeting resume.

CARRIED 7-0

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

15.1 Motion to admit late business

An Addendum to the Agenda for the Ordinary Meeting of 17th May 2017 was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

COUNCIL RESOLUTION 20170513

ITEM: 15.1

Moved: Cr Bowman

Seconded: Cr Laundy

That items 10.1.3, 10.2.5, 10.2.6, and 10.2.7 be admitted to the meeting as late business.

CARRIED 7-0

10.1 FINANCE REPORT

10.1.3 AMENDMENTS TO THE 2016/2017 BUDGET REVIEW

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0267
Disclosure of Interest:	Nil
Date:	12 th May 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.3 – Amended Budget Review

SUMMARY

This report recommends that Council consider the amendment to the previously adopted Budget Review for the period 1st July 2016 to 28th February 2017.

BACKGROUND

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30th June 2017 for the period ending 28th February 2017 was presented and adopted by Council on the 19th of April 2017.

In accordance with the *Local Government (Financial Management) Regulations 1996*, regulation 33A as amended, a copy of the review and determination was provided to the Department of Local Government on the 27th of April 2017.

On the 8th of May, an email was received from the Department of Local Government advising that there was a discrepancy between the value shown for net current assets at the start of the financial year in the Budget Review (\$2,052,820) and the amount shown in the 2015/16 Annual Financial Report (\$854,609).

COMMENT

A thorough review of the Budget Review has revealed the following:

- (a) Omission of non-cash items totaling \$-21,471;
- (b) The value shown as the net current assets at the start of the financial year (\$2,052,820) was in fact, the value of the net current assets at the 28th February 2017.

The predicted year end variance has not changed as a result of these corrections, however, the Council as part of the Budget Review need to endorse the opening position as \$854,609, so the trail from 2015/16 Annual Financial Report to Budget Review and 2016/17 Annual Financial Report consistently reports \$854,609 as the 30th June 2016 closing position and 1st July 2016 opening position.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

ABSOLUTE Majority

COUNCIL RESOLUTION 20170514

ITEM 10.1.3

Moved: Cr Piccles-Popham

Seconded: Cr Stirling

That Council adopts the amended Budget Review for the period 1st July 2016 to 28th February 2017, as presented.

CARRIED 7-0
By Absolute Majority

4.22pm

Cr Woollorton left the meeting.

4.24pm

Cr Woollorton rejoined the meeting.

10.2 ADMINISTRATION REPORT

10.2.5 LEGISLATIVE BURDENS ON LOCAL GOVERNMENT

Applicant:	Northern Country Zone of WALGA
Location / Address:	N/A
File Ref:	ADM0059
Disclosure of Interest:	Nil
Date:	15 th May 2017
Author:	Chief Executive Officer
Attachments:	10.2.5 – (Compliance) Items for Discussion – <i>Appendix 1</i>

SUMMARY

The report recommends that Council provide qualified support with respect to addressing the issue of legislative and compliance burdens on Western Australian local authorities.

BACKGROUND

At the Western Australian Local Government (WALGA) Northern Country Zone (NCZ) meeting held on the 20th February 2017, concern was expressed on the excessive and increasing legislative burdens being placed on local government authorities.

As a result of the discussion at the NCZ meeting the CEOs of member Shires were requested to develop a list of legislative burdens to be presented back to the Zone for consideration and further action.

The CEOs (and other Senior Staff) met on the 9th March 2017 to compile a list of agreed legislative burden issues. Mr Garry Keeffe, CEO Shire of Northampton, has taken the lead on the issue and has compiled the CEO's consensus list, which is provided at **Attachment 1** for Council information and determination. This list, along with the following recommendations (from the Shires of Chapman Valley and Perenjori) were placed on the agenda of the NCZ meeting on the 24th April 2017:

1. It supports the list of legislative issues, which need to be reviewed, as presented by the NCZ Chief Executive Officers and Senior Staff;
2. Recommends the NCZ local government authorities co-opt the service of an appropriately qualified and experienced individual or organisation to analyse the legislative requirements of the Local Government Act and associated Regulations in comparison to the interpretation of this legislation by the executive arm of State Government;

3. Recommends the NCZ approach all WALGA Zones seeking any additional items to be added to (or expanded upon) the current list of legislative issue, which need to be reviewed as presented by the NCZ Chief Executive Officers and senior staff;
4. Recommend an approach not be made to the WALGA State Council on this matter until feedback has been obtained from all WALGA Zones to ensure this matter is presented to the State Council with prior Zone support and/or input.

The minutes of meeting on the 24th April 2017 recorded:

“Discussion ensued as to whether the item can be presented as a resolution to the Northern Country Zone of WALGA, or best served as a recommendation from the LGMA (Local Government Managers Association) and the resolution from the two local governments (Chapman Valley and Perenjori) seeks action which is beyond the financial capacity of the Zone. It was also pointed out that the newly appointed Minister for Local Government was seeking an urgent review of the Local Government Act to which all parts of the local government sector would be invited to have input. Questions were raised as to why a number of local governments had not had this item presented to their respective meetings to allow that Council to have comment and input into the recommendations.

Cr Simpkin suggested that items 13.1 and 13.2 be held over to the June meeting to allow all NCZ members to be aware of the suggested recommendations and to be able to have input into the discussions.

It was so resolved by the meeting that this action be taken.”

COMMENT

There is little doubt that the legislative and compliance burden imposed on local government is excessive and costly. Compliance requirements continue to escalate and take up valuable resources which detract from the capacity for local governments to deliver value for money, practical facilities and services for their communities.

The intent of trying to have this burden alleviated as much as possible deserves strong support. It is agreed that this should be approached as a *sector wide* initiative and that the resources of the WALGA secretariat, perhaps in partnership with *Local Government Managers Australia* should be applied to co-ordinate the process from this time onwards. Accordingly, it is believed that this matter should be presented to the WALGA State Council for consideration as soon as practicable.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 & associated Regulations.

STRATEGIC IMPLICATIONS

The costs of compliance are increasing all of the time which means there is either less money available to deliver services or provide amenities, or rates need to increase.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

ITEM 10.2.5

That Council provide qualified support with respect to addressing the issue of legislative and compliance burdens placed on Western Australian local authorities.

COUNCIL RESOLUTION 20170515

ITEM 10.2.5

Moved: Cr Kikeros
Seconded: Cr Woollorton

That Council recommends that the Northern Country Zone seek WALGA’s support to co-opt the services of an appropriately qualified and experienced individual, or organisation, to analyse the legislative requirements of the Local Government Act and associated Regulations; and to coordinate a response from the other WALGA zones throughout the State on this matter.

CARRIED 7-0

10.2.6 REQUEST TO WAIVE HIRE FEES – SALVATION ARMY BLANKET APPEAL

Applicant:	Mrs Carole Rayner
Location / Address:	N/A
File Ref:	ADM0051
Disclosure of Interest:	Nil
Date:	15 th May 2017
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that the Shire waive the hire fees for the Niven Park Recreation Centre (Function Room) by way of support for the local ladies participating in this year's *Salvation Army Blanket Appeal*.

BACKGROUND

The applicant has forwarded the following letter of request:

Hi Bill

Our local ladies have once again been busy knitting, crocheting & making rugs to donate to the Salvation Army Blanket Appeal. Last year our small group provided 73 blankets for this worthy cause. I am writing to you to request permission from the Carnamah Shire to be able to use the Niven Park Complex free of charge on Wednesday 7th June so that we can all get together to sew the remaining knitted squares together and to enjoy each other's company. Carnamah is well known for its support of this cause which has been going for approx 20 years. Last year it was a fun day with 24 ladies & gents attending from Carnamah, Three Springs and Coorow.

A representative from the Salvation Army will be driving up from Perth for the day to meet with us and collect the blankets for distribution to the needy.

*Kind Regards
Carole Rayner*

COMMENT

Council has waived fees for this event in the past. As the amount involved (\$230.00) exceeds the CEO's discretionary donation threshold, Council's approval is sought to make the Niven Park Recreation Centre (Function Room) available for the stated purpose without charge.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

\$230.00 in revenue not collected.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170516

ITEM 10.2.6

Moved: Cr Laundy
Seconded: Cr Piccles-Popham

That Council waive the hire fees for the Niven Park Recreation Centre (Function Room) by way of support for the local ladies participating in this year's Salvation Army Blanket Appeal.

CARRIED 7-0

10.2.7 TENDER 2/17 – PURCHASE AND REMOVAL OF SHEDS (ENEABBA)

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tender 2/17
Disclosure of Interest:	Nil
Date:	15 th May 2017
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council delegate authority to the Chief Executive Officer to accept the most favourable tender for the removal of the redundant Tennis Club sheds at Eneabba and, in the event that no tenders are received, that authorisation be given for the sheds to be demolished.

BACKGROUND

Council at its meeting on the 21st September 2016 authorised the calling of tenders for the sale and removal of the redundant sheds at the Eneabba Tennis Courts to provide space for the proposed multi-purpose shed for the Eneabba Playgroup and the Eneabba Tennis Club.

Tenders were called at the end of April and at the time of closing, no tenders had been received.

COMMENT

Advertising has been carried out locally to extend the tender date for the 31st of May 2017. A condition of the tender is that the sheds be removed by the 26th of June 2017. In order to expedite matters with the objective of meeting these timelines, it is suggested that the CEO be given delegated authority to deal with tenders as soon as possible after the closing date, rather than waiting for the June Council meeting for a decision to be made. Additionally, should no tenders be received, approval is sought to authorise the demolition of the sheds.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – S 3.57 – *Tenders for providing goods or services*
Local Government (Functions and General) Regulations 1996

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The costs associated with demolishing the sheds, if this is necessary, are able to be catered for within the 2016/17 budget framework.

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION 20170517

ITEM 10.2.7

Moved: Cr Stirling
Seconded: Cr Piccles-Popham

The Council delegate authority to the Chief Executive Officer to accept the most favourable tender for the removal of the redundant Tennis Club sheds at Eneabba and, in the event that no tenders are received, that authorisation be given for the sheds to be demolished.

CARRIED 7-0
By Absolute Majority

16. CLOSURE OF MEETING

There being no further business, the President thanked all present for their attendance and declared the meeting closed at 4.37pm.