



# MINUTES

Ordinary Meeting of Council

19 July 2017

# SHIRE OF CARNAMAH

## ORDINARY MEETING OF COUNCIL – 19 July 2017

# MINUTES

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## **SHIRE OF CARNAMAH**

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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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# MINUTES

## ORDINARY MEETING OF COUNCIL

Held in the Council Chambers at 33-37 Macpherson Street, Carnamah

On WEDNESDAY 19 July 2017

Commencing at 3.00 pm

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### 1. DECLARATION OF OPENING

The President welcomed those in attendance and opened the meeting at 3.04pm.

### 2. RECORD OF ATTENDANCE

#### Present

Cr Merle Isbister

President

Cr Ian Stirling

Deputy President

Cr Sandra Laundry

Cr Con Kikeros

Cr Liz Piccles-Popham

Mr Neil Hartley

Chief Executive Officer

Mr Ian Walsh

Deputy Chief Executive Officer

Mr Mal Pumphrey

Manager Works and Services

Ms Jennie Benson

Executive Support Officer

#### Apologies

Nil

#### Leave Of Absence (Previously Approved)

Cr Dwayne Wooltorton

Cr Ian Bowman

#### Guest/s

Mr David Bowman-Bright

Executive Director – North Midlands Project

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

Nil

### 4. PUBLIC QUESTION TIME

There were no members of the public present.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE**

Moved: Cr Laundry  
Seconded: Cr Kikeros

That Cr Stirling be granted Leave of Absence for the Ordinary Meeting of Council scheduled for 16 August 2017.

**CARRIED 5-0**

## **6. DISCLOSURE OF INTEREST**

Nil

## **7. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Mr David Bowman-Bright gave a brief overview of the North Midlands Project 'Learning Hub' in support of Item 10.2.2 in the Agenda for this meeting. David advised that the North Midlands Project has carried out considerable research and interaction with external education bodies which has resulted in a program to provide 'Learning Hub' workshops focusing on:

- Career Development
- Pathway Connections
- Professional Learning Opportunities
- Capacity-Building Programs, and
- Personal Development Courses

The North Midlands Project is seeking the support of the Shire of Carnamah by way of entering into a Lease Agreement to utilise facilities such as the Tele-Hub and office space.

Mr David Bowman-Bright thanked Council for the opportunity to provide this overview, and left the meeting at 3.22pm.

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

Nil

## 9. CONFIRMATION OF MINUTES

### 9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 21 JUNE 2017

*As Circulated*

#### VOTING REQUIREMENT

Simple Majority

#### COUNCIL RESOLUTION 20170701

Item 9.1

Moved: Cr Stirling

Seconded: Cr Piccles-Popham

1. That the Minutes of the Ordinary Meeting of Council held on 21 June 2017, be accepted as a true and correct record, and
2. Council Resolution 20170610 (Item 10.3.2) be rescinded (due to the appointed Contractor not being able to meet the insurance conditions set) and replaced with the decision to appoint 'Pro Earth Civil' made under CEO delegation (30 June 2017).

**CARRIED 5-0**



## **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:	12 July 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 June 2017 to 12 July 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 20170702**

**Item: 10.1.1**

Moved: Cr Laundry  
Seconded: Cr Kikeros

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 10 June 2017 to 12 July 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:	022492 – 022495
Municipal cheques:	28056 – 28061
Municipal EFT's:	10273 – 10363
Trust Cheques:	Nil
Payroll direct debits:	#25 - #26 - #01
Municipal Direct Debits	30/06/2017

Totalling \$ 1,125,764.99 be approved and passed for payment.

**CARRIED 5-0**

### **10.1.2 FINANCIAL REPORTS TO 30 JUNE 2017**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	12 July 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 30 June 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 2016 to 30 June 2017;
- Summary Rates Trial Balance Report as at 30 June 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 20170703**

**Item: 10.1.2**

Moved: Cr Piccles-Popham

Seconded: Cr Stirling

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

**CARRIED 5-0**

### **10.1.3 2017/2018 BUDGET AND IMPOSITION OF RATES AND CHARGES**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0167
Disclosure of Interest:	Nil
Date:	12 July 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.3 - Draft Statutory Budget

#### **Summary**

Each financial year, a budget is prepared and submitted to Council for its consideration. The budget details anticipated income and expenditure for the coming financial year and it has taken into account input from Council's decisions over the last 12 months, and contributions from Councillors and Officers over the same period.

The draft Annual Budget for the year ended 30 June 2018 has now been prepared and is submitted to Council for consideration of formal adoption.

#### **Background**

The Local Government Act requires every local government to have an approved financial year budget taking into account Council's Corporate Business Plan and the Long Term Financial Plan. The draft Shire of Carnamah Annual Budget for the year ended 30 June 2018 detailing anticipated income and expenditure for the coming year has now been prepared in its statutory form.

The proposed differential rates were approved by Council on 21 June 2017 and advertised for public comment. Council needs to consider any submissions received prior to imposing the proposed 2017/2018 differential rates and minimum payments. Submissions close on 17 July 2017 and any submissions received will be considered as part of the deliberation on this agenda item.

#### **Comment**

The budget is prepared taking into account all of the necessary statutory requirements; input from Council's previous decisions; and contributions from Councillors and Officers over the last 12 month period.

The budget is based on a 3.44% increase in rate yields.

Household rubbish and minimum rates are proposed to increase by approximately 5%, noting that rubbish charges only collect approximately half of the cost of providing the service. Commercial rubbish charges have been increased by CPI (1.25%).

Grants from Federal/State Government have been increased modestly from last year.

Grants funds have been secured through the “Additional State Initiative Fund” (ASIF) for the provision of –

- Upgrading another section of the Eneabba-Coolimba Road.

Funding has been secured through Roads of Regional Significance for the following:

- Continued widening of another 4 kilometres on the Carnamah-Eneabba Road; and
- Widening the seal on Bowman Street (between 0.58 and 1.05slk) from 6, to 8 metres.

Roads to Recovery fund has been allocated to the following:

- Reseal Eneabba Drive;
- Lay top coat over primer seal to 0.5 kilometres of Winchester East Road;
- Construct seal and kerb 0.2 kilometres on Inja Street; and
- Asphaltting of various sections of streets in Carnamah.

Western Australian Natural Disaster Relief & Recovery Arrangement Funding (WANDRRA) for Flood Damage

- Back Innering Road;
- Bowman Street;
- Bunjil-Carnamah Road;
- Carnamah-Perenjori Road;
- Caron Road;
- Gangway Road;
- Jackson Road;
- Lang Street;
- Macpherson Street;
- Niven Crescent;
- North Boundary Road;
- Reading Road;
- Starcevich Road;
- Turner Road;
- Waters Road;
- Wellington Road; and
- Yarra Street.

Interest earnings on investments is expected to be lower than previous years, in light of the need to meet contractor payments for the WANDRRA works prior to funds being reimbursed by Main Roads WA.

Provision has been made for several transfers to reserves, to enable future projects to be undertaken. This includes the following more significant transfers of:

- \$ 90,000 to the Plant Reserve;
- \$ 60,000 to the Housing Reserve;
- \$ 50,000 to the Long Service Leave Reserve;

- \$ 50,000 to the Computer Reserve;
- \$ 25,000 to the Resurfacing Carnamah Bowling Club Green Reserve; and
- \$ 10,000 to the Resurfacing Playing Surface Carnamah Tennis Courts Reserve.

The replacement of the following plant is included in the budget:

- 3 x Passenger Vehicles;
- 1 x Komatsu Front End Loader; and
- Ride on Lawn Mower.

Other major items include (refer to Page 33 & 34 of Attachment 10.1.3):

- Carnamah Netball Courts resurfacing (\$26,000);
- Expansion and fencing of both the Carnamah & Eneabba Refuse Sites (\$65,000);
- Repainting the Carnamah Swimming Pool (\$37,000);
- Replacement of the filtration system and other refurbishment works at the Carnamah Swimming Pool (\$32,000);
- Eneabba Swimming Pool general refurbishment (\$32,000); and
- Carnamah Caravan Park Revitalisation (\$85,000) noting that an improvement plan is to be provided prior to any works commencing.

### **Consultation**

- Council Staff
- WA Local Government Grants Commission
- Various funding agencies

### **Statutory Environment**

Local Government Act 1995

Section 6.2	Budget to be adopted prior to 31 <sup>st</sup> August
Section 6.32	Imposition of rates to make up budget deficiency
Section 6.45	Imposition of rates installment administration charge
Section 6.51	Imposition of interest on overdue rates
Section 6.46	Granting of discounts for early payment of rates
Section 6.16	Imposition of Fees and Charges
Section 6.11(3)	Reserve accounts change of purpose
and	

Health Act 1911

### **Policy Implications**

Nil

### **Financial Implications**

The proposed budget for 2017/18 is a balanced budget.

### **Voting Requirement**

Absolute / Simple Majority

**COUNCIL RESOLUTION 20170704****Item 10.1.3**

Moved: Cr Stirling

Seconded: Cr Laundry

That Council –

1. Give consideration to submissions received in regard to the Section 6.16 advertisement inviting input into the proposed differential rates.

**Voting Requirement: Simple Majority**

2. Adopts the Draft 2017/2018 budget as presented in Attachment 10.1.3 – ‘Draft Statutory Budget’

**Voting Requirement: Absolute Majority**

3. Imposes the following uniform general and minimum rates on rateable land:

Rating Category	Minimum Rate \$	Rate in \$ (c)
GRV Townsite	715.00	14.40
GRV Rural	496.00	14.40
GRV Mining	715.00	28.80
UV Rural & Mining	715.00	1.8710

**Voting Requirement: Absolute Majority**

4. Impose an administration charge of \$10.00 per rates instalment notice, for those ratepayers that elect the instalment option, and a single administration charge of \$27.00 for persons entering into payment arrangements other than by the instalment plan.

**Voting Requirement: Simple Majority**

5. Impose an interest charge of 5.5% per annum on rates where an election is made to pay in accordance with the permitted instalment plan.

**Voting Requirement: Simple Majority**

6. Impose an interest charge of 11.0% per annum on all other rates that remain unpaid after becoming due and payable, including all payment arrangements other than the instalment plan.

**Voting Requirement: Absolute Majority**



7. Confirms that no discount is given where rates are paid in full by the due date.

**Voting Requirement: Absolute Majority**

8. Impose the following refuse collection charges where a property receives, or is eligible to receive, a rubbish collection service:

Domestic Refuse Collection:

\$262.50 per annum per mobile garbage bin service (+ GST where applicable).

Commercial Refuse Collection:

\$262.50 per annum per mobile garbage bin service (+ GST where applicable).

\$1,977.00 (including GST) per annum per 1.5m<sup>3</sup> bin service.

\$3,955.00 (including GST) per annum per 3.0m<sup>3</sup> bin service.

**Voting Requirement: Absolute Majority**

9. Impose the following sewerage charges where a property receives, or is eligible to receive a service:

Sewerage Charge Category A

\$786.00 (No GST) per annum

Sewerage Charge Category B

\$437.00 (No GST) per annum

**Voting Requirement: Absolute Majority**

10. Imposes fees and charges for the 2017/2018 financial year draft budget as presented in Attachment 10.1.3 – Draft Statutory Budget (Fees & Charges Schedule)

**Voting Requirement: Absolute Majority**

11. Re-affirm its Materiality Policy of 10% as per Policy 8.9.

**Voting Requirement: Absolute Majority**

12. Adopts the Significant Accounting Policy on pages 5 to 14 (Note 1) of the attached Draft Statutory Budget.

**Voting Requirement: Absolute Majority**

13. Sets the maximum claimable fees as below:

Council Meeting Sitting Fee	\$236.00 per Council meeting
Committee Meeting Sitting Fee	\$118.00 per meeting
Presidential Allowance	\$19,684.00 per annum

**Voting Requirement: Absolute Majority**

14. Endorses:

- (a) Changing the name of the “Land Subdivision Reserve” to “Land Subdivision and Land Purchase Reserve”, and
- (b) Changing the purpose to read “To provide for the future provision of residential, commercial and industrial land”.

**Voting Requirement: Simple Majority**

**CARRIED BY ABSOLUTE MAJORITY 5-0**

## **10.2 ADMINISTRATION REPORTS**

### **10.2.1 APPOINTMENT OF AUTHORISED OFFICERS**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0305
Disclosure of Interest:	Nil
Date:	1 July 2017
Author:	Chief Executive Officer
Attachments:	Nil

#### **Summary**

Every local government has a range of responsibilities generally common to each other and which require formally Authorised Officers to undertake those tasks (as authorised representatives of the local government). Well known examples include bush fire and dog control responsibilities.

Appointments of authorised persons will enable officers to carry out the provisions of those various Acts highlighted in this report.

#### **Background**

Every local government has a range of legislative responsibilities and therefore require formally Authorised Officers to undertake those tasks (as authorised representatives of the local government). Dedicated officers are required to be appointed to undertake those functions, including for example, licensing of dogs and dog control responsibilities.

Appointments of authorised persons will enable those officers to carry out the provisions of those various Acts highlighted in this report, including the issuing of infringements and representing the Shire in Court proceedings if that is necessary.

#### **Comment**

It is necessary for Council to formally appoint authorised persons to enforce the provisions of various Acts which help to govern the law and order responsibilities of the Shire.

Individual notices in writing are provided to authorised officers and the Council resolution is used as evidence in Court that the prosecuting officers have been duly authorised to enforce the provisions of the Acts in question.

#### **Consultation**

Consultation has occurred with the persons proposed to be authorised by resolution of Council.

## **Statutory Environment**

Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land – S3.24 (relates to the issuing of notices):

Local Government Act 1995, Part 3, Division 3, Subdivision 4, Impounding goods involved in certain contraventions – S3.39 (relates to the power to remove and impound):

Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – S9.10, S9.11 & S9.15

Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – S9.13, S9.16 & S9.17 (relates to the issuing of notices):

Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – S9.19 & S9.20 (relates to amendment of notices):

Local Government (Miscellaneous Provisions) Act 1960 – S449 Local Governments may establish pounds, appoint Pound Keepers and Rangers:

Cat Act 2011 – Authorised Persons

Dog Act 1976 – Registration & Authorised Officers

Health Act 1911 – S27 Appointment of Environmental Health Officer

Food Act 2008 – Division 3 S 122 Authorised Officer; S126 Designated Officer – Infringements.

Bush Fires Act 1954 – S59 (1) & (3) – Authorised Persons – Prosecution of Offences.

Caravan Parks and Camping Grounds Act 1995 – S17 Authorised Persons:

Litter Act 1979 – S 26 – Authorised Officers

### **9.37. Using meeting minutes as evidence**

- (1) Evidence of a matter that is recorded in a document purporting to be a certified copy of all or any part of confirmed meeting minutes may be given by tendering the document.

## **Policy Implications**

Nil

## **Financial Implications**

Nil

## **Voting Requirement**

ABSOLUTE majority

Moved: Cr Piccles-Popham

Seconded: Cr Laundry

**That the following persons be appointed authorised persons in accordance with the relevant Acts hereunder:**

**Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land – S3.24 (relates to the issuing of notices):**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock

**Local Government Act 1995, Part 3, Division 3, Subdivision 4, Impounding goods involved in certain contraventions – S3.39 (relates to the power to remove and impound):**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock

**Local Government Act 1995, Part 9, Division 2, Subdivision 1, Miscellaneous provisions about enforcement – S9.10, S9.11 & S9.15**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock
- Mr Johnnie Maxwell Richardson

**Local Government Act 1995, Part 9, Division 2, Subdivisions 1 & 2, Miscellaneous provisions about enforcement and infringement notices – S9.13, S9.16 & S9.17 (relates to the issuing of notices):**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock

**Local Government Act 1995, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement – S9.19 & S9.20 (relates to amendment of notices):**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock

**Local Government (Miscellaneous Provisions) Act 1960 – S449 Local Governments may establish pounds, appoint Pound Keepers and Rangers:**

- Mr Neil Philip Hartley (Pound Keeper)
- Mr Ian Stephen Walsh (Pound Keeper)
- Mr Grant Raymond Fidock (Pound Keeper and Ranger)
- Mr Johnnie Maxwell Richardson (Pound Keeper and Ranger)

**Cat Act 2011 – Authorised Persons**

- Mrs Ruth Elizabeth Passmore
- Mrs Susanne Levett
- Ms Jennifer Joy Benson
- Ms Alyce Kate Fowler

**Dog Act 1976 – Registration & Authorised Officers**

- Mr Neil Philip Hartley (Authorised)
- Mr Ian Stephen Walsh (Authorised & Registration)
- Mr Malcolm Harold Pumphrey (Authorised)
- Mr Grant Raymond Fidock (Authorised & Registration)
- Mr Johnnie Maxwell Richardson (Authorised & Registration)
- Ms Jennifer Joy Benson (Registration)
- Mrs Ruth Elizabeth Passmore (Registration)
- Mrs Susanne Levett (Registration)
- Ms Alyce Kate Fowler (Registration)

**Health Act 1911 – S27 Appointment of Environmental Health Officer**

- Mr Trevor Brandy

**Food Act 2008 – Division 3 S 122 Authorised Officer; S126 Designated Officer – Infringements.**

- Mr Trevor Brandy

**Bush Fires Act 1954 – S59 (1) & (3) – Authorised Persons – Prosecution of Offences.**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock
- Mr Johnnie Maxwell Richardson

**Caravan Parks and Camping Grounds Act 1995 – S17 Authorised Persons:**

- Mr Neil Philip Hartley
- Mr Ian Stephen Walsh
- Mr Grant Raymond Fidock
- Mr Johnnie Maxwell Richardson

**Litter Act 1979 – S 26 – Authorised Officers**

- Mr Grant Raymond Fidock
- Mr Johnnie Maxwell Richardson

**That all appointment authorisations for the following officers be revoked:**

- Mrs Kylie Patricia Kammann
- Mrs Maxine Frances Philbey
- Mrs Lisa Marie Harrison
- Ms Roslyn Venettia Miller

**CARRIED BY ABSOLUTE MAJORITY 5-0**

### **10.2.2 LEASE OF ‘TELE-HUB’ FACILITY AND OFFICE SPACE TO NORTH MIDLANDS PROJECT FOR REGIONAL LEARNING HUB**

Applicant:	North Midlands Project
Location / Address:	Carnamah Town Hall – Tele-Hub and Meeting Rooms
File Ref:	ADM0262 and ADM0135
Disclosure of Interest:	Nil
Date:	10 July 2017
Author:	Chief Executive Officer
Attachments:	10.2.2(a) – North Midlands Project Business Case and letter of support from Mid West Development Commission 10.2.2(b) – Proposed Lease

#### **Summary**

The existing Tele-Hub was constructed in the back of the Carnamah Town Hall almost 10 years ago and its purpose was to provide the community of the district with an easily accessible local place equipped to provide community access to computing technology, a wide range of government agency services, online facilities, business and office services and opportunities for further training and further education.

The facility is well resourced physically, but has been used infrequently and it is fair to conclude it is very much under-utilised.

The North Midlands Project has put forward a proposal to commence a Regional Learning Hub in Carnamah and this facility would be most suitable to its needs and for that purpose. As the anticipated usage could be about three days each week, it is suggested that a lease of the area be offered (in lieu of arranging occasional hire and charging as per the Shire’s annually adopted Fees and Charges). Any lease would also need to include a range of conditions, including a provision to ensure that ongoing and reasonable levels of access for local community/public and private events is maintained.

A Regional Learning Hub would bring high levels of state and regional recognition for Carnamah, and potentially boost local populations and business economic development also.

The venture has a great deal of “upside” for Carnamah and a lease of the facility seems reasonable under the circumstances. A low lease fee is proposed (in effect a “peppercorn”) to give the project the greatest chance of success.

#### **Background**

The existing Tele-Hub was constructed in the back of the Carnamah Hall almost 10 years ago. The purpose of the facility was to provide the community of the district with an easily accessible local place equipped to provide community access to computing technology, a wide range of government agency services, online facilities, business and office services and opportunities for training and further education.

The facility has been used on occasion over the last several years but it is fair to conclude it has been a very much under-utilised and under-activated facility.

The North Midlands Project is a not-for-profit organisation based in Carnamah (*The Bank, 8 Macpherson Street*). It was incorporated in 2015 and its purpose is to improve and strengthen the community's quality of life, health and well-being through arts, culture, heritage and education.

The North Midlands Project is -

*a community capacity building not-for-profit organisation based in Carnamah. We were incorporated in 2015 and deliver purpose driven arts, cultural, heritage and education programs to improve the quality of life, health and well-being for people living in the North Midlands and across regional Western Australia.*

The North Midlands Project philosophy is that it –

*believes providing access to diverse and innovative arts, culture, heritage and education programs empowers individuals and assists in creating a viable community which fosters inclusiveness, participation and cohesion.*

The North Midlands Project has put forward a proposal (see Attachment 10.2.2(a)) to commence a Regional Learning Hub in Carnamah and it suggests that the Tele-Hub facility would be most suitable to its needs and for that purpose. It anticipates usage could be about three days each week.

### **Comment**

It is suggested that in light of the very frequent usage proposed by the North Midlands Group, it would be more efficient for both parties if a lease of the area was provided (in lieu of both organisations needing to arrange occasional hire bookings and then the Shire being required to charge an individual fee/use as per the Shire's annually adopted Fees and Charges).

A Regional Learning Hub is consistent with the historic purpose of the area and by having an organisation like North Midlands Project activating the facility it will bring high levels of state and regional recognition for Carnamah, and potentially boost local populations and business profitability also.

Such a service would also provide training cost savings for the Shire and other businesses/government agencies as at least some of the annual training requirements of those parties will be able to be provided locally, avoiding the need for people to incur the cost of travel, accommodation, and staff time costs to travel to/from Perth for specialist/one-off/general training.

Whilst the current area the subject to the proposed lease is not heavily used by the community, it is on occasion and their access to the area should be protected. The proposed Lease therefore includes a provision to ensure that ongoing and reasonable levels of access to the leased areas for local community/public and private events is maintained (see Schedule 2 of the Lease for Special Conditions).

The venture has a great deal of “upside” for Carnamah and a lease of the facility seems reasonable under the circumstances. A low lease fee is proposed (in effect a “peppercorn”) to



give the project the greatest chance of success (see Schedule 1 and 2 of the Lease for a good summary of the core terms and conditions).

A building floor plan highlighting (with a green border) the area sought for the Lease, is provided in Schedule 4 of the draft Lease.

### **Consultation**

Mr David Bowman-Bright, Executive Director of the North Midlands Project.  
CEO, Mid-West Development Commission.

### **Statutory Environment**

Local Government Act 1995 – section 3.58 of the Local Government Act 1995 (WA) relating to disposal of property.

Local Government (Functions and General) Regulations 1996 – Clause 30 (2)(b) highlight that a lease would be exempt from the sale/lease provisions of the Act if the lease is to a benevolent/educational body.

The North Midlands Project Incorporated is exempt under Clause 30 (2)(b) as it is a not-for-profit incorporated association (Registration No. A1018438T). It is registered with the Australian Charities and Not-for-Profits Commission and has both Charity Tax Concession Status from the Australian Taxation Office and Deductible Gift Recipient status from the Register of Cultural Organisations.

The Land is held in freehold by the Shire of Carnamah and so is not subject to the need to obtain Minister for Lands consent to this Lease.

### **Policy Implications**

Policy 2.12 (Proposals Requiring Shire Funding and/or In-Kind Support) requires a formal Proposal to be submitted in order that the Council might consider the request. The Proposal needs to provide the following information –

1. Overview and justification for the proposal;
2. Copies of minutes demonstrating organisational support;
3. Indicative costings;
4. Proposed cost sharing arrangements and grants; and
5. Indicative timelines.

A Proposal by North Midlands Project addressing the above is provided at as an Attachment. It is understood that the meeting minutes (showing organisational support) will be forthcoming (following its 13 July 2017 meeting) but the remaining components of the Policy are dealt with by the Proposal, this report, and the draft Lease.

Council Policy 2.5 (Common Seal) requires the Common Seal to be applied to a Lease.

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 Lease the facility (as per the attached Lease and its conditions) would seem to meet that aspiration.

## **Financial Implications**

The 2016/17 and 2017/18 budgets both included a provision of approximately \$15,000 for maintenance and associated operational costs for the Carnamah Hall (including the Tele-Hub areas, but excluding the Medical Centre areas). The area in question is only a portion of that building but it will none-the-less consume its share of costs for the facility.

The two meeting rooms/offices adjacent to the Tele-Hub space are requested to also be included in the Lease, and the North Midlands Group has asked that both rooms have a ceiling installed by the Shire prior to the lease commencing. Costs for that work is estimated to be approximately \$2 - 3,000. The ceilings will convert the space to comfortable and weather sealed office/meeting rooms.

The Lease proposes that the cost of electricity consumed (lights, air-conditioning, computers, etc) and existing equipment/furniture insurance is still paid for by the Shire of Carnamah. There is no sub-meter facility installed at present so it is not known what those costs will be on an annual basis, but they are not anticipated to be excessive. These costs can be renegotiated in future if required, if the Lease is renewed/extended beyond its initial two year period.

The Tenant will be responsible for the costs of any new services, or equipment, or furniture it requires. Also, for all telephone/internet charges.

In total, it is estimated that the contribution cost to the Shire would be about \$5,000 in the first year (includes ceiling costs) and about \$2,500 per annum thereafter (largely for electricity). A clearer understanding of costs will be known before the Lease extension is considered and the Lease conditions include the expectation that electricity costs will need to be renegotiated as part of any Lease renewal/extension.

As far as Risk is concerned, that is considered to be “Low” as the monetary funds involved are quite minimal, and risk to the Shire’s reputation is reasonably well protected by the fact that the North Midlands Project is an Incorporated group with a very professional, and well organised staffing and structure.

## **Voting Requirement**

Simple majority

### **COUNCIL RESOLUTION 20170706**

**Item: 10.2.2**

Moved: Cr Stirling

Seconded: Cr Laundry

That Council –

1. Grant a Lease as per Attachment 10.2.2(b) to the North Midlands Project for the Carnamah Tele-Hub and the two adjacent offices/meeting rooms (at rear of Carnamah Town Hall) subject to the CEO negotiating a suitable agreement/clause regarding the ongoing maintenance and replacement of computers, whiteboards, etc  
and
2. Authorise the President and Chief Executive Officer to execute the Lease and apply the Common Seal.

**CARRIED 5-0**

### **10.2.3 ADOPTION OF BUSHFIRE RISK MANAGEMENT PLAN**

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0118
Disclosure of Interest:	Nil
Date:	29 June 2017
Author:	Chief Executive Officer
Attachments:	10.2.3 – Shire of Carnamah Bushfire Risk Management Plan

#### **Summary**

The State Government's Hazard Plan for Fire (Westplan Fire) requires that an integrated Bushfire Risk Management Plan (BRM Plan) be developed for Western Australian local government districts with significant bushfire risks. The Shire of Carnamah has areas of "significant bushfire risk".

A Bushfire Risk Management Plan has subsequently been developed and has been reviewed and assessed by the Office of Bushfire Risk Management as compliant with the standard for bushfire risk management planning in Western Australia.

The final step in the Plan's development is for Council to endorse the BRM Plan (as required by the State Hazard Plan for Fire).

The Shire of Carnamah is the owner of this Plan and has responsibility, as far as is reasonable, to manage the implementation of the BRM Plan and to facilitate the implementation of bushfire risk management treatments.

#### **Background**

Under the State Hazard Plan for Fire (Westplan Fire) an integrated Bushfire Risk Management Plan is to be developed for local government areas with significant bushfire risk. The Shire of Carnamah has areas of "significant bushfire risk".

The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZS ISO 31000:2009 Risk management – Principles and guidelines (AS/NZS ISO 31000:2009), as described in the Second Edition of the National Emergency Risk Assessment Guidelines (NERAG 2015). This approach is consistent with the policies of the State Emergency Management Committee, specifically the State Emergency Management Policy 3.2 – Emergency Risk Management Planning (formerly State Emergency Management Policy 2.9 – Management of Emergency Risks).

This Carnamah BRM Plan is a strategic document that identifies assets at risk from bush fire and their priority for treatment. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan.

Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

This Carnamah Bushfire Risk Management Plan (see Attachment 10.2.3) has been reviewed and assessed by the Office of Bushfire Risk Management as compliant with the standard for bushfire risk management planning in Western Australia, and the Guidelines for Preparing a Bushfire Risk Management Plan.

The Shire of Carnamah is the owner of this document and has responsibility, as far as is reasonable, to manage the implementation of the Plan and facilitate the implementation of bushfire risk management treatments by risk owners.

The endorsement of the BRM Plan by Council satisfies the Shire of Carnamah's endorsement obligations under section 2.3.1 of the State Hazard Plan for Fire (Westplan Fire).

### **Comment**

This BRM Plan has been prepared for the Shire of Carnamah in accordance with the requirements of Westplan Fire and the Guidelines for Preparing a Bushfire Risk Management Plan.

The aim of the BRM Plan is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Carnamah.

The objective of the BRM Plan is to effectively manage bushfire risk within the Shire of Carnamah in order to protect people, assets and other things of local value. Specifically, the objectives of this BRM Plan are to:

- Guide and coordinate a tenured, multi-agency bushfire risk management program over a five year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities;
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

### **Consultation**

Bushfire Advisory Committee; Local Emergency Management Committee; various local landowners, Department of Fire and Emergency Services; Department of Parks & Wildlife; Main Roads WA; Shire of Carnamah staff; etc.

A presentation on the draft document was provided to Councillors on 21 June 2017, where Mr Trevor Dunstan (the regional Bushfire Risk Planning Coordinator) and Mr Andrew Hunt provided an overview of the history and purpose of the Plan.

### **Statutory Environment**

Section 2.3.1 of the State Hazard Plan for Fire (Westplan Fire).

### **Strategic Implications**

The Carnamah Strategic Community Plan 2027 contains a section for Disaster Management. It has the goal of ensuring Bush Fire Brigades and State Emergency Services have vehicles, plant, buildings, equipment and training to respond to emergencies in accordance with the local emergency management plan. The Actions against that goal are to assess needs on an annual basis prior to submission for funding under the ESL grant scheme; and to complete an update of Shires of Carnamah and Coorow local emergency management plan (LEMC).

Whilst this Plan is not specifically highlighted with the Strategic Community Plan, it is consistent with the general theme of the Disaster Management section.

### **Policy Implications**

The Bush Fire Policy (3.1) outlines a broad range of positions to do with bush fire control. There may be components of this Policy that will require review to ensure a good level of consistency between the two documents. This will be considered by the Emergency and Ranger Services Officer upon his arrival in August 2017 and a Council Report will follow if Policy changes are recommended.

### **Financial Implications**

There is a requirement within the Plan for the Shire to submit an annual report to the Office of Bushfire Risk Management, summarising progress made towards implementation of the BRMP. Appendix #5 outlines specific Actions/Activities the Shire of Carnamah is responsible for. It is anticipated that current budget allowances will suffice to enable the Shire to meet those obligations, however if upon review, additional funds are thought warranted, this will form part of a future budget request to Council for its consideration.

### **Voting Requirement**

Simple majority

#### **COUNCIL RESOLUTION 20170707**

**Item: 10.2.3**

Moved: Cr Piccles-Popham

Seconded: Cr Laundry

That Council –

1. Endorsement of the Bushfire Risk Management Plan (Attachment 10.2.3); and
2. Acknowledges its responsibility, as far as reasonable, to manage the implementation of the Bushfire Risk Management Plan and facilitate the implementation of bushfire risk management treatments by risk owners.

**CARRIED 5-0**

#### **COUNCIL RESOLUTION 20170708**

Moved: Cr Piccles-Popham

Seconded: Cr Kikeros

That Council close the meeting to members of the public to discuss a Confidential item.

**CARRIED 5-0**

### **10.3 CONFIDENTIAL REPORTS**

Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (c), “*a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*”.

### 10.3 CONFIDENTIAL REPORTS

#### 10.3.1 TENDER 8/17 – REQUEST FOR QUOTATION – REFUSE COLLECTION SERVICE

Author: CHIEF EXECUTIVE OFFICER  
File Ref: Tender 8/17  
Date: 19 July 2017

#### COUNCIL RESOLUTION 20170709

Item: 10.3.1

Moved: Cr Piccles-Popham  
Seconded: Cr Laundry

That Council –

1. Award Tender 8/17 (Refuse Collection Service) to Veolia Environmental Services for a term of four (3 + 1) years at an estimated first year price of \$58,088.68 (excluding GST), subject to:
  - (a) Veolia Environmental Services signing the Contract as proposed by the Shire without variation, and
2. Authorise the Chief Executive Officer to execute and manage the Contract, including any variations, providing these variations do not exceed the allocated budget provision or significantly vary from the overall scope.

**CARRIED 5-0**

**COUNCIL RESOLUTION 20170710**

Moved: Cr Piccles-Popham  
Seconded: Cr Laundry

That the meeting be re-opened to members of the public.

**CARRIED 5-0**

**11. ORDERING THE COMMON SEAL**

Nil

**12. REPORTS OF COMMITTEES AND MEMBERS**

Nil

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. NOTICE OF MOTIONS**

(For consideration at the following meeting, if given during the meeting)

Nil

**15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

Nil

**16. CLOSURE OF MEETING**

There being no further business, the President closed the meeting at 4.20pm.

**SHIRE OF CARNAMAH**

These Minutes were confirmed at a meeting on 16 August 2017

.....  
Presiding Person at the Meeting  
at which the Minutes were Confirmed

.....  
Date