

MINUTES

Ordinary Meeting of Council

24 October 2018

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL – 24 October 2018
MINUTES

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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: _____

CHIEF EXECUTIVE OFFICER

SHIRE OF CARNAMAH

MINUTES

ORDINARY MEETING OF COUNCIL

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

On Wednesday 24 October 2018

Commencing at 4:05pm

1. DECLARATION OF OPENING

The President welcomed those in attendance and declared the meeting open at 4.05pm.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister	President
Cr Dwayne Wooltorton	Deputy President

Cr Ian Stirling
Cr Ian Bowman
Cr Con Kikeros
Cr Andrew Bowman-Bright
Cr Luke Risinger

Ms Karen Oborn	Chief Executive Officer
Mr Ian Walsh	Deputy Chief Executive Officer
Mr Phil Casbolt	Acting Manager of Works and Services
Ms Jennie Benson	Executive Support Officer

Mr Brendon Haeusler	Member of the Public
Mrs Lydia Haeusler	Member of the Public

Apologies

Nil

Leave Of Absence (Previously Approved)

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

There were no questions from members of the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURE OF INTEREST

Cr Bowman-Bright declared in interest in items 10.2.4 and 10.3.4

7. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. CONFIRMATION OF MINUTES

9.1 Minutes of Ordinary Meeting of Council held 19 September 2018

As Circulated

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181001

Item 9.1

Moved: Cr Stirling

Seconded: Cr Risinger

That the Minutes of the Ordinary Meeting of Council held on 19 September 2018 be accepted as a true and correct record.

CARRIED 7-0

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:	18 October 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 13 September 2018 to 17 October 2018, 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 20181002

Item: 10.1.1

Moved: Cr Bowman

Seconded: Cr Kikeros

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 13 September 2018 to 17 October 2018; 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: 022561 – 022565

Municipal cheques: 28132

Municipal EFT's: 11677 – 11764

Trust Cheques: NIL

Payroll direct debits: #06 - #07 - #08

Municipal Direct Debits 30/09/2018

Totalling \$ 703,717.34 be approved and passed for payment.

CARRIED 7-0

10.1.2 Financial Reports to 30 September 2018

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	18 October 2018
Author:	Ian Walsh - Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

SUMMARY

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

BACKGROUND

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

COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2018 to 30 September 2018;
- Summary Rates Trial Balance Report as at 30 September 2018;
- 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 20181003

Item: 10.1.2

Moved: Cr Bowman

Seconded: Cr Wooltorton

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

CARRIED 7-0

10.2 ADMINISTRATION REPORTS

10.2.1 Citizen of the Year Awards – Proposed Policy Amendment

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0072 & ADM0203
Disclosure of Interest:	Nil
Date:	18 October 2018
Author:	Executive Support Officer
Attachments:	10.2.1(a) – Existing Policy 1.8 10.2.1(b) – Proposed Policy (amended) 10.2.1(c) – Proposed Nomination Form 10.2.1(d) – Proposed Sample Citizen of the Year Certificate

SUMMARY

This report recommends the amendment of Policy 1.8 ‘Australia Day WA Citizen of the Year Awards’.

BACKGROUND

The Shire of Carnamah has, in previous years, paid an annual membership subscription to Auspire WA (Australia Day WA Council). This subscription enables the member Council to access media advertising and nomination form templates, and the resultant generation of certificate/s and medallions.

COMMENT

In recent years the Shire of Carnamah has conducted the advertising, calling for nominations, and the selection process of Award recipients ‘in house’. Given that we have not utilised the templates, etc, provided with the annual membership (approx \$600 per annum), it would seem that we are basically paying this amount for the generation of 1 or 2 certificates each year.

Therefore, it is proposed to **not** renew the member subscription with Auspire WA, and that the process of advertising, calling for nominations, and creation of certificates be carried out ‘in house’ and that the selection process of Award recipients remain unchanged, ie: Council will apply the Assessment Matrix and determine the successful nominees at its December meeting each year.

CONSULTATION

Executive Team and Shire President

STATUTORY ENVIRONMENT

Section 3.1 (General function) of the Local Government Act states that the general function of a local government is to provide for the good government of persons in its’ district.

POLICY IMPLICATIONS

Council Policy 1.8 – A copy of the proposed policy amendment is attached.

FINANCIAL IMPLICATIONS

Minor internal operational costs incurred, no significant financial implications other than a saving of approximately \$600 per year.

STRATEGIC IMPLICATIONS

Civic Leadership Object 4: To be a professional, customer focused organisation, which –

- Effectively engages (with) the community to determine strategic direction;
- Responsibly manages the organisation's assets and financial resources;
- Is a strong advocate for the community.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181004

Item: 10.2.1

Moved: Cr Bowman-Bright

Seconded: Cr Stirling

That Council elect not to renew the membership subscription with Auspire WA, and adopts the amended Policy 1.8 'Citizen of the Year Awards'.

CARRIED 7-0

10.2.2 Higher Duties for Deputy Chief Executive Officer

Applicant:	N/A
Location / Address:	N/A
File Ref:	PER #101
Disclosure of Interest:	Nil
Date:	2 October 2018
Author:	Karen Oborn – Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council approve the payment of Higher Duties Allowance to the Deputy Chief Executive Officer while filling the role of Acting CEO, whilst I am on Annual Leave and attending the Ecotourism Conference in Townsville, from 22 November to 30 November 2018 (inclusive), as per Policy 9.23.

BACKGROUND

The Shire of Carnamah policy states that in the absence of the CEO for periods of 5 or more working days, the Deputy CEO shall be appointed Acting CEO and be authorised to carry out all duties and responsibilities and hold the requisite authority of that office and position.

COMMENT

The CEO will be absent whilst taking three days Annual Leave and four days to attend the Ecotourism Conference in Townsville, totalling 7 consecutive days from 22 November to 30 November 2018 (inclusive).

CONSULTATION

Shire President
Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Civic Leadership Objective 4: *To be a professional, customer focussed organisation, which responsibly manages the organisation's assets and financial resources.*

POLICY IMPLICATIONS

Council Policy 9.23 – Acting Chief Executive Officer

FINANCIAL IMPLICATIONS

Payment for higher duties to the Deputy CEO in the absence of the CEO is included in budget allocations.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181005

Item: 10.2.2

Moved: Cr Risinger

Seconded: Cr Wooltorton

That Council appoints the Deputy Chief Executive Officer to be Acting Chief Executive Officer and approves the payment of higher duties allowance to the Deputy Chief Executive Officer, for the period 22 November to 30 November 2018 (inclusive) as per Policy 9.23, whilst the Chief Executive Officer is on Annual Leave and attending the Ecotourism Conference in Townsville.

CARRIED 7-0

10.2.3 Application for Planning Approval – Proposed expansion to an existing approved rural industry (grain handling and storage facility)

Applicant:	Cooperative Bulk Handling Limited (Landowner)
Location / Address:	Lot 305 Slater Street & Lots 68 (No.60) & 69 (No.44) Inja Street, Carnamah
File Ref:	
Disclosure of Interest:	Nil
Date:	17 October 2018
Author:	Mr Joe Douglas – Exurban Rural & Regional Planning (Town Planning Consultant)
Attachments:	10.2.3 – Application for Planning Approval including plans

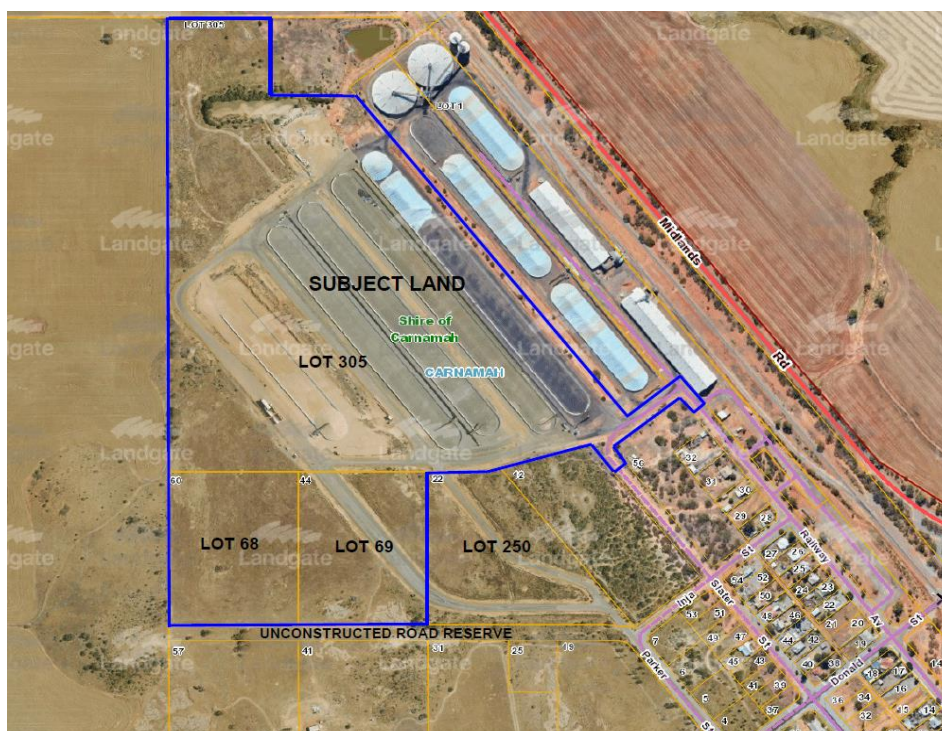
SUMMARY

This report recommends that an application for planning approval submitted by Cooperative Bulk Handling Limited (Landowner) to develop additional temporary grain storage infrastructure at its existing grain handling and storage facility in the Carnamah townsite be approved subject to conditions.

BACKGROUND

In September 2018 Council granted conditional planning approval for the development of an additional 30,000 tonnes of storage capacity at Cooperative Bulk Handling Limited's (CBH's) existing grain handling and storage facility in the Carnamah townsite to provide for the receipt and storage of grain from local growers during the forthcoming harvest period.

CBH have submitted another planning application seeking Council's planning approval to develop an additional 30,000 tonnes of storage capacity on the same site immediately adjacent to the storage infrastructure approved in September 2018.



Location & Lot Configuration Plan (Source: Landgate)

CBH have again confirmed their intention to out-load grain from the recently approved storage infrastructure as well as the new infrastructure proposed by this application by the end of February 2019. All infrastructure will be retained for future use for the same purpose if / when required.

Under the terms of the information and plans submitted in support of this latest application the following is proposed:

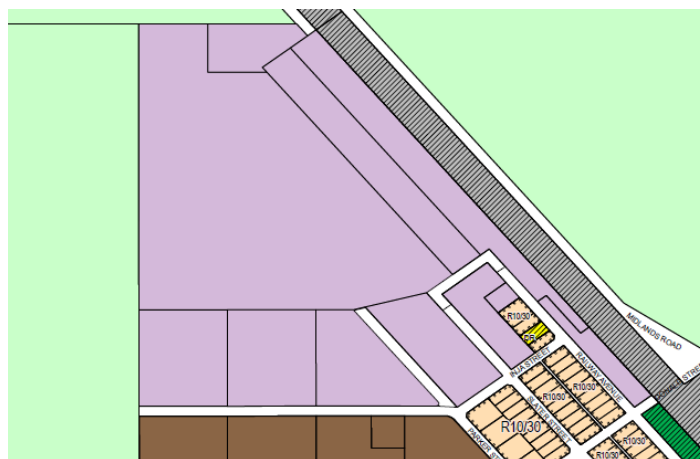
- i) Construction of a new unsealed (i.e. gravel) hardstand area and associated vehicle accessways and stormwater drainage infrastructure over portions of Lots 305, 68 and 69 immediately adjacent to the southern and south-western sides of the new storage infrastructure approved in September 2018;
- ii) Expansion of the previously approved steel framed open bulkhead grain storage facility on the hardstand area referred to in point i) to provide an additional 3,000 tonnes of storage capacity (i.e. 33,000 tonnes in total);
- iii) Erection of a new, separate 27,000 tonne capacity steel framed open bulkhead and grain conveyor on the hardstand area referred to in point i) above with wall heights of either 1.2 or 1.8 metres depending upon availability at the time of construction; and
- iv) The use of tarpaulins to cover the both open bulkhead storage facilities for dust management purposes.

This latest proposal, if approved by Council, will see the total approved grain storage capacity on the land increase from 346,150 to 376,150 tonnes (i.e. an increase of approximately 8.7%).

Full details of the application submitted are provided in the attachment to this report.

COMMENT

The subject land is classified 'Light Industry' zone under the Shire of Carnamah Local Planning Scheme No.2 (LPS No.2).



Current Zoning Plan (Source: Shire of Carnamah Local Planning Scheme No.2)

Council's stated objectives for the development and use of any land classified 'Light Industry' zone are as follows:

- a) To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses;
- b) To provide for a range of employment opportunities;
- c) To preclude the storage of bulky and unsightly goods where they may be in public view; and
- d) To ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction.

The existing and proposed development and use of CBH's grain storage facility in the Carnamah townsite is most appropriately defined as a 'Rural Industry'. Under the terms of LPS No.2 the development and use of any land classified 'Light Industry' zone for 'Rural Industry' purposes is not permitted unless Council has exercised its discretion by granting planning approval following public advertising.

Having regard for:

- a) Council's stated objectives for all land classified 'Light Industry' zone which only allow for the storage of bulky goods where they are screened from public view and considered unlikely to have a detrimental impact upon nearby residential or other sensitive land uses;
- b) The fact the land's current 'Light Industry' zoning classification was assigned erroneously during formulation of Local Planning Scheme No.2 as evidenced by the guidance provided in the Shire's Local Planning Strategy which recommended the land be classified 'General Industry' zone to allow for its continued development and use for the storage and distribution of bulky goods;
- c) Previous planning approvals granted by Council which have allowed the land to be extensively developed and used for 'Rural Industry' purposes similar to what is proposed by this latest application; and
- d) The fact no public submissions were received during public advertising,

it is concluded there is scope for Council to favorably consider and grant approval to this latest planning application.

Assessment of the application in the context of the specific standards and requirements of LPS No.2 and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 has again confirmed it is generally compliant. Notwithstanding this conclusion there are four (4) elements of the proposal that warrant further consideration prior to Council's final determination of the application, the specific details of which are outlined as follows:

1. Buffer Separation Distances between Industrial and Sensitive Land Uses

The Environmental Protection Authority's (EPA's) Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses' recommends a minimum buffer separation distance of 500 metres between any form of sensitive land use and grain elevators such as those currently used and proposed at CBH's facility in Carnamah.

It is noted a significant amount of 'Residential', 'Rural Residential' and 'Commercial' zoned land is located within 500 metres of CBH's facility which has not precluded the issuance of planning approvals by Council for the expansion of CBH's existing facility or the development of any sensitive uses within these zones over the past 20 years. Furthermore the Shire has no record of any complaints from those living or working within 500 metres of CBH's facility. It's fair to say people are generally accepting of such operations in small country towns like Carnamah given their historic development prior to the introduction of contemporary planning control mechanisms and the significant economic benefits to their local communities. As such the proposed intensification of development and usage arising from CBH's latest proposal is not considered fatal to the issuance of development approval by Council with suitable conditions able to be imposed to help guard against any potential negative impacts.

2. Unconstructed Roads

Lots 68 and 69 have direct frontage to an unconstructed portion of Inja Street along their southern boundaries. Whilst these two lots are contiguous with all other lots comprising the facility with practical access available through them to the public road network, clause 5.13.1 of LPS No.2 clearly states that when considering applications for planning approval for the development of land abutting an unconstructed road, or any lot which does not have frontage to a constructed road, Council shall either:

- a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- b) grant approval to the application subject to a condition requiring the applicant to pay a sum of

money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or

- c) require other such arrangements be made for permanent access to the satisfaction of the Council.

When considering and determining the previous planning application in September 2018 Council imposed a condition requiring all lots comprising CBH's facility to be amalgamated into one (1) new separately titled lot within twelve (12) months. As such it is considered the requirements of clause 5.13.1 of LPS No.2 have been suitably addressed with no need to impose the same condition on any approval that may be granted in this particular instance. An advice note is however recommended to remind CBH of its obligation to amalgamate the land in accordance with the terms of the previous approval in September 2018.

3. Landscaping

A key objective of LPS No.2 is to ensure any form of industrial development is provided with sufficient landscaping to help screen such development from public view. Under the terms of the previous approval granted in September 2018 CBH is required to provide a new five (5) metre wide landscaping strip along the frontage of Lots 68, 69 and 250 to help screen the new grain storage infrastructure from the adjacent rural living precinct. The landscaping required by that previous approval will also help screen the additional infrastructure now proposed. As such it is again considered unnecessary to impose the same condition on any approval that may be granted in this particular instance however an advice note is again recommended to remind CBH of its obligation in relation to Council's landscaping / visual screening requirements.

4. Traffic Impacts & Road Maintenance / Upgrade Contributions

This proposed additional increase to the total grain storage capacity at CBH's Carnamah receival facility could again reasonably be expected to result in a slight increase in the total number of heavy vehicle movements to/from the site via the Shire's local road network. Again no estimates regarding the expected increase to heavy vehicle traffic volumes arising from the proposal were provided by CBH in support of this latest application due to the difficulties associated with quantifying them with any accuracy.

Whilst Council may again wish to consider imposing condition/s on any planning approval issued requiring CBH to make a financial contribution towards the maintenance and/or upgrade of roads within the Shire's municipal district which need to be used to access the Carnamah facility, it should again note any decision to do so is likely to be challenged by CBH at the State Administrative Tribunal on the following grounds:

- i) There is too much uncertainty as to exactly which roads under the care, control and management of the Shire grain growers and transport contractors will use to transport grain to the newly expanded facility;
- ii) There is no clear methodology immediately available to accurately and fairly quantify the costs likely to be incurred by the Shire to remediate any effects on the local road network;
- iii) Council has no local planning policy or provisions embodied in LPS No.2 enabling or requiring developer contributions to local infrastructure; and
- iv) Previous planning approvals issued by Council for the same type of development on the subject land did not contain any conditions requiring CBH to make a financial contribution towards the full cost of maintaining and upgrading local roads throughout the Shire's municipal district (i.e. agreement was reached with CBH for some partial funding of road works immediately adjacent to the site with most of the funding provided by the State Government under the Royalties for Regions program).

Should Council wish to secure some sort of financial contribution towards the maintenance and upgrade of roads required to be used to access the expanded facilities on the subject land, it is again recommended it do so under the rating provisions of the Local Government Act and not as a condition any planning approval issued due to the significant risk of CBH successfully challenging any such condition at the State Administrative Tribunal.

CONSULTATION

The application was advertised for public comment for the minimum required period of fourteen (14) days with no submissions received from the local community or any State government agencies following its conclusion on 28 September 2018. The reporting officer also consulted with the Shire's Chief Executive and Deputy Chief Executive Officers as well as Mr Tim Dolling of CBH during assessment of the application.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 2.5 – *Rural Planning*
- State Planning Policy 3 – *Urban Growth and Settlement*
- State Planning Policy 3.6 – *Development Contributions for Infrastructure*
- State Planning Policy 4.1 – *State Industrial Buffer*
- EPA Guidance Statement No.3 – *Separation Distances between Industrial and Sensitive Land Uses*
- Mid West Regional Planning and Infrastructure Framework

FINANCIAL IMPLICATIONS

All costs associated with the project's implementation will be borne by the applicant / landowner.

As mentioned previously above it is open to Council to seek to secure some sort of financial contribution towards the maintenance and upgrade of local roads required to be used to access the expanded facilities on the subject land under the rating provisions of the Local Government Act. The imposition of a condition for this specific purpose on any planning approval issued is not recommended.

VOTING REQUIREMENT

Simple majority

Council Resolution 20181006

Item: 10.2.3

Moved: Cr Risinger

Seconded: Cr Kikeros

That the application for planning approval submitted by Cooperative Bulk Handling Limited (Landowner) to develop additional temporary grain storage infrastructure at its existing grain handling and storage facility on Lot 305 Slater Street and Lots 68 (No.60) and 69 (No.44) Inja Street, Carnamah be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.
2. The applicant / landowner shall continually monitor any dust generated by the use approved by this application and implement suitable measures in accordance with any relevant Environmental Protection Authority and Department of Water and Environmental Regulation regulations, policies, guidance statements or guidelines to ensure any dust impacts are appropriately managed and controlled.
3. In the event dust generated by the use approved by this application becomes an issue of concern to the local community and/or Council, a Dust Management Plan prepared in accordance with the specific requirements of the Environmental Protection Authority and/or the Department of Water and Environmental Regulation shall be submitted to the Shire of Carnamah for consideration and

determination by Council. Upon receipt of notification from the Shire of the need for a Dust Management Plan, the applicant / landowner shall prepare and submit that plan to the Shire within sixty (60) days with the use of the relevant dust generating infrastructure to cease operation immediately pending approval to the plan and implementation of the required management measures to the satisfaction of the Shire's Chief Executive Officer.

4. All stormwater drainage associated with the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.

Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Carnamah having first been sought and obtained.
2. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
3. This is a planning approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
4. In accordance with the Building Act 2011 and Building Regulations 2012 a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any building construction or earthworks on the land.
5. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.
6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
7. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
8. The applicant/landowner is reminded of the following requirements which are relevant to this proposal but have not been included as conditions of planning approval on the basis that compliance with the previous planning approval granted in September 2018 will address the issues of concern identified and ensure the objectives and requirements of the Shire of Carnamah Local Planning Scheme No.2 are suitably satisfied:

Condition 4 - All lots the subject of this application shall be amalgamated into one (1) new separately titled lot within twelve (12) months from the date of issuance of this approval.

Condition 5 - A five (5) metre wide landscaping strip along the frontage of Lots 68, 69 and 250 abutting the unconstructed portion of Inja Street immediately south shall be planted using local endemic plant species within twelve (12) months of issuance of this approval to visually screen the proposed development from the adjacent rural living precinct.

8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
9. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

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:	Nil
Date:	18 October 2018
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Item 10.3.2 of the Agenda of 24 October 2018, 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 20181007

Item 10.3.1

Moved: Cr Stirling
Seconded: Cr Kikeros

That the meeting be closed to the public to consider Confidential Item 10.3.2 of the 24 October 2018 Agenda.

CARRIED 7-0

4:18pm

Brendon & Lydia Haeusler left the meeting.

10.3.2 CONFIDENTIAL ITEM

Author: Deputy Chief Executive Officer

Date: 18 October 2018

Council Resolution 20181008

Moved: Cr Risinger
Seconded: Cr Bowman

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:	18 October 2018
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181009	Item 10.3.3
Moved: Cr Bowman-Bright	
Seconded: Cr Bowman	
 <i>That the meeting be re-opened to the public.</i>	
	CARRIED 7-0

4:23pm

Brendon & Lydia Haeusler returned to the meeting.

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:	24 October 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	Nil

BACKGROUND

Council approval is required for the use of the Common Seal on documentation (ie: Transfer of Land), required for the current property purchases being made by the Shire of Carnamah.

OFFICER COMMENT

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 2.7 Shire of Carnamah Common Seal

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181010

Item: 11.1

Moved: Cr Stirling
Seconded: Cr Woollorton

That Council approve the use of the Shire of Carnamah Common Seal, for the purpose of finalising the documentation required for the current property purchases, being made by the Shire of Carnamah.

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 Council (24 October 2018) was circulated to Council. Council may resolve that the late business be admitted to the meeting.

Council Resolution 20181011

Item: 15.1

Moved: Cr Bowman

Seconded: Cr Kikeros

That items 10.2.4, 10.2.5, 10.2.6, 10.3.3 and 10.3.4, be admitted to the meeting as late business.

CARRIED 7-0

4.27pm

Cr Bowman-Bright left the meeting.

10.2 ADMINISTRATION REPORT

10.2.4 Request for waiver of hire fee – Caravan Park Chalets

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0123
Disclosure of Interest:	Cr Bowman-Bright declared in interest in this item
Date:	22 October 2018
Author:	Karen Oborn – Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council waive the hire fees for the Caravan Park Chalets if they are not booked, by way of support for the North Midlands Project, UWA and WritingWA partnership, who will be hosting up to four writing internships in Carnamah between January and February 2019.

BACKGROUND

The North Midlands Project has been approached to partner with UWA and WritingWA to host up to four writing internships in Carnamah between January and February 2019. The North Midlands Project has asked if the Shire of Carnamah would support the Summer Internship Program by providing one of the chalets at the Carnamah Caravan Park for a period of four weeks (in blocks of time of a week, fortnight or month depending on availability). The details of the writing internships are;

Program Outcomes

Under the guidance of the North Midlands Project delivery team, the interns would work on three heritage and cultural exhibitions which on completion will be housed and shown in the North Midlands Cultural & Arts Precinct in Carnamah. The program will include a series of community and youth-based creative writing workshops to develop the works. Following are the three project themes:

Country: *The districts of the region sit at a juncture. Coorow is the northern portion of Yued country, Carnamah the southern portion of Amangu, crossing into Badimaya country towards Perenjori and Widi at Morawa. Working with Elders we will explore the culture and stories making connections between the language groups and the people that live on country today. The project will link to the 2019 International Year of Traditional Languages by the United Nations.*

Soldier Settlement: *Between 1919 and 1923 the Repatriation Department established multiple soldier settlement estates across the region. These estates contained blocks of farmland which were allocated to ex-servicemen from the First World War. This significantly increased local populations as with these men also came their families and the need for large numbers of farmhands, labourers, clearers and contractors. We will explore why the Soldier Settlement program was created, and unpack the impact it had and how it shaped the region today. The stories will link to the 100 year anniversary of the first Soldier Settlement in the region.*

The Railway: Before roads and vehicles were reliable, the building of railways connected districts in the region to the outside world. The Midland Railway was completed in 1894 and was followed two decades later by the Wongan Hills-Mullewa Railway, running further to the east. We will explore the development and importance the railways played to the both individuals and communities.

COMMENT

The summer period over January and February, is traditionally quiet at the Caravan Park, with a low demand for the chalets. If they are not already booked it is probable that there will remain little demand for them over the proposed period of four weeks, which could be in blocks of time of a week, fortnight or month depending on availability.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Social Objective 1: Continuity and improvement of existing services and facilities in the Shire -5. To encourage the level of participation in sport and recreation whilst improving facilities and access; and 6. To promote and facilitate the development of a wide variety of artistic and cultural pursuits that forge connections between residents of the district and their natural and built environments.

Civic Leadership Objective 4: To be a professional, customer focussed organisation, which responsibly manages the organisation's assets and financial resources.

POLICY IMPLICATIONS

Council Policy 2.1: Contributions and Donations: requires donations over \$200 of value to be considered by Council.

FINANCIAL IMPLICATIONS

Revenue not collected from Chalet hire.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181012

Item: 10.2.4

Moved: Cr Risinger

Seconded: Cr Bowman

That Council waive the hire fees for the Caravan Park Chalets, when used by writing interns participating in the North Midlands Project, UWA and WritingWA writing internships program, in Carnamah between January and February 2019, depending on availability.

CARRIED 6-0

4.32pm

Cr Bowman-Bright returned to the meeting.

10.2.5 Request for footpath - White Court, Eneabba

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0128
Disclosure of Interest:	Nil
Date:	22 October 2018
Author:	Karen Oborn – Chief Executive Officer
Attachments:	Nil

SUMMARY

Building on the previous revitalisation project and current recreation plans, this report recommends that Council develop a path strategy for the Shire that links educational, recreational and cultural areas in the town sites, as well as existing ‘trails’, where practicable.

BACKGROUND

At the previous Ordinary Meeting of Council in September 2018, a question was raised about the possibility of constructing a footpath along White Court in Eneabba, and if there had been a previous decision to do this.

As a result, Shire staff undertook a review of any related previous Council decisions back to 2009. It was found that in November 2009, Council agreed to the paving of paths in Eileen White Park (see below), but no Council decision, could be found relating to constructing a footpath along White Court in Eneabba.

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM: 10.4.5.

MOVED: CR. BENNIER
SECONDED: CR. STIRLING

That the \$30,000 allocated through round 2 of the RLCIP funding program be allocated to the following as far as funds permit:

- Tourist Precinct - Eneabba Drive. Construction of low limestone walls around the native garden area adjacent to the ablution blocks and around the area adjacent to the tourist information bay.***
- Garden Area - Johnston Street. Construction of low limestone walls around the native garden area adjacent to the roadhouse. (This would replace the white barrier posts around the garden).***
- Paving of Paths - Eileen White Park.***
- Automatic Reticulation and Additional Landscaping - Eileen White Park***

CARRIED 5 - 0

COMMENT

Given the expense of constructing footpaths and the environmental issues caused by traditional methods, consideration should be given to maximising the Shires resources and the protecting the environment. In keeping with the current practices, it is felt that it would be

preferable to continue with the rollout of pale ‘crushed stone’ pathways, incorporating the planting of native shade trees as well. However, this should be done in a strategic manner to ensure the best value for Ratepayers.

The Shire of Carnamah believes the most effective way to achieve these outcomes, is to develop a path strategy for the whole Shire, that links educational, recreational and cultural areas in the town sites, as well as existing ‘trails’, where practicable. Further, that each budget year, then includes plans to continue to work on the paths and trails, as well as access related grants, through various funding bodies, where possible.

CONSULTATION

Project Officer
Deputy Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Social Objective 1: *Continuity and improvement of existing services and facilities in the Shire -5. To encourage the level of participation in sport and recreation whilst improving facilities and access; and 6. To promote and facilitate the development of a wide variety of artistic and cultural pursuits that forge connections between residents of the district and their natural and built environments.*

Civic Leadership Objective 4: *To be a professional, customer focussed organisation, which responsibly manages the organisation’s assets and financial resources.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Future Budget expenditure

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181013

Item: 10.2.5

Moved: Cr Stirling

Seconded: Cr Kikeros

That Council:

- ***Develop a path strategy for the whole Shire that links educational, recreational and cultural areas in the town sites, as well as existing ‘trails’; and***
- ***Budgets each year to continue to work on the paths and trails strategy, as well as access related grants, through various funding bodies.***

CARRIED 7-0

10.2.6 Operation of Drone over town sites for specific operational purposes

Applicant:	EMRS Carnamah Shire - CASA ARN 1053474
Location / Address:	Carnamah Shire and town sites of Carnamah and Eneabba
File Ref:	ADM0318
Disclosure of Interest:	Nil
Date:	24 October 2018
Author:	Grant Fidock – Emergency Management & Ranger Services
Attachments:	Nil

SUMMARY

This report seeks Council approval for the use a Drone Mavic 2 Pro Zoom, for surveillance of firebreaks, bush fires, coastal areas, swimming pools, emergencies, feral animals, and the illegal dumping of waste.

BACKGROUND

The use of Drones for this type of surveillance is now being utilised by many Shires and by Emergency Services. CASA recommends that Councils develop an operational policy for drone usage to protect privacy and comply with CASA regulations.

COMMENT

This Drone is one of the most versatile being sub 2 kilogram, 8000 metre range, 30 minute flight duration, 24 x zoom camera, and 6 hours of video and photo capacity.

CONSULTATION

Executive management team

STATUTORY ENVIRONMENT

Flight plans must be lodged with CASA by using an allocated ARN 1053474, this will then be valid for three years.

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Civic Leadership Objective 4: *To be a professional, customer focussed organisation, which responsibly manages the organisation's assets and financial resources.*

POLICY IMPLICATIONS

This approval will require a new policy to be endorsed by Council.

FINANCIAL IMPLICATIONS

The funding for this program and purchasing of the Drone was received through the AWARE program. The cost operation time will be in the Emergency & Ranger Services.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.2.6

That Council authorise the use of the Shire of Carnamah's Drone, by an approved operator, for specific operational purposes only, over town sites within the Shire of Carnamah.

Reason for amendment of recommendation:

Council would like to undertake public consultation before determining Councils' position on the use of Drones over town sites and households within the Shire of Carnamah.

Council Resolution 20181014

Item: 10.2.6

Moved: Cr Risinger
Seconded: Cr Bowman-Bright

That Council seeks public submission regarding the use of the Shire of Carnamah's Drone, by an approved operator, for operational purposes only, over town sites and households within the Shire of Carnamah.

CARRIED 7-0

Moved: Cr Stirling
Seconded: Cr Kikeros

That the meeting be closed to the public, for consideration of Confidential Items.

CARRIED 7-0

4.48pm

Brendon & Lydia Haeusler left the meeting.

10.3 CONFIDENTIAL REPORT

10.3.3 TENDER 12-18 'Hire of Prime Mover with side-tipping body'

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tender 12-18
Disclosure of Interest:	Nil
Date:	23 October 2018
Author:	Karen Oborn – Chief Executive Officer
Attachments:	10.3.3 – Tender 12-18 Evaluation Table

SUMMARY

This report recommends that Council award Tender 12-18 'Hire of Prime Mover with side-tipping body', for a period of three months, to Robert French.

BACKGROUND

Council advertised Tender 12-18 on 22 September 2018, seeking hourly rates for the Hire of Prime Mover with side-tipping body, for a period of three months, required for the 2018/2019 roadworks program.

COMMENT

Two tenders were received, both from experienced contractors within the Shire of Carnamah. The differing hourly rates are detailed in the attached evaluation table. Robert French's tendered rates were consistently lower, however, previously there have been reputational risk issues with this contractor, which now appear to have been resolved.

CONSULTATION

Deputy Chief Executive Officer
Acting Manager of Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – section 5.103:

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.

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Civic Leadership Objective 4: *To be a professional, customer focussed organisation, which responsibly manages the organisation's assets and financial resources.*

POLICY IMPLICATIONS

Policy 2.11 – Process for dealing with tenders.

FINANCIAL IMPLICATIONS

The required roadworks are included in the 2018/2019 budget.

VOTING REQUIREMENT

Simple Majority

Council Resolution 20181015

Item: 10.3.3

Moved: Cr Stirling

Seconded: Cr Kikeros

That Council award Tender 12-18 'Hire of Prime Mover with side-tipping body', for a period of three months, to Robert French, in accordance with the hourly rates tendered.

CARRIED 7-0

4.52pm

Cr Bowman-Bright left the meeting.

10.3.4 TENDER 13-18 Disposal of 'Old Church Building'

Applicant:	N/A
Location / Address:	N/A
File Ref:	Tender 13-18
Disclosure of Interest:	Cr Bowman-Bright declared in interest in this item
Date:	23 October 2018
Author:	Karen Oborn - Chief Executive Officer
Attachments:	10.3.4 – Tender 13-18 Evaluation Table

SUMMARY

The Council determined at the September 2018 Ordinary Meeting of Council to dispose of the Old Church Building located on Macpherson Street, Carnamah. This report recommends the sale of the "Old Church Building" to the North Midlands Project for the tendered sum of \$12,350.

BACKGROUND

Many years ago the Shire of Carnamah purchased the 'Old Church' building, located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street, Carnamah, for the sum of \$10,000. The building is very aged and in need of extensive renewal, which will be a significant cost burden on the ratepayers within the Shire. Additionally the building in its current state is not utilised by the community, apart from the 'Playgroup' who use the front room, one day a week. This group have indicated they will be relocating to the Carnamah Childcare centre once it is accredited. This should be around November 2018.

Consequently, at the September 2018 Ordinary Meeting of Council it was approved by Council, that the Council dispose of the 'Old Church' building located next to 'The Carnamah Performing Arts and Community Centre' on Macpherson Street Carnamah WA, by calling for tenders from those interested in purchasing the property. Advertising for the calling for tenders from those interested in purchasing the property in accordance with the Local Government Act (WA) 1995 and Council Policy, was undertaken for 21 days.

COMMENT

Two tenders to dispose of the 'Old Church Building' were received. Both tenderers have proposed to operate a café. Both acknowledge and accept the issues with the title incorporating the edge of the adjacent park and drainage from the Hall.

Tenderer number 1: the North Midlands Project scored better, as they have offered to purchase the property at \$12,350. They have experience with restoring older buildings with a heritage interest. They will operate as a social enterprise benefiting the whole community and employing locals. They are a locally based NFP, with a sound track record of delivering such programs.

Tenderer number 2: L & B Haeusler have offered to purchase the property for \$7,500. They will operate as a private enterprise benefiting the community by sourcing local produce where ever possible, as well as employ locally. They are also local residents, with a sound track record of managing catering enterprises.

In considering the benefits to the Shire of Carnamah as a whole, the difference is the higher price offered by the North Midlands Project and their expertise in restoring older buildings.

CONSULTATION

CEO
DCEO

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.

STRATEGIC COMMUNITY PLAN 2017-2027 IMPLICATIONS

Social Objective 1: *Continuity and improvement of existing services and facilities in the Shire -5. To encourage the level of participation in sport and recreation whilst improving facilities and access; and 6. To promote and facilitate the development of a wide variety of artistic and cultural pursuits that forge connections between residents of the district and their natural and built environments.*

Civic Leadership Objective 4: *To be a professional, customer focussed organisation, which responsibly manages the organisation’s assets and financial resources.*

POLICY IMPLICATIONS

Policy 2.11 – Process for dealing with tenders.

FINANCIAL IMPLICATIONS

Revenue gained from the disposal of the “Old Church Building”.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Item: 10.3.4

Moved: Cr Kikeros
Seconded: Cr Stirling

That Council dispose of the Old Church Building located on Macpherson Street, Carnamah, through the sale of the “Old Church Building” to the North Midlands Project for the tendered sum of \$12,350.

NOT CARRIED 0-6

Reason for amendment of recommendation:

Councillors would like to support the new business start-up proposed by Lydia & Brendon Haeusler, in keeping with Councils’ past decisions and practices, for example subsidising new businesses to set up in the light industrial area. It was felt the difference in the prices tendered would be recouped, as the café operated by Lydia & Brendon Haeusler, would attract commercial GRV rates.

Moved: Cr Woollorton
Seconded: Cr Risinger

That Council dispose of the Old Church Building located on Macpherson Street, Carnamah, through the sale of the “Old Church Building” to Lydia & Brendon Haeusler for the tendered sum of \$7,500, subject to a drainage easement for the neighbouring Hall property and a retention caveat for the neighbouring park which encroaches on to the “Old Church Building” property title, being placed on the land title prior to transfer of ownership. In addition, the external heritage style façade of the “Old Church Building” is to be retained in good repair and in keeping with its current heritage style amenity. Further, any works undertaken on the external façade must be undertaken using traditional heritage appropriate methods.

CARRIED 6-0

5.05pm

Moved: Cr Risinger
Seconded: Cr Bowman

That the meeting be re-opened to the public.

CARRIED 6-0

Cr Bowman-Bright, Brendon & Lydia Haeusler returned to the meeting.

16. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed the meeting at 5.06pm.

SHIRE OF CARNAMAH

These Minutes were confirmed at a meeting on 21 November 2018

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

.....
Date