



MINUTES

Ordinary Meeting of Council

16 August 2017

SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL – 16 August 2017

MINUTES

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APPENDICES

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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 in the Council Chambers, 33-37 Macpherson Street, Carnamah WA 6517
On Wednesday - 16 August 2017
Commencing at 3.00 pm

1. DECLARATION OF OPENING

The President welcomed those in attendance and declared the meeting open at 3.00pm.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister President

Cr Ian Bowman

Cr Sandra Laundry

Cr Con Kikeros

Cr Dwayne Wooltorton

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 Ian Stirling

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 Wooltorton
Seconded: Cr Bowman

That Cr Kikeros be granted Leave of Absence for the Ordinary Meeting of Council scheduled for 20 September 2017.

CARRIED 6-0

6. DISCLOSURE OF INTEREST

The Manager of Works and Services has declared a Financial Interest in Item 10.3.1.

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 JULY 2017

As Circulated

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170801

Item 9.1

Moved: Cr Laundry
Seconded: Cr Kikeros

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

CARRIED 6 - 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:	10 August 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 - Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 13 July 2017 to 10 August 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 20170802

Item: 10.1.1

Moved: Cr Laundy
Seconded: Cr Woollorton

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 13 July 2017 to 10 August 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:	022496 – 022501
Municipal cheques:	28062 – 28065
Municipal EFT’s:	10364 – 10434
Trust Cheques:	300404 – 300405
Payroll direct debits:	#02 - #03
Municipal Direct Debits	31/07/2017

Totalling \$588,279.97 be approved and passed for payment.

CARRIED 6 - 0

10.1.2 FINANCIAL REPORTS TO 31 JULY 2017

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	10 August 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.1.2 Monthly Statement of Financial Activity,

SUMMARY

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

BACKGROUND

The attached financial report for the period 1 July 2017 to 31 July 2017 (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 2017 to 31 July 2017;
- Summary Rates Trial Balance Report as at 31 July 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 20170803

Item: 10.1.2

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

That Council receive the Statement of Financial Activity for the period 1 July 2017 to 31 July 2017; and other supplementary financial information as presented.

CARRIED 6 - 0

10.2 ADMINISTRATION REPORTS

10.2.1 RELATED PARTY DISCLOSURES (POLICY)

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0263 and Policy Manual
Disclosure of Interest:	Nil
Date:	8 August 2017
Author:	Deputy Chief Executive Officer
Attachments:	10.2.1(a) Guidance Paper and Data Form 10.2.1(b) Proposed Policy

SUMMARY

The purpose of this report is to seek Council endorsement of the attached “Related Party Disclosure” policy.

BACKGROUND

In July 2015, the scope of Australian Accounting Standards Board - Accounting Standard 124 (AASB124) “Related Party Disclosure” was extended to include application by not-for-profit entities, including local governments.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB124 – Related Party Disclosures.

COMMENT

Whilst it is not a legislative requirement to adopt a policy on the matter, by doing so it will provide guidance to Key Management Personnel (KMP) in complying with the accounting standard and provide supporting documentation for Councils external auditors.

It should be noted that AASB124 is not designed to detect and report fraud or misconduct, but is more to enhance transparency and accountability of Councils transactions.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Australian Accounting Standard AASB124

POLICY IMPLICATIONS

Creation of a new policy

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170804

Item: 10.2.1

Moved: Cr Laundry

Seconded: Cr Kikeros

That Council adopt the ‘Related Party Disclosure’ Policy as attached at Item 10.2.1(b).

CARRIED 6 - 0

10.2.2 “BEECHWORTH BAKERY” - ECONOMIC DEVELOPMENT EVENT SPONSORSHIP

Applicant:	Shire of Morawa
Location / Address:	Morawa
File Ref:	ADM0270
Disclosure of Interest:	Nil
Date:	10 August 2017
Author:	Chief Executive Officer
Attachments:	10.2.2(a) – Letter from Shire of Morawa 10.2.2(b) – Tom O’Toole Introduction Flyer

SUMMARY

The Shire of Morawa invites the Shire of Carnamah to sponsor its 15 September 2017 “Beechworth Bakery” Economic Development Event. This report proposes that such an invitation should be accepted, but in the form of free marketing and the purchasing of registrations for Shire of Carnamah representatives and Carnamah businesses (and intending businesses).

BACKGROUND

Attached is a letter from the Shire of Morawa, advising of a presentation (15 September 2017) by Mr Tom O’Toole. Mr O’Toole’s “Beechworth Bakery” Biography is also attached and reflects a very successful business person who started with very little, and has built his business into a successful and profitable enterprise.

The purpose of the networking opportunity is to offer business owners/operators in the region the chance to hear from a very successful entrepreneur who has operated a business in rural Australia, hopefully prompting similar success stories within our region.

The Shire of Morawa is inviting the Shire of Carnamah to make a contribution towards the event. The expected cost of Mr O’Toole’s speaking fee is \$6,500 and some \$3,000 has already been promised by other parties.

COMMENT

It is impossible to predict the likely “return” to the district of Carnamah of any contribution, other than to say that there is always the possibility of a similar “Beechworth Bakery” type business commencing in our area. It is by no means a high likelihood, but it is possible.

Instead of sponsoring the event directly, it might be better if the Shire was to –

1. Promote the event without charge;
2. Guarantee the purchase of a specific number of registrations (price unknown at this point in time but attendances of Councillors and CEO would be beneficial); and

3. Offer 50% rebates for each registration (existing and intending business representatives) that attends from Carnamah, up to say \$500 of total contributions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

The Shire's Corporate Business Plan (2017) includes the aspiration of *"being a place of economic and lifestyle opportunity"* and includes the economic objective of *"retaining existing industries and encourage the establishment of new industries to broaden the district's economic base and develop and maintain an efficient road transport system"*.

Support for the venture would sit within the above strategic objective.

FINANCIAL IMPLICATIONS

The cost of the 50% rebates can be treated as a donation from Account 104100 (*Donations*) in the 2017/2018 budget of \$3,000). The registrations from Councillors and CEO can be deducted from the respective conference/training accounts.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Item: 10.2.2

That Council offer to –

1. Promote the "Beechworth Bakery" event without charge;
2. Purchase registrations for Councillors and the CEO; and
3. Offer up to 50% rebates for each registration that comes from within the Shire of Carnamah, up to a maximum of \$500 of total contributions (to be shared amongst individual attendees on production of their receipt and confirmation of attendance).

It was advised that this event is scheduled for the same date as the North Midlands Agricultural Society Art Exhibition (15 September 2017). In light of this information, the CEO provided an alternative recommendation.

COUNCIL RESOLUTION 20170805

Item: 10.2.2

Moved: Cr Woollorton

Seconded: Cr Laundry

That Council –

1. Offer to promote the “Beechworth Bakery” event without charge;

and
2. Notes that as the Shire is already sponsoring Carnamah’s North Midlands Agricultural Society Art Exhibition which is on the same day, Council therefore does not believe it is appropriate to sponsor a second event in Morawa on that same date.

CARRIED 6 - 0

Mr Mal Pumphrey left the meeting at 3.23pm.

3.24pm

Moved: Cr Piccles-Popham

Seconded: Cr Laundry

That Council close the meeting to members of the public as provided for in Section 5.23(2)(c) and Section 5.23(2)(e)(iii) of the Local Government Act 1995, to discuss Confidential items.

CARRIED 6-0

Mr Mal Pumphrey left the meeting at 3.17pm.

10.3 CONFIDENTIAL REPORTS

Confidential items 10.3.1, 10.3.2, 10.3.3 and 10.3.4.

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*”.

Confidential items 10.3.5 and 10.3.6.

Reason for Confidentiality – Local Government Act 1995: Section 5.23(2)(e)(iii), “*a matter that if disclosed, would reveal – information about a business, professional, commercial or financial affairs of a person*”.

10.3.1 TENDER 5/17 – SERVICING & MECHANICAL REPAIRS

File Ref: Tender 5/17
Date: 27 July 2017
Authors: Chief Executive Officer & Manager of Works and Services

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170806

Item: 10.3.1

Moved: Cr Woollorton
Seconded: Cr Bowman

That Council:

1. Award the tender submitted by North Midlands Motors for the provision of Servicing and Mechanical Repairs, as specified in Tender 5/17, on an 'as and when' required basis over a 24 month period from 1 September 2017, at an hourly rate of \$118.00 and a kilometre rate of \$1.10, for the following plant only:

CA 5013 – Volvo G930 Road Grader
CA 5012 – Volvo G940 Road Grader
CA 5016 – Komatsu Front End Loader
CA 5020 – Isuzu Tiptruck
CA 5021 – Isuzu Tiptruck
CA 5022 – Isuzu Giga Tiptruck
CA 5017 – Isuzu Giga Tiptruck
CA 5027 – Volvo SD130D Compact Roller
CA 5010 – Komatsu 6-Wheel Front End Loader
CA 5029 – Isuzu Tiptruck
CA 5034 – Multipac Multi Tyred Roller
CA 5026 – Dynapac Multi Tyred Roller
2. Award the tender submitted by Afgri Equipment for the provision of Servicing and Mechanical Repairs, as specified in Tender 5/17, on an 'as and when' required basis over a 24 month period from 1 September 2017, at an hourly rate of \$115.00 and a kilometre rate of \$1.10, for the remainder of all Shire plant and equipment (other than listed in #1 above); and
3. Authorise the Chief Executive Officer to execute and manage the Contracts, including any variations, providing these variations do not exceed the allocated budget provision or significantly vary from the overall scope.

CARRIED 6 - 0

Mr Mal Pumphrey returned to the meeting at 3.28pm.

10.3.2 TENDER 6/17 – HIRE OF PRIME MOVERS WITH TWO SIDE-TIPPING BODIES (Maximum 27.5 metres)

File Ref: Tender 6/17
Date: 27 July 2017
Author: Manager of Works and Services

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170807

Item: 10.3.2

Moved: Cr Wooltorton
Seconded: Cr Laundry

That Council:

1. Accept the tender submitted by BGC Transport (Moora) for the provision of prime movers with two side-tipping bodies (maximum 27.5 metres), as specified in Tender 6/17, on an 'as and when' required basis over a 24 month period from 1 September 2017, at \$145.00 per hour.
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 6 – 0

10.3.3 TENDER 7/17 – SUPPLY AND LAY ASPHALT (25mm BLACK)

File Ref: Tender 7/17
Date: 27 July 2017
Author: Manager of Works and Services

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170808

Item: 10.3.3

Moved: Cr Piccles-Popham
Seconded: Cr Bowman

That Council –

1. Accept the tender submitted by Merger Contracting Pty Ltd for the supply and laying of asphalt (25mm black), as specified in Tender 7/17, on an ‘as and when’ required basis over a 12 month period, commencing 1 September 2017, at a rate of \$18.69 per square metre.
2. Authorise the Chief Executive Officer to execute and manage the contract, including any variations, providing these variations do not exceed the allocation budget provision, or significantly vary from the overall scope.

CARRIED 6 - 0

10.3.4 TENDER 9/17 – SUPPLY AND SPRAY BITUMEN

File Ref: Tender 9/17
Date: 9 August 2017
Author: Manager of Works and Services

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170809

Item: 10.3.4

Moved: Cr Laundry
Seconded: Cr Kikeros

That Council –

1. Accept the tender submitted by Fulton Hogan Pty Ltd for the supply and spray of hot bitumen at a cost of \$0.79 per litre (hot).
2. Authorise the Chief Executive Officer to execute and manage the contract, including any variations, providing these variations do not exceed the allocation budget provision, or significantly vary from the overall scope.

CARRIED 6 - 0

10.3.5 DEBTOR WRITE OFF

File Ref: ADM0041
Date: 9 August 2017
Author: Deputy Chief Executive Officer

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170810

Item: 10.3.5

Moved: Cr Piccles-Popham
Seconded: Cr Laundry

That in accordance with Section 6.12(c), Council write off the following debt:

<u>Debtor</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
# 692	16/05/16	Partial reimbursement of repairs to residence	\$1,990

CARRIED 6 - 0

10.3.6 RATE DEBTOR WRITE OFF

File Ref: Assessment 1211
Date: 9 August 2017
Author: Deputy Chief Executive Officer

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170811

Item: 10.3.6

Moved: Cr Bowman
Seconded: Cr Piccles-Popham

That Council –

1. In accordance with Section 6.12(c), write off the following debt:

<u>DEBTOR</u>	<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
A 1211	20/07/17	2017/18 Rates and ESL on LS1 Victoria Location 9533	\$602.55

2. Note that an application will be made to the Valuer Generals Office to have the property reverted back to an Unimproved Valuation (as it is now only used for rural purposes).

CARRIED 6 - 0

3.37pm

Moved: Cr Laundry
Seconded: Cr Bowman

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

CARRIED 6 - 0

11. ORDERING THE COMMON SEAL

12. REPORTS OF COMMITTEES AND MEMBERS

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. NOTICE OF MOTIONS

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

15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

15.1 MOTION TO ADMIT LATE BUSINESS

An Addendum to the Agenda for the Ordinary Meeting of 16 August 2017 was circulated to Councillors. Council may resolve that the late business be admitted to the Meeting.

3.38pm

COUNCIL RESOLUTION 20170812

Item: 15.1

Moved: Cr Wooltorton
Seconded: Cr Piccles-Popham

That item 10.3.7 be admitted to the meeting as late business.

CARRIED 6 - 0

3.39pm

Moved: Cr Bowman
Seconded: Cr Wooltorton

That Council close the meeting to members of the public, as provided for in Section 5.23(2)(c) of the Local Government Act 1995, to discuss a Confidential item.

CARRIED 6 - 0

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 REPORT

10.3.7 TENDER 11/17 – SUPPLY FULL SEAL SERVICE

File Ref: Tender 11/17
Date: 16 August 2017
Author: Manager of Works and Services

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170813

Item 10.3.7

Moved: Cr Bowman
Seconded: Cr Piccles-Popham

That Council –

1. Accept the tender submitted by Bitutek Pty Ltd for the supply of full seal service at a cost of \$2.23 per square metre.
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 6 - 0

3.43pm

Moved: Cr Woollorton
Seconded: Cr Piccles-Popham

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

CARRIED 6 - 0

16. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 3.45pm.