

MINUTES

Ordinary Meeting of Council

9th December 2016

SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL 9th DECEMBER 2016

MINUTES

TABLE OF CONTENTS

	Page
DISCLAIMER	5
1. DECLARATION OF OPENING	6
2. RECORD OF ATTENDANCE	6
Present.....	6
Apologies.....	6
Leave of Absence (Previously Approved).....	6
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4. PUBLIC QUESTION TIME	6
5. APPLICATIONS FOR LEAVE OF ABSENCE	6
6. DISCLOSURE OF INTEREST	7
7. PETITIONS, DEPUTATIONS AND PRESENTATIONS	7
8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	7
9. CONFIRMATION OF MINUTES	7
9.1 Ordinary Meeting of Council 16 th November 2016 (as circulated).....	7
<i>Council Resolution 20161201</i>	
10. MANAGEMENT REPORTS	8
10.1 FINANCE REPORTS	8
10.1.1 Accounts for Payment.....	8
File: ADM0075	
(Attachment 10.1.1)	
<i>Council Resolution 20161202</i>	

10.1.2	Financial Reports to 30 th November 2016.....	10
	File: ADM0075 (Attachment 10.1.2) <i>Council Resolution 20161203</i>	
10.1.3	Closure of Administration Office - 27 th January 2017.....	12
	File: ADM0063 <i>Council Resolution 20161204</i>	
10.2	ADMINISTRATION REPORTS.....	13
10.2.1	Proposal to purchase a tandem axle dolly converter.....	13
	File: ADM0264 <i>Council Resolution 20161205</i>	
10.2.2	Australia Day WA – Community Citizen of the Year Award.....	15
	File: ADM0203 (Attachment: 10.2.2 – Selection Guidelines – Council Policy) <i>Council Resolution 20161206</i>	
10.2.3	Shire of Carnamah – Draft Community Strategic Plan	17
	File: ADM0202 (Attachment: 10.2.3 – Draft Community Strategic Plan) <i>Council Resolution 20161207</i>	
10.3	CONFIDENTIAL REPORTS.....	21
10.3.1	Motion to close the Meeting to the Public; consideration of Confidential Report	21
	<i>Council Resolution 20161208</i>	
10.3.2	Scope, cost and resourcing of employing an Emergency and Ranger Services Officer	22
	<i>Council Resolution 20161209</i>	
10.3.3	Tender 13/16 – Hire of a Prime Mover	22
	<i>Council Resolution 20161210</i>	
10.3.4	Motion to re-open the Meeting	23
	<i>Council Resolution 20161211</i>	
11.	ORDERING THE COMMON SEAL.....	23
12.	REPORTS OF COMMITTEES AND MEMBERS.....	23
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	23
14.	NOTICE OF MOTIONS..... (For consideration at the following meeting, if given during the meeting)	23

15.	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	23
15.1	Motion to Admit Late Business <i>Council Resolution 20161212</i>	23
10.2	ADMINISTRATION REPORTS	24
10.2.4	Application for Mining Lease (Coastal) Reserve 42477 File: ADM0259 <i>Council Resolution 20161213</i>	24
10.2.5	O’Driscoll’s Mechanical Fabrication & Engineering – Request to Rent Factory Unit and House File: ADM0200 <i>Council Resolution 20161214</i>	26
16.	CLOSURE OF MEETING	31

APPENDICES

APPENDIX “A”

MINUTES OF ORDINARY MEETING OF COUNCIL
16th NOVEMBER 2016, AS CIRCULATED.

SHIRE OF CARNAMAH

DISCLAIMER

No responsibility is implied or accepted by the Shire of Carnamah for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Carnamah disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Carnamah during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnamah.

The Shire of Carnamah advises that anyone who has any application lodged with the Shire of Carnamah shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnamah in respect of the application.

Signed: _____

CHIEF EXECUTIVE OFFICER

SHIRE OF CARNAMAH

MINUTES

ORDINARY MEETING OF COUNCIL

Held in the COUNCIL CHAMBERS, 33-37 MACPHERSON STREET, CARNAMAH
On WEDNESDAY 9th DECEMBER 2016
Commencing at 3.00 pm

1. DECLARATION OF OPENING

The President, Cr Isbister, declared the meeting open at 3.06pm, and thanked those in attendance.

2. RECORD OF ATTENDANCE

Present

Cr Merle Isbister	President
Cr Ian Stirling	Deputy President
Cr Ian Bowman	Councillor
Cr Sandra Laundry	Councillor
Cr Dwayne Wooltorton	Councillor
Cr Liz Piccles-Popham	Councillor
Mr Bill Atkinson	CEO
Mr Ian Walsh	Deputy CEO
Mr Mal Pumphrey	Manager of Works and Services
Ms Jennie Benson	Executive Support Officer

Apologies

Cr Con Kikeros

Leave Of Absence (Previously Approved)

Nil

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

Nil

6. DISCLOSURE OF INTEREST

Cr Ian Bowman declared a Financial Interest in Item 10.3.3.

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 16th NOVEMBER 2016

As Circulated

VOTING REQUIREMENT:

Simple Majority

COUNCIL RESOLUTION 20161201

ITEM: 9.1

Moved: Cr Sandra Laundy

Seconded: Cr Ian Stirling

That the Minutes of the Ordinary Meeting of Council held on the 16th November 2016 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:	30 th November 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 10th November 2016 to 30th November 2016, 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 20161202

ITEM: 10.1.1

Moved: Cr Liz Piccles-Popham

Seconded: Cr Ian Bowman

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 10th November 2016 to 30th November 2016; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy CEO (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:

<i>Manual Municipal cheques:</i>	<i>022465 – 022466</i>
<i>Municipal cheques:</i>	<i>28004 – 28008</i>
<i>Municipal EFT's:</i>	<i>9672 - 9747</i>
<i>Trust Cheques:</i>	<i>Nil</i>
<i>Payroll direct debits:</i>	<i>#10 - #11</i>
<i>Municipal Direct Debits</i>	<i>30/11/2016</i>

Totalling \$595,595.70 be approved and passed for payment.

CARRIED 6-0

10.1.2 FINANCIAL REPORTS TO 30th NOVEMBER 2016

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	1 st December 2016
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 2015 to 30 June 2016 (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 November 2016;
- Summary Rates Trial Balance Report as at 30 November 2016;
- 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 20161203

ITEM: 10.1.2

Moved: Cr Ian Bowman

Seconded: Cr Sandra Laundy

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

CARRIED 6-0

10.1.3 CLOSURE OF ADMINISTRATION OFFICE - 27th JANUARY 2017

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0063
Disclosure of Interest:	Nil
Date:	1 st December 2016
Author:	Deputy Chief Executive Officer
Attachments:	Nil

SUMMARY

This report seeks Council's permission to close the Administration Office on Friday 27th January 2017.

BACKGROUND

As the Australia Day public holiday falls on a Thursday next year, permission is sought to close the Carnamah Administration Office the following day (Friday 27th of January 2017).

COMMENT

As school doesn't resume until Wednesday 1st of February 2017, it is unlikely that there will be many people in town.

Should Council approve the request it would allow those staff not on Annual Leave, the opportunity to have a four day break. Staff would either take the day as Annual Leave, or approved Leave Without Pay.

CONSULTATION

Chief Executive Officer and Office Staff

STATUTORY ENVIRONMENT

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161204

ITEM: 10.1.3

Moved: Cr Liz Piccles-Popham

Seconded: Cr Sandra Laundry

That the Carnamah Administration Office be closed on Friday the 27th of January 2017.

CARRIED 6-0

10.2. ADMINISTRATION REPORTS

10.2.1 PROPOSAL TO PURCHASE A TANDEM AXLE DOLLY CONVERTER

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0264
Disclosure of Interest:	Nil
Date:	24 th November 2016
Author:	Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that the Shire purchase a tandem axle dolly converter to further improve efficiencies when carrying out roadworks.

COMMENT

The proposal is for one of the Shires 6x4 tip trucks to tow a rear tipping semi-trailer to increase efficiencies when carting gravel. The tip truck has a capacity of 12.5 tonnes and the semi-trailer, 26 tonnes. By purchasing a dolly to accommodate the towing of the semi-trailer, there would be a 200% increase in carrying capacity.

Two quotes have been obtained from equipment suppliers being \$21,780 and \$23,336 (inclusive of GST) respectively.

Whilst this item has not been provided for in the Shires 2016/2017 Financial Year budget, the underspend on the two trucks that Council has recently ordered will easily accommodate the cost of purchasing a dolly.

CONSULTATION

Manager of Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – s 6.8(1)(b) – *Expenditure from municipal fund not included in annual budget.*

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There would be no adverse financial implications to the Shires 2016/17 Financial Year budget if this transaction proceeds.

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION 20161205

ITEM: 10.2.1

Moved: Cr Ian Stirling

Seconded: Cr Sandra Laundry

That the Shire purchase a tandem axle dolly converter to further improve efficiencies when carrying out roadworks.

CARRIED BY ABSOLUTE MAJORITY (6-0)

10.2.2 AUSTRALIA DAY WA – COMMUNITY CITIZEN OF THE YEAR AWARDS

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0203
Disclosure of Interest:	Nil
Date:	1 st December 2016
Author:	Chief Executive Officer
Attachments:	10.2.2 – Selection Guidelines – Council Policy

SUMMARY

This report recommends that Council delegate the selection of recipients of the 2017 Australia Day WA Community Citizen of the Year Awards to a selection panel comprising Deputy President Cr Ian Stirling, Cr Sandra Laundry, and the Chief Executive Officer.

BACKGROUND

Nominations were advertised locally for the following awards:

- 2017 Citizen of the Year Award
- 2017 Citizen of the Year – Youth (under 25 years) Award
- 2017 Community Group or Event Award

Nominations closed on the 30th of November 2016.

COMMENT

Nominations have been received for all of the above categories. As some Councillors are closely associated with the nominees, it is recommended that rather than Council considering the nominations and determining who the recipients should be, that a small selection panel be delegated the task on this occasion. This will overcome any potential conflict of interest implications.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 9.8

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority

Moved: Cr Dwayne Wooltorton

Seconded: Cr Ian Bowman

That Council delegate the selection of recipients of the 2017 Australia Day Community Citizen of the Year Awards to a selection panel comprising:

Deputy President Cr Ian Stirling

Cr Sandra Laundy

Chief Executive Officer

CARRIED BY ABSOLUTE MAJORITY (6-0)

10.2.3 SHIRE OF CARNAMAH – DRAFT STRATEGIC COMMUNITY PLAN

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0202
Disclosure of Interest:	Nil
Date:	6 th December 2016
Author:	Chief Executive Officer
Attachments:	10.2.3 – Shire of Carnamah Strategic Community Plan

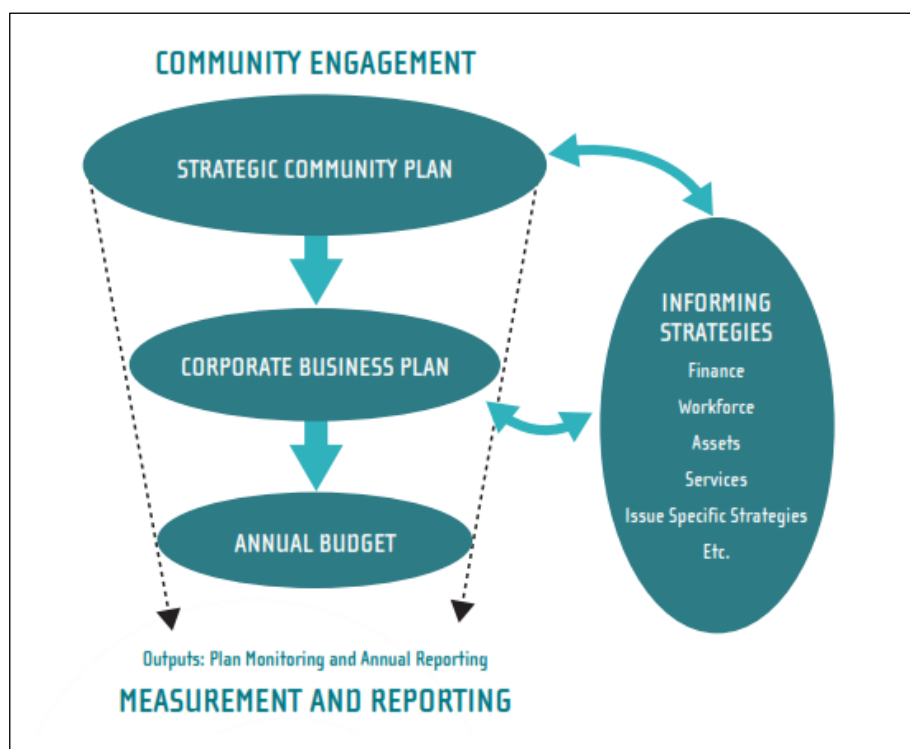
SUMMARY

This report recommends that Council receive the draft *Shire of Carnamah Strategic Community Plan* for the 10 year period commencing the 1st of July 2017, and to invite further comment before the Plan is adopted in February 2017.

BACKGROUND

The *Shire of Carnamah Strategic Community Plan* is the key document underpinning the legislative requirement for the Integrated Planning and Reporting compliance obligations.

The Integrated Planning and Reporting components are illustrated hereunder.



Council at its meeting of the 17th February 2016, resolved:

That the following process be adopted for the review of the Shire of Carnamah Strategic Community Plan:

- 1. Introduction paper prepared to initially engage the community in the process (March/April);***
- 2. Fact sheet prepared and circulated to inform the community of the current status of the Community Strategic Plan (March/April);***
- 3. Fact sheet prepared on the current financial environment in which the Shire is operating in terms of government grants and rate levels (March/April);***
- 4. “Round Table” public meetings to be held after the Ordinary Council meetings in May (Carnamah) and June (Eneabba), facilitation of these meetings to be conducted by staff;***
- 5. Outcomes from public meetings to be collated and made public (July/August);***
- 6. Public survey to be circulated along the lines of the survey for the inaugural Community Strategic Plan (August);***
- 7. Community Strategic Plan developed along with other plans and informing strategies and adopted in late 2016/early 2017.***

The following actions have been taken to progress the compilation of the Shire of Carnamah Strategic Community Plan:

March 2016

Introduction paper prepared and circulated in the ‘Carnamah Mat & Eneabba News’. Fact sheet prepared and distributed on the current status of the Community Strategic Plan.

April 2016

Fact sheet prepared and distributed on the financial environment in which the Shire is operating. Public invitation extended for public planning (“Round Table”) meeting in Carnamah.

May 2016

Community planning meeting held in Carnamah. Public invitation extended for the community planning meeting held in Eneabba.

June 2016

Community planning meeting held in Eneabba.

July 2016

Proposed Community Survey tabled at Council Meeting for approved distribution.

August 2016

Surveys sent to all residents and placed on the Shire website. Survey to end on 30/09/16.

October 2016

Survey responses collated.

November 2016

Action initiated for preparation of discussion paper and draft Strategic Community Plan.

December 2016

Draft Strategic Community Plan completed.

COMMENT

There has been a concerted effort to engage the community in establishing priorities for the Shire of Carnamah for the next 10 years. The draft *Strategic Community Plan* has taken into account the ideas and comments that have been received through the community engagement process.

Whilst it is not a mandated requirement to circulate the draft *Strategic Community Plan* for further comment, it is proposed that the draft plan be made available to the community and for the opportunity for final input to be had up to Monday the 6th of February 2017.

It is proposed that Council adopt the *2027 Strategic Community Plan* along with the Corporate Business Plan and associated Informing Strategies at its meeting scheduled for the 15th of February 2017.

CONSULTATION

- Communities of Carnamah and Eneabba
- Ms Jenny Hayley – Consultant
- Mr Ian Walsh – Deputy CEO

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 – r19C

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*

- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161207

ITEM: 10.2.3

Moved: Cr Liz Piccles-Popham

Seconded: Cr Sandra Laundry

That Council receive the draft Shire of Carnamah Strategic Community Plan for the 10 year period commencing the 1st of July 2017 and to invite further comment before the Plan is adopted in February 2017.

CARRIED 6-0

10.3 CONFIDENTIAL REPORTS

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

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	
Date:	1 st December 2016
Author:	Executive Support Officer
Attachments:	Nil

BACKGROUND

Items 10.3.2 and 10.3.3 of the Agenda of 9th December 2016, 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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161208

ITEM 10.3.1

Moved: Cr Dwayne Wooltorton

Seconded: Cr Ian Stirling

That the meeting be closed to the public to consider Confidential Items 10.3.2 and 10.3.3 of the 9th December 2016 Agenda.

CARRIED 6-0

10.3.2 CONFIDENTIAL ITEM

File: Proposed Emergency and Ranger Services Position
File Ref: ADM0030
Author: Chief Executive Officer

Date 1st December 2016

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161209

ITEM 10.3.2

Moved: Cr Sandra Laundry

Seconded: Cr Ian Stirling

- 1. That Council consider creating the position of Emergency and Ranger Services Officer subject to the costs of the position being able to be accommodated in the 2017/18 financial year budget and in subsequent budgets.*
- 2. That discussions be progressed with the Shires of Three Springs and Mingenew to explore the possibility of those Shires purchasing some of the time of an Emergency and Ranger Services Officer should one be engaged by the Shire of Carnamah.*

CARRIED 6-0

Cr Ian Bowman left the meeting at 3.34pm.

10.3.3 CONFIDENTIAL ITEM

File: Tender 13/16 – Hire of a Prime Mover
Author: Chief Executive Officer

Date 1st December 2016

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161210

ITEM 10.3.3

Moved: Cr Ian Stirling

Seconded: Cr Liz Piccles-Popham

- 1. That the tender submitted by BPH (WA) Pty Ltd for the provision of a prime mover, as specified in Tender 13/16, on an as and when required basis over a 12 month period from the 1st January 2017, at \$100.00 per hour be accepted;*
- 2. That in the event that the successful tenderer is unable to provide a service at any time, that the Shire reserves the right to engage other contractors to carry out the required works.*

CARRIED 5-0

Cr Ian Bowman returned to the meeting at 3.43pm.

10.3.4 MOTION TO RE-OPEN THE MEETING

Applicant:	N/A
Location / Address:	N/A
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	1 st December 2016
Author:	Executive Support Officer
Attachments:	Nil

VOTING REQUIREMENT:

Simple Majority

COUNCIL RESOLUTION 20161211

ITEM 10.3.4

Moved: Cr Liz Piccles-Popham

Seconded: Cr Ian Bowman

That the meeting be re-opened to the public.

CARRIED 6-0

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).

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 9th December 2016 was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

Moved: Cr Sandra Laundry
Seconded: Cr Ian Stirling

That items 10.2.4 and 10.2.5 be admitted to the meeting as late business.

CARRIED 6-0

10.2 ADMINISTRATION REPORTS

10.2.4 APPLICATION FOR MINING LEASE - (COASTAL) RESERVE 42477

Applicant:	Department of Mines and Petroleum
Location / Address:	Reserve 42477 / Indian Ocean Drive
File Ref:	ADM0259
Disclosure of Interest:	
Date:	8 th December 2016
Author:	Chief Executive Officer
Attachments:	10.2.4(a) Letter from Dept of Mines and Petroleum 10.2.4(b) Extracts from report <i>Migration of Limesand Dunes in WA</i>

SUMMARY

This report recommends that Council advise the Department of Mines and Petroleum that it has no objection to proposed Mining Lease 70/1357.

BACKGROUND

Minawaha Farms Pty Ltd has applied for a mining lease on Reserve 42477 over which the Shire of Carnamah holds a Management Order for the purpose of *Parkland, Recreation & Letting of Cottages*.

The purpose of the application is to mine limesand and the proposed lease abuts Mining Lease 70/932 which is currently being mined by Minawaha Farms Pty Ltd.

COMMENT

Proposed Mining Lease 70/1357 will be an extension of the current lime sand mining activities. The lease will be for an initial period of 21 years with provision for an extension of a further 21 years.

The dune that will be mined is known as the “Coolimba Dune” which is slowly migrating towards Indian Ocean Drive and which could in the long term impact on that road

infrastructure. An extract from the report *Migration of Limesand Dunes in WA* (attached) states that “Continued extraction of the limesand will assist in removing sand that is migrating and will probably slow the movement”.

It is not expected that the proposed mining lease will have any adverse impact on the Shires management of Reserve 42477.

CONSULTATION

Department of Mines and Petroleum

STATUTORY ENVIRONMENT

Mining Act 1978 – s23-26

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed mining lease will generate some additional rate revenue.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20161213

ITEM: 10.2.4

Moved: Cr Dwayne Wooltorton

Seconded: Cr Sandra Laundry

That Council advise the Department of Mines and Petroleum that it has no objection to proposed Mining Lease 70/1357.

CARRIED 6-0

10.2.5 O'DRISCOLL'S MECHANICAL FABRICATION & ENGINEERING – REQUEST TO RENT FACTORY UNIT AND HOUSE

Applicant:	Mr Karl O'Driscoll
Location / Address:	
File Ref:	ADM0200
Disclosure of Interest:	
Date:	8 th December 2016
Author:	Chief Executive Officer
Attachments:	10.2.5 – Letter from Mr Karl O'Driscoll

SUMMARY

This report recommends:

1. That on receipt of a written request from Mr Hayden Rayner (Carnamah Engineering) to relinquish his lease on the factory unit at Lot 76 Forrester Avenue, Carnamah, that Council agree to the termination of his lease;
2. That subject to the provisions of section 3.58 of the Local Government Act 1995, that Council agree to lease the factory unit at Lot 76 Forrester Avenue, Carnamah, to O'Driscoll's Mechanical Fabrication and Engineering from the 1st of February 2017;
3. That the rental of the factory unit be in accordance with Council Policy 7.8;
4. That the house at 45B Macpherson Street, Carnamah, be made available for rental in accordance with the Shires current schedule of fees and charges;
5. That given that there is no Council meeting scheduled for January 2017, that Council delegate authority to the President and CEO to consider any submissions received as a result of advertising the proposal to lease the property to O'Driscoll's Mechanical Fabrication and Engineering, and to make a determination on whether the lease should proceed.

BACKGROUND

Mr O'Driscoll plans to relocate his fabrication and engineering business from Geraldton to Carnamah in February 2017. Mr Hayden Rayner, the proprietor of Carnamah Engineering, is prepared to relinquish his lease of the factory unit at Lot 76 Forrester Avenue, Carnamah.

Mr O'Driscoll is seeking some rental concessions on the lease of the factory unit and the house (refer to attached letter).

COMMENT

An operational fabrication and engineering business would be an asset to Carnamah and the wider regional community.

The value of the concessions that the applicant is seeking is as follows:

Factory Unit – 4 months free rent:	\$ 2,427.10
House – 1 month free rent:	<u>\$ 1,170.00</u>
TOTAL	\$ 3,597.10

If the provisions of Councils' Policy 7.8, relating to the rental of the factory unit were applied (3 months free rent, followed by 9 months at a concessional rate of 50%), the value of the concession over a 12 month period would be \$ 3,645.65.

There is very little difference between what the applicant is requesting and what the concessions would amount to over a 12 month period, if Council Policy 7.8 was applied. Whilst it may assist the applicant financially to take the benefit upfront while getting the business established, rather than over a 12 month period, the Shire is constrained by the provisions of the Local Government (Financial Management) Regulations 1996 which requires details in full of any waiver or concession to be included in its annual budget. If Council acceded to the applicants' request for concessions, it would be in breach of these regulations. Given that Council has adopted a policy on the rental of the factory units and has included details of its fees and charges in its annual budget, it could apply the provisions of its Policy 7.8, which, over a 12 month period, would provide an applicant with concessions in the order of \$ 3,645.65.

The Shire will also need to observe the requirements of 3.58 of the Local Government Act 1995 which deals with the disposing of property. This involves advertising the proposal to lease the property and to obtain a current market valuation of the rental.

CONSULTATION

Deputy CEO

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r26: Discounts for early payment etc, information about required

- (1) The annual budget is to include for each discount or other incentive proposed to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money –
 - (a) in respect of a discount –
 - (i) the amount of the discount, or the percentage discount, to be allowed;
and
 - (ii) the circumstances in which the discount will be granted;
and
 - (b) *deleted*
 - (c) in relation to a waiver or concession –
 - (i) a brief description of the waiver or concession; and
 - (ii) a statement of the circumstances in which it will be granted; and
 - (iii) details of the persons or class of persons to whom it is available; and
 - (iv) the objects of, and reasons for, the waiver or concession.

Local Government Act 2016

s3.58 (3) Disposing of Property

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) it gives local public notice of the proposed disposition –
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include-
- (a) the names of all parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition –
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan – Economic:

Objective 3:

To retain existing industries and encourage the establishment of new industries to broaden the districts economic base and develop and maintain an efficient road transport system.

POLICY IMPLICATIONS

7.8 INDUSTRIAL FACTORY UNITS AND ASSOCIATED DWELLINGS CARNAMAH TENANCY GUIDELINES / SPECIAL CONDITIONS (EXTRACT)

PREAMBLE

The Shire of Carnamah, through strategic planning with the community, has developed three factory units and three residences for the purpose of attracting small businesses currently

lacking in the town, including auto electrician, electrical/refrigeration trades, and light engineering.

The objectives of this project are to:

- Provide employment opportunities
- Attract small industry to Carnamah for specialist services: including an auto electrician, electrical/refrigeration trade and light engineering works
- Promote small business development
- Boost the local economy and other small business
- Provide incentive by way of good quality work premises with the opportunity for concessional arrangements as appropriate, and top-line residential accommodation to attract business trades to Carnamah

Given a town resident population of about 360 the net economic benefit of this project to a community the size of Carnamah is substantial

The Shire will establish a monitoring and advisory role to ensure the ongoing viability and potential expansion of the project with other trades and businesses in the short- and foreseeable long-term.

In this regard the ability to on-sell the factory units and dwelling accommodation to tenants will create a pool of funds for further such developments for other identified needs and opportunities.

Under Regulation 30(2) (g) of the *Local Government (Function and General) Regulations 1996*, the leasing of residential property to a person is an exempt disposition. That is, it is exempt from the provisions which require property to be disposed of to the highest bidder at public auction or at public tender.

So far as the factory units are concerned, tenancy allocations need to observe the regulations.

In this case a local government can dispose of the property by lease if –

“... it gives *Statewide public notice of the proposed disposition* –

- Describing the property concerned;*
- Giving details of the proposed disposition;*
- Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and it considers any submissions made to it before the date specified in the notice and if it's decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”

POLICY

1. Tenancy

Tenancy be an initial 18 month term to provide for proving up business viability, displaying trade skills and business acumen.

The books of account of the business are to be available for assessment by the Committee one month after the conclusion of the first 12 months of trading, and audited books as soon as possible thereafter.

The Chief Executive Officer in consultation with the Carnamah Factory Units Committee has delegated authority to let tenancies of the factory units and associated residential accommodation and their continuation or otherwise.

Tenancy of a factory unit and a residence shall be concurrent, and occupancy of a residence shall cease if occupancy of a factory unit ceases for any reason.

2. Rental Value

Factory Units

The rental value of the factory units will be in accordance with fees and charges set annually by Council.

Rentals will be payable 4 weekly in advance.

A bond to the value of four weeks full rent is to be paid.

The first 91 days of occupancy will be rent free, followed by a period of 274 days at a 50% concessional rent.

As encouragement to employ apprentices, rental after the initial 12 months concessional period, will also attract a 50% concession for the period or periods that an apprentice is employed.

Housing

The rental value of the housing will be subject to annual review by Council.

3. Property Rates

As the occupancy of the factory units and housing will be a tenancy arrangement, property rates will not apply.

4. Rubbish Charges

Prescribed Council rubbish charges for the factory units will be the responsibility of the tenant; and for the houses, the responsibility of Council.

5. Insurances

Property insurance for factory units and houses will be effected by the local government; and the tenant will be responsible for insurance for their own contents, public liability, and any other insurances required.

Proof of insurances is to be supplied to the local government by the tenant.

6. Power/Telephone Charges

Connection, usage and rental charges will be the tenant's responsibility for factory units and houses.

7. Water Services

The local government will be responsible for annual service charges and the tenant for consumption for the factory units; and the local government will pay annual service charges and consumption for the houses.

8. Fitting Out and Furnishings

Will be the responsibility of the tenant.

9. General

Tenants will not be permitted to make changes to the properties without the approval of the local government.

Tenants undertake to ensure the properties are returned in original condition, fair wear and tear excepted, at the conclusion of their tenancy.

FINANCIAL IMPLICATIONS

1. Estimated cost of valuation and advertising \$800.00
2. Estimated loss of revenue due to concessions being applied: \$3645.65

VOTING REQUIREMENT

Absolute Majority

COUNCIL RESOLUTION 20161214	ITEM: 10.2.5
Moved: Cr Ian Stirling	
Seconded: Cr Ian Bowman	
1.	<i>That on receipt of a written request from Mr Hayden Rayner (Carnamah Engineering) to relinquish his lease on the factory unit at Lot 76 Forrester Avenue, Carnamah, that Council agree to the termination of the lease;</i>
2.	<i>That subject to the provisions of section 3.58 of the Local Government Act 1995, that Council agree to lease the factory unit at Lot 76 Forrester Avenue, Carnamah, to O’Driscoll’s Mechanical Fabrication and Engineering from the 1st of February 2017;</i>
3.	<i>That the rental of the factory unit be in accordance with Council Policy 7.8;</i>
4.	<i>That the house at 45B Macpherson Street, Carnamah, be made available for rental in accordance with the Shires current schedule of fees and charges;</i>
5.	<i>That given that there is no Council meeting scheduled for January 2017, that Council delegate authority to the President and CEO to consider any submissions received as a result of advertising the proposal to lease the property to O’Driscoll’s Mechanical Fabrication and Engineering, and to make a determination on whether the lease should proceed.</i>
CARRIED BY ABSOLUTE MAJORITY (6-0)	

16. CLOSURE OF MEETING

There being no further business, the meeting was closed at 4.00pm.