



MINUTES

Ordinary Meeting of Council

20 September 2017

SHIRE OF CARNAMAH

ORDINARY MEETING OF COUNCIL – 20 September 2017

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 Eneabba Sportsman's Club, Eneabba Drive, ENEABBA
On Wednesday - 20 September 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 Stirling | Deputy President |
| Cr Ian Bowman | |
| Cr Dwayne Woollorton | |
| Cr Liz Piccles-Popham | |

| | |
|------------------|--------------------------------|
| Mr Neil Hartley | Chief Executive Officer |
| Mr Ian Walsh | Deputy Chief Executive Officer |
| Mr Mal Pumphrey | Manager of Works and Services |
| Ms Jennie Benson | Executive Support Officer |

Apologies

Cr Sandra Laundry

Leave Of Absence (Previously Approved)

Cr Con Kikeros

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
The Deputy Chief Executive Officer has declared a Financial Interest in Item 10.3.2.

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 August 2017

As Circulated

VOTING REQUIREMENT
Simple Majority

COUNCIL RESOLUTION 20170901

Item 9.1

Moved: Cr Woollorton
Seconded: Cr Piccles-Popham

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

CARRIED 5-0

10 MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

| | |
|-------------------------|--------------------------------|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | ADM0075 |
| Disclosure of Interest: | Nil |
| Date: | 12 September 2017 |
| Author: | Deputy Chief Executive Officer |
| Attachments: | 10.1.1 - Cheque & EFT Listing |

SUMMARY

Council to confirm the payment of creditors for the period 11 August 2017 to 8 September 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 20170902 **Item: 10.1.1**

Moved: Cr Bowman
Seconded: Cr Piccles-Popham

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the period 11 August 2017 to 8 September 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: | 022502 – 022504 |
| Municipal cheques: | 28066 – 28072 |
| Municipal EFT’s: | 10435 – 10517 |
| Trust Cheques: | Nil |
| Payroll direct debits: | #04 - #05 |
| Municipal Direct Debits | 31/08/2017 |

Totalling \$ 1,000,072.58 be approved and passed for payment.

CARRIED 5-0

10.1.2 FINANCIAL REPORTS TO 31 AUGUST 2017

| | |
|-------------------------|---|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | ADM0075 |
| Disclosure of Interest: | Nil |
| Date: | 11 September 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 August 2017 (marked 10.1.2) has been prepared in accordance with the Local Government Financial Management Regulations.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for the period 1 July 2017 to 31 August 2017;
- Summary Rates Trial Balance Report as at 31 August 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 20170903

Item: 10.1.2

Moved: Cr Wooltorton

Seconded: Cr Stirling

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

CARRIED 5-0

10.2 ADMINISTRATION REPORTS

10.2.1 ESTABLISHMENT OF LOCAL EMERGENCY MANAGEMENT COMMITTEE

| | |
|-------------------------|--|
| Applicant: | Shire of Carnamah |
| Location / Address: | N/A |
| File Ref: | ADM0085 |
| Disclosure of Interest: | Nil |
| Date: | 4 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.2.1 – Letter from the Shire of Coorow |

SUMMARY

The Shire of Coorow at its meeting on 16 August, resolved to “de-merge” from the joint Coorow-Carnamah Local Emergency Management Committee, and establish its own Shire of Coorow Local Emergency Management Committee (see copy of letter of advice attached).

The Western Australian Emergency Management Act 2005 requires each local government to be a member of a Local Emergency Management Committee (LEMC) so this new position by the Shire of Coorow now requires the Shire of Carnamah to either join with a neighbouring Local Emergency Management Committee, or do similarly to Coorow, and establish a Shire of Carnamah Local Emergency Management Committee.

It is proposed that the Shire of Carnamah establish its own Local Emergency Management Committee, at least for the time being.

BACKGROUND

The Shire of Coorow at its 16 August 2017 meeting resolved “*That the intention to de-merge from the joint Local Emergency Management Committee with the Shire of Carnamah, and establish a Shire of Coorow Local Emergency Management Committee, be endorsed.*”

Where one or more local governments who have combined under Section 34 of the Emergency Management Act for the purposes of emergency management wish to separate from the arrangement and undertake their responsibilities as a single local government, the following procedure needs to be followed -

Each local government which is part of the ‘combined local government’ must conduct an analysis of its ability to comply with the provisions of the EM Act in respect to emergency management. This analysis should examine the local government’s ability to provide both effective and efficient emergency management and identify any associated risks.

Where a local government establishes that it will be able to more effectively comply with the provisions of the EM Act by undertaking its responsibilities as a single local government, a report advising of its intention to separate must be tabled to the

relevant Local Emergency Management Committee. This report must detail the rationale for the decision.

Following the decision to separate from a combined arrangement, the local government concerned should establish a working group to establish administration arrangements including:

- Membership of the LEMC,*
- Appointment of a committee Chair,*
- Provision of secretariat support,*
- Emergency Management Arrangements,*
- Recovery Arrangements, and*
- A community communication and marketing strategy.*

The local government wishing to manage its emergency management responsibilities as a single local government must forward written advice of its intention to establish a Local Emergency Management Committee (LEMC) for its local government district to the Executive Officer, State Emergency Management Committee (SEMC). A copy must also be forwarded to the Chair of the relevant District Emergency Management Committee (DEMC).

This advice should include the following details:

- The name of the combined Local Emergency Management Committee,*
- The name of the local government withdrawing from the arrangement,*
- The outcome of risk assessments and the rationale for the separation, and*
- Administrative arrangements.*

The letter to the Executive Officer SEMC must be endorsed by the relevant local government Chief Executive Officer.

Following receipt of the advice by the SEMC, the Office of Emergency Management will:

- Acknowledge receipt of the advice in writing,*
- List the correspondence for noting on the agenda of the next meeting of the SEMC.*

The Office of Emergency Management will arrange for the revised arrangements to be included in all relevant policies and procedures.

COMMENT

It is assumed that the Shire of Coorow has undertaken the necessary study as outlined above in “background” (although it is not attached or included in its report to its 16 August Council Meeting) but as the Shire of Carnamah is only dealing with the repercussions of the Coorow Council’s decision, these steps are not thought to be relevant to Carnamah.

In regard to the question of whether it is best to join with a neighbouring Local Emergency Management Committee, or establish a Shire of Carnamah LEMC, discussions with the Mid West/Gascoyne District Advisor has resulted in the conclusion that it would seem that the

best direction to take for the time being, would be to establish a dedicated Carnamah LEMC. If at some future point in time the chance presented itself to merge with a bounding LEMC (or a bounding local government(s)) that could be considered if and when that opportunity arose.

CONSULTATION

Stakeholder engagement was undertaken in preparation of these *Arrangements* by way of consultation with member agencies of the Joint Coorow-Carnamah Local Emergency Management Committee and the following review period to 31 August (including: WA Police Department of Fire & Emergency Services Department of Health; Department of Child Protection & Family Support; and St John Ambulance).

Further consultation will occur with the relevant authorities as per the 11 steps of the Local Emergency Management Arrangements approvals process outlined earlier in this report.

Discussions also occurred with the Mid West/Gascoyne District Advisor (Office of Emergency Management).

STATUTORY ENVIRONMENT

Section 36 of the Emergency Management Act 2005 outlines that it is a function of a local government to ensure that effective local emergency management arrangements are prepared and maintained for its district; and to manage recovery following an emergency affecting the community in its district.

Other relevant sections of the Emergency Management Act 2005 include -

Section 38 outlines that a local government is to establish at least one local emergency management committee for the district, and the committee is to consist of a chairman and other members appointed by the Shire of Carnamah (noting that the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the State Emergency Management Committee).

Section 39 outlines the functions of local emergency management committees, which are to —

- (a) advise and assist the Shire of Carnamah in ensuring that local emergency management arrangements are established for its district; and
- (b) liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Section 40 requires that after the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.

STRATEGIC IMPLICATIONS

Under the Civic Leadership area of the 2015 Corporate Business Plan, there is an action in regard to Disaster Management, to “*Complete update of Shires of Carnamah and Coorow local emergency management plan (LEMC)*”. The “de-merging” of the existing LEMC could not have been reasonably anticipated as part of the Corporate Business Plan’s review, but the

establishment of a Carnamah LEMC is not, in any event, inconsistent with the general intentions of Carnamah’s role in local emergency management.

POLICY IMPLICATIONS

The Shire has three policies that relate to bush fires (3.1; 3.2; 3.3; and 3.4) and all have a degree of relevance to these proposed Local Emergency Management Arrangements. It is not thought though, that any changes to these policies will be required as a result of the establishment of a Carnamah LEMC.

FINANCIAL IMPLICATIONS

There is the requirement for officer time (particularly the Emergency & Ranger Services Officer) to be allocated to the process of developing and managing a Carnamah Local Emergency Management Committee. Also, some relatively minor operational costs (like motor vehicle; telephone; etc).

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170904

Item: 10.2.1

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

That Council –

1. Note the 16 August 2017 decision by the Coorow Shire Council to de-merge from the joint Local Emergency Management Committee with the Shire of Carnamah;
2. Endorse the establishment of a Carnamah Local Emergency Management Committee for the Shire of Carnamah district area;
3. Appoints Cr Merle Isbister as the inaugural Chairperson of the Carnamah Local Emergency Management Committee, and
4. Establish a Working Group of Cr Isbister, the Chief Executive Officer, and Emergency & Ranger Services Officer and authorise it to progress the establishment of the Carnamah Local Emergency Management Committee (including membership, consultations, coordination with stakeholders, etc).

CARRIED 5-0

10.2.2 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS - ADOPTION

| | |
|-------------------------|---|
| Applicant: | Shire of Carnamah |
| Location / Address: | N/A |
| File Ref: | ADM0085 |
| Disclosure of Interest: | Nil |
| Date: | 1 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.2.2 – Local Emergency Management Arrangements, including Recovery Plan and Recovery Plan Resources |

SUMMARY

The Western Australian Emergency Management Act 2005 requires each local government to have in place Local Emergency Management Arrangements. The Shire has prepared the necessary documents that will guide the emergency management and recovery process, should a significant emergency unfortunately occur.

This report seeks Council's consideration to adopt the Shire of Carnamah Local Emergency Management Arrangements, including Recovery Plan and Recovery Plan Resources.

BACKGROUND

The Emergency Management Act 2005 sets out the requirement that each local government must have in place Local Emergency Management Arrangements, including Recovery Plan and Recovery Plan Resources. The process of securing the adoption of those plans (once developed by the Shire) is as follows -

- Step 1 LEMC to review the LEMA and Recovery Plans and make any changes.
- Step 2 Updated final versions of the LEMA and Recovery Plan are presented to LEMC for endorsement. This involves the LEMC agreeing the documents accurately reflect the emergency management needs of its community. The document will be endorsed as part of the minutes of the meeting.
- Step 3 The LEMA/Recovery Plans, along with the LEMC minutes will be submitted to the Carnamah Shire Council for noting at a local council meeting. The documents need to only be noted in the council meeting minutes.
- Step 4 The CEO and LEMC Chair to sign the final LEMA document.
- Step 5 The LEMC XO will forward the final LEMA and Recovery Plan documents to the District Advisor, along with the minutes from the LEMC and Carnamah Shire Council meetings.
- Step 6 The LEMC XO will forward a hardcopy of both plans to all LEMC members. The Shire of Carnamah must ensure the documents are uploaded to our website and placed in the Administration Office and Library (less the

contact list from the document as this is considered confidential and not for general public distribution).

- Step 7 The District Advisor reviews the LEMA/Recovery Plans against a checklist to ensure compliance. If the documents adhere to legislative requirements the DA will submit to DEMC for endorsement. If the documents require further work the documents will be returned to the LEMC XO with recommendations.

It is recommended all LEMC XO's ensure the District Advisor reviews the document whilst in draft form before the approval process begins.

- Step 8 DEMC XO submits LEMA/Recovery Plans to District Portal to ensure all DEMC members can access and review. The DEMC are asked to note the document. This is recorded in a set of minutes or through a resolution number.
- Step 9 The DEMC XO/District Advisor forwards the document to the SEMC for endorsement.
- Step 10 SEMC review the documents and provided resolution number. The document is then recorded and a formal letter of endorsement is sent to the Shire of Carnamah.
- Step 11 The LEMC are to review and update LEMA on a quarterly basis, especially the contact lists. Once the documents are fully processed successfully, the LEMC have three years before submitting a new version back through the district and state committees.

The Shire is progressing through the “first steps” of the process and the 16 August 2017 meeting of the Joint Coorow-Carnamah Local Emergency Management Committee endorsed the Shire of Carnamah Local Emergency Management Arrangements (including Recovery Plan and Recovery Plan Resources). This endorsement was subject to members having the opportunity to study and comment on the document up until 31 August 2017. Whilst noteworthy that this was the same meeting that the joint Coorow-Carnamah LEMC “de-merger”, that is irrelevant as far as the process of the Plan’s endorsement is concerned.

COMMENT

The attached Local Emergency Management Arrangements are consistent with the State Emergency Management Policies, Plans (i.e. the State Emergency Management Plan and Westplans) and, in accordance with section 41 (2) of the Emergency Management Act 2005.

As outlined above, endorsement of the Local Emergency Management Arrangements was subject to Joint Coorow-Carnamah Local Emergency Management Committee members having the opportunity to study and comment on the document up until 31 August 2017. No comments or suggested changes were received by the Coorow-Carnamah LEMC members by the due date, so the document can now be assessed by Council without alteration.

CONSULTATION

Stakeholder engagement was undertaken in preparation of these Arrangements by way of consultation with member agencies of the Joint Coorow-Carnamah Local Emergency Management Committee and the following review period to 31 August (including: WA Police Department of Fire & Emergency Services Department of Health; Department of Child Protection & Family Support; and St John Ambulance).

Further consultation will occur with the relevant authorities as per the 11 steps of the Local Emergency Management Arrangements approvals process outlined earlier in this report.

STATUTORY ENVIRONMENT

Emergency Management Act 2005. In particular –

s.41. Emergency management arrangements in local government district –

(2) The local emergency management arrangements are to set out –

- (a) the local government’s policies for emergency management;
- (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
- (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
- (d) a description of emergencies that are likely to occur in the local government district;
- (e) strategies and priorities for emergency management in the local government district;
- (f) other matters about emergency management in the local government district prescribed by the regulations; and
- (g) other matters about emergency management in the local government district the local government considers appropriate.

s.42. Reviewing and renewing local emergency management arrangements –

(1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.

(2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

STRATEGIC IMPLICATIONS

Under the Civic Leadership area of the 2015 Corporate Business Plan, there is an action in regard to Disaster Management, to “*Complete update of Shires of Carnamah and Coorow local emergency management plan (LEMC)*”. These Local Emergency Management Arrangements are consistent with that action.

POLICY IMPLICATIONS

The Shire has three policies that relate to bush fires (3.1; 3.2; 3.3; and 3.4) and all have a degree of relevance to these proposed Local Emergency Management Arrangements. It is not thought though, that any changes to these policies will be required as a result of the adoption of the new Local Emergency Management Arrangements.

FINANCIAL IMPLICATIONS

There is the requirement for officer time (particularly the Emergency & Ranger Services Officer) to be allocated to the process of adoption of the Local Emergency Management Arrangements, and of course in the event that a significant emergency does occur, the Shire has a responsibility in regard to the recovery phase of that emergency. This could lead to significant expenditure and it would be wise to have some reserve funds in place to assist with that potential cost.

Discussions have also occurred with the Local Government Insurance Service as to whether there might be an insurance policy that local governments might be able to take out to insure against these costs (or at least a portion of them). No such policy currently exists however.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170905

Item: 10.2.2

Moved: Cr Stirling
Seconded: Cr Woollorton

That Council –

1. Note and adopt the Shire of Carnamah Local Emergency Management Arrangements including accompanying Recovery Plan, and Recovery Plan Resources; and
2. Refer to the 2018/19 Budget for consideration, an Emergency Recovery Reserve, with the view that \$10,000 annual contributions be made to such a reserve until the balance reaches \$100,000.

CARRIED 5-0

10.2.3 TENDER EVALUATION CRITERIA

| | |
|-------------------------|-------------------------|
| Applicant: | Shire of Carnamah |
| Location / Address: | N/A |
| File Ref: | ADM0264 / Policy Manual |
| Disclosure of Interest: | Nil |
| Date: | 22 August 2017 |
| Author: | Chief Executive Officer |
| Attachments: | Nil |

SUMMARY

In March 2017 Council resolved to adopt criteria for deciding which tenders should be accepted for gravel pushing tenders and hire of prime movers (and for the provision of other services associated with constructing and maintaining roads) be retained.

That criteria has been consistently used for tenders since then and in the main, performs well, however there will be selected instances where a modified version of that set of criteria will provide a superior outcome for the Shire. This will be particularly so when securing products/services where values like quality and reliability are more important than the purchase price of alternative products/services.

This report recommends that Council provide for an alternative scoring system for those particular tenders where price is not believed to be the most significant/beneficial consideration.

BACKGROUND

The March 2017 decision was based principally on the issue where tenders had been called for gravel pushing and prime mover hire over the previous couple of years, and had been awarded to parties that were not resident within the Shire of Carnamah. Those awards of tender apparently led to a degree of local dissension, and suggestions that the Shire should be (better) supporting locally based businesses. The converse position of course, was that the ratepayers were enjoying a saving in the Shire's costs as a result of those historic decisions.

The tender scoring system used at that time (and still is) is weighted out of 100 points as follows:

1. 80% - Price;
2. 5% - Compliance;
3. 5% - Availability;
4. 5% - Experience in the Carnamah Shire and/or the North Midlands area; and
5. 5% - Resident within the Shire of Carnamah

Council subsequently resolved (March 2017) after considering the issue at hand –
“That the current criteria for deciding which tenders should be accepted for gravel pushing tenders, hire of prime movers and for the provision of other services associated with constructing and maintaining roads be retained...”

The above criteria has been consistently used for tenders since then and in the main the criteria performs well, particularly when purchasing items where quality can be easily defined in the tender documents (like crushed granite hardness and size, or bitumen makeup and temperature) however it is anticipated that when securing products/services where values like quality and reliability are more important than the basic purchase price, the criteria selection (which allocates 80% of the weighting to price) will not always produce a result that is in the best long term interests of the Shire of Carnamah and its ratepayers.

This report recommends that Council provide for an alternative scoring system for those particular tenders where price is not believed to be the most significant consideration applicable.

COMMENT

Whilst changes in economic conditions across the state will from time to time result in very competitive tenders being submitted by external businesses (like following the downturn in the mining construction work in WA where there was an abundance of plant/equipment/labour available at lower than previous prices) in the main it should be anticipated that local businesses will have a local mobilisation cost advantage over most other non-residential competitors. A tender criteria weighted towards price should therefore be relevant and fair most of the time, and at least for products where quality can be satisfactorily incorporated into the tender documents.

However when the Shire wishes to secure products/services where values like quality and reliability are more important than price, these often (but not always) have higher purchase prices. A selection which allocates 80% of the weighting to price will not always therefore, produce a recommended successful tenderer that is in the best long term interests of the Shire of Carnamah and its ratepayers as lower priced but potentially inferior products will likely score better. Once tenders are scored, the Shire will be expected (albeit it is not obliged to) to choose those higher scoring tenders above higher quality but potentially more expensive alternatives (due to a higher “price” selection criteria points score).

This report does not revisit the issue raised at the March meeting where complaints were apparently circulated within the community that the Shire is not treating local contractors fairly. The criteria allocates 5% for the regional price preference (Council can allocate up to 10% if it believes that is warranted) and whilst a higher percentage would clearly provide an improved advantage to local contractors (but with the higher costs subsidised by ratepayers) there is the likely consequence of non-resident contractors then being reluctant to compete (and which could lead to a consequential lack of competition resulting in a disincentive for local contractors to submit competitive tenders). This is a common conundrum when considering this issue of how best to support local businesses and local economic development, whilst simultaneously needing to be an appropriate fiduciary caretaker of the ratepayers’ funds.

The Shire has an obligation to provide services to the community that represent value for money and optimum efficiencies, but it is also wise to treat its local business community with fairness and respect such that the Shire provides the best outcomes for the majority stakeholders. The changes outlined are considered to achieve that.

CONSULTATION

Internal officer consultation only.

STATUTORY ENVIRONMENT

Local Government (Functions & General) Regulations 14(2a) outlines that if a local government invites a tender, it must (before tenders are publicly invited) determine in writing the criteria for deciding which tender should be accepted.

Local Government (Functions & General) Regulations 24D provides for a maximum 10% discount for a regional price preferences (excluding buildings) where the contract price does not exceed \$500,000.

STRATEGIC IMPLICATIONS

The Carnamah Corporate Business Plan highlights its aspirations for economic prosperity, and also, to maintain cost effective, efficient and sustainable community infrastructure and services. One of the actions is to *“retain existing industries and encourage the establishment of new industries to broaden the district’s economic base”*, whilst another is to *“manage Council road plant to ensure resources are available to be effectively and efficiently utilised”*. The plan does its best to deal with the “double edged sword” issue of its own financial viability whilst also encouraging community/business sustainability.

POLICY IMPLICATIONS

Policy 2.7 (Purchasing) should be amended to include the selection criteria. This will provide officers with a firm position to work from, and enable Council to revisit the matter at each policy review.

Council does have a Policy 2.11 (Process for dealing with Tenders) which requires all tenders to be presented to Council for decision. It is not proposed to modify this policy and so changes to the selection criteria will still require the eventual decision on which tender to select, to be referred to and be decided by, Council.

FINANCIAL IMPLICATIONS

An adjustment of tender evaluation scoring ratings is likely to have an impact with respect to financial implications. In the short term, costs are likely to be higher, but in the longer term, costs are expected to be unchanged or lower.

VOTING REQUIREMENT

Simple Majority

Moved: Cr Wooltorton

Seconded: Cr Stirling

That Council amend Policy 2.7 (Purchasing) by adding the following variable selection criteria-

Criteria for deciding which tender should be accepted

The tender scoring system to be as follows for products and services where the CEO believes that quality can be easily defined in the tender documents and quality control at the supply stage adequately managed (and price can therefore be a primary determinant):

- 80% - Price;
- 5% - Compliance;
- 5% - Availability;
- 5% - Experience in the Carnamah Shire and/or the North Midlands area; and
- 5% - Resident within the Shire of Carnamah

For products and services where the CEO believes values like experience, outcome/output quality, and reliability are more important than price, the CEO is authorised to include in the tender documentation a tender scoring criteria within the following ranges:

- 40 to 60% - Price;
- 20 to 40% - Experience, outcome/output quality, and reliability;
- 5% - Compliance;
- 5% - Availability;
- 5% - Experience in the Carnamah Shire and/or the North Midlands area; and
- 5% - Resident within the Shire of Carnamah

CARRIED 5-0

10.2.4 MURCHISON REGION ABORIGINAL CORPORATION – APPLICATION FOR RATES EXEMPTION

| | |
|-------------------------|---|
| Applicant: | Murchison Region Aboriginal Corporation |
| Location / Address: | Lot 24 Railway Avenue, Carnamah |
| File Ref: | ADM0034 / A123 |
| Disclosure of Interest: | Nil |
| Date: | 30 August 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.2.4 – Letter from MRAC |

SUMMARY

The Murchison Region Aboriginal Corporation (MRAC) has applied to have its residential property at Lot 24 Railway Avenue, Carnamah, exempted from rates under Section S6.26 (2) (g) of the Local Government Act 1995. MRAC seeks consideration on the grounds that land is not rateable land as it is used exclusively for charitable purposes. This is the second application that has occurred in recent times, but on this occasion, it follows an appeal to the State Administrative Tribunal (SAT) and a process of negotiation by the parties (City of Geraldton/MRAC).

This report recommends that Council accepts that MRAC meets the definition of a charitable group and that the land is used for charitable purposes and not rateable. Further, that the 2017/18 rates for Lot 24 Railway Avenue, Carnamah (but not including rubbish charge and the Emergency Services Levy) be written off.

BACKGROUND

The Murchison Region Aboriginal Corporation has applied to have its residential property at Lot 24 Railway Avenue, Carnamah, exempted from rates. It is objecting to the payment of rates on the ground that there is an error in the rate records, as the property does not constitute rateable land and it is used exclusively for charitable purposes.

MRAC has an Australian Taxation Office endorsement (#7104947124759) for charity concessions and its documentation supplied in support of its application include the following excerpts -

Housing Eligibility Assessment - “MRAC as a not-for-profit dedicated Aboriginal community managed housing organisation provides safe, secure and affordable housing to Aboriginal people in the Midwest and Gascoyne regions of Western Australia. MRAC provides a fair and equitable housing service to all eligible applicants and tenants”.

Rule Book – “The corporation aims to:

- a) *promote, support, sponsor, engage in and facilitate the provision to Aboriginal people of health, housing and other services;*

- b) *acquire, hold and manage land, buildings, fixtures, chattels and other property for the benefit of Aboriginal people in the Midwest and Gascoyne regions;*
- c) *provide social, cultural, economic, political, educational and recreational services to Aboriginal organisations, groups, enterprises and individuals in the wards when those services are not provided by other bodies;*
- d) *assist Aboriginal people in the Midwest and Gascoyne regions with relief from poverty, sickness, suffering, destitution, misfortune, distress and helplessness;*
- e) *give effect to the principles of self-management and self-determination for Aboriginal people by*
 - i. *establishing, owning, investing in, sponsoring, maintaining, managing, leasing and otherwise fostering business enterprises and commercial ventures of any lawful kind, and*
 - ii. *promoting, supporting and sponsoring the endeavours of Aboriginal organisations, groups, enterprises and individuals in the wards towards social, cultural and economic development*
- f) *promote, support, sponsor, engage in and facilitate the creation of opportunities for Aboriginal people in education, training, employment and private enterprise*
- g) *help and encourage Aboriginal people in the Midwest and Gascoyne regions to maintain, restore, revitalise and renew their traditional language and culture*
- h) *help build trust and friendship between Aboriginal people and the non-Aboriginal community*
- i) *join with other Aboriginal corporations in undertaking projects of mutual benefit*
- j) *receive and spend grants of money from the Government of the Commonwealth or of the State or from other sources*
- k) *the corporation operates in the Midwest and Gascoyne regions and covers Geraldton, Northampton, Meekatharra, Mullewa, Mt Magnet, Yalgoo, Sandstone and North Midlands*

MRAC had applied to several local governments seeking that same exemption and following a similar response from the City of Geraldton to Carnamah's March 2017 position, MRAC subsequently made application to the State Administrative Tribunal (SAT) challenging the City's rate book and seeking to have the decision of Council overturned (and the 59 Geraldton properties determined to be exempt from rates).

At the SAT directions hearings, SAT ordered that the parties enter mediation (on the basis that the provision of housing for Aboriginal people is seen by the Courts and SAT to satisfy the provisions of the Local Government Act as to ‘charitable purposes’). From that order, a negotiation occurred between the City of Geraldton and MRAC and a \$50,000 refund of rates for the 59 properties was agreed (Geraldton Council Meeting of 22 August 2017). The refund represented approximately two thirds of the rates levied and further negotiations were to occur in regard the 2017/18 rates levied.

COMMENT

The claim that the property is used exclusively for charitable purposes is on the basis that the house is rented to people of Aboriginal descent and the property in question is “*for the purpose of improving the economic position, social condition and traditional ties of an Aboriginal community*”.

Whilst it can be argued that MRAC’s activities are designed to receive rental income from the property, which is more likened to a commercial enterprise, MRAC’s Rule Book highlights its non-profit and charitable nature and there are numerous examples of similar charitable organisations renting properties across the state for similar end purposes, and those organisations have successfully secured charitable (non) rates status from their respective local governments. Those examples are consistent with SAT’s view that the provision of housing for Aboriginal people is seen by the Courts and SAT to satisfy the provisions of the Local Government Act as to ‘charitable purposes’.

It is also worth noting that the City of Geraldton’s legal advice, on the basis of the current law, noting related Court and SAT precedent decisions, was that it was highly likely that the City would lose any court case/SAT appeal seeking to dismiss the application. The Shire of Carnamah should not rely on that advice to be definitive for our circumstance, but if we were to seek separate advice, it is very likely to be consistent.

Whilst MRAC might be willing to negotiate a percentage refund to avoid any potential loss of a Court case outcome, it would not be worth the operational or financial cost for the Shire of Carnamah to proceed down that path, in exchange for a two or three hundred dollar saving. On that basis, it would seem more logical to simply accept the claim as made (and accept that the waiving of the rates will inevitably leave a shortfall in funding capacity for the Shire to deliver services, with this shortfall being the provided for by other property owners).

CONSULTATION

City of Geraldton

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.26 (2) (g) states that land is not rateable land where it is used exclusively for charitable purposes (noting that land does not cease to be used exclusively for a purpose merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature).

Local Government Act 1995 – Section 6.76(i)(a)(ii) outlines that a person may object to the rate records on the ground that there is an error in the rate record, for example, on the basis that the land is not rateable land.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will suffer the loss of revenue of rates collectable for the land in question (\$1003 for the current financial year). Rubbish rates and the Emergency Services Levy are still payable.

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170907

Item: 10.2.4

Moved: Cr Piccles-Popham

Seconded: Cr Stirling

That Council –

1. Accepts that Murchison Region Aboriginal Corporation meets the definition of a charitable group and that it uses the land in accordance with Section 6.26(2)(g) of the Local Government Act (vis. it is used exclusively for charitable purposes and not rateable); and
2. Writes off the 2017/2018 rates (\$1003.39) for Lot 24 Railway Avenue, Carnamah, (but not including rubbish charges and the Emergency Services Levy).

CARRIED 5-0

10.2.5 ANNUAL MEETING OF ELECTORS, CHRISTMAS FUNCTION, CHRISTMAS OFFICE CLOSURE, AND COUNCIL MEETINGS 2018

| | |
|-------------------------|-------------------------|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | ADM0198 |
| Disclosure of Interest: | Nil |
| Date: | 11 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | Nil |

SUMMARY

This report seeks Council's decision on the date of the Annual General Meeting of Electors, Christmas Function, Christmas Office closure, and the setting of dates for Council Meetings for 2018.

BACKGROUND

Council has, in recent years, held its December Council meeting earlier in the month together with the Annual General Meeting of Electors and the Shire Christmas Function, on the same day. This has been done to alleviate some pressure in terms of personnel wishing to attend other 'end of year' and Christmas functions around the same time.

COMMENT

Council has previously resolved that the Ordinary Meeting of Council be held on Friday 8 December 2017. The final audit report for the 2016/2017 financial year should be finalised in the near future which will allow time for the completion and adoption of the Shire's Annual Report in November and for the requisite advertising of the AGM of Electors to be carried out.

Last year's Christmas function was well catered for by the Carnamah Bowling Club and it is proposed that this again be the venue for the Christmas Function.

Schedule for Friday 8 December 2017:

Ordinary Meeting of Council – 3:00pm
Annual General Meeting of Electors – 5:00pm
Christmas Function – 6:00pm

Administration Office Closure:

It is proposed that, in accordance with past practice, the Shire Administration Office be closed from 12 noon on Friday 22 December 2017, and re-open on Tuesday 2 January 2018.

Proposed Council Meeting Dates 2018:

| | |
|--------------|----------|
| 21 February | Carnamah |
| 21 March | Eneabba |
| 18 April | Carnamah |
| 16 May | Carnamah |
| 20 June | Carnamah |
| 18 July | Carnamah |
| 15 August | Carnamah |
| 19 September | Eneabba |
| 17 October | Carnamah |
| 21 November | Carnamah |
| 14 December | Carnamah |

Council traditionally meets on the third Wednesday of each month, with the exception of January. In recent years, the December Council Meeting has been changed to the second Friday in December to accommodate the Council Christmas Function. It is proposed therefore in 2018, to set the December meeting date in advance, to the second Friday which will be 14 December.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy 15.17 reads as follows:

Christmas Functions and Christmas/New Year Shut Down-

- 1. Monies be budgeted each year for the purpose of holding a Christmas function.*
- 2. The Christmas Function be for Councillors, Staff, partners and children.*
- 3. Administration staff, in consultation with Councillors, be responsible for the organisation of the Christmas function.*
- 4. Administration offices be closed from 12 noon on the last working day preceding Christmas Day.*
- 5. Administration offices re-open on the day following the New Year's Day public holiday.*
- 6. The public holidays for Christmas Day, Boxing Day, day after New Year's Day and Easter Tuesday (for those employed at the preceding Easter) be utilised for the days between Christmas and New Year.*
- 7. Any days not covered by public holidays, be taken as time-in lieu, annual leave, or approved leave without pay.*
- 8. That notices be placed in the two local newsletters to advise all residents of the office closures.*

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170908

Item: 10.2.5

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

1. That the December Ordinary Meeting of Council be held on Friday 8 December 2017, commencing at 3:00pm;
2. That the Annual General Meeting of Electors be held on Friday 8 December 2017, commencing at 5:00pm;
3. That the Shire Christmas Function be held at the Carnamah Bowling Club on Friday 8 December 2017, commencing at 6:00pm;
4. That the Carnamah Administration Office be closed from 12 noon on Friday 22 December 2017, and re-open on Tuesday 2 January 2018;
5. That the 2018 Council Meeting dates be:

| | |
|--------------|----------|
| 21 February | Carnamah |
| 21 March | Eneabba |
| 18 April | Carnamah |
| 16 May | Carnamah |
| 20 June | Carnamah |
| 18 July | Carnamah |
| 15 August | Carnamah |
| 19 September | Eneabba |
| 17 October | Carnamah |
| 21 November | Carnamah |
| 14 December | Carnamah |
6. Notice of Office Closure and Emergency contact numbers to be advertised during the months of November and December in the ‘Carnamah Mat & Eneabba News’ and on the Shire website.

CARRIED 5-0

10.2.6 BUDGET ADJUSTMENT – STAFF HOUSING

| | |
|-------------------------|---|
| Applicant: | N/A |
| Location / Address: | Lot 44 (3) Nairn Street, Carnamah |
| File Ref: | ADM0266 & ADM0167 |
| Disclosure of Interest: | Nil |
| Date: | 13 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.2.6(a) Map showing Lot 44 Nairn Street, Carnamah 10.2.6(b) Sample floor plan design |

SUMMARY

The Shire has a high number of employees reaching retirement age (with eight over the age of 60). Not all employees require staff housing, but the Shire only has one “spare house” at present. There are two present vacancies for employees, both of which might require staff housing to attract/retain the best candidates.

This report proposed to transfer funds from the existing Staff Housing Reserve Account into the municipal budget so as to undertake preliminary earthworks on a vacant lot in Carnamah, and with the potential that there will also be sufficient funds available if a new house is required at some point in the very near future.

BACKGROUND

The Shire has eight employees over the age of 60 with four of those that provide their own housing (and one of them retiring this month).

As at the 30 June 2017 the Council Housing Reserve account contained \$255,271.15.

The 2017/18 budget contains provision to transfer another \$60,000 (plus interest estimated earnings of \$2,550) into this Reserve account.

With the recent retirement of one of the Shire’s works crew, and the resignation of an officer in the Shire Office, it is now prudent to move the potential of a new staff house forward.

The Shire does have several houses for staff and we presently have one available vacant house for a staff person (Lot 114 MacPherson Street). The MacPherson Street property is currently undergoing a refurbishment but can be available within the next several weeks if required to be. The Shire also owns several more houses for other local purposes (like school teachers, local business operators, and single persons’ accommodation) and some of these will potentially make very suitable shire employee houses when their leases expire over coming years.

The Shire also owns several vacant blocks of land within the Carnamah Townsite and it is suggested that the location for the next newly constructed staff house should be Lot 44 (3) Nairn Street (see map attached).

COMMENT

It is always an “unknown quantity” as to whether a new employee will require a Shire house or not, but in light of the fact that we only have one house that is currently unoccupied (Lot 114 MacPherson Street) and several more that have external parties as tenants (like school teachers) but with leases that don’t expire for a year or so yet, it would seem prudent to make a start on the groundworks for a new house (fencing, sand pad, etc) so that if an additional house is required, tenders can quickly be called for its construction.

CONSULTATION

Deputy Chief Executive Officer
Manager Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.8 (1) (b) outlines that a local government is not to incur expenditure for an additional purpose except where it is authorised in advance (by absolute majority resolution).

STRATEGIC IMPLICATIONS

The Strategic Community Plan makes specific provision for the need for School Teacher housing, and the Corporate Business Plan acknowledges the ongoing requirement to “help ensure adequate housing” and for the “provision and maintenance of staff and joint venture housing”.

POLICY IMPLICATIONS

Policy 2.11 (Process for dealing with Tenders) requires all tenders to be presented to Council for decision.

Council Resolution 20170308 (15 March 2017) – criteria for deciding tenders (scoring system).

FINANCIAL IMPLICATIONS

There will be a cost for the earthworks, but it will largely be undertaken using the Shire’s existing labour and plant, and sand materials delivered to site using back-load capacity. The cash cost should therefore be minimal for these preliminary works.

If a new house is required (sample 3x2 floor plan and design attached) tenders will be called with the view that the funds transferred from the Reserve Account will meet most of that cost. The base cost of the house is expected to be about \$210,000 but there will be the need for roughly an additional \$170,000 for associated expenses like veranda’s; fencing; driveways, window/floor coverings, etc (or approximately \$380,000 in total). As this total cost is in excess of the available Reserve funds for 2017/18 (\$315,000) it may be necessary to either defer some aspects of the associated expenses (e.g. front fence, sealed driveway, etc) and/or reallocate some additional funds from an existing capital works projects towards these house construction costs. That detail can however be finalised at the point of accepting any tender for house construction.

VOTING REQUIREMENT

Absolute majority

COUNCIL RESOLUTION 20170909

Item: 10.2.6

Moved: Cr Wooltorton
Seconded: Cr Piccles-Popham

That Council approves the required budget variation to the 2017/2018 Budget as outlined below-

Reallocate \$315,000 from Staff Housing Reserve Account (160230) to Staff Housing Expense Account (23BU).

Purpose – To make funds available to undertake preliminary site works on Lot 44 (3) Nairn Street, and to (subject to tender) procure a transportable residence for the purpose of staff housing.

CARRIED BY ABSOLUTE MAJORITY 5-0

10.2.7 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

| | |
|-------------------------|-------------------------|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | ADM0189 |
| Disclosure of Interest: | Nil |
| Date: | 14 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | Nil |

SUMMARY

Every local government needs to appoint a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer, plus such other persons as it thinks necessary to be its bush fire control officers. Those appointments then need to be published in a district newspaper.

Carnamah's Volunteer Fire Brigade met on 5 September 2017 and made recommendations of those appointments and the purpose of this report is for Council to formally appoint the necessary officers for the coming fire season.

BACKGROUND

At the Annual General Meeting of the Carnamah Volunteer Fire Brigade, held on 5 September 2017, a resolution was passed seeking to appoint the following persons to the positions of Chief Bush Fire Control Officer (CBFCO) and Deputy Bush Fire Control Officers (DCBFCO):

| | |
|--|------------------|
| Chief Bush Fire Control Officer: | Wayne Barry |
| Deputy Chief Bush Fire Control Officer (East): | Brendon Haeusler |
| Deputy Chief Bush Fire Control Officer (West): | Geoff Hortin |

The following persons were also appointed as Weather Officers:

| | |
|----------------|-----------------|
| Rob Machin | West |
| Allan Griffith | East |
| Alyce Fowler | Central (Shire) |

COMMENT

As the Carnamah Volunteer Fire Brigade's 5 September meeting has suggested appointments for the key bush fire control officer positions, it would seem reasonable for the Shire Council to support those appointments.

CONSULTATION

CEO
Carnamah Fire Brigade

STATUTORY ENVIRONMENT

Bush Fires Act 1954 – Section 38. Local Government may appoint bush fire control officer:

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officers who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in the district.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of the advertisement in the local newspaper, which has been provided for in the budget and is only a modest cost.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170910

Item: 10.2.7

Moved: Cr Piccles-Popham
Seconded: Cr Stirling

That Council –

1. Under Section 38 of the Bush Fires Act 1954, Council appoint the following bush fire control officers for the Shire of Carnamah:

- (a) Wayne Barry – as Chief Bush Fire Control Officer;
- (b) Brendon Haeusler – as Deputy Chief Bush Fire Control Officer (East); and
- (c) Geoff Hortin – as Deputy Chief Bush Fire Control Officer (West); and

that the following persons be recognised as Weather Officers:

Rob Machin – West
Allan Griffith – East
Alyce Fowler – Central (Shire)

2. Note that a notice of the above appointments will be published in a newspaper circulating in the district.

CARRIED 5-0

10.2.8 APPLICATION FOR PLANNING APPROVAL – AUTOMATED RETAIL DIESEL FUEL FACILITY (LIBERTY OIL (WA) PTY LTD)

| | |
|-------------------------|---|
| Applicant: | Liberty Oil (WA) Pty Ltd |
| Location / Address: | Lots 123 and 124 Midlands Road, Carnamah |
| File Ref: | ADM0315 & A199 |
| Disclosure of Interest: | Nil |
| Date: | 14 September 2017 |
| Author: | Deputy Chief Executive Officer |
| Attachments: | 10.2.8(a) Application for Planning Approval 10.2.8(b) Certificate of Title 10.2.8(c) Letter from Main Roads |

SUMMARY

The Shire has received an application for planning approval for an automated and self-contained diesel fuel facility at the southern end of the Carnamah townsite on Lots 123 & 124 Midlands Road. This report recommends that Council defer making a decision on the application pending a Transport Impact Assessment/Statement being completed by the applicant and accepted by Main Roads WA.

BACKGROUND

The applicant (Liberty Oil (WA) Pty Ltd) have requested approval to install a 68,000 litre bulk storage tank (60,000 litre diesel and 8,000 litre Adblue) and two swipe card activated bowsers.

Details are shown on the attached plan. The value of the proposed work is \$100,000.

COMMENT

The site was previously the Shell Oil depot site and the subject land is zoned Light Industry under the Shire of Carnamah Local Planning Scheme No 2 ('the Scheme').

The proposed development would meet the definition of a 'Service Station' which is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* as:

“means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.”*

Table 1 of the Scheme lists 'Service Station' as a 'D' use for the 'Light Industry' zone, that is a use that is not permitted unless the local government has exercised its discretion by granting planning approval.

Section 4.2.3 of the Scheme lists the following objectives for the ‘Light Industry’ zone:

- (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.
- (d) To ensure the appropriate use of setback areas and the provision of landscaping to the Council’s satisfaction.

Part 9 Section 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows for the Shire to consult with any relevant agency in its consideration of an application. In this instance it was considered appropriate to seek the advice of Main Roads WA. Main Roads WA advised on 7 September 2017 that it did not support the proposed development in the absence of a Transport Impact Assessment/Statement, and would reconsider this once the necessary information had been provided for its review by the applicant.

Whilst it is prudent to await the advice from Main Roads about whether safe ingress/egress to Midlands Road can be secured (particularly as the users will have a high proportion of large truck configurations) other issues that will need to be addressed as part of any planning application would include –

1. Internal traffic movements/circulations/parking need to suitably accommodate all users;
2. Physical structure needs to be good quality with minimal visual impacts (and appropriate for its purpose and location);
3. The ongoing operations should emit minimal noise, odour, dust and light;
4. Signage is to be appropriate/minimal and be with acceptable levels of light emission;
5. Overall development (including signs) need to ensure minimal driver distraction (particularly for users of Midlands Road); and
6. Council may also wish to consider whether landscaping should be required of the applicant as a condition of any approval, given the site’s location at the southern approach into the Carnamah townsite.

CONSULTATION

CEO

Simon Lancaster (DCEO Chapman Valley)

Planwest WA Pty Ltd

Main Roads WA

STATUTORY ENVIRONMENT

- Shire of Carnamah – Local Planning Scheme No.2
- Planning and Development (Local Planning Schemes) Regulations 2015
- Planning and Development Regulations 2009 (Local Government Planning Charges).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Planning application fees of \$320.00 have been paid by the applicant.

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170911

Item: 10.2.8

Moved: Cr Piccles-Popham

Seconded: Cr Bowman

That Council –

1. Note the proposal submitted by Liberty Oil (WA) Pty Ltd for the installation of an automated retail diesel fuel facility on Lots 123 and 124 Midlands Road;
2. Require the proponent, Liberty Oil (WA) Pty Ltd, to complete a Transport Impact Assessment/Statement, prepared to the requirements of Main Roads WA, and submit this to Main Roads WA for its assessment;
3. Advertise the proposal for community comment and further, specifically invite comments from adjoining property owners and relevant Government agencies; and
4. Return the matter to Council for its further consideration following the receipt of information as outlined in (2) and (3) above.

CARRIED 5-0

3.47pm

Moved: Cr Wooltorton

Seconded: Cr Stirling

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

CARRIED 5-0

10.3 CONFIDENTIAL REPORTS

Confidential item 10.3.1

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 item 10.3.2

Reason for Confidentiality – Local Government Act 1995: Section 5.23(2)(e)(iii), “a matter affecting an employee or employees”.

10.3.1 TENDER 10/17 – SUPPLY OF WASHED AGGREGATE

| | |
|-------------------------|---|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | Tender 10/17 |
| Disclosure of Interest: | Nil |
| Date: | 11 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.3.1(a) Advertisement and Tender Specifications 10.3.1(b) Tender Evaluation Schedule |

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170912

Item: 10.3.1

Moved: Cr Stirling
Seconded: Cr Woollorton

That Council:

1. Accept the tender submitted by Winchester Industries (\$43,300.00) for the provision of all 10mm and 14mm washed aggregates and accept the tender submitted by Dowerin Bulk Transport (\$46,529.60) for the provision of all 7mm washed aggregate; and
2. Authorise the Chief Executive Officer to execute and manage the contract, including any variations, providing these variations do not exceed the allocated budget provision, or significantly vary from the overall scope.

CARRIED 5-0

3.49pm

Mr Ian Walsh, Mr Mal Pumphrey and Ms Jennie Benson left the meeting.

10.3.2 PERFORMANCE REVIEW AND SALARY REVIEW – DEPUTY CHIEF EXECUTIVE OFFICER

| | |
|-------------------------|---|
| Applicant: | Chief Executive Officer |
| Location / Address: | N/A |
| File Ref: | PER #101 |
| Disclosure of Interest: | Deputy Chief Executive Officer will declare a financial interest as the outcome of the Performance Review may impact on his employment with the Shire of Carnamah |
| Date: | 9 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | Salary Review Schedule (under Confidential cover) |

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170913

Item: 10.3.2

Moved: Cr Bowman
Seconded: Cr Piccles-Popham

That Council –

1. Note that a Performance Review of the Deputy Chief Executive Officer has been completed and that the salary of this Officer be adjusted, effective from the 19 October 2017, as reflected in the submitted schedule; and
2. Authorise the Chief Executive Officer to negotiate with the Deputy Chief Executive Officer with the view to offering a new Employment Contract with the Shire of Carnamah and that the conclusion of this negotiation be referred to Council as per Section 5.37 of the Local Government Act 1995.

CARRIED 5-0

3.56pm

Moved: Cr Woollorton
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.

Mr Ian Walsh, Mr Mal Pumphrey and Ms Jennie Benson returned to the meeting.

11. ORDERING THE COMMON SEAL

Nil

12. REPORTS OF COMMITTEES AND MEMBERS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NOTICE OF MOTIONS

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

Nil

15. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

15.1 Motion to admit late business

An Addendum to the Agenda for the Ordinary Meeting of 20 September 2017 was circulated to Council. Council may resolve that the late business be admitted to the Meeting.

COUNCIL RESOLUTION 20170914

Item: 15.1

Moved: Cr Woollorton

Seconded: Cr Stirling

That items 10.2.9 and 10.2.10 be admitted to the meeting as late business.

CARRIED 5-0

10.2 ADMINISTRATION REPORT

10.2.9 FLOOD DAMAGE (WANDRRA) RESTORATION WORKS - EXTENSION OF CONTRACTS

| | |
|-------------------------|---|
| Applicant: | GHD Pty Ltd |
| Location / Address: | N/A |
| File Ref: | Tender 04/17 |
| Disclosure of Interest: | Nil |
| Date: | 19 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | 10.2.9(a) - Additional WANDRRA Works Email 10.2.9(b) - Updated WANDRRA Works List Confirmation |

SUMMARY

Following the January 2017 extreme weather event, a claim was submitted to the Western Australia Natural Disaster Relief and Recovery Arrangements fund to enable the roads in the Shire to be reinstated to their previous conditions.

The company GHD was retained to progress the assessment of the damage and call (and assess) tenders for the reinstatement works. GHD assessed on the Shire's behalf, the tenders received and recommended a preferred contractor based on the tender assessment criteria. Council endorsed that recommendation to appoint BPH (WA) Pty Ltd (works contractor) at its June 2017 Council Meeting.

Subsequent to that resolution, an omission was found in the approval in regard to a couple of roads, and also, the Shire received several requests from local farmers of the immediate area where the damage occurred, advising that other roads had also suffered damage and seeking to have those roads included in the original works list. GHD were subsequently asked to revisit the damaged areas and liaise with Main Roads WA (MRWA) on the Shire's behalf. GHD have subsequently applied, and MRWA have approved, four additional roads for inclusion for repair.

The June Council decision also included the resolution...*to 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* and whilst the Shire's budgeted contribution has remained unchanged, the overall WANDRRA budget has been increased by MRWA.

The purpose of this report is for Council to endorse the omitted and new roads being added to the existing contract.

BACKGROUND

During January 2017, the north eastern corner of the Shire sustained heavy rainfall events which caused significant damage to several roads in the area. The Shire submitted claims for funding relief to reinstate the roads through the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) and these were subsequently approved.

Tenders were called on 20 May 2017 on the Shire's behalf and submitted to GHD for assessment and recommendation. The tender was to supply all equipment and labour and undertake all repair works. Tenders closed on 7 June 2017 and Council endorsed the preferred tenderer at its June Council Meeting.

Subsequent to that resolution, an omission was found in the approval, where Old Telegraph Road and King Street were needed to be added to the original works list as they were omitted in error. In addition, Pope, Robertson, Bodycoat, and Prowaka Roads were reassessed following requests from local farmers of the area where the damage occurred, advising that those roads had also suffered damage and should have been included in the original works list.

GHD was asked to revisit the damaged areas and liaise with MRWA on the Shire's behalf. GHD have subsequently applied, and MRWA have approved (in addition to the omitted roads) those four additional roads for inclusion for repair. MRWA have endorsed additional funding of \$1,511,363.40 to enable these repairs to be undertaken and it will take BPH (WA) Pty Ltd approximately two months to undertake the task.

COMMENT

Due to the complexity, diversity, and physical extent of the roadworks damage (the repair of which is roughly the equivalent of five years of the Shire's normal roadworks program) it was not possible for the Shire to undertake the works using its own resources. For the same reasons, the tender for the works was based on costs for plant and labour/hours, not for a fixed price, with the view that the program would be managed by an independent Supervisor and plant/labour coordinated on an "as required" basis for each section of road damage.

In light of the additional works now approved by MRWA, it is proposed to amend the contract awarded to BPH (WA) Pty Ltd so that the works can be undertaken in a coordinated fashion by the plant and equipment currently on site. The independent Supervisor's contract needs to run in parallel and so it is also suggested that this contract (with Pro Earth Civil) be similarly extended.

The June Council decision also included the resolution....*to 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* and whilst the Shire's budgeted contribution has remained unchanged, the overall WANDRRA budget has been increased by MRWA. The total value of the works is estimated to be 19% more than the original estimate (fully funded by MRWA).

CONSULTATION

GHD Pty Ltd

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.8 (1) (b) outlines that a local government is not to incur expenditure for an additional purpose except where it is authorised in advance (by absolute majority resolution).

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

MRWA have endorsed additional funding of \$1,511,363.40 to enable these repairs to be undertaken however it should be noted that the Shire's contribution remains unchanged at \$153,400 (in total) towards the entire flood damage repair works. The Shire's contribution has been provided for in the 2017/18 financial year budget. The Shire is responsible for paying the regular accounts submitted by the contractor as it undertakes the works. Refunds of those costs are then recouped from *WANDRRA*. In light of the several million dollars involved however, there will consequently be a meaningful loss in interest earnings to the Shire due to some funds not being able to remain in interest earning deposits during this period. Cash-flow planning has been and will continue to be necessary to ensure that sufficient funds are available to meet the above operational cost commitments.

VOTING REQUIREMENT

Simple Majority

COUNCIL RESOLUTION 20170915

Item: 10.2.9

Moved: Cr Bowman
Seconded: Cr Piccles-Popham

That Council –

1. Note the additional roads endorsed by Main Roads WA for funding under the *WANDRRA* claim for the January 2017 extreme weather event and authorise the extension of the existing contracts with BPH (WA) Pty Ltd and Pro Earth Civil to enable that modified *WANDRRA* works program (as per attachment 10.2.9(b)) to be undertaken; and
2. Authorises 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 5-0

10.2.10 ORDINARY MEETING OF COUNCIL – CHANGE OF DATE

| | |
|-------------------------|-------------------------|
| Applicant: | N/A |
| Location / Address: | N/A |
| File Ref: | ADM0198 |
| Disclosure of Interest: | Nil |
| Date: | 20 September 2017 |
| Author: | Chief Executive Officer |
| Attachments: | Nil |

SUMMARY

This report recommends that the scheduled date for the Ordinary Meeting of Council to be held on 18 October 2017, be moved to 25 October 2017.

BACKGROUND

Council Meetings are generally held on the third Wednesday of each month (with the exception of January and December).

COMMENT

At the time of closing for candidate nominations in this years' Local Government Elections, there have been 6 nominations received for a total of 4 vacancies on Council. An election will be held on Saturday 21 October, with the results being announced on the same date.

An information/induction meeting for successful candidates will be held on Monday 23 October. A Special Meeting of Council will be required (prior to the Ordinary Meeting of Council) for the swearing in of newly elected members.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Only the cost of advertising the change of date for the October meeting.

VOTING REQUIREMENT

Simple majority

COUNCIL RESOLUTION 20170916

Item: 10.2.10

Moved: Cr Stirling
Seconded: Cr Piccles-Popham

That the Ordinary Meeting of Council scheduled for 18 October be moved to 25 October to accommodate the Local Government Election being held on Saturday 21 October 2017.

CARRIED 5-0

16. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 4.04pm.