

SHIRE OF CARNAMAH

Ordinary Meeting of Council
15th June 2016

Notice of Meeting

Dear Councillor,

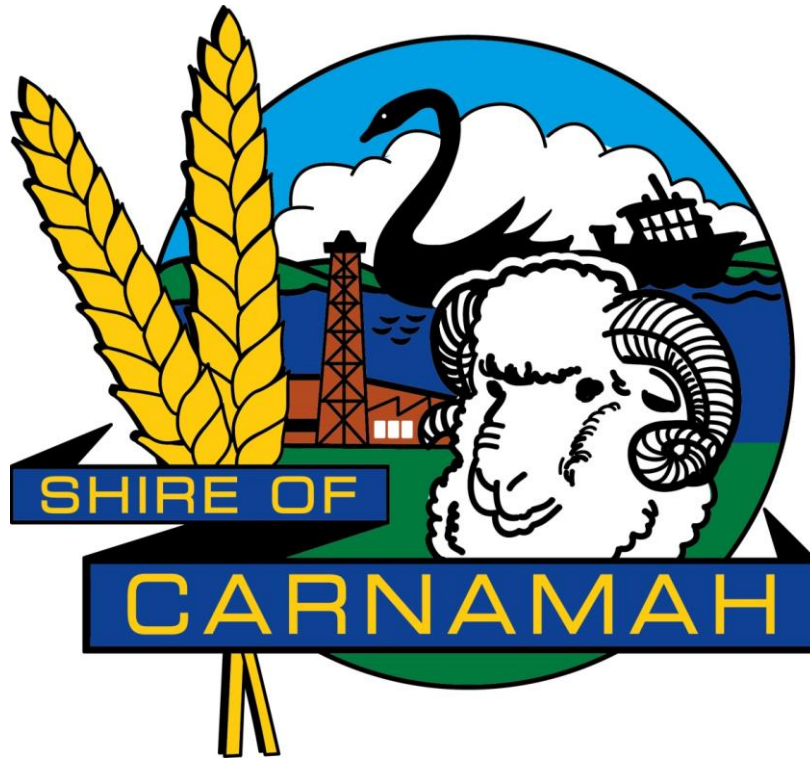
The next Ordinary Meeting of the Carnamah Shire Council is to be held

On: Wednesday 15th June 2016

At: Eneabba Sportsman's Club, Eneabba

Commencing at: 3:00pm

.....
W T Atkinson
CHIEF EXECUTIVE OFFICER



AGENDA

Ordinary Meeting of Council

15th June 2016

SHIRE OF CARNAMAH
ORDINARY MEETING OF COUNCIL 15th June 2016

AGENDA

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APPENDIX “A”

MINUTES OF ORDINARY MEETING OF COUNCIL
18th MAY 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

AGENDA

ORDINARY MEETING OF COUNCIL

**To be held in the ENEABBA SPORTSMAN'S CLUB
On WEDNESDAY 15th JUNE 2016
Commencing at 3.00pm**

- 1. DECLARATION OF OPENING**

- 2. RECORD OF ATTENDANCE**
 - Present**

 - Apologies**

 - Leave Of Absence (Previously Approved)**

- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

- 4. PUBLIC QUESTION TIME**

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**

- 6. DISCLOSURE OF INTEREST**

- 7. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

It is proposed that an inspection of the Eneabba Golf Clubhouse take place at 4.00pm, accompanied by Mr Tim Davies, to oversee the restoration work that has been carried out recently.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. CONFIRMATION OF MINUTES

9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD 18th MAY 2016

As Circulated

VOTING REQUIREMENT:

Simple Majority

Moved: Cr

ITEM: 9.1

Seconded: Cr

That the Minutes of the Ordinary Meeting of Council held on the 18th May 2016 be accepted as a true and correct record.

10 MANAGEMENT REPORTS

10.1 FINANCE REPORTS

10.1.1 ACCOUNTS FOR PAYMENT

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM075
Disclosure of Interest:	Nil
Date:	8 th June 2016
Author:	Deputy Chief Executive Officer
Attachments:	10.1.1 Cheque & EFT Listing

SUMMARY

Council to confirm the payment of creditors for the period 6th May 2016 – 8th June 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

OFFICER RECOMMENDATION

ITEM: 10.1.1

That payment listed as attachment 10.1.1. List of Accounts Due and Paid for the 6th May 2016 – 8th June 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>022432-022436</i>
<i>Municipal cheques:</i>	<i>27974 - 27976</i>
<i>Municipal EFT’s:</i>	<i>9096- 9191</i>
<i>Trust Cheques:</i>	<i>Nil</i>
<i>Payroll direct debits:</i>	<i>#24 - #25</i>
<i>Municipal Direct Debits</i>	<i>31052016</i>

Totalling \$1,425,155.56 be approved and passed for payment.

10.1.2 FINANCIAL REPORTS TO 31st MAY 2016

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0075
Disclosure of Interest:	Nil
Date:	8 th June 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 31 May 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 2015 to 31 May 2016;
- Summary Rates Trial Balance Report as at 31 May 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

OFFICER RECOMMENDATION	ITEM: 10.1.2
<i>That Council receive the Statement of Financial Activity for the period 1st July 2015 to 31st May 2016; and other supplementary financial information as presented.</i>	

10.1.3 2016-2017 DIFFERENTIAL RATING

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0145
Disclosure of Interest:	Nil
Date:	8 th June 2016
Author:	Deputy Chief Executive Officer
Attachments:	Nil

BACKGROUND

Where infrastructure other than that required for the normal operations of a rural property is in place, Council has the opportunity to rate that section of the property using a Gross Rental Valuation rather than an Unimproved Valuation.

In June 2009 Council resolved to adopt differential rating to ensure that rating bases are not eroded due to differing methods and periods of revaluation, land usage and impact of operations on shire resources.

COMMENT

Due to increases in Councils operating costs, including but not limited to electricity and water, incremental wage increases and regulatory requirements associated with the valuation of road and infrastructure assets, the proposed rates are based on delivering a 1.15% increase in revenue raised from rates compared to the 2015/16 year.

The unimproved valuation roll (UV Rural) for rural properties supplied by the Valuer General's Office has seen a 6% increase in the total valuations for 2016/17.

During the visit by the WA Local Government Grants Commission in 2014 it was noted that the rate revenue from residential, commercial, industrial and the mining sector was less than the Commissions assessed capacity and that the rural sector was contributing more.

With the above two points in mind, and to achieve an overall 1.15% increase in rate revenue, it is proposed that Council increase the GRV "Rate in the \$" by 1.45% and reduce the "UV Rate in the \$" by 4.46%.

It is also recommended that the general minimum rate be increased by 1.34% from \$672 to \$681.00. This is to achieve the objective of containing the overall rate yield for agricultural rates to 1.45% and the town sites to 1.48%.

To comply with legislation (LGA 1995 Sect 6.35) Council will need to have a lower minimum rate for the rating category of GRV Rural compared to the rating categories of GRV town sites and GRV Mining and UV Rural.

It is also proposed to increase the minimum rates as follows:

Rating Category	From	To
GRV Rural	\$490.00	\$496.50
GRV Townsites & Mining	\$672.00	\$681.00
UV Rural	\$672.00	\$681.00

The budget will also contain the following capital works:

Project	Budget
Re-sheeting 17 km - Brand Mudge Rd	\$377,500
Re-sheeting 2 km - Winchester West Rd	\$51,587
Widen & seal sections - Eneabba Coolimba Rd	\$600,000
Widen & seal sections - Bunjil Carnamah Rd	\$169,000
Top seal over previous seal 13.1 km - Carnamah Eneabba Rd	\$393,000
Widen & seal 4.0 km - Carnamah Eneabba Rd	\$448,000
Flood damage repairs - Camac, Mitchell, Caron, Back Innering & Wellington Roads	\$2,244,855
Replace pool liner – Eneabba Pool	\$80,000
Completion of Carnamah Refuse Site - expansion & fencing	\$45,000
Completion of Eneabba Refuse Site - expansion & fencing	\$30,000
Replacement of Isuzu Tip truck CA 5018	\$100,000
Works Managers vehicles (2)	\$45,000
Staff & other houses	\$40,000

CONSULTATION

Chief Executive Officer
Manager Works and Services

STATUTORY ENVIRONMENT

Local Government Act 1995

6.28. Basis of rates

- (1) The Minister is to —
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.

- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and

- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
 - (a) an interim valuation is made under the *Valuation of Land Act 1978*;
 - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force,
 the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.
[Section 6.28 amended by No. 1 of 1998 s. 20.]

6.32. Rates and service charges

- (1) When adopting the annual budget, a local government —
 - (a) in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —
 - (i) uniformly; or
 - (ii) differentially;
 - (b) may impose* on rateable land within its district —
 - (i) a specified area rate; or
 - (ii) a minimum payment;
 and
 - (c) may impose* a service charge on land within its district.
 * *Absolute majority required.*
- (2) Where a local government resolves to impose a rate it is required to —
 - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
 - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
 - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and

- (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose* a new general rate, specified area rate or service charge.

** Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

[Section 6.32 amended by No. 55 of 2004 s. 690.]

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

[Section 6.33 amended by No. 38 of 2005 s. 15.]

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
 - (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6),
 on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
 - (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6),
 unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
 - (a) to land rated on gross rental value;
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

[Section 6.35 amended by No. 49 of 2004 s. 61.]

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;

- (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should the imposition of differential rates, the proposed rates in the \$, and the proposed minimums be accepted by Council it is anticipated to raise an additional \$21,300 in 2016/17

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION ITEM

Pursuant to Section 6.32 of the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended) Council imposes the following general rates for the 2016/17 year:

<i>Rating Category</i>	<i>Minimum Rate \$</i>	<i>Rate in\$ (c)</i>
<i>GRV Townsite</i>	<i>681.00</i>	<i>13.735</i>
<i>GRV Rural</i>	<i>496.50</i>	<i>13.735</i>
<i>GRV Mining</i>	<i>681.00</i>	<i>27.470</i>
<i>UV Rural &Mining</i>	<i>681.00</i>	<i>2.015</i>

10.1.4 SUNDRY DEBTOR – WRITE-OFF

Applicant:	N/A
Location / Address:	N/A
File Ref:	ADM0076
Disclosure of Interest:	Nil
Date:	31 st May 2016
Author:	Deputy Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends the writing off an outstanding debt of \$744.68.

BACKGROUND

The debt is as follows:

Debtor #	Date	Description	Amount
975	29/01/15	Cleaning charge	220.00
975	29/01/15	Rent	524.68

COMMENT

The debtor has left the district and her whereabouts is unknown. The debt has been in the hands of Council's debt collection agency, CS Legal, since last December.

CS Legal conducted a skip trace in January 2016 and reported that Debtor Number #975 is unlikely to be located and the debt is unlikely to be recovered.

Given the above information it is recommended that Council write off the debt, however if the whereabouts of the debtor is discovered at some time in the future, legal action will be instigated for the recovery of the debt.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or

- (c) write off any amount of money, which is owed to the local government.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Writing off the debt would have a negligible impact on Council financial position.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION ITEM			
<i>That in accordance with Section 6.12 (c) of the Local Government Act 1995 Council write off the following debt:</i>			
<i>Debtor #</i>	<i>Date</i>	<i>Description</i>	<i>Amount</i>
975	29/01/15	Rent and cleaning charges	744.68

10.2. ADMINISTRATION REPORTS

10.2.1 *P.O.W.E.R* ENEABBA – RESPONSE TO THE UPPER HOUSE INQUIRY INTO FRACKING IN WA

Applicant:	<i>P.O.W.E.R</i> Eneabba
Location / Address:	N/A
File Ref:	ADM0175
Disclosure of Interest:	Nil
Date:	2 nd June 2016
Author:	Chief Executive Officer
Attachments:	10.2.1 <i>P.O.W.E.R</i> Eneabba Group Submission

SUMMARY

This report that recommends that Council receive the paper entitled *Initial Response to the Upper House Inquiry into Fracking in WA*, prepared and submitted by the *P.O.W.E.R* Eneabba Group.

BACKGROUND

In November 2015, the Standing Committee on Environment and Public Affairs presented a report on the *Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas*.

The *P.O.W.E.R* Eneabba group has prepared a submission which is attached to this report.

COMMENT

The CEO spoke with the author of the submission, Mr Ray Hortin and it was agreed that this should be circulated to Council for information and to also enable other interested members of the community to be made aware of the concerns raised in the paper. Mr Hortin advised that the submission has been forwarded to several Parliamentary representatives as well.

CONSULTATION

Mr Ray Hortin – Chairman *P.O.W.E.R* Eneabba group.

STATUTORY ENVIRONMENT

The Community Statement adopted by Council in 2015 on *Unconventional Gas Developments Likely to Require Hydraulic Fracture Stimulation (Fracking) Technology*, committed Council to (amongst other things) provide information and resources to communities and landholders.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENT

Nil

OFFICER RECOMMENDATION

ITEM: 10.2.1

That Council receive the paper titled “Initial Response to the Upper House Inquiry into Fracking in WA” prepared and submitted by the P.O.W.E.R Eneabba group.

10.3 CONFIDENTIAL REPORTS

11. ORDERING THE COMMON SEAL

12. REPORTS OF COMMITTEES AND MEMBERS.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.

14. NOTICE OF MOTIONS.

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

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

16. CLOSURE OF MEETING.