

12 February 2021



## NOTICE OF MEETING

Dear Councillor,

The next Ordinary Meeting of Council will be held at 4pm on Wednesday, 17 February 2021.

The attached Agenda is presented for your consideration.

A handwritten signature in black ink, appearing to read "Vin Fordham Lamont".

**Vin Fordham Lamont**  
**CHIEF EXECUTIVE OFFICER**

### Please Note

If an Elected Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



## AGENDA ORDINARY COUNCIL MEETING 17 FEBRUARY 2021

### ATTENTION/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.

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## ORDINARY COUNCIL MEETING

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### 1.0 DECLARATION OF OPENING

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#### Acknowledgment of Country

The Shire of Carnamah would like to acknowledge the traditional custodians of this land, and pay its respect to local Aboriginal Elders, both past and present.

We also reflect on the spirit of the pioneers who settled this country and developed the land, and the service personnel whose sacrifices have enabled us to enjoy the lifestyle we have become accustomed to.

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### 2.0 RECORD OF ATTENDANCE

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#### 2.1 Present

#### 2.2 Apologies

#### 2.3 Leave of Absence (Previously Approved)

- Cr Bowman and Cr Chisholm

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### 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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Nil

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### 4.0 PUBLIC QUESTION TIME

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15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council. Questions must be submitted electronically in writing prior to the meeting.

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### 5.0 APPLICATION FOR LEAVE OF ABSENCE

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### 6.0 DISCLOSURE OF INTEREST

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#### 6.1 Declaration of Financial Interest and Proximity Interests

#### 6.2 Declaration of Interest Affecting Impartiality

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### 7.0 PETITIONS AND DEPUTATIONS

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Petitions and Deputations must be submitted electronically in writing prior to the meeting.

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### 8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

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## 9.0 CONFIRMATION OF MINUTES

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### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on Wednesday 16 December 2020 be accepted as a true and correct record.


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**10.0 MANAGEMENT REPORT**

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**10.1 FINANCE REPORTS****10.1.1 ACCOUNTS FOR PAYMENT**

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<b>File Code</b>	ADM0076
<b>Author</b>	Deputy Chief Executive Officer – Ian Walsh
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Cheque & EFT Listing 

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**SUMMARY**

Council to confirm the payment of creditors for the period 7 December 2020 to 3 February 2021, in accordance with the 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;

Section 13 Lists of accounts; and

Section 15 Rounding off figures

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

## VOTING REQUIREMENT

\_Simple Majority

### RECOMMENDATION

That payment listed as Attachment 10.1.1. List of Accounts Due and Paid for the period 7 December 2020 to 3 February 2021; and paid by the Chief Executive Officer under delegated authority of Council, or by the Deputy Chief Executive Officer (in the Chief Executive Officer's absence) as delegated by the Chief Executive Officer including:


Municipal cheques	28199 – 28211
Manual municipal cheque	22654
Municipal EFT's:	14024 – 14162
Payroll direct debits:	#14 - #17
Municipal direct debits:	301120 & 310121

Totalling \$ 1,511,997.09 be approved and passed for payment.



## 10.1.2 FINANCIAL REPORTS TO 31 DECEMBER 2020

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<b>File Code</b>	ADM0076
<b>Author</b>	Deputy Chief Executive Officer – Ian Walsh
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Monthly Statement of Financial Activity December 2020 

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### 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 reports for the period 1 July 2020 to 31 December 2020 (Attachment 10.1.2(a)) have 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 2020 to 31 December 2020;
- Summary Rates Trial Balance Report as at 31 December 2020;
- Cash and Investment Listing;
- Debtors Listing; and
- Other Supplementary Information.

The Australian Accounting Standard Board (AASB) have recently released the following standards:

- a) AASB 16 – Leases
- b) AASB 1058 Income of Not-for-Profit Entities
- c) AASB 15 Revenue from Contractors and Customers

The first two have no real impact on the Shire of Carnamah.

The main objective of AASB 15 is to provide clarity about the nature, amount and timing of contracts and the accounting treatment of funds received.

All funds received prior to the funding obligations being met are to be classified as a Current Liability. Once the obligations associated with the funding is to be recorded as revenue.

### 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

**RECOMMENDATION**

That Council receives the Statement of Financial Activities for the period 1 July 2020 to 31 December 2020 and other supplementary financial information as presented.

### 10.1.3 FINANCIAL REPORTS TO 31 JANUARY 2021

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<b>File Code</b>	ADM0076
<b>Author</b>	Deputy Chief Executive Officer – Ian Walsh
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Monthly Statement of Financial Activity January 2021 

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#### **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 reports for the period 1 July 2020 to 31 January 2021 (Attachment 10.1.3(a)) have 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 2020 to 31 January 2021;
- Summary Rates Trial Balance Report as at 31 January 2021;
- Cash and Investment Listing;
- Debtors Listing; and
- Other Supplementary Information.

The Australian Accounting Standard Board (AASB) have recently released the following standards:

- d) AASB 16 – Leases
- e) AASB 1058 Income of Not-for-Profit Entities
- f) AASB 15 Revenue from Contractors and Customers

The first two have no real impact on the Shire of Carnamah.

The main objective of AASB 15 is to provide clarity about the nature, amount and timing of contracts and the accounting treatment of funds received.

All funds received prior to the funding obligations being met are to be classified as a Current Liability. Once the obligations associated with the funding is to be recorded as revenue.

#### **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

**RECOMMENDATION**

That Council receives the Statement of Financial Activities for the period 1 July 2020 to 31 January 2021 and other supplementary financial information as presented.

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## 10.2 ADMINISTRATION REPORTS

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### 10.2.1 SHIRE OF CARNAMAH PLAN ASSET MANAGEMENT PLAN (AMP) 2020/2021-2029/2030

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<b>File Code</b>	ADM0557
<b>Author</b>	Chief Executive Officer - Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Fleet, Equipment & IT AMP – Parts 1 & 2 ⇒ 2. Property AMP – Parts 1 & 2 ⇨ 3. Recreation AMP – Parts 1 & 2 ⇨ 4. Transport AMP – Parts 1 & 2 ⇨

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#### SUMMARY

Council to consider endorsing the attached asset management plans.

#### BACKGROUND

The effective management of assets is crucial to the sustainable delivery of local government services. Assets need to serve the needs of the community, in alignment with the Strategic Community Plan and the Corporate Business Plan. Local governments hold a large portfolio of long-lived assets, so it is critical to plan and prioritise the maintenance, renewal and replacement of existing assets and the acquisition of new assets. This requires a long-term “whole of life” view of asset management.

Furthermore, it is only through robust asset planning and costings that different options for the future can be explored with the community. For example, it is natural for communities to desire new facilities and oppose asset retirements, but with an understanding of the long term costs of the existing asset base plus potential changes, they are able to engage meaningfully with the choices.

Asset Management Plans are therefore a key part of the IPR Framework, both as a core informing strategy and as a tool for effective implementation.

Asset Management Plans define levels of service, the processes local governments use to manage each of their asset classes, demand and financial projections and an asset management improvement plan.

An Asset Management Plan is required for each asset class.

#### COMMENT

The Shire’s most recent asset management plans were completed in 2013. This was not long after the Integrated Planning & Reporting Framework was introduced by the Department of Local

Government. There has been significant improvement, since that time, in the quality of local government asset management, and the corresponding plans.

In 2020/2021, the Shire has, or will, update its Workforce Plan, Long Term Financial Plan, Strategic Community Plan and Corporate Business Plan. It is, therefore, appropriate that its Asset Management Plans be updated at the same time.

## **CONSULTATION**

Ben Symmons – Asset Infrastructure Management

## **STATUTORY ENVIRONMENT**

Department of Local Government, Sport and Cultural Industries  
Integrated Planning and Reporting – Framework and Guidelines

## **STRATEGIC IMPLICATIONS**

Shire of Carnamah Strategic Community Plan 2012-2022

Theme: Civic Leadership

Objective: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community.

Strategy: To responsibly manage Council's financial resources to ensure optimum value for money and sustainable asset management.

## **POLICY IMPLICATIONS**

Policy 8.13 Asset Management

## **FINANCIAL IMPLICATIONS**

Nil. Actions stemming from the Shire's Asset Management Plans will be funded in terms of the Long Term Financial Plan.

## **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council endorses the attached asset management plans.

## 10.2.2 NEW POLICY– 2.19, DISPOSAL OF PROPERTY

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<b>File Code</b>	ADM0072
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Draft Policy 2.19 – Disposal of Property ⇨

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### SUMMARY

Council is requested to consider including the attached draft Policy 2.19 Disposal of Property in its Policy Manual.

### BACKGROUND

The CEO has become aware that Council does not have a current Disposal of Property policy. At the same time, it has become apparent that there is not a lot of corporate knowledge held within the current Shire administrative team.

It is appropriate, therefore, to provide direction to officers and information to elected members in relation to the protocols for disposing of Council property.

### COMMENT

The CEO sourced similar existing policies from six local governments of varying sizes and customised the information to suit the Shire of Carnamah. The new policy does not reproduce information found in the relevant legislation, but seeks to synthesize that information into a simple reference documents for officers.

### CONSULTATION

WALGA Governance Unit

### STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.58 Disposing of property

Local Government (Functions and General) Regulations 1996

Regulation 30 Dispositions of property excluded from Act s. 3.58

### STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objectives: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community.

**POLICY IMPLICATIONS**

New policy will be added to Policy Manual.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council endorses the attached Draft Policy 2.19 – Disposal of Property and approves its inclusion in the Shire of Carnamah Policy Manual.



## 10.2.3 NEW POLICY 1.10, STAFF ALLOWANCES

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<b>File Code</b>	ADM0072
<b>Author</b>	A/Executive Coordinator - Chloe Burman
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Draft Policy 1.10 - Staff Allowances ⇨ 2. Council Minute OCM 20200505 and attachment ⇨

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### SUMMARY

Council is requested to consider including the attached draft Policy 1.10 Staff Allowances (Daily Accommodation, Meal and Expenses Allowance) in its Policy Manual.

### BACKGROUND

At its Ordinary Council meeting on 20 May 2020 (OCM 20200505) Council resolved to remove Policy 1.5 Councillor and Staff Allowances (Daily Accommodation, Meal and Expenses Allowance) from the Shire of Carnamah Policy Manual and endorse Policy 1.4 Attendance at Events in its place. Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy for elected members.

Policy 1.4 Attendance at Events is applicable to Elected Members and the Chief Executive Officer only.

### COMMENT

There is no current policy in the Shire of Carnamah Policy Manual for Staff Allowances (Daily Accommodation, Meal and Expenses Allowance). Should a staff member be required to attend a course, conference or workshop, there is nothing to instruct staff in regards to their daily allowance for accommodation, meals and any other expenses that may be incurred.

It is recommended that the draft policy, as attached, be included in the policy manual.

### CONSULTATION

Chief Executive Officer

Deputy Chief Executive Officer

### STATUTORY ENVIRONMENT

Local Government Act 1995

s2.7(2)(b) Role of council

s5.90A Policy for attendance at events

Shire of Carnamah Policy Manual

### STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community.

### **POLICY IMPLICATIONS**

Policy 1.10 Staff Allowances (Daily Accommodation, Meal and Expenses Allowance) is proposed to be added to Council's Policy Manual.

### **FINANCIAL IMPLICATIONS**

Nil

### **VOTING REQUIREMENT**


Simple Majority

### **RECOMMENDATION**

That Council endorses the attached Draft Policy 1.10 and approves its inclusion in the Shire of Carnamah Policy Manual.

## 10.2.4 REVIEW OF POLICY 2.12 – PROCESS OF DEALING WITH TENDERS

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<b>File Code</b>	ADM0072
<b>Author</b>	A/Executive Coordinator - Chloe Burman
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Policy 2.12 with track changes 

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### SUMMARY

Council is requested to endorse the changes to Policy 2.12 - Process for Dealing with Tenders, as per the track changes in the attachment.

### BACKGROUND

The CEO has become aware that current Policy 2.12 -Process of Dealing with Tenders is inadequate. The current policy does not instruct officers on the process of dealing with tenders and any possible variations that could occur.

### COMMENT

The A/Executive Coordinator sourced an existing policy from another local government, and customised the information to suit the Shire of Carnamah.

### CONSULTATION

CEO

A/Executive Coordinator

### STATUTORY ENVIRONMENT

*Local Government (Functions and General) Regulations 1996*

Part 4, Provision of Goods and Services

### STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objectives: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community.

### POLICY IMPLICATIONS

Policy 2.12 – Process for Dealing with Tenders

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENT

Simple Majority

**RECOMMENDATION**

That Council endorses the changes to Policy 2.12 – Process for Dealing with Tenders, as per the track changes in the attached document.

## 10.2.5 REVIEW OF SHIRE OF CARNAMAH POLICIES 1.8 AND 2.6.

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<b>File Code</b>	ADM0072
<b>Author</b>	A/Executive Coordinator - Chloe Burman
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Policy 1.8 – Citizen of the Year Awards ⇨ 2. Policy 2.6 – Shire of Carnamah Common Seal ⇨

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### SUMMARY

Council is requested to endorse the changes to the policies listed below as per the track changes in the attachments.

1. Policy 1.8 – Citizen of the Year Awards (as per track changes)
2. Policy 2.6 – Shire of Carnamah Common Seal (as per track changes)

### BACKGROUND

Nil

### COMMENT

Amendments to Policy 1.8 – Citizen of the Year Awards were made in consultation with the Shire President and Chief Executive Officer, as per point 3 of the recommendation made at the Ordinary Council Meeting on 16 December 2020:

### **OCM020201210 COUNCIL DECISION**

### **RECOMMENDATION**

*That Council, in it's entirety;*

1. *Assess the nominations received against the criteria contained within the Assessment Matrix;*
2. *Decide to give an award or not to give an award for one or both categories;*
3. *Authorise the CEO to review the policy, with Council input, for the 2022 Citizen of the Year Awards and present to the earliest Ordinary Council meeting for adoption.*

*Moved: Cr Risinger  
Seconded: Cr Kikeros*

**CARRIED 6/0**

The amendments to Policy 2.6 – Shire of Carnamah Common Seal Policy table were made to allow:

1. The Chief Executive Officer to sign contracts and legal instruments where there are time considerations, and operational procedures have been followed.
2. The Chief Executive Officer to sign off on Leases and Licences on Council land where they are not registered on the certificate of title. Again, this is to avoid delays in the process.

### CONSULTATION

Chief Executive Officer

Shire President – for Policy 1.8, Citizen of the Year Awards

WALGA

**STATUTORY ENVIRONMENT**

As contained in each policy.

**STRATEGIC IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

1. Policy 1.8 – Citizen of the Year Awards
2. Policy 2.6 – Shire of Carnamah Common Seal

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple majority.

**RECOMMENDATION**

That Council endorse the changes to Policy 1.8 – Citizen of the Year Awards and Policy 2.6 – Shire of Carnamah Common Seal as per the track changes in the attachments.

## 10.2.6 RE-BRANDING PROJECT – SELECTION OF CONCEPT

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<b>File Code</b>	ADM0707
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Various designs based on the “key” concept ⇨ 2. Historical Advertisement – Farm Land for Sale at Winchester ⇨

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### SUMMARY

Council is requested to approve a final concept for the Shire re-branding project. The specific design will be discussed and determined at a later date.

### BACKGROUND

One of the main issues facing the Shire of Carnamah is the population drain away from the district. This decrease has been continuous over many years. Once a population gets below a particular level, businesses start closing down, school numbers drop, sporting and community groups fold, and once thriving communities turn into empty shells.

We obviously need to bring people to our district. Business proprietors, workers, visitors. Having a strong and unique brand is particularly useful in attracting businesses and tourists. It shows potential investors that we are an innovative and proactive local government. A successful combination of logo and tagline looks professional and, more importantly, is appealing to the public.

Our existing logo is dated and has many elements which make it very cluttered. There is also no tagline to promote our brand. We need the Shire of Carnamah to stand out from its neighbours. The brand must reflect our uniqueness, our future and our past. We want Carnamah and Eneabba to be sustainable for many years to come, which is a fine goal for any local government to have.

The benefits of this project may not be tangible or immediately felt. It is worth considering, however, that our neighbouring local governments are not sitting on their hands but are also closely examining how they can attract people to their districts.

Most of the services/facilities the Shire provides are run at a loss: two swimming pools, a doctor, town hall, recreation facilities, roads, libraries, etc. Fees and charges relating to these services/facilities make up a minute percentage of the Shire’s revenue each year, but we provide those services/facilities anyway. The re-branding project, like these services/facilities, may run at a loss (not produce a tangible benefit) but, in investment terms, sometimes an entity has to “speculate to accumulate” (or, in this case, speculate to survive and prosper).

At Council’s May 2020 briefing session, it supported a project to re-brand the Shire. The project was subsequently included in Council’s 2020/2021 annual budget.

Once that decision was made, a consultant was appointed and we engaged with the community through public workshops at both Carnamah and Eneabba. This was to give community members the opportunity to have some input into the new branding. Feedback from attendees was that they were very glad they attended because, even though some were unsure when they arrived, they left with a good understanding of why the Shire was undertaking the project. Some really good feedback was provided by those people who attended. The only disappointment was that more people did not choose to attend the workshops.

## **COMMENT**

Castledine and Castledine, the selected consultants, initially created four concepts for consideration at the public workshops:

- Floral Emblems;
- Yarra Yarra Lakes;
- The Name is the Hero; and
- Everlastings & the Sun.

Whilst there was some support for each of these concepts, there was no unanimous “winner”.

A number of Councillors then suggested a new concept involving a key and the tagline of “Unlocking the past, securing our future”. It had been noticed that a map of the shire resembles a key in shape, and the tagline was suggested shortly thereafter. This concept was also consistent with farm land for sale advertising from around 1910. Midland Railway WA used the slogan “Unlocking the Land” to entice interest in land at Winchester.

This concept encapsulates both the history of the district, as well as the willingness to innovate and change as necessary to ensure its sustainability long into the future. At this stage, a final design has not been determined, but Council is requested to approve the overriding “key” concept.

## **CONSULTATION**

Public workshops were held in Eneabba and Carnamah to consider the initial concepts.

## **STATUTORY ENVIRONMENT**

Nil

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objective: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation’s assets and financial resources, • is a strong advocate for the community.

Theme: Economic

Objective: To retain existing industries and encourage the establishment of new industries to broaden the district’s economic base and develop and maintain an efficient road transport system.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Consultancy fees for this project have been allocated in the 2020-2021 annual budget.

## **VOTING REQUIREMENT**

Simple Majority



**RECOMMENDATION**

That Council approves the “key” concept for the Shire re-branding project as discussed in the item above, and the development and refinement of a final specific design, incorporating a logo and tagline.

## 10.2.7 PROPOSED WINCHESTER PUBLIC CEMETERY AMENDMENT LOCAL LAW

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<b>File Code</b>	ADM0540
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Proposed Winchester Public Cemetery Amendment Local Law ⇨

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### SUMMARY

A review of the Shire's local laws was recently undertaken. There is a minor change needed to the Cemeteries Local Law to ensure it does not conflict with Commonwealth legislation.

### BACKGROUND

The *Winchester Public Cemetery Local Law 2013* was published in the Government Gazette on 6 May 2013.

### COMMENT

A minor change relating to allowing 'assistance animals' into the cemetery grounds as provided for in Commonwealth legislation is proposed. Clause 8.1 of the current local law allows guide dogs only into the cemetery grounds.

Section 9(2) of the *Disability Discrimination Act 1992 (Cth)* provides that persons with a disability may be accompanied by an assistance animal when going about their day to day business. This would include visits to the cemetery.

In the event of any inconsistency, Commonwealth and State legislation overrides local laws anyway but amending this clause removes the possibility of confusion. A proposed Winchester Public Cemetery Amendment local law is attached which is self explanatory.

### CONSULTATION

Section 54 of the Cemeteries Act 1986 provides that a local government may make or amend local laws about cemeteries, using the process set out in section 3.12(3) of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the amendment local law is:

#### Purpose

To amend the *Winchester Cemetery Local Law 2013* to ensure provisions relating to assistance animals are consistent with disability discrimination legislation.

#### Effect

The local law is amended.

A copy of the proposed Amendment Local Law is also to be sent to the Minister for Local Government.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

## **STATUTORY ENVIRONMENT**

Section 54 of the Cemeteries Act 1986 provides that a local government may make or amend local laws about cemeteries, using the process set out in section 3.12(3) of the Local Government Act 1995.

## **STRATEGIC IMPLICATIONS**

Nil.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, advertisement, consideration of feedback and Gazettal of the proposed Amendment Local Law.

## **VOTING REQUIREMENT**

Normal.

### **RECOMMENDATION**

That Council

1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice be given stating that:
  - a. It is proposed to make a Winchester Public Cemetery Amendment Local Law, and a summary of its purpose and effect;
  - b. Copies of the proposed local law may be inspected at the Shire offices;
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
3. In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
4. The results of the public consultation be presented to Council for consideration of any submissions received.

## 10.2.8 PROPOSED MEETING PROCEDURES AMENDMENT LOCAL LAW

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<b>File Code</b>	ADM0543
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Proposed Meeting Procedures Amendment Local Law ⇨

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### SUMMARY

A review of the Shire's local laws was recently undertaken. A minor change to the Standing Orders Local Law will assist in its application.

### BACKGROUND

The *Shire of Carnamah Standing Orders Local Law 2013* was published in the Government Gazette on 6 May 2013.

### COMMENT

This local law:

- Is better titled 'meeting procedures'; and
- Sets out an Order of Business that could be amended to reflect generic matters in employee titles – it presently reads:

#### 10. Management Reports

- 10.1 Manager Regulatory Services
- 10.2 Works Administration Report
- 10.3 Finance Reports
- 10.4 Administration Reports
- 10.5 Confidential Reports

It would be preferable to amend this to simply 'reports of the CEO' to reflect that while employee titles may change, the CEO is responsible for management supervision of all Shire employees and their activity and reporting this to Council.

### CONSULTATION

A local government may make or amend local laws using the process set out in section 3.12(3) of the Local Government Act 1995.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the amendment local law is:

#### Purpose

To amend the title of the Shire of Carnamah Standing Orders Local Law 2013, and the order of business at council meetings.

#### Effect

The local law is amended.

A copy of the proposed Amendment Local Law is also to be sent to the Minister for Local Government. The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

### **STATUTORY ENVIRONMENT**

A local government may make or amend local laws using the process set out in section 3.12(3) of the Local Government Act 1995.

### **STRATEGIC IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, advertisement, consideration of feedback and Gazettal of the proposed Amendment Local Law.

### **VOTING REQUIREMENT**

Normal.

### **RECOMMENDATION**

That Council

1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice to be given stating that:
  - a. It is proposed to make a Meeting Procedures Amendment Local Law, and a summary of its purpose and effect;
  - b. Copies of the proposed local law may be inspected at the Shire offices;
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
3. In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
4. The results of the public consultation be presented to Council for consideration of any submissions received.

## 10.2.9 PROPOSED AMENDMENT - FENCING LOCAL LAW

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<b>File Code</b>	ADM0545
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. Proposed Fencing Amendment Local Law ⇨ 2. Existing Fencing Local Law ⇨

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### SUMMARY

A review of the Shire's local laws was recently undertaken. There is a minor change needed to the Fencing Local Law to correct a mistake from the original Gazettal.

### BACKGROUND

The Shire of Canamah Fencing Local Law 2013 was published in the Government gazette on 6 May 2013. It was made by reference (ie adopting another local government's local law, with changes to suit the Shire) to the Shire of East Pilbara Fencing Local Law 2011 .

### COMMENT

There was a mistake in the original gazettal of the Shire of East Pilbara's Fencing Local Law which has only recently come to light and which was not corrected when the Shire of Carnamah adopted East Pilbara's by reference either.

The Schedules to the local law set out the requirements for a fence to be a 'sufficient fence' depending on land use. In particular, Schedule 2 sets out the requirements for fencing on a residential lot, and in three places refers to a 'clause 7' which does not exist.

It should be 'clause 2.1(7)' which provides for the Shire to exercise discretion if considering giving approval for a minimum height for a fence. This subclause reads as follows:

*(7) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800mm in height unless the approval of the local government has been obtained for such a fence.*

While this provision has been in place for some years without any issues being apparent, the reference to the incorrect subclause should be corrected. This can be done via a simple amendment local law.

A proposed Shire of Carnamah Fencing Amendment local law is attached which is self explanatory.

### CONSULTATION

Section 3.12(3) of the Local Government Act 1995 requires a local government to give local public notice stating that it proposes to make a local law or an amendment to an existing local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

This section of the Act requires the person presiding at a Council meeting to give notice of the purpose and effect of the proposed local law by ensuring that the purpose and effect is included in the agenda for the meeting, and that the minutes of the meeting include the purpose and effect of the proposed local law:

**Purpose:**

The purpose of this local law is to amend the *Shire of Carnamah Fencing Local Law 2013* to correct a incorrect reference to a clause in Schedule 2 of the local law.

**Effect:**

The *Shire of Carnamah Fencing Local Law 2013* is amended.

A copy of the proposed Amendment Local Law is also to be sent to the Minister for Local Government, and the Minister for Commerce who is responsible for the Dividing Fences Act.

The results of the community consultation and feedback from the Ministers are to be considered by Council before it makes the local law.

**STATUTORY ENVIRONMENT**

A local government may make or amend local laws about fencing using the process set out in section 3.12(3) of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS**

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership

Objectives: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, advertisement, consideration of feedback and Gazettal of the proposed Amendment Local Law. These were included in the Shire's 2020-2021 Annual Budget.

**VOTING REQUIREMENT**

Absolute majority

## RECOMMENDATION

That Council

1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice be given stating that:
  - a. It is proposed to make a Shire of Carnamah Fencing Amendment Local Law, and a summary of its purpose and effect;
  - b. Copies of the proposed local law may be inspected at the Shire offices;
  - c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Ministers for Local Government and Commerce;
3. In accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it; and
4. The results of the public consultation be presented to Council for consideration of any submissions received.



## 10.2.10 APPOINTMENT OF COMPLAINTS OFFICER AND COMPLAINT FORM TEMPLATE - MODEL CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

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<b>File Code</b>	ADM
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Complaint About Alleged Breach form ⇨</li><li>2. Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates – Department of Local Government, Sport and Cultural Industries ⇨</li><li>3. Local Government (Model Code of Conduct) Regulations 2021 ⇨</li></ol>

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### SUMMARY

Council is requested to consider:

1. Authorising an officer for the purposes of receiving complaints and withdrawals of complaints, in accordance with cl. 11(3) Local Government (Model Code of Conduct) Regulations 2021 (see Attachment 3); and
2. Approving a complaint form in accordance with cl. 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021 (see Attachments 1 and 3).

### BACKGROUND

The Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (collectively the New Regulations) were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. New sections of the Local Government Act 1995 (the Act) that provided for the New Regulations were proclaimed concurrently and are also now in effect.

The Model Code of Conduct repeals and replaces the Local Government (Rules of Conduct) Regulations 2007. In addition to redrafted versions of the previous Rules of Conduct, the Model Code of Conduct includes general principles and behaviours. Complaints of alleged breaches of behavioural requirements must be dealt with by the Local Government. WALGA has strongly advocated against this element of the Model Code of Conduct, and will continue to call on DLGSC to ensure the sector is adequately supported to implement this new process. Local Governments will be required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct within three months, in accordance with the new s.5.104 of the Act. Until that time, the Model Code of Conduct will be taken to be the Local Government's adopted Code of Conduct.

### COMMENT

The Department of Local Government, Sport and Cultural Industries has instructed local governments to authorise a complaints officer and approve a complaint form as soon as possible. The author recommends himself, as CEO, to hold the appropriate position to fill the role of complaints officer. The author is satisfied with the format of the complaint form template provided by the Department.

As soon as practicable, the author will induct Council Members in the provisions of the new Model Code. Council will then be asked to adopt the new code and publish it on the Shire website.

## **CONSULTATION**

WALGA

## **STATUTORY ENVIRONMENT**

Local Government (Model Code of Conduct) Regulations 2021

Reg. 11 Complaint about alleged breach

## **STRATEGIC IMPLICATIONS**

Shire of Carnamah Strategic Community Plan 2017-2027

Theme: Civic Leadership:

Objective: To be a professional, customer focussed organisation, which • effectively engages (with) the community to determine strategic direction, • responsibly manages the organisation's assets and financial resources, • is a strong advocate for the community

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

That Council:

1. Authorises the Chief Executive Officer for the purposes of receiving complaints and withdrawals of complaints, in accordance with cl. 11(3) Local Government (Model Code of Conduct) Regulations 2021 (see Attachment 3);and
2. Approves a complaint form for the purposes of receiving complaints in accordance with cl. 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021 (see Attachments 1 and 3).

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## 10.3 CONFIDENTIAL REPORTS

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### PROCEDURAL MOTION

#### **RECOMMENDATION**

That the meeting be closed to the public to consider Confidential Item 10.3.1 of the Agenda as the item is considered confidential pursuant to s 5.23 (2)(c) of the Local Government Act 1995 due to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**10.3.1 CONFIDENTIAL: BIG TRACTOR TOURIST ATTRACTION PROJECT – AWARDING OF TENDER**

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<b>File Code</b>	ADM5074
<b>Author</b>	Chief Executive Officer – Vin Fordham Lamont
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Request for Tender Document</li><li>2. Tender Submission</li><li>3. Evaluation Report</li></ol>

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Confidential report tabled under separate cover.

**PROCEDURAL MOTION TO RE-OPEN THE MEETING**

**RECOMMENDATION**

That the meeting be re-opened to the public.

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## 11.0 ORDERING THE COMMON SEAL

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### 11.1 ORDERING OF THE COMMON SEAL – CONTRACT BETWEEN SHIRE OF CARNAMAH AND EXURBAN RURAL AND REGIONAL PLANNING

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<b>File Code</b>	ADM0174
<b>Author</b>	A/Executive Coordinator – Chloe Burman
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Nil

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#### **SUMMARY**

Council is required to grant approval to apply the Common Seal to the Contract between Shire of Carnamah and Exurban Rural and Regional Planning for the provision of Town Planning Services.

#### **BACKGROUND**

The establishment of a formal contract between Shire of Carnamah and Exurban Rural and Regional Planning for the provision of Town Planning Services is part of the ongoing process of formalising existing informal arrangements.

#### **OFFICER COMMENT**

Nil

#### **STATUTORY ENVIRONMENT**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Policy 2.6 Shire of Carnamah Common Seal

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council endorses the use of the Common Seal to the Contract between Shire of Carnamah, and Exurban Rural and Regional Planning for the provision of Town Planning Services.

## 11.2 ORDERING OF THE COMMON SEAL - LEASE BETWEEN HAL WALTON NOMINEES PTY LTD AND SHIRE OF CARNAMAH

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<b>File Code</b>	ADM5074
<b>Author</b>	Chloe Burman, Executive Coordinator
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Nil

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### **SUMMARY**

Council is required to grant approval to apply the Common Seal to the Lease between Shire of Carnamah and Hal Walton Nominees Pty Ltd.

### **BACKGROUND**

Nil

### **OFFICER COMMENT**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Policy 2.6 Shire of Carnamah Common Seal

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council endorses the use of the Common Seal to the Lease between Shire of Carnamah, and Hal Walton Nominees Pty Ltd.

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**12.0 REPORTS OF COMMITTEES AND MEMBERS**

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Nil

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**13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil

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**14.0 NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)**

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**15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

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**16.0 CLOSURE OF MEETING**

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