



16 June 2023

NOTICE OF MEETING

Dear Councillor,

The next Ordinary Meeting of Council will be held at 4pm on Wednesday, 21 June 2023 in the Council Chamber located at 33-37 Macpherson Street Carnamah.

The attached Agenda is presented for your consideration.

Robert Paull

Robert Paull
Chief Executive Officer



Unlocking the past, securing our future

We reflect on the spirit of the people who settled this country and developed the land; along with the service personnel and volunteers whose sacrifices have enabled us to enjoy the lifestyle we are accustomed.

AGENDA
ORDINARY COUNCIL MEETING
21 JUNE 2023

DISCLAIMER

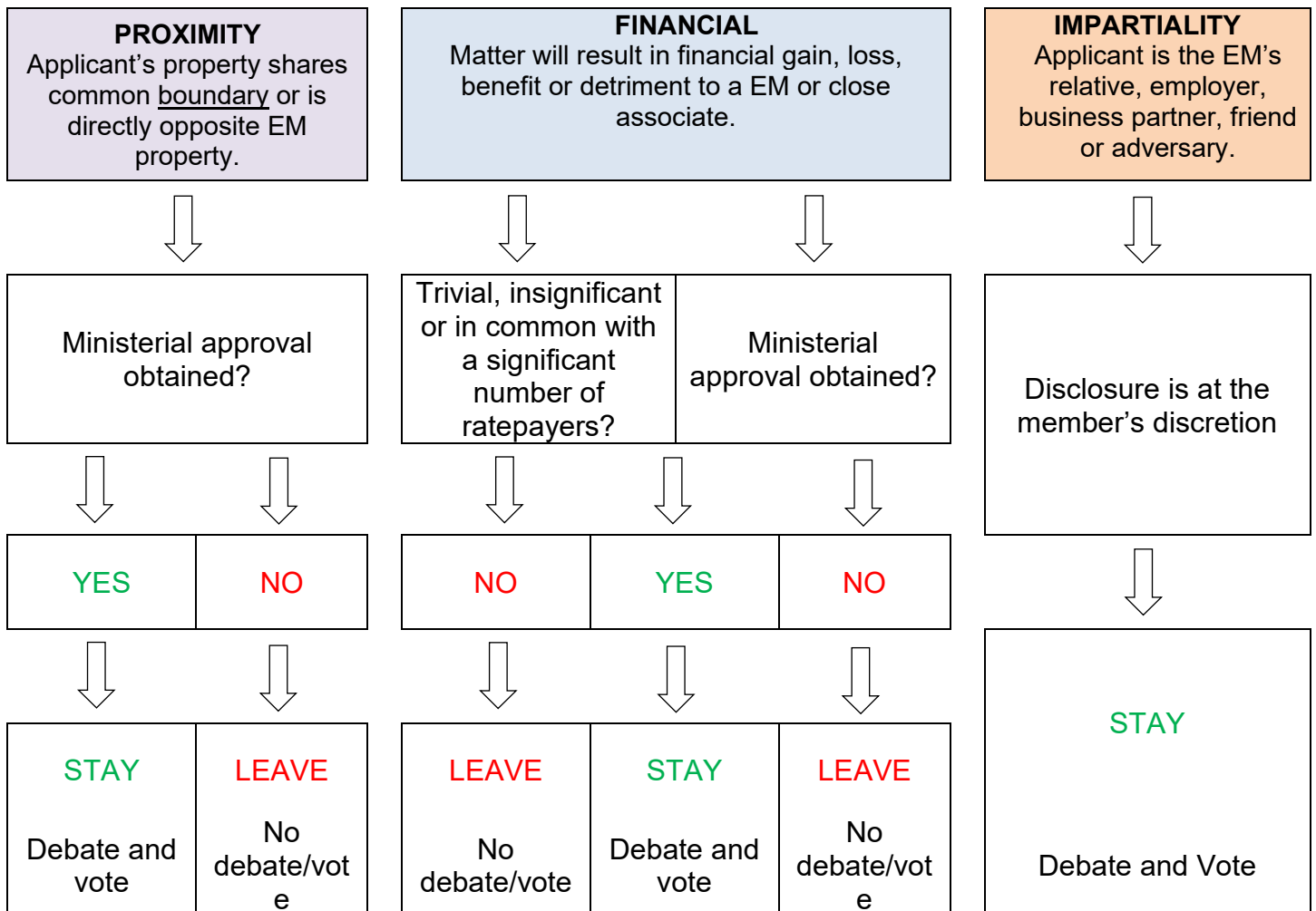
No responsibility is implied or accepted by Shire of Carnamah for any act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

Shire of Carnamah advises that anyone who has any application lodged with 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 Shire of Carnamah in respect of the application.

Disclosure of Interests at Meetings

The Act places specific obligations on **elected members of council, local government employees** and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally, those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the verbal disclosure of financial interests at council and council committee meetings.

- **Financial interest:** a financial interest is where it is reasonable to expect that a matter being considered will result in a financial gain, loss, benefit or detriment for the person declaring the interest.
- **Proximity interest:** a proximity interest in a matter is where the matter being considered involves redevelopment or other changes of use of land that adjoins or has a common boundary or is directly across a thoroughfare to any land belonging to the person making the declaration of interest.
- **Indirect financial interest:** an indirect interest is where a matter being considered by the local government relates to another person with which the person making the declaration has a financial relationship.
- **Impartiality interest:** An impartiality interest is where there is an actual or perceived relationship that could adversely affect the impartiality of the person making the decision, and includes family, friends or membership of an association (*Local Government (Administration) Regulations 1996 reg 34C*).



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ORDINARY COUNCIL MEETING
Wednesday, 21 June 2023

1.0 DECLARATION OF OPENING

1.1 OPENING

Acknowledgement of Country

The President acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community; and pays respect to Elders past, present and emerging.

2.0 RECORD OF ATTENDANCE

2.1 TABLE OF COUNCILLOR ATTENDANCE OVER THE LAST 12 MONTHS

| 2022/23 | Cr Isbister | Cr Woollorton | Cr Counsel | Cr Bowman | Cr Kikeros | Cr Chisholm | Cr Risinger |
|-------------|-------------|---------------|------------|-----------|------------|-------------|-------------|
| 03 - 22 SCM | | | | | | | |
| 04 - 22 OCM | | | | | | | |
| 05 - 22 OCM | | | | | | | |
| 06 - 22 OCM | | | | | | | |
| 07 - 22 OCM | | | | | | | |
| 08 - 22 OCM | | | | | | | |
| 08 - 22 SCM | | | | | | | |
| 09 - 22 OCM | | | | | | | |
| 10-22 OCM | | | | | | | |
| 11-22 OCM | | | | | | | |
| 12-22 OCM | | | | | | | |
| 02-23 OCM | | | | | | | |
| 03-23 OCM | | | | | | | |
| 04-23 OCM | | | | | | | |
| 05-23 OCM | | | | | | | |

Legend:

| | |
|------------------|--|
| Attended | |
| Leave of Absence | |
| Apology | |

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATION FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS**6.1.1 Chief Executive Officer, Robert Paull – Item 10.4.1**

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.4.1 Chief Executive Officer Performance Review 2022/23 - Engagement of Consultant due to the item addressing matters relating to his employment as CEO.

6.1.2 Chief Executive Officer, Robert Paull – Item 10.3.4

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.3.4 Chief Executive Authorisations and Reporting due to the item addressing matters relating to his employment as CEO.

6.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Nil

7.0 PETITIONS AND DEPUTATIONS

7.1 BRENDAN HAUSLER – UPDATE ON BIG TRACTOR**7.2 WENDY MILLS - LIVE SHEEP EXPORTS CESSATION**

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON

Nil

9.0 CONFIRMATION OF MINUTES

9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 17 MAY 2023**OFFICER RECOMMENDATION**

That the Minutes of the [Ordinary Meeting of Council](#) held on 17 May 2023 be accepted as a true and accurate record.

9.2 SHIRE OF CARNAMAH AUDIT COMMITTEE

Minutes to be provided to Council under separate cover after completion of the Committee.

10.0 REPORTS OF THE CEO

10.1 MANAGER REGULATORY SERVICES

Nil

10.2 WORKS ADMINISTRATION REPORTS

Nil

10.3 FINANCE REPORTS

10.3.1 Accounts for Payment

| | |
|-------------------------------|---|
| File Code | ADM0076 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Author | Rob Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachment | Cheque and EFT Listing |

SUMMARY

Council to confirm the payment of creditors for the period 8 May 2023 to 14 June 2023, 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

Chief Executive Officer
Executive Management Team

STATUTORY IMPLICATIONS

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.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Outcome 4 Open, collaborative and empowered

Priority 4.1 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Council has a suite of Financial Policies to achieve Council's overarching financial objectives.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Payments are not monitored against approved budget and delegation | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Minor | Moderate |
| Action / Strategy | | |
| The monthly list of payments provides an open and transparent record of payments made under the CEO's approved delegation | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to Accounts for Payment, Council approves the payments listed as Attachment 1 for the period 8 May 2023 to 14 June 2023, 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 cheque: 28331 – 28332

Municipal EFT's: 16356 – 16417

Payroll direct debits: # 95, 96

Municipal direct debit: 14331.1, 14328.1, 14300.1, 14334.1, 14326.1, 14314.1, 14333.1, 14359.1, 14340.1 & BANK FEE

Totalling \$ 844492.67 be approved and passed for payment.

10.3.2 Financial Reports to 31 May 2023

| | |
|-------------------------------|---|
| File Code | ADM0076 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Author | Rob Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachment | 1. Financial reports for May 2023 |

SUMMARY

Council is requested to receive the Financial Report for 31 May 2023 and other supplementary financial information.

BACKGROUND

The attached financial reports for the month of May 2023 (**Attachment 1**) have been prepared in accordance with the *Local Government (Financial Management) Regulations 1996*.

COMMENT

Included with this report is the following:

- Statement of Financial Activity for May 2023;
- Cash and Financial Assets Listing;
- Receivables;
- Other Current Assets;
- Payables;
- Disposal of Assets;
- Capital Acquisitions;
- Borrowings;
- Reserve Accounts;
- Other Current Liabilities; and
- Operating & Non Operating Grants.

CONSULTATION

Executive Management Team

STATUTORY ENVIRONMENT

Local Government Act 1995 (Act)

Local Government (Financial Management) Regulations 1996

Regulation 34 - Financial activity statement required each month (Act s.6.4)

(1A) *In this regulation —*

committed assets *means revenue unspent but set aside under the annual budget for a specific purpose.*

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

- (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity must be shown according to nature or type classification.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Outcome 4. Open, collaborative and empowered
Strategy 4.1 Improvement in efficient and effective service delivery

POLICY IMPLICATIONS

Council has a suite of Financial Policies to achieve Council's overarching financial objectives.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Financial performance is not monitored against approved budget | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Minor | Moderate |
| Action / Strategy | | |
| The monthly financial report tracks the Shire's actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire's financial performance throughout the financial year. | | |

FINANCIAL IMPLICATIONS

There are no known Financial Implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to Financial Reports to 31 May 2023, Council:

1. Receive the Monthly Financial Reports for May 2023 and other supplementary financial information as presented in Attachment 1.

10.3.3 Proposed Differential Rate for 2023-24 and Budget Efficiencies

| | |
|-------------------------------|--|
| File Code | ADM0073 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Attachment 1 - Statement of Object and Reasons for the proposed levying of Differential Rate Attachment 2 Rates modelling |

SUMMARY

This report is for Council to adopt the 2023-2024 financial year Rates Model in advance of the 2023-2024 Annual Budget being adopted to allow time to gain approvals for the Shire's system of differential rating. The Shire has applied the current property values to determine the total rates revenue per differential rate type, based on a proposed 6% rate increase.

Council is requested to consider and endorse the Statement of Objects and Reasons and proposed differential rates and minimum payments for the 2022/2023 financial year, for the purpose of advertising and seeking public submissions as required by the Local Government Act 1995.

BACKGROUND

The rating system imposed under the *Local Government Act 1995* (the *Act*) is primarily based on two types of property valuations, Unimproved Value (UV) and Gross Rental Value (GRV).

The Unimproved Value of land is its market value under normal sales conditions assuming that no structural improvements have been made. Land within the Perth Metropolitan Region and town sites through Western Australia is assessed on the "site value" basis which included merged improvements with examples including draining, filling, excavation, grading and retaining walls. Each year, the Valuer General determines the unimproved values of all land in the State.

GRV means the gross annual rental that the land might reasonably be expected to realise if let on a tenancy from year to year upon condition that the landlord is liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land.

As a rule of thumb in non-metropolitan Councils, properties located within a town site, whether developed or not, are rated on a GRV basis while rural properties are rated on a UV Basis. Mining Tenements generally fall under the UV valuation system.

Differential Rating is when different classes of land within the same valuation methodology are rated at different levels, i.e., as in this proposal, when mining tenements and rural agricultural lands are both rated within the UV Methodology but at differing cents in the dollar. It is a requirement under section 6.36 of the *Act* that a local government is to give local public notice of its intention to apply a differential rate category before the differential rate is imposed.

Should the highest cent in the dollar rate imposed be more than double the lowest, there is a requirement that Ministerial approval is sought. It is noted that June 2009, Council resolved to adopt differential rating to ensure that the apportionment of the rates burden across the district is undertaken in a fair and consistent manner, and that rating bases are not eroded due to differing methods and periods of revaluation, land usage and impact of operations on shire resources.

COMMENT

Differential Rating

It is intended to recommend again differentially rating assessments within both the UV categories as was the case in 2022/23. The unimproved valuation rolls supplied by the Valuer General's Office has seen the unimproved valuations of rural properties increase by approximately 28.11% for 2023/24. In order to achieve the funding required to meet the required expenditure it is proposed that Council adopt the "Rate in the \$" for each rate category as follows:

| Rate in \$ | % +/- | 2022/23 | 2023/24 | |
|--------------------------------|--------------|----------------|----------------|---------|
| GRV Townsite | | 0.168200 | 0.17661 | +5.00% |
| UV Rural & Mining | | 0.015410 | 0.012663 | -17.83% |
| GRV Mining (Differential Rate) | | 0.336400 | 0.35322 | +5.00% |

Accordingly, the proposed "Rate in the \$" increases will increase the rate revenue from each rating category as follows:

- GRV Carnamah & Eneabba townsites 7.15%
- UV Rural & Mining 5.33%
- GRV Mining (Differential Rate) 12.93%

Based on current rating information, the proposed differential rates model would raise \$2,259,504 in rates in the 2023/24 financial year.

Matters Considered as part of the Budget Process

In the review of the rate increase for the 2023-2024 Budget, Council has considered a range of issues impacting the development of the draft budget including:

- The relevance of the rates increase proposed in the current Long Term Financial Plan 2022-2037.
- The Strategic Community Plan/Corporate Business Plan 2021-2031 (revised on 16 December 2023).
- The impact of the agricultural season and the economic changes in the mining industry.
- Whether differential rating was applicable for 2023-24 as required by the Department of Local Government, Sport & Cultural Industries (DLGSC) Rating Policy Differential Rates.
- The Shire's asset management plans including key capital costs going forward.
- Budget efficiencies as required by the DLGSC Rating Policy Differential Rates.
- Supply constraints in material and labour continue to place upward pressure on prices.

- The continuing reduction/tightening of available grants and the increased number of Councils chasing the reduced amounts of funding available.
- The tight labour markets putting constraints on recruitment and retention.
- The Local Government Cost Index was forecasted at 4.5% in March 2023 and then expected to increase by a further 2.9% for the 2023-2024 year.
- The Consumer Price Indicator (CPI) rose in Perth to 5.8% in March 2023 with the CPI inflation expected to remain steady at 6.3% for the full year.

In recognition of the difficult circumstances that Council has faced this year, and with the expected continuation of higher-than-average costs it is recommended to Council that the:

- Rate in the dollar (RID) and minimums for GRV Townsite is increased by 6% and \$68.75 respectively.
- Rate in the dollar (RID) for GRV Mining is increased by 6% and \$987.50 respectively.
- Rate in the dollar (RID) for UV Rural & Mining is increased by 6% and \$68.75 respectively.
- Instalment interest remain at 5.5% and will potentially raise around \$5,000
- Penalty interest be increased to 11% in accordance with Local Government Financial Management Regulation 68 and will potentially raise around \$10,500

Changes in Property Values

There has been no revaluation to GRV properties this year with the next review due to be undertaken in 2024 (last done with effect from 1/07/2017). The total rateable value of all rural properties from 1 July 2023 is \$134,294,576 up from \$105,065,218.

Matters Regarding Differential Rating and Minimums

The Statement of Objects and Reasons for Differential Rating (**Attachment 1**) has been reviewed and amended and needs to be adopted by Council so that it can form the basis of the rationale for the rating strategy and be made available to interested parties as part of the advertising requirement of the intention to impose differential rates.

Budget Efficiencies

Budget efficiency measures considered when determining the 2023/2024 rates revenue requirement are:

- Continuous review of the Organisational structure;
- Continuous review of position descriptions, remuneration and need for the position as vacancies arise;
- Consideration of outsourcing and use of short-term contractors for specialised projects and areas of the organisation;
- The implementation of Altus Payroll;
- The recovery of outstanding debts including rates and sundry debtors;
- Continuous review of shared service arrangements;
- Continuous review of service levels;
- Continued use of local suppliers whenever possible and appropriate: and
- Conduct budget reviews each financial year.

With the increases to costs expected to continue over the next 12 to 24 months any efficiencies gained are offset by:

- Minimum wage increases expected to be up to 5.75%;
- Increase to insurance expenses of up to 15%;
- Utility Cost increases (to be determined) but with street lighting up by 7.5% and it is expected other utility costs will follow this pattern;
- Higher costs for materials and contractors in line with CPI plus the regional cost index;
- Inflation expected to remain at 6-7% for the next 12 months; and
- Tight labour market putting pressure on recruitment and retention.

As such the general budget has been made more efficient to accommodate increases outside Shire control. However, the current economic conditions are placing upward pressure on all cost areas, and to maintain service levels cuts can only go so far.

CONSULTATION

Executive Management team

STATUTORY IMPLICATIONS

Local Government Act 1995

“Section 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;*

And
 - (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 6.33. 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, whether or not under a planning scheme as defined in the Planning and Development Act 2005; or*
 - (b) a purpose for which the land is held or used as determined by the local government; or*
 - (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.*
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.”*

Section 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or*
- (b) be less than 90% of the amount of the budget deficiency.*

Section 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; and*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

Section 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 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.”*

Section 6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

Financial Management Regulation 52A - a local government may impose a differential rate.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031(as revised on 16 December 2022):

Outcome 4 Open, collaborative and empowered
Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

In accordance with the Department of Local Government Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency. The following indicates how these values are satisfied by the proposed differential rates:

Objectivity:

- The land on which differential general rates is proposed has been rated according to Zoning and Land Use. No land is proposed for differential general rates based on being vacant land.
- There has been no change to the boundaries of the District in the past five years.

Fairness and Equity:

- The objects of imposing differential rates and reasons for each rate are set out in the attached document that will be publicly available from 22 June 2023.
- These objects and reasons clearly explain why each differential general rate is proposed to be imposed.
- The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.
- All submissions from ratepayers will be presented to Council for consideration at a later meeting and the minutes of this meeting, including the responses to ratepayer submissions, will be provided to the Department and the Minister.

Consistency:

- All properties with the same land use characteristics have been rated in the same way, with the exception of vacant land which has been rated based on zoning.
- The proposed differential rates align with the principles of the rating strategy in the Corporate Business Plan and Long Term Financial Plan.
- Average rates per property across all differential rating categories are estimated to increase by 6%.

Transparency and Administrative Efficiency:

- A document has been prepared clearly describing the object of and reason for each differential general rate. This will be made publicly available from 22 June 2023.
- Public notice will be exhibited on a notice board at Council's offices within the district from Thursday 22 June 2023. This public notice will also be published in statewide and local newspapers from Monday 26 June 2023.
- The public notice will detail each differential general rate to be imposed, advise ratepayers where to obtain a copy of the objects and reasons, invite submissions from ratepayers on the proposed differential general rates and advise the closing date for submissions of Monday 17 July 2023.

- After the closing date for submissions, each submission received will be presented to Council for consideration prior to resolving approve the proposed differential general rates.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: | | |
| <ul style="list-style-type: none"> • Non-compliance with the requirements of legislation around differential rates resulting in a non-complying rating structure. • An adverse reaction from ratepayers regarding the percentage rate increase and the variation in the rate in the dollar. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Unlikely | Minor | Low |
| Action / Strategy | | |
| This risk is mitigated by complying with the requirements of the <i>Act</i> and the DLGSC Rating Policy: Differential General Rates. | | |

FINANCIAL IMPLICATIONS

Whilst the 2023/2024 Budget is still in draft form and subject to change, having a clear idea of potential own source revenue will allow the administration to better refine the document for Council review.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That with respect to the Proposed Differential Rates 2023-24 and Budget Efficiencies, Council:

1. Notes the consideration of the efficiency measures listed in this report and in the Statement of Objects and Reasons (Attachment 1) used in the development of the Draft Budget for the 2023-2024 Financial Year.
2. Adopt the Statement of Objects and Reasons for each Differential and Minimum Rate for 2023/24.
3. Pursuant to s6.32, 6.33 and 6.35 of the *Local Government Act 1995* adopt the following rate in the dollar and minimum rate for the differential rating categories specified for the 2023/24 financial year:

| Rating Category | Rate in \$ (c) | Minimum Rate \$ |
|-------------------|----------------|-----------------|
| GRV Townsite | 17.6610 | 918.75 |
| GRV Mining | 35.3220 | 1,837.50 |
| UV Rural & Mining | 1.2663 | 918.75 |

4. Authorise the Chief Executive Officer to advertise the proposed Differential Rates for 2023/24 and call for submissions in accordance with s6.36 of the *Local Government Act 1995* for a minimum period of 21 days.
5. Requests that any submissions received be referred back to Council for consideration prior to imposing the proposed 2023/24 differential rates and minimum rates.

10.3.4 Chief Executive Officer Authorisations and Reporting

| | |
|-------------------------------|---|
| File Code | ADM0076 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Employee | Ian Walsh, Deputy Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1.CEO's Timesheets 2.CEO's Credit Card Statement |

SUMMARY

The purpose of this agenda item is to report to Council on the Chief Executive Officer (CEO) leave applications, use of corporate credit card and reimbursement of CEO expense applications.

COMMENT

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by Council resolution.

Time Sheet and Leave Taken

This report covers period between 11 May and 14 June 2023 (**Attachment 1**). Four (4) hours of Personal Leave was taken during this period.

Leave Sought

This report covers the period between 22 June 2023 and 19 July 2023. The CEO is not requesting to take leave during this period.

Reimbursement Applications

This report covers period between 11 May and 14 June 2023. The CEO did not seek or receive any reimbursements during this period.

Corporate Credit Card

This report covers 11 May and 14 June 2023 credit card statement (**Attachment 2**).

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.”

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(reviewed December 2022)

Outcome 4.2 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

CEO Leave Authorisations and Other Approvals policy.

RISK IMPLICATIONS

| Risk: Legal and Reputational – Only Council can approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. | | |
|---|-------------|---------------------|
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by complying with the approved policy. | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

OFFICER RECOMMENDATION

That with respect to Chief Executive Officer Authorisations and Reporting, Council:

1. Receives the information presented to this meeting of the time worked by the Chief Executive Officer between 11 May and 14 June 2023 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.
2. Receive the information presented to this meeting that the Chief Executive Officer took 4 hours of Personal Leave prior to and after the previous Ordinary Council meeting held on 17 May 2023.
3. Receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card 11 May and 14 June 2023 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy.
4. Receive the information presented to this meeting of expenses or reimbursements applications made by the Chief Executive Officer between 11 May and 14 June 2023.

10.3.5 Adoption of the list of Fees And Charges for the 2023/2024 Financial Year

| | |
|-------------------------------|--|
| File Code | ADM0692 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Draft 2023/24 Fees and Charges |

SUMMARY

This report provides Council with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 1 July 2023.

BACKGROUND

The Shire of Carnamah provides many services and facilities to the community for which it is able to apply fees and charges under the *Local Government Act 1995 (Act)*. The proposed fees and charges have been compiled with the aim of ensuring appropriate levels of income/cost recovery is generated for the Shire.

Each year, the Shire sets its fees and charges with the view of implementing any changes as of 1 July in any given year. Shire officers have reviewed each section of the fees and charges and have highlighted any areas of change, and reasons why changes have occurred in comparison to the existing adopted listing.

As part of the annual review of the fees and charges, officers take into account matters including the cost to provide a service, market conditions and needs of the community. These inform the recommendations made to the Council.

When Council adopts an annual budget, it may also set its fees and charges that will be imposed during a financial year. In order for the 2023/24 schedule of fees and charges to be effective from the commencement of the new financial year, the Council is required to adopt its schedule in advance of 30 June 2023, such that any statutory public notice periods (including gazettal's where required) can be complied with

COMMENT

The Shire of Carnamah's Long Term Financial Plan 2021-2031 (LTFP) plays an integral role in Council's ability to plan for the future and meet the outcomes and objectives of the Shire of Carnamah's Community Strategic Plan 2021-2031.

The LTFP was prepared with the assumption that fees and charges would increase annually in line with forecast inflation of 2.8%. There has been little movement in many of Council's fees and charges over recent years, in part due to the COVID 19 pandemic, and in part due to the seemingly immaterial nature of small percentage increases.

A significant factor in setting Fees and Charges is deciding what increment to implement. Traditionally this has been determined with reference to the Consumer Price Index (CPI). The CPI is an index determined by the Australian Bureau of Statistics that is the rate of change in prices on a 'basket of goods' measured on a quarterly basis.

This basket of goods does not generally reflect the components of costs that the Shire incur in delivering our services. This index does however provide an indication of the impact of rising prices on household income and the state of the economy in broad terms.

Accordingly, in determining the proposed fees and charges for 2023/24 consideration was given to what charges may have been had actual inflation increases (based on the March Quarter Consumer Price Index each year) been applied. The Perth CPI increase for the 12 months to March 2023 was 7.0%.

The draft 2023/24 Schedule of Fees and Charges (**Attachment 1**) has not sought to raise community based use costs. However, fees have increased where cost recovery is sought or where statutory fees have increased. The following provides an overview of newly proposed fees and charges.

Ranger and Fire related services

- *Dangerous Dogs*: This fee is prescribed in r.31(2) of the *Dog Regulations 2013*.
- Application for kennel fee and cattery fee now included.

Health related services

- A number of new fees have been included, which are set by statute and to ensure compliance. The wording of a number of fees have been modified to improve clarity.

Housing related services

- The wording of a number of fees have been modified to improve clarity, however there are no increase in fees.

Community amenities related services

- The current actual cost to the Shire for grave digging is estimated to be between \$2,000 - \$2,200 equating to a subsidy of around 70%. In 2018 the cost was increased from \$555 to \$563 or 1.4%. Keeping in mind the Shire's increased costs, the fees associated with grave digging related services is increased by 10% however, this is still well within the subsidised actual cost.
- Rubbish and sewerage charges is to be increased by 7.0% addressing the anticipated increase by the contractor.

Recreation and Culture related services

- Caravan Pack related fees have increased at an average rate of 9% this is predominantly due to rounding. It is noted that the *long term discounted rate* has been removed as the intent and purpose of the facility is for tourism (short stay).

Economic related services

- A number of new fees have been included, which are set by statute;
- The wording of a number of fees have been modified to improve clarity.

Private Works related services

- Inclusion of road sweepings (blue metal) and an increase in the cubic metre rate of sand and gravel; however still comparable with surrounding local governments.

CONSULTATION

All Councillors via Friday Report of 2 June 2023.
Executive team

STATUTORY IMPLICATIONS

“Local Government Act 1995

Part 6, Division 5 – Financing local government activities Subdivision 2 - Fees and charges

6.16 Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods and service it provides or proposed to provide, other than a service for which a service charge is imposed. * Absolute majority required.*
- (2) A fee or charge may be imposed for the following —*
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*
- (3) Fees and charges are to be imposed when adopting the annual budget but may be -*
 - (a) imposed* during a financial year; and*
 - (b) amended* from time to time during a financial year.*** Absolute majority required.*

6.17 Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –*
 - (a) the cost to the local government of providing the service or goods; and*
 - (b) the importance of the service or goods to the community; and*
 - (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
 - (a) under section 5.96; or*
 - (b) under section 6.16(2)(d); or*
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) Regulations may —*
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*

- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed. Local Government (Financial Management) Regulations 1996”*

Local Government (Administration) Regulations 1996 (Local Public Notice); Regulation 3A

Local Government (Financial Management) Regulations 1996; Regulation 5

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031(as revised on 16 December 2022):

- Outcome 4 Open, collaborative and empowered*
- Strategy 4.1.2 Continuous improvement in efficient and effective service delivery*

POLICY IMPLICATIONS

No known policy implications

RISK IMPLICATIONS

| | | |
|--|--------------------|----------------------------|
| Risk: That the budget does not reflect the forecast revenue from fees and charges. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Unlikely | Minor | Low |
| Action / Strategy | | |
| The item has been evaluated against the Shire’s risk management procedures Risk Matrix. The perceived level of risk is considered low. Monitor the progress regularly. | | |

FINANCIAL IMPLICATIONS

The setting of fees and charges for 2023-24 has a minor impact on the current financial year in relation to costs associated with implementing the changes to be effective from 1 July 2023. It has significant financial implications for the 2023-24 financial year.

Revenue from fees and charges includes items that the Council has no authority to amend (statutory charges set by external bodies).

It is important to note that, where possible, controllable fees and charges are appropriately indexed on an annual basis, to assist in offsetting the increasing costs of providing associated services. This may include increases beyond normal indexation in particular cases, in line with section 6.17 of the *Act*.

The Council's current Long Term Financial Plan reflected an annual increase in Fees and Charges revenue of 2.8% for the life of the plan. However, current financial conditions are such that the Perth CPI increase for the 12 months to March 2023 was 7.0%

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That with respect to the Adoption of the list of Fees And Charges for the 2023/2024 Financial Year, Council:

1. Notes the Report;
2. Adopts the 2023/24 Fees and Charges as attached;
3. Requests the Chief Executive Officer give local public notice prior to them taking effect from 1 July 2023; and
4. Authorise the Chief Executive Officer to advertise any Fees or Charges in the Government Gazette should there be a requirement.

10.4 ADMINISTRATION REPORTS

10.4.1 Chief Executive Officer Performance Review 2022/23 - Engagement of Consultant

| | |
|-------------------------------|---|
| File Code | ADM0076 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Robert Paull (CEO) has disclosed a Financial Interest in Item as it relates to his employment as Chief Executive Officer of the Shire of Carnamah |
| Attachments | 1. Proposal Provided by LG People Culture |

SUMMARY

Council is requested to consider the process by which the CEO's 2022/23 Performance Review will be undertaken.

BACKGROUND

As Council is aware, it is required under s.5.38 of the *Local Government Act 1995* (the Act) to undertake an annual review of the performance of the Chief Executive Officer (CEO). In 2021 the *Local Government (Administration) Regulations 1996* (the Regulations) were amended to require all local governments to adopt mandatory minimum standards for the recruitment, selection, performance review and early termination of CEO's.

These model standards were adopted by Council at its meeting on 17 March 2021 and are displayed on the Shire's public website in accordance with the requirements of the Regulations. Cl. 16.1 of the Standards specifies that the local government and the CEO must agree on the process by which the CEO's performance will be reviewed and any performance criteria to be met by the CEO that are in addition to the contractual performance criteria. This agreement must be set out in a written document.

The agreed process must be consistent with the following requirements:

1. The review must be carried out in an impartial and transparent manner.
2. The local government must:
 - a) Collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - b) Review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

Following completion of the review, the local government must, by absolute majority decision, endorse the review and inform the CEO, in writing, of the review results.

If any issues are identified in the review with respect to the performance of the CEO then the written advice must also address how the local government proposes to address and manage those issues.

The Department of Local Government, Sport and Cultural Industries' Operational Guidelines on CEO Recruitment and Selection, Performance Review and Termination state as follows:

“If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives.

The consultant should not have any interest in, or relationship with, the council or the CEO.”

COMMENT

In 2021, Council engaged LG People Culture to facilitate the CEO's performance review on its behalf at a cost of approximately \$4345.

A quotation and Proposal Provided has been received from LG People Culture (**Attachment 1**) to undertake the 2022/23 performance review at a maximum estimated cost of \$4675 (inc. GST).

CONSULTATION

Shire President

Friday Roundup to all Councillors (26 May 2023).

Chief Executive Officer – agrees with a review process to be carried out in accordance with the proposal provided by the preferred consultant.

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 5 – Administration

Division 4 – Local government employees

Section 5.38 – Annual review of certain employees' performances

Section 5.39A – Model standards for CEO recruitment, performance and termination

Local Government (Administration) Regulations 1996

Part 4 – Local government employees

Regulation 18FA – Model standards for CEO recruitment, performance and termination

(Act s.5.39A(1))

Schedule 2 – Model standards for CEO recruitment, performance and termination

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (reviewed December 2022)

Outcome 4.2 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

9.12 CEO Performance Review Standard

“Policy

The minimum standard for recruitment and selection will be met if:

- S2.1 Performance criteria is specific, relevant, measurable, achievable and time-based.*
- S2.2 The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.*
- S2.3 The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.*
- S2.4 The collection of evidence regarding performance outcomes is thorough and comprehensive.*
- S2.5 Assessment is made free from bias and based on the CEO’s achievements against documented performance criteria, and decisions and actions are impartial and transparent. S2.6 The council has endorsed the performance review assessment by absolute majority.*

Application of the Policy

- 1. That a suitably qualified and experience HR consultant be contracted to co-ordinate the CEO Performance Review process.*
- 2. That the performance of the CEO be reviewed upon the anniversary of the contract each year using the agreed performance criteria.*
- 3. That part of the ordinary Council meeting prior to a review be closed to enable all councillors to have input into the review of the CEO's performance.*
- 4. That the performance review be carried out by Council and the HR consultant in a closed meeting with the CEO.*
- 5. That a record of the process and outcomes is prepared by the CEO and provided to all Council members on a confidential basis.”*

RISK IMPLICATIONS

| Risk: Legal and Reputational – That the review of the CEO is not carried out in accordance with the <i>Local Government Act 1995</i> and Council Policy. | | |
|---|--------------------|----------------------------|
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by employing a professional consultant to undertake the CEO’s performance review. | | |

FINANCIAL IMPLICATIONS

Provision has been made in the adopted 2022/23 budget for the engagement of a consultant to undertake the CEO’s annual performance review.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to Chief Executive Officer Performance Review 2022/23 - Engagement of Consultant, Council:

1. Engage LG People Culture to undertake the 2023 CEO Performance Review;
2. Carryout the Chief Executive Officer Performance Review 2022/23 generally in accordance with the proposal provided by LG People Culture (Attachment 1); and
3. Note that the CEO has indicated his agreement with the proposal and arrangements as provided by LG People Culture.

10.4.2 Cropping of the Carnamah Airfield Surrounds – Further Arrangements

| | |
|-------------------------------|---|
| File Code | ADM0023 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Draft Lease Carnamah /Perenjori Football Club Inc. 2. Draft Lease Carnamah Bowling Club |

SUMMARY

At the 19 April 2023 Ordinary Meeting, Council approved the Carnamah Bowling Club (CBC) to crop the Carnamah airfield surrounds until April 2026. The Bowling Club has agreed to a request for the Carnamah/Perenjori Football Club (CPFC) to crop the field for one year (until April 2024). Council is requested to agree to the arrangement which will require the 19 April 2023 decision to be rescinded and new resolution reflecting the arrangement.

BACKGROUND

The land is under 8 hectares with the areas not required for airstrip services available to be cropped. The land was approved for cropping in May 2019 and cropped by the CPFC for a three (3) year period ending in May 2022 (*Council Resolution OCM 20190506*).

On 5 April 2023, sporting and community groups known to the Shire were emailed a Cropping of the Carnamah Airfield Application inviting the respective groups to lodge their interest in planting a crop for up to 3 years. Similar notices were placed on Facebook and in Carnamah Mat and Eneabba News. Applications were requested to be submitted to the Shire by 4pm Monday 17 April 2023.

Carnamah Bowling Club submitted the only application to crop the Carnamah airfield surrounds. The requested period is for a three years and if approved by Council it is recommend that it be from 30 April 2023 until 31 March 2026 (*Council Resolution OCM 20230421*).

By Email dated 22 May 2022, the Secretary of CPFC wrote to the Shire advising that a CPEC member :

“..... seeded the paddock thinking that the football club had it for another year only to find out the bowling club has the rights to it this year as they were the only club that put in the application.”

The Email went further and advised that the Carnamah Bowling Club *“..... is happy for the footy club to have it again this year if the shire agrees to this and the bowling club continues with the Air Strip paddock in 2024.”*

In discussion with the President of the CBC and the Chief Executive Officer, it was confirmed that CBC do not oppose the request from the CPFC.

COMMENT

It is considered that the arrangement acceptable manner. **Attachment 1** provides a draft lease agreement between the Shire and the CPFC. **Attachment 2** provides a draft lease agreement between the Shire and the CBC.

CONSULTATION

Shire President

Executive Management Team

STATUTORY IMPLICATIONS

Local Government (Administration) Regulations 1996 s10

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,*
inclusive of the mover.
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Local Government Act 1995 s.3.58 Disposing of property

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*

- (b) *the land is disposed of to a body, whether incorporated or not —*
- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Shire of Carnamah Meeting Procedures Local Law 2013

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Item 1.2 Improve the standard and utilisation of community and recreation facilities

Strategy 1.2.2 Work with the community to improve utilisation of community and recreation facilities

POLICY IMPLICATIONS

Council policy 2.1: Contributions and Donations, requires donations over \$200 of value to be considered by Council.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Reputational: Council be prepared to consider access to community cropping. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk of reputational damage is mitigated by seeking interest from sporting and community groups and presenting the item to Council for consideration. | | |

FINANCIAL IMPLICATIONS

There are currently, no known financial implications associated with this Item. It is suggested that the lease for the cropping area be a 'peppercorn' nominal rent of \$1.00 per annum as the cropping is entirely undertaken by volunteers for the benefit of a sporting/community group.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That with respect to Cropping of the Carnamah Airfield Surrounds – Further Arrangements, Council:

1. Revokes Council resolution OCM 20230421 made at the Ordinary Meeting on 19 April 2023 as follows:

“That with respect to Cropping of the Carnamah Airfield Surrounds, Council:

- 1. Note and endorse the Chief Executive Officer’s actions of inviting local sporting and community groups to apply for cropping the Carnamah Airfield surrounds;*
 - 2. Note the receipt of one application arising from 1. above;*
 - 3. Offer the cropping rights of the Carnamah Airfield Surrounds to the Carnamah Bowling Club for a three year period commencing from 30 April 2023 until 21 March 2026 for the stated purpose of cropping to fundraise for the organisation.*
 - 4. That a lease agreement for the Carnamah Airfield Surrounds be drawn up between the Shire of Carnamah and Carnamah Bowling Club based on the draft agreement provided in the Report.*
 - 5. That the Shire President and Chief Executive Officer be authorised to formally execute the document including the affixing of the Shire of Corrigin Common Seal”.*
2. Note the request from the Carnamah/Perenjori Football Club to crop the Carnamah airfield surrounds until 30 April 2024 and acceptance by the Carnamah Bowling Club to crop from the period from 1 May 2024 until 30 April 2026.
 3. That a lease agreement for the Carnamah Airfield Surrounds be drawn up between the Shire of Carnamah and Carnamah/Perenjori Football Club based on the draft agreement provided in the Report.
 4. That a lease agreement for the Carnamah Airfield Surrounds be drawn up between the Shire of Carnamah and Carnamah Bowling Club based on the draft agreement provided in the Report
 5. That the Shire President and Chief Executive Officer be authorised to formally execute the two (2) documents including the affixing of the Shire of Carnamah Common Seal”.

10.4.3 Request for 4 cats - 10 Newman street, Carnamah

| | |
|-------------------------------|--|
| File Code | ADM0689 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Applicant's request |

SUMMARY

Council is requested to consider an application for the keeping of 4 cats at 10 Newman Street, Carnamah.

BACKGROUND

The applicant is seeking approval to have 4 cats at 10 Newman Street, Carnamah (note **Attachment 1**).

The applicant has the following cats at the property:

| Name | Sex | Sterilised | Microchipped | Registered |
|-------------|------------|-------------------|---------------------|-------------------|
| Titch | Male | Yes | Yes | Yes |
| Bakkies | Female | Yes | Yes | Yes |
| Gypsy | Female | Yes | Yes | Yes |
| Mischief | Female | Yes | Vet exemption | Yes |

COMMENT

Shire staff have registered the 4 cats and had not advised the applicant of the requirements under the *Shire of Carnamah Health Local Law 2013* for Council approval for more than 2 cats.

The applicant is seeking an exemption In relation to more than 2 cats at 10 Newman Street, Carnamah, we need to make an assessment in relation to 6.6 (3) of the Local Law that: *“the number of cats to be kept will not be a nuisance or injurious or dangerous to health.”*

The Shire is satisfied that an additional 2 cats at 10 Newman Street, Carnamah will not result in such nuisance or be injurious or dangerous to health. Under clause 6.6 (5) and if deemed required, it is open for the Shire to undertake an inspection after an exemption is issued.

CONSULTATION

Executive Management Team

Owner of the cats

Shire's Contract Ranger

STATUTORY IMPLICATIONS

Cat Act 2011

Shire of Carnamah Health Local Law 2013

Clause 6.6 Cats

- 1) *Subject to subclause (6), a person must not, without an exemption in writing from the local government, keep more than 2 cats over the ages of 3 months on premises on any land within the district.*
- 2) *An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subclause (1).*
- 3) *The local government must not grant an exemption from subclause (1) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.*
- 4) *An exemption granted under this clause must specify—*
 - (a) the owner or occupier to whom the exemption applies;*
 - (b) the premises to which the exemption applies; and*
 - (c) the maximum number of cats which may be kept on the premises.*
- 5) *A person who is granted an exemption under subclause (3) may be required by the local government to—*
 - (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—*
 - (i) each shelter must have a floor area of not less than .5 square metres for each cat over the age of 3 months kept or to be kept therein; and*
 - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;*
 - (b) ensure every shelter and enclosure is situated at a distance of not less than—*
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept; and*
 - (ii) 10 metres from any dwelling, church, school room, hall or premises in which food is manufactured, packed or prepared for human consumption; and*
 - (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise as directed by an Environmental Health Officer from time to time.*

A person may keep more than 2 cats on premises used for veterinary purposes or as a pet shop

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031

Outcome 4.1 Improvement in efficient and effective service delivery

Strategy 4.1.2 Continuous improvement in efficient and effective service delivery

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

RISK IMPLICATIONS

| | | |
|--|--------------------|----------------------------|
| Risk: Legal and Reputational – Council can approve additional cats on a property. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by assessing the application and considering the Contract Ranger's findings. | | |

FINANCIAL IMPLICATIONS

The applicant has paid a 4 cat application fee as per the Schedule of Fees & Charges 2022/2023. Should Council refuse the application, the applicant has a right of appeal to the State Administrative Tribunal (SAT) where the Shire may need to assign resources to defend its position at SAT.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That with respect to the request for 4 cats - 10 Newman Street, Carnamah, Council:

1. Permit the keeping of four (4) cats at 10 Newman Street, Carnamah subject to the following conditions:
 - a. When on the property, all cats must not be a nuisance or injurious or dangerous to health
 - b. Any proven complaints regarding the cats offending against the Cat Act 2011 or the Shire of Carnamah Health Local Law 2013 may result in the permit being revoked and the number of cats having to be reduced to a maximum of two (2) within fourteen (14) days.
 - c. The approval only applies to the following cats:

| Name | Sex | Sterilised | Microchipped | Registered |
|----------|--------|------------|---------------|------------|
| Titch | Male | Yes | Yes | Yes |
| Bakkies | Female | Yes | Yes | Yes |
| Gypsey | Female | Yes | Yes | Yes |
| Mischief | Female | Yes | Vet exemption | Yes |

2. Upon the death or disposal of one or more of the above cats, or lapse of registration, the permit will cease, and the number of cats permitted will revert to the lesser number.

10.4.4 Request to Waive Carnamah Recreation Centre Facility Hire Fees

| | |
|-------------------------------|--|
| File Code | ADM0476 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Correspondence from North Midlands Hockey Association |

SUMMARY

Council is requested to waive the Carnamah Recreation Centre facility hire fee in relation to the North Midlands Hockey Association Hockey Development Day.

BACKGROUND

North Midlands Hockey Association held a Hockey Development Day on Saturday 1 April 2023, this was a regional event including members from Morawa, Three Springs, Carnamah, Coorow and Watheroo, this was a free event funded by Hockey WA to provide coaching and umpiring clinics.

COMMENT

North Midlands Hockey Association is a not for profit organisation. The Shire has been advised that when booking the facility for the free development day for members of the North Midlands Hockey Community (funded by Hockey WA), the associated fee of \$170 was not considered. Accordingly, the Association is requesting Council to consider waiving the facility hire fee as prescribed in the 2022 – 23 Schedule of Fees and Charges. The basis for the request is that the Hockey Development Day wasn't a revenue raiser for the Association and that payment of the fee would be an unreasonable expense to it members.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031

Outcome 1 Close-knit and family-friendly

Priority 1.2 Improve the standard and utilisation of community and recreation facilities

Strategy 1.2.2 Work with the community to improve utilisation of community and recreation facilities

POLICY IMPLICATIONS

Council Policy *8.5 Fees and Charges Setting* applies to this Item.

RISK IMPLICATIONS

| | | |
|--|--------------------|----------------------------|
| Risk: Financial Impact | | |
| Likelihood | Consequence | Acceptance Criteria |
| Almost Certain | Insignificant | Moderate |
| Action / Strategy | | |
| There will be a loss of potential income of \$170 however the benefit to the community will mitigate this. | | |

FINANCIAL IMPLICATIONS

Should Council agree to waive the requested fee, it would forego \$170 of potential income.

VOTING REQUIREMENT

Absolute Majority

| |
|---|
| <p>OFFICER RECOMMENDATION</p> <p>That in relation to Request to Waive Carnamah Recreation Centre Facility Hire Fees, Council:</p> <ol style="list-style-type: none">1. Note the request from North Midlands Hockey Association to waive the Carnamah Recreation Centre facility hire fee in relation to the Coaching and Umpiring Clinic held on Saturday 1 April 2023; and2. Resolve to waive the facility hire fee for the Recreation Centre. |
|---|

10.4.5 Eneabba Progress Association Inc request for the Shire to allow the construction of a Eneabba Memorial Wall on Reserve 26044

| | |
|-------------------------------|---|
| File Code | ADM0476 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Wall design |

SUMMARY

Council is invited to consider the request from Eneabba Progress Association Inc (EPA) to erect a *Memorial Wall* on Reserve 26044.

BACKGROUND

Secretary for the EPA has written to Council as follows:

"I am writing on behalf of the Eneabba Progress Association (EPA) requesting approval for a proposed Eneabba Memorial Wall.

As you are aware from being at our meetings, we have been exploring the option of building a Memorial Wall in Eneabba. We have been waiting for the quote to ensure we had the funds available to go ahead. The EPA would like to locate the Memorial Wall in the already paved walking path just north of the War Service Memorial.

We have now locked in a formal quote for the project. The EPA is in full agreement to proceed, once the Shire of Carnamah has given approval. The contractor providing the quote is the same contractor (DC Limestone) that built the War Service Memorial. This is allowing us to match the construction together, and also utilise a local contractor. I have attached the provided drawing and the detailed quote for the project.

We are hoping the drawing will be sufficient to allow approval. I'm sure you are aware, costs of all building materials are on the rise. Any delays could significantly increase our costs. As you can see from the quote, the contractor has implemented several strategies to keep costs to a minimum to the EPA.

The EPA is not requesting any funding from the Shire of Carnamah, just approval for the project, and one in kind front end loader bucket of yellow sand.

The EPA is keen to get the project underway as soon as possible, to ensure we are able to complete for the lowest cost possible.

Once the wall has been built, we would like to enter an agreement with the Shire of Carnamah around the ordering and placing of the plaques. We would like to have uniformity of size, and placement of the plaques on the wall. I am hoping we can discuss this at a future date."

The location of the proposed wall is Reserve 26044 and along the existing walkway as depicted on the following aerial photograph:



The proposed wall will have a height from ground level of approximately 1.46m and be approximately 2.5m long. The general location is shown on the aerial photo (above).

COMMENT

The concept of the memorial wall in Eneabba is very much supported. Given the height of the wall, it will require a Building Permit of which the Shire should assist the EPA in progressing.

It is not unreasonable to have an Memorandum of Understanding with the EPA that addresses their long term obligations to fund and maintenance of the wall and that as it is on a Shire dedicated reserve, the Shire will have the responsibility for demolition should it become unstable or dangerous.

CONSULTATION

Shire President
Executive Management Team

STATUTORY IMPLICATIONS

Building Act 2012.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

- Outcome 2.2 Capitalise on the district’s distinctive arts, cultural, heritage and natural assets*
- Strategy 2.2.2 Support regional tourism initiatives, including Wildflower Country (e.g. Regional Trails Master Plan, a grant funded Wildflower Country project)*

POLICY IMPLICATIONS

There are no known policies associated with this Item. However, it is anticipated that Council will be asked to consider a Policy similar to the Carnamah Heritage Park in relation to establishing plaques.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Reputational: Council be prepared to consider an MOU for an information centre. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk of reputational damage is mitigated by presenting the item to Council for consideration. | | |

FINANCIAL IMPLICATIONS

The proposed wall is to be fully funded by the EPA. The request from the EPA does refer to the Shire providing “... front end loader bucket of yellow sand” which is not a burden on the Shire. However, like the Carnamah Heritage Park, the Shire will have ultimate responsibility for the wall into the future which could have some level of unknown cost.

VOTING REQUIREMENT

Simple Majority

| |
|--|
| <p>OFFICER RECOMMENDATION</p> <p>That with respect to the Eneabba Progress Association Inc request for the Shire to allow the construction of a Eneabba Memorial Wall on Reserve 26044, Council:</p> <ol style="list-style-type: none"> 1. Note the Report and the correspondence received from the Eneabba Progress Association (EPA); 2. Subject to the necessary Building Approval, agrees to the EPA erecting the wall at no cost to Council; 3. Request the Chief Executive Officer to prepare a Memorandum of Understanding (MoU) between the Shire and the EPA for the wall as outlined in this Report; and 4. Authorises the Shire President and Chief Executive Officer to sign the MoU without further reference back to Council. |
|--|

10.4.6 Eneabba Progress Association Inc request to occupy disused changeroom at the Eneabba Recreation Centre Reserve 26044 for an information centre

| | |
|-------------------------------|---|
| File Code | ADM0476 |
| Author | Ian Walsh, Deputy Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nil |

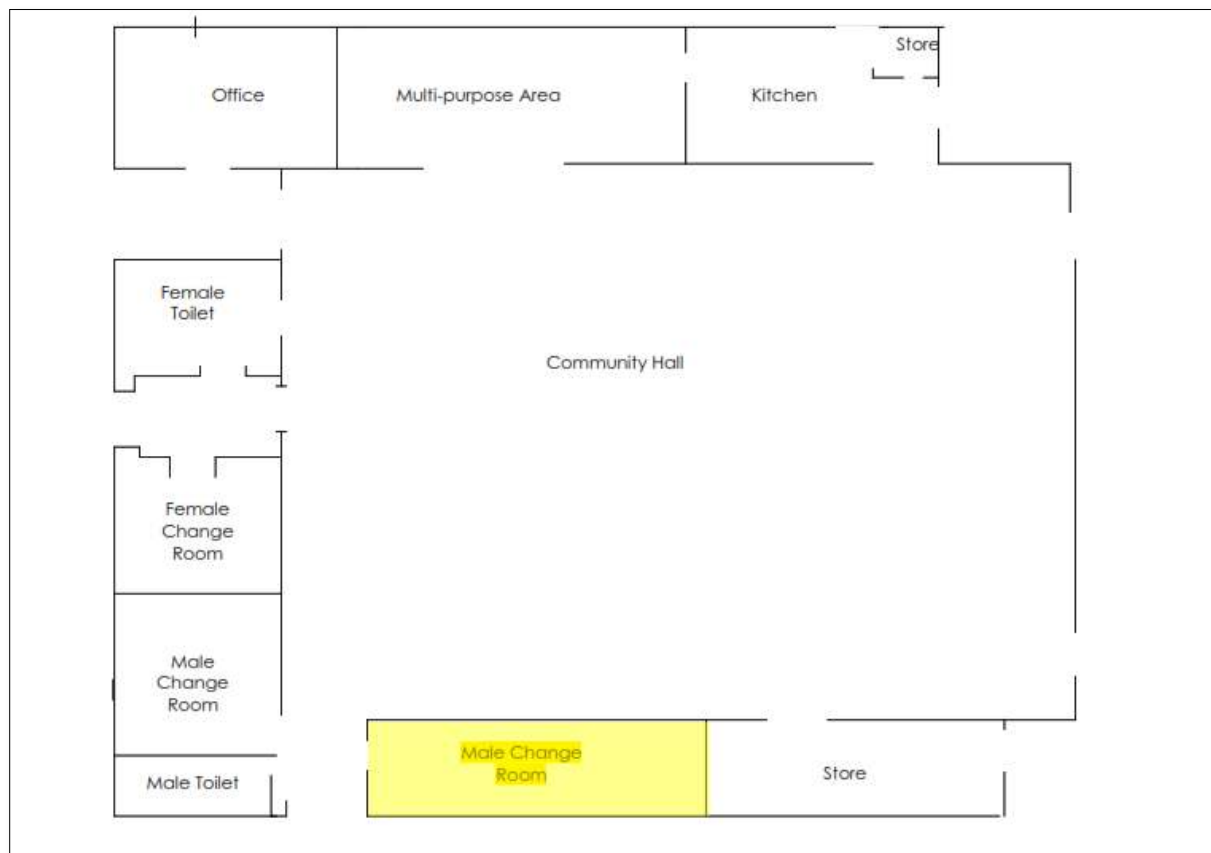
SUMMARY

Council is invited to consider the request from Eneabba Progress Association Inc (EPA) to occupy a disused changeroom at the Eneabba Recreation Centre for the purpose of establishing a 'tourist information centre'.

BACKGROUND

The Eneabba Recreation Centre was constructed nearly 50 years ago and is rarely used by the community. The exception is the yearly Merry Markets (undertaken by the EPA) and the ablutions which are very much utilised by caravanners who overnight stay on the converted oval. In addition, the Shire opens the office/library once a week.

The EPA has proactively sought to utilise a disused male changeroom located on the western side of the Centre as highlighted in yellow below:



COMMENT

The use of the change room for an information centre will result in the EPA having exclusive use. This should not impact the community as up until recently, the change room was an informal storeroom for the EPA. It would be open to the Shire to establish a formal lease for any exclusive use.

However, it is considered that a lease is currently unnecessary for a single room of the recreation centre and instead, any arrangements be reflected in a Memorandum of Understanding (MOU) between the Shire and the EPA. Such arrangements would include:

| EPA obligations | Shire Obligations |
|---|--|
| <ul style="list-style-type: none">• Contents Insurance• Security (if required)• Ensuring the EPA is responsible for any fit out and equipment replacement | <ul style="list-style-type: none">• Building and general liability insurance.• Allowing exclusive access to the change as depicted.• Allowing reasonable alterations to the building.• Reasonable electricity costs.• Fire extinguisher. |

It is suggested that any such arrangement be initially established for 24 months and for it to be reviewed for a further period. This will allow the EPA to 'test the waters' and to ascertain the interest in establishing and operating an information centre for Eneabba. The EPA has sourced funding from Iluka to outfit the change room for an information centre. It is possible that the EPA may seek some alterations to the change room that could include an external door. Whilst this isn't part of the current proposal, any alterations to the building will require the written consent of the Shire.

The proposal by the EPA and its capacity to independently source its own funding for an information centre is supported.

CONSULTATION

Shire President
Executive Management Team

STATUTORY IMPLICATIONS

There are no known statutory implications associated with this Item.

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031
(Reviewed December 2022)

Outcome 2.2 Capitalise on the district's distinctive arts, cultural, heritage and natural assets

Strategy 2.2.2 Support regional tourism initiatives, including Wildflower Country (e.g. Regional Trails Master Plan, a grant funded Wildflower Country project)

POLICY IMPLICATIONS

There are no known policies associated with this Item.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Reputational: Council be prepared to consider an MOU for an information centre. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk of reputational damage is mitigated by presenting the item to Council consideration. | | |

FINANCIAL IMPLICATIONS

Under the Shire's Fees and Charges, there is currently no cost applicable for the use of the changeroom. Accordingly, there isn't any financial implications for the Shire in relation to allowing access to the EPA.

However, it is possible that the use of the room could result in an increase of the electricity usage, especially if the EPA source funding that would enable air conditioning. Rather than pursuing a separate meter at this early stage, the Shire will monitor the cost of electricity which will also be addressed in the MoU.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That with respect to the Eneabba Progress Association Inc request to occupy disused changeroom at the Eneabba Recreation Centre Reserve 26044 for an information centre, Council:

1. Agree to the Eneabba Progress Association Inc (EPA) having exclusive use of the changeroom at the Eneabba Recreation Centre (as depicted in the report and herein referred to as the 'Information Centre') for a period of 24 months (with further extensions) at no cost to the EPA;
2. Request the Chief Executive Officer to prepare a Memorandum of Understanding (MoU) between the Shire and the EPA for the Information Centre as outlined in this Report; and
3. Authorises the Shire President and Chief Executive Officer to sign the MoU without further reference back to Council.

10.5 CONFIDENTIAL REPORTS

Nil

11.0 ORDERING OF THE COMMON SEAL

Nil

12.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

Nil

16.0 CLOSURE OF MEETING
