



14 July 2023

## NOTICE OF MEETING

Dear Councillor,

The next Ordinary Meeting of Council will be held at 4pm on Wednesday, 19 July 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**  
**19 JULY 2023**

**DISCLAIMER**

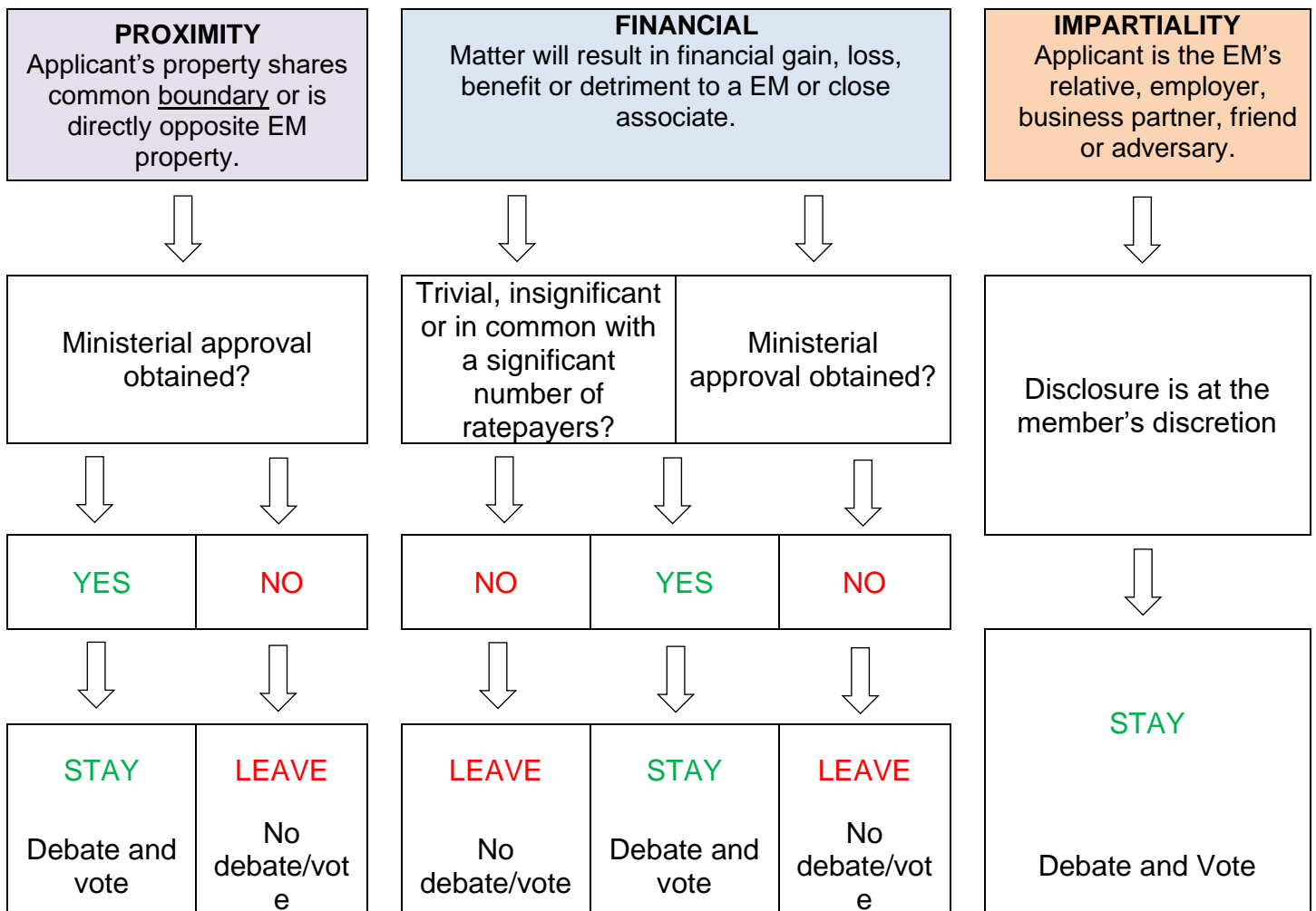
No responsibility is implied or accepted by Shire of Carnamah for any act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does 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, 19 July 2023**

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**1.0 DECLARATION OF OPENING**

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**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.*

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**2.0 RECORD OF ATTENDANCE**

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**2.1 TABLE OF COUNCILLOR ATTENDANCE OVER THE LAST 12 MONTHS**

2022/23	Cr Isbister	Cr Wooltorton	Cr Counsel	Cr Bowman	Cr Kikeros	Cr Chisholm	Cr Risinger
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							
06-23 OCM							

**Legend:**

Attended	
Leave of Absence	
Apology	

**2.2 APOLOGIES**

Nil

**2.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Nil

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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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Nil

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**5.0 APPLICATION FOR LEAVE OF ABSENCE**

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Nil

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**6.0 DISCLOSURE OF INTEREST**

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**6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS****6.1.1 Chief Executive Officer, Robert Paull – Item 10.3.1**

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.3.1 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

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**7.0 PETITIONS AND DEPUTATIONS**

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Nil

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**8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON**

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Nil

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## 9.0 CONFIRMATION OF MINUTES

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### 9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 17 MAY 2023

#### OFFICER RECOMMENDATION

That the Minutes of the [Ordinary Meeting of Council](#) held on 21 June 2023 be accepted as a true and accurate record.

### 9.2 SHIRE OF CARNAMAH AND COOROW LEMC MEETING 16 MARCH 2023

#### OFFICER RECOMMENDATION

That the Minutes of the [Shire of Carnamah and Coorow joint Local Emergency Management Committee](#) meeting held on 16 March 2023 be noted.

### 9.3 WALGA STATE COUNCIL MINUTES 5 JULY 2024

#### OFFICER RECOMMENDATION

That the Minutes of the Western Australian Local Government Association (WALGA) [State Council](#) held on 5 July 2023 be noted.



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## 10.0 REPORTS OF THE CEO

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### 10.1 MANAGER REGULATORY SERVICES

Nil

### 10.2 WORKS ADMINISTRATION REPORTS

Nil

### 10.3 FINANCE REPORTS

#### 10.3.1 Chief Executive Officer Authorisations and Reporting

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<b>File Code</b>	ADM0076
<b>Author</b>	Ian Walsh, Deputy Chief Executive Officer
<b>Senior Employee</b>	Ian Walsh, Deputy Chief Executive Officer
<b>Disclosure of Interest</b>	Should Council accept the recommendation of the Report, the Deputy Chief Executive Officer will be Acting Chief executive for the period 20 July 2023 until 4 August 2023 (inclusive).
<b>Attachments</b>	1. <a href="#">CEO's Timesheets</a> 2. <a href="#">CEO's Credit Card Statement</a>

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#### 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 15 June 2023 and 12 July 2023 (**Attachment 1**). No was taken during this period.

#### Leave Sought

This report covers the period between 17 July 2023 and 16 August 2023. The CEO is requesting to take Annual Leave from 20 July 2023 until 4 August 2023 (inclusive).

#### Reimbursement Applications

This report covers period between 15 June 2023 and 12 July 2023. The CEO did not seek or receive any reimbursements during this period.

#### Corporate Credit Card

This report covers 15 June 2023 and 12 July 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

Policy 1.9 CEO Leave Authorisations and Other Approvals

Policy 9.23 Acting Chief Executive Officer

Policy 9.23 States in part:

*“In accordance with the requirements of the Local Government Act 1995, section 5.36(2)(a), Council has determined that the person appointed as the permanent incumbent to the position of Deputy Chief Executive Officer is suitably qualified to perform the role of Acting Chief Executive Officer or in emergency situations.*

*The Shire’s incumbent Deputy Chief Executive Officer is Ian Walsh, Deputy Chief Executive Officer. Appointment to the role of Acting Chief Executive Officer shall be made in writing by the Chief Executive Officer for a defined period that does not exceed 3 months. A Council resolution is required for periods exceeding 3 months.*

## RISK IMPLICATIONS

<b>Risk:</b> 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.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Possible	Low	Moderate
<b>Action / Strategy</b>		
The risk is mitigated by complying with the approved policy.		

## FINANCIAL IMPLICATIONS

There are no known financial implications

## VOTING REQUIREMENT

Simple Majority

### 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 15 June 2023 and 12 July 2023 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.
2. Receives the information presented to this meeting that the Chief Executive Officer took no leave from the last Ordinary Council meeting held on 17 May 2023 until 12 July 2023.
3. Approves the Chief Executive Officer's request for Annual Leave from 20 July 2023 until 4 August 2023 (inclusive).
4. Receives the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card 15 June 2023 and 12 July 2023 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy.
5. Receives the information presented to this meeting of expenses or reimbursements applications made by the Chief Executive Officer between 15 June 2023 and 12 July 2023.
6. Notes that for the Chief Executive Officer's approved period of Annual Leave, under Council Policy 9.23 *Acting Chief Executive Officer*, Deputy Chief Executive Officer, Mr Ian Walsh will be Acting Chief Executive Officer.

## 10.3.2 Accounts for Payment

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<b>File Code</b>	ADM0076
<b>Author</b>	Ian Walsh, Deputy Chief Executive Officer
<b>Senior Author</b>	Robert Paull, Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	<a href="#">Cheque and EFT Listing</a>

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### SUMMARY

Council to confirm the payment of creditors for the period 16 June 2023 to 13 July 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

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)

<i>Outcome 4</i>	<i>Open, collaborative and empowered</i>
<i>Priority 4.1</i>	<i>Improvement in efficient and effective service delivery</i>
<i>Strategy 4.1.2</i>	<i>Continuous improvement in efficient and effective service delivery</i>

## POLICY IMPLICATIONS

Council has a suite of Financial Polices to achieve Council’s overarching financial objectives.

## RISK IMPLICATIONS

<b>Risk:</b> Payments are not monitored against approved budget and delegation		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
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

<b>OFFICER RECOMMENDATION</b>	
That with respect to Accounts for Payment, Council approves the payments listed as Attachment 1 for the period 16 June 2023 to 13 July 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:	28333 – 28345
Municipal EFT’s:	16418 – 16511
Payroll direct debits:	# 97, 99
Municipal direct debit:	14386.1, 14388.1, 14402.1, 14414.1, 14416.1, 14418.1, 14421.1 & BANK FEE
Totalling \$ 632780.13 be approved and passed for payment.	

## 10.4 ADMINISTRATION REPORTS

### 10.4.1 Delegation Register – Annual Review

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<b>File Code</b>	ADM0353
<b>Author</b>	Rachael Moore, Executive Coordinator
<b>Disclosure of Interest</b>	Robert Paull, Chief Executive Officer
<b>Attachment</b>	<a href="#">1. Delegation Register</a>

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#### SUMMARY

The purpose of this report is for Council to consider the 2022/23 annual review of delegations across various legislations.

#### BACKGROUND

All delegations made under the *Local Government Act 1995 (Act)* must be made by absolute majority and recorded in a register. Sections 5.18 and 5.46 of the *Act* require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the *Act*, but also presents an opportunity to review delegations made under other legislation. Council undertook its last annual review of delegations in May 2022 and endorsed the proposed outcome of that review at its 15 June 2022 Meeting.

The purpose of delegating power is to enable routine decision making to be undertaken in a cost effective and efficient manner, or rapidly where a time imperative may be involved. Council is required to make decisions of high importance, some of which require absolute majority decisions and cannot be delegated.

Council also has discretionary functions that involve making routine decisions that are high frequency and low risk. It is appropriate for Council to delegate these functions to the Chief Executive Officer (CEO). The Register of Delegations sets out the powers and functions delegated from Council to the CEO.

#### COMMENT

The annual review of delegations by Council is a statutory requirement and is also necessary to ensure the delegations remain consistent with legislation and applicable to the Shire's current operational needs. A version of the Council Delegations Register highlighting the changes is provided at **Attachment 1** with the recommended changes to the Council delegations all removed the initial need to refer matters to Council as follows.

- **1.10 Payments of Accounts Authorised Persons (New)**  
*To ensure that staff have the correct authority to make payments from the municipal or trust funds [r.12(1)(a)].*
- **1.17 Issuing Notices (New)**  
*Providing the CEO authority under s.3.25 and s.3.26 Local Government Act 1995 to issue notices requiring certain things to be done by owner or occupier of land. The condition is that it be actioned in consultation with the Shire President.*

- **1.18 Entry in an Emergency (New)**  
*Providing the CEO, DCEO and Manager Works and Services authority under various sections of the Local Government Act 1995 to authorise entry onto private land in cases of emergency.*
- **1.19 Confiscated or Uncollected Goods (New)**  
*Providing the CEO authority under various sections of the Local Government Act 1995 to dispose of impounded/confiscated goods.*
- **1.20 Panels of Pre-Qualified Suppliers for Goods and Services (New)**  
*Providing the CEO authority under various sections of the Local Government Act 1995 to have authorisation over panels of pre-qualified services.*
- **1.21 Application of Regional Price Preference Policy (New)**  
*Providing the CEO authority the Local Government (Functions and General) Regulations 1996 to decide when not to apply the regional price preference policy to a particular tender.*
- **1.22 Agreement as to Payment of Rates and Service Charges (New)**  
*Providing the CEO and DCEO authority under s 6.47 of the Local Government Act 1995 to enter into Agreements to payment of rates and service charges.*
- **1.23 Recovery of Rates or Service Charges (New)**  
*Providing the CEO and DCEO authority under s 6.56 of the Local Government Act 1995 for debt collection (excluding rent).*
- **1.24 Recovery of Rates Debts – Require Lessee to Pay Rent (New)**  
*Providing the CEO and DCEO authority under s 6.56 of the Local Government Act 1995 for debt collection of rent.*
- **1.25 Financial Management Systems and Procedures (New)**  
*Providing the CEO and DCEO authority the Local Government (Functions and General) Regulations 1996 to establish systems and procedures which give effect to internal controls and risk mitigation.*
- **2.2 Building Orders (New)**  
*Providing the CEO authority under the Building Act 2011 to issue various building orders.*
- **2.3 Private Pool Barrier – Alternative and Performance Solutions (New)**  
*Providing the CEO authority under the Building Act 2011 to approve Private Pool Barrier – Alternative and Performance Solutions.*
- **2.4 Smoke Alarms – Alternative Solutions (New)**  
*Providing the CEO authority under the Building Act 2011 to approve Alternative and Performance Solutions for smoke alarms.*
- **2.5 Inspection and Copies of Building Records (New)**  
*Providing the CEO authority under the Building Act 2011 to approve application from an interested person to inspect and copy a building record.*

- **2.6 Referrals and Issuing Certificates (New)**  
*Providing the CEO authority under the Building Act 2011 to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government.*
- **3.2 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954 (New)**  
*Providing the CEO local government powers under the Bush Fires Act 1954 (except for prosecutions, appointments and variation of prohibited and restricted burning).*
- **3.3 To Institute a Prosecution, or to Issue an Infringement (New)**  
*Providing the CEO local government powers under the Bush Fires Act 1954 to prosecute.*
- **3.4 Make Request to FES Commissioner – Control of Fire (New)**  
*Providing the CEO local government powers under the Bush Fires Act 1954 Authority to request on behalf of the Shire that the FES Commissioner authorise the Chief Bush Fire Control Officer or Community Emergency Services Officer (CESM) or another person to take control of fire operations.*
- **4.1 Cat Act 2011 – Registrations (For Removal)** *as the formal delegation it is not required (replaced with delegation below)*
- **4.1 The Powers and Duties of the Local Government pursuant to the Cat Act 2011 (New)**  
*Providing the CEO local government powers under the Cat Act 2011 to perform any of its functions by acting through a person other than the CEO; or a CEO from performing any of his/her functions by acting through another person) .*
- **5.1 Dog Act 1974 – Registrations (For Removal)** *as the formal delegation it is not required (replaced with delegation below)*
- **5.1 Powers, Duties and Functions (Dog Act 1976) (New)**  
*Providing the CEO local government powers under the Dog Act 1976.*
- **5.2 Dog Act 1976 – Appoint Authorised Persons Registrations (For Removal)** *as the formal delegation it is not required (see new 5.1).*
- **6.3 Prohibition Orders (New)**  
*Providing the CEO local government powers under the Food Act 2008 in relation to prosecutions.*
- **6.4 Debt Recovery and Prosecutions (New)**  
*Providing the CEO local government powers under the Food Act 2008 in relation to recovering any debt or institute legal proceedings.*
- **8.1 Illegal Development (New)**  
*Providing the CEO local government powers under the Planning and Development Act 2005 in relation to alleged illegal development.*



- **9.1 Designate Authorised Officers (New)**  
*Providing the CEO local government powers under the Public Health Act 2016 in relation to appointment of persons.*
- **9.2 Enforcement Agency Reports to the Chief Health Officer (New)**  
*Providing the CEO local government powers under the Public Health Act to report to the Chief Health Officer, the Shire’s performance of its functions under this Act.*
- **9.3 Commence Proceedings (New)**  
*Providing the CEO local government powers under the Public Health Act to commence proceedings for an offence under this Act.*
- **10.1 Appoint Authorised Officer or Approved Officer (Asbestos Regulations) (New)**  
*Providing the CEO local government powers under the Health (Asbestos) Regulations 1992 to appoint authorised officers.*
- **10.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs) (New)**  
*Providing the CEO local government powers under the Health (Asbestos) Regulations 1992 to issue infringements under the Regulations.*

## CONSULTATION

Councillor Briefing of 21 June 2023  
Executive Management Team

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*“5.42 Delegation of some powers and duties to CEO*

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under –*
  - (a) *this Act other than those referred to in section 5.43; or*
  - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.”*

*“5.46. Register of, and records relevant to, delegations to CEO and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”*

## STRATEGIC IMPLICATIONS

*Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (Reviewed 16 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**

There are no known policy implications associated with this Item. Where relevant, the delegation register refers to the Council adopted policy.

**RISK IMPLICATIONS**

<b>Risk:</b> Compliance: Delegations do not reflect the direction of Council.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
The risk is mitigated by complying with the approved delegation.		

**FINANCIAL IMPLICATIONS**

There are no immediate financial implications as part of the review, however exercise of the delegation may incur financial implications (grant discounts, write off debts).

**VOTING REQUIREMENT**

Absolute Majority

<p><b>OFFICER RECOMMENDATION</b></p> <p>That with respect to Delegation Register – Annual Review, Council:</p> <ol style="list-style-type: none"> <li>Notes the review of delegations; and</li> <li>Adopts the Register of Delegated Authority 2022/23 as contained in Attachment 1 inclusive of the amendments outlined within this report.</li> </ol>
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## 10.4.2 Annual Review - Council Policy Manual

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<b>File Code</b>	ADM0072
<b>Author</b>	Rachael Moore, Executive Coordinator
<b>Senior Employee</b>	Robert Paull, Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	<a href="#">1. Revised Policy Manual for 2023/24</a>

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### SUMMARY

This report provides Council with the annual review of the current Council Policy Manual. Council is requested to adopt the Policy Manual as present in **Attachment 1** which will require some polices to rescinded.

### BACKGROUND

In order to adhere to the Shire of Carnamah Compliance Calendar, an annual review of all Council policies is the preferred arrangement to ensure compliance with the constantly changing local government operational and legislative scene. It is noted that the Compliance Calendar is the informal basis of the Compliance Audit Return submitted to the Department of Local Government, Sport and Cultural Industries annually.

### COMMENT

The process associated with a Council Policy Manual review has historically looked at the sections for consideration. This has resulted in a rather disjointed approach to adopting Polices as it has undertaken section by section.

**Attachment 1** provides revised Policy Manual for 2023/24. The changes to the draft Policy Manual are colour coded where:

1. Green means that there are changes but for the most, they are coordinated changes to bring in a standard format with:
  - Preamble
  - Objective
  - Definition
  - Policy
2. Grey means that they are deleted.
3. Yellow means that they are either new or substantially altered ('reviewed').

### CONSULTATION

All Councillors via Briefing on 21 June 2023.

Executive Management Team

## STATUTORY IMPLICATIONS

### *Local Government Act 1995*

Section 2.7 (2) (b) of the states that one of the roles of a Council is to determine the Local Government's policies:

#### *2.7. 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(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

The Policies if approved by Council will provide the policy direction of Council until again reviewed.

## RISK IMPLICATIONS

<b>Risk:</b> That the Policy Manual has not been reviewed within in the.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
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

There are no known financial implications associate with this Item.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

That with respect to the Annual Review - Council Policy Manual, Council:

1. Notes the Report;
2. That Council approve the review of the current Council Policy Manual for adoption as per Attachment 1.

### 10.4.3 Application for Planning Approval - Awning on existing dwelling at Lot 1, Railway Avenue, Carnamah

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<b>File Code</b>	ADM0273
<b>Author</b>	Robert Paull, Chief Executive Officer
<b>Senior Employee</b>	Robert Paull, Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	<a href="#">1. Application for Planning Approval</a>

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#### SUMMARY

This report recommends that Council support an application for planning approval for an awning associated with an existing dwelling at Lot 1 Railway Avenue, Carnamah.

#### BACKGROUND

Lot 1 Railway Avenue, Carnamah is occupied by a dwelling and sheds associated with the CBH operations. The site is zoned 'Industry' under the Shire of Carnamah Local Planning Scheme No. 2, Development approval is required for non-industrial uses.



Application for planning approval has been lodged by CBH for an awning associated with an existing dwelling at Lot 1 Railway Avenue, Carnamah (**Attachment 1**).

#### COMMENT

The proposed awning is to be constructed in association with the existing dwelling and is considered to be in keeping with the current development of the immediate site and conditional approval is recommended.

## CONSULTATION

Executive Management Team

## STATUTORY IMPLICATIONS

*Planning and Development Act 2005 (as amended)*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Shire of Carnamah Local Planning Scheme No.2*  
*State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7).*

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land designated as bushfire prone by the Fire and Emergency Services Commissioner as highlighted on the Map of Bush Fire Prone Areas. Lot 1 has a total area of 4.1ha and some portions are identified as 'bushfire prone'.

However, the portion of land subject of this application is not identified as bushfire prone. Given the open nature of the proposal and existing hard surfaces, it is considered appropriate that a Bushfire Assessment Level plan is not required in this instance.

## STRATEGIC IMPLICATIONS

The proposal for Lot 1 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

Outcome 2      *Rich in economic opportunities and jobs.*  
Priority         *Support the retention, attraction and growth of businesses.*  
Strategy        *Work with business community to develop action plan to support their retention and growth.*

## POLICY IMPLICATIONS

There are no known policy implications associated with the Item.

## RISK IMPLICATIONS

<b>Risk:</b> Compliance - No noticeable regulatory or statutory impact.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Rare	Insignificant (Rare/Low)	Low
<b>Action / Strategy</b>		
Impose conditions on any approval granted to ensure the development proceeds in accordance with the plans submitted.		

## FINANCIAL IMPLICATIONS

All costs associated with the application (\$147 Application Fee) will be met by the applicant / landowner.

## VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

That with respect to Application for Planning Approval - Awning on existing dwelling at Lot 1, Railway Avenue, Carnamah, Council:

1. Note the Report and resolve that whilst some areas of Lot 1 are identified as 'bushfire prone':

- a) given the area subject of this application is not identified as bushfire prone;
- b) the open nature of the proposal, and existing hard surfaces;

in this instance, a Bushfire Assessment Level plan is not considered necessary.

2. Issue Planning Approval for Awning on existing dwelling at Lot 1, Railway Avenue, Carnamah, subject to the following conditions and advice notes:

#### Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the request for temporary approval subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the request the subject of this approval or any condition of approval will require the approval of the local government.
3. All stormwater drainage from the proposed new infrastructure must be contained and disposed of on-site.

#### Advice Note

1. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.



#### 10.4.4 Local Planning Policy - Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings & Incidental Farm Structures

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<b>File Code</b>	ADM0372
<b>Author</b>	Robert Paull - Chief Executive Officer
<b>Senior Employee</b>	Robert Paull - Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	1. <a href="#">Copy of Draft Local Planning Policy</a> 2. <a href="#">Schedule of Submissions and Recommended Responses</a>

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#### SUMMARY

This report recommends that Council review the submissions and formally adopt proposed 'Local Planning Policy No.7.12 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings & Incidental Farm Structures' (LPP) in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### BACKGROUND

Under the terms of the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Carnamah Local Planning Scheme No.2, Council's development approval is required to construct non-habitable farm buildings and incidental farm structures on all 'Rural' zoned land in the Shire's municipal district that is used for extensive agricultural purposes (i.e. broadacre cropping & grazing).

At the Ordinary Meeting of 17 May 2023, Council resolved as follows:

*"That with respect to Proposed Local Planning Policy – Exemption to requirement for development approval for non-habitable farm buildings & incidental farm structures, Council resolve to:*

- 1. Initiate the process required to formally adopt proposed 'Local Planning Policy No.7.12 – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings & Incidental Farm Structures' in accordance with the procedural requirements of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- 2. Authorise the Chief Executive Officer to advertise the proposed policy in accordance with the specific requirements of clause 4(4), Part 2 and clause 87, Part 12, Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the minimum required period of twenty one (21) days".*

#### COMMENT

It is considered that there is a strong case for preparing and adopting a local planning policy to provide an exemption to the need for development approval for these types of buildings and structures given the significant size of most rural landholdings in the Shire's municipal district and the relatively limited impact such development typically has on the rural environment. Draft LPP (**Attachment 1**) was advertised for public comment in accordance with Council's resolution and three (3) submissions of support were received. **Attachment 2** provides the Schedule of Submissions and Recommended Responses.

## CONSULTATION

Councillors (over several past Briefings) Executive Management Team Community consultation was undertaken in accordance with the specific requirements of clause 4(4), Part 2 and clause 87, Part 12, Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 for a minimum period of twenty one (21) days. Advertising comprised notification:

- on the Shire's Website;
- on the Shire's Facebook page;
- on Shire Notice Boards; and
- in the Carnamah Mat and Eneabba News (4 editions).

## STATUTORY IMPLICATIONS

*Planning and Development Act 2005 (as amended)*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Shire of Carnamah Local Planning Scheme No.2*

## STRATEGIC IMPLICATIONS

The proposed local planning policy is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised 16 December 2023):

*Outcome 2 Rich in economic opportunities and jobs.*  
*Priority Support the retention, attraction and growth of businesses.*  
*Strategy Work with business community to develop action plan to support their retention and growth.*

## POLICY IMPLICATIONS

Should Council resolve to adopt the proposed local planning policy, it will form part of the Shire's local planning framework and be applied when administering Local Planning Scheme No.2.

## RISK IMPLICATIONS

<b>Risk:</b> Compliance - No noticeable regulatory or statutory impact.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Rare	Insignificant (Rare/Low)	Low
<b>Action / Strategy</b>		
i) Publish the adopted policy on the Shire's website to make all rural landowners aware of the LPP;		
ii) Apply the LPP consistently and check of all building permit applications received prior to their final determination; and		
iii) Review the LPP on a regular basis to ensure it remains relevant and lawful.		

## FINANCIAL IMPLICATIONS

Aside from the administrative costs associated with preparing, adopting and advertising the proposed policy which are provided for in Council's annual budget for town planning related matters, there are no known immediate financial implications for the Shire.

## VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION

That with respect to Local Planning Policy – Exemption to requirement for development approval for non-habitable farm buildings & incidental farm structures, Council resolve to:

- 1) Note Schedule of Submissions and Recommended Responses (Attachment 2) in relation to draft Local Planning Policy – Exemption to Requirement for Development Approval for Non-Habitable Farm Buildings & Incidental Farm Structures (LPP);
- 2) Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft LPP as per Attachment 1.
- 3) Requests the CEO to number the LPP in sequence of the adopted Policy Manual and publish notice of the adopted LPP in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## 10.4.5 Environmental Health - Service Contract

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<b>File Code</b>	ADM0731
<b>Author</b>	Robert Paull - Chief Executive Officer
<b>Senior Employee</b>	Robert Paull - Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Nil

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### SUMMARY

This report recommends that Council Contract for Services for Environmental Health Services with Ramsay Constructions Pty Ltd.

### BACKGROUND

For the last seven (7) years, the Shire has been engaged in limited resource sharing arrangements with the Shire of Irwin for environmental health services. The current Memorandum of Understanding (MOU) between the Shire of Irwin and the Shire of Carnamah concluded on 30 June 2023.

Shire of Irwin utilised the environmental health services of Ramsay Constructions Pty Ltd to provide a shared service understtrod to include the Shires of Carnamah, Perenjori, Mingenew and Three Springs. The environmental health services included:

- mandatory food inspections of Food Businesses and Public Buildings, and any other food inspections, as required under the Food Act 2008; and
- assessments and inspections for the installation of septic systems and issue permits.
- advice and investigate complaints relating to health and building;
- reporting on compliance with regard to the Food Act 2008, Public Health Act 2016 and any other applicable legislation

### COMMENT

The Shire has received notification from Ramsay Constructions Pty Ltd that they will not be continuing the arrangement with the Shire of Irwin as they do not have the capacity to provide services for all four and provided a proposal to provide these services directly to the three smaller local governments.

It is open for Council to consider continuing the shared environmnetal health service arrangement with the Shire of Irwin. It is understood that the Shire of Irwin has sought to recruit an appropraite person to continue the provision of environmental health services but todote has not been able to secure a suitable candidate. They have indicated a willingness to seek out suitable consultancy services to ensure continuity of service but this has not yet been confirmed.

The Shire consider the service being delivered by Ramsay Constructions Pty Ltd is satisfactory and with the uncertainty of any other current option, it is recommended that Council approve the Shire entering into a 24 month contract with Ramsay Constructions Pty Ltd.

## CONSULTATION

Executive Management Team  
Shire of Irwin  
Shire of Perenjori  
Shires of Mingenew

## STATUTORY IMPLICATIONS

*Local Government Act 1995*  
*Food Act 2008*  
*Public Health Act 2016*  
*Building Act 2011*

## STRATEGIC IMPLICATIONS

The proposed local planning policy is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised 16 December 2023):

*Outcome 4* Open, collaborative and empowered.  
*Priority* Improvement in efficient and effective service delivery.  
*Strategy* Continuous improvement in efficient and effective service delivery.

## POLICY IMPLICATIONS

There are no known policy implications associated with this item.

## RISK IMPLICATIONS

<b>Risk:</b> Compliance – Need to ensure that the Shire has adequate staffing in place for matters associated with environmental health		
<b>Likelihood</b>	<b>Consequence</b>	<b>Acceptance Criteria</b>
Possible	Moderate	Low
<b>Action / Strategy</b>		
The risk of compliance damage is mitigated by presenting the item to Council for consideration		

## FINANCIAL IMPLICATIONS

Aside from the administrative costs associated with preparing, adopting and advertising the proposed policy which are provided for in Council's annual budget for town planning related matters, there are no known immediate financial implications for the Shire.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

With respect to Environmental Health – Service Contract, Council

1. Authorises the Chief Executive Officer (CEO) to negotiate and enter into a Contract for Services for Environmental Health Services with Ramsay Constructions Pty Ltd for a period of 24 months from 1 July 2023 to 30 June 2025 at a contract value of up to \$10,000 (excluding GST, accommodation, travel and other overheads) based on:
  - at least one in-person visit to the Shire of Carnamah per month for 20 of the 24 months;
  - additional site visits as required and approved by the CEO; and
  - Remote work as required and approved by the CEO.
2. Request the CEO to:
  - thank the Shire of Irwin for its previous shared arrangement for environmental health services; and
  - advise that for the next 24 months the Shire of Carnamah will make its own arrangements for environmental health services.

## 10.5 CONFIDENTIAL REPORTS

### 10.5.1 Closure of the Meeting to the Public

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<b>File Code</b>	ADM0619
<b>Author</b>	Robert Paull – Chief Executive Officer
<b>Senior Employee</b>	Robert Paull - Chief Executive Officer
<b>Disclosure of Interest</b>	Nil
<b>Attachments</b>	Nil

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#### SUMMARY

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* to move into camera or closed session to consider confidential matters.

#### BACKGROUND

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are considered to be 'confidential matters' as addressed below:

- Item 10.5.2 Confidential Item – Acceptance of Appointment of Manager Works and Services is presented under (s5.23 (2) (c) of the *Local Government Act 1995*); and
- Item 10.5.3 Confidential Item – Update: Legal advice and action in relation to alleged dog attack incident is presented under (s5.23 (2) (d) of the *Local Government Act 1995*).

#### COMMENT

Council is requested to close the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Carnamah Meeting Procedures Local Law 2013* s 6.2 so that it can consider the reports as addressed.

#### CONSULTATION

Not required

#### STATUTORY IMPLICATIONS

##### ***Local Government Act 1995***

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- a matter affecting an employee or employees;*
- the personal affairs of any person;*
- 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;*
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- a matter that if disclosed, would reveal —*

- (i) a trade secret;
- (ii) information that has a commercial value to a person;
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) endanger the security of the local government’s property;
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matters as may be prescribed.

**Shire of Carnamah Meeting Procedures Local Law 2013**

The key parts include:

**“6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –
  - (a) the presiding member is to direct everyone to leave the meeting except -
    - (i) the members;
    - (ii) the CEO; and
    - (iii) any officer specified by the presiding member; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.”

**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	Continuous improvement in efficient and effective service delivery



## **POLICY IMPLICATIONS**

There are no known Policy Implications

## **RISK IMPLICATIONS**

There are no known risk management considerations.

## **FINANCIAL IMPLICATIONS**

Any known financial implications are addressed in the report.

## **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Carnamah Meeting Procedures Local Law 2013* s 6.2 (3) so that it can consider the following Items:

1. Item 10.5.2 Confidential Item – Acceptance of Appointment of Manager Works and Services is presented under (s5.23 (2) (c) of the *Local Government Act 1995*); and
2. Item 10.5.3 Confidential Item – Update: Legal advice and action in relation to alleged dog attack incident is presented under (s5.23 (2) (d) of the *Local Government Act 1995*).

### **10.5.2 Confidential Item – Acceptance of Appointment of Manager Works and Services**

### **10.5.3 Confidential Item – Update: Legal advice and action in relation to alleged dog attack incident**

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## **11.0 ORDERING OF THE COMMON SEAL**

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Nil

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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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Nil

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

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Nil

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**16.0 CLOSURE OF MEETING**

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Next Ordinary Council Meeting to be held on Wednesday 16 August 2023 commencing at 4.00pm.