



UNCONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

16 AUGUST 2023

SHIRE OF CARNAMAH COUNCIL CHAMBERS

33-37 Macpherson Street Carnamah



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.

**UNCONFIRMED MINUTES
ORDINARY COUNCIL MEETING
16 AUGUST 2023**

DISCLAIMER

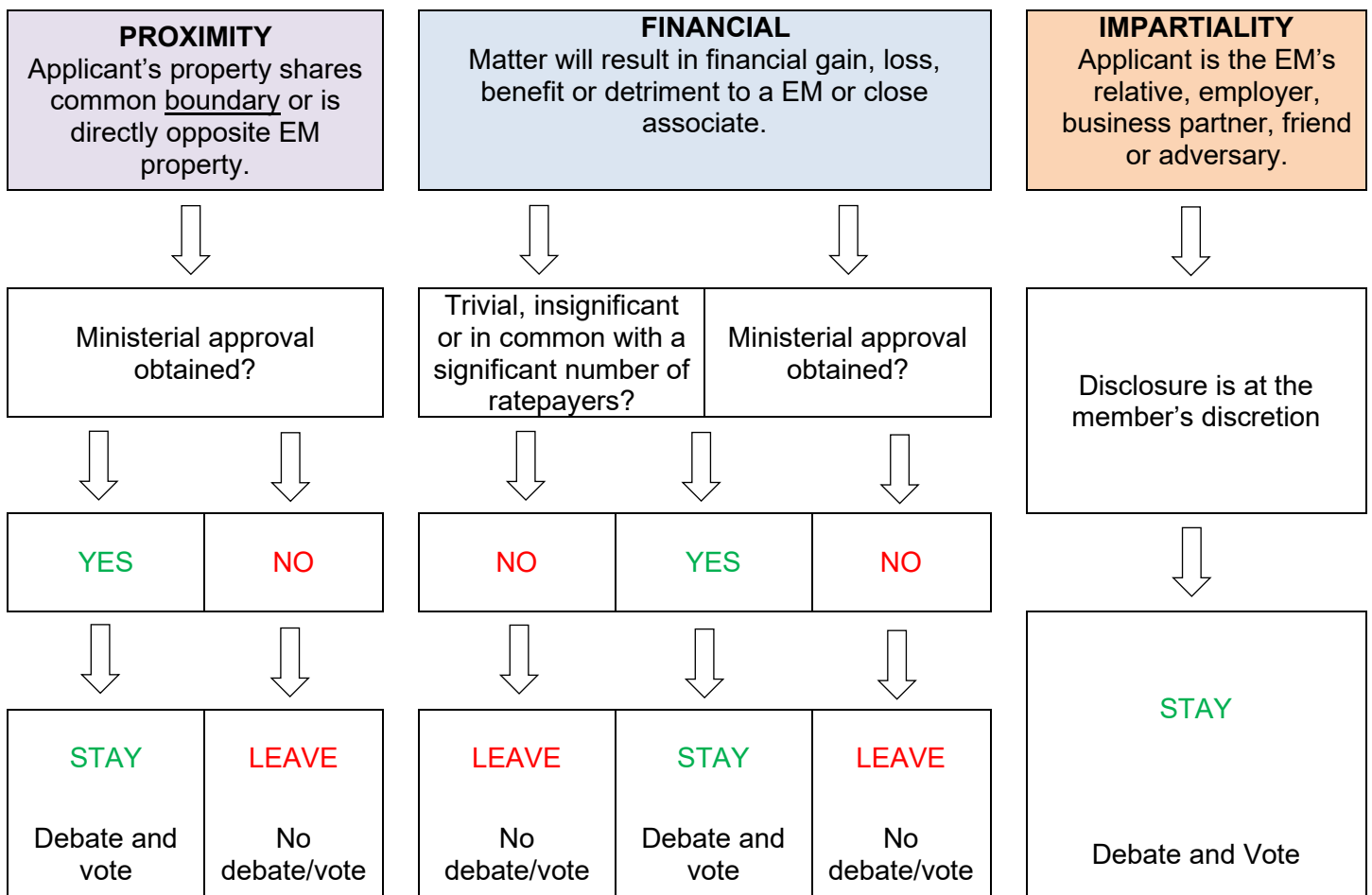
No responsibility is implied or accepted by Shire of Carnamah for any act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does 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, 16 August 2023

1.0 DECLARATION OF OPENING

1.1 OPENING

The Presiding Person declared the meeting open at 4.05pm.

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 PRESENT

| | | |
|------------------------|---|--|
| <u>Elected Members</u> | Cr Isbister Cr Woollorton Cr Kikeros Cr Risinger Cr Bowman Cr Chisholm Cr Counsel | Shire President (Presiding Person) Shire Deputy President Councillor Councillor Councillor Councillor Councillor |
| <u>Staff</u> | Robert Paull Ian Walsh John Skinner Joe Hodges Rachael Moore | Chief Executive Officer Deputy Chief Executive Officer Manager Works and Services Manager Works and Services Executive Coordinator |
| <u>Guests</u> | Marg Hemsley | Principal Consultant - LG People/Culture |

2.2 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 |
|-------------|-------------|---------------|------------|-----------|------------|-------------|-------------|
| 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 | | | | | | | |
| 07–23 OCM | | | | | | | |

Legend:

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

2.3 APOLOGIES

Nil

2.4 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

5.1 REQUEST FOR LEAVE – CR COUNSEL

Cr Counsel has submitted an application for Leave of Absence from the Ordinary Meeting of Council to be held 20 September 2023.

| | |
|---|-------------|
| <i>OCM 20230801 OFFICER RECOMMENDATION / COUNCIL DECISION</i> | |
| <i>That Cr Counsel is granted Leave of Absence from the Ordinary Meeting of Council to be held 20 September 2023.</i> | |
| Moved: | Cr Risinger |
| Seconded: | Cr Bowman |
| CARRIED 7/0 | |

5.2 REQUEST FOR LEAVE – CR RISINGER

Cr Risinger has submitted an application for Leave of Absence from the Ordinary Meeting of Council to be held 20 September 2023.

| | |
|--|------------|
| <i>OCM 20230802 OFFICER RECOMMENDATION / COUNCIL DECISION</i> | |
| <i>That Cr Risinger is granted Leave of Absence from the Ordinary Meeting of Council to be held 20 September 2023.</i> | |
| Moved: | Cr Counsel |
| Seconded: | Cr Kikeros |
| CARRIED 7/0 | |

6.0 DISCLOSURE OF INTEREST

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.

6.1.2 Cr Chisholm, Item - 10.4.3

Cr Chisholm declared a financial interest in Item 10.4.3 Application For Planning Approval – Short Stay Accommodation at Lot 42, No. 4 Caron Street, Carnamah, due to being a part owner of the property.

6.1.3 Chief Executive Officer, Robert Paull – Item 10.5.2

Chief Executive Officer, Robert Paull declared a financial interest in Item 10.5.2 Confidential item - Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24 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

Nil

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Presiding Member welcomed Joe Hodges to the Shire and also thanked John Skinner for his service over the last 3 years as Manager Works and Services. John has provided professional and experienced advice to Council over this period and it has been very much appreciated. John has enabled the Shire to undertake a very high level of road construction and maintenance along with (but not limited to) progressing improvements to the Carnamah Town Dam, advancement of Grain Freight funding, 'drought proofing' programs, after hours attendance at bush fires with Shire tankers, and negotiating gravel arrangements with the landowners. John has undertaken his responsibilities with a high level of calmness and professionalism. John's open communication style along with his professionalism has built a working relationship with Councillors, Staff and the community reflecting mutual trust and respect.

On behalf of Council, we wish John and Julie a very happy retirement.

The Presiding Member noted that sad passing of Terry Chisholm, father of Cr Bruce Chisholm. On behalf of Council, we give our condolences to the Chisholm family.

9.0 CONFIRMATION OF MINUTES

9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 17 MAY 2023

| | |
|---|---------------|
| OCM 20230803 OFFICER RECOMMENDATION / COUNCIL DECISION | |
| That the Minutes of the Ordinary Meeting of Council held on 19 July 2023 be accepted as a true and accurate record. | |
| Moved: | Cr Woollorton |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

| | |
|--|---------------|
| PROCEDURAL MOTION | |
| That Council amend the order of proceedings and bring Item 10.5.1 Closure of the Meeting to the Public and 10.5.2 and Confidential Item - Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24 due to the attendance of the Consultant. | |
| Moved: | Cr Woollorton |
| Seconded: | Cr Risinger |
| CARRIED 7/0 | |

4.11pm Rachael Moore, Ian Walsh, John Skinner and Joe Hodges all exited the meeting due to Confidential Item addressing the Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24.

9.1.1 Closure of the Meeting to the Public

| | |
|-------------------------------|--|
| File Code | ADM0619 |
| Author | Robert Paull – Chief Executive Officer |
| Senior Employee | Robert Paull - Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nil |

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 Item is considered to be a 'confidential matter' as addressed below:

- Item 10.5.1 Confidential Item – Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24 is presented under (s5.23 (2) (b) and (c) 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 —*
 - a trade secret;*
 - 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 associated with this Item.

RISK IMPLICATIONS

There are no known risk management considerations associated with this Item.

FINANCIAL IMPLICATIONS

Any known financial implications are addressed in the report.

VOTING REQUIREMENT

Simple Majority

| OCM 20230804 OFFICER RECOMMENDATION / COUNCIL DECISION | |
|---|---------------|
| That Council closes the meeting to the public under section 5.23 (2) of the <i>Local Government Act 1995</i> and the <i>Shire of Carnamah Meeting Procedures Local Law 2013</i> s 6.2 (3) so that it can consider the following Item: | |
| 1. Item 10.5.1 Confidential Item – Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24 is presented under (s5.23 (2) (b) and (c) of the <i>Local Government Act 1995</i>). | |
| Moved: | Cr Woollorton |
| Seconded: | Cr Counsel |
| CARRIED 7/0 | |

9.1.2 Confidential item - Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24

OCM 20230805 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Confidential Item - Chief Executive Officer Performance Appraisal and Performance Criteria/Key Result Areas for 2023/24, Council:

1. Note that the appraisal of Mr Robert Paull, Chief Executive Officer (CEO), has been undertaken for the period of August 2022 to August 2023 (as per Confidential Attachment 1);
2. Accepts the outcome of 'Meets Performance Requirements';
3. Endorses the CEO's Performance Criteria/Key Result Areas for 2023/24 (as per Confidential Attachment 1);
4. Approves the following variation to Mr Paull's Employment Contract and Total Reward Package (TRP) as follows:
 - a) Part 10 Superannuation – modified to be 11% (in line with Superannuation guarantee levy) notated at \$17,160;
 - b) Increase Mr Paull's TRP by \$780 (to address the increase in the Superannuation guarantee levy) to \$201,893;
 - c) Part 10 Remuneration Package (*FBT Accrued (Estimate)*) - to enable any Fringe Benefits Tax not required to be paid to the Australian Tax Office to be instead paid to Mr Paull (noting that will not change the agreed Total Reward Package); and
 - d) Part 10 Remuneration Package (*Salary (Cash Component)*) - notated to reflect 5(c) above;
5. Notes that variation to the TRP is within Band 4 Total Reward Package range of \$136,023 - \$213,356 as prescribed Salaries and Allowances Tribunal Determination dated 6 April 2023 (effective 1 July 2023);
6. Schedules the next review of the CEO's performance to be completed by 30 August 2024; and
7. Authorises the Shire President to advise Mr Paull in writing of 1- 6 above.

| | |
|---|---------------|
| Moved: | Cr Woollorton |
| Seconded: | Cr Chisholm |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

- 4.35pm Robert Paull, Chief Executive Officer and Cr Counsel left the meeting.
- 4.37pm Cr Bowman left the meeting.
- 4.38pm Cr Counsel and Cr Bowman returned to the meeting.
- 4.40pm Robert Paull, Rachael Moore, Ian Walsh, John Skinner and Joe Hodges returned to the meeting and advised staff of Council's resolution.

| | |
|---|----------------------|
| The Presiding Person reopened the meeting at 4.40pm | |
| <i>Moved:</i> | <i>Cr Risinger</i> |
| <i>Seconded:</i> | <i>Cr Woollorton</i> |
| <i>CARRIED 7/0</i> | |

- 4.41pm Marg Hemsley, Consultant left the meeting.

10.0 REPORTS OF THE CEO

10.1 MANAGER REGULATORY SERVICES

Nil

10.2 WORKS ADMINISTRATION REPORTS

Nil

10.3 FINANCE REPORTS

Chief Executive Officer, Robert Paull had earlier declared a financial interest in Item 10.3.1 Chief Executive Authorisations and Reporting due to the item addressing matters relating to his contract.

- 4.42pm Chief Executive Officer Robert Paull left the meeting

10.3.1 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 | Should Council accept the recommendation of the Report, the Deputy Chief Executive Officer will be Acting Chief executive for the period 7 August 2023 until 8 August 2023 (inclusive). |
| 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 13 July 2023 and 10 August 2023 (**Attachment 1**). No was taken during this period.

Leave Sought

This report covers the period between 17 August 2023 until 20 September 2023. The CEO is requesting to take Personal Leave on 7 September 2023 until 8 September 2023 (inclusive).

Reimbursement Applications

This report covers period between 13 July 2023 and 10 August 2023. The CEO did not seek or receive any reimbursements during this period.

Corporate Credit Card

This report covers 13 July 2023 and 10 August 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

| | | |
|---|--------------------|----------------------------|
| 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.

VOTING REQUIREMENT

Simple Majority

| |
|---|
| OCM 20230806 OFFICER RECOMMENDATION / COUNCIL DECISION |
|---|

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 13 July 2023 and 10 August 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 other than previously approved, the Chief Executive Officer took no other leave from the last Ordinary Council meeting held on 19 July 2023 until 10 August 2023.
3. Approves the Chief Executive Officer's request for Personal Leave from 7 September 2023 until 8 September 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 13 July 2023 and 10 August 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 13 July 2023 and 10 August 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.

| | |
|--------------------|-------------|
| Moved: | Cr Risinger |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

4.43pm Cr Bowman left the meeting.

4.43pm Cr Bowman and Robert Paull returned to the meeting and the Presiding Member advised him of the Council Resolution.

10.3.2 Accounts for Payment

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

SUMMARY

Council to confirm the payment of creditors for the period 14 July 2023 to 8 August 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)

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

| |
|---|
| OCM 20230807 OFFICER RECOMMENDATION / COUNCIL DECISION |
|---|

That Council approves the payments listed as Attachment 1 for the period 14 July 2023 to 8 August 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: 28346

Municipal EFT’s: 16512 – 16567

Payroll direct debits: # 100, 101

Municipal direct debit: 14453.1, 14461.1, 14481.1, 14487.1, 14493.1 & BANK FEE

Totalling \$ 537062.40 be approved and passed for payment.

| | |
|--------------------|-------------|
| Moved: | Cr Counsel |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

10.3.3 Financial Reports to 30 June 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 June 2023 |

SUMMARY

Council is requested to receive the Financial Report for 30 June 2023 and other supplementary financial information.

BACKGROUND

The attached financial reports for the month of June 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

| | |
|--|-------------|
| OCM 20230808 OFFICER RECOMMENDATION / COUNCIL DECISION | |
| That with respect to Financial Reports to 30 June July 2023, Council: | |
| 1. Receive the Monthly Financial reports for June 2023 and other supplementary financial information as presented in Attachment 1. | |
| Moved: | Cr Bowman |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

Note: Prior to Council considering this Item, Ian Walsh, Deputy Chief Executive Officer, advised Council of a typographical error to the preamble of the recommendation of the Officer Recommendation and rectified before Council's resolution.

10.3.4 2023/24 Budget Adoption and Imposition of Rates and Charges

| | |
|-------------------------------|---|
| File Code | ADM0167 |
| Author | Ian Walsh – Deputy Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | <ol style="list-style-type: none">1. 2023/24 Draft Budget Document including Fees and Charges2. Draft Road Hierarchy, Maintenance and Renewal Policy |

SUMMARY

Each financial year, a budget is prepared and submitted to Council for its consideration. The budget details anticipated income and expenditure for the coming financial year and it has taken into account input from Council's decisions over the last 12 months, and contributions from Councillors and Officers over the same period.

The draft Annual Budget for the year ended 30 June 2024 has now been prepared and is submitted to Council for consideration of formal adoption.

BACKGROUND

The *Local Government Act* 1995 requires every local government to have an approved financial year budget taking into account Council's Corporate Business Plan and Long Term Financial Plan. The draft Shire of Carnamah Annual Budget for the year ended 30 June 2024 detailing anticipated income and expenditure for the coming year has now been prepared (**Attachment 1**).

COMMENT

In June 2023 the Fair Work Commission handed down a 5.3% wage increase for all staff. These pay increases and corresponding increase in superannuation from 10.5% to 11% will increase employee costs by approximately \$55,000.

At its ordinary meeting in June 2021 Council resolved to establish a Community Education Reserve Fund with an annual allocation of \$5,000 being considered during Councils budget deliberations each year.

In May 2022, Council resolved to grant a 50% concession on the rent for the property situated at 9 Bierman Place to the Carnamah Day Care Supervisor to ensure that the service could continue.

It is recommended that as a result of this concession being granted, \$9,724 per annum, that no transfers be made to the reserve fund whilst the Day Care Supervisor occupies the property. The proposed differential rates were approved by Council on 21 June 2023 and advertised for public comment. Council needs to consider any submissions received prior to imposing the proposed 2023/24 differential rates and minimum payments. No submissions were received.

CONSULTATION

Councillor Briefings:

- 19 June 2023
- 9 August 2023

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995

| | |
|------------------------|---|
| <i>Section 6.2</i> | <i>Budget to be adopted prior to 31st August</i> |
| <i>Section 6.32</i> | <i>Imposition of rates to make up budget deficiency</i> |
| <i>Section 6.45</i> | <i>Imposition of rates instalment administration charge</i> |
| <i>Section 6.51</i> | <i>Imposition of interest on overdue rates</i> |
| <i>Section 6.46</i> | <i>Granting of discounts for early payment of rates</i> |
| <i>Section 6.16</i> | <i>Imposition of Fees and Charges</i> |
| <i>Section 6.11(3)</i> | <i>Reserve accounts change of purpose</i> |

Cemeteries Act 1986

| | |
|-------------------|-------------------------|
| <i>Section 53</i> | <i>Fees and charges</i> |
|-------------------|-------------------------|

Waste Avoidance and Resource Recovery Act 2007

| | |
|-------------------|--|
| <i>Section 67</i> | <i>Imposition of receptacle charge</i> |
|-------------------|--|

STRATEGIC IMPLICATIONS

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

Outcome 4: Open, collaborative and empowered.

The Strategic Community and Corporate Business Plan was considered when compiling the 2022-2023 Annual Budget.

POLICY IMPLICATIONS

There are no known policy implications associated with this Item. It is noted that a recommendation to Council is the adoption of the draft *Road Hierarchy, Maintenance And Renewal Policy (Attachment 2)*. As per the April 2023 Roads Inspection and discussion at the May 2023, June 2023, and July 2023 Councillor Briefings, the Policy is to be adopted with the 2023/24 Budget for implementation. The Policy will be reviewed every year.

RISK IMPLICATIONS

| | | |
|--|--------------------|----------------------------|
| Risk: That the 2023-24 budget does not reflect the forecast expenditure and revenue. | | |
| 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. The Deputy CEO and Manager of Works and Services will monitor the progress regularly. | | |

FINANCIAL IMPLICATIONS

The proposed budget for 2023/24 is a balanced budget.

VOTING REQUIREMENT

Absolute Majority

OCM 20230809 OFFICER RECOMMENDATION / COUNCIL DECISION

OFFICER RECOMMENDATION

That Council:

- 1) Impose in accordance with section 6.32(1)(a)(ii), 6.32(1)(b)(ii) and 6.33(3) of the Local Government Act the following differential rates for 2022/23.

2)

| Rating Category | Minimum Rate \$ | Rate in \$ (c) |
|-------------------|-----------------|----------------|
| GRV Townsite | 918.75 | 17.6610 |
| GRV Mining | 1837.50 | 35.3220 |
| UV Rural & Mining | 918.75 | 1.2663 |

- 3) In accordance with section 6.45(1)(b) of the Local Government Act 1995, offer the following options for the payment of rates:

- Option 1 – payment in full within 35 days after the issue date of the annual rate notice; and
- Option 2 – payments in four equal instalments at intervals of two (2) calendar months:
 - Instalment 1 – 5th October 2023
 - Instalment 2 – 5th December 2023
 - Instalment 3 – 6th February 2024
 - Instalment 4 – 9th April 2024

- 4) Impose in accordance with section 6.45(3) of the Local Government Act 1995 an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option and an administration fee of \$10 per instalment notice.

- 5) Impose in accordance with section 6.51(1) of the Local Government Act an interest rate of 11.0% applicable to overdue and unpaid rate and service charges subject to:
 - a. Note that the advertising required by section 6.16 of the Local Government Act 1995 inviting input into the proposed differential rates was placed in the “West Australian” newspaper on Monday 26 June 2023 and on Councils website and notice boards and that no submissions were received.
 - b. Confirm that no discount is given where rates are paid in full by the due date.
 - c. Reaffirms its Materiality Policy of 10% as per Policy 8.14 – Materiality For Financial Reporting.

6) Set the following meeting fees and allowances payable to members for the period from 1st July 2021 to 30th June 2022 to:

| Fee / Allowance Type | Current | Maximum | 2023/24 Fee / Allowance |
|------------------------|------------|------------|----------------------------|
| Presidential Allowance | \$8,000 pa | \$9,742 pa | \$8,000 pa |
| Meeting - President | \$238 each | \$488 each | \$238 each |
| Meeting - Councillor | \$238 each | \$244 each | \$238 each |
| Meeting - Committee | \$119 each | \$122 each | \$119 each |
| ITC | \$1,750 pa | \$3,500 pa | \$1,750 pa |

7) Pursuant to section 3.18 of the Local Government Act 1995, advises it is satisfied that the services and facilities it provides and which are funded in the 2023-24 Annual Budget:

- a. Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, State or any public body;
- b. Do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, State or any other body or person, whether public or private; and
- c. Will be managed efficiently and effectively.

8) Resolve that consideration of an annual \$5,000 allocation for the Community Education Reserve each year not be considered whilst Council is providing the rental concession for the property situated at 9 Bierman Place Carnamah.

9) Adopt the *Road Hierarchy, Maintenance and Renewal Policy* as provided for in Attachment 2.

| | |
|-----------|---------------|
| Moved: | Cr Woollorton |
| Seconded: | Cr Risinger |

OCM 20230810 OFFICER RECOMMENDATION / COUNCIL DECISION

MOTION TO AMEND

OFFICER RECOMMENDATION

That Council:

1) Impose in accordance with section 6.32(1)(a)(ii), 6.32(1)(b)(ii) and 6.33(3) of the Local Government Act the following differential rates for 2022/23.

2)

| Rating Category | Minimum Rate \$ | Rate in \$ (c) |
|-------------------|-----------------|----------------|
| GRV Townsite | 918.75 | 17.6610 |
| GRV Mining | 1837.50 | 35.3220 |
| UV Rural & Mining | 918.75 | 1.2663 |

- 3) In accordance with section 6.45(1)_ (b) of the Local Government Act 1995, offer the following options for the payment of rates:
- Option 1 – payment in full within 35 days after the issue date of the annual rate notice; and
 - Option 2 – payments in four equal instalments at intervals of two (2) calendar months:
 - Instalment 1 – 5th October 2023
 - Instalment 2 – 5th December 2023
 - Instalment 3 – 6th February 2024
 - Instalment 4 – 9th April 2024
- 4) Impose in accordance with section 6.45(3) of the Local Government Act 1995 an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option and an administration fee of \$10 per instalment notice.
- 5) Impose in accordance with section 6.51(1) of the Local Government Act an interest rate of 11.0% applicable to overdue and unpaid rate and service charges subject to:
- a. Note that the advertising required by section 6.16 of the Local Government Act 1995 inviting input into the proposed differential rates was placed in the “West Australian” newspaper on Monday 26 June 2023 and on Councils website and notice boards and that no submissions were received.
 - b. Confirm that no discount is given where rates are paid in full by the due date.
 - c. Reaffirms its Materiality Policy of 10% as per Policy 8.14 – Materiality For Financial Reporting.
- 6) Set the following meeting fees and allowances payable to members for the period from 1st July 2023 to 30th June 2024 to:

| Fee / Allowance Type | Current | Maximum | 2023/24 Fee / Allowance |
|------------------------|------------|------------|----------------------------|
| Presidential Allowance | \$8,000 pa | \$9,742 pa | \$8,000 pa |
| Meeting - President | \$238 each | \$488 each | \$238 each |
| Meeting - Councillor | \$238 each | \$244 each | \$238 each |
| Meeting - Committee | \$119 each | \$122 each | \$119 each |
| ITC | \$1,750 pa | \$3,500 pa | \$1,750 pa |

- 7) Pursuant to section 3.18 of the Local Government Act 1995, advises it is satisfied that the services and facilities it provides and which are funded in the 2023-24 Annual Budget:
- a. Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, State or any public body;

b. Do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, State or any other body or person, whether public or private; and

c. Will be managed efficiently and effectively.

8) Resolve that consideration of an annual \$5,000 allocation for the Community Education Reserve each year not be considered whilst Council is providing the rental concession for the property situated at 9 Bierman Place Carnamah.

9) Adopt the *Road Hierarchy, Maintenance and Renewal Policy* as provided for in Attachment 2.

10) Adopt the amended 2023/24 *Fees and Charges* as provided for in Attachment 1.

| | |
|--|---------------|
| Moved: | Cr Woollorton |
| Seconded: | Cr Risinger |
| CARRIED BY ABSOLUTE MAJORITY 7 /0 | |

OCM 20230811 OFFICER RECOMMENDATION / COUNCIL DECISION

That Council:

1) Impose in accordance with section 6.32(1)(a)(ii), 6.32(1)(b)(ii) and 6.33(3) of the Local Government Act the following differential rates for 2022/23.

2)

| Rating Category | Minimum Rate \$ | Rate in \$ (c) |
|-------------------|-----------------|----------------|
| GRV Townsite | 918.75 | 17.6610 |
| GRV Mining | 1837.50 | 35.3220 |
| UV Rural & Mining | 918.75 | 1.2663 |

3) In accordance with section 6.45(1)(b) of the Local Government Act 1995, offer the following options for the payment of rates:

- Option 1 – payment in full within 35 days after the issue date of the annual rate notice; and
- Option 2 – payments in four equal instalments at intervals of two (2) calendar months:
 - Instalment 1 – 5th October 2023
 - Instalment 2 – 5th December 2023
 - Instalment 3 – 6th February 2024
 - Instalment 4 – 9th April 2024

4) Impose in accordance with section 6.45(3) of the Local Government Act 1995 an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option and an administration fee of \$10 per instalment notice.

- 5) Impose in accordance with section 6.51(1) of the Local Government Act an interest rate of 11.0% applicable to overdue and unpaid rate and service charges subject to:
- Note that the advertising required by section 6.16 of the Local Government Act 1995 inviting input into the proposed differential rates was placed in the “West Australian” newspaper on Monday 26 June 2023 and on Councils website and notice boards and that no submissions were received.
 - Confirm that no discount is given where rates are paid in full by the due date.
 - Reaffirms its Materiality Policy of 10% as per Policy 8.14 – Materiality For Financial Reporting.
- 6) Set the following meeting fees and allowances payable to members for the period from 1st July 2023 to 30th June 2024 to:

| Fee / Allowance Type | Current | Maximum | 2023/24 Fee / Allowance |
|------------------------|------------|------------|----------------------------|
| Presidential Allowance | \$8,000 pa | \$9,742 pa | \$8,000 pa |
| Meeting - President | \$238 each | \$488 each | \$238 each |
| Meeting - Councillor | \$238 each | \$244 each | \$238 each |
| Meeting - Committee | \$119 each | \$122 each | \$119 each |
| ITC | \$1,750 pa | \$3,500 pa | \$1,750 pa |

- 7) Pursuant to section 3.18 of the Local Government Act 1995, advises it is satisfied that the services and facilities it provides and which are funded in the 2023-24 Annual Budget:
- Integrate and coordinate, so far as is practicable, with any provided by the Commonwealth, State or any public body;
 - Do not duplicate, to an extent that the Council considers inappropriate, services or facilities provided by the Commonwealth, State or any other body or person, whether public or private; and
 - Will be managed efficiently and effectively.
- 8) Resolve that consideration of an annual \$5,000 allocation for the Community Education Reserve each year not be considered whilst Council is providing the rental concession for the property situated at 9 Bierman Place Carnamah.
- 9) Adopt the *Road Hierarchy, Maintenance and Renewal Policy* as provided for in Attachment 2.
- 10) Adopt the 2023/24 *Fees and Charges* as provided for in Attachment 1.

| | |
|--|-------------|
| Moved: | Cr Chisholm |
| Seconded: | Cr Risinger |
| CARRIED BY ABSOLUTE MAJORITY 7 /0 | |

10.4 ADMINISTRATION REPORTS

10.4.1 Delegation Register – Additional Delegations

| | |
|-------------------------------|--|
| File Code | ADM0353 |
| Author | Rachael Moore, Executive Coordinator |
| Disclosure of Interest | Robert Paull, Chief Executive Officer |
| Attachment | 1. Amended Delegations |

SUMMARY

Council is requested to adopt several delegations across various legislations additional to the 2022/23 annual review of delegations.

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

At the Ordinary meeting of 19 July 2023 Council reviewed its Delegation Register for 2023/23. The Shire has since been made aware of several additional delegations required in relation to statutory building and environmental health matters as follows (Note **Attachment 1**):

- **Delegation 2.1 – Authority Relating to Building Provisions**
change in the delegate from Building Surveyor to Chief Executive Officer
- **Delegation 6.2 Appoint Authorised Officers and Designated Officers**
change in the delegate from Environmental Health Officer to Chief Executive Officer
- **Delegation 6.1 - Food Business Registration**
change in the delegate from Environmental Health Officer to Chief Executive Officer
- **Delegation 7.3 – Powers of Entry**
Change of officer delegation as there is no longer an 'Emergency Management and Ranger Services Officer' employed.

CONSULTATION

Executive 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.

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

OCM 20230812 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Delegation Register – Annual Review, Council:

1. Notes the additional delegations required in relation to statutory building and environmental health matters; and
2. Adopts the amended delegations as contained in Attachment 1.

| | |
|---|-------------|
| Moved: | Cr Risinger |
| Seconded: | Cr Kikeros |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

10.4.2 Draft WAPC Operational Policy 2.3 - Planning for Public Open Space

| | |
|-------------------------------|---|
| File Code | ADM0704 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Draft WAPC Operational Policy 2.3 – Planning For Public Open Space |

SUMMARY

Council is requested to indicate support for draft WAPC Operational Policy 2.3 but noting that:

- additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified in the draft policy;
- additional clarity is needed regarding contributions for built strata subdivisions, including type, contribution percentage, and timing;
- allowing publicly accessible but privately owned open space that is accessible to the public to offset a POS contribution is not considered a suitable substitute for publicly owned POS, as it would create a burden on the landowner, in terms of maintenance, liability, and potential use conflict, and is not considered to be a sustainable or secure way to provide POS for surrounding residents.

BACKGROUND

The Western Australian Planning Commission's (WAPC) long-standing Public Open Space (POS) policy currently requires that when new residential subdivision takes place, a minimum 10% of the gross subdividable area is ceded, free of cost, to the local government for POS, such as neighbourhood parks and sporting fields. Those who create new residential lots are required to either provide the land for POS as part of the development / subdivision or make an equivalent monetary contribution towards the cost of purchasing land for POS or improving POS facilities.

Under the current policy, all proposals that increase the number of lots can potentially be required to contribute to POS, including apartment developments that create new built strata lots and mixed-use lots that have a combination of residential and commercial development.

However, this is not entirely clear, and in practise the policy is inconsistently applied across all local governments. Subdivisions of five lots or fewer and built strata and mixed-use developments generally do not contribute to POS.

The proposed draft Operational Policy 2.3: Planning for Public Open Space (draft Policy 2.3) provides further clarity that all forms of land subdivision that increase the demand for POS can be subject to a contribution requirement, including all types of strata subdivision. The draft policy sets out the general principles and requirements that will be used by the WAPC to:

- ensure POS is an essential consideration across the planning framework;
- establish a minimum standard for the contribution towards POS from the creation of new lots;
- provide guidance on the collection, expenditure, and management of cash-in-lieu contributions towards POS to benefit the community.

The key aspects of draft Policy 2.3 are as follows:

- Ceding of at least 10% of the land area for POS will continue to apply in greenfield subdivision.
- Changes are proposed to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer, and consistent.
-
- Whilst not applicable to the Shire of Carnamah, subdividers in established suburbs (infill sites) may contribute less, as a POS contribution was made when the suburb was established and some of the additional POS demand can be met within existing parks. In these situations, the contribution percentage will be determined after an endorsed POS needs analysis is completed by the local government. If this analysis is yet to be done, a default rate of 5% will apply.
- Where only one additional lot (such as re-subdividing two lots into three lots) is proposed, a reduction to a default contribution rate of 2.5% applies.
- Subdividers of apartments or grouped housing that provide publicly accessible but privately owned open space may reduce their contribution in limited circumstances.
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to a default rate of 5% (lower and medium density) or 7.5% (high density).
- Subdividers of non-residential lots (e.g. Industrial zoned lots) will continue to typically be exempt from a POS contribution, unless a demonstrated community need exists, in which case the contribution rate will be established in an approved planning document.

It is understood that the WAPC is seeking to ensure that all communities have well-planned POS that is adequate in extent, quality, function, and accessibility, as well as being responsive to evolving community needs, and the costs of providing, upgrading, and maintaining POS be reasonably, predictably, and equitably shared among those that generate a need for it.

COMMENT

It has been over 30 years since the Shire has had to consider townsite subdivisions and the provision of open space. However, in the future should such subdivisions be considered, the WAPC's policies will prevail.

POS is an essential, standard infrastructure requirement and as community needs and expectations of what POS is and how it functions continue to evolve, the role of POS is broadening. It is reasonable to provide equitable access to quality POS, regardless of location or housing typology; however, the way in which this is provided requires a nuanced approach to ensure that open space demands and community expectations continue to be met into the future.

The Shire is of the opinion that a minimum 10% POS contribution for greenfield development sites should continue, though it is agreed that the provision of POS based on community need and functionality is also reasonable. In the absence of a local planning strategy that specifically addresses POS and appropriate contribution percentages, the implementation of the draft policy would be dependent on other "approved planning instruments", such as local planning schemes, structure plans or development contribution plans, otherwise default contribution percentages would apply.

Draft Policy 2.3 offers no guidance on how the contribution percentage should be determined if any of these approved planning instruments are utilised. There is a concern that without such guidance, local governments will be required to depend on default percentages to deliver the requisite quality POS and undertake resource-intensive planning work to establish percentages

for inclusion in approved planning instruments, which would effectively amount to creating a simplified development contribution scheme.

The inclusion of a provision allowing publicly accessible but privately owned open space to offset a POS contribution is not considered to be a suitable substitute for publicly owned POS. This option would create a burden on the landowner, in terms of maintenance, liability, and potential use conflict, and is not considered to be a sustainable or secure way to provide POS for surrounding residents.

The Shire is broadly supportive of draft Policy 2.3, noting that additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified, and that additional clarity is needed regarding contributions for built strata subdivisions. However, draft provisions allowing offsetting of POS contributions through making private open space available to the public is not supported for the reasons outlined above.

CONSULTATION

Executive Management Team

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

There are no known policy implications associated with this Item

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Legal – That Policy 2.3 will have implications associated with any future townsite POS . | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by reviewing the draft policy and lodging a submission to the WAPC. | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

OCM 20230813 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Draft WAPC Operational Policy 2.3 – Planning For Public Open Space, Council:

1. Request the Chief Executive Officer to lodge a submission with the Department of Planning, Lands and Heritage on draft Operational Policy 2.3 – Planning for Public Open Space noting as follows:
 - a) additional guidance is required for the determination of suitable contribution percentages when utilising any of the approved planning instruments that have been identified in the draft policy;
 - b) clarity is sought regarding contributions for built strata subdivisions, including type, percentage contribution, and timing; and
 - c) allowing publicly accessible but privately owned open space that is accessible to the public to offset a POS contribution is not considered a suitable substitute for publicly owned POS, as it would:
 - i. create a burden on the landowner, in terms of maintenance, liability, and potential use conflict; and
 - ii. is not a sustainable or secure way to providing POS for residents.

| | |
|--------------------|-------------|
| Moved: | Cr Chisholm |
| Seconded: | Cr Risinger |
| CARRIED 7/0 | |

Cr Chisolm had earlier declared a financial interest in Item 10.4.3 Application for Planning Approval – Short Stay Accommodation at Lot 42, No. 4 Caron Street, Carnamah as he is part owner of the property.

4.56pm Cr Chisholm left the meeting.

10.4.3 Application For Planning Approval – Short Stay Accommodation at Lot 42, No. 4 Caron Street, Carnamah

| | |
|-------------------------------|--|
| File Code | ADM0273 |
| Author | Robert Paull - Chief Executive Officer |
| Senior Employee | Robert Paull - Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. Application for Planning Approval |

SUMMARY

This report recommends Council resolve to advertise a 'Use not Listed' application for planning approval for 'short stay accommodation' at Lot 42, No. 4 Caron Street, Carnamah.

BACKGROUND

Lot 42, No. 4 Caron Street, Carnamah is zoned 'Residential' under the Shire of Carnamah Local Planning Scheme No. 2 ('LPS No. 2').

Application for 'Short Stay Accommodation' on the land is not a use that is listed under the Zoning Table of LPS No. 2.

CI 3.4 of LPS No.2 allows Council to consider a 'Use not Listed' provided it as advertised the application to potentially affected residents. In this regard, Council will need to satisfy itself that the proposed 'Short Stay Accommodation' is consistent with the objectives of the Residential Zone (as follows):

"3.2.1 Residential Zone

- a) To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.*
- b) Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.*
- c) A non-residential use shall only be permitted if the use does not detract from the amenity of the area".*

COMMENT

LPS No. 2 was Gazetted some 23 years ago and does not necessarily reflect the changing nature of residential and tourist uses (including online operators such as Air B&B).

It is suggested that with careful management, 'Short Stay Accommodation' at the property could be undertaken in a manner consistent with the LPS No. 2 objective and be in keeping with the amenity of the area.

CONSULTATION

Should Council support the application in principle, the Shire would advertise the proposal to adjoining residents seeking their views on the proposal. Once completed, the Shire would refer the matter back to Council for consideration.

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

"3.4. Interpretation of the Zoning Table

3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

STRATEGIC IMPLICATIONS

The proposal is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031:

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

POLICY IMPLICATIONS

There are no known policy implications

RISK IMPLICATIONS

| | | |
|--|--------------------------|----------------------------|
| Risk: Compliance - No noticeable regulatory or statutory impact. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Rare | Insignificant (Rare/Low) | Low |
| Action / Strategy | | |
| Impose conditions on any approval granted to ensure compliance with LPS No. 2. | | |

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget. The Applicant will be invoiced \$147 for the Application Fee. All costs associated with the proposed development will be met by the applicant / landowner.

It is significant to note should the applicant / landowner be aggrieved by Council's final decision in this matter they have the right seek a formal review of that decision by the State Administrative Tribunal.

VOTING REQUIREMENT

Simple Majority

| OCM 20230814 OFFICER RECOMMENDATION / COUNCIL DECISION | |
|--|------------|
| That with respect to Application For Planning Approval – Short Stay Accommodation, Lot 42, No. 4 Caron Street, Carnamah, Council: | |
| <ol style="list-style-type: none">1. Notes the Report;2. Is satisfied that the proposed Short Stay Accommodation is consistent with the objectives of the Residential Zone of the Shire of Carnamah Local Planning Scheme No. 2 (LPS No. 2) and is therefore permitted;3. Determines that the use may be consistent with the objectives of the Residential zone and thereafter requests the Chief Executive Officer (CEO) to follow the advertising procedures of clause 64 of the deemed provisions of LPS. 24. Requests the CEO to refer the Application back to Council once advertising as referred in 3. above is completed. | |
| Moved: | Cr Kikeros |
| Seconded: | Cr Counsel |
| CARRIED 6/0 | |

4.57pm John Skinner left the meeting

4.58pm John Skinner returned to the meeting

4.58pm Cr Chisholm returned to the meeting and the Presiding Person advised him of the Council Resolution.

10.4.4 Proposed Fire Break Notice 2023/24

| | |
|-------------------------------|---|
| File Code | ADM0558 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1 Draft Fire Break Notice 2023/24 |

SUMMARY

This report recommends that Council endorse the Shire of Carnamah Fire Break Notice 2023/24.

BACKGROUND

At the 17 August 2022 Ordinary Meeting, Council endorsed the 2022/23 Annual Fire Break Notice and approved the appointment of the Fire Control Officers (FCO). Prior Council's consideration, Bush Fire Advisory Committee (BFAC) recommended minor changes made to the 2022/23 Fire Break Notice by the BFAC as follows:

- Amended Restricted and Prohibited Burning periods previously agreed to by Council; Changing of the wording 'Fire Danger Index above 35' to 'Fire Behaviour Index above 40' (part of new national fire danger rating system);
- Burning is now permitted on Sundays with Public Holidays still not allowed (during Restricted Burning Period);
- Removal of flammable material distance around buildings, haystacks etc. has been increased from 2.7 m to 3 meters;
- The Harvest Ban Information Line contact number has been removed (no longer operating);
- Addition of one Fire Control Officer (John Morgan); and
- Inclusion of advice that Permits will be issued from the Shire Office (CEO and Deputy CEO).

Feedback at the time from the Chief Bushfire Control Officer (CBFCO) and other FCO's was that they didn't wish to issue Fire Permits and requested that the Shire administration undertake this task. In past years Shire administration filled in the Permit form and then contacted the CBFCO to seek availability to sign the form (and if not the CEO, would sign the form).

This is inconvenient to the person waiting to receive the permit and inefficient from a staff perspective. The *Bushfires Act 1954* allows where an FCO is not available for the CEO of a local government to sign a burning permit. Accordingly, it was agreed that the Deputy CEO would be approved as an FCO for the sole purpose of issuing burning permits. The arrangement was that before a permit was issued, the Community Emergency Services Manager (CESM) would be contacted for assessment.

COMMENT

As the Fire Break Notice is provided to ratepayers with their annual Rates Notice, it is essential that Council adopt a Shire of Carnamah Fire Break Notice 2023/24.

It is unfortunate that the Bush Fire Advisory Committee has not met in 2023 to determine the Fire Break Notice or appoint the FCO's. It is also noted that the current CESM has resigned from the role and this position is currently vacant.

Attachment 1 provides the draft Fire Break Notice 2023/24 which although has been slightly re-formatted, is near identical to the 2022/23 Fire Break Notice with the exception of:

- Referencing the Bush Fire Brigade FCO's to the Shire Website.
- Burning periods recommend as follows:
 - Prohibited Burning Period from 1 November to 28 February (no change);
 - Restricted Burning Period is from:
 - 19 September to 31 October (formally 19 September to 30 October);
 - 1 March to 31 March (no change).

The above burning periods are generally consistent with the 2022/23 Fire Break Notice and the dates set by the Shire of Coorow.

It is expected that well before the fire season, BFAC will meet to recommend the FCO positions, and this will be referred to Council to adopt.

CONSULTATION

Executive Management Team
CESM

STATUTORY IMPLICATIONS

Bush Fires Act 1954, sections 33 and 38

33. Local government may require occupier of land to plough or clear fire-break

- (1) *Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —*
- (a) *to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;*
 - (b) *to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,*
- and the notice may require the owner or occupier to do so —*
- (c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
 - (d) *in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.*
- (2) *A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be*

given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices

38. Local government may appoint bush fire control officer

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

STRATEGIC IMPLICATIONS

Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 reviewed by Council in 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

3.1 Bush Fire Control

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Failure of landowners to comply with the requirements of the notice increasing the potential for damage to property and injury to lives from fires. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Major | High |
| Action / Strategy | | |
| Inspection of property prior to the commencement of the fire season to ensure compliance with the notice which will reduce the risk of fires commencing and causing damage. | | |

FINANCIAL IMPLICATIONS

Minimal cost, being photocopy charges as the notice is printed internally and included with the annual Rates Notice. Cost of undertaking annual inspections is included in the annual budget allocations under Law Order and Public Safety, Fire Control Expenses.

VOTING REQUIREMENT

Simple Majority

| OCM 20230815 OFFICER RECOMMENDATION / COUNCIL DECISION | |
|--|-------------|
| That with respect proposed Fire Break Notice 2023/24 that Council: <ol style="list-style-type: none">1. Adopts the Shire of Carnamah Fire Break Notice 2023/24 as detailed in Attachment 1; and2. Requests the Chief Executive Officer to forward the recommended Fire Control Officers to Council for appointment once the Bush Fire Advisory Committee has met and recommended such nominations. | |
| Moved: | Cr Kikeros |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

10.4.5 Voting Delegates for Western Australian Local Government Association (WALGA) Annual General Meeting

| | |
|-------------------------------|---------------------------------------|
| File Code | ADM0382 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nil |

SUMMARY

The purpose of this report is for Council to elect Voting Delegates for the Shire of Carnamah in respect of the WALGA Annual General Meeting (AGM) for 2023.

BACKGROUND

All member local governments are entitled to be represented by two voting delegates at the WALGA AGM to be held on Monday, 18 September 2023 commencing at 2:00pm.

COMMENT

Two representatives for the Shire of Morawa attending the WALGA AGM should be elected as voting delegates on behalf of the Shire of Carnamah. It is open for Council to also elect two Proxy Voting Delegates.

At this stage the Shire has no elected members registered to attend the WALGA Convention. Councillors are requested to nominate as voting delegates.

The Officer recommendation allows the Chief executive officer (CEO) to assign a proxy should only one voting delegate be able to attend the AGM due to sickness or another unexpected reason.

It is expected that significant governance amendments to the constitution of WALGA will be presented to the AGM so it will be beneficial to have good representation if possible.

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 1.6 Elected Members Professional Development

- Council will pay accommodation costs of authorised delegates and their partners to conferences and functions as approved by Council;
- Council will pay meal costs for authorised delegates and their partners to conferences and functions as approved by Council; and
- Council will pay expenses (e.g. phone, taxi fares for local government business) for authorised delegates only to conferences and functions as approved by Council.

RISK IMPLICATIONS

| | | |
|--|--------------------|----------------------------|
| Risk: Legal and Reputational – Only Council can authorise Voting Delegates for the WALGA AGM. | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by authorising voting delegates. | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item. The 2023/24 budget will have an appropriate allocation of funds to address the attendance of Councillors/CEO at the AGM and Conference.

VOTING REQUIREMENT

Absolute Majority

| | |
|--|-------------|
| OCM 20230816 OFFICER RECOMMENDATION / COUNCIL DECISION | |
| That with respect to Voting Delegates for Western Australian Local Government Association (WALGA) Annual General Meeting, Council: | |
| <ol style="list-style-type: none"> 1. Elect Cr Wooltorton; and Cr Kikeros as Voting Delegates for the Shire of Carnamah and meet all registration, accommodation, meals and other expenses for the delegates and proxy delegates as per Council policy 1.6; and 2. Authorise the Chief Executive Officer assign a proxy should the above representatives fall ill or be unable to attend. | |
| Moved: | Cr Risinger |
| Seconded: | Cr Counsel |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

10.4.6 Request to Waive Carnamah Youth and Community Centre (Town Hall) 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 Rural Aid |

SUMMARY

Council is requested to waive the Carnamah Youth and Community Centre (Town Hall) Facility hire fees in relation to a 'not for profit' event being undertaken by Rural Aid's 'Community Builders Program'.

BACKGROUND

Rural Aid is currently running a series of workshops in the North Midlands area as a Community Builders Program, in summary this is what has been achieved so far with the support from the Mid West Development Commission. Rural Aid's 'Community Connector' advises that the Community Builder Program involves no cost to participants and Carnamah has been chosen to host the final workshop and celebration event on the 20 October 2023. Guest speaker is the Hon. Minister Don Punch MLA, Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing; Volunteering along with the Hon Sandra Carr, MLC Member for the Agricultural Region.

Rural Aid is requesting that Council waive the cost of the Town Hall and request that they may be able to support the event by way of sponsorship (Note **Attachment 1**). Rural Aid has also requested that the Shire support a 'BYO' arrangement alcohol. At the Ordinary Meeting of 17 May 2023, Council resolved to adopt fees and charges 2023/24 with \$220.00 the associated fee for the daily hire of the Carnamah Youth and Community Centre (Town Hall) Facility. A Facility Hire Bond of \$310 is also applicable.

COMMENT

The Community Builders Program represents a grassroots leadership program that seeks to support local community builders within a defined cluster of communities to better understand and build their local and regional community and economy.

As the event is a 'not for profit' event being undertaken by Rural Aid's 'Community Builders Program', the request to waive the fee by way of 'sponsorship'.

However, the Facility Hire Bond will still need to be paid. In relation to the 'BYO' arrangement for alcohol, given the type of event and the target audience, it is anticipated that Community Builders will promote the responsible consumption alcohol.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Local Government Act 1995

STRATEGIC IMPLICATIONS

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

| | |
|-----------------------|--|
| <i>Outcome 1</i> | <i>Close-knit and family-friendly</i> |
| <i>Priority 1.2</i> | <i>Improve the standard and utilisation of community and recreation facilities</i> |
| <i>Strategy 1.2.2</i> | <i>Work with the community to improve utilisation of community and recreation facilities</i> |

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 \$250 however the benefit to the community will mitigate this. | | |

FINANCIAL IMPLICATIONS

Should Council agree to waive the requested fee, it would forego \$220 of potential income.

VOTING REQUIREMENT

Absolute Majority

| | |
|---|-------------|
| OCM 20230817 OFFICER RECOMMENDATION / COUNCIL DECISION | |
| That in relation to Request to Carnamah Youth and Community Centre (Town Hall) Facility Hire Fees, Council: | |
| <ol style="list-style-type: none">Note the request from Rural Aid to waive the Carnamah Youth and Community Centre (Town Hall) hire fee in relation to the final workshop and celebration event on the 20 October 2023 and 'BYO' alcohol; andResolve to:<ol style="list-style-type: none">waive the facility hire fee for the Carnamah Youth and Community Centre (Town Hall) by way of a \$220 'sponsorship';require the payment of a Facility Hire Bond (to be refunded provide the Facility is left in an appropriate manner; andsupport a 'BYO' arrangement for alcohol. | |
| Moved: | Cr Chisholm |
| Seconded: | Cr Kikeros |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

10.4.7 WA Local Government Convention – Attendance Registrations

| | |
|-------------------------------|---------------------------------------|
| File Code | ADM0059 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1 Conference Program |

SUMMARY

This report recommends that Council approve the attendance of interested Councillors to the 2023 WA Local Government Convention and meet all registration, accommodation, travel and other sundry expenses as per the Council policy

BACKGROUND

The 2023 WA Local Government Convention will be held from 17 – 19 September 2023 at Crown Perth, Burswood. The theme for this year’s conference is ‘Local Futures’ and it will explore Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local. Programme details are provided in **Attachment 1**.

COMMENT

Councillors are requested to express an interest in attending. Registration of the Chief Executive Officer will be undertaken as a separate exercise and does not require the approval of Council.

CONSULTATION

Councillor Briefing (19 July 2023).

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 (as reviewed December 2022).

Outcome 4: Open, collaborative and empowered

Priority 4.2: Improvement in communication, effective community partnerships and advocacy

Strategy 4.2.5: Continued focus on communication, effective community partnerships and advocacy.

POLICY IMPLICATIONS

Policy 1.6 Elected Members Professional Development

- Council will pay accommodation costs of authorised delegates and their partners to conferences and functions as approved by Council;
- Council will pay meal costs for authorised delegates and their partners to conferences and functions as approved by Council; and
- Council will pay expenses (e.g. phone, taxi fares for local government business) for authorised delegates only to conferences and functions as approved by Council.

RISK IMPLICATIONS

| Risk: Councillors not being a position to attend the conference after registrations have been paid | | |
|---|--------------------|----------------------------|
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Minor | Moderate |
| Action / Strategy | | |
| Monitor the situation and seek a refund should any Councillors have to withdraw their attendance. | | |

FINANCIAL IMPLICATIONS

Funding for the attendance of Councillors at conferences is included in the annual budget in Schedule 4 Governance under the 'Members of Council' under the 'Training & Development' and 'Members Travel and Accommodation' allocations. Indicative conference costs per delegate are:

Convention registration fees:

- Full Delegate: \$1,296.00
- Monday Day Delegate: \$648.00
- Tuesday Day Delegate: \$972.00
- Corporate Delegate: \$1,620.00
- WALGA Life Member: Complimentary

Optional Extras:

- Gala Cocktails (Monday): \$135.00
- Convention Breakfast with Michelle Payne (Tuesday): \$93.30

Accommodation and meals: \$1,000

Travel costs: \$500

VOTING REQUIREMENT

Simple Majority

OCM 20230818 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to 2023 WA Local Government Convention – Attendance Registrations, Council approves the attendance of:

Councillor Wooltorton;

Councillor Kikeros;

at the 2023 WA Local Government Convention to be held on 17 – 19 September 2023 in Perth and meet all registration, accommodation, meals and other expenses for the authorised delegates and partners, as per Council Policy 1.6.

| | |
|--------|-------------|
| Moved: | Cr Risinger |
|--------|-------------|

| | |
|-----------|-------------|
| Seconded: | Cr Chisholm |
|-----------|-------------|

CARRIED 7/0

11.0 CONFIDENTIAL REPORTS

Nil

12.0 ORDERING OF THE COMMON SEAL

Nil

13.0 REPORTS OF COMMITTEES AND MEMBERS

Nil

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

16.0 NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

16.1 MOTION TO ADMIT BUSINESS OF AN URGENT NATURE:

1. Item 16.1 Amending the location for the 20 September 2023 Ordinary Meeting of Council;
2. Item 16.2 Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries; and
3. Item 16.3: Purchase of Replacement Prime Mover.

OCM 20230819 OFFICER RECOMMENDATION / COUNCIL DECISION

That Council accept Items 16.1, 16.2 and 16.3 as New Business of an Urgent Nature for consideration at the Ordinary Meeting of Council on 16 August 2023.

| | |
|--------------------|-------------|
| Moved: | Cr Risinger |
| Seconded: | Cr Chisholm |
| CARRIED 7/0 | |

16.1.1 Amending the location for the 20 September 2023 Ordinary Meeting of Council

| | |
|-------------------------------|---------------------------------------|
| File Code | ADM0072 |
| Author | Rachael Moore, Executive Coordinator |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nil |

SUMMARY

This report recommends that Council amend the location for the September 2023 Ordinary Meeting of Council by revoking the original decision of dates, locations and times of Ordinary Meetings for 2023 and replacing the location for the September 2023 meeting to occur at the Eneabba Tennis Club.

BACKGROUND

The Council meets on the third Wednesday of each month (excepting January) and encourages members of the public to be in attendance. A public question time segment is held at the commencement of each Ordinary and Special Meeting of Council to allow the public a forum in which they may raise questions regarding Agenda Items or other issues affecting the community. Council Meetings are held in Eneabba, which offers the residents the opportunity of being briefed on issues affecting the Council as well as providing an opportunity for those in attendance to raise issues with their elected member representatives.

16 November 2022: Council resolved (OCM2221112) to adopt the dates, locations and times of Ordinary Meetings for 2023.

19 April 2023: Council resolved (OCM 20230412) to revoke OCM2221112 and revise the date of Ordinary Meetings for October 2023.

COMMENT

The Ordinary Meeting for 20 September 2023 is set for 3:00pm at the Eneabba Recreation Centre and Sporting Club. It would be preferred to retain the date and time and to have the Meeting at the Eneabba Tennis Club. For this change to be made, Council would need to revoke the earlier decision of dates, locations and times of Ordinary Meetings for 2023 and replace with an amended date.

CONSULTATION

Shire President
Executive Management

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*

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 (Amended December 2022).

| | |
|----------------|---|
| Outcome 4 | Open, collaborative and empowered |
| Priority 4.2 | Improvement in communication, effective community partnerships and advocacy |
| Strategy 4.2.5 | Continued focus on communication, effective community partnerships and advocacy |

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Compliance - Local Government (Administration) Regulations 1996 s12 publication of meeting details | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by updating the publication on the website. | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Absolute Majority

| OCM 20230820 OFFICER RECOMMENDATION / COUNCIL DECISION | | |
|--|---------------|--|
| That with respect to amending the location for the 20 September 2023 Ordinary Meeting of Council, Council: | | |
| 1. Revokes Council resolution OCM 20230412 made at the Ordinary Meeting on 19 April 2023 as follows: | | |
| <i>“That with respect to Dates, Locations and Times of Ordinary Meetings for 2023, Council:</i> | | |
| <i>1. Adopts the following schedule:</i> | | |
| Date | Time | Location |
| <i>22 February</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>15 March</i> | <i>3:00pm</i> | <i>Eneabba Recreation Centre and Sporting Club</i> |
| <i>19 April</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>17 May</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>21 June</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>19 July</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>16 August</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>20 September</i> | <i>3:00pm</i> | <i>Eneabba Recreation Centre and Sporting Club</i> |
| <i>25 October</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>15 November</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |
| <i>13 December</i> | <i>4:00pm</i> | <i>Carnamah Council Chambers</i> |

2. *Requests the Chief Executive Officer to publish the Dates, Locations and Times of Ordinary Meetings for 2023 in accordance with Local Government Act 1995 (s5.25)*”.

2. Adopts the following revised schedule of Dates, Locations and Times of Ordinary Meetings for 2023:

| Date | Time | Location |
|--------------|-------------|---|
| 22 February | 4:00pm | Carnamah Council Chambers |
| 15 March | 3:00pm | Eneabba Recreation Centre and Sporting Club |
| 19 April | 4:00pm | Carnamah Council Chambers |
| 17 May | 4:00pm | Carnamah Council Chambers |
| 21 June | 4:00pm | Carnamah Council Chambers |
| 19 July | 4:00pm | Carnamah Council Chambers |
| 16 August | 4:00pm | Carnamah Council Chambers |
| 20 September | 3:00pm | Eneabba Tennis Club |
| 25 October | 4:00pm | Carnamah Council Chambers |
| 15 November | 4:00pm | Carnamah Council Chambers |
| 13 December | 4:00pm | Carnamah Council Chambers |

3. *Requests the Chief Executive Officer to publish the Dates, Locations and Times of Ordinary Meetings for 2023 in accordance with Local Government Act 1995 (s5.25)*”.

| | |
|---|-------------|
| Moved: | Cr Chisholm |
| Seconded: | Cr Counsel |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

16.1.2 Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries

| | |
|-------------------------------|---|
| File Code | ADM0072 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | 1. WALGA Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries |

SUMMARY

This report recommends that Council:

1. Endorse WALGA Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries (**Attachment 1**); and
2. Request the President lodge an objection on behalf of Council based on WALGA Objection.

BACKGROUND

The WA Electoral Commission recently published their proposed electoral boundaries to be used at the next State election in 2025. A key proposal from the Commissioners is to amalgamate two non-metropolitan districts. District boundaries are reviewed every four years to maintain similar populations in each electoral seat with WA Electoral Commission taking into account communities of interest, land use patterns, Local Government boundaries, means of travel and distance from Perth.

WALGA has drafted an objection on behalf of Local Government Members based on existing advocacy positions as well as discussions with State Council at the August Information Forum. Objections to the proposed boundaries can be submitted to the Commissioners by Monday, 21 August.

COMMENT

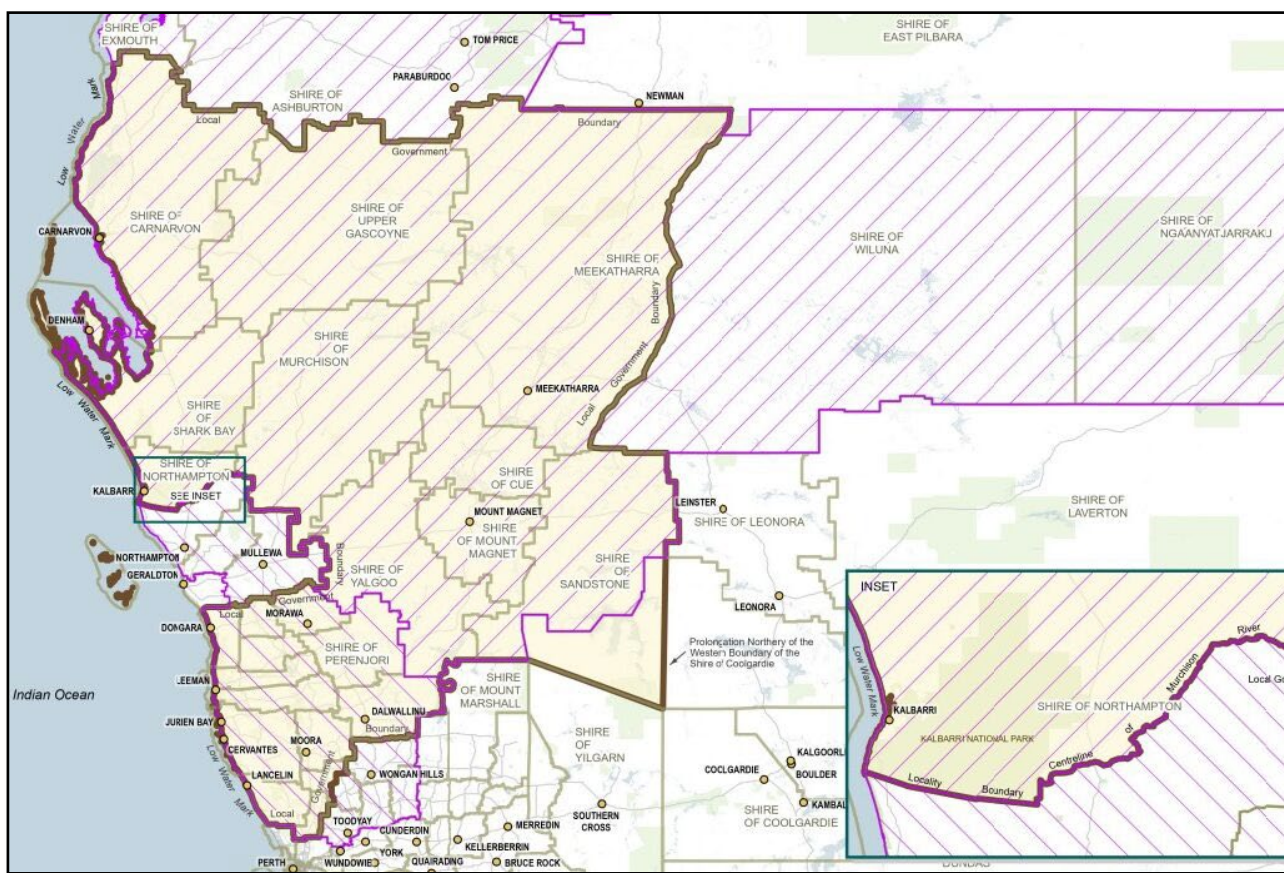
The proposed changes by the Commission would see the seats of Moore and North West Central amalgamated into the seat of Mid West to make way for an additional metropolitan seat. The new seat of Mid West would cover more than 430,000km² – a six-fold increase in the area covered by the current seat of Moore. WALGA's draft objection/submission is as follows:

“WALGA’s objection to the proposed boundaries are on the basis that the reduction of non-metropolitan districts will:

- 1. Further diminish political representation for regional communities;*
- 2. Increase pressure on regional Local Governments; and*
- 3. Fail to recognise the contributions of non-metropolitan districts to the WA economy.*

WALGA and its Members support increased resourcing for electorate offices in nonmetropolitan districts, particularly those that cover a large geographical area, to ensure effective political representation at the State level.”

The objection primarily focuses on the impact of reduced political representation for non-metropolitan communities, and asks for increased resourcing for regional electorate offices, particularly those in districts of large geographical size.



In discussion with Councillors, the concerns raised by WALGA are echoed by them. These concerns are not party political but a very real apprehension the amalgamation of the seats of Moore and North West will increase pressure on regional Local Governments. This is noted in WALGA's consideration as follows:

“As political representation of non-metropolitan communities at the State level is diminished, the political representation provided by Local Governments will become even more important. This additional responsibility will be challenging for many non-metropolitan Local Governments, already stretched beyond their current capacity and resourcing.”

The service provision expectations and requirements of Local Governments have increased considerably, rarely with commensurate increases in funding and resourcing. This has led to Local Governments, particularly in rural and remote parts of Western Australia, providing services previously the responsibility of other spheres of government. Contemporary examples include the provision of primary health care; aged care; housing; and economic development. Diminished political representation, requiring Local Government to fill another gap, will further stretch capacity and resources.”

CONSULTATION

Shire President
 All Councillors (Councillor Briefing 16 August 2023)
 Executive Management

STATUTORY IMPLICATIONS

Constitutional and Electoral Legislation Amendment (Electoral Equality) Act 2021

STRATEGIC IMPLICATIONS

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

*Outcome 4 Open, collaborative and empowered
Priority 4.2 Improvement in communication, effective community partnerships and advocacy
Strategy 4.2.5 Continued focus on communication, effective community partnerships and advocacy*

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

RISK IMPLICATIONS

| | | |
|---|--------------------|----------------------------|
| Risk: Compliance - Local Government (Administration) Regulations 1996 s12 publication of meeting details | | |
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Low | Moderate |
| Action / Strategy | | |
| The risk is mitigated by updating the publication on the website. | | |

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this Item.

VOTING REQUIREMENT

Simple Majority

| | |
|--|---------------|
| OCM 20230821 OFFICER RECOMMENDATION / COUNCIL DECISION | |
| That with respect to Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries, Council: | |
| 1. Note the Report; | |
| 2. Endorse the WALGA Objection to 2023 WA Electoral Distribution Commission Proposed Boundaries (Attachment 1); and | |
| 3. Request the Shire President to lodge an objection on behalf of the Council of the Shire of Carnamah based on the WALGA Objection. | |
| Moved: | Cr Woollorton |
| Seconded: | Cr Bowman |
| CARRIED 7/0 | |

16.1.3 Purchase of Replacement Prime Mover

| | |
|-------------------------------|---|
| File Code | ADM0552 |
| Author | John Skinner, Manager Works, and Services |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachment/s | 1. Confidential Attachment Evaluation of RFT E-Quote VPR632524/2023 |

SUMMARY

Council is requested to approve a tender/quotation to replace the Shire's Isuzu Giga 455 truck as part of the 2023/24 Plant Replacement Program.

BACKGROUND

As part of the 2023/24 Budget considerations, Council approved the replacement of the Isuzu Giga for the 2023/24 financial year.

COMMENT

The current truck was manufactured in 2015 and has travelled 390000 kilometres. This truck has reached the end of its useful life for this application.

The purchase quotes were called using the WALGA's eQuotes system, which has a list of preferred suppliers. Compliant quotes were received from Truck Centre (WA), AV Trucks Services, Purcher Trucks, CJD Trucks. There were no non-compliant tenders received.

The Manager Works and Services and the incoming Works and Services Manager Joe Hodges assessed the submissions and rated that the Mack Anthem Prime Mover represented the best value purchase.

Prime Mover Evaluation

| COMPANY | MAKE | MODEL | PURCHASE PRICE (Including GST) | RATING |
|-------------------|--------------|--------------|---|---------------|
| Truck Centre (WA) | Mack | Anthem | \$375,980.00 | 1 |
| AV Trucks | Iveco | S-Way | \$315,183.00 | 3 |
| Purcher Trucks | Mercedes | Actros | \$385,000.00 | 2 |
| Purcher Trucks | Freightliner | Cascadia | \$423,500.00 | 5 |
| CJD Trucks | Daff | CF | \$328,042.00 | 4 |

The Mack Anthem outperformed the nearest considered rivals and is a leader in this sector of the trucking industry in price and quality.

The Shire’s evaluation of RFT E-Quote VPR632524 is included as a **Confidential Attachment 1** and provided to Councillors under separate cover.

CONSULTATION

Executive Management Team

No public consultation was considered necessary, however consultation with truck suppliers was undertaken through WALGA E-Quotes.

STATUTORY IMPLICATIONS

Local Government Act 1995 S.3.57

Local Government (Functions and General) Regulations 1996. Division 2 of the Regulations details in the tender requirements for the provision of goods and services.

STRATEGIC IMPLICATIONS

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

Policy 2.5 Purchasing

“5. Exemptions

a. Purchases made with the express approval of Council

b. Purchases made through the WA Local Government Association E Quotes System”

RISK IMPLICATIONS

| Risk: Risk mitigation included the use of the WALGA eQuotes process. | | |
|---|--------------------|----------------------------|
| Likelihood | Consequence | Acceptance Criteria |
| Possible | Minor | Moderate |
| Action / Strategy | | |
| The risks associated with matters in this report are: <ul style="list-style-type: none">• Errors, Omissions and Delays• Failure to fulfil Statutory, Regulatory or Compliance Requirements• Inadequate Document Management Processes• Inadequate Engagement Practices• Inadequate Asset Sustainability Practices• Inadequate Supplier/Contract Management. | | |

FINANCIAL IMPLICATIONS

The 2023/24 adopted budget includes financial consideration for the provision of funding for this item within the Plant Replacement Program which includes a net changeover of \$300,000 for the Prime Mover.

VOTING REQUIREMENT

Absolute Majority

| OCM 20230822 OFFICER RECOMMENDATION / COUNCIL DECISION | |
|---|-------------|
| That with regards to Purchase of Replacement Prime Mover, Council: | |
| <ol style="list-style-type: none">1. Note the Report and Evaluation of received Tenders.2. Resolve to consider Attachment 1 Evaluation of RFT E-Quote VPR632524 is included as Confidential;3. Award the E-Quote VPR632524/2023 for \$338,382.00 (excluding GST and Trade-in) to Truck Centre (WA); and4. Authorise the Chief Executive Office to dispose of a Isuzu Giga 455 to the highest and best price through Auction and to advise Council of the price received. | |
| Moved: | Cr Bowman |
| Seconded: | Cr Chisholm |
| CARRIED BY ABSOLUTE MAJORITY 7/0 | |

17.0 CLOSURE OF MEETING

The Presiding Person closed the meeting at 5.23pm.

The next Ordinary Council Meeting is to be held on Wednesday 20 September 2023 at Eneabba Tennis Club commencing at 3.00pm.