



CONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

20 SEPTEMBER 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
20 SEPTEMBER 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.

CONFIRMED MINUTES

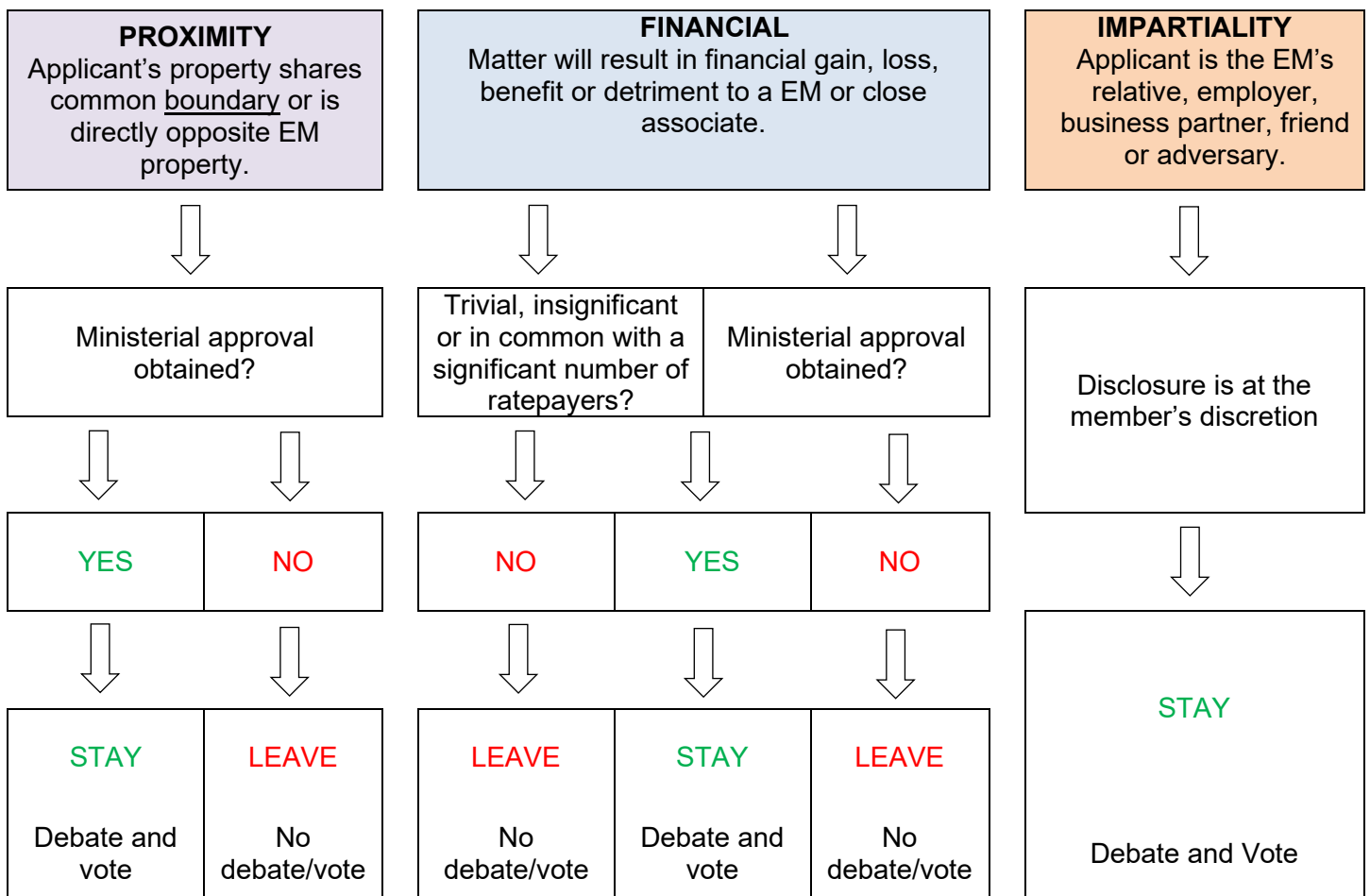
These minutes were confirmed as a true and accurate record of the proceedings at the Ordinary Meeting of Council held on 25 October 2022.

Presiding Person at the Meeting at which the Minutes were confirmed

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*).



CONTENTS

CONTENTS	4
1.0 DECLARATION OF OPENING	6
1.1 OPENING	6
2.0 RECORD OF ATTENDANCE	6
2.1 PRESENT	6
2.2 TABLE OF COUNCILLOR ATTENDANCE OVER THE LAST 12 MONTHS	7
2.3 APOLOGIES	7
2.4 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	7
3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.0 PUBLIC QUESTION TIME	7
5.0 APPLICATION FOR LEAVE OF ABSENCE	7
6.0 DISCLOSURE OF INTEREST	8
6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS	8
6.1.1 CHIEF EXECUTIVE OFFICER, ROBERT PAULL – ITEM 10.3.1	8
6.1.2 CR BOWMAN, ITEM - 10.4.1	8
6.1.3 CR BOWMAN, ITEM - 10.4.2	8
6.1.4 CR CHISHOLM, ITEM - 10.4.3	8
6.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY	8
7.0 PETITIONS AND DEPUTATIONS	8
8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON	8
9.0 CONFIRMATION OF MINUTES	10
9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2023	10
9.2 UNCONFIRMED MINUTES - CARNAMAH BUSH FIRE BRIGADE ANNUAL GENERAL MEETING OF 23 AUGUST 2023,	10
9.3 UNCONFIRMED MINUTES - SHIRE OF COOROW & CARNAMAH JOINT LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING OF 23 AUGUST 2023	10
10.0 REPORTS OF THE CEO	11
10.1 MANAGER REGULATORY SERVICES	11
10.2 WORKS ADMINISTRATION REPORTS	11
10.2.1 QUOTATION TO SUPPLY AND SPRAY COLD EMULSION (E-QUOTE VP373019)2023	11
10.3 FINANCE REPORTS	14
10.3.1 CHIEF EXECUTIVE OFFICER AUTHORISATIONS AND REPORTING	14
10.3.2 ACCOUNTS FOR PAYMENT	17
10.3.3 FINANCIAL REPORTS FOR 30 JULY 2023 AND 31 AUGUST 2023	19

10.4	ADMINISTRATION REPORTS	22
10.4.1	APPLICATION FOR PLANNING APPROVAL – ABLUTIONS INFRASTRUCTURE ON LOT 100 ON DEPOSITED PLAN 419525, PARKER STREET, CARNAMAH	22
10.4.2	APPLICATION FOR PLANNING APPROVAL – GRAIN STORAGE INFRASTRUCTURE ON LOT 100 ON DEPOSITED PLAN 419525, PARKER STREET, CARNAMAH	25
10.4.3	APPLICATION FOR PLANNING APPROVAL – SHORT STAY ACCOMMODATION, LOT 42, NO. 4 CARON STREET, CARNAMAH	30
10.4.4	SHIRE OFFICE CLOSURE OVER THE 2023/2024 CHRISTMAS / NEW YEAR HOLIDAY PERIOD	36
10.4.5	REVISED FIRE BREAK NOTICE 2023/24 AND APPOINTMENT OF THE FIRE CONTROL OFFICERS	38
11.0	CONFIDENTIAL REPORTS	42
11.1.1	CLOSURE OF THE MEETING TO THE PUBLIC	42
11.1.2	CONFIDENTIAL ITEM - LEASE AGREEMENT 75A FORRESTER AVENUE, CARNAMAH	45
11.1.3	REOPENING OF THE MEETING TO THE PUBLIC	45
12.0	ORDERING OF THE COMMON SEAL	46
13.0	REPORTS OF COMMITTEES AND MEMBERS	46
14.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	46
15.0	NOTICE OF MOTIONS (FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING)	46
16.0	NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL	46
17.0	CLOSURE OF MEETING	46

ORDINARY COUNCIL MEETING
Wednesday, 20 September 2023

1.0 DECLARATION OF OPENING

1.1 OPENING

The Presiding Person declared the meeting open at 3.00pm

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 Bowman Cr Chisholm	Shire President (Presiding Person) Shire Deputy President 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>	Clinton Rotteveel	Eneabba IGA

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
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							
08 - 23 OCM							

Legend:

Attended		
Leave of Absence		
Apology		

2.3 APOLOGIES

Nil

2.4 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr Counsel

Cr Risinger

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

Nil

5.0 APPLICATION FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

6.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS

6.1.1 Chief Executive Officer, Robert Paull – Item 10.3.1

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 Bowman, Item - 10.4.1

Cr Bowman declared a financial interest in Item 10.4.1 Application for Planning Approval – Ablutions Infrastructure on Lot 100 on Deposited Plan 419525, Parker Street, Carnamah, due to being a shareholder of CBH.

6.1.3 Cr Bowman, Item - 10.4.2

Cr Bowman declared a financial interest in Item 10.4.2 Application for Planning Approval – Grain Storage Infrastructure on Lot 100 on Deposited Plan 419525, Parker Street, Carnamah, due to being a shareholder of CBH.

6.1.4 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.

6.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Nil

7.0 PETITIONS AND DEPUTATIONS

Nil

8.0 ANNOUNCEMENTS BY THE PRESIDING PERSON

- The Presiding Member noted the sad passing of Raymond Launer who was a councillor for the Shire from 1998 to 2001. On behalf of Council, we give our condolences to the Launer family.
- I am pleased to advise that on Wednesday 6 September 2023, the CEO and Deputy CEO met with a representative from the Bendigo Bank. With the abandonment of Westpac from Carnamah, the Bendigo Bank is investigation a face to face 'outreach' service to assist customers with their banking needs in Carnamah. The CEO advised the Bendigo Bank that should the Bank be interested; the Shire could assist in providing appropriate office space for such a service in Carnamah.

I hope to have more information on this opportunity in the near future.

- On Wednesday 13 September 2023, the CEO and I met with Iluka's representatives in relation to their Social Impact Assessment (SIA) of the Rare Earth Refinery on Eneabba. The presentation was provided as a PowerPoint and despite numerous requests for a digital or hard copy, Iluka is still to provide the Shire with the presented SIA.
- Observations I can make from the presentation is that the document refers to outcomes of Iluka's Eneabba community consultation undertaken in 2021. Very little information on supporting the community of Eneabba and encouraging local traders was evident. Importantly, no reference to the Iluka's obligations under the Mineral Sands (Eneabba) Agreement Act 1975 was apparent. Similarly, no reference was made to Iluka's new 300 person camp that is being built approximately 2km from Eneabba for its construction and operational staff. This would seem to be a significant omission and the impact of such a camp should be addressed in any SIA.

I call on Iluka to release the SIA to enable open and accessible consideration by the community and the Shire. I also call on Iluka as a matter of urgency, to commence meaningful consultation with the community of Eneabba and local traders to ensure that Eneabba receives meaningful and tangible benefits from the establishment Rare Earth Refinery on its boundary. The genuine concern from the presentation and Iluka's actions so far is that the community of Eneabba are a distant afterthought. This is simply not acceptable to Council.

- I am very pleased to advised that on Sunday 17 September 2023, Shire's Deputy Chief Executive Officer Ian Walsh was honoured with the WALGA Local Government Merits Award in recognition of his remarkable 34-year contribution to the local government sector. Ian's 14-year career with the Shire has demonstrated his excellent management and financial acumen and helped maintain the Shire's debt free status which will be an invaluable legacy for the community and electors for years to come. Ian has contributed hugely to the stability of each Shire he has worked in, often during times of significant staff movements (including CEO's). This in turn has contributed to the sound functioning and stability of local governments in the Midwest region, in particular his mentoring and assistance when possible.

Ian is a quiet achiever; an unassuming gentleman who has given exemplary service to the Shire and the local government sector. He conducts himself with integrity and always maintains an exceptional high work ethic. On behalf of the Council of Shire of Carnamah, I congratulate Ian on his fantastic and well-deserved achievement.

9.0 CONFIRMATION OF MINUTES

9.1 UNCONFIRMED MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2023

OCM 20230901 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That the Minutes of the Ordinary Meeting of Council held on 16 August 2023 be accepted as a true and accurate record.</i>	
Moved:	Cr Wooltorton
Seconded:	Cr Chisholm
CARRIED 5/0	

9.2 UNCONFIRMED MINUTES - CARNAMAH BUSH FIRE BRIGADE ANNUAL GENERAL MEETING OF 23 AUGUST 2023,

OCM 20230902 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That the Unconfirmed Minutes of the Carnamah Bush Fire Brigade Annual General Meeting held on 23 August 2023 be noted.</i>	
Moved:	Cr Bowman
Seconded:	Cr Chisholm
CARRIED 5/0	

9.3 UNCONFIRMED MINUTES - SHIRE OF COOROW & CARNAMAH JOINT LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING OF 23 AUGUST 2023

OCM 20230903 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>Unconfirmed Minutes of the Shire of Coorow & Carnamah Joint Local Emergency Management Committee held on 23 August 2023 be noted.</i>	
Moved:	Cr Wooltorton
Seconded:	Cr Chisholm
CARRIED	

NOTE:

Council acknowledged Item 4.2 of the unconfirmed minutes that the Shire of Carnamah will recommend that Council write the Telecommunications Minister, the Hon. Michelle Rowland MP the Committee's concerns of ongoing issues and reliability with Telstra Towers within the Shire, especially during power outages.

10.0 REPORTS OF THE CEO

10.1 MANAGER REGULATORY SERVICES

Nil

10.2 WORKS ADMINISTRATION REPORTS

10.2.1 Quotation to Supply and Spray Cold Emulsion (E-Quote VP373019)2023

File Code

Author	Joe Hodges, Manager Works, and Services
Senior Employee	Robert Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachment/s	Confidential Attachment - Evaluation of RFQ E-Quote VP 373019

SUMMARY

The purpose of this report is for the Council to consider the tender for supply and spray of cold emulsion for the Shire's the 2023-24 Road Construction Program.

BACKGROUND

As part of the 2023/24 Budget considerations, council approved funds for the Road construction programme.

COMMENT

The purchase quotes were called using the WALGA's eQuotes system, which has a list of preferred suppliers. Compliant quotes were received from Bitutek, Colas and Bitumen Surfacing. There were no non-compliant quotes.

The quotes received showed a reduction in emulsion of 3 cents per litre (for the cheapest price quoted) compared to 2022/23, this would be due to the volume expectation to be used within the year. The Manager Works and Services and the Deputy Chief Executive Officer assessed the submissions and rated that the offer from Colas represented the best value purchase.

Colas is the preferred supplier due to the excellent service and their competitive price.

Supply and Spray Evaluation

Company	Price per Litre	Est Total Cost	Rating
Colas WA P/L	\$1.24	\$473,572 inc gst	1
Bitutek Pty Ltd	\$1.29	\$588,038 inc gst	2
Bitumen Surfacing	\$1.34	\$579,760 inc gst	3

The Shire's evaluation of RFQ E-Quote VP373019)2023 is included as a **Confidential Attachment 1**.

CONSULTATION

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

Executive Management Team

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

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

Outcome 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 2023/2024 adopted budget includes financial consideration for the provision of funding for this item within the Road Construction Program.

VOTING REQUIREMENT

Simple Majority

OCM 20230904 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with regards to Quotation to Supply and Spray Cold Emulsion (E-Quote VP373019/2023) that Council:</i>	
<ol style="list-style-type: none"><i>1. Note the Report and Confidential Evaluation of received Quotations; and</i><i>2. Resolve to consider Attachment 1 "Evaluation of RFQ E-Quote VP 373019 Evaluation of RFQ" is included as Confidential; and</i><i>3. Accept the E-Quote VP373019/2023 Supply and Spray Cold Emulsion to Colas Pty Limited.</i>	
Moved:	Cr Bowman
Seconded:	Cr Chisholm
CARRIED 5/0	

Note: The Chief Executive Officer confirmed to Council that Item 10.2.1 was indeed a 'Request for Quotation' and not a 'Request for Tender'. He also confirmed that the Local Government (*Functions and General*) Regulations state:

11. When tenders have to be publicly invited

(1A) *In this regulation —*

COVID-19 declaration *has the meaning given in the Emergency Management Act 2005 section 77C(1);*

state of emergency declaration *has the meaning given in the Emergency Management Act 2005 section 3.*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (aa) *the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

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.

3.15pm Chief Executive Officer Robert Paull left the meeting

10.3 FINANCE REPORTS

10.3.1 Chief Executive Officer Authorisations and Reporting

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

SUMMARY

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

COMMENT

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

These functions can only be approved by Council resolution.

Time Sheet and Leave Taken

This report covers period between 11 August 2023 and 14 September 2023 (**Attachment 1**). In consultation with the Shire President, the CEO took an un-scheduled Annual Leave day on 14 September 2023.

Leave Sought

This report covers the period between 15 September 2023 to 18 October 2023. The CEO is not requesting any leave for this period.

Reimbursement Applications

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

Corporate Credit Card

This report covers 11 August 2023 and 14 September 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

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

Outcome 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 20230905 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Chief Executive Officer Authorisations and Reporting, Council:</i>	
<ol style="list-style-type: none"><i>1. Receives the information presented to this meeting of the time worked by the Chief Executive Officer between 11 August 2023 and 14 September 2023 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.</i><i>2. Receives the information presented to this meeting that the Chief Executive Officer took an unscheduled Annual Leave day since the last Ordinary Council meeting held on 16 August 2023.</i><i>3. Approves the Chief Executive Officer's un-scheduled Annual Leave for 14 September 2023.</i><i>4. Receives the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card 11 August 2023 and 14 September 2023 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy.</i><i>5. Receives the information presented to this meeting of no expense reimbursements applications made by the Chief Executive Officer between 11 August 2023 and 14 September 2023.</i>	
Moved:	Cr Chisholm
Seconded:	Cr Bowman
CARRIED 5/0	

3.17pm Chief Executive Officer 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 9 August 2023 to 14 September 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 20230906 OFFICER RECOMMENDATION / COUNCIL DECISION	
<p><i>That with respect to Accounts for Payment, Council approves the payments listed as Attachment 1 for the period 9 August 2023 to 14 September 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:</i></p> <p><i>Municipal cheque: 28347, 28348, 28349, 28350 & 28351</i></p> <p><i>Municipal EFT's: 16568 – 16674</i></p> <p><i>Payroll direct debits: # 102, 103, 104 & 105</i></p> <p><i>Municipal direct debit: 14508.1, 14530.1, 14539.1, 14543.1, 14548.1, 14551.1, 14571.1 & BANK FEE</i></p> <p><i>Totalling \$ 610,689.84 be approved and passed for payment.</i></p>	
Moved:	Cr Woollorton
Seconded:	Cr Chisholm
CARRIED 5/0	

10.3.3 Financial Reports for 30 July 2023 and 31 August 2023

File Code	ADM0076
Author	Ian Walsh, Deputy Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Financial reports for July 2023 2. Financial reports for August 2023

SUMMARY

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

BACKGROUND

The attached financial reports for the month of July 2023 (**Attachment 1**) and August 2023 (**Attachment 2**) 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 July 2023;
- Statement of Financial Activity for August 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

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

Outcome 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 20230907 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Financial Reports for 30 July 2023 and 31 August 2023, Council receive the Monthly Financial Reports for:</i>	
<i>1. July 2023 and other supplementary financial information as presented in Attachment 1; and</i>	
<i>2. August 2023 and other supplementary financial information as presented in Attachment 2.</i>	
Moved:	Cr Bowman
Seconded:	Cr Chisholm
CARRIED 5/0	

Cr Bowman had earlier declared a financial interest in Items:

- 10.4.1 Application for Planning Approval – Ablutions Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah, due to being a shareholder of CBH; and
- 10.4.2 Application for Planning Approval – Grain Storage Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah, due to being a shareholder of CBH.

3.23pm Cr Bowman left the meeting.

10.4 ADMINISTRATION REPORTS

10.4.1 Application for Planning Approval – Ablutions Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah

File Code	ADM0273
Author	Rob Paull, Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Application for Planning Approval

SUMMARY

This report recommends that Council resolve to issue planning approval for ablutions infrastructure on Lot 100 on Deposited Plan 419525 Parker Street, Carnamah.

BACKGROUND

CBH has requested planning approval for the installation of ablutions infrastructure at Lot 100 on Deposited Plan 419525 Parker Street, Carnamah (Note **Attachment 1**).

COMMENT

The land on which the ablutions infrastructure is to be constructed is zoned 'Rural' under the Shire of Carnamah Local Planning Scheme No.2 (LPS No. 2). The use/development requires the approval of Council as it is associated with the use class defined as 'warehouse/storage'. Provided the ablutions are connected to an approved effluent disposal area, no objection to the application is offered.

CONSULTATION

Not required or considered necessary.

Executive Management Team

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

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

POLICY IMPLICATIONS

There are no known policy implications associated with this Item.

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 the development proceeds in accordance with the plans submitted in support of the application and undertake a compliance check upon completion of the proposed development.		

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 has been invoiced \$147.00 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. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage.

VOTING REQUIREMENT

Simple Majority

OCM 20230908 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Application for Planning Approval – Ablutions Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah, Council issue Planning Approval, subject to the following conditions and advice notes:

Conditions

- 1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the approval subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.*
- 2. The ablutions will be connected to an effluent disposal system as approved by the Shire of Carnamah.*
- 3. All stormwater drainage from the proposed new infrastructure must be contained and disposed of on-site.*

Advice Notes

- a) This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.*
- b) Failure to comply with any of the conditions of this approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.*
- c) If the applicant / landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.*

Moved:	Cr Chisholm
Seconded:	Cr Kikeros

CARRIED 4/0

10.4.2 Application for Planning Approval – Grain Storage Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah

File Code	ADM0273
Author	Rob Paull, Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Application for Planning Approval

SUMMARY

This report recommends that Council resolve to issue (permanent) planning approval for the ongoing grain storage infrastructure on Lot 100 on Deposited Plan 419525 Parker Street, Carnamah.

BACKGROUND

At the 16 November 2022 Ordinary Meeting, Council approved CBH's request to waive the requirement for development approval for the temporary construction and use of emergency grain storage infrastructure on Lot 100, Deposited Plan 419525, Parker Street, Carnamah for a 12-month period, subject to the following conditions and advice notes:

“Conditions

- 1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the request for temporary approval subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.*
- 2. Any additional development which is not in accordance with the request the subject of this approval or any condition of approval will require the approval of the local government.*
- 3. The applicant / landowner shall provide written notification to the local government of the date of the commencement of the temporary works and use.*
- 4. All stormwater drainage from the proposed new infrastructure must be contained and disposed of on-site.*
- 5. All infrastructure the subject of this temporary approval shall cease to be used at the end of the temporary approval term, shall be removed from the land in its entirety within 28 days of expiry of the approval term, including reinstatement of the land to its pre-development condition insofar as possible.*
- 6. Should the applicant / landowner wish to retain the temporary infrastructure the subject of this approval on a permanent basis, a development application must be prepared and submitted to the local government requesting Council's formal development approval.*

Advice Notes

- a) This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development.*

This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.

- b) *This is a temporary approval issued by the local government pursuant to Clause 61 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.*
- c) *The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
- d) *Failure to comply with any of the conditions of this temporary approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.*
- e) *If the applicant / landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination."*

Under the terms of the proposal submitted by CBH a new 1.8 metre high, 230 metre long and 35 metre wide steel framed and clad grain storage bulkhead comprising a total storage capacity of 30,130 tonnes was proposed to be constructed centrally on the land on an existing hardstand area immediately adjacent to a number of existing approved grain storage bulkheads and associated infrastructure.

CBH has now requested that the grain storage infrastructure be allowed permanently on the site.

COMMENT

The land on which the grain storage bulkhead is constructed is zoned 'Rural' under the Shire of Carnamah Local Planning Scheme No.2 (LPS No. 2). Under LPS No. 2 the grain storage bulkhead, the use class is defined as 'warehouse/storage' which has scope to be lawfully approved by Council;

- i) CBH's future long term intentions for Lot 100 and their demonstrated commitment to ensuring all necessary regulatory approvals are sought and obtained to develop and use the land for grain handling and storage purposes, including all future required road upgrade works;
- ii) The works and use of Lot 100 was originally for emergency storage purposes to accommodate the anticipated demand arising from the 2022 grain harvest. The Shire has no record of objection or concerns raised by the use of Lot 100 for extended grain purposes.;
- iii) The impact the (then) temporary works and use of Lot 100 has no discernible impact on the natural environment and rural amenity of the immediate locality;
- iv) The management and disposal of all stormwater on-site of the (then) temporary works was able to use existing approved stormwater drainage infrastructure; and
- v) There appears to be adequate separation distance between the proposed new grain storage infrastructure and the existing approved workforce accommodation to the west.

On the basis of the outcome of the temporary works and use of Lot 100, it is recommended that grain storage infrastructure be allowed permanently on the site subject to similar conditions as per originally issued.

CONSULTATION

The Application was advertised in accordance with LPS No. 2 and no objection was received.

Executive Management Team

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Carnamah Local Planning Scheme No.2

STRATEGIC IMPLICATIONS

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

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

POLICY IMPLICATIONS

- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 4.1 – State Industrial Buffer
- EPA Guidance Statement No.3 – Separation Distances between Industrial and Sensitive Land Uses

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 the development proceeds in accordance with the plans submitted in support of the application and undertake a compliance check upon completion of the proposed development.		

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 has been invoiced \$1,777.10 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.

Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENT

Simple Majority

OCM 20230909 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Application for Planning Approval – Grain Storage Infrastructure on Lot 100 On Deposited Plan 419525, Parker Street, Carnamah, Council issue Planning Approval, subject to the following conditions and advice notes:

Conditions

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

Advice Notes

- a) This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.*
- b) The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
- c) Failure to comply with any of the conditions of this approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.*
- d) If the applicant / landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.*

Moved:	Cr Wooltorton
Seconded:	Cr Kikeros
CARRIED 4/0	

3.28pm Cr Bowman returned to the meeting and the presiding member advised him of the Council Resolutions for Items 10.4.1 and 10.4.2.

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.

3.28pm Cr Chisholm left the meeting.

10.4.3 Application for Planning Approval - Short Stay Accommodation, Lot 42, No. 4 Caron Street, Carnamah

File Code	ADM0273
Author	Rob Paull, Chief Executive Officer
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Application for Planning Approval

SUMMARY

This report recommends that Council resolve to issue conditional planning approval (initially for 12 months) for Short Stay Accommodation, Lot 42, No. 4 Caron Street, Carnamah.

BACKGROUND

Application for Planning Approval has been lodged for Short Stay Accommodation at Lot 42, No. 4 Caron Street, Carnamah (Subject Land).



The Subject Land is occupied by a single story, 3 bedroom dwelling and adjoins the Shire depot and similar single story dwellings. The applicant has advised that the proposed unhosted Short Stay Accommodation is to comprise:

“3 Bedroom, 1 bathroom. 1 undercover parking, parking on driveway, enclosed gate. Any complaints/ concerns made will be dealt with ASAP. Disruptive behaviour will not be tolerated”

At the Ordinary Meeting of 16 August 2023, Council resolved as follows:

“That with respect to Application For Planning Approval – Short Stay Accommodation, Lot 42, No. 4 Caron Street, Carnamah, Council:

- 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. 2*
- 4. Requests the CEO to refer the Application back to Council once advertising as referred in 3. above is completed.”*

COMMENT

The proposed Short Stay Accommodation will provide accommodation for tourists and the like in a residential dwelling. It is noted that the applicant has acknowledged that: *“Any complaints/ concerns made will be dealt with ASAP. Disruptive behaviour will not be tolerated”*.

As the accommodation is to be ‘unhosted’ (i.e. there is no host residing at the dwelling), it is appropriate that conditions on any approval address the protection of the amenity of adjoining and nearby residential properties. As noted below, the Western Australian Planning Commission (WAPC) has established *“Position Statement: Planning for Tourism (Draft) December 2021”* has noted:

If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.”

On this basis, it is recommended that Planning Approval issue for initially a 12 month period and any extension consider any complaints that may have been received.

CONSULTATION

Council (Ordinary Meeting of 16 August 2023)

The Application was advertised in accordance with *Shire of Carnamah Local Planning Scheme No.2 and Planning and Development (Local Planning Schemes) Regulations 2015* and no objection was received.

Executive Management Team

STATUTORY IMPLICATIONS

Planning and Development Act 2005 (as amended)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Carnamah Local Planning Scheme No.2

STRATEGIC IMPLICATIONS

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

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 Shire policy implications associated with this Item. However, the WAPC has established “*Position Statement: Planning for Tourism (Draft) December 2021*”: https://consultation.dplh.wa.gov.au/++preview++/strategy-and-engagement/planning-for-tourism-position-statement/user_uploads/position-statement---planning-for-tourism.pdf

Relevant to short stay accommodation, the draft Position Statement states:

“Unhosted short-term rental accommodation

Local government has the flexibility to regulate unhosted short-term rental accommodation through its local planning framework to respond to local conditions (subject to regulatory processes). This Position Statement sets out considerations and approaches to achieve this. It is acknowledged there are various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia.

The regulatory and policy response of the local government should be proportional to the significance of the issues arising from unhosted short-term rental accommodation in their municipality. In determining the appropriate way to regulate unhosted short-term rental accommodation the following statutory planning mechanisms can be considered:

- Utilising the zoning table, land use permissibility and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated either permitted, discretionary, discretionary with advertising, or prohibited.*
- Capping guest numbers permitted within a holiday home, holiday unit or holiday apartment through local planning policy and/or condition of a planning approval, to respond to constraints such as availability of vehicle parking, capacity of infrastructure (such as onsite effluent disposal) or to maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses).*
- Utilising a local planning policy to guide discretionary decision making, which may include but not be limited to, any of the following matters:*
 - locational factors which may assist in determining appropriate locations for unhosted forms of short term rental accommodation within residential areas (refer to the Guidelines for further information)*
 - limits to the number of guests and/or rooms*

- limits to nights the property can be made available for rental in any one year – provision of car parking
 - minimum services such as potable water and reticulated sewerage
 - preparation and approval of a Management Plan
 - waste management
 - whether pets of guests (such as dogs) are permitted
 - managing for potential noise nuisance.
- If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.”

Should Council seek to issue planning approval, the ‘planning mechanisms’ referred are a useful guide. An additional observation relevant to the Shire is as follows:

“Local government should consider whether specific attention needs to be given to short-term rental accommodation in the local planning strategy. In areas where short-term rentals are in low demand and do not cause significant community concern, addressing the topic within the local planning strategy may be unnecessary.”

As an observation, it is considered unnecessary at this stage to amend the local planning strategy to address short-term rentals as at this stage, there does not appear to be significant numbers of such rentals in the Shire impacting the cohesive nature of the Carnamah or Eneabba.

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 the development proceeds in accordance with the plans submitted in support of the application and undertake a compliance check upon completion of the proposed development.		

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 has been 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.

Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected.

VOTING REQUIREMENT

Simple Majority

OCM 20230910 OFFICER RECOMMENDATION / COUNCIL DECISION

That with respect to Application for Planning Approval – Short Stay Accommodation, Lot 42, No. 4 Caron Street, Carnamah, Council issue Planning Approval, subject to the following conditions and advice notes:

Conditions

- 1. The Short Stay Accommodation shall be undertaken in accordance with the information and plans submitted in support of the approval subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.*
- 2. Prior to commencement of the approved Short Stay Accommodation:*
 - a. A management plan shall be submitted to the Shire and include:*
 - i. nomination of a local manager/caretaker within the vicinity of the property;*
 - ii. details of how nuisance issues such as noise will be addressed by the manager; and*
 - iii. a fire and emergency response plan.*
 - b. The applicant will provide adjoining landowners (not including land owned by the Shire) with a copy of the approved management plan;*
 - c. Installation of a hard wired smoke alarm on or near the ceiling in every bedroom and hallway associated with a bedroom;*
 - d. Provision of a fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851;*
 - e. The Short Stay Accommodation is permitted to have a maximum of 6 adults.*
 - f. The Manager must ensure that each receptacle for rubbish is placed for collection on the designated collection day and ensure that any additional rubbish that exceeds the receptacle is removed from the property.*
 - g. A Code of Conduct shall be prepared by the applicant detailing the expected behaviour of guests in order to minimise any impact on adjoining residents that includes:*
 - i. Contact details of owner/operator;*
 - ii. Parking rules and regulations and acceptable parking requirements; Requirements around noise and antisocial behaviour;*
 - iii. House rules for guests; and*
 - h. The Code of Conduct must be displayed in a prominent position within the premises at all times.*
- 3. This Planning Approval is valid for a period of twelve (12) months unless otherwise approved by the local government.*

Advice Notes

- a) *The Applicant is invited to lodge a request for an extension of Planning Approval within three (3) months of the expiry date. In considering approval beyond twelve (12) months, Council will consider any complaints or submissions lodged with the Shire from neighbours respect to the Short Stay Accommodation.*
- b) *This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development.
This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.*
- c) *The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
- d) *Failure to comply with any of the conditions of this approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.*
- e) *If the applicant / landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted within 28 days of the determination.*

Moved:	Cr Kikeros
Seconded:	Cr Bowman
CARRIED 4/0	

3.34pm Cr Chisholm returned to the meeting and the Presiding Person advised him of the Council Resolution.

10.4.4 Shire Office closure over the 2023/2024 Christmas / New Year holiday period

File Code	ADM0273
Author	Rachael Moore, Executive Coordinator
Senior Author	Rob Paull, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	Nil

SUMMARY

Council is requested to adopt the closure of the Shire Administration Offices and Depots (Carnamah and Eneabba) for the 2023/2024 Christmas and New Year period as outlined in this Report.

BACKGROUND

In previous years, Council has supported the closure of the Shire Administration Offices and Depots for a period between Christmas and New Year. The closures did not present any difficulties to the Shire's operations and no major community concerns were recorded.

COMMENT

Should Council agree to close the Shire Administration Offices and Depots as recommended, Staff will be required to take leave for any days not covered by public holidays. Leave taken will be as time-in-lieu or annual leave or approved leave without pay or other leave such as accumulated 'bank' holidays. The public holidays over this period are:

- Christmas Day;
- Boxing Day; and
- Day after New Year's Day.

The following closing dates are recommended:

- Administration Offices closed from 12 noon on Friday 22 December 2023, being the last working day preceding Christmas Day; and
- Administration Offices re-open on Tuesday 2 January 2024, being the day following the New Year's Day public holiday.

For emergency and ongoing operational matters (such as cover the waste sites), Staff will still be available. For fire emergency, the Shire's Community Emergency Services Manager will be on call.

CONSULTATION

Executive Management Team

Should Council accept the closure recommendation, notices be placed in the local newsletter, on the Shire website and Facebook page to advise residents of the closure.

STATUTORY IMPLICATIONS

Local Government Act 1995

STRATEGIC IMPLICATIONS

The proposal for Lot 100 is consistent with the following element of the Shire of Carnamah Strategic Community Plan and Corporate Business Plan 2021-2031 (revised on 16 December 2022):

- Outcome 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: Service Interruption - No material service interruption		
Likelihood	Consequence	Acceptance Criteria
Rare	Insignificant (Rare/Low)	Low
Action / Strategy		
The risk is mitigated by consultation with the Council and adequate communication of the impending closure with the community.		

FINANCIAL IMPLICATIONS

There are no known financial implications associated with this item.

VOTING REQUIREMENT

Simple Majority

OCM 20230911 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Shire Office closure over the 2023/2024 Christmas / New Year holiday period, Council:</i>	
<i>1. Approves the closure of the Shire of Carnamah Administration Offices and Depots over the 2023/2024 Christmas and New Year period, commencing noon Friday 22 December 2023 and re-opening Tuesday 2 January 2024.</i>	
Moved:	Cr Chisholm
Seconded:	Cr Kikeros
CARRIED 5/0	

10.4.5 Revised Fire Break Notice 2023/24 and appointment of the Fire Control Officers

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

SUMMARY

This report recommends that Council:

- endorse the revised Shire of Carnamah Fire Break Notice 2023/24;
- approve the appointment of the Fire Control Officers (FCO); and
- request the DFES Commission to approve Fire Weather Officers for the Shire of Carnamah.

BACKGROUND

At the 16 August 2023 Ordinary Meeting, Council endorsed the 2022/23 Annual Fire Break Notice as follows:

“That with respect proposed Fire Break Notice 2023/24 that Council:

- 1. Adopts the Shire of Carnamah Fire Break Notice 2023/24 as detailed in Attachment 1; and*
- 2. 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.”*

Prior to preparing the Fire Break Notice for publication, it was noted that there was an inconsistency with the dates whereby 29 February 2023 was not acknowledged as a leap year. The error was addressed and all Councillors notified. It would be appropriate for Council to adopt the revised *Fire Break Notice 2023/24*.

With respect to the appointment of FCO's, the Carnamah Bush Fire Brigade held its Annual General Meeting on Wednesday 23rd August 2023. The Brigade make the following FCO nominations to be recommended to Council for consideration.

- Chief Bushfire FCO – Luke Risinger
- Deputy Chief Bushfire FCO – Wayne Barry
- Deputy Chief Bushfire FCO – Brendon Haeusler
- FCO – John Morgan

The Brigade requested that Council seeks approval from the DFES Commissioner to allow the appointment of a Fire Weather Officer (who would be both the Chief and Deputy Chief Bushfire FCO). Feedback from the FCO's in the past has been 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

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 now unlikely that the expected that well before the fire season, BFAC to recommend the FCO positions. Accordingly, it is appropriate that the recommendations of the Carnamah Bush Fire Brigade AGM guide Council's adoption of FCO's. The replacement CESM will also be appointed to Council to be an FCO along with Bill Bavoillot (Eneabba Town Captain).

CONSULTATION

All Councillors via Email dated 24 August 2023.
Carnamah Bush Fire Brigade.
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. FCO’s also need to be appointed in their positions.		
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 20230912 OFFICER RECOMMENDATION / COUNCIL DECISION	
<p><i>That with respect proposed Fire Break Notice 2023/24 and appointment of the Fire Control Officers that Council:</i></p> <ol style="list-style-type: none">1. <i>Adopts the revised Shire of Carnamah Fire Break Notice 2023/24 as detailed in Attachment 1; and</i>2. <i>The appointment of the following persons as Fire Control Officers:</i><ul style="list-style-type: none">• <i>Chief Bushfire Fire Control Officer – Luke Risinger</i>• <i>Deputy Chief Bushfire Fire Control Officer – Wayne Barry</i>• <i>Deputy Chief Bushfire Fire Control Officer – Brendon Haeusler</i>• <i>Fire Control Officer – John Morgan</i>• <i>Fire Control Officer – Bill Bavoillot</i>• <i>Fire Control Officer – Ian Walsh (Deputy CEO)</i>3. <i>Request the Department of Fire and Emergency Services Commissioner to establish 2 positions of Fire Weather Officer and to appoint:</i><ul style="list-style-type: none">• <i>Luke Risinger; and</i>• <i>Brendon Haeusler;</i> <p><i>as Fire Weather Officers.</i></p>	
Moved:	Cr Woollorton
Seconded:	Cr Chisholm
CARRIED 5/0	

11.0 CONFIDENTIAL REPORTS

11.1.1 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 Items are considered to be 'confidential matters' as addressed below:

- Item 11.1.2 Confidential Item – Lease agreement 75A Forrester Avenue, Carnamah is presented under (s5.23 (2) (b and c) of the *Local Government Act 1995*); and

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)

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

POLICY IMPLICATIONS

There are no known Policy Implications

RISK IMPLICATIONS

There are no known risk management considerations.

FINANCIAL IMPLICATIONS

Any known financial implications are addressed in the report.

VOTING REQUIREMENT

Simple Majority

OCM 20230913 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That Council closes the meeting to the public under section 5.23 (2) of the Local Government Act 1995 and the Shire of Carnamah Meeting Procedures Local Law 2013 s 6.2 (3) so that it can consider the following Items:</i>	
<i>1. Item 11.1.2 Confidential Item – Lease agreement 75A Forrester Avenue, Carnamah is presented under (s5.23 (2) (b and c) of the Local Government Act 1995); and</i>	
Moved:	Cr Wooltorton
Seconded:	Cr Kikeros
CARRIED 5/0	

3.38pm Clinton Rotteveel left the meeting.

11.1.2 Confidential Item - Lease agreement 75A Forrester Avenue, Carnamah

File Code	ADM0273
Author	Rachael Moore, Executive Coordinator
Senior Employee	Robert Paull - Chief Executive Officer
Disclosure of Interest	Nil
Attachments	1. Lease Agreement (Confidential)

OCM 20230914 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That with respect to Lease agreement 75A Forrester Avenue, Carnamah Council:</i>	
<ol style="list-style-type: none"><i>1. Notes and endorses the signing of the Shire of Carnamah Common Seal; and</i><i>2. Authorises the Shire President and Chief Executive Officer to execute the Common Seal on the Lease agreement for 75A Forrester Avenue, Carnamah between Shire of Carnamah and PJC Services and Co Pty Ltd.</i>	
Moved:	Cr Woollorton
Seconded:	Cr Chisholm
CARRIED 5/0	

11.1.3 REOPENING OF THE MEETING TO THE PUBLIC

OCM 20230915 OFFICER RECOMMENDATION / COUNCIL DECISION	
<i>That Council reopens the meeting to the public.</i>	
Moved:	Cr Woollorton
Seconded:	Cr Chisholm
CARRIED 5/0	

3.41pm Clinton Rotteveel returned

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

Nil

17.0 CLOSURE OF MEETING

The Presiding Person closed the meeting at 3.41pm.
Next Ordinary Council Meeting to be held on Wednesday 25 October 2023 at
Carnamah Council Chambers commencing at 4.00pm.