



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL Agenda 23 August 2022

Dear Elected Member, Resident or Ratepayer,

Notice is hereby given that the Ordinary Meeting of Council of the Shire of Woodanilling will be held on 23 August 2022 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 4.00p.m.

The business to be transacted is shown in the Agenda.

**KELLIE BARTLEY**  
CHIEF EXECUTIVE OFFICER

### Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website [www.woodanilling.wa.gov.au](http://www.woodanilling.wa.gov.au)

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# ORDINARY MEETING OF COUNCIL AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Division 6 Subdivision 1 of the Local Government Act 1995 requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

#### DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

## 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

#### Present:

Cr S Jefferies	Shire President
Cr HR Thomson	Deputy Shire President
Cr P Morrell	
Cr D Douglas	
Cr T Brown	
Cr B Smith	

#### Officers:

Kellie Bartley	Chief Executive Officer
Sue Dowson	Deputy CEO

#### Apologies:

Nil

#### Observers:

Nil

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

## 4. PUBLIC QUESTION TIME

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

## 7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION

**8. CONFIRMATION OF COUNCIL MEETING MINUTES:****8.1. ORDINARY MEETING OF COUNCIL HELD – 19 JULY 2022****COUNCIL DECISION**

That the Minutes of the Ordinary Meeting of Council held 19 July 2022 be confirmed as a true and correct record of proceedings noting the correction of the Council item numbers to be corrected as minor amendments on Pages 45 & 125 of the bullet point numbers.

**9. CONFIRMATION OF OTHER MEETING MINUTES:**

Nil to report.

**10. REPORTS OF OFFICERS****11. REGULATORY SERVICES**

Nil to report.

## 12. INFRASTRUCTURE SERVICES

### 12.1.10 YEAR PLANT REPLACEMENT PROGRAM 2022/2023

<b>File Reference</b>	ADM0381
<b>Date of Report</b>	June 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 12.1.1</b> – 10 Year Plant Replacement Program - 2022

#### BRIEF SUMMARY

This item seeks Council's to endorse the 10 Year Plant Replacement Program - 2022 for the 2022/2023 taking into consideration for the 2022/2023 draft Annual Budget.

#### BACKGROUND/COMMENT

The Plant Replacement Program seeks to establish a replacement program to highlight the requirement to continue to optimise plant operations, reduce change over costs, limit down time and plant repair costs in a financially responsible and sustainable manner.

The Shire has not made any significant purchases for a number of years and the current fleet is requiring a full review to ascertain the level of service delivery to the shire along with timeline for the replacement of the plant and equipment over the 10 year cycle.

The plant replacement program is a long term guide of Council's intentions, but each year Council will still make budget decisions based on the condition and serviceability of individual plant. The proposed plan includes estimated change over cost, inclusive of trade in values. All costs are in current dollars, with no allowance made for inflation, interest or increases in Council's rate income.

The draft plan includes consideration of a Grader, Multi-tyred roller and new light vehicle purchases. A copy of the proposed 2022/2023 10 Year Plant Replacement Program is included in **ATTACHMENT 12.1.1** to this report.

#### STATUTORY/LEGAL IMPLICATIONS

The development and adoption of the 10 Year Plant Replacement Program forms a component of the Council obligation to produce a plan for the future under Section 5.56 (1) of the *Local Government Act 1995*.

#### POLICY IMPLICATIONS

There is currently no policy that is related to this item.

#### FINANCIAL IMPLICATIONS

The funds associated with the projected vehicle purchases are to be taken from Council's Plant Replacement Reserve. The Reserve currently has \$668,887.00. It is anticipated any significant surpluses for the coming year are to replenish the reserve funds for the Shire.

#### STRATEGIC IMPLICATIONS

##### THEME 4

##### Roads and Transport

##### OBJECTIVES

To maintain a quality road transport network which is safe and accessible to all users.

##### STRATEGIES

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Road Asset Management Plan.

### CONSULTATION/COMMUNICATION

Consultation has been conducted with the Transport, Plant and Works Committee and then further discussed with Council at the Budget Workshops from April - July 2022. The Chief Executive Officer, Elected Members and relevant officers have reviewed the plant and equipment at the Bus Tour held early in the year.

### RISK MANAGEMENT

In not proceeding to purchase the identified vehicles, there is a risk in distorting the changeover of vehicles and heavy plant in the future years to the detriment to the current plant and equipment. Therefore, it is assessed that the risk is "Medium" as reflected below.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council adopts the 10 Year Plant Replacement Program - 2022 as contained in **ATTACHMENT 12.1.1** for the 2022/2023 Financial Year.

## 13. CORPORATE SERVICES

### 13.1. LIST OF ACCOUNTS FOR PAYMENT – 31 JULY 2022

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	17 August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Cath Painter, Accountant
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 13.1.1</b> – List of Accounts for Payment – 31 July 2022

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 July 2022, as required under the *Local Government (Financial Management) Regulations 1996*.

#### BACKGROUND/COMMENT

In accordance with *Local Government (Financial Management) Regulations 1996*, Clause 13 (1) schedules of all payments made through Council's bank accounts are presented to Council for inspection.

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provided to Council, where such delegation is made.

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within **ATTACHMENT 13.1.1**.

#### Payments up to 31 July 2022

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits)	Municipal	\$18,253.17
Cheque Payments (cheque numbers 15359 & 15360)	Municipal	\$7,465.15
EFT Payments #6250 to #6270	Municipal	\$51,332.21
<b>Sub Total</b>	<b>Municipal</b>	<b>\$77,050.53</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$77,050.53</b>

#### STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

#### 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- the payee's name; and*
  - the amount of the payment; and*
  - the date of the payment; and*
  - sufficient information to identify the transaction.*

- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires council authorisation in that month —*
- (i) *the payee’s name; and*
- (ii) *the amount of the payment; and*
- (iii) *sufficient information to identify the transaction;*
- and*
- (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

### **POLICY IMPLICATIONS**

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

### **FINANCIAL IMPLICATIONS**

There are no financial implications that have been identified as a result of this report or recommendation.

### **STRATEGIC IMPLICATIONS**

#### **THEME 3**

#### **Governance**

#### **OBJECTIVES**

To promote continual improvement that is supported by efficient and effective governance structures and processes.

#### **STRATEGIES**

By ensuring legislation is used to effectively enable quality decision making.

#### **CONSULTATION/COMMUNICATION**

There are no community engagement implications that have been identified as a result of this report or recommendation.

#### **RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

<b>Consequence</b>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Extreme</b>
<b>Likelihood</b>					
<b>Almost Certain</b>	Medium	High	High	Severe	Severe
<b>Likely</b>	Low	Medium	High	High	Severe
<b>Possible</b>	Low	Medium	Medium	High	High
<b>Unlikely</b>	Low	Low	Medium	Medium	High
<b>Rare</b>	Low	Low	Low	Low	Medium

<b>Risk Rating</b>	<b>Action</b>



<b>LOW</b>	Monitor for continuous improvement.
<b>MEDIUM</b>	Comply with risk reduction measures to keep risk as low as reasonably practical.
<b>HIGH</b>	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
<b>SEVERE</b>	Unacceptable. Risk reduction measures must be implemented before proceeding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council accepts the list of accounts, totalling \$77,050.53 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 July 2022, as contained within **ATTACHMENT 13.1.1**.

## 13.2.STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JULY 2022

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	17th August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Cath Painter, Accountant
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 13.2.1</b> – Monthly Financial Report 31 July 2022

### BRIEF SUMMARY

The Statement of Financial Activity for period ending 31 July 2022 together with associated commentaries are presented for Council's consideration.

### BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

### STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

### POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

### FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Accountant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 January and 31 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Any material variances that have an impact on the outcome of the budgeted closing surplus/deficit position are detailed in the Monthly Financial Report contained within **ATTACHMENT 13.2.1**.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

#### STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

### CONSULTATION/COMMUNICATION

Reporting Officers receive monthly updates to track expenditure and income and to be aware of their work commitments versus budget allocations.

## RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council receives the monthly statement of Financial Activity for the period of 31 July 2022, in accordance with section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1995* as presented in **ATTACHMENT 13.2.1**.

### 13.3.SALARIES AND ALLOWANCES FOR ELECTED MEMBERS 2022/2023

<b>File Reference</b>	ADM0125
<b>Date of Report</b>	15 August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	Nil

#### BRIEF SUMMARY

This item seeks Council to consider the payment of fees, allowances and reimbursements of expenses to apply from 1 July 2022 that will be contained within the 2022/2023 Annual Budget.

#### BACKGROUND/COMMENT

The Salaries and Allowances Tribunal reviewed the Local Government Chief Executive Officers and Elected Members under the Salaries and Allowances Act 1975. The Determination reviewed and set the rates for council members for attendance at meetings, reimbursements and allowances and made a determination which came into operation from 7 April 2022.

In accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, the determination establishes the current scale of fee and allowance payments, and provisions of expenses.

#### Meeting Fees or Annual Attendance Fees – Councillors

Pursuant to Section 5.98 of the *Local Government Act 1995* (the Act), a council member, mayor or president who attends a council or committee meeting is entitled to be paid a fee set by the Council within the range stipulated in the Tribunal's determination.

Pursuant to Section 5.99 of the Act a Council may decide by absolute majority that instead of paying council members, mayors or presidents a meeting fee it will be pay an annual attendance fee within the range stipulated in the Tribunal's determination.

Band 4 Councils are able to set Council meeting attendance fees in the range of \$93 to \$502 per meeting for members other than the president, and between \$93 and \$502 for committee meetings. Alternatively Council, by absolute majority, may pay Councillors an annual attendance fee within the range of \$3,679 to \$9,742.

The discussion has been held at the Budget workshops and it is recommended that Councillors would receive an annual attendance fee of \$3,679.00, which is in the range set by the Tribunal.

#### Meeting Fees or Annual Attendance Fees – Shire President and Deputy Shire President

Pursuant to Section 5.98 of the Act, Council can set an allowance for the President (separate from the meeting or annual attendance fees), and as per the Tribunal's Determination, the allowance can be in the range of \$526.00 to \$20,565.00.

The Shire President's allowance has been set at 30% of this rate and has been for a number of years as per Policy 96 – Elected Member Fees & Entitlements. The discussion has been held at the Budget workshop and it is recommended that the Shire President would receive the President's allowance fee of \$6,169.00.

Section 5.98A of the Act, allows Council to provide an allowance to the Deputy Shire President, with the amount of allowance being 25% of the President's allowance. Therefore the Deputy Shire President's will receive the allowance fee of \$1,542.00.

#### Reimbursements of Expenses including Annual Allowances in Lieu of Reimbursement

Pursuant to Section 5.99A of the Act, Council can decided by absolute majority to pay an allowance for Telecommunications and Information Technology (ICT) allowance within the range of \$500 to \$3,500.

It has been reviewed and the recommendation is for the Councillors to be paid \$1,050.00 annually for the ICT Allowance.

Councillors are entitled to be paid the travel costs to attend meetings and the rates are determined by the *Local Government Officers (WA) Award 2021*. These rates are as follows:

Area and Details	Over 2600 cc	1600 cc to 2600 cc	1600 cc and under
Metropolitan Area	93.97 c/per km	67.72 c/per km	55.85 c/per km
South West Land Division	95.54 c/per km	68.66 c/per km	56.69 c/per km
North of 23.5 Latitude	103.52 c/per km	74.12 c/per km	61.21 c/per km
Rest of the State	99.01 c/per km	70.87 c/per km	58.37 c/per km

\*\* Motorcycle are at 32.55 cents per km

### STATUTORY/LEGAL IMPLICATIONS

This report is associated with the *Salaries and Allowances Act 1975* section 7B and the *Local Government Act 1995*, which states:

#### 5.98. Fees etc. for council members

(1A) In this section —

**determined** means determined by the *Salaries and Allowances Tribunal* under the *Salaries and Allowances Act 1975* section 7B.

- (1) A council member who attends a council or committee meeting is entitled to be paid —
  - (a) the fee determined for attending a council or committee meeting; or
  - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
  - (a) the fee determined for attending a meeting of that type; or
  - (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
  - (a) to be reimbursed by all local governments; or
  - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
  - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
  - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
  - (a) the annual local government allowance determined for mayors or presidents; or

- (b) *where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.*
- (6) *A local government cannot —*
  - (a) *make any payment to; or*
  - (b) *reimburse an expense of,*

*a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.*
- (7) *A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —*
  - (a) *council members only; or*
  - (b) *council members and employees.*

**5.98A. Allowance for deputy mayor or deputy president**

- (1) *A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*\* Absolute majority required.*

- (2) *An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

**5.99. Annual fee for council members in lieu of fees for attending meetings**

*A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

- (a) *the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*
- (b) *where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

*\* Absolute majority required.*

**5.99A. Allowances for council members in lieu of reimbursement of expenses**

- (1) *A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —*

- (a) *the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*
- (b) *where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,*

*and only reimburse the member for expenses of that type in excess of the amount of the allowance.*

*\* Absolute majority required.*

- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;
  - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.

### POLICY IMPLICATIONS

Council Policy 96 – Elected Member Fees & Entitlements has been recently updated to reflect the changes as per the Determination and align to the current allowances.

### FINANCIAL IMPLICATIONS

The financial costs for this decision will be adopted with the 2022/2023 Annual Budget as the allowances have been added in with the budget considerations.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

#### STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

### CONSULTATION/COMMUNICATION

Consultation has been conducted through the Budget Workshops and with Elected Members.

### RISK MANAGEMENT

The risk has been assessed and identified as “Low” should the officers recommendation is not supported.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That pursuant to sections 5.98 and 5.99 of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, Council adopts the following Elected Member sitting fees, allowances and reimbursements of expenses to apply from 1 July 2022 as follows:

<b>Member Type</b>	<b>Payment Type</b>	<b>Frequency</b>	<b>Total Annual Payment Amount</b>
All Elected Members	Annual Attendance Allowance	6 Monthly	\$3,679.00
Shire President	Annual Allowance	6 Monthly	\$6,169.00
Deputy Shire President	Annual Allowance	6 Monthly	\$1,542.00
All Elected Members	ICT Allowance	6 Monthly	\$1,050.00
All Elected Members	Travel	Per km	As per <i>Local Government Officers (WA) Award 2021</i>



## 14. COMMUNITY SERVICES

### 14.1.APPLICATION FOR FLORA TAKING (COMMERCIAL) LICENCE CROWN LAND

<b>File Reference</b>	ADM0052
<b>Date of Report</b>	3 August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Sue Dowson, Deputy Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 14.1.1:</b> Application for Flora Taking (Commercial) Licence Crown Land

#### BRIEF SUMMARY

Council to consider an application from Mrs Wendy Hayward from the Jeert Mia Aboriginal Corporation to collect native plant seed (Quondong's) from the road reserve on Shenton Road in Woodanilling for a period of 3 years.

#### BACKGROUND/COMMENT

An application has been received from Mrs Hayward to the Shire of Woodanilling for approving her application to the Department of Biodiversity, Conservation and Attraction to collect Quandong's on the Road Reserve located on Shenton Road in the Shire of Woodanilling. Mrs Hayward is looking to pick the fruit so that she can make jam and sell from her Bush Tucker Business Jeert Mia Aboriginal Corporation.

The email received is as follows:

*From: Wendy Hayward [mailto:wendy.hayward@inet.net.au]  
Sent: Wednesday, 20 July 2022 3:26PM  
To: Sue Dowson - DCEO Woodanilling <dceo@woodanilling.wa.gov.au>  
Subject: Application for Flora Taking Commercial licence Crown land*

*Hi Sue*

*Further to my conversation with your office today The Jeert Mia Aboriginal Corporation would like to pick quandongs in the shire of Woodanilling (Robinson Road) to support our bushfood business and we need the land owners consent before we can apply for a commercial licence.  
Please find my/our Application attached for your perusal and your welcome to call me if you have any questions.*

*Kind Regards*

*Wendy Hayward  
Chairperson/CEO  
Jeert Mia Aboriginal Corporation & Consultancy  
Ph.: (08) 98215724 - Fax (08) 98955331 - Mobile: 0414321718 - wendy.hayward@inet.net.au  
24 Richardson St. - Katanning 6317 WA - PO Box 37 Katanning 6317 WA*

#### About the Quandong

The Quandong (*Santalum Acuminatum*) is a very slow growing plant it is a parasitic plant and generally hosts on Sheoak trees or Jam Trees. Quandong have been an important traditional aboriginal fruit, the fruit is highly nutritious and contains twice the vitamin C of an orange. There is a prolific Quandong grove on Shenton Road and seasonally the fruit has been keenly harvested by local and neighbouring community members. The Quandong plants in this area as said to be 70 to 100 years old.

#### Site Locations



**Figure One – Shenton Road, near Town Dam Entrance**



**Figure Two – Facing South on Shenton Road**



**Figure Three – Facing North on Shenton Road**

#### **Officers Comments**

The request has been made for a 3 year period as there is two options on the application form from Department of Biodiversity, Conservation and Attractions (DBCA). The application form allows for a 1 or 3 year/s option.

The picking season for the Quandong is over a 3 to 4 week period late in the year. The concern for the Shire Officers with regarding the harvesting, is the road safety along this reasonably busy stretch of road. It will be a requirement for the applicant to abide by the guidelines of the Work Health and Safety Act 2020 and associated Regulations and any traffic management requirements that will need to be considered. The applicant will also require their own public liability insurance to cover any persons undertaking the harvest of Quandongs.

#### **STATUTORY/LEGAL IMPLICATIONS**

##### ***Regulation 60 of the Biodiversity Conservation Regulations 2018***

##### ***Section 60. Flora taking (commercial purposes) Crown land licence***

- (1) *In this regulation — flora does not include specifically controlled sandalwood.*
- (2) *A flora taking (commercial purposes) Crown land licence authorises the holder of the licence to do 1 or more of the following for a commercial purpose —*
  - (a) *take flora on Crown land;*
  - (b) *supply flora taken under the licence to a person who holds —*
    - (i) *a flora dealing licence; or*
    - (ii) *a flora processing licence;*
  - (c) *supply flora taken under the licence to another person who does not intend to supply, process or deal in the flora.*

##### ***Regulation 101 Biodiversity Conservation Regulations 2018***

##### ***101. Access to land (licensees)***

(1) In this regulation —

designated activity means any of the following activities —

- (a) taking, disturbing, releasing, feeding, or processing fauna;
- (b) taking, possessing for supply, or processing flora.

(2) A person who is authorised to carry out a designated activity under a licence must not, for the purposes of the designated activity, enter land that is not in the possession or under the control of the holder of the licence without the written authorisation of an owner or occupier of the land to enter the land and to carry out the designated activity. Penalty for this sub regulation: a fine of \$5 000.

### POLICY IMPLICATIONS

There are no policies related to this report.

### FINANCIAL IMPLICATIONS

There are no financial implications to this item.

### STRATEGIC IMPLICATIONS

#### Theme 2

#### Enhancing Natural and Built Environment

#### VISION

- To protect and enhance the key natural and cultural assets of the Shire whilst supporting appropriate development opportunities.

#### OBJECTIVES

- To document areas and sites of Cultural Heritage areas to provide for protection and sensitive development opportunities of same.
- To understand the need to protect the natural and cultural values for present and future generations.

#### GOALS

- EN.3. Restore and protect natural environment, landscapes and remnant bushland.

#### Ongoing

- EN.3 Protect / restore flora and fauna

### CONSULTATION/COMMUNICATION

The Deputy CEO has spoken to Ian Garstone (neighbouring Farmer and WW Landcare community member) regarding the history of the plants and the application. The DCEO has also referred this item to the WW Landcare Zone – NRM Officer for further clarity on this item who has not identified any concerns.

### RISK MANAGEMENT

The risk has been assessed and identified as “Low”

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.

<b>MEDIUM</b>	Comply with risk reduction measures to keep risk as low as
<b>HIGH</b>	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
<b>SEVERE</b>	Unacceptable. Risk reduction measures must be implemented before proceeding.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council;

1. Supports the Chief Executive Officer to grant permission for Mrs Wendy Hayward on behalf of Jeert Mia Aboriginal Corporation to harvest the Quandong fruit during the fruiting season for a period of 3 years; and
2. Advises the CEO to include the following conditions as part of this application process:
  - a) All persons collecting native seed are licensed according to the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulations 2018 and will abide by the conditions of this license;
  - b) Abide by any Work Health and Safety requirements including road traffic management and the persons harvesting are to wear high visibility clothing whilst on site.

## 15. OFFICE OF CEO

### 15.1.VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING 2022

<b>File Reference</b>	ADM0084
<b>Date of Report</b>	3 August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 15.1.1</b> – WALGA Notice of AGM

#### BRIEF SUMMARY

This report is for Council to determine voting delegates for the Annual General Meeting (AGM) for the Western Australian Local Government Association (WALGA) to be held on Monday 3 October 2022.

#### BACKGROUND/COMMENT

WALGA is required to hold an AGM annually and has provided notice that the 2022 AGM will be held on Monday 3 October 2022 at Crown, Perth.

Council is required to provide WALGA the names of voting delegates and proxy delegates for registration by Friday 23 September 2022.

Local Governments may nominate the Mayor/President and Deputy Mayor/President to be voting delegates and two other elected members as proxy's in case of the circumstances arising where a delegate cannot attend.

It is Council's decision to choose to nominate proxy delegates.

#### STATUTORY/LEGAL IMPLICATIONS

There is no statutory requirements to this report.

#### POLICY IMPLICATIONS

There is no policy implications to this report.

#### FINANCIAL IMPLICATIONS

There are no financial implications associated with this item. Attendance at the WALGA AGM is free of charge for all elected members and staff members of local governments.

#### STRATEGIC IMPLICATIONS

##### THEME 3

##### Governance

##### OBJECTIVES

To promote continual improvement that is supported by efficient and effective governance structures and processes.

##### STRATEGIES

By ensuring legislation is used to effectively enable quality decision making.

#### CONSULTATION/COMMUNICATION

The Chief Executive Officer held discussions with the Shire President on this item.

#### RISK MANAGEMENT

The item is classified as "low" risk to the organisation.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
<b>LOW</b>	Monitor for continuous improvement.
<b>MEDIUM</b>	Comply with risk reduction measures to keep risk as low as reasonably practical.
<b>HIGH</b>	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
<b>SEVERE</b>	Unacceptable. Risk reduction measures must be implemented before proceeding.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council;

1. Nominates Cr Stephen Jefferies and Cr Russel Thomson as voting delegates for the 2022 WALGA Annual General Meeting; and
2. Nominates Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as proxy voting delegates in the event that one or both delegates (above) are unable to attend.

<b>15.2. INFORMATION BULLETIN – AUGUST 2022</b>
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<b>File Reference</b>	ADM0105
<b>Date of Report</b>	7 August 2022
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Gen Harvey, Landcare WWLZ (for attached report) Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 15.2.1</b> – WWLZ – Information Report for August 2022

**BRIEF SUMMARY**

The purpose of the information bulletin is to keep Elected Members informed on matters of interest and importance to Council.

**BACKGROUND/COMMENT**

The Information Bulletin Report/s deal with monthly standing items and other information of a strategic nature relevant to Council.

Copies of other relevant Councillor information are distributed via email as required or possible Elected Member nominated on the relevant working group have been in attendance.

This month's Information Bulletin attachment includes:

**Reports:**

- Wagin Woodanilling Landcare Zone – August 2022 (**Attachment 15.2.1**)

**Circulars, Media Releases, Newsletters, Letters:**

- WALGA Zone – Notice of Meeting 26<sup>th</sup> August at Katanning
- GSRAG Meeting – 25<sup>th</sup> August at Katanning
- Friday Facts – 23<sup>rd</sup> July, 5<sup>th</sup> August
- Agenda for Annual Electors Meeting
- Confirmation of successful grant – Community Water Supplies Partnership Program
- WALGA Conference
- WALGA – State Council Agenda – September 2022

**STATUTORY/LEGAL IMPLICATIONS**

There is no statutory or legal implications relating to this report.

**POLICY IMPLICATIONS**

There is no current policy implications with regards to this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications that have been identified as a result of these reports or recommendation.

**STRATEGIC IMPLICATIONS****THEME 2****Enhancing Natural and Built Environment****OBJECTIVES**

To ensure our natural resource management (NRM) decisions and aims are in reference to the Wagin Woodanilling Landcare Action Plan.

**STRATEGIES**



By co-operative management and empowering community involvement, whilst allowing for ecologically sustainable activities.

### **CONSULTATION/COMMUNICATION**

There are no community engagement implications that have been identified as a result of this report or recommendation.

### **RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not accept the reports.

<b>Consequence</b>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Extreme</b>
<b>Likelihood</b>					
<b>Almost Certain</b>	Medium	High	High	Severe	Severe
<b>Likely</b>	Low	Medium	High	High	Severe
<b>Possible</b>	Low	Medium	Medium	High	High
<b>Unlikely</b>	Low	Low	Medium	Medium	High
<b>Rare</b>	Low	Low	Low	Low	Medium

<b>Risk Rating</b>	<b>Action</b>
<b>LOW</b>	Monitor for continuous improvement.
<b>MEDIUM</b>	Comply with risk reduction measures to keep risk as low as reasonably practical.
<b>HIGH</b>	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
<b>SEVERE</b>	Unacceptable. Risk reduction measures must be implemented before proceeding.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council accepts the Information Bulletin Report for the month of August 2022.

**16. CONFIDENTIAL REPORTS**

**17. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL**

<b>18.1.COUNCILLORS AND /OR OFFICERS</b>
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**19. CLOSURE OF MEETING**