



SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Amended Agenda 20 December 2022

Dear Elected Member

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 20 December 2022 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 4.00p.m.

**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

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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:

Observers:

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 22 NOVEMBER 2022

COUNCIL DECISION

That the Minutes of the Ordinary Meeting of Council held 22 November 2022 be confirmed as a true and correct record of proceedings without amendment.

8.2. SPECIAL COUNCIL MEETING HELD 15 NOVEMBER 2022

COUNCIL DECISION

That the Minutes of the Special Meeting of Council held 15 November 2022 be confirmed as a true and correct record of proceedings without amendment.

9. CONFIRMATION OF OTHER MEETING MINUTES:

9.1. TRANSPORT PLANT AND WORKS MEETING HELD 22 NOVEMBER 2022

That the Minutes of the Transport Plant and Works Meeting held 22 November 2022 be received.

9.2. GREAT SOUTHERN RECREATION AND ADVISORY GROUP MEETING HELD 24 NOVEMBER 2022

That the Minutes of the Great Southern Recreation Advisory Group Meeting held 24 November 2022 be received.

9.3. GREAT SOUTHERN COUNTRY ZONE HELD 25 NOVEMBER 2022

That the Minutes of the Great Southern Country Zone Meeting held on 25th November 2022 be received.

9.4. COMMUNITY DEVELOPMENT MEETING HELD 6 DECEMBER 2022

That the Outcomes of the Community Development Meeting held 6th December 2022 be received.

9.5. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 7 DECEMBER 2022

That the Minutes of the Local Emergency Management Committee Meeting held 7 December 2022 be received.

10. REPORTS OF OFFICERS

11. REGULATORY SERVICES

Nil Reports to be tabled

12. INFRASTRUCTURE SERVICES

Nil Reports to be tabled

13. CORPORATE SERVICES

13.1.LIST OF ACCOUNTS FOR PAYMENT – 30 NOVEMBER 2022

File Reference	ADM0066
Date of Report	13 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Cath Painter, Accountant
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment No. 13.1.1 – List of Accounts for Payment – 30 November 2022

BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 November 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 30 November 2022

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits)	Municipal	\$20,311.17
Cheque Payments	Municipal	\$0.00
EFT Payments #6393 to #6456	Municipal	\$77,415.50
Sub Total	Municipal	\$97,726.67
Payments	Trust	\$0.00
Payments	Reserve	\$0.00
Totals		\$97,726.67

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 —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *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.

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
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 accepts the list of accounts, totalling \$97,726.67 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 November 2022, as contained within **ATTACHMENT 13.1.1**.

13.2.STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 NOVEMBER 2022

File Reference	ADM0066
Date of Report	13 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Cath Painter, Accountant
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment No. 13.2.1 – Monthly Financial Report 30 November 2022

BRIEF SUMMARY

The Statement of Financial Activity for period ending 30 November 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	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 receives the monthly statement of Financial Activity for the period of 30 November 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**.

14. COMMUNITY SERVICES

14.1. WOODANILLING RECREATION CENTRE - OVAL RETICULATION

File Reference	ADM0059
Date of Report	15 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Sue Dowson, Deputy Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.1.1 – Reticulation – Woodanilling Oval Attachment 14.1.2 – Watering Stations – Woodanilling Oval

BRIEF SUMMARY

This item is presented to Council to accept the emergency works and costs that was required to be completed on the Woodanilling Recreation Centre Oval due to fault and repairs to the reticulation system.

BACKGROUND/COMMENT

The reticulation system has been turned off over the period of winter season. The system was to be turned back on as the weather has entered into the summer period with minimal rainfall. A fault was recognised with the reticulation system that supplies water to the Recreation Centre main oval late November 2022.

This meant that the oval was unable to commence its summer water program to maintain the oval. On investigation by the current contractor, it was found that the power cables running from the pump shed to the oval have been compromised by tree roots.

The investigation identified the problem that the existing cabling, which was the original reticulation wiring had failed. It is at least 20 years or more old and evidence shows significant tree root damage to the cabling.



Figure 1: Existing cabling with tree roots.



Figure 2: Water pipe, electrical cabling and tree root system.

A new trench was required to be dug and cut through the bitumen carpark and new cabling (now contained in conduit) has been laid from the pump shed to the oval edge to ensure the system was able to operate.

The original maps (hand drawn) clearly show the length of the site that was required to be dug. The original line is highlighted yellow with the new line in red. The length of this was 200 meters. New cabling and trench took one day to complete however the lead up to finding the issue took a number of days to identify by the contractor and shire staff.

This is contained in **ATTACHMENT 14.1.1.**

The oval had stations 2, 4, 5 & 6 not working. Along with this, the Shire required to use a metal detector to locate the station boxes. New metal plates have been placed on top of the individual reticulation station boxes to easily find in the future.

The mapped area of station boxes is detailed in **ATTACHMENT 14.1.2.**

The pictures below show the new trench that has been created.





STATUTORY/LEGAL IMPLICATIONS

This request aligns to Section 6.8 of the Local Government Act 1995, which states:

Local Government Act 1995

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute Majority required.*

POLICY IMPLICATIONS

There is no policy relating to this item.

FINANCIAL IMPLICATIONS

There is no allocation in the 2022/2023 Annual Budget. Therefore needs to be recognised due to the emergency works that was required to be conducted. The approximate total of \$6,275.71 is required for these works and the provisions of the costs will be reviewed in the budget review period. The General Ledger 113020 has funds to offset for these emergency costs that the Shire is not aware of that this time.

Date	Comments	Costings
Dec	Staff costings	\$ 633.38
2 Dec	Testing and diagnose of issue by contractor	\$ 297.00
7 Dec	Further Testing to identify issue	\$ 443.00
12 Dec	Repairs, digging trench, supply wire and cable, conduit and lay and connect	\$4,902.33
		\$6,275.71

STRATEGIC IMPLICATIONS

Theme 1

Community Facilities

VISION

To provide facilities and amenities that meet the communities' needs and expectations within Council's ability to fund from rates and external sources

To ensure access to high quality facilities and services that the community is proud to use and promote

STRATEGIES

To ensure our facilities are maintained to a suitable functional standard

CONSULTATION/COMMUNICATION

Consultation was held between Senior Officers and the current Shire's contractor. Further consultation was held with the incoming Executive Manager Infrastructure. The CEO advised elected members via email of the current works that were required to be undertaken.

RISK MANAGEMENT

If the Shire does not manage its finances adequately and allows budget expenditure to exceed allocations and the Shire then finds itself unable to fund its services that have been approved through the budget process.

Failure to fulfil statutory regulations or compliance will place the Shire as non-compliant to legislation. To reduce the risk, it is required to submit budget variation requests to Council as they arise, identifying financial implications and ensure there is nil effect on the budget adopted.

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.
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 Council:

1. Approves the Emergency Works that have been undertaken on the Woodanilling Oval for the reticulation works, totalling \$6,275.71, that are able to be paid out of General Ledger 113020 – Maintenance – Oval & Buildings; and
2. Authorises the Chief Executive Officer to make the changes to the budget during the annual budget review process for 2022/2023.

**14.2. WOODANILLING GOLF CLUB – RELINQUISH OF LEASE RESERVE 11066 & TRANSFER OF GOLF CLUB
PADDOCK LEASE ON RESERVES 7470 & PART 5967**

File Reference	ADM0114
Date of Report	15 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Kellie Bartley, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple majority
Attachments	Nil

BRIEF SUMMARY

This item is presented to Council to consider the relinquishment of the Lease Agreement on Reserve 11066 with the Woodanilling Golf Club Incorporated and the transfer of the Agreement on Lots 180 & 181 on Reserve 7470 and Part Reserve 5967 to the Woodanilling Sports and Recreation Association (WSRA).

BACKGROUND/COMMENT

The Woodanilling Golf Club Incorporated (WGC) met with Shire Officers and Elected Members in early March 2022 with regards to the intention to wind up the club when discussing the relinquishment of the liquor licencing and insurances.

An item was presented (OCM77/07/2022 – 19 July 2022) to relinquish the liquor licence to Council which resolved to support this request. The relevant paperwork was formally signed and actioned back to the appropriate authorities. The Shire also took out public liability insurance at the commencement of the 2022/2023 financial year for the site and building, as the WGC intention was not to renew their public liability insurance.

The WGC, WSRA and the Chief Executive Officer held a meeting on the 26 October 2022 to further discuss the details of the intention for the WGC to end their association/club. The discussion also lead to the current harvest crop on the Reserves 7470 & Part 5967.

The WGC registered number is A0810155H and has been incorporated since 4 November 1981. They have had the current two lease agreements in place since as early as 2003 and 2005 (from the current records obtained).

The WSRA association registered number is A0823417A and has been incorporated since 21 March 1988. They currently already hold the Reserve 17124 that is utilised for the purpose of “Sports Club Paddock”.

Reserve 11066 – Golf Links

The land described is vested and held by the Shire since 16 October 1957 being a reserve for the purpose of “Recreation (Golf Links)”. The area of the site is 51.3951 hectares and houses the Golf Club house, 9 fairways and sand greens and a shed that houses the equipment to maintain the facility. The site is zoned recreation under the Shire’s Town Planning Scheme No 1.

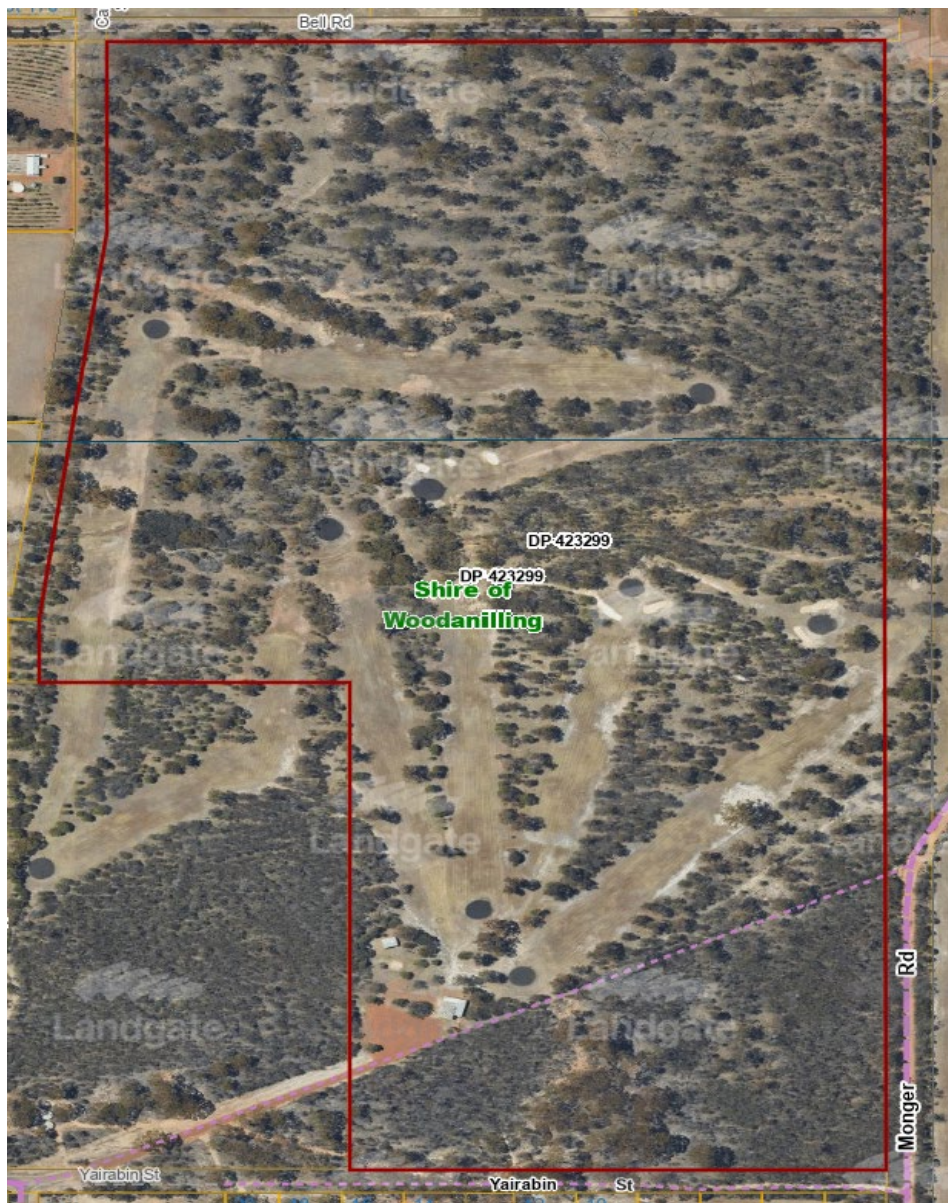


Figure 1. Reserve 11066 – Site Location

The intention of the WGC, they have now deregistered the WGC with Golf WA and have cleaned the premises, removed the appropriate fittings and fixtures and left the current machine to maintain the fairways area. Certain equipment has been discussed between the two clubs along with the requirement to move any funds the WGC holds.

Under the *Associations Incorporations Act 2015 (WA)* (the Act), the relevant association is required to report their intention and complete the appropriate forms as required by law. The financial affairs included for the club to make any outstanding financial commitments and arrange for the association accounts to be transferred as per the Act. The WGC requires to seek the confirmation from the Commissioner.

The intention by WGC advised shire officers, that all funds that the WGC have will be transferred to the WSRA. The Shire has no involvement in this matter. The CD Committee and shire officers have completed the inspection on the property and it has been left in good order as outlined in the lease agreement.

The Council must consider the long term requirements for this site and the options it may consider. These were discussed with Council previously and the options that may be considered is for the continuation of the site as a public golf course, hire facilities and/or option to use the building as a caretakers residents to assist the shire in maintaining this reserve.

Reserves 7470 & 5967 – Golf Club Paddock

The land described is vested and held by the Shire for the purpose of Public Recreation with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister of Lands. Reserve 7470 is 2.4483 hectare and zoned Park Land and Recreation. Part Reserve 5967 a whole site area of 20.2166 hectare which includes the Woodanilling Recreation Area with the zoning for the site as Recreation.



Figure 2. Site Location for Reserve 7470 and Part Reserve 5967

The WGC has had this lease for the use of the “Golf Club Paddock” for the purpose of recreation. The current agreement was from 1 January 2007 with it to expire on 31 December 2027. The initial thought was that this land was to be handed back to the Shire however on the provisions of the agreement, clause 15 states “Should the Woodanilling Golf Club Inc. become defunct within the Shire of Woodanilling, this licence shall be transferred to the Woodanilling Sports & Recreation Association Inc.”.

The WGC has seeded the land for the harvest period this year and have paid their insurance specific for harvesting of such land. The land and use of the funds have been for the benefit of the betterment of the community. The preference for the WGC and with the support of the WSRA is to transfer the term of the agreement.

It is suggested that Council, subject to the Minister of Lands prior consent to support the Chief Executive Officer to arrange for a new lease agreement to be in place for Reserve 7470 and Part Reserve 5967 for a term of up to 21 years.

Statutory advertising of these agreements is not required as leasing to WSRA is an excluded disposition of property under Regulations.

Both the WGC and WSRA on the adjoining land parcels on all reserves mentioned, both have a long association with the Reserve Land and they both provide sporting opportunities and a social outlet for the community. The proposal should be supported, subject to the requirements specific to ensure all is able to be managed and equitable land use.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act (1995) – s 3.58 Disposing of Property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition—*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The lease proposal with the WSRA presented for consideration is an excluded disposition of property under Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996, as follows:

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

- (b) *the land is disposed of to a body, whether incorporated or not —*
- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
- or*
- (c) *the land is disposed of to —*
- (i) *the Crown in right of the State or the Commonwealth; or*
- (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- (iii) *another local government or a regional local government;*
- or*
- (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
- (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
- (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- (g) *it is the leasing of residential property to a person.*

POLICY IMPLICATIONS

There are no policies that are associated with this item.

FINANCIAL IMPLICATIONS

There are no direct financial implications to prepare for a new lease agreement. The WSRA will be required to pay rent under the exiting lease agreement and they are responsible for all outgoings, maintenance and repairs. The proposal for the new lease may require administration costs to be recovered.

The intention of the site on Reserve 11066 will however have costings that will require consideration for Council for the maintenance of the site, the outcome and decision on the building and possible fees and charges to be ascertained. This is a decision Council may consider after further details required to understand these costs.

STRATEGIC IMPLICATIONS

Theme 1

Community Facilities

VISION

- To provide facilities and amenities that meet the communities' needs and expectations within Council's ability to fund from rates and external sources
- To ensure access to high quality facilities and services that the community is proud to use and promote

STRATEGIES

- To ensure our facilities are maintained to a suitable functional standard

CONSULTATION/COMMUNICATION

The consultation has occurred with shire officers, WGC and WSRA along with the CEO briefing elected members on the outcomes of each meeting held since March 2022.

RISK MANAGEMENT

The risk to the shire is assessed as “medium”. The Shire will be required to assess the risk on this item as it progressed the long term direction on the reserve that is associated with the Golf area.

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.
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 1

That Council:

1. Approves for the lease agreement on Reserve 11066 be relinquished back to the Shire of Woodanilling from the Woodanilling Golf Club;
2. Authorises the Chief Executive Officer to bring back to Council options for the use of the site with costings; and
3. Authorises the Chief Executive Officer to work with the Woodanilling Golf Club on the final requirements on the terms of the lease agreement on the exit of the building on Reserve 11066.

OFFICER'S RECOMMENDATION 2

That Council, subject to the prior written consent of the Minister of Lands being obtained:

1. Approves for the lease agreement to be entered into between the Shire of Woodanilling and the Woodanilling Sports and Recreation Association (Inc.) for a period of 21 year for a Reserve 7470 (Lots 180 & 181) and Part Reserve 5967 Woodanilling.
2. With the annual rent payable continuing for the current lease agreement, to be reviewed annually in accordance with the June Perth, All Groups Consumer Price Index, and including an annual Lease Administration Fee, all outgoings, maintenance and repairs, as per the current lease agreement; and
3. Authorises the Shire President and Chief Executive Officer to sign and seal the Lease Agreement.

15. OFFICE OF CEO

15.1. INFORMATION BULLETIN – DECEMBER 2022

File Reference	ADM0105
Date of Report	8 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Gen Harvey, Landcare WWLZ (for attached report) Kellie Bartley, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment No. 15.1.1 – WWLZ – Information Report for December 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 - December 2022 (**Attachment 15.1.1**)

Circulars, Media Releases, Newsletters, Letters:

- WA Carbon Farming and Land Restoration Program – applications open
- LGA Reform Proposals
- Woodanilling Oval – current issues
- Appointment of Executive Manager Infrastructure
- Advice of Number of Lightning Strikes – 7th December

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.

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 accepts the Information Bulletin Report for the month of December 2022.

**15.2. NEW COUNCIL POLICIES – COUNCIL POLICY 109 – SHIRE VEHICLES – USE ARRANGEMENTS –
COUNCIL POLICY 110 – USE OF INFORMATION TECHNOLOGY**

File Reference	ADM0019
Date of Report	9 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Kellie Bartley, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment 15.2.1 – New Council Policy 109 – Shire Vehicles – Use Arrangements Attachment 15.2.2 – New Council Policy 110 – Use of Information Technology

BRIEF SUMMARY

The purpose of this report is for Council to endorse two new Council Policies being the use arrangements for the Shire Vehicles and Information Technology for the Shire of Woodanilling.

BACKGROUND/COMMENT

The Shire has recently undertaken a review of their current use of shire vehicles along with the Shire’s Information Technology, both areas identified to create new policies to assist staff and the organisational to increase the efficiencies for the organisation.

Council Policy 109 – Shire Vehicles – Use Arrangements

The proposed Council Policy 109 – Shire Vehicles – Use Arrangements, is to set the guidelines for the use of the Shire’s fleet along with the provisions of staff, elected members, volunteers and/or contractors that use the Shire’s fleet for operational purposes.

There is currently no set parameters for vehicle users to be responsible and accountable whilst using the Shire’s fleet. The policy is to give the policy objectives for the use arrangements for shire vehicles. This includes private use of vehicles, ensuring drivers are approved and insured, maintain the vehicle conditions and to make sure misuse of vehicles is not to occur.

The new Council Policy – 109 – Shire Vehicles – Use Arrangements is contained in **ATTACHMENT 15.2.1**.

Council Policy 110 – Use of Information Technology

The proposed Council Policy 110 – Use of Information Technology is to set the objectives for relevant persons/employees. Hence, adhering to the safety of the Shire’s control mechanisms, whilst using the Shire’s Information Technology and therefore reducing the risk to the Shire’s IT framework and therefore not to be compromised.

This policy provides guidelines for the proper use of all information technology facilities, including electronic data exchange, via internal and external data networks. It includes: internet access, internet email, internal email (exchange), facsimile and other electronic data transfer using the Shire of Woodanilling information technology facilities.

The new Council Policy – 110 – Use of Information Technology is contained in **ATTACHMENT 15.2.2**.

STATUTORY/LEGAL IMPLICATIONS

Section 2.7 (2) (b) of the *Local Government Act 1995* prescribes that a primary function of the Council is determining the Local Government Policies.

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government’s affairs; and*
 - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government’s finances and resources;*
and

(b) determine the local government's policies.

POLICY IMPLICATIONS

There is currently no policy associated with this item.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item. However, costs savings on vehicles should be considered. With the IT area, the possible financial risk to the organisation should the Shire lose its information technology services. Therefore the Shire would not be able to operate in its current manner and loss of service delivery would occur.

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 taken place with Councillors, Chief Executive Officer and Deputy Chief Executive Officer (DCEO). Further consultation with Elected Members was held at Council Briefing Session on November 2022 in relation to the use of the vehicles. The Information Technology Policy has been discussed with Council's contractor and senior officers, as this has also been identified through the audit processes.

RISK MANAGEMENT

The Risk in relation to this matter has been assessed as "Medium" within the Risk Management Table below, the policies will have minimal financial impact on the Shire however operational risk for both policies can be considered a reasonable risk due to the impact both would have on the organisation.

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 pursuant to section 2.7 of the Local Government Act 1995, adopts;

- a) Council Policy 109 – Shire Vehicles – Use Arrangements as contained in **ATTACHMENT 15.2.1**; and*
- b) Council Policy 110 – Use of Information Technology as contained in **ATTACHMENT 15.2.2**.*

15.3.MINOR CHANGES DELEGATIONS REGISTER 2022

File Reference	ADM0115
Date of Report	18 November 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Kellie Bartley, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 15.3.1 – Delegation Register with minor changes

BRIEF SUMMARY

The purpose of this report is for Council to endorse minor review of the Delegation Register for the Shire of Woodanilling due to the recent organisation restructure changes.

BACKGROUND/COMMENT

Council recently endorsed an organisation review and appointed the new position of Executive Manager Infrastructure, therefore the minor changes to the Delegation Register is to reflect these changes.

The CEO has commenced the process for the WALGA model to put all delegations into the new format. However this has not occurred due to time constraints and impacts by other key changes. Ideally, the plan is to convert to the new format as part of the next annual review in 2023.

Under Section 5.42(2) of the *Local Government Act 1995*, at least once every financial year, delegations are to be reviewed by the delegator. Regarding the Shire of Woodanilling, this means that once each financial year:

- Council must review its delegations to the CEO and to Committees of Council;
- The CEO must review their delegations to others. These delegations consist of two types:
 - On delegations from Council to the CEO and from the CEO to staff/others regarding the Local Government Act or other legislation; and
 - On delegations from the CEO regarding specific powers the CEO has under the Local Government Act or other legislation to staff/others.

The minor changes are in **RED** and ~~strike out~~ in the current Delegation Register which are contained in **ATTACHMENT 15.3.1**.

STATUTORY/LEGAL IMPLICATIONS

The Local Government Act regulates the ability of the local government to delegate the exercise of its powers or discharge its duties under the Act.

5.42. Delegation of some powers and duties to CEO

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

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Local Government Act 1995 section 5.43 Limits on delegations to CEO

There are a range of activities that the Shire cannot delegate to the CEO, like, any power or duty that requires a decision of an absolute majority of the Council; appointing an auditor; or borrowing money on behalf of the Shire.

Local Government Act 1995 section 5.44 CE may delegate powers and duties to other employees

A CEO may delegate to any employee of the Shire, any of the CEO's delegations (other than the power of delegation).

Local Government Act 1995 section 5.46 Register of and records relevant to delegations to CEO and employees

A register of delegations made is to be kept, as are records of the exercise of those delegations, and at least once every financial year, delegations are to be reviewed by the delegator.

Local Government Act 1995 section 9.4 Advice of objection and review rights

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under the Local Government Act or a Local Law is a decision is "quasi-judicial" and subject to objection and appeal rights (and can be referred to the State Administration Tribunal).

Other Acts

A variety of other specific acts also provide a capacity to delegate specific functions to either to the Chief Executive Officer, or directly to an alternative professional officer, like:

- *Building Act 2011;*
- *Bush Fires Act 1954;*
- *Cat Act 2011;*
- *Dog Act 1976;*
- *Food Act 2008;*
- *Public Health Act 2016; and*
- *Planning & Development Act 2005.*

POLICY IMPLICATIONS

There is currently no policy associated with this item however some delegations are linked to some of the policies.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

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

No community consultation is required for this item. The CEO has been workshopping the delegation process over the previous Council Briefing Sessions.

RISK MANAGEMENT

The Risk in relation to this matter has been assessed as "Medium" within the Risk Management Table below, the delegations will have minimal financial impact on the Shire however operational risk for both delegations can be considered a reasonable risk due to the impact both would have on 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
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 Council;

- 1. Notes the review of the Shire's delegations have been reviewed to include the recent organisational changes to include the Executive Manager Infrastructure; and*
- 2. Endorses the attached Shire of Woodanilling Register of Delegations as contained in ATTACHMENT 15.3.1.*

16. CONFIDENTIAL REPORTS

This matter needs to be considered in accordance with Section 5.23 (2) (h) of the Local Government Act 1995, as this item relates to the matter that if disclosed could reveal information of a matter the Council prefers to conceal until a final determination is made and presented at the Australia Day Awards in January 2023.

16.1.CONFIDENTIAL – AUSTRALIA DAY COMMUNITY CITIZENSHIP AWARDS 2023

File Reference	ADM0143
Date of Report	12 December 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Sue Dowson, Deputy Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Confidential Attachment 16.1.1 – Active Citizen over 25 Award Confidential Attachment 16.1.2 – Sports Star over 25 Award

BRIEF SUMMARY

This report recommends Council to consider the nominations for the Australia Day Community Citizenship and Sports Star Awards to be held in January 2023.

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

18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

18.1.COUNCILLORS AND /OR OFFICERS

19. CLOSURE OF MEETING