



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL Agenda 21 February 2023

**Dear Elected Member**

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 21 February 2023 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](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
Mike Hudson	Executive Manager Infrastructure

#### 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 – 20/12/2022**

**COUNCIL DECISION**

That the Minutes of the Ordinary Meeting of Council held 20 December 2022 be confirmed as a true and correct record of proceedings without amendment.

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

Nil

## 10. REPORTS OF OFFICERS

## 11. REGULATORY SERVICES

### 11.1. APPLICATION FOR EXPLORATION LICENCES 70/6334, 70/6337 AND 70/6338

<b>File Reference</b>	ADM0348
<b>Date of Report</b>	19 January 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Gillian French, Special Projects 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 11.1.1</b> - Application for Exploration Licences and Maps

#### BRIEF SUMMARY

The purpose of this report is to inform Council, for information purposes, of a Notice of Application for Exploration Licences within the Shire of Woodanilling.

#### BACKGROUND/COMMENT

It is a requirement of the *Mining Regulations 1981*, that an application for mining tenements be in prescribed form, being a Form 21, and lodged within ten days of marking out (by fixing a post projecting at least one metre above the ground along with other prescribed actions as per Division 1 – Marking out mining tenements of the Mining Regulations).

A notice, in the form of a Form 21, is to be served on the Chief Executive Officer of the Local Government within fourteen days of the lodging of the application to which the notice relates.

The period for lodgement of an objection concerning an application over private land is within twenty one days of service of the Form 21 or the date noted on the Form 21, whichever is the longer period.

Mining tenements prescribed under the *Mining Act 1968* include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences. The Shire may receive varying numbers of Form 21 applications for mining tenements. These applications are referred to Council for information only.

The Mining Regulations impose a limit on the amount of earth, soil, rock, stone, fluid or mineral bearing substance that may be excavated, extracted or removed to 1,000 tonnes in total. Any extraction or removal in excess of this requires the written approval of the Minister.

Exploration Licence notifications received include and are detailed in **ATTACHMENT 11.1.1**:

Company	Application No.	Area (ha or km2)	Locality
C9 Metals Limited	E70/6337	(k) 50BL	Woodanilling
C9 Metals Limited	E70/6338	(k) 14BL	Boyerine
C9 Metals Limited	E70/6334	(k) 105BL	Wagin (border of Shire)

#### STATUTORY/LEGAL IMPLICATIONS

PART IV – Mining tenements of the *Mining Act 1968* sets out the grant and conditions of mining tenements in Western Australia.

##### *Mining Regulations 1981*

Regulation 64, Application for mining tenement of the Mining Regulations 1981 states that application for mining tenements must be in the prescribed form, being a Form 21 and copies served in accordance with 33 (Application for mining by permit holder), 41 (Application for prospecting licence), 56A (Special

prospecting licences), 58 (Application for exploration licence), 70 (Special prospecting licence on an exploration licence), 74 (Application for mining lease), 85B (Special prospecting licence on a mining lease), 91 (Grant of miscellaneous licence) and 118 (Notice of application to be given to lessee of pastoral lease) of the *Mining Act 1968*.

#### **POLICY IMPLICATIONS**

There is currently no policy associated with this item.

#### **FINANCIAL IMPLICATIONS**

There are no known financial implications associated with 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 understand the need to protect the natural and cultural values for present and future generations.

##### **STRATEGIES**

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

##### **CONSULTATION/COMMUNICATION**

No community consultation is required for this item.

##### **RISK MANAGEMENT**

Risk implications associated with this item are considered to be Low, as any damage to the natural environment will be contained and will be rectified by external agencies. Any financial impact to assets will also be rectified by external agencies.

<b>Consequence</b>	<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Extreme</b>
<b>Likelihood</b>					
<b>Almost</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 with respect to *Mining Act 1968* Tenement Referral, Council NOTES the content of this report and the attachments contain therein.

## 11.2. TEMPORARY ACCOMODATION LOT 249 (3) STEERE ROAD WOODANILLING

<b>File Reference</b>	A278
<b>Date of Report</b>	30 January 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Jennifer Dowling, Planning 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 11.2.1</b> – Planning Application <b>ATTACHMENT 11.2.2</b> – Application for Temporary Accommodation <b>ATTACHMENT 11.2.3</b> – Site Plan

<b>Proponent</b>	Trevor Brewster
<b>Owner</b>	Trevor Brewster
<b>Date of Receipt</b>	7 February 2023
<b>Property Address</b>	Lot 249 (3) Steere Road, Woodanilling
<b>Lot Area</b>	4,034m <sup>2</sup>
<b>Town Planning Scheme No 1 Zoning</b>	Residential

### BRIEF SUMMARY

The purpose of this report is for Council to determine a Development Application for temporary accommodation, prior to and during the construction of a dwelling at Lot 249 Steere Road, Woodanilling. Council has the ability to approve this temporary use, with conditions, under the Shire's Town Planning Scheme No. 1 and Council Policy 97 – Temporary Accommodation.

The Application for Temporary Accommodation and Planning Applications is contained within **ATTACHMENT 11.2.1** and **ATTACHMENT 11.2.2**.

### BACKGROUND/COMMENT

An application has been received by Council for temporary accommodation on Lot 249 Steere Road, Woodanilling prior to construction of the dwelling. The site is generally cleared and is 4,034 m<sup>2</sup> in area.

In the absence of a valid house approval, Council must consider any possible land use implications this application may have for the site. In particular, it must be established if approval would set an undesirable precedent for the development of other residential zoned lots in the area. It must also be considered whether or not approval can be considered in the interest of orderly and proper planning under the Town Planning Scheme and associated policies.

Should Council determine to approve the outbuilding, based on Council Policy No.97 – Temporary Accommodation, the application can be supported subject to standard conditions and inspection by the Shire's contract Environmental Health Officer.

The applicants own a fully contained 19ft caravan that has a composting toilet and a wastewater system containment unit. It is proposed that once the effluent disposal system is installed that the greywater will be disposed of directly into the onsite effluent disposal system.

The land is zoned Residential (R5) with the purpose of the land being for residential purposes.

The Scheme does not specifically define 'Temporary Accommodation' and therefore Council must establish if the use is consistent with the zone.

Despite the approvals for the construction of a dwelling have not been processed, (the applicant is yet to provide a Building Permit Application form) the applicant has been working with Shire Officers on the Certified Building Application process. The Planning Application is considered that the use is consistent



with the zone and can be approved subject to conditions under 10.6 of the Shire’s Town Planning Scheme No 1.

The applicants have shown commitment to the project in that they have commissioned and supplied all the appropriate consultant reports.

### **STATUTORY/LEGAL IMPLICATIONS**

***Planning and Development (Local Planning Schemes) Regulations 2015 - Part 7 – Requirement for development approval***

#### **60. Requirement for development approval**

*A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

- (a) the person has obtained the development approval of the local government under Part 8; or*
- (b) development approval is not required for the development under clause 61.*

#### **Shire of Woodanilling Town Planning Scheme No.1. – Clause 10.6 – Temporary Planning Approval**

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

### **POLICY IMPLICATIONS**

#### **Council Policy No.97 – Temporary Accommodation**

To provide guidelines on the prerequisite conditions for approval of temporary accommodation for occupation during the completion of a permanent dwelling.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item. The applicant is required to make the relevant payment of the fees and charges associated to this item. The bond of \$5,000 will be required to be paid as per the Council Policy 97 – Temporary Accommodation.

### **STRATEGIC IMPLICATIONS**

#### **THEME 2**

#### **Enhancing Natural and Built Environment**

#### **OBJECTIVES**

To develop a responsive and appropriate Local Planning Strategy that supports the development of a new Local Planning Scheme.

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

#### **STRATEGIES**

Development of a Local Planning Strategy and supporting Scheme.

### **CONSULTATION/COMMUNICATION**

There is no community consultation required in this instance.

### **RISK MANAGEMENT**

This item is considered a “Medium” risk to the local government and non-compliant with Council’s Policy 97 – Temporary Accommodation.

<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

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

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council approves the Planning Application for the temporary accommodation at Lot 249 Steere Road, Woodanilling, subject to the following conditions:

1. That the development be consistent with the development application received 1 December 2022.
2. This approval is granted to those persons who are to occupy the house when completed.
3. This approval is limited to a maximum period of 12 months.
4. Temporary accommodation to be inspected and approved by the Environmental Health Officer prior to occupation.
5. In accordance with the provisions of the *Caravan Parks and Camping Grounds Regulations 1997*, for occupation of temporary accommodation greater than 12 months, applications must be made to the Minister, Department of Local Government and Regional Development. Applications will only be supported where significant progress has been made on the construction of the permanent dwelling.
6. Council reserves the right to revoke this temporary accommodation permission at any time if it is dissatisfied with the state of progress towards the construction of a permanent dwelling or any general terms of the temporary accommodation permission have not been met.

### Advice Notes:

- a) A Building Permit application for the dwelling is required to be lodged and approved by the Shire.
- b) An application to construct and install an apparatus for the treatment of sewerage to be submitted and endorsed by the Shire's Environmental Health Officer.
- c) Applicants to submit a bond of \$5,000 cash, to be refunded upon temporary accommodation being vacated to the satisfaction of the Environmental Health Officer.
- d) Installation of a smoke alarm to the temporary accommodation.
- e) If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

<b>11.3. PLANNING APPLICATION ADDITIONAL OUTBUILDING LOT 158 PROSSER ROAD WOODANILLING</b>
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<b>File Reference</b>	A540
<b>Date of Report</b>	23 January 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Jennifer Dowling, Planning 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 11.3.1</b> – Site Plan, Floor Plan and Elevations <b>ATTACHMENT 11.3.2</b> – Application <b>ATTACHMENT 11.3.3</b> – Accompanying Letter

<b>Proponent</b>	Jackie Orr
<b>Owner</b>	Jackie Superfund Pty Ltd
<b>Date of Receipt</b>	20 January 2023
<b>Property Address</b>	Lot 158 Prosser Road, Woodanilling
<b>Lot Area</b>	2.7519 ha
<b>Town Planning Scheme No 1 Zoning</b>	Local Rural

#### **BRIEF SUMMARY**

This item is for Council to approve a planning application received for an additional outbuilding at Lot 158, Prosser Road, Woodanilling, to enable the owner to store maintenance equipment securely onsite.

The Planning Application and associated documents are contained in **ATTACHMENTS 11.3.1, 11.3.2 and 11.3.3**.

#### **BACKGROUND/COMMENT**

The previous landowner had sought, and been granted, approval for a Class 10 building (4x4 - 16m2 outbuilding) at the site in anticipation of the future application for a dwelling. Subsequently a Building Licence was issued and the development completed on site.

For various reasons the application for a dwelling did not proceed and the property has since sold. The property was purchased in October 2022.

The current owner/applicant currently resides in Queensland, however travels regularly to Western Australia to maintain the property and in anticipation of retiring permanently to Woodanilling. The previously approved outbuilding is constructed on stumps with several steps to access. This construction method whilst being suitable for smaller items for the maintenance of the property, has proved problematic when managing larger items such as lawn mowers and brush cutters. There is no ramp to make it easily accessible for such items.

The applicant now seeks to install an additional on-slab outbuilding with a roller door to permit storage of ride on mower and/or plant and equipment, for the ongoing maintenance of the block. The outbuilding is to be constructed with a steel frame clad with paperbark coloured colorbond sheeting to both the skillion roof and walls. This colour and finishes are suitable for this local rural zone.

The site is partially cleared and is 2.75ha in size.

The application is presented before Council as it does not meet the requirements of Council's Town Planning Scheme Policy No 2 – Sheds/Outbuildings, as proposal is for the approval of an outbuilding prior to a dwelling at the site.

The proposed outbuilding is setback well in excess of the required 10 metres front, 6 metre rear and 5 metres side setback as aligned to the policy. It will be located in a cleared portion of the site.



**Figure 1.**

It is this Officer's Recommendation to approve this application with conditions noting that there is no plan for a dwelling at the present time.

### **STATUTORY/LEGAL IMPLICATIONS**

#### **Planning and Development Act 2005 - Town Planning Scheme No.1**

#### **Part 2 - Local Planning Policy Framework**

#### **Cl 2.2. Local Planning Policies**

*The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply-*

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area,*  
*and may amend or add to or rescind the Policy.*

#### **Cl 2.3. Relationship of Local Planning Policies to Scheme**

- 2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*
- 2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

*Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Planning Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.*

#### **Under part Cl 10.2. Matters to be considered by local government**

*The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –*

- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*

*The land is zoned Local Rural with the general purpose of the land being for rural residential purposes. The Scheme further states at Part 4, s 4.2 – Objectives of the Scheme;*

### **Local Rural Zone**

*‘To provide for a mix of residential and business related uses in a rural setting which achieves a high standard of visual amenity, facilitates landscape protection and conservation and will not cause land use conflicts or adverse impacts on the amenity and character of the zone.’*

#### **POLICY IMPLICATIONS**

Local Planning Policy No.2 –Sheds/Outbuildings.

The policy also stipulates that an outbuilding should not to be constructed on vacant Local Rural zoned lot without the prior approval for a dwelling.

The proposal before Council meets the requirements of the policy as noted in the table below.

	<b>LPP2 – Outbuildings</b>	<b>Proposal</b>	<b>Officer’s Review</b>
<b>Size</b>	72m2 (cumulative)	46m2 (inclusive of existing 16m2)	Compliant
<b>Wall Height</b>	4.2m	3.73m	Compliant
<b>Front Setback</b>	10m	90m	Compliant
<b>Rear Setback</b>	6m	88m	Compliant
<b>Side Setback</b>	5m	40m	Compliant

The Policy as contained at attachment **11.3.3** states that an outbuilding will not require Planning Approval in a Local Rural zone provided that a dwelling exists at the site. In this instance, a dwelling does not exist at the site and therefore the proposal requires Planning Approval.

Council must have due regard to a Local Planning Scheme Policy, however is not bound by it.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

#### **STRATEGIC IMPLICATIONS**

##### **THEME 2**

##### **Enhancing Natural and Built Environment**

##### **OBJECTIVES**

To develop a responsive and appropriate Local Planning Strategy that supports the development of a new Local Planning Scheme.

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

##### **STRATEGIES**

Development of a Local Planning Strategy and supporting Scheme.

#### **CONSULTATION/COMMUNICATION**

There is no consultation required in this instance.

#### **RISK MANAGEMENT**

This item is considered “Low” risk to the local government given the size and nature of the additional outbuilding.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
<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

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

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council pursuant to Schedule 2, Clause 68(2) of the *Planning and Development (Local Planning Schemes Regulations 2015)* grants Planning Approval for the construction of an additional outbuilding at Lot 158, Prosser Road, Woodanilling, subject to the following conditions:

- a. The development being in accordance with plans as contained in **ATTACHMENT 11.3.1** and with setbacks being marked in red; and
- b. The outbuilding not being used for human habitation at any time.

### Advice Notes:

- a. A Building Licence is required prior to the outbuilding being constructed at the site.
- b. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- c. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

### 11.4. RETROSPECTIVE APPLICATION - BEAUFORT RIVER SHELL SERVICE STATION – ABOVE GROUND FUEL STORAGE

<b>File Reference</b>	A28 / DA24
<b>Date of Report</b>	16 January 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Jennifer Dowling, Planning 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 11.4.1</b> – Planning Application – Askara Pty Ltd <b>ATTACHMENT 11.4.2</b> - Site Plan and Elevations <b>ATTACHMENT 11.4.3</b> - Accompanying Letter

<b>Proponent</b>	Aksara Pty Ltd
<b>Owner</b>	Bufort Pty Ltd
<b>Date of Receipt</b>	16 November 2022
<b>Property Address</b>	Lot 5 (18495) Albany Highway, Beaufort River
<b>Lot Area</b>	2.7482 ha
<b>Town Planning Scheme No 1 Zoning</b>	Commercial

#### BRIEF SUMMARY

This item is for Council to approve an application for a retrospective above ground diesel storage tank at the Beaufort River Shell Service Station located at 18495 Albany Highway, Beaufort River.

The Planning Application and associated documents are contained within **ATTACHMENTS 11.4.1, 11.4.2** and **11.4.3**.

#### BACKGROUND/COMMENT

Council have previously considered and approved, subject to conditions, a number of development applications for this site, including:

- Redevelopment of the Beaufort River Road House (Fuel Station and Restaurant);
- Tavern (Bottle Shop); and
- Motel (Accommodation Units).

This application relates to an above ground 60,000L diesel storage tank that will feed the existing 110,000L underground diesel storage tank. The tank has been located adjacent to the Ablution Block and is setback approximately 40m to the front boundary and 40m to the rear. The fuel tank is 12.2m in length, 2.45m in width and 2.9m in height.



Figure 1.



**Figure 2 – Site location for Beaufort River Shell Service Station**

A recent site visit by Shire Officers shows that the tank is already in place on a concrete structure. The applicant has advised that the tank is not yet in use, but development has commenced, therefore the application has become retrospective.

The applicant will need to obtain the necessary approvals from the Department of Mines, Industry Regulation and Safety, therefore the application will be conditioned to ensure that the Shire receive a copy of this approval for our records.

### **STATUTORY/LEGAL IMPLICATIONS**

#### ***Planning and Development Act 2005 Division 5 – Development controls***

##### **162. No development except with approval**

1. Subject to this Act, where a planning scheme or interim development order provides that development referred to in the planning scheme or interim development order is not to be commenced or carried out without approval being obtained upon the making of a development application, a person must not commence or carry out that development on land to which the planning scheme or interim development order applies unless —
  - a) the approval has been obtained and is in force under the planning scheme or interim development order; and
  - b) the development is carried out in accordance with the conditions subject to which the approval was granted.
2. Nothing in this section limits or otherwise affects a right or entitlement under any other written law.

#### ***Town Planning Scheme No.1 (TPS1)***

##### ***Zoning***

The property is zoned Commercial under TPS1. The objective of the Commercial Zone is to provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole.

##### ***Table 2 – Site and Development Requirements Table***

- Table 2 requires the following development standards:
- Minimum boundary setback of 7.5m to the front and rear
- Minimum landscape area of 5%



### **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

Section 6.6 guides development within bushfire prone areas for development deemed to be high risk and/or vulnerable land uses in accordance with the definition contained within the Guidelines for Planning in Bushfire Areas.

*“6.6 Vulnerable or high-risk land uses*

*6.6.1 In areas where BAL-12.5 to BAL-29 applies*

*Subdivision and development applications for vulnerable or high-risk land uses in areas between BAL-12.5 to BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the State authority for emergency services. Subdivision applications should make provision for emergency evacuation. Development applications should include an emergency evacuation plan for proposed occupants and/or a risk management plan for any flammable on-site hazards.”*

#### **POLICY IMPLICATIONS**

There are currently no planning policies associated with this item.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item as a retrospective planning fee has now been received.

#### **STRATEGIC IMPLICATIONS**

##### **THEME 2**

##### **Enhancing Natural and Built Environment**

##### **OBJECTIVES**

To develop a responsive and appropriate Local Planning Strategy that supports the development of a new Local Planning Scheme.

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

##### **STRATEGIES**

Development of a Local Planning Strategy and supporting Scheme.

#### **CONSULTATION/COMMUNICATION**

The development has a use class under TPS1 of “Service Station”. This is an “A” use, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

Clause 9.4 advises that an “A” use be advertised to surrounding landowners prior to the consideration and determination by Council.

The development application was advertised to surrounding landowners, Main Roads WA and the Department of Fire and Emergency Service with no objections being received.

A Public Notice was also posted on the Shire’s website.

#### **RISK MANAGEMENT**

The risk to this item is considered medium.

<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

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

### OPTIONS AND IMPLICATIONS

#### Option 1

That Council approves the application unconditionally.

#### Option 2

That Council approves the application subject to conditions

#### Option 3

That Council refuse the application

**Officer's recommendation is Option 2**

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That Council approves the retrospective development application as contained in **ATTACHMENT 11.4.1** for an above ground fuel tank at 18495 (Lot 5) Albany Highway Beaufort River (Shell Roadhouse) subject to the following conditions and advice notes:

#### Conditions:

1. The development being constructed in accordance with the approved plans date stamped 16 November 2022.
2. If the development, the subject of this approval, is not substantially commenced within a period of two (2) years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

#### Advice Notes

- a) This approval does not constitute a Building Permit Approval. A Certified Building Permit will be required.
- b) The appropriate licence being obtained from the Department of Mines, Industry Regulation and Safety and forwarded to the Local Government for inclusion within their Record Keeping System.

## 12. INFRASTRUCTURE SERVICES

Nil to report

## 13. CORPORATE SERVICES

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

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	06 <sup>th</sup> February 2023
<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 December 2022

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 December 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 December 2022

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits)	Municipal	\$13,353.00
Cheque Payment #15368	Municipal	\$200.00
EFT Payments #6457 to #6504	Municipal	\$87,133.12
<b>Sub Total</b>	<b>Municipal</b>	<b>\$100,686.12</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$100,686.12</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 —*
    - (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.

<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

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 list of accounts, totalling \$100,686.12 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 December 2022, as contained within **ATTACHMENT 13.1.1**.

### 13.2. LIST OF ACCOUNTS FOR PAYMENT – 31 JANUARY 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	7 <sup>th</sup> February 2023
<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> – List of Accounts for Payment – 31 January 2023

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 January 2023, 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 13.2.1**.

#### Payments up to 31 January 2023

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay)	Municipal	\$22,273.75
Cheque Payment #15369 & #15370	Municipal	\$378.08
EFT Payments #6505 to #6558	Municipal	\$96,526.81
<b>Sub Total</b>	<b>Municipal</b>	<b>\$119,178.64</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$119,178.64</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 —*
    - (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.

<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

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 list of accounts, totalling \$119,178.64 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 January 2023, as contained within **ATTACHMENT 13.2.1**



### 13.3. STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2022

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	6 <sup>th</sup> February 2023
<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. 13.3.1</b> – Monthly Financial Report 31 December 2022

#### BRIEF SUMMARY

The Statement of Financial Activity for period ending 31 December 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 13.3.1**

#### 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
<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 receives the monthly statement of Financial Activity for the period of 31 December 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 13.3.1**.

### 13.4. STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	7 <sup>th</sup> February 2023
<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. 13.4.1</b> – Monthly Financial Report 31 January 2023

#### BRIEF SUMMARY

The Statement of Financial Activity for period ending 31 January 2023 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 13.4.1**

#### 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 31 January 2023, 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 13.4.1**.

## 14. COMMUNITY SERVICES

### 14.1. CMCA GOLDEN WHISTLERS CHAPTER CAMP OUT 2023 – REQUEST FOR WAIVER OF FEES

<b>File Reference</b>	ADM0022 FH92
<b>Date of Report</b>	30 January 2023
<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> – Letter for request for Waiver CMCA <b>Attachment 14.1.2</b> – Application of Hire of Council Facilities

#### BRIEF SUMMARY

This item is for Council to consider the request from the Campervan & Motorhome Club of Australia (CMCA) to have the fees and charges reduced for the 2023 CMCA Golden Whistlers event to be held in December 2023.

The letter of request and application form is attached as **ATTACHMENTS 14.1.1** and **14.1.2**.

#### BACKGROUND/COMMENT

In December 2021, CMCA West Coast Wags had 30+ vans attend for their Christmas function catered by the CWA Ladies. Some also patronised the Tavern.

In November 2022, the CMCA Whistlers held a gathering attended by 20 vans over a weekend. This equated to 21 people attending the Woodanilling Tavern for dinner on the Saturday night along with spending time within the district. Several members walked or rode bikes around the town and visited the General Store.

Both events held in 2021 and 2022 were successful rallies and provided a great venue in Woodanilling for the camper who have consistently supported this outing.

The CMCA Golden Whistlers is again applying to the Council for a reduction of hire fees for the period of 7th December to the 11th December 2023. This will be their third attendance and “The Woodanilling Rally” is very popular with their group. This year they will be holding their Christmas Dinner at the Woodanilling Tavern, once again supporting local business.

By reducing the hire fee for the Woodanilling Recreation Centre, this allows the opportunity for local business to benefit by the visit and increase the usage of the facilities along with increasing Woodanilling surrounds.

The Shire’s RV site fees are \$5 per van per night as well as the hire facility charges to utilise the Woodanilling Recreation Centre. They are requesting that the hire fees to the facility be reduced to \$25 per day instead the current fees of \$192.50 per day as detailed in the Shire’s current Fees and Charges.

The Shire received in RV fees totalling \$300.00 along with the discounted hire fee endorsed by Council previously. The CMCA are only requesting for the hire facility fees to be considered.

#### STATUTORY/LEGAL IMPLICATIONS

Council is able to offer a donation or afford a financial grant through the adopted budget and policy framework which has been endorsed under the relevant provisions of the *Local Government Act 1995*.

#### POLICY IMPLICATIONS

There is a specific policy that is pertinent to this event. While Council Policy 13 – Camping of Recreational Vehicles and Overflow – camping grounds allows for these type of vehicles to be located within the Recreational Precinct.

Council Policy 81 – Use of Shire of Woodanilling Facilities – would ordinarily apply the set fees and charges with the 2022/2023 Annual Budget however this does fall into the 2023/2024 financial year.

## FINANCIAL IMPLICATIONS

There is currently sufficient funds available within the current allocation to accommodate this application, however it must be noted that this will be applied with the proposed 2023/2024 Annual Budget as the event is to be held in December 2023.

The full cost is \$192.50 per day, totalling \$770.00. The rate requested at \$25 per day will amount to \$110.00 hence discounting the event by \$660.00. The provisions of each van contributing \$5 per day to be paid to the Shire.

## STRATEGIC IMPLICATIONS

### Theme 1

### Community Facilities

#### VISION

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

#### OBJECTIVES

To make our Community a place where people want to come, stay and grow

#### GOALS

##### Short Term

- CW.2** Establishment of a Community Well Being Fund to provide financial support for events that directly benefit the well-being of the local community
- CW.12** Encourage programs, activities and/or facilities that promote tourism to assist with the sustainability of local businesses

## CONSULTATION/COMMUNICATION

There was consultation with the Secretary, Mrs Margaret Cook (CMCA) and the Deputy Chief Executive Officer with a Hire of Council Facilities form submitted on the 18<sup>th</sup> January 2023.

## RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if the event takes place and visitors attending have COVID19 there is a risk of infecting the other attendees as well as putting at risk the community when they attend local entertainment. However with compulsory double vaccination this should reduce the risk to people.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Extreme
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**

That Council authorises the Chief Executive Office to reduce the hire fee of \$770.00 (including GST) to \$110.00 (including GST) for the period of 7th to 11th December 2023, for the hire of the Woodanilling Recreation Facility to the Campervan and Motorhome Club of Australia.

<b>14.2. REQUEST TO WAIVER FEES WOODANILLING PAVILION WOODANILLING PLAYGROUP</b>
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<b>File Reference</b>	CR1561
<b>Date of Report</b>	10 January 2023
<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 14.2.1</b> – Correspondence from Woodanilling Playgroup

**BRIEF SUMMARY**

This item is to request for Council to consider the reduction of the annual charge for the hire of the Woodanilling Recreation Centre for the Woodanilling Playgroup for the use of crèche.

This request of correspondence is contained within **Attachment 14.2.1**.

**BACKGROUND/COMMENT**

Historically all regular users, sporting clubs and groups have paid an annual fee to use the Sports Grounds and Pavilion. With the considerable costs to the Shire to maintain the Recreation Centre it is imperative that all users be charged to use the facilities so that some money is recouped.

Due to the inconsistent nature of attendees to Playgroup they are asking for a reduction to the current charge to make it more affordable to the Playgroup members.

Currently the Woodanilling Playgroup have been requested to pay the Occasional use fee (less than 9 times per year) which is \$45 per use or have the option to pay an annual fee of \$260.

This year's Woodanilling Playgroup expect to have 7 families registered. Each family pays an affiliation fee to Playgroup Australia of around \$37.00 per year which covers them with insurance and other associated costs. Playgroup have allocated 8 dates that they would like to book the crèche room at the Recreation Centre for the year.

Playgroup also meet at the Woodanilling Primary School and the CWA House to break up the year and offer variation to their weekly sessions.

The Officer's recommendation is seeking for Council to consider a variance to the current charges and allow a payment of \$5 per family per use, without making any changes to the Fees and Charges at this time.

The consideration of the current Fees and Charges will be reviewed as part of the 2023/2024 draft Budget process allowing the opportunity for Council to consider a more suitable charge be developed that would best suit the Playgroup members.

**STATUTORY/LEGAL IMPLICATIONS**

Pursuant to sections 6.16 and 6.17 of the *Local Government Act 1995*, the fees and charges may be determined through an absolute majority decision of Council.

**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.*



**6.16. Imposition of fees and charges**

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
  - (b) supplying a service or carrying out work at the request of a person;*
  - (c) subject to section 5.94, providing information from local government records;*
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
  - (e) supplying goods;*
  - (f) such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) imposed\* during a financial year; and*
  - (b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

**6.17. Setting level of fees and charges**

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) the cost to the local government of providing the service or goods; and*
  - (b) the importance of the service or goods to the community; and*
  - (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) under section 5.96; or*
  - (b) under section 6.16(2)(d); or*
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) prohibit the imposition of a fee or charge in prescribed circumstances;*  
*or*
  - (b) limit the amount of a fee or charge in prescribed circumstances*

**POLICY IMPLICATIONS**

Council Policy 81 – Use of Shire of Woodanilling facilities is associated with this item. The CEO may have considered using the Delegation 7 – maximum delegated amount to the CEO is \$200, which the discussions have possible revised costings more than the allocated \$200.00 for consideration.

**FINANCIAL IMPLICATIONS**

The cost of the Occasional Use Fee to Playgroup would be \$45 per use or \$260 up to 1 day per week (full year). Playgroup have requested to pay \$5 per family per use. With a family charge of \$5 and the expectation that 7 families could attend 8 bookings a year, the expected payment to Shire would be \$280 maximum. This amount would change with reduced numbers with the consideration that not everyone will attend the 8 booking dates.

**STRATEGIC IMPLICATIONS**

**Theme 1: Social**

**Community Well-Being**

**VISION**

To deliver a quality of life to our residents that is based upon sound environmentally sustainable principles and is socially productive & growing

**OBJECTIVES**

To support the delivery of programs and initiatives that foster community spirit and harmony

To ensure that our community is accessible for people with disabilities, their families and carers (Woodanilling Disability Access Inclusion Plan 2010)

**STRATEGIES**

By supporting community projects that have direct benefit to the well-being of our community – example Woody on Display

Disability Access and Inclusion Plan (DAIP) – Advocate to local businesses and tourist venues the requirements for, and benefits flowing from, the provision of accessible venues

**CONSULTATION/COMMUNICATION**

The Chief Executive Officer received an email from Woodanilling Playgroup along with shire officer’s having correspondence since 2022 with Finance Officer and the Woodanilling Playgroup. No other community consultation is required at this stage.

**RISK MANAGEMENT**

The risk is assessed as “Low” to Council with the reduction of this fee due to the insignificant amount of money currently being charged.

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 reduction in fees and charges for the Woodanilling Playgroup for the fee of \$5 per family per Playgroup Booking held until 30<sup>th</sup> June 2023 that will be held at the Woodanilling Recreation – Crèche.
2. Authorises the Chief Executive Officer to review the Fees and Charges in the draft 2023/2024 Budget process to present a suitable costing for the Woodanilling Playgroup.

## 15. OFFICE OF CEO

### 15.1. GREAT SOUTHERN TREASURES – MEMORANDUM OF UNDERSTANDING

<b>File Reference</b>	ADM0345
<b>Date of Report</b>	2 February 2023
<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 15.1.1</b> – Great Southern Treasures Strategic Plan 2022-2024 <b>Attachment 15.1.2</b> – Current Memorandum of Understanding

#### BRIEF SUMMARY

The purpose of this report is for Council to renewing the Memorandum of Understanding (MOU) with neighbouring local governments for the continuation of the Great Southern Treasures (GST) tourism organisation.

#### BACKGROUND/COMMENT

Great Southern Treasures was established to promote tourism in ember local government areas across the Great Southern Region. Current members include the following local governments:

- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Gnowangerup
- Shire of Jerramungup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Plantagenet
- Shire of Woodanilling

The Shire of Woodanilling currently contributes \$7,000 excluding GST towards the operations of the Great Southern Treasures.

Australia's South West (ASW) tourism organisation has been contracted to provide marketing and liaison services through a dedicated officer operating out of the Great Southern Development Commission (GSDC) offices in Albany. GSDC also provides in kind support for the travel and other costs.

Great Southern Treasures is seeking the commitment of all its member local governments for funding for the next 3 years. The proposed MOU provides for a 3 year commitment without the option to withdraw until the completion of the MOU term.

Great Southern Treasures has been successful in leveraging investment into the region through the promotion of events, festivals and tourism attractions. Great Southern Treasures also coordinates the Bloom Festival as its major event for the year.

The Bloom Festival 2022 attracted over \$69,000 in sponsorship and generated an estimated \$1.9million in tourism expenditure throughout the Great Southern Region.

Benefits of the opportunity having the position employed to undertake this role has included the following:

- Over the past year, being part of the ASW team has created many opportunities where the officer have been able to promote, advocate, or introduce the GST brand to influential contacts in the tourism industry, extending awareness further than what would be possible for non-staff members.
- Office location, including the extra support network of GSDC staff which comes with invaluable insights to development and projects within the entire GST region. Further advocacy for GST from

within this organisation is most recently displayed in an email from Natasha Monks to CMS events regarding Taste Great Southern next year where she is strongly advocating for more support to hold multiple key events in the GST.

- Encouragement from peers while advocating for the GST is more valuable than words can describe
- Upon commencing the role, utilising the knowledge of branding and design background to assist with the GS Adventure Trails brand by joining the steering committee. This has been very beneficial for the Bobtail trail branding and marketing.
- Tourism Conference – professional development opportunities as well as representation for GST and awards acceptance
- Tourism Awards – representation of ASW and GST
- Tourism WA ‘our story’ visit – I was able to develop the itinerary for Tabatha from TWA, she thoroughly enjoyed her trip, which resulted in a senior manager of TWA recommending the region and positioning GST as a good fit within TWA’s new branding.
- Attending multiple events and meetings where, while representing ASW, am always a strong GST advocate.
- New valuable connections - Tourism Council WA, TWA Staff
- ASW kindly matched GST’s budget for the region Content Shoot with Base Imagery. This contribution means we receive double the promotional collateral for the region, which without it so far, has been a significant setback.
- Being a part of the ASW team provides inside access to opportunities for GST representation & ensures GST has a presence from the inside – out. Opportunities that wouldn’t be publicly available or announced.
- The relationships developed with the ASW team are also GST advocates in the making, through association and consistent knowledge building
- As an ASW employee, the officer is able to be represented at Great Southern Treasures at Caravan and Camping shows across Australia.
- Introduced to the executive of Cinefest, who is interested in the GST getting involved.
- Access to ASW’s assets which can be used for marketing and promotion of the GST region such as photos, contacts, accounts, references, as well as valuable information and advice from a very experienced and successful marketing team.
- The holiday planner is now produced with a specific version for the GST region – this is something only taken up since ASW took on the GST agreement.

The benefits are defined by each local government in their individual funding, staff and the natural tourism that is in each individual local government’s area. Although, Woodanilling was not actively involved this past year, the interest and social media leverage has been depicted by the increase on the Shire’s website for tourist accommodation and free camping within the region. Shire Officers have also been in contact the GST for the coming year, with the chance to hold an Art Event in 2023.

The Shire Officers were recently invited to interested local governments from the Southern Wheatbelt area, where Australian’s Golden Outback presented a footprint that they were seeking from this region. This was a considerable amount higher than the current costs to the Shire. The amount being sought was starting at \$15,000.

A further tourism day is being held after this item is to be presented and Shire Officers will be in attendance.

A meeting of participating local governments will be held in March 2023 to discuss the future MOU and service agreement with Australia’s South West.

### **STATUTORY/LEGAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There is currently no policy associated with this item.

**FINANCIAL IMPLICATIONS**

The current contribution of \$7,000 excluding GST has been within the budget for the membership to Great Southern Treasures. Council would require to consider an increase due to current inflation. This may increase by 5%. This would be presented in the draft 2023/2024 Annual Budget process.

**STRATEGIC IMPLICATIONS**

**THEME 1**

**Community Well-Being**

**VISION**

To deliver a quality of life to our residents that is based upon sound environmentally sustainable principles and is socially productive and growing.

**OBJECTIVES**

To support the delivery of programs and initiatives that foster community spirit and harmony.

**STRATEGIES**

By supporting community projects that have direct benefit to the well-being of our community.

**CONSULTATION/COMMUNICATION**

Shire Officers have been consistent in their approach at the GST meetings. Furthermore, the CEO had discussions with other CEO’s with regards to the current proposals by AGO and how this may impact our region and the current service delivery model. Furthermore, the CEO will be discussing the approach at the next 4WDL meeting.

**RISK MANAGEMENT**

The Risk in relation to this matter has been assessed as “Low” within the Risk Management Table below, and can be managed through the organisation.

<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 supports the Shire of Woodanilling's participation with Great Southern Treasures with the following;

- a) Commits to enter into a further Memorandum of Understanding with participating Shire for another 3 years;
- b) Agrees to continue with the Tier 1 (under 1,000 population) funding for the Shire of Woodanilling commencing from \$7,000 - \$\_\_\_\_\_ per annum to be agreed on; and
- c) Authorises the Shire President and Chief Executive Officer to negotiate on behalf of the Shire of Woodanilling the terms of the Memorandum of Understanding and ongoing arrangements for the provision of marking and liaison services.

## 15.2. INFORMATION BULLETIN – JANUARY 2023

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	February 2023
<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 January 2023

### 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 – January 2023 (**Attachment 15.2.1**)

#### Circulars, Media Releases, Newsletters, Letters:

- Onslow Road – Road Closure

### 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	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 accepts the Information Bulletin Report for the month of January 2023.

<b>15.3. ANNUAL REPORT 2021/2022</b>
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<b>File Reference</b>	ADM0017
<b>Date of Report</b>	10 January 2023
<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>	<b>Attachment 15.3.1</b> – Annual Report 2021/2022 <b>Attachment 15.3.2</b> - Report to Audit Committee

**BRIEF SUMMARY**

The purpose of this report is for Council to consider the adoption of the 2021/2022 Shire of Woodanilling Annual Report and to set a date for the Annual Electors Meeting.

**BACKGROUND/COMMENT**

The final audited financial statements have been received from the Office of Auditor General (OAG) and Lincolns and the formal audit exit meeting was held on 20 December 2022. In attendance at this meeting (via virtual meeting) was:

- Mikey Fiorucci, Director Financial Audit, (OAG);
- Mr Chris Martain, Auditor, Lincolns;
- Mr Thomas Warner, Manager, Lincolns;
- Cr Dale Douglas, Elected Member Representative Audit Committee;
- Mrs Kellie Bartley, Chief Executive Officer; and
- Mrs Cath Painter, Accountant.

During this meeting, Mr Martain discussed the report for the year ended 30 June 2022, which included:

- Audit Report – the audit report had a qualified opinion.
- Management Letter Findings – there were 10 findings in the management letter:
  1. **Fair Value of Assets** – rated significant. The Shire had not performed an assessment to determine whether its Land, Buildings or Infrastructure assets represents fair value at 30 June 2022. Therefore meaning that the fair value of these assets may not have been assessed adequately and in compliance with *AASB 13 Fair Value Measurement*, as well as Regulation 17A (4)(b) of the *Local Government (Financial Management) Regulations 1996*.
  2. **Month-end reconciliation review** – rated significant. There was findings of bank reconciliations to the trust and municipal accounts being reviewed by the authorised officer. It was also noted that 1 debtor's month end reconciliation was also not reviewed by an authorised officer. This was due to staff changes and it identifies the internal control risks as they were not fully applied to unreconciled or unauthorised transactions may go undetected.
  3. **Regulation 17 review not performed** – rated significant. The Shire had not performed a review of the appropriateness and effectiveness of systems and procedures to risk management, internal controls and legislative compliance in accordance with Regulation 17 in the past 3 years. With staff changes and lack of staff due to COVID, this was not managed to be achieved in this period of time. The Shire plans to have this completed by June 2023.
  4. **Business Plan** – rated moderate. The current Corporate Business Plan is overdue however it is anticipated to be completed by 30 June 2023.
  5. **Strategic Community Plan** – rated moderate. The current Strategic Community Plan is overdue however is anticipated to be completed by 30 June 2023.

6. **Review of payroll master file audit trail** – rated moderate. It was noted that in two instances where there was no evidence that the payroll master file audit trail report had been reviewed by an authorising officer. There was history of the previous management did not oversee certain documentation.
  7. **Timesheets and works costings** – rated moderate. Testing of timesheets was noted of 3 instances of no timesheet submitted and an outside employee was incorrectly to the payroll system versus the timesheet. The relevant payroll process has been reviewed to correct the error of verification prior to timecard entry processing.
  8. **GST recognition** – rated minor. The Auditors noted that there were 6 instances of GST being paid incorrectly on residential rent transactions and 4 instances of GST being claimed on invoices from non-GST registered suppliers. Current Senior Officers has reviewed this on their commencement and had identified and corrected the error.
  9. **General journals** – rated moderate. The testing of general journals during the period of June 2021 to December 2021 that they were not marked and reviewed by an authorised officer. This was an oversight by the previous management however the current tasks are reviewed by the appropriate officers.
  10. **Bonds and deposits held** – rated moderate. Historically, reported for the last 3 years, there are “Bond and Deposit” Accounts with numerous minor outstanding entries were are historical and have not been appropriately dealt with. The Shire Officers will finalise this and have completed.
- Uncorrected Audit Misstatements: Nil
  - Corrected Audit Misstatements:
    1. Correction of Financial Statements between contract liabilities and assets being reclassification of contract asset.
  - Issues for next year’s audit:
    1. New accounting standards to be aware of; and
    2. Frequency of Revaluation – management to consider assessing whether there are trigger events that would initiate a revaluation outside of the 5 years in Regulation 17A(4) (b) of the *Local Government (Financial Management) Regulations 1996*.

Following the formal Audit Exit meeting, the Office of Auditor General released the independent auditor’s reports (including the Annual Report document as contained in).

The Annual Report has been prepared in accordance with the *Local Government Act 1995*, associated regulations and is contained in **ATTACHMENT 15.3.1**. This will be required to be taken to Council for endorsement and approval the set Annual Electors Meeting date as detailed in the recommendation.

### **STATUTORY/LEGAL IMPLICATIONS**

The *Local Government Act 1995* requires the Council to accept the Annual Report by 31 December each year unless the audit report is not available. If unable to be accepted by 31 December in any given year, then Council must accept the report within two (2) months of the audit report becoming available.

The Annual Electors Meeting must then be held within fifty-six (56) days of Council accepting the Annual Report. A minimum of fourteen days local public notice is required of the date, time, place and purpose of the meeting.

### **POLICY IMPLICATIONS**

There is no policy associated with this item.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2021/2022 with the current financial position of the Council for this period.

## 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 undertaken with the Chief Executive Officer, Accountant, OAG and Lincolns in regards to the management letter and audit requirements for this report. The Exit Meeting occurred with one member of the Audit Committee held on 20 December 2022. It must be noted that both the Shire President and Deputy Shire President were not available at this time due to work commitments and change of date of scheduled meeting.

#### RISK MANAGEMENT

There is a risk that should the Annual Report not be adopted within the timeframes outlined, Council may be in breach of the *Local Government Act 1995*, and applicable subsidiary legislation. Accordingly, the risk associated with this matter is assessed as "High".

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

#### AUDIT COMMITTEE RECOMMENDATION

The Audit Committee will be meeting at 9am on Tuesday 21 February 2022 to discuss this report and will make a recommendation to the Council. The Officer's recommendation for the Audit Committee is to consider:

That the Audit Committee recommends to Council:

1. Endorses the Shire of Woodanilling 2021/2022 Annual Report as contained in **ATTACHMENT 15.3.1**;
2. Recommends the Chief Executive Officer to give public notice of the availability of the 2021/2022 Annual Report in accordance with Section 5.55 of the *Local Government Act 1995*;
3. Receives the Management Report from the Office of the Auditor General for the year ended 30<sup>th</sup> June 2022 as contained in **ATTACHMENT 15.3.2**; and
4. Recommends that the Chief Executive Officer to advertise the Annual General Meeting of Electors to be held on **21 March 2023** commencing at **6pm** at the Shire Administration Office, 3316 Robinson Road, Woodanilling in the Council Chambers.

***Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:***

***2. If a meeting is being held by a Council or by a committee referred to in subsection (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting deals with any of the following:***

- (a) a matter affecting an employee or employees;***
- (b) the personal affairs of any person;***
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;***
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;***
- (e) a matter that if disclosed, would reveal:***
  - (i) a trade secret;***
  - (ii) information that has a commercial value to a person; or***
  - (iii) information about the business, professional, commercial or financial affairs of a person,***

***Where the trade secret or information is held by, or is about, a person other than the local government.***

- (f) a matter if disclosed, could be reasonably expected to:***
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;***
  - (ii) endanger the security of the local government's property; or***
  - (iii) prejudice the maintenance or enforcement of any lawful measure for protecting public safety;***
- (g) information which is subject of a direction given under section 23(1)(a) of the Parliamentary Commission Act 1981; and***
- (h) such other matters as may be prescribed.***

## 16. CONFIDENTIAL REPORTS

### 16.1. CONFIDENTIAL ITEM - 12 MONTH REVIEW PERIOD – CHIEF EXECUTIVE OFFICER

<b>File Reference</b>	EMP185
<b>Date of Report</b>	January 2023
<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>	The Officer has declared a Direct Financial Interest in the preparation of this report in accordance with the provisions of the <i>Local Government Act 1995</i> . The CEO is the officer whose employment contract is being discussed.
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>CONFIDENTIAL ATTACHMENT 16.1.1</b> – Chief Executive Officer – 12 Month Key Performance Areas Review <b>CONFIDENTIAL ATTACHMENT 16.1.2</b> – CEO and Elected Member 12 Month Performance Review

#### REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- 2 (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

#### OFFICER'S RECOMMENDATION

That Council;

1. Endorses the performance of the Chief Executive Officer on her performance during her 12 months of her contract is assessed as sufficiently satisfactory based on evidenced based; and
2. Endorses the identified Key Performance Areas with the assessment and the identified timeframes as contained in **ATTACHMENTS 16.1.1 and 16.1.2.**

**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**