



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL Agenda 23 May 2023

**Dear Elected Member**

The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 23 May 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	

#### Officers:

Kellie Bartley	Chief Executive Officer
Sue Dowson	Deputy CEO
Mike Hudson	Executive Manager Infrastructure

#### Apologies:

Cr B Smith

#### 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 – 18 APRIL 2023**

#### **COUNCIL DECISION**

That the Minutes of the Ordinary Meeting of Council held 18 April 2023 be confirmed as a true and correct record of proceedings noting that item 13.1 List of Accounts for Payment 31 March 2023 that in the comment section the cheque payment number should have been #15372 and the EFT payments should have read #6598 to #6635.

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

### **9.1. WALGA GREAT SOUTHERN COUNTRY ZONE MINUTES – 21 APRIL 2023**

That the Minutes of the WALGA Great Southern Country Zone Minutes held 21 April 2023 be received by Council.

### **9.2. WAGIN WOODANILLING LANDCARE ZONE MANAGEMENT COMMITTEE MEETING – 27 APRIL 23**

That the Minutes of the Wagin Woodanilling Landcare Zone Management Committee Meeting held 27 April 2023 be received by Council.

### **9.3. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING– 10 MAY 2023**

That the Minutes of the Local Emergency Management Committee Meeting held 10 May 2023 be received by Council.

## **10. REPORTS OF OFFICERS**

## 11. REGULATORY SERVICES

### 11.1. PLANNING APPLICATION - SEA CONTAINER X 2 – LOT 169 PROSSER ROAD WOODANILLING

<b>File Reference</b>	DA46/A550
<b>Date of Report</b>	14 March 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 11.1.1</b> – Site Plan <b>Attachment 11.1.2</b> – Planning Application <b>Attachment 11.1.3</b> – Letter of Request <b>Attachment 11.1.4</b> – Proposed Sea Container <b>Attachment 11.1.5</b> – Concept Plan <b>Attachment 11.1.6</b> – Local Planning Policy 3 – Sea Containers

<b>Proponent</b>	L Fergusson
<b>Owner</b>	L Fergusson / D Shacklton
<b>Date of Receipt</b>	12 April 2023
<b>Property Address</b>	Lot 169 Prosser Road, Woodanilling
<b>Lot Area</b>	2.1676 hectares
<b>Town Planning Scheme No 1 Zoning</b>	Local Rural

#### BRIEF SUMMARY

The purpose of this report is for Council to consider a planning application for two sea containers to be located at Lot 142 McDonald Road, Woodanilling. Allowing the owners to store maintenance equipment and furniture securely onsite, with the potential to convert to a “container house” in the future.

The Planning Application and associated documents are contained in **Attachments 11.1.1, 11.1.2, 11.1.3 and 11.1.4.**

#### BACKGROUND/COMMENT

The applicant seeks to have two sea containers, one 40ft and a smaller one of 20ft, located at the site for the secure storage of building materials ongoing maintenance of the block. The site is cleared and is 2.1676 ha in area. There are currently no buildings on the site.

The application is presented before Council as it does not meet the requirements of Council’s Local Planning Policy No 3 – Sea Containers, as the proposal is for the approval of two sea containers, in lieu of one, at the site. The policy allows for Council to consider additional containers where it is satisfied that there is a genuine need for these and that the objective of this policy is complied with. This policy is contained in **Attachment 11.1.6.**

The policy allows for the container within the current zoning and will be placed on vacant land and will not be used as a habitable dwelling/purpose.

It is proposed that the two containers be located at the site initially for the storage of personal effects, furniture and maintenance equipment. The long term proposal is to convert the larger sea container to a habitable building (known in industry as a ‘container house’) with the other retained initially for storage.

The applicant has provided a concept plan as contained in **Attachment 11.1.4**, to enable Council to imagine the “finished” product. In addition to this concept plan, a roof would be added over the patio area to collect rain water and the walls would be clad to allow thermal insulation to be added, in what will become an ecofriendly dwelling.

When this occurs, the applicant will be required to lodge a planning application for a “Change of Use” which would be presented to Council for determination. A Building Permit would also be required.

The proposed containers are to be setback well in excess of the required 20 metres from all boundaries. The sea containers are to be located in a cleared portion of the property and located to the northern portion of the site adjacent to Prosser Road.

The containers will be partially screened from Prosser Road by remnant vegetation at the site. The sea containers are currently an oxide red colour and are in good condition. It is proposed to paint the containers however the proponents are to yet to decide on a final colour for the paint finish but have advised it is likely to be a medium to dark grey which would be suitable for this area.

Officers recommend approval of this application with conditions, noting that there is no formal 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***

##### ***CI 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,*
- c) and may amend or add to or rescind the Policy.*

##### ***CI 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 CI 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.3 – Sea Containers

The policy relates predominantly to storage of goods and building materials. The general requirements of the policy are;

### **General Requirements for Sea Containers**

1. *All containers shall require the planning approval of Council.*
2. *As they are second hand relocated structures, containers are not considered as being “ancillary outbuildings”.*
3. *Containers may be approved in any zone.*
4. *There is a presumption that no more than one container will be permitted per property, particularly in the Residential Zone. Council may consider additional containers where it is satisfied that there is a genuine need for these and that the objective of this policy is complied with.*
5. *Containers may be approved on a vacant property.*
6. *Containers are not to be used for habitable purposes.*
7. *Containers are not to be located within front boundary setbacks as required by Town Planning Scheme No. 1.*
8. *Containers may be temporarily placed on a property to store building materials while construction of a house is being carried out on the property. Where containers are proposed for a temporary period the following will apply:*
  - (a) *The use will expire with the building licence.*
  - (b) *A building licence for the dwelling must be issued before a planning approval is granted for a container.*
  - (c) *The container must be maintained in a reasonable condition as determined by Council.*
9. *Where containers are proposed to be permanently sited on a property the following will apply:*
  - (a) *They should be adequately screened from view and shall not be easily seen from nearby roads, other public places, or adjoining properties.*
  - (b) *They should be painted in muted tones to the satisfaction of Council so as not to be visually intrusive.*
  - (c) *They should be maintained in good repair with no visible rust marks.*

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 “medium” risk to the local government given the nature of the proposed development with the anticipation of the conversion of the sea containers to both Class 1a and 10a buildings.

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

## 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 two sea containers to be located at Lot 169 Prosser Road, Woodanilling, subject to the following conditions:

1. The development being in accordance with plans as contained in **Attachment 11.1.1** and with setbacks being marked in red.
2. The sea containers being painted a non-reflective colour.
3. The sea containers not being used for human habitation at any time without the appropriate approvals being granted for the conversion to a dwelling (Class 1a).

### Advice Notes:

- a) A Building Permit is required for the sea containers for storage at the site.
- b) Prior planning approval, a building permit and completion of the conversion to a Class 1a dwelling is required before the sea container is to be utilised as a dwelling.
- c) 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.
- d) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administration Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.



## 12. INFRASTRUCTURE SERVICES

Nil to report.

## 13. CORPORATE SERVICES

### 13.1. LIST OF ACCOUNTS FOR PAYMENT – 30 APRIL 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	8 March 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Brooke Dellacqua, Finance 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 13.1.1</b> – List of Accounts for Payment – 30 April 2023

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 April 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 13.1.1**.

#### Payments up to 30 April 2023

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay)	Municipal	\$14,507.01
Cheque Payment #	Municipal	\$0.00
EFT Payments #6636 to #6680	Municipal	\$100,092.95
<b>Sub Total</b>	<b>Municipal</b>	<b>\$114,599.96</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$114,599.96</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.

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 list of accounts, totalling \$114,599.96 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 April 2023, as contained within **Attachment 13.1.1**.

## 13.2. STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 APRIL 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	11 May 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	DL Consulting
<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 13.2.1</b> – Monthly Financial Report 30 April 2023

### BRIEF SUMMARY

The Statement of Financial Activity for period ending 30 April 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.

The Statement of Financial Activity as at 30 April 2023 shows a closing surplus of \$611,312.

### 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 February and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

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

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

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

#### STRATEGIES

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

### CONSULTATION/COMMUNICATION

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

## RISK MANAGEMENT

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

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

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

## VOTING REQUIREMENTS

Simple Majority

## OFFICER’S RECOMMENDATION

That Council receives the monthly statement of Financial Activity for the period of 30 April 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 13.2.1**.

## 14. COMMUNITY SERVICES

### 14.1. REQUEST FOR WAIVER OF FEES – WOODANILLING COMMUNITY CHURCH

<b>File Reference</b>	ADM0022, FM96
<b>Date of Report</b>	16 May 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>	Absolute Majority
<b>Attachments</b>	<b>Attachment 14.1.1</b> – Letter for request for Waiver – Woodanilling Community Church <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 Woodanilling Community Church to have the fees and charges waived for a Community Church Workshop to be held in Woodanilling on the 24<sup>th</sup> May 2023. The letter of request and application form is attached as **Attachment 14.1.1** and **14.1.2**.

#### BACKGROUND/COMMENT

Pastor Joan Albany has kindly donated her time to come to Woodanilling to present a new concept to the Woodanilling Community Church. Joan will be presenting a 6 hour religionist workshop and the Woodanilling Community Church is requesting that the Shire Waiver and the Recreation Centre Hire fee for this community group.

The event is open to all Woodanilling community members and residents in the district to attend. They have chosen the Woodanilling Recreation Centre to hold the workshop due to the current cold weather and also the convenience of the kitchen and the toilets that are not located within the Woodanilling Baptist Church.

Since the Woodanilling Community Church group was formed, 3 years ago with just 2 members, the numbers have increased each year. This has helped to support to have this workshop with the numbers having increased.

The Shire's facility hire fee for the Recreation Centre for an event of this type is \$192.50, with a bond of \$400.00. They are requesting that the hire fees and bond to the facility be waived for this workshop and for a possible follow up workshop in 6 weeks' time.

The event has been set for the 24<sup>th</sup> May 2023.

The Officers recommendation is to support the waiver of fees and bond for the event to be held on the 24<sup>th</sup> May 2023 and for the possible future event in 6 weeks' time.

#### STATUTORY/LEGAL IMPLICATIONS

Pursuant to section 6.12 of the *Local Government Act 1995*, states:

**6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

**POLICY 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*.

Council Policy 81 – Use of Shire of Woodanilling Facilities – would ordinarily apply the set fees and charges with the 2022/2023 Annual Budget.

**FINANCIAL IMPLICATIONS**

There is currently sufficient funds available within the current allocation to accommodate this application. The full cost is \$192.50 per day, and a bond of \$400 for the Workshop in May 2023 with a further cost of \$192.50 including the bond of \$400 for the next Workshop proposed in July 2023.

The Council has funds allocated for donations in general ledger 041150.580 with a current allocation available for such a request.

**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 Mrs Marion Taylor from the Woodanilling Community Church patrons and the Deputy Chief Executive Officer with a Hire of Council Facilities form submitted on the 8<sup>th</sup> May 2023.

**RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Low” on the basis that if Council did not support this event and would be a reputational risk.

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
<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**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That Council, pursuant to section 6.12 of the *Local Government Act 1995*;

1. Authorises the Chief Executive Office to waiver the Hire fees at the Woodanilling Recreation Centre of \$192.50 for hall hire and the \$400 bond for the Woody Community Church Workshop to be held on the 24<sup>th</sup> May 2023; and
2. Authorises the Chief Executive Officer to waiver the fee and bond for the proposed Workshop to be held in July 2023 at the scheduled fees and charges for the 2023/2024 financial year.



## 15. OFFICE OF CEO

### 15.1. INFORMATION BULLETIN – APRIL 2023

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	10 May 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 15.1.1</b> – WWLZ – Information Report for April 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 - April 2023 (**Attachment 15.1.1**)

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

- Livestock Export Sector
- Minutes – Great Southern Country Zone
- ALGA update
- 2023/2024 Federal Budget announcements
- Petr Rundle MLA, Local Government Boundaries
- Salaries and Allowances Tribunal – 2023 determinations

#### 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 April 2023.

## 15.2. WAGIN WOODANILLING LANDCARE ZONE – MEMORANDUM OF UNDERSTANDING

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	10 May 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 15.2.1</b> – Wagin Woodanilling Landcare Zone – Memorandum of Understanding <b>Attachment 15.2.2</b> – Wagin Woodanilling Landcare Zone - Constitution

### BRIEF SUMMARY

The purpose of this report is for Council to consider renewing the Wagin Woodanilling Landcare Zone Incorporated (WWLZ) Memorandum of Understanding (MOU) which is due for review in 2023.

The current MOU and WWLZ Constitution are contained in **Attachments 15.2.1** and **15.2.2**

### BACKGROUND/COMMENT

WWLZ are an incorporated, not for profit entity. WWLZ was incorporated in 2007, through a Memorandum of Understanding (MOU) agreement between the Shires of Woodanilling and Wagin. The objective of WWLZ is to foster a culture of community ownership and commitment to innovate with sustainable management and development of the environmental resources in the Wagin Woodanilling Landcare Zone and to improve the quality of life for current and future generations of the landcare zone community.

Landcare provides a highly valued service to both communities and the NRM Officer is a passionate, knowledgeable and respected Officer who provides the customer interface and deliver on important Natural Resource Management (NRM) activities through catchment and reserve planning, providing education and support to the community as well as project management for programs of externally funded environmental projects. Reports are provided to Council each month.

The activities of the WWLZ are overseen by the management committee with the revised Constitution agreed on in August 2022.

The Shire contributes \$15,000 to the WWLZ, along with the current vehicle under the Shire’s ownership which includes the insurance, registration and costs associated with the current vehicles running costs.

The current costs associated with this, are listed below:

Items	2022/2023	2021/2022
Fuel	\$4,069.86	\$4,054.60
Licence	\$370.66	\$361.27
Service	\$532.28	\$1,369.12
<b>Total</b>	<b>\$4,972.80</b>	<b>\$5,784.99</b>

The Shire of Wagin nominally contributes \$25,000 per annum to WWLZ by budgeted expenditure. The figures that the Shire of Wagin has reported on is that in the 2021/2022, the net cost to Wagin was \$40,884 (\$116,095 expended with \$75,211 re-couped). The main expenditures being \$25,000 as their contribution, \$1,485 (phone costs), \$74,077 (employee wages and superannuation), and \$14,292 (employee leave liabilities).

The position is a full time person with the Shire of Wagin and the employee costs are re-couped from the WWLZ accounts. This positions sits under the Shire of Wagin’s employment and human resources, policies and procedures. The employment contract is currently under review and a performance review is in progress.

The officer provides monthly reports to Council and has presented to Council on an annual basis. There is consideration for the engagement for Woodanilling to be increased, as COVID-19 did affect engagement practices over the past years.

The officer provides sound advice and has been involved with review of crown land with regards to bone seed, reviewing feral pigs in the district and other matters in relation to this agreement. Further consideration will be required if the MOU is to continue to enhance the strategic direction to identify the needs for the Council, residents and community.

It has been noted that the timeframe for the contract employment and the MOU do not align with a similar timeframes and therefore the officer is seeking for Council to consider that the MOU be considered prior to employment contracts being finalised.

Therefore this item requests that Council consider the continued participation of the Shire of Woodanilling with regards to the WWLZ MOU and express agreement to form a new MOU or consider alternative arrangements.

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

This item is considered in accordance with the *Local Government Act 1995*, which states that a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

As an Incorporated body, the Committee is also required to align to the *Associations Incorporation Act 2015*.

#### **POLICY IMPLICATIONS**

There is currently no policies associated with this item.

#### **FINANCIAL IMPLICATIONS**

There are financial implications associated with this item in the 2022/2023 budget, as it is budgeted for in the current budget.

The Chief Executive Officer's from both shires, will be reviewing the financial aspects to this agreement to make sure that all costs are to be recovered as per the MOU. There is consideration through the budget process to consider a percentage increase due to current market and employee costs. This will be presented through budget considerations.

#### **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 Zone Action Plan.

##### **STRATEGIES**

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

#### **CONSULTATION/COMMUNICATION**

Consultation has been activated with the Natural Resources Officer of WWLZ and the Chairpersons and the two Chief Executive Officers from both Councils.

#### **RISK MANAGEMENT**

The Risk in relation to this matter has been assessed as "Medium" within the Risk Management Table below, should Council chose not to consider the WWLZ MOU. The support of this will enhance the Management Committee and their outcomes and objectives for both Shires.

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

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council:

1. Requests that the Chief Executive Officer advises the Wagin Woodanilling Landcare Zone Management Committee indicating the continued support of the Landcare agreement; and
2. Authorises the Chief Executive Officer to request from the Management Committee a draft Memorandum of Understanding for the provision of services for a period of three (3) years.

### 15.3. AMENDMENT TO ORGANISATIONAL STRUCTURE – MAY 2023

<b>File Reference</b>	ADM0374
<b>Date of Report</b>	May 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 15.3.1</b> – Existing Organisational Structure – November 2022 <b>Attachment 15.3.2</b> – Revised Organisational Structure – May 2023 <b>Attachment 15.3.3</b> – Position Description – EA to CEO

#### BRIEF SUMMARY

The purpose of this report is for Council to endorse the minor change to the Organisational Structure due to the recent resignation of the Administration Services Officer and the contractual arrangements with the Town Planner.

A copy of the existing Organisational Structure – November 2022 is presented as **Attachment 15.3.1**, while the revised Organisational Structure – is offered as May 2023 **Attachment 15.3.2** to this report.

#### BACKGROUND/COMMENT

To enhance and maintain the service delivery to the shire, the Organisational Structure of the Shire has been reviewed due to the recently departure of the Planner through employment conditions of contract, along with the notification of the Administration Services Officer giving notice of resignation, which is effective on 24<sup>th</sup> May 2023. The Officer has been fortunate to gain employment elsewhere that will enhance their interests.

The Special Projects Officer's contract of employment ceases on 30 June 2023, therefore leaving the administration with only 4 staff members. The Chief Executive Officer acknowledges the work that they have all achieved in their time with the shire.

With the recent departure of the Accountant, this position has now switched to contracted services as there is currently no housing available to service this position and there has been an increased acknowledgement of lack of interest in the industry to attract financial services to the region.

Performance reviews have been completed for the Depot where the change of title for the Gardener has been amended to General Hand/Plant Operator.

With these staff changes, the Chief Executive Officer (CEO) has made provisions to advertise for an Executive Officer to CEO. This position objectives is to provide a high level of administrative and secretarial support to the CEO and Executive Team along with assisting the administration functions with the team.

This position has commenced advertising to seek a suitable candidate. The position description is contained in **Attachment 15.3.3**.

Through the budget workshops, further opportunities to increase staff numbers in the organisation will be presented for consideration. The planning aspects will be contracted out as there is a memorandum of understanding with the Shire of Kalamunda to assist in these matters. With the appointment of this position, will also assist with the administration functions of health, building and planning matters.

There is minimal financial impact to the shire with these changes. As mentioned, the changes relates to operational improvement through the shuffling and realignment of some duties that also reflect the title change.

#### STATUTORY/LEGAL IMPLICATIONS

This item aligns to the current annual budget and more particularly the allocation of salaries and wages as part of this process under Section 6.2 (1) of the *Local Government Act 1995*.

**POLICY IMPLICATIONS**

At this stage there are no Plans or Policy implications to this item.

**FINANCIAL IMPLICATIONS**

There will be no significant financial cost to the organisation as there is provisions in the Salaries and Wages budget allocations for the current financial year’s budget. The Works Crew have not had a full team since the commencement of the new year.

**STRATEGIC IMPLICATIONS**

**ALL THEMES, OBJECTIVES AND STRATEGIES** are linked and associated with this item that are identified in the Shire’s Strategic Community Plan.

**CONSULTATION/COMMUNICATION**

Internal consultation has occurred involving a number staff affected by the changes. The CEO has discussed this with the Shire President and Deputy Shire President on 12 May 2023.

**RISK MANAGEMENT**

The risk has been assessed and identified as “Low” should the recommendation not be supported which is only marginally different from the exiting framework, and therefore does not present any significant concern.

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 endorses the reviewed Organisational Structure – May 2023, as presented in **Attachment 15.3.2.**

**16. CONFIDENTIAL REPORTS**

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

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

**19. CLOSURE OF MEETING**