



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL Agenda 19 December 2023

**Dear Elected Member**

**The next Ordinary Meeting of Council of the Shire of Woodanilling will be held on 19 December 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)

# CONTENTS

<b>1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b>	<b>2</b>
1.1. <i>DISCLOSURE OF INTEREST</i>	2
<b>2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	<b>2</b>
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</b>	<b>3</b>
<b>4. PUBLIC QUESTION TIME</b>	<b>3</b>
<b>5. PETITIONS / DEPUTATIONS / PRESENTATIONS</b>	<b>3</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>3</b>
<b>7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION</b>	<b>3</b>
<b>8. CONFIRMATION OF COUNCIL MEETING MINUTES:</b>	<b>4</b>
8.1. <i>ORDINARY COUNCIL MEETING – 21 NOVEMBER 2023</i>	4
<b>9. CONFIRMATION OF OTHER MEETING MINUTES:</b>	<b>4</b>
9.1. <i>WAGIN WOODANILLING LANDCARE ZONE - AGM – 14 NOVEMBER 2023</i>	4
9.2. <i>WAGIN WOODANILLING LANDCARE ZONE – COMMITTEE MEETING – 14 NOVEMBER 2023</i>	4
9.3. <i>GREAT SOUTHERN RECREATION ADVISORY GROUP – 23 NOVEMBER 2023</i>	4
9.4. <i>GREAT SOUTHERN COUNTRY ZONE MEETING – 24 NOVEMBER 2023</i>	4
<b>10. REPORTS OF OFFICERS</b>	<b>4</b>
<b>11. REGULATORY SERVICES</b>	<b>4</b>
<b>12. INFRASTRUCTURE SERVICES</b>	<b>5</b>
12.1. <i>BUDGET VARIATION – DWER GRANT ADDITIONAL FUNDING RECEIVED FROM DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION TO HARVEST WATER AT THE SHIRE OFFICES AND DEPOT</i>	5
<b>13. CORPORATE SERVICES</b>	<b>8</b>
13.1. <i>LIST OF ACCOUNTS FOR PAYMENT – 30 NOVEMBER 2023</i>	8
13.2. <i>MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2023</i>	11
13.3. <i>NEW POLICY – COUNCIL POLICY 114 - RATING EXEMPTION POLICY AND RATES EXAMPLE APPLICATION</i>	13
<b>14. COMMUNITY SERVICES</b>	<b>17</b>
14.1. <i>AUSTRALIA DAY COMMUNITY CITIZENSHIP AWARDS 2024</i>	17
<b>15. OFFICE OF CEO</b>	<b>20</b>
15.1. <i>INFORMATION BULLETIN – NOVEMBER 2023</i>	20
15.2. <i>EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN &amp; POLICIES</i>	22
<b>16. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>26</b>
<b>17. CONFIDENTIAL REPORTS</b>	<b>26</b>
<b>18. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL</b>	<b>26</b>
<b>19. CLOSURE OF MEETING</b>	<b>26</b>

# ORDINARY MEETING OF COUNCIL AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1. DISCLOSURE OF INTEREST

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 1995*.

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 D Douglas	Shire President
Cr HR Thomson	Deputy Shire President
Cr B Smith	
Cr I Garstone	
Cr R Marshall	
Cr K Stephens	

#### Officers:

Kellie Bartley	Chief Executive Officer
Mike Hudson	Executive Manager Infrastructure
Lyn Mills	Executive Assistant to CEO

#### Apologies:

#### Observers:

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

**Mr Ray Baxter, Woodanilling WA 6316**

#### **Question 1**

##### **Flooding in Townsite**

I want to discuss the potential flooding in the townsite and when people are looking at purchasing properties, do we inform them of the possibility of this happening?

There are properties with caravans on them and they are building around them.

How will people be covered with insurance if they build in a floodplain?

##### **Response (Cr Douglas)**

*I will ask the CEO to respond to this question.*

##### **Response (Chief Executive Officer)**

*We use the current details that the Shire has on records, providing relevant details the shire is currently looking at the flood maps of the area.*

*When a property is being settled the shire provides information to the settlement agency to give to the prospective owners. Prospective Land owners should be doing their own due diligence including what insurance coverage they would require within areas of any land and buildings purchased.*

##### **Response (Cr Thomson)**

*The floods of 1955 the bridge was washed away and the floods of January 1982 the town flooded and the water was up to the top of the bridge*

##### **Response (Mike Hudson – Executive Manager Infrastructure)**

*All bridges are now set at a 100-year event height, we are just getting more 100-year flooding events happening within this timeframe*

#### **Question 2**

##### **Safety Concerns on Baxter Road**

The corner road near my place has had quite a few near misses with vision very limited. Is something going to be done about the trees?

I have in the past trimmed the branches and removed the grass and burnt it all, but now it's a hazard. When the seeder comes down the road it takes up the whole road even taking out the tree leaves on each side of the road if another vehicle come up then there would be problem.

##### **Response (Mike Hudson – Executive Manager Infrastructure)**

*We have a tree pruning schedule which will now be revisited with your concerns in mind.*

*This is part of the budget but we are currently in negotiations with local farmers to hire their loaders for gravel and this will then free up the Shire's one to do all of the tree pruning.*

### **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 COUNCIL MEETING – 21 NOVEMBER 2023**

That the Minutes of the Ordinary Meeting of Council held 21 November 2023 be confirmed as a true and correct record of proceedings.

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

### **9.1. WAGIN WOODANILLING LANDCARE ZONE - AGM – 14 NOVEMBER 2023**

That the Minutes of the Wagin Woodanilling Landcare Zone AGM held 14 November 2023 be received by Council.

### **9.2. WAGIN WOODANILLING LANDCARE ZONE – COMMITTEE MEETING – 14 NOVEMBER 2023**

That the Minutes of the Wagin Woodanilling Landcare Zone Committee Meeting held 14 November 2023 be received by Council.

### **9.3. GREAT SOUTHERN RECREATION ADVISORY GROUP – 23 NOVEMBER 2023**

That the Minutes of the Great Southern Recreation Advisory Group Meeting held 23 November 2023 be received by Council.

### **9.4. GREAT SOUTHERN COUNTRY ZONE MEETING – 24 NOVEMBER 2023**

That the Minutes of the Great Southern Country Zone Meeting held 24 November 2023 be received by Council.

## **10. REPORTS OF OFFICERS**

## **11. REGULATORY SERVICES**

Nil to Report.

## 12. INFRASTRUCTURE SERVICES

### 12.1. BUDGET VARIATION – DWER GRANT ADDITIONAL FUNDING RECEIVED FROM DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION TO HARVEST WATER AT THE SHIRE OFFICES AND DEPOT

<b>File Reference</b>	Town Dam
<b>Date of Report</b>	11 December 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author/s of Report</b>	Mike Hudson, Executive Manager Infrastructure 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</b> – Nil

#### BRIEF SUMMARY

This report requests Council approval for a budget variation to facilitate the installation of a new 280,000 KL water tank and associated piping to capture and store water from the Shire Office buildings and the depot site.

#### BACKGROUND

The Shire has been actively involved with the initial grant approval for the Community Water Supply Program for the Town Dam. Through this process, it has now been further identified for further opportunity to increase water capacity from capturing it from buildings near the current water tank and the opportunity to increase the capacity whilst using the opportunity for the water run off both the Depot and Administration sites.

Department of Water and Environmental Regulation requested a quotation for the installation of pipework to harvest water from shire buildings located on Robinson Road. A subsequent discussion with Department of Water and Environmental Regulation enabled a further water tank to be included in the works. The Shire successfully submitted a quotation for the works and received the subsequent purchase order.

Shire Officers are seeking the approval for the budget variation required to complete this request.

#### STATUTORY/LEGAL IMPLICATIONS

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

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

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

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

*\* Absolute Majority required.*

#### POLICY IMPLICATIONS

There are currently no Council policies associated with this item.

## FINANCIAL IMPLICATIONS

The works are fully funded by Department of Water and Environmental Regulation as an extension of the Community Water Supply Program. There is no financial risk to the Shire as the funds will be fully recouped through the normal process.

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
102300	Stormwater Drainage – Capital (DWER1)	\$42,209.89		\$109,727	\$151,936.89
102200	Income Relating to Urban Stormwater Drainage	(\$42,209.89)		(\$90,000)	(\$132,209.89)
Net Effect to Budget				\$19,727	\$19,727
The total project cost will not have a negative effect on the budget due to project being fully funded					
Reason: To provide for the income and expenditure for the purchase of the additional water tank and pipework.					

## STRATEGIC IMPLICATIONS

### THEME 1: Social

#### Community Facilities

#### OBJECTIVES

Enhance the lifestyle of residents through their participation and achievement in sport and recreation

#### STRATEGIES

Secure water supply to ensure self-sufficiency for the town oval, parks and public areas.

#### CONSULTATION/COMMUNICATION

Consultation has been conducted with the Chief Executive Officer and shire staff.

#### RISK MANAGEMENT

Department of Water and Environmental Regulation has funded the shire to further the towns ability to harvest and store water, therefore, it is assessed that the risk is “Low” as reflected below.

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

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.

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

### VOTING REQUIREMENTS

Absolute Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer for the approval to expended funds for the purpose of water harvesting and water storage infrastructure at the shire offices and shire depot totalling \$ 42,209.89 (excluding GST); and
2. Authorises the following amendments to the 2023/2024 budget detailed in the table below:

Account Number	Account Description	Increase	(Decrease)	Original Budget	Revised Budget
102300	Stormwater Drainage – Capital (DWER1)	\$42,209.89		\$109,727	\$151,936.89
102200	Income Relating to Urban Stormwater Drainage	(\$42,209.89)		(\$90,000)	(\$132,209.89)
Net Effect to Budget				\$19,727	\$19,727
The total project cost will not have a negative effect on the budget due to project being fully funded					
Reason: To provide for the income and expenditure for the purchase of the additional water tank and pipework for water harvesting infrastructure.					



## 13. CORPORATE SERVICES

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

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	11 December 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Brooke Dellacqua, Senior 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 November 2023

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 30 November 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 November 2023

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay)	Municipal	\$14,914.15
Cheque Payments- Chq 15380	Municipal	\$100.00
EFT Payments #6953 to #7002	Municipal	\$142,771.68
<b>Sub Total</b>	<b>Municipal</b>	<b>\$157,785.83</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$157,785.83</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
<b>LOW</b>	Monitor for continuous improvement.
<b>MEDIUM</b>	Comply with risk reduction measures to keep risk as low as reasonably practical.
<b>HIGH</b>	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
<b>SEVERE</b>	Unacceptable. Risk reduction measures must be implemented before proceeding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council accepts the list of accounts and details of the credit card amounts, totalling \$157,785.83 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 30 November 2023, as contained within **Attachment 13.1.1.**

## 13.2. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	13 December 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 November 2023

### BRIEF SUMMARY

The Monthly Financial Report for period ending 30 November 2023 is 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 November 2023 shows a closing surplus of \$1,530,499.

### 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 receive the Monthly Financial Report for the period of 30 November 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**.

### 13.3. NEW POLICY – COUNCIL POLICY 114 - RATING EXEMPTION POLICY AND RATES EXAMPLE APPLICATION

<b>File Reference</b>	ADM0019
<b>Date of Report</b>	11 December 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 13.3.1</b> – New Council Policy 114 – Rating Exemption Policy <b>Attachment 13.3.2</b> – Rates Exemption Application Form

#### BRIEF SUMMARY

The purpose of this report is to recommend for Council to adopt new Council Policy 114 – Rating Exemption Policy which outlines the requirements and assessment process when an organisation wishes to apply for an exemption of rates pursuant to section 6.26 (2) (g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

#### BACKGROUND/COMMENT

The Shire has recently received two applications for rate exemptions requests on current vacant land rates. The Shire currently does not have any policy or application process to enable the assessment and guidelines for these two requests to be assessed.

Section 6.26 (2) the Act identifies a number of situations where land is not rateable. Most are clearly defined and straightforward to apply. Section 6.26 (2) (g) however is open to some interpretation and therefore the draft Council Policy 114 – Rating Exemption (**Attachment 13.3.1**) seeks to clearly define under what basis the section of the Act is to be applied by Council.

In the case of a charitable land use application, Section 6.26 (2)(g) of the Act does not establish an “*as of right*” entitlement to a rate exemption on the basis of a claimant organisation’s structure, purpose, objectives or the apparent land use.

A rate exemption applicant must apply in writing in the form approved by Council. This is to be considered in **Attachment 13.3.2** and to provide any supporting documentation according to the check list on the form. The following check list will be assessed and present to Council for consideration. Details will be verified and checked against the criteria.

Once the application is returned and regarded as complete, consideration is then given to determining whether non-rateable status applies, or is to be declined. The options may be considered as a delegated authority for a rate exemption to be determined by the CEO or an application may be required to be referred to Council together with an Officer Recommendation to either approve or decline the request.

The Shire Officers will also require to amend any rate records and a register will be required to be maintained. The register will explain what the land use is and how it applies to the particular section of 6.26 of the Act, the date it was applied by Council, and the next scheduled review date required and the loss of rate revenue.

The officer’s recommendation is to for Council to endorse the new policy and rate exemption application for officers to implement operational changes that are more aligned to best practices.

#### STATUTORY/LEGAL IMPLICATIONS

##### 6.26. *Rateable land*

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (a) *land which is the property of the Crown and —*
    - (i) *is being used or held for a public purpose; or*

- (ii) *is unoccupied, except —*
  - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
  - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

*and*

- (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
  - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
  - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
  - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
  - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
  - (g) *land used exclusively for charitable purposes; and*
  - (h) *land vested in trustees for agricultural or horticultural show purposes; and*
  - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
  - (j) *land which is exempt from rates under any other written law; and*
  - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

### POLICY IMPLICATIONS

The policy has been detailed in the item that is being presented.

### FINANCIAL IMPLICATIONS

There are financial implications associated with this item. Council already applies a discount and concession rates that is adopted through the annual budget process. Council would need to understand that applying this will reduce rate revenue for each financial year, it supports each proposal.

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

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

#### STRATEGIES

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

### CONSULTATION/COMMUNICATION

The consultation process has occurred with Shire Officers on the matters associated with this item.

### RISK MANAGEMENT

The risk has been assessed and identified as “Medium” should the officer’s recommendation is not supported.

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

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

### VOTING REQUIREMENTS

Simple Majority



## **OFFICER'S RECOMMENDATION**

That Council;

1. Adopts the Council Policy 114 – Rating Exemption Policy as contained in **Attachment 13.3.1** effective from 19 December 2023; and
2. Notes the Rates Exemption Application form as contained in **Attachment 13.3.2**.

## 14. COMMUNITY SERVICES

*This matter needs to be considered in accordance with Section 5.23 (2) (h) of the Local Government Act 1995, as this item relates to the matter that if disclosed could reveal information of a matter the Council prefers to conceal until a final determination is made and presented at the Australia Day Awards in January 2024.*

### 14.1. AUSTRALIA DAY COMMUNITY CITIZENSHIP AWARDS 2024

<b>File Reference</b>	ADM0143
<b>Date of Report</b>	7 December 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Lyn Mills, EA to CEO
<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>Confidential Attachment 14.1.1</b> – Community Citizen of the Year over 25 – Nomination 1 <b>Confidential Attachment 14.1.2</b> – Community Citizen of the Year over 25 – Nomination 2 <b>Confidential Attachment 14.1.3</b> – Long Service Award – Nomination 1 <b>Confidential Attachment 14.1.4</b> – Long Service Award – Nomination 2 <b>Confidential Attachment 14.1.5</b> – Shire of Woodanilling Sports Star of the Year under 25 – Nomination 1

#### BRIEF SUMMARY

This report recommends Council to consider the nominations for the Australia Day Community Citizenship, Long Service and Sports Star Awards to be held in January 2024.

#### BACKGROUND/COMMENT

Australia Day WA calls for participating local governments to nominate members of the community for awards recognising community achievements either on an individual or group level.

This proposal is about recognition of individuals and groups who have made a 'marked' contribution over the past year and celebrate those organizations who have given outstanding service to the community for a number of years.

Nominations closed on Thursday 30<sup>th</sup> November 2023 and all nominations received will be tabled at the December 2023 Ordinary Council Meeting. The Australia Day Council requires that all names are to be submitted directly after the Ordinary Council meeting in December 2023. This will ensure that the certificates and medallions are ready for presentation on Australia Day.

The Shire also has their own awards that are to be considered listed below:

The **Shire of Woodanilling Awards** are:

- Community Citizen of the Year (Youth)
- Community Citizen of the Year (Senior)
- Active Citizenship (Group or Event)
- Shire of Woodanilling Sports Star of the Year (Under 25)
- Shire of Woodanilling Sports Star of the Year (Over 25)
- Long Service Award

#### Selection Criteria Recommendations

- Demonstrates leadership on a community issue.
- Demonstrates Inspiring qualities as a role model
- Contribution to the community over and above their paid employment
- Created significant initiative that brought positive change

Council needs to note the eligibility criteria when considering these awards. This does not preclude Council from making a special award of its own, however it must abide by the Australia Day Award Criteria when nominating for these awards and the issuing of official certificates.

The Australia Day Awards are a way for the Shire to formally recognize individuals and Community Groups who contribute to the overall wellbeing and fabric of the Community through a significant contribution to the Shire in the preceding year.

In determining the award recipients, it is recommended that Council review the current nominations and further consider any additional Council nominations that may need to be considered. All current nominations received are contained within **Confidential Attachments 14.1.1, 14.1.2, 14.1.3, 14.1.4, 14.1.5.**

**STATUTORY/LEGAL IMPLICATIONS**

There are no legislative/statutory implications relative to this report.

**POLICY IMPLICATIONS**

There are no current policies that relate to this item.

**FINANCIAL IMPLICATIONS**

Funds are available for Australia Day Citizenship Ceremony expenses in the GL 041150.580 – Australia Day.

**STRATEGIC IMPLICATIONS**

**Theme 1**

**Community Well-Being**

**OBJECTIVES**

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

**Ongoing**

**CW.5** Australia Day Breakfast – to ensure continued patronage by community

**CONSULTATION/COMMUNICATION**

The Nominations are confidential prior to the Ordinary Council Meeting and therefore the consultation is to be held during the meeting.

**RISK MANAGEMENT**

The Australia Day Awards does present some difficulty in ensuring people or groups most deserving of consideration are nominated. The risk in relation to this item is considered as “Low”. There are no identified risks with this proposal there have been discussions around ensuring the nominations are completed correctly and in full, which proven to be challenging.

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

Risk Rating	Action
LOW	Monitor for continuous improvement.

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION 1**

That Council endorses the recipients (with names withheld) for the 2024 Australia Day Awards as reflected and listed below:

1. Shire of Woodanilling Awards 2024
  - a. Community Citizen of the Year (Youth) – Recipient Name \_\_\_\_\_
  - b. Community Citizen of the Year (Senior) – Recipient Name \_\_\_\_\_
  - c. Active Citizenship (Group or Event) – Recipient Name \_\_\_\_\_
  - d. Shire of Woodanilling Sports Star of the Year (Under 25) – Recipient Name \_\_\_\_\_
  - e. Shire of Woodanilling Sports Star of the Year (Over 25) – Recipient Name \_\_\_\_\_
  - f. Long Service Award – Recipient Name \_\_\_\_\_

## 15. OFFICE OF CEO

### 15.1. INFORMATION BULLETIN – NOVEMBER 2023

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	11 December 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. 15.1.1</b> – WWLZ – Information Report for November 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 – November 2023 - **Attachment 15.1.1**

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

- WALGA Seminar
- Railway Station - Painting
- Skatepark
- Australia Day Working Group
- 4WDL Agenda
- GS Zone Meeting
- WWLZ – AGM & Meeting
- Snap Send Solve
- Resignation of staff member
- WALGA Councillor Training

#### 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 November 2023.

## 15.2. EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN & POLICIES

<b>File Reference</b>	ADM0288
<b>Date of Report</b>	14 November 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author/s 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> – Equal Employment Opportunity Management Plan <b>Attachment 15.2.2</b> – Current Council Policy 29 – Equal Employment Opportunity <b>Attachment 15.2.3</b> – New Council Policy and Procedure – POL-18 – Dealing with Bullying Policy and Procedure <b>Attachment 15.2.4</b> – New Council Policy & Procedure – POL-19 - Grievance Policy and Procedure <b>Attachment 15.2.5</b> – New Council Policy & Procedure - POL-25 – Equal Opportunity Policy <b>Attachment 15.2.6</b> – New Council Policy – PO-27 - Psychosocial Safety Policy

### BRIEF SUMMARY

This report is for Council to consider adopting an Equal Employment Opportunity (EEO) Management Plan to achieve compliance with the West Australian *Equal Opportunity Act, 1984*.

### COMMENT

Under the Western Australian Equal Opportunity Act, 1984 (Part IX) it is the responsibility of Local Government Authorities to prepare and implement an equal opportunity management plan in order to achieve the objects of the Act.

These objects are:

1. to eliminate and ensure the absence of discrimination in employment on the ground of sex, marital status, pregnancy, race, religious or political conviction or impairment;
2. to promote equal employment opportunity for all persons.

The Shire of Woodanilling Equal Opportunity Management Plan is now presented for endorsement and is contained in **Attachment 15.2.1**.

The EEO has identified key areas to promote EEO principles and compliance.

1. Policies and Procedures
2. Communication and Awareness
3. Training and Development
4. Harassment and Grievance Procedures
5. Implementation & Evaluation

These EEO key areas will provide Council and Management with a Strategy and mechanism to measure progress in achieving EEO management objectives. The current Council Policy 29 – Equal Employment Opportunity (**Attachment 15.2.2**) will be revoked and new policies will be required to be endorsed and are contained in **Attachments 15.2.3, 15.2.4, 15.2.5, 15.2.6**.

To meet the legislative requirements of the *Equal Opportunity Act 1984* the new Equal Employment Opportunity Management Plan must be adopted and forwarded to the to the Director of Equal Opportunity in Public Employment.

### STATUTORY/LEGAL IMPLICATIONS

#### *Equal Opportunity Act 1984*

### **Division 3 — Equal employment opportunity management plans**

#### **145. Preparation and implementation of management plans**

- (1) *Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.*
- (2) *The management plan of an authority shall include provisions relating to —*
  - (a) *the devising of policies and programmes by which the objects of this Part are to be achieved; and*
  - (b) *the communication of those policies and programmes to persons within the authority; and*
  - (c) *the collection and recording of appropriate information; and*
  - (d) *the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices; and*
  - (e) *the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed; and*
  - (f) *the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a); and*
  - (g) *the revision and amendment of the management plan; and*
  - (h) *the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).*
- (3) *The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.*
- (4) *The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and —*
  - (a) *in the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and*
  - (b) *in the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.*
- (5) *An authority may, from time to time, amend its management plan.*
- (6) *Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.*

#### **POLICY IMPLICATIONS**

There is the current Council policy 29 – Equal Employment Opportunity associated with this item. With new Policies to be endorsed with for this item and are contained in **Attachments 15.2.3, 15.2.4, 15.2.5, 15.2.6.**

#### **FINANCIAL IMPLICATIONS**

There are not direct financial implications in regards to this item.



**STRATEGIC IMPLICATIONS**

**Theme 3**

**Governance**

**VISION**

- To attract and retain quality Councillors and Staff
- To have Councillors who are trained and qualified in their roles and responsibilities

**OBJECTIVES**

- To promote continual improvement that is supported by efficient and effective governance structures and processes
- To ensure community consultation is carried out in a manner that bridges the gap between what the community expect and what the Council can deliver

**STRATEGIES**

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

**CONSULTATION/COMMUNICATION**

No consultation has occurred at this time; however Elected Members were advised through the November Briefing session.

**RISK MANAGEMENT**

Council is required to meet statutory compliance with the Equal Employment Opportunity Act 1984. It is assessed that the risk is “Medium” as reflected below.

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

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION**

That Council:

1. Adopts the Equal Employment Opportunity Management Plan included in **Attachment 15.2.1**;
2. Revokes the current Council Policy 29 – Equal Employment Opportunity as contained in **Attachment 15.2.2**; and

3. Adopts the new Council Policies associated with the Equal Employment Opportunity Management Plan as contained in **Attachments 15.2.3, 15.2.4, 15.2.5, 15.2.6.**

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

**17. CONFIDENTIAL REPORTS**

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

**19. CLOSURE OF MEETING**