



# SHIRE OF WOODANILLING



## ORDINARY MEETING OF COUNCIL

### Unconfirmed Minutes

19 December 2023

#### 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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**50**

# ORDINARY MEETING OF COUNCIL MINUTES

Minutes of the Ordinary Council Meeting for the Shire of Woodanilling was held Tuesday 19 December 2023 in the Council Chambers, 3316 Robinson Road, Woodanilling.

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President Cr Douglas opened the meeting at 4.01pm and welcomed Councillors, Staff and members of the public.

### 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".

**Councillor Kahlia Stephens declared a Disclosure of Interest in Item 14.2 – Woodanilling Playgroup – CBH Grant for Skatepark – Additional Funding. The nature of the interest is I am the President of the Woodanilling Playgroup and author of CBH grant application.**

**Councillor Dale Douglas declared an Impartially Interest in Item 14.2 – Woodanilling Playgroup - CBH Grant for Skatepark – Additional Funding. The nature of the interest is I am the Secretary of the Woodanilling Sporting & Recreation Association who is making a cash contribution towards the project.**

## 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:

Dani Renton

Claire Marsdy  
Bri Dye  
Taran Becker  
Matt Kitchen  
Rick Wise

### **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

Cr Douglas welcomed the members of the public to the meeting and asked all who have questions to present their questions to the Council.

**Public Question Time commenced at 4.03 pm**

Cr Douglas also has mentioned that the Council won't address each question individually as some questions are not Council business as the Tavern is a privately-owned business.

**Natalie Nicholson (email received at 11.43am 19/12/2023)**

*(Shire President Dale Douglas read out the following email with a statement and questions to the Shire of Woodanilling Council as Natalie was unable to attend.)*

**Question 1**

Has the Shire of Woodanilling ever approved zoning changes from Industrial or Commercial to Residential along Burt Street in particular the Woodanilling Tavern?

***Response (Cr Douglas – Shire President)***

*We will need to go back over past minutes to investigate this. This will be taken on notice and a formal response will be provided.*

**Question 2**

When was the Industrial and Commercial zoned blocks on Burt Street changed to residential through the Shire approvals process?

***Response (Cr Douglas – Shire President)***

*We will need to look at the Town Planning Scheme. This will be taken on notice and a formal response will be provided.*

**Question 3**

If an application to rezone has been made, it must be advertised and opened for public submissions; when will this be advertised if in fact an application has been made recently?

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

*The question will be taken on notice and a formal response will be provided.*

**Question 4**

Under what terms in relation to your local planning scheme and policies has the EHO deemed" that they (the owners) are entitled to" use the tavern as a residence? (via email-Kellie Bartley)

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

*CEO will take this question on notice to liaise with the EHO and a formal response will be provided.*

**Question 5**

If the tavern owners are not offering a service to the community, have closed their doors to the public indefinitely and reside at the tavern with extended family, how does the shire respond to this, especially with regard to state zoning regulations and laws?

***Response (Cr Douglas – Shire President)***

*The Hotel only closed on the 9<sup>th</sup> December and is still an ongoing business. While this is still a registered business the Local Government must treat it as a local business so we can only deal with issues such as Health, Lodging and Building.*

*Licences are set by the guidelines/legislation of the relevant State Government Agencies.*

*We (The Shire) can't do anything until changes are made and have been formally advised by the owners.*

**Question 6**

How long can the owners continue to trade as a business in Woodanilling while not operating as a business or delivering a service?

**Response (Cr Douglas – Shire President)**

*We (The Shire) can't make any decisions on his business and to date have not been advised of any formal closure.*

**Question 7**

While the tavern is currently on the market the sale price exceeds the buyer's price by about \$300,000 which excludes this property from a sensible buyers' market; what proposals can the shire offer for other community spaces or businesses similar to the tavern to fill the gap in town now the tavern is closed?

**Response (Cr Douglas – Shire President)**

*In February we will be having a Strategic Planning Meeting to work out a way forward. We are all Community people but its easier if we don't have a huge amount of people turning up for this meeting. So, if you can all talk together and rather than have 80 people there a smaller number can bring your ideas.*

**Bri Dye & Taren Becker (emailed received on 19/12/2023 at 12.20pm) – Bri was in attendance and addressed the questions (167 Watson Road, Boyerine)**

**Question 1**

How can the family currently residing in the woody tavern live there when it's zoned as a commercial site and not residential? Second to this how long can they live there for?

**Response (Chief Executive Officer)**

*The Tavern is private business and we can't make any decisions on its day to day running. The Shire has been advised in writing from the owner that they are currently on holidays and are still trading. Therefore, while we can still have the EHO do checks on the premises for Health and Food Standards the shire is not aware of any further advice or details at this time of a pending permanent closure.*

**Question 2**

What is the shire doing to keep the town pub? What happens when the license expires?

**Response (Cr Douglas - Shire President)**

*Even though there is talk on Social media that the Tavern is closed, we as a Shire can only take his notice in writing to us.*

*Under Tavern Licencing it is a requirement to have someone stay on the premises whether this is the owner or a care taker there must be someone present.*

**Question 3**

Who decides on the price of the pub when it's for sale? Can it not be evaluated by an external agency to ensure a fair price that will actually attract buyers?

**Response (Chief Executive Officer)**

*The Shire is not a registered agent for listings and this would be a matter to discuss with the current licensee who has it listed to ask that question.*

**Daniegh Renton (email received on 19/12/2023 at 3.08pm) – Daniegh was in attendance and addressed the questions (825 Katanning/Dumbleyung Road)**

Daniegh acknowledged that her questions have already been addressed and was not wanting to further have a response tonight to her questions submitted earlier.

**Question 1**

Can a family live in the Woodanilling Tavern when it's listed as commercial not as residential?

**Question 2**

What happens when the license expires?

**Question 3**

If it's now shut as a pub, how long can the owners continue trading as a business if the doors are shut for good?

**Question 4**

The price of the woody pub has jumped considerably, can it be evaluated by an agency and given a fair price that may attract a buyer that wants to keep it running as a tavern.

It would be a big loss to the Woodanilling community, the sporting community and surrounds if the pub was to shut for good.

***Response***

*The Shire will take these questions on notice and provide a formal response in writing.*

**Claire Marsden (email received on 19/12/2023 at 2.23pm) – Claire was in attendance and addressed the questions (1030 Shenton Road, Woodanilling)**

**Question 1**

As the Woodanilling Tavern has now shut their doors how long can they stay living there?

***Response (Cr Douglas – Shire President)***

As owners of the business, they are still entitled to reside at the property.

**Question 2**

Is there a way that the community and shire could work together to purchase the tavern and keep the doors open to the community and wider community?

***Response (Cr Douglas – Shire President)***

*We are a very small shire and for us to get involved it is not a local government area. The Shire doesn't really have the money to make this type of purchase. It would have to come from the rates base, currently \$900,000 therefore if we had to increase rates by 10%, it would increase rates by \$90,000.*

*As a community person I went out to the community to the people I am close to, to see if they would put money forward to help buy the Tavern and so far, no one has put their hand up to do this. If you all would like to speak to others in the community and see if you can get people to put in money to buy it as the Council doesn't have the money to spend.*

*When you look at the Broomhill pub that process was significant for the community to work through this process.*

**Question 3**

If the tavern loses their licence, is it likely in the future, for someone else to obtain the licence again to reopen the tavern?

***Response (Cr Douglas)***

*As a Local Government we can't do anything about the License specifically, and yes any person can obtain a licence through the appropriate channels.*

*The Tavern license is linked to the building so once that is gone the nearest licences facility will be either Wagin or Katanning which is over 20km away. So if anyone wants to put in for a liquor license and they are eligible to do so with a facility then The Department of Local Government, Sport and Cultural Industries can't see any problem of them getting one it will just take over 6 months for the paperwork and process to happen.*

*As I have said out there in the community we are all grieving for our local pub but unless we can find a way to purchase it ourselves there is nothing we can do.*

**Rick Wise (email received on 19/12/2023 at 11.23am) – Rick was in attendance and addressed the questions (1311 Shenton Road, Woodanilling)**

**Rick Wise**



### **Question 1**

I would like to raise concerns about the Advertised closure of the Woodanilling Tavern.

#### ***Response (Cr Douglas- Shire President)***

*Until we are notified that he has ceased trading we can't do anything.*

### **Question 2**

I would like to ask the question that if this happens, is it legal for the current owners of the Woodanilling tavern to continue to live there in a commercially zoned building that is not residential?

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

*If you Google the Shire of Woodanilling Town Planning scheme and look at the town planning table in there you will find your answer.*

Shire President, Cr Douglas gave a big thank you to the public that attended question time and to say well done to the young people who have come in today and are passionate about this topic and want to discuss it in this forum.

I will help drive this if you can get others to get onboard with it.

Shire President, Cr Douglas thanked the public for attending and welcomed them to stay. All public members of the gallery left at 4.26pm.

## **5. PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil to report.

## **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil to report.

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

### **Shire President Dale Douglas**

Attended Zone Meeting where Scott Crosby is the chair for GS Zone and State Representative and The Mayor of Albany is the Deputy Chair.

Also attended the 4WDL meeting also known as VROC and found this to be a very good meeting. It is coming to the end of their strategic plan and discussions on Live Sheep Trade.

Attended the Auditors exit meeting with the CEO. The staff have done a great job with only some minor adjustments needed which are taking place now. We are just waiting on the report to come back so we can do our Annual Report.

Attended the School concert to present a book award. There was 9 students and a total of 40 people in attendance.

The Shire of Woodanilling Staff and Councillor Christmas Party went off well. A big thank you to everyone and to who put the food together.

Hotel – I am hoping this will bring it to a close and as I am spending hours a day on this item. The community will need to move forward and we will see how the Shire is able to facilitate something in the future, unless someone comes with a proposal, then we need to move forward.

### **Deputy Shire President Russel Thomson**

I attended the Zone Meeting and the discussion on the roll out of the online Bushfire training for backpackers for when they are working out in the community. This will help them to get some knowledge on what is required.

## 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.

#### **COUNCIL RESOLUTION OCM 273/12/2023**

**Moved Cr Smith**

**Seconded Cr Garstone**

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

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

## 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.

#### **COUNCIL RESOLUTION OCM 274/12/2023**

**Moved Cr Garstone**

**Seconded Cr Thomson**

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

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

### 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.

#### **COUNCIL RESOLUTION OCM 275/12/2023**

**Moved Cr Marshall**

**Seconded Cr Garstone**

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

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

### **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.

#### **COUNCIL RESOLUTION OCM 276/12/2023**

**Moved Cr Stephens                      Seconded Cr Garstone**

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

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**  
**Against: Nil**

### **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.

#### **COUNCIL RESOLUTION OCM 277/12/2023**

**Moved    Cr Thomson    Seconded Cr Marshall**

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

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**  
**Against: Nil**

## **10. REPORTS OF OFFICERS**

Nil to Report

## **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 litre 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
<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:

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.					

**COUNCIL RESOLUTION OCM 278/12/2023****Moved Cr Garstone****Seconded Cr Smith**

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:

<b>Account Number</b>	<b>Account Description</b>	<b>Increase</b>	<b>(Decrease)</b>	<b>Original Budget</b>	<b>Revised Budget</b>
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)
<b>Net Effect to Budget</b>				<b>\$19,727</b>	<b>\$19,727</b>
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.					

**CARRIED 6/0****For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens****Against: Nil**

Shire Officers presented two late items (numbers 12.2 & 12.3) for consideration.

**COUNCIL RESOLUTION OCM 279/12/2023**

**Moved Cr Marshall**

**Seconded Cr Thomson**

That Council accepts the two late items (Number 12.2 – Tender RFT2023-02 – Supply – Soil Stabilisation Services for a three year period) and (Number 12.3 – Tender RFT2023-03 – Supply – Spray Sealing Services for a three year period with options for a further three years) for consideration.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

**COUNCIL RESOLUTION OCM 280/12/2023**

**Moved Cr Marshall**

**Seconded Cr Thomson**

That the Shire President requested in accordance with the *Local Government Act 1995* and relevant Regulations for Council to go behind closed doors to allow discussion on the matter prior to the voting on this item.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

The meeting was closed at 4.41pm.

**COUNCIL RESOLUTION OCM 281/12/2023**

**Moved Cr Stephens**

**Seconded Cr Smith**

That Shire President requested in accordance with the *Local Government Act 1995* and relevant Regulations to return the meeting in its formal capacity.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

The meeting resumed at 5.00pm.



**12.2.LATE ITEM - TENDER RFT2023-02 - SUPPLY - SOIL STABILISATION SERVICES FOR A THREE-YEAR PERIOD**

<b>File Reference</b>	ADM0012
<b>Date of Report</b>	11 December 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Mike Hudson, Executive Manager Infrastructure
<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>Confidential Attachment 12.2.1</b> – Stabilco Pty Ltd Submission <b>Confidential Attachment 12.2.2</b> – Tender Evaluation RFT2023-02

**Reason for confidentiality - Attachments** – as per section 5.23 (2) (c) of the *Local Government Act 1995* – “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

**BRIEF SUMMARY**

This Council is requested to consider tenders for the supply of soil stabilisation services for the next 3 years.

**BACKGROUND/COMMENT**

The Shire’s Regional Road Group projects for the next three years require soil stabilisation services each year as part of the annual road reconstruction program. It was anticipated that efficiencies could be gained by seeking suppliers on a 3-year basis rather than each year. This process would eliminate the need for further procurement processes in subsequent years which would allow staff to proactively schedule the reconstruction works.

A Request for Tender was developed and placed on the WALGA Preferred Supplier portal, in accordance with the Shires Council Policy 54 – Purchasing Policy. The tender request provided a general outline of the quantities of work involved and sought a range of rates for various types of soil stabilisation to be used as the need requires. There are no minimum quantities guaranteed.

The need to seek these is due to the continuous work required for the Road Construction program that is to incorporate the Regional Road Group (RRG) and Roads to Recovery (R2R) programs that have already been set for the 2023/2024 annual budget with the funds allocated. Funding over the next 2 years have been set with the RRG program for 2024/2025 & 2025/2026.

A desktop assessment was undertaken by the Executive Manager Infrastructure (EMI) and Leading Hand. 4 Suppliers received the documents with only 1 supplier submitting details. The Respondent/s were assessed against the following Evaluation Criteria:

- Price
- Relevant company and operator skills and experience
- Company resources
- Local knowledge and understanding

The following **Confidential Attachment 12.2.2** details the Panel's assessment. The scoring of the table is subjective and therefore is indicative figure only. All the contractors have sufficient capacity and skills to supply suitable soil stabilisation services, however only one has provided a submission/quotation. A WALGA preferred supplier provides security of confidence in the supplier.

Overall, the Panel’s assessment gives Stabilco Pty Ltd the highest score due to being the only respondent. Regional Road Group projects for the next three years will require soil stabilisation services as part of the road reconstruction program. It was anticipated that efficiencies could be gained by seeking suppliers on

a three-year contract rather than yearly contracts, thus eliminating the need for further procurement processes over the subsequent years. This would allow for proactive scheduling of the works for the subsequent years. The submission is contained in **Confidential Attachment 12.2.1**.

A request for tender was developed and lodged on the WALGA Preferred Supplier portal in accordance with the current purchasing guidelines. The tender requested generalised quantities, seeking a range of rates for various stabilising combinations in order to meet the individual job requirements. *There are no minimum quantities guaranteed.*

### **STATUTORY/LEGAL IMPLICATIONS**

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

#### **3.57. Tenders for providing goods or services**

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

#### **Local Government (Functions and General) Regulations 1996**

#### *Regulation 11(2) of the Local Government (Functions and General) Regulations 1996*

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
  - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (aa) *the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or*
  - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
  - [(ba) deleted]
  - (c) *within the last 6 months —*
    - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
    - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

Advertising through WALGA's Vendor Panel complies with the requirements of this clause.

### **POLICY IMPLICATIONS**

Officers has used Council Policy 54 - Purchasing Policy to seek the suppliers via the WALGA eQuotes (preferred supplier) which requires all purchases with a contract value over \$250,000 to be conducted through a public tender process or sourced from a WALGA preferred supplier.

### **FINANCIAL IMPLICATIONS**

The funds associated with the contract are from Regional Road Group and Roads to Recovery funding which is currently in the annual budget for 2023/2024 and provisions for the long-term Regional Road Group and Roads to Recovery requirements in the forward budgets 2024/2025 & 2025/2026.

### **STRATEGIC IMPLICATIONS**

#### **THEME 4**

#### **Roads and Transport**

#### **OBJECTIVES**

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

## STRATEGIES

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

## CONSULTATION/COMMUNICATION

Consultation has been conducted with the relevant officers.

## RISK MANAGEMENT

Failure to adhere to the road maintenance plan for the Shire may result in a misallocation of road funding, leading to a decline in the overall sustainability of the road network. The use of Vendor Panel reduces much of this risk. Consequently, the risk level is deemed to be "medium" based on the aforementioned factors.

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

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

## VOTING REQUIREMENTS

Absolute Majority

## OFFICER'S RECOMMENDATION

That Council accepts the Tender RFT2023-02 – Soil Stabilisation Services for a period of three (3) years for the supply of soil stabilisation services awarded to Stabilco Pty Ltd at the scheduled rates as contained **Confidential Attachment 12.2.1.**

### **COUNCIL RESOLUTION OCM 282/12/2023**

Moved Cr Thomson

Seconded Cr Marshall

That Council accepts the Tender RFT2023-02 – Soil Stabilisation Services for a period of three (3) years for the supply of soil stabilisation services awarded to Stabilco Pty Ltd at the scheduled rates as contained **Confidential Attachment 12.2.1.**

**CARRIED 6/0**

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

**12.3 LATE ITEM - TENDER RFT2023-03 - SUPPLY – SPRAY SEALING SERVICES FOR A THREE YEAR PERIOD WITH OPTIONS FOR A FURTHER THREE (3) YEARS**

<b>File Reference</b>	ADM0012
<b>Date of Report</b>	11 December 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Mike Hudson, Executive Manager Infrastructure
<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>Confidential Attachment 12.3.1</b> – Boral Resources (WA) Limited -Submission <b>Confidential Attachment 12.3.2</b> – Tender Evaluation RFT2023-03

**Reason for confidentiality - Attachments** – as per section 5.23 (2) (c) of the *Local Government Act 1995* – “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

**BRIEF SUMMARY**

Council is requested to consider tenders for the supply of spray sealing services for the next 3 years with the option of a further 3 years.

**BACKGROUND/COMMENT**

The Shire outsources spray sealing services each year as part of the annual road construction program. It was anticipated that efficiencies could be gained by seeking suppliers on a 3 year with the option of a further 3 years basis rather than each year. In addition, this process would eliminate the need for further procurement processes in subsequent years which would allow staff to proactively schedule construction works.

A Request for Tender was developed which provided a general outline of the quantities of work involved and sought a range of rates for various types of spray seal to be used as the need requires. There are no minimum quantities guaranteed.

A desktop assessment was undertaken by the Executive Manager Infrastructure (EMI) and Leading Hand. 5 Suppliers received the documents with only 1 supplier submitting details. The Respondent/s were assessed against the following Evaluation Criteria:

- Price
- Relevant company and operator skills and experience
- Company resources
- Local knowledge and understanding

The following **Confidential Attachment 12.3.1** details the responses received. The scoring of the tender evaluation as contained in **Confidential Attachment 12.3.2** is subjective and therefore is indicative only. All of the providers have demonstrated sufficient capacity and skills to supply suitable spray seal services. WALGA preferred suppliers provide security of confidence in the supplier.

A request for tender was developed and lodged on the WALGA Preferred Supplier portal in accordance with the current Council Purchasing Policy – 54. The tender requested generalised quantities, seeking a range of rates for various sealing combinations in order to meet the individual job requirements. There are no minimum quantities guaranteed.

The Panel’s assessment gives Boral Resources WA the highest score due to being the only respondent

**STATUTORY/LEGAL IMPLICATIONS**

**Local Government Act 1995**

**3.57. Tenders for providing goods or services**

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

**Local Government (Functions and General) Regulations 1996**

*Regulation 11(2) of the Local Government (Functions and General) Regulations 1996*

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
  - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (aa) *the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or*
  - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
  - [(ba) deleted]*
  - (c) *within the last 6 months —*
    - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
    - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

Advertising through WALGA’s Vendor Panel complies with the requirements of this clause.

**POLICY IMPLICATIONS**

Officers has used Council Policy 54 - Purchasing Policy to seek the suppliers via the WALGA eQuotes (preferred supplier) which requires all purchases with a contract value over \$250,000 to be conducted through a public tender process or sourced from a WALGA preferred supplier.

**FINANCIAL IMPLICATIONS**

The funds associated with the contract are from Regional Road Group and Roads to Recovery funding which is currently in the annual budget for 2023/2024 and provisions for the long-term Regional Road Group and Roads to Recovery requirements in the forward budgets 2024/2025 & 2025/2026.

**STRATEGIC IMPLICATIONS**

**THEME 4**

**Roads and Transport**

**OBJECTIVES**

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

**STRATEGIES**

Road Maintenance – by carrying out maintenance in accordance with the Maintenance Standards set out in the Shire of Woodanilling Road Maintenance Plan.

**CONSULTATION/COMMUNICATION**

Consultation has been conducted with the relevant officers.

**RISK MANAGEMENT**

Failure to adhere to the road maintenance plan for the shire may result in a misallocation of road funding, leading to a decline in the overall sustainability of the road network. The use of Vendor Panel reduces much of this risk. Consequently, the risk level is deemed to be "medium" based on the aforementioned factors.

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

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

#### VOTING REQUIREMENTS

Absolute Majority

#### OFFICER'S RECOMMENDATION

That Council accepts the Tender RFT2023-03 – Spray Sealing Services for a period of three (3) years, with a further (3) year option for the supply of spray sealing services awarded to Boral Resources (WA) Ltd at the scheduled rates as contained **Confidential Attachment 12.3.1.**

#### COUNCIL RESOLUTION OCM 283/12/2023

Moved Cr Thomson

Seconded Cr Smith

That Council accepts the Tender RFT2023-03 – Spray Sealing Services for a period of three (3) years, with a further (3) year option for the supply of spray sealing services awarded to Boral Resources (WA) Ltd at the scheduled rates as contained **Confidential Attachment 12.3.1.**

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

## 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.**

**COUNCIL RESOLUTION OCM 284/12/2023**

**Moved Cr Smith**

**Seconded Cr Stephens**

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.**

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

## 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 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 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**.

### COUNCIL RESOLUTION OCM 285/12/2023

Moved Cr Marshall

Seconded Cr Smith

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.

**CARRIED 6/0**

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

### 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**.

**COUNCIL RESOLUTION OCM 286/12/2023**

**Moved Cr Marshall**

**Seconded Cr Garstone**

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**.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

## 14. COMMUNITY SERVICES

### COUNCIL RESOLUTION OCM 287/12/2023

Moved Cr Stephens

Seconded Cr Gartsone

That the Shire President requested in accordance with the *Local Government Act 1995* and relevant Regulations for Council to go behind closed doors to allow discussion on the matter prior to the voting on this item.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

The meeting was closed at 5.09pm.

*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.

**Cr Marshall left the Chambers at 5.13pm**

**Cr Marshall returned to chambers at 5.24pm**

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

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

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council 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 \_\_\_\_\_

#### **COUNCIL RESOLUTION OCM 288/12/2023**

**Moved Cr Smith**

**Seconded Cr Garstone**

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) – Nil nomination
  - b. Community Citizen of the Year (Senior) – Name withheld
  - c. Active Citizenship (Group or Event) – Name withheld
  - d. Shire of Woodanilling Sports Star of the Year (Under 25) – Name withheld
  - e. Shire of Woodanilling Sports Star of the Year (Over 25) – Nil nomination
  - f. Long Service Award – Name withheld

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

**Reason: Names have been withheld to be presented at the Australia Day Event 2024.**

**COUNCIL RESOLUTION OCM 289/12/2023**

**Moved Cr Thomson**

**Seconded Cr Stephens**

That Shire President requested in accordance with the *Local Government Act 1995* and relevant Regulations to return the meeting in its formal capacity.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

The meeting resumed at 5.35pm.

Councillor Kahlia Stephens declared a Disclosure of Interest in Item 14.2 – Woodanilling Playgroup – CBH Grant for Skatepark – Additional Funding. The nature of the interest is I am the President of the Woodanilling Playgroup and author of CBH grant application.

Councillor Dale Douglas declared an Impartially Interest in Item 14.2 – Woodanilling Playgroup - CBH Grant for Skatepark – Additional Funding. The nature of the interest is I am the Secretary of the Woodanilling Sporting & Recreation Association who is making a cash contribution towards the project.

Cr Stephens left the room at 5.35pm.

#### 14.2. WOODANILLING PLAYGROUP – CBH GRANT FOR SKATEPARK – ADDITIONAL FUNDING

<b>File Reference</b>	ADM 0332
<b>Date of Report</b>	8 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 – Nil</b>

#### BRIEF SUMMARY

That for Council to consider the proposal for additional funding request for the CBH Grassroots project that the Woodanilling Playgroup for the improvements at the Woodanilling Skatepark.

#### BACKGROUND/COMMENT

An email was received on the 6<sup>th</sup> December 2023, for the request for additional financial support for the Woodanilling Playgroup – Skatepark project that has been supported by the CBH Grant process.

The Woodanilling Playgroup received the grant approval to enable the group to upgrade the Woodanilling Skatepark. With this, the Shire had given a letter of support for the grant application.

CBH Grass Roots Community Grants is to help fund projects in the community that are located in the grain growing community in WA, fit with CBH's purpose, values and behaviour, contribute to the vitality, development, wellbeing and/or safety of grain growing regions, promote a positive image of agricultural industry, have value, relevance and credibility to our growers, customers and to promote the development of future community and industry leaders.

This was the third time that the Woodanilling Playgroup had applied. The support that Council will need to consider if they are successful is to support funding, in-kind costs along with making improvements and enjoyment to the community as a whole. The grant request was for a total of \$10,000 however with an increase in requests from CBH this year, they were only able to provide support of \$7,000 to the group.

The project has been in progress over the last 2-3 weeks, including an artist to help create and develop this with the community. This an event has been a positive one with many locals, Woodanilling Primary School and the support of CWA and Mens Shed to help make it happen. It has created the community will to partake and create a sense of well-being. Workshops have taken place as part of the process with a final event for the celebration on completion.

It is recommended that the consideration to further support by providing for the additional request of \$1,985 excluding GST to help to finalise the financial requirement to finalise the grant and the outcomes detailed.

It is the Officers recommendation to support this request.

#### STATUTORY/LEGAL IMPLICATIONS

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

## POLICY IMPLICATIONS

Policy No 32 Community Financial Assistance Grant Program may apply to this application.

## FINANCIAL IMPLICATIONS

The Community Financial Assistance Program is allocated from within the Council's budget each year, once funds have been fully allocated no further funds will be available until the following financial year. No allocations have been made to Council at this point. The general ledger 041150 – Donations has been identified to assist with this grant and was adopted in the 2023/2043 annual budget adoption.

The current balance left in this account is \$4,700 which means there will only be a balance of \$2,715 for the remainder of the year to support any further requests or donations that the Shire does receive that the Chief Executive Officer has delegated authority for applications for requests under \$200.

## STRATEGIC IMPLICATIONS

### Theme 1

### Community Well-Being

#### VISION

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

#### OBJECTIVES

To support the delivery of programs and initiatives that foster community spirit and harmony  
To ensure that our community is accessible for people with disabilities, their families and carers (Woodanilling Disability Access Inclusion Plan 2010)

#### STRATEGIES

By supporting community projects that have direct benefit to the well-being of our community – example Woody on Display  
Disability Access and Inclusion Plan (DAIP) – Advocate to local businesses and tourist venues the requirements for, and benefits flowing from, the provision of accessible venues.

#### 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

##### Medium Term

**CW.1** Develop Community Initiative Programs to ensure active community participation and volunteering.

## CONSULTATION/COMMUNICATION

Chief Executive Officer has consulted with Woodanilling Playgroup member Ms Kahlia Stephens on this grant request and previous discussions have been discussed with Council at Briefing over the last two application process. Further discussion was with the Shire President.

## RISK MANAGEMENT

The risk in relation to this matter is assessed as "Low" on the basis that if Council does not accept the recommendation places the Woodanilling P & C with the lack of financial support to provide a Community Christmas Tree Party. This could affect the long term aspect of the P & C being able to be financially viable to continue to support the students and Community of Woodanilling.

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

<b>Possible</b>	Low	Medium	Medium	High	High
<b>Unlikely</b>	Low	Low	Medium	Medium	High
<b>Rare</b>	Low	Low	Low	Low	Medium

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council endorses the additional financial support requested from the Woodanilling Playgroup for the Woodanilling Skatepark to the value of \$1,985 excluding GST from the General Ledger Account 041150.

#### **COUNCIL RESOLUTION OCM 290/12/2023**

**Moved Cr Smith**

**Seconded Cr Garstone**

That Council endorses the additional financial support requested from the Woodanilling Playgroup for the Woodanilling Skatepark to the value of \$1,985 excluding GST from the General Ledger Account 041150.

**CARRIED 5/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall**

**Against: Nil**

**Cr Kahlia Stephens returned to Chambers at 5.37pm**

## 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.

### COUNCIL RESOLUTION OCM 291/12/2023

Moved Cr Smith

Seconded Cr Thomson

That Council accepts the Information Bulletin Report for the month of November 2023.

**CARRIED 6/0**

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil



## 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**.

**COUNCIL RESOLUTION OCM 292/12/2023**

**Moved Cr Thomson**

**Seconded Cr Marshall**

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**.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

### 15.3. CHIEF EXECUTIVE OFFICER – RECRUITMENT PROCESS

<b>File Reference</b>	ADM0118
<b>Date of Report</b>	15 December 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>	Absolute Majority
<b>Attachments</b>	<b>Attachment 15.3.1</b> – CEO Recruitment and selection, performance review and termination (DLGSC – Guidelines) <b>Attachment 15.3.2</b> – Council Policy – Adopted Standards for CEO Recruitment, Performance and Termination <b>Confidential Attachment 15.3.3</b> – Quotes - List of HR Consultant

**Reason for confidentiality - Attachment 15.3.3** – as per section 5.23 (2) (c) of the *Local Government Act 1995* – “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

#### BRIEF SUMMARY

This report is for Council to appoint a recruitment specialist for the recruitment of a Chief Executive Officer for the Shire of Woodanilling and to determine the structure and membership of the committee of Council to undertake the recruitment consultation, supported by the appointed recruitment consultant. Membership of the committee is to include an independent member, in accordance with Council Policy.

#### COMMENT

The *Local Government Act 1995* and associated regulations stipulate a required process to recruit a Chief Executive Officer (CEO) following the position becoming vacant. Mrs Kellie Bartley resigned, as Chief Executive Officer of the Shire of Woodanilling and will finish on the 11 March 2023.

Following the resignation of the CEO, the process of appointing a new CEO is required. It is important the Shire carefully considers the role of the CEO, which includes the powers and functions of the role, the selection criteria for the position and the specific skills and experience the Shire will require of the CEO.

Council has adopted the model Adopted Standards for CEO Recruitment, Performance and Termination as contained in **Attachment 15.3.2**. The Department of Local Government, Sport and Cultural Industries (DLGSC) has guidelines referenced in **Attachment 15.3.1**.

Council has agreed to the following:

- Determine the selection criteria and approval of job description form;
- Advertising requirements;
- Job description form to be made available;
- Establishment of selection panel for the employment of CEO –
  - Council members;
  - Human resources consultant; and
  - At least 1 independent person.

Quotes have been sought for the Human Resources Consultants and the CEO has received X which a summary is contained in **Confidential Attachment 15.3.3**.

The purpose of this report is to seek Council’s approval for:

- a) The appointment of an independent person and an external Human Resources consultant to support the CEO Recruitment process;

- b) The proposed recruitment process (including the appointment of a selection panel) is to be undertaken to facilitate the recruitment of a new CEO.

It is at the discretion of the local government to determine the number of people on the selection panel.

### STATUTORY/LEGAL IMPLICATIONS

The process of CEO Recruitment is conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* and *Local Government (Administration) Amendment Regulations 2021* (CEO Standards).

Under section 5.36 (4) of the *Local Government Act 1995*, states:

#### 5.36 Local Government Employees

- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as in prescribed.*

### POLICY IMPLICATIONS

There is the current Council Policy – Adopted Standards for CEO Recruitment, Performance and Termination associated with this item.

### FINANCIAL IMPLICATIONS

The cost to appoint a recruitment consultant to help fulfil the role of the Chief Executive Officer. This cost will be factored into the Budget amendment in January/February Budget Review process.

### STRATEGIC IMPLICATIONS

#### Theme 3

#### Customer Service

#### VISION

- To be responsive to the expectations of our clients and users in the area of customer service
- To promote excellence in customer service

#### OBJECTIVES

- To observe the service standards in the Woodanilling Customer Service Charter (2010)
- To build confidence, support and satisfaction in service delivery by increasing and developing communication channels with the whole community

#### STRATEGIES

- By ensuring elected members and staff are supported by ongoing professional development, and the maintenance of their professional standards
- An awareness of community views and listening to our community and being responsive

### CONSULTATION/COMMUNICATION

Consultation has occurred with the Shire President and the CEO to commence the process to present to Council for consideration.

### RISK MANAGEMENT

If the CEO Recruitment fails to exercise due diligence in the recruitment process leading to the appointment of an unsuitable candidate, fails to establish effective Key Performance Indicators or appointing a Selection Panel and undertaking the recruitment process to appoint a CEO would lead to uncertainty, inconsistency and lack of leadership. It is assessed that the risk is “High” as reflected below.

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

<b>Possible</b>	Low	Medium	Medium	<b>High</b>	High
<b>Unlikely</b>	Low	Low	Medium	Medium	High
<b>Rare</b>	Low	Low	Low	Low	Medium

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

### **VOTING REQUIREMENTS**

Absolute Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Appoints \_\_\_\_\_ to undertake the Recruitment process for the position of Chief Executive Officer for the Shire of Woodanilling;
2. Establishes a committee of Council to undertake the recruitment and selection process for the Chief Executive Officer, with the following elected members appointed – Councillors \_\_\_\_\_; and
3. Appoints \_\_\_\_\_ to be the independent member of the recruitment committee in accordance with clause 8 of the Adopted Standards for CEO Recruitment, Performance and Termination.

### **COUNCIL RESOLUTION OCM 293/12/2023**

**Moved Cr Marshall**

**Seconded Cr Smith**

That Council:

1. Appoints Fitzgerald Strategies to undertake the Recruitment process for the position of Chief Executive Officer for the Shire of Woodanilling;
2. Establishes a committee of Council to undertake the recruitment and selection process for the Chief Executive Officer, with the following elected members appointed – Councillors Douglas, Thomson, Smith, Garstone, Marshall and Stephens; and
3. Appoints Mr Mal Baxter to be the independent member of the recruitment committee in accordance with clause 8 of the Adopted Standards for CEO Recruitment, Performance, and Termination.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

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

Nil to Report.

**17. CONFIDENTIAL REPORTS**

Nil to Report.



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

### COUNCIL RESOLUTION OCM 294/12/2023

Moved Cr Thomson

Seconded Cr Stephens

That Council accepts the motion without notice, that the Shire President wishes to table for the Live Sheep Trade by Sea Policy.

CARRIED 6/0

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens

Against: Nil

### 18.1. NOTICE OF MOTION - LIVE SHEEP TRADE BY SEA POLICY

#### SUMMARY

The report is quite relevant to our 4WDL communities and it is interesting that it wasn't the wool belt that did the study. It would be good for the 4WDL VROC to come out and publicly support the work done by NEWROC in the Wheatbelt; it is important that other sheep growing areas support those NEWROC shires for all our mutual benefit.

#### BACKGROUND

"Live export ban: Report reveals the steep blow to WA economy if Labor plan goes ahead"

By Adam Poulson

Countryman Wednesday 29<sup>th</sup> November 2023

<https://www.countryman.com.au/countryman/news/live-export-report-reveals-sheep-shipping-ban-will-cost-wa-north-eastern-wheatbelt-up-to-128m-c-12726667>

Seven local governments in WA's farming heartland are turning up the heat on Labor to bin its planned live sheep export ban, after a new report revealed it could inflict a \$128 million blow in the north-eastern Wheatbelt alone.

Commissioned by the North Eastern Wheatbelt Region of Councils (NEWROC), the 21-page report was released to coincide with visits by delegations of councillors to Canberra and Perth last week.

It assessed the economic and social impact the Albanese Government's policy was expected to have in the Shires of Dowerin, Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning and Wyalkatchem.

"The potential impact on the regional NEWROC economy (is estimated) at between \$39m and \$128m in economic output over 20 years," the report concluded.

"This is further exacerbated when the centrality of sheep farm expenditure, employment and incomes to the functioning of local and regional communities is also considered, which adds a further \$21m to \$35m in economic impact."

The report by independent consultancy Econisis found the impact on the sheep industry Statewide would be "much greater" and require "significant investment and compensation" from the Federal Government.

Speaking during a meeting with WA Opposition Leader Shane Love last week, Shire of Trayning president Melanie Brown said the "social and emotional" impact would be equally devastating.

"It's not just the sheep producer or the farmer that's going to be impacted," she said

"It's the flow-on businesses, it's the trucking companies, it's the feed producers, it's the exporters, it's the livestock agents, it's your local shop, it's your local school, it's your local hospital.

"I believe this is the only record of its kind that has been undertaken... so if we could encourage more groups like ours to commission their own reports for their own areas, then the more information we have, the better positioned we are to keep fighting this."

Ms Brown was joined by Shire of Trayning chief executive Leanne Parola and Shire of Koorda president Jannah Stratford, who stressed that the report only covered a relatively small area.

"This is a report on NEWROC; we aren't claiming to know (the impact on) the whole State," Ms Stratford said.

"If a decision is made, this research should have been done on a bigger picture. It's not NEWROC's responsibility to do a Statewide report."

Also present at the meeting was Central Wheatbelt MLA Mia Davies, who grilled Premier Roger Cook on the report's findings in Question Time later that day.

Ms Davies said the Nationals would continue putting pressure on Mr Cook and WA Agriculture Minister Jackie Jarvis — who NEWROC members will meet with on December 11 — to challenge Federal Labor’s policy.

“They need to be made to feel uncomfortable for their colleagues’ decisions, so that that message continues to be fed through to their Federal colleagues,” she said.

“From my perspective, these reports are really valuable.”

The Canberra delegation met with parliamentarians from across the political divide including Greens Senators Dorinda Cox and Peter Whish-Wilson, Liberal Senator Slade Brockman, and Nationals leader David Littleproud.

NEWROC executive officer Caroline Robinson said they also met with Federal Agriculture Minister Murray Watt’s deputy chief of staff, Kate Lloyd.

“We contacted Murray Watt’s office at the start of November to let them know we were coming out, but we couldn’t get in to see him,” she said.

“But meeting with the deputy chief of staff was still of value, because that’s where a lot of the advice sits — at that level.

“The important thing was us trying to get this in before a roadmap comes out of how they’re going to transition (out of the industry).”

The report found the live sheep trade had injected \$52m a year on average into the national economy over the past five years, including \$45m in WA.

The NEWROC region was home to more than 400,000 sheep, which supported 180 local businesses with a gross value of more than \$18.7m.

This figure represented about 6 per cent of the total economic output of the NEWROC region.

Ms Robinson — who was joined by Shire of Mt Marshall president Tony Sachse and former Shire of Wyalkatchem president Quentin Davies — said she felt “pretty positive” the trio “got our message across”.

“We definitely educated those people we met with about the importance of the industry, and that if they do implement that policy, it is going to require substantial investment,” she said.

“We said we’re recommending that they don’t implement the policy.”

Liberal MLC Steve Martin said it was important country communities continued engaging with State and Federal Labor.

“The message is clear: this proposed ban will have a devastating impact on small regional communities across WA,” he said.

“The NEWROC report shows the ban would have a significant economic impact on their region, and that result would be replicated across livestock producing areas of the State.”

## SHIRE PRESIDENTS RECOMMENDATION

That Council;

1. Authorises the CEO to send a letter of support to the NEWROC; and
2. Seeks further support and consideration at the next WALGA Great Southern Zone Meeting.

### **COUNCIL RESOLUTION OCM 295/12/2023**

**Moved Cr Thomson**

**Seconded Cr Marshall**

That Council;

1. Authorises the CEO to send a letter of support to the NEWROC; and
2. Seeks further support and consideration at the next WALGA Great Southern Zone Meeting.

**CARRIED 6/0**

**For: Cr Douglas, Cr Thomson, Cr Smith, Cr Garstone, Cr Marshall, Cr Stephens**

**Against: Nil**

**19. CLOSURE OF MEETING**

Shire President Cr Douglas wants to take this time to thank Mike Hudson for all that he has done, with the lobbying and the recruitment and retainment of the Works Crew. I hope you will take a little piece of Woodanilling with you when you go.

I also want to thank Kellie and I may be saying this again in February. After meeting with you in the recruitment process you knew there was going to be a lot of work when you first come to us, it has been great how you have worked to catch us up on all of the compliance. You have done Woodanilling proud so Thank you. I also want you to please take a little piece of Woodanilling with you.

There being no further business the meeting closed at 5.57pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the .....

Presiding Member – Councillor Dale Douglas

.....

Date .....