



# SHIRE OF WOODANILLING



ORDINARY MEETING  
OF COUNCIL  
Confirmed Minutes  
21 March 2023

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# ORDINARY MEETING OF COUNCIL MINUTES

Minutes of the Ordinary Council meeting of the Shire of Woodanilling held Tuesday 21 March 2023 in the Council Chambers, 3316 Robinson Road, Woodanilling.

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President Councillor Stephen Jefferies opened the meeting at 4.00pm and thanked everyone for attending.

### 1.1. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Division 6 Subdivision 1 of the Local Government Act 1995 requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

#### DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

**Nil items declared.**

## 2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

#### Present:

Cr S Jefferies	Shire President
Cr P Morrell	
Cr D Douglas	
Cr T Brown	
Cr B Smith	

#### Officers:

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

#### Apologies:

Cr HR Thomson

#### Observers:

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

Nil to report.

## 4. PUBLIC QUESTION TIME

Nil to report.

## 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

Nil to report.

## 8. CONFIRMATION OF COUNCIL MEETING MINUTES:

### 8.1. ORDINARY MEETING OF COUNCIL HELD – 21/02/2023

#### COUNCIL DECISION

That the Minutes of the Ordinary Meeting of Council held 21 February 2023 be confirmed as a true and correct record of proceedings without amendment.

#### COUNCIL RESOLUTION OCM 171/03/2023

**Moved Cr Morrell**                      **Seconded Cr Smith**

That the Minutes of the Ordinary Meeting of Council held 21 February 2023 be confirmed as a true and correct record of proceedings without amendment.

**CARRIED 5/0**

### 8.2. AUDIT COMMITTEE MEETING HELD – 21/03/23

#### COUNCIL RESOLUTION OCM 172/03/2023

**Moved Cr Morrell**                      **Seconded Cr Smith**

That Council:

- 1) Receives the Unconfirmed Minutes of the Audit Committee Meeting held 21 February 2023.
- 2) Adopts the 2022 Local Government Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as contained in **attachment 9.1.1**; and
- 3) Authorises the Shire President and Chief Executive Officer to certify, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, the completed 2022 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries and
- 4) Adopts the Shire of Woodanilling's Business Continuity Plan as contained in **attachment 9.2.1**.

**CARRIED 5/0**

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

**9.1. GREAT SOUTHERN COUNTRY ZONE MEETING – HELD 17 FEBRUARY 2023**

That the Minutes of the Great Southern Country Zone Meeting held 17 February 2023 be received.

**COUNCIL RESOLUTION OCM 173/03/2023**

**Moved Cr Douglas                      Seconded Cr Smith**

That the Minutes of the Great Southern Country Zone Meeting held 17 February 2023 be received.

**CARRIED 5/0**

**9.2. LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 8 MARCH 2023**

That the Minutes of the Local Emergency Management Committee Meeting held 8 March 2023 be received.

**COUNCIL RESOLUTION OCM 174/03/2023**

**Moved Cr Morrell                      Seconded Cr Douglas**

That the Minutes of the Local Emergency Management Committee Meeting held 8 March 2023 be received.

**CARRIED 5/0**

## 10. REPORTS OF OFFICERS

## 11. REGULATORY SERVICES

### 11.1.OUTBUILDING – LOT 142 MCDONALD ROAD WOODANILLING

<b>File Reference</b>	A527
<b>Date of Report</b>	13 March 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Jennifer Dowling, Planning Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 11.1.1</b> – Site Plan, Floor Plan and Elevations <b>Attachment 11.1.2</b> – Application <b>Attachment 11.1.3</b> – Accompanying Letter

<b>Proponent</b>	Complete Approvals
<b>Owner</b>	A Martens & T Vidich
<b>Date of Receipt</b>	24 February 2023
<b>Property Address</b>	Lot 142 McDonald Road, Woodanilling
<b>Lot Area</b>	3.2658 ha
<b>Town Planning Scheme No 1 Zoning</b>	Local Rural

#### BRIEF SUMMARY

This item is for Council to approve a planning application received for an outbuilding prior to a dwelling at Lot 142, McDonald Road, Woodanilling, to enable the owner to store land and animal maintenance equipment securely onsite.

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

#### BACKGROUND/COMMENT

The applicant seeks to install an on-slab outbuilding with a roller door to permit storage of ride on mower and/or plant and equipment, for the ongoing maintenance of the block. The owners will also be using it as a feed storage shed, the site is cleared and is 3.2658ha in area.

The outbuilding is to be constructed with a steel frame clad with monument coloured colorbond sheeting to both the roof and walls. This colour and finishes are suitable for this local rural zone.

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

The proposed outbuilding is setback well in excess of the required 10 metres front, 6 metre rear and 5 metres side setback as aligned to the policy. It will be located in the south western portion of the site adjacent to McDonald Road. This is detailed in **attachment 11.1.3**.

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

#### STATUTORY/LEGAL IMPLICATIONS

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

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

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

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

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

**CI 2.3. Relationship of Local Planning Policies to Scheme**

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

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

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

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

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

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

**Local Rural Zone**

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

**POLICY IMPLICATIONS**

Local Planning Policy No.2 –Sheds/Outbuildings.

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

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

	LPP2 – Outbuildings	Proposal	Officer’s Review
Size	72m2 (cumulative)	81m2	Non-Compliant
Wall Height	4.2m	3.6m	Compliant
Front Setback	10m	15m	Compliant
Rear Setback	6m	163m	Compliant
Side Setback	5m	61m	Compliant

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

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

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

**STRATEGIC IMPLICATIONS**

**THEME 2**

**Enhancing Natural and Built Environment**

**OBJECTIVES**

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

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

**STRATEGIES**

Development of a Local Planning Strategy and supporting Scheme.

**CONSULTATION/COMMUNICATION**

There is no consultation required in this instance.

**RISK MANAGEMENT**

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

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

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION**

That Council pursuant to Schedule 2, Clause 68(2) of the *Planning and Development (Local Planning Schemes Regulations 2015)* grants Planning Approval for the construction of an outbuilding at Lot 142, McDonald Road, Woodanilling, subject to the following conditions:

- a. The development being in accordance with plans as contained in **attachment 11.1.2** and with setbacks being marked in red; and
- b. The outbuilding not being used for human habitation at any time.



**Advice Notes:**

- a. A Building Licence is required prior to the outbuilding being constructed at the site.
- b. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

**COUNCIL RESOLUTION OCM 175/03/2023**

**Moved Cr Douglas**

**Seconded Cr Morrell**

That Council pursuant to Schedule 2, Clause 68(2) of the *Planning and Development (Local Planning Schemes Regulations 2015)* grants Planning Approval for the construction of an outbuilding at Lot 142, McDonald Road, Woodanilling, subject to the following conditions:

- a) The development being in accordance with plans as contained in **attachment 11.1.2** and with setbacks being marked in red; and
- b) The outbuilding not being used for human habitation at any time.

**Advice Notes:**

- a. A building licence is required prior to the outbuilding being constructed at the site.
- b. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of determination, the approval shall lapse and be of no further effect.

**CARRIED 5/0**

## 11.2. ADDITIONAL SINGLE DWELLING – LOT 3674 ALBANY HIGHWAY, BEAUFORT RIVER 6314

<b>File Reference</b>	A75/DA27/BA842
<b>Date of Report</b>	17 March 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Jennifer Dowling, Planning Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 11.2.1</b> – Application for Planning Approval <b>Attachment 11.2.2</b> – Site Plan, Floor Plan and Elevations <b>Attachment 11.2.3</b> – Existing Dwelling Site Location

<b>Proponent</b>	Diane Beilby
<b>Owner</b>	Diane Beilby
<b>Date of Receipt</b>	16 March 2023
<b>Property Address</b>	Lot 3674 Albany Highway, Beaufort River
<b>Lot Area</b>	201.100 ha
<b>TPS No1.</b>	Regional Rural

### BRIEF SUMMARY

The purpose of this report is for Council to consider a Development Application received for an additional dwelling for the use of a Manager's Residence at Lot 3674 Albany Highway, Beaufort River.

### BACKGROUND/COMMENT

The applicant is applying for a Managers Residence on Lot 3674 Albany Highway, Beaufort River for the management of the current property. There is a current approved single dwelling residence on site and the applicant seeks approval for a second dwelling on site to house a land manager independently of the family home.

The applicant is seeking this request to support the current requirements to undertake the large area with the agricultural requirements to maintain this site.

The proposed dwelling is to be setback 303 metres from the front boundary and appropriately 300m from the northern side boundary. These setbacks are well in excess of the minimum setbacks as required by the scheme which is 20m from all boundaries, front side and rear.

The site is predominantly cleared and is 201.100 ha in area.

Officers do not have delegation to approve this application as the Shire of Woodanilling Town Planning Scheme No 1 states that a second dwelling requires approval by Council.



Figure 1

The appropriate fees have been paid and receipted with the Shire. The Planning Application and associated documents are contained in **attachments 11.2.1, 11.2.2 and 11.2.3.**

Officers recommend approval of this application subject to conditions.

### **STATUTORY/LEGAL IMPLICATIONS**

#### **Shire of Woodanilling Town Planning Scheme No. 1**

##### **1.7 Definitions**

1.7.1. *Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have -*

- (a) *in the Town Planning Act; or*
- (b) *if they are not defined in that Act -*
  - (i) *in the Dictionary of defined words and expressions in Schedule 1; or*
  - (ii) *in the Residential Planning Codes.*

1.7.2. *If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Planning Codes -*

- (a) *in the case of a residential development, the definition in the Residential Planning Codes prevails; and*
- (b) *in any other case the definition in the Dictionary prevails.*

The definition as per the Residential Design Codes is;

##### *Single house*

*A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.*

#### **4.2 Objectives of the Zones**

##### **Regional Rural Zone**

To provide for a range of rural pursuits such as broadacre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality. Specific objectives are as follows:

- *to ensure the continuation of broad-acre farming as the principle land use in the District and encourage where appropriate the retention and expansion of agricultural activities;*
- *to protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;*
- *to consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;*
- *to provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural amenity and character of the locality;*
- *to provide for a range of commercial and light industrial land uses that are appropriately located and will not cause land conflicts or adverse impacts on the amenity and character of the zone;*
- *to prevent the fragmentation of broad-acre farming properties through the process of subdivision;*
- *to protect broad-acre agricultural land from land degradation and any further loss of biodiversity by:*
  - I. *minimising the clearing of remnant vegetation on public and private lands;*
  - II. *encouraging the retention and protection of existing remnant vegetation;*
  - III. *encouraging the development and protection of corridors of native vegetation;*

- IV. (iv) encouraging the development of environmentally acceptable surface and sub-surface drainage;
- V. (v) encouraging the rehabilitation of salt affected land;
- VI. (vi) controlling the introduction and spread of alien species of flora and fauna;
- VII. (vii) encouraging soil conservation through the application of cultural vegetation land management measures.

**Part 5 - General Development Requirements Section 5.11 – Regional Rural Zone**

5.11.5 The development of more than one single dwelling house within the Regional Rural zone requires the approval of Council.

**POLICY IMPLICATIONS**

There are no policies associated with this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

**STRATEGIC IMPLICATIONS**

**THEME 2**

**Enhancing Natural and Built Environment**

**OBJECTIVES**

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

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

**STRATEGIES**

Development of a Local Planning Strategy and supporting Scheme.

**CONSULTATION/COMMUNICATION**

There is no consultation required in this instance.

**RISK MANAGEMENT**

This item is considered “Low” risk to the local government as Officers conditions are in place to minimise any risks associated with this approval.

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

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

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council approve the development application for a secondary dwelling located at Lot 3674 Albany Highway, Beaufort River, subject to the following conditions:

1. The development being in accordance with plans contained in **attachments 11.2.1, 11.2.2 and 11.2.3.**

### Advice Notes:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the *Building Act 2011* and *Health Services Act 2016*. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.
- b. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

### COUNCIL RESOLUTION OCM 176/03/2023

**Moved Cr Smith**

**Seconded Cr Morrell**

That Council approve the development application for a secondary dwelling located at Lot 3674 Albany Highway, Beaufort River, subject to the following conditions:

- 1) The development being in accordance with plans contained in **attachments 11.2.1, 11.2.2 and 11.2.3.**

### Advice Notes:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Services Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use.
- b. If the development subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

**CARRIED 5/0**

## **12. INFRASTRUCTURE SERVICES**

Nil to report.

## 13. CORPORATE SERVICES

### 13.1. LIST OF ACCOUNTS FOR PAYMENT – 28 FEBRUARY 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	14 March 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Cath Painter, Accountant
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 13.1.1</b> – List of Accounts for Payment – 28 February 2023

#### BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 28 February 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 28 February 2023

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay)	Municipal	\$14,816.55
Cheque Payment #15371	Municipal	\$199.85
EFT Payments #6559 to #6597	Municipal	\$88,507.96
<b>Sub Total</b>	<b>Municipal</b>	<b>\$103,524.36</b>
Payments	<b>Trust</b>	\$0.00
Payments	<b>Reserve</b>	\$0.00
<b>Totals</b>		<b>\$103,524.36</b>

#### STATUTORY/LEGAL IMPLICATIONS

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

#### 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*

- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee’s name; and*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction;**and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

### **POLICY IMPLICATIONS**

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

### **FINANCIAL IMPLICATIONS**

There are no financial implications that have been identified as a result of this report or recommendation.

### **STRATEGIC IMPLICATIONS**

#### **THEME 3**

#### **Governance**

#### **OBJECTIVES**

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

#### **STRATEGIES**

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

### **CONSULTATION/COMMUNICATION**

There are no community engagement implications that have been identified as a result of this report or recommendation.

### **RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer’s provide a full detailed listing of payments made in the timely manner.

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



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

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER'S RECOMMENDATION

That Council accepts the list of accounts, totalling \$103,524.36 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 28 February 2023, as contained within **attachment 13.1.1**.

#### COUNCIL RESOLUTION OCM 177/03/2023

Moved Cr Morrell

Seconded Cr Brown

That Council accepts the list of accounts, totalling \$103,524.36 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 28 February 2023, as contained within **attachment 13.1.1**.

**CARRIED 5/0**

## 13.2. STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 2023

<b>File Reference</b>	ADM0066
<b>Date of Report</b>	14 March 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Cath Painter, Accountant
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment 13.2.1</b> - Monthly Financial Report 28 February 2023

### BRIEF SUMMARY

The Statement of Financial Activity for period ending 28 February 2023 together with associated commentaries are presented for Council's consideration.

### BACKGROUND/COMMENT

In accordance with regulation 34 of the *Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. The Monthly Financial Reports have been prepared in accordance with statutory requirements.

### STATUTORY/LEGAL IMPLICATIONS

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

### POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

### FINANCIAL IMPLICATIONS

The Budget will be regularly monitored on at least a monthly basis, by the Chief Executive Officer and Accountant. Responsible Officers are also required to review their particular line items for anomalies each month, with a major review required by law, between 1 February and 28 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

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

### STRATEGIC IMPLICATIONS

#### THEME 3

#### Governance

#### OBJECTIVES

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

#### STRATEGIES

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

### CONSULTATION/COMMUNICATION

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

**RISK MANAGEMENT**

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

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
<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 receives the monthly statement of Financial Activity for the period of 28 February 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 178/03/2023**

**Moved Cr Morrell                      Seconded Cr Smith**

That Council receives the monthly statement of Financial Activity for the period of 28 February 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 5/0**

### 13.3. 2022/2023 BUDGET REVIEW – COVERING ACTUALS FROM 1 JULY 2022 TO 28 FEBRUARY 2023

<b>File Reference</b>	ADM0059
<b>Date of Report</b>	1 February 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author/s of Report</b>	Cherie Delmage, Senior Finance Officer 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 13.3.1</b> – 2022/2023 Budget Review Report – 1 July 2022 to 28 February 2023 (to be distributed prior to the meeting under a separate cover)

#### BRIEF SUMMARY

This item is for Council to consider and adopt the 2022/2023 Budget Review as presented in the Statement of Financial Activity for the period ending 28 February 2023.

#### BACKGROUND/COMMENT

The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. Council adopted a 10% or a \$10,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

The Shire of Woodanilling adopted a balanced 2022/2023 Annual Budget with a nil carry forward. The proposed 2022/2023 Annual Budget Review imposes a nil impact on the budget with no surplus/deficit.

The Shire of Woodanilling 2022/2023 Budget Review Report is contained in **attachment 13.3.1**.

The 2022/2023 Annual Budget has been reviewed to ensure the Shire has projected realistic estimates up to 30 June 2023. It is recommended that Council adopts the 2022/2023 Annual Budget Review and continues to strive for savings to lessen the impact of the amount of revenue required to fund next financial year's services and programs.

#### STATUTORY/LEGAL IMPLICATIONS

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must*
  - a) *Consideration the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - b) *Consider the local government's financial position as at the date of the review; and*
  - c) *Review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

- (4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.*

## POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

## FINANCIAL IMPLICATIONS

A budget review has been undertaken by staff as per the requirements of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. The following has been identified in the table below:

## BUDGET VARIATIONS

General Ledger	Description	Comments/Reason for Variance	Adopted Variance \$
	Opening Surplus (including adjustment) Note: Audit now finalised	Decrease in funds carried forward of \$28,845 based on Audited 2021/2022 Annual Report	-\$28,845
<b>General Purpose Funding</b>			
031220	Penalty Interest Raised on Rates	Increase in revenue \$4,000 more than original budget	\$4,000
<b>Governance</b>			
041130	Integrated Planning & Other Consultants	Increase in expenditure of \$21,582 to allow for sufficient funds to engage community and other external stakeholders	-\$21,582
042115	Valuation Expenses Other than Rates	Increase in expenditure of \$12,000 to cover the cost of a full on-site revaluation of land and buildings and infrastructure roads, bridges, drainage, footpaths and parks for the purpose of fair value and insurance.	-\$12,000
042121	Audit Fees	Increase in expenditure of \$23,500 due to prior year audit fees being raise this year due to a late EOFY Audit	-\$23,500
042140	Fringe Benefits Tax	Decrease in expenditure of \$70,000 due to a payment plan arrangement to be entered into with the ATO to stage the repayment of outstanding Fringe Benefits Tax	\$70,000
<b>Law, Order &amp; Public Safety</b>			
051000	Expenses Relating to Fire Prevention	Decrease in expenditure of \$18,000 due to full budgeted funds not being required	\$18,000

051050	Expenses Related to LGGs BFB	Increase in expenditure of \$17,385 due to correction of LGGs Funding required;; partially offset by LG 051210 - Bushfire Grant Income	-\$17,385
051210	LGGs - Bushfire Grant Income	Increase in revenue of \$4,419 due to correction of LGGs funding required; partially offset by GL:051050 Expenses Related to LGGs BFB	\$4,419
051230	Fire Prevention Grants - Capital	Increase in revenue of \$9,044 due to grant funds for a generator purchased in 2021/2022 purchase being received in 2022/2023	\$9,044
<b>Health Services</b>			
074000	Expenses Relating to Preventative Services	Decrease in expenditure of \$17,684 due to full budgeted funds not being required	\$17,684
<b>Housing</b>			
091200	Income 3340 Robinson Road	Decrease in revenue of \$10,000 due to staff housing changes	-\$10,000
<b>Community Amenities</b>			
100200	Income Relating to Tip - Refuse & Recycling	Increase in revenue of \$10,000 due to higher than budgeted income	\$10,000
105200	Income Relating to Cemetery	Increase in revenue of \$5,165 due to higher than budgeted income	\$5,165
<b>Transport</b>			
122030	Maintenance – Municipal Fund Roads	Increase in expenditure of \$50,000 due to higher maintenance costs; allowance for verge works and to meet Roads to Recovery own spend funding.	-\$50,000
<b>Economic Services</b>			
133000	Expenses Relating to Building Control	Decrease in expenditure of \$40,000 due to full budgeted funds not being required.	\$40,000
<b>Other Property &amp; Services</b>			
141010	Private Works/Plant Hire	Decrease in revenue of \$15,000 due to less private works occurring	-\$15,000
<b>Total Predicted Variances as per Annual Budget Review</b>			<b>\$0.00</b>

## STRATEGIC IMPLICATIONS

### THEME 3

#### Governance

#### OBJECTIVES

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

#### STRATEGIES

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

#### CONSULTATION/COMMUNICATION

Consultation was held with the Chief Executive Officer and relevant Shire Officers. The draft budget review was presented to Elected Members at the Council Briefing Session.

#### RISK MANAGEMENT

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

Consequence	Insignificant	Minor	Moderate	Major	Extreme
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, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, Council:

1. Adopts the 2022/2023 Budget Review Report as contained in **attachment 13.3.1**; and
2. Authorises the Chief Executive Officer to submit a copy of the 2022/2023 Budget Review to the Department of Local Government, Sport and Cultural Industries.

**COUNCIL RESOLUTION OCM 179/03/2023**

**Moved Cr Smith**

**Seconded Cr Brown**

That, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, Council:

- 1) Adopts the 2022/2023 Budget Review Report as contained in **attachment 13.3.1**; and
- 2) Authorises the Chief Executive Officer to submit a copy of the 2022/2023 Budget Review to the Department of Local Government, Sport and Cultural Industries.

**CARRIED 5/0**



## 14. COMMUNITY SERVICES

## 15. OFFICE OF CEO

### 15.1. INFORMATION BULLETIN – FEBRUARY 2023

<b>File Reference</b>	ADM0105
<b>Date of Report</b>	10 February 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Gen Harvey, Landcare WWLZ (for attached report) Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<b>Attachment No. 15.1.1</b> – WWLZ – Information Report for February 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 - February 2023 - **Attachment 15.1.1**

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

- Great Southern Zone Minutes

#### 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 February 2023.

**COUNCIL RESOLUTION OCM 180/03/2023**

**Moved Cr Douglas                      Seconded Cr Smith**

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

**CARRIED 5/0**

## 15.2. CONDUCT OF 2023 LOCAL GOVERNMENT ELECTIONS

<b>File Reference</b>	ADM0078
<b>Date of Report</b>	24 February 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachments</b> - Nil

### BRIEF SUMMARY

The purpose of this report is for Council to resolve to appoint the Western Australian Electoral Commission (WAEC) to carry out the 2023 Ordinary Election as a Postal Election.

### BACKGROUND/COMMENT

A large number of Local Governments utilise the services of the WAEC in managing their election process allowing the opportunity for residents/ratepayers to complete this as a postal election.

The Shire received notification from the Minister of Housing, Lands, Homelessness: Local Government – the Honourable Minister John Carey, for the Chief Executive Officer’s to review the arrangements for the upcoming October 2023 Ordinary Elections.

This election, the Shire will have three Councillors up for re-election or possible vacancy should they chose not to re-elect.

The State Government’s Local Government Reforms which will be legislated prior to this year’s elections will require changes to the way the Local Government Elections will be conducted. The State Government will be abolishing wards and introducing optional preferential voting. Whilst the Shire does not have wards, the option for preferential voting will be in place.

Council may consider two options to partake in the Elections process:

#### **Electoral Commission responsible for postal elections**

Council may declare the WAEC as responsible to conduct postal elections under section 4.20 and 4.61 of the *Local Government Act 1995 (the Act)*. Section 4.28 of the Act further provides that the local government is to meet the costs incurred by the WAEC in conducting the elections.

The CEO has sought a quote from WAEC and the estimated cost to run the election by the WAEC is \$12,000 including GST with the following assumptions:

- 320 Electors;
- Response rate of approximately 50%;
- 3 vacancies;
- Count to be conducted at the Shire Offices (Woodanilling);
- The Appointment of a Returning Officer; and
- Regular Australia Post Delivery service to apply for the lodgement of the election packages.

The additional cost of \$75 will be incurred if Council decides to use Australia Post Priority Service for the lodgement of elections packages.

Should the local government not go past the nomination stage (all vacancies elected unopposed), the estimated costs may be around \$6,000.

Costs that would be incurred by the Shire are any legal expenses other than those that are determined to be borne by WAEC incurred as part of an invalidity complaint lodged with the Court of Disputes Returns, the cost of any casual staff to assist the Returning Officer on election day or night and any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

### **Council appoint CEO or other appointee as returning officer**

Council may choose to appoint the CEO or an appointee as the Returning Officer to conduct the elections, however the Shire will be required to purchase the licence for access to the WAEC's CountWA software to facilitate the counting of votes. CountWA software is used to count votes in State Elections, and involves data entry of preferences indicated on ballot papers. This provides for preferences to be counted and re-counted using the software.

If the local government decides to licence the software instead of appointing WAEC to conduct the election, the CEO or appointee will remain wholly responsible for the conduct of the count, the use of the software, the introduction of the new OPV counting and backfilling provisions, and dealing with any disputes or complaints. WAEC will only be able to provide general assistance on accessing and using the software.

Two options have been presented to the CEO with regards to the purchasing of the CountWA software. This ranges from \$5,300 for single installation of CountWA software and support only for a single operator to undertake the role of supervisor and data entry.

Option two is for the complete CountWA installation package, including all hardware and equipment. This will require from two to twenty computers. This cost is at \$8,000 including GST.

The additional costs to this process will also include the cost and time that the appointed Returning Officer and any other staff required to work on the day along with the shire to be responsible for the setup and sending back all IT equipment and providing a suitable HDMI compatible digital projector or large screen. A \$1,000 bond and additional charges for the any additional laptops, cost of helpdesk support, packaging and courier service have not been included.

Historically the Shire has not had a large number of nominees, with most elections having existing Councillors being re-elected unopposed. The option to proceed with postal voting will also increase the greater number of votes returned than an in-person vote.

The Officer's Recommendation is to support the option of appointing the WAEC to undertake the election process via the postal vote for the Shire of Woodanilling.

### **STATUTORY/LEGAL IMPLICATIONS**

The provisions of the *Local Government Act 1995*, sections 4.20 and 4.61 relate and must be resolved at least 80 days prior to an election.

### **POLICY IMPLICATIONS**

There is no Council Policy relevant to this item.

### **FINANCIAL IMPLICATIONS**

Two quotes have been received from WAEC to undertake the election as a postal vote and the cost is estimated to be \$12,000 including GST. This expense will be budgeted for in the 2023/2024 budget.

Should Council not proceed with WAEC's quotation, the staff time allocated to the process and advertising costs could be similar to the quotation.

### **STRATEGIC IMPLICATIONS**

#### **THEME 3**

#### **Governance**

#### **OBJECTIVES**

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

#### **STRATEGIES**

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

### **CONSULTATION/COMMUNICATION**

Consultation was held with the Chief Executive Officer and Phil Richards from WAEC.

**RISK MANAGEMENT**

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not support to resolve to appoint WAEC to conduct the 2023 Ordinary Elections, it will require the CEO to conduct these and undertake the tasks that potentially be a similar cost incurred.

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:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, appoint the Electoral Commissioner to be responsible for the conduct of the 2023 Ordinary Elections together with any other elections or polls which may be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the 2023 Ordinary Elections will be as a postal election.

**COUNCIL RESOLUTION OCM 181/03/2023**

**Moved Cr Smith    Seconded Cr Douglas**

That Council:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, appoint the Electoral Commissioner to be responsible for the conduct of the 2023 Ordinary Elections together with any other elections or polls which may be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the 2023 Ordinary Elections will be as a postal election.

**CARRIED 5/0**

### 15.3. REVIEW OF POLICY 99 – CREDIT CARD POLICY

<b>File Reference</b>	<b>ADM0115</b>
<b>Date of Report</b>	13 February 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<b>Attachment 15.3.1</b> – Current Council Policy 99 – Credit Card Policy <b>Attachment 15.3.2</b> – Draft Council Policy 99 – Credit Card Policy

#### BRIEF SUMMARY

The purpose of this report is to recommend to Council to amend the current Council Policy 99 – Credit Card Policy so that it reflects current practice.

#### BACKGROUND/COMMENT

Shire Officers have commenced the review of the policies to be presented to Council over the next 12 months. The review will identify to revoke, review or endorse Business Operating Procedures due to their administrative nature.

There is no formal requirement for Council to review the Policy Manual, however it is one of the principal roles of Council under Section 2.7 of the *Local Government Act 1995* which is to determine the Policies of the Local Government and as such they should be regularly reviewed by Council.

Regular review of the Shire's Policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which can be made.

With review of the Elected Members Council Payments through the budget workshops, the workshop identified changes required to be made to the policy and the delegation. In addition, as elected members allowances are considered and determined by Council during the annual budget process, it is good practice to have the policy and delegation amended to reflect this.

As part of the review, it is apparent that there is a need to review Council Policy 99 – Credit Card Policy in relation to current practices. The policy was created in September 2015 - **Attachment 15.3.1** and the following proposed changes to the policy are contained in **Attachment 15.3.2**.

The document provides for a more sound approach to reduce the risk of misuse, fraudulent or corrupt use along with defining and efficient and effective procurement, management and obligations by the user/s. Along with the policy will be new operating procedures for the administration and card user requirements. The Shire currently only has one Corporate Credit Card however there is a number of fuel cards required for the shire's current fleet.

The officer's recommendation is to support the review of the changes in the policy.

#### STATUTORY/LEGAL IMPLICATIONS

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

##### 2.7. *Role of council*

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

*and*

(b) determine the local government's policies.

Furthermore, the policy is aligned with the Department of Local Government, Sporting and Cultural Industries Guideline No. 11 – Use of Corporate Credit Cards.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

#### **STRATEGIC IMPLICATIONS**

#### **THEME 3**

#### **Governance**

#### **OBJECTIVES**

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

#### **STRATEGIES**

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

#### **CONSULTATION/COMMUNICATION**

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

#### **RISK MANAGEMENT**

The risk has been assessed and identified as “Low” should the officers recommendation is not supported.

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

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

#### **VOTING REQUIREMENTS**

Absolute Majority

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

That Council adopts the Council Policy – 99 Credit Card Policy as contained in **Attachment 15.3.2** effective from 21 March 2023.

### **ALTERNATIVE COUNCIL RECOMMENDATION**

That Council:

1. Adopts the Council Policy – 99 Credit Card Policy as contained in **Attachment 15.3.2** effective from 21 March 2023; and
2. Authorises the Chief Executive Officer to increase the credit card limit held with the National Australia Bank from \$2,000 to \$5,000.

### **ALTERNATIVE COUNCIL RESOLUTION OCM 182/03/2023**

**Moved Cr Douglas**

**Seconded Cr Morrell**

That Council:

1. Adopts the Council Policy – 99 Credit Card Policy as contained in **Attachment 15.3.2** effective from 21 March 2023; and
2. Authorises the Chief Executive Officer to increase the credit card limit held with the National Australia Bank from \$2,000 to \$5,000.

**CARRIED 5/0**

**Reason** – The request was to increase the credit card limit from \$2,000 to \$5,000 to assist with larger purchase/s required with grant funding and other periods where the limit is exceeded in one month prior to the direct debit processing and the timing.



## 15.4. REVIEW OF POLICY 54 – PURCHASING POLICY & REVOKE DELEGATION 9 WITH ACCEPTANCE OF NEW DELEGATIONS FOR TENDERS FOR GOODS AND SERVICES

<b>File Reference</b>	<b>ADM0115</b>
<b>Date of Report</b>	23 January 2023
<b>Responsible Officer</b>	Kellie Bartley, Chief Executive Officer
<b>Author of Report</b>	Kellie Bartley, Chief Executive Officer
<b>Disclosure of any Interest</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	<p><b>Attachment 15.4.1</b> – Current Council Policy 54 – Purchasing Policy</p> <p><b>Amended Attachment 15.4.2</b> – Draft Council Policy 54 – Purchasing Policy</p> <p><b>Attachment 15.4.3</b> – Delegation 9 – Tenders and Expressions of Interest</p> <p><b>Attachment 15.4.4</b> – New Delegation – Expressions of Interest for Goods and Services</p> <p><b>Attachment 15.4.5</b> – New Delegation - Tenders for Goods and Services – Exempt Procurement</p> <p><b>Attachment 15.4.6</b> – New Delegation - Tenders for Goods and Services – Accepting and rejecting tenders; determining and negotiating minor variations before entering a contract, exercising contract extension options</p>

### BRIEF SUMMARY

The purpose of this report is to recommend to Council to adopt the review of the current Council Policy 54 – Purchasing Policy so that it reflects current practice along with the revocation of Delegation 9 – Tenders and Expressions of Interest and to adopt the 3 new delegations with regards to the tendering of goods and services.

### BACKGROUND/COMMENT

Shire Officers have commenced the review of the policies to be presented to Council over the next 12 months. The review will identify to revoke, review or endorse Business Operating Procedures due to their administrative nature.

There is no formal requirement for Council to review the Policy Manual, however it is one of the principal roles of Council under Section 2.7 of the *Local Government Act 1995* which is to determine the Policies of the Local Government and as such they should be regularly reviewed by Council.

Regular review of the Shire’s Policies is required to ensure their continued relevance and applicability. The review uses a range of methods to establish whether a policy works in practice and to determine the merit, or value of any improvements which can be made.

The Purchasing Policy required a full review along with the requirement to include the new position of Executive Manager Infrastructure and Deputy Chief Executive Officer to be added to new delegations for the purpose of tendering of goods and services.

#### Purchasing Policy

The current Council Policy 54 - Purchasing Policy required to be updated significantly and updated to the current requirements set by legislation along with the best practice processes aligned to the functions of the Shire’s current processes and procedures.

The existing Council Policy 54 – Purchasing Policy can be reviewed in **attachment 15.4.1** and the new version is contained within **amended attachment 15.4.2**.

#### Delegations

The current Delegation 9 – Tender and expression of interest as contained in attachment x, provides minimal functionality for sub delegation to be given on some functions and has now been defined out in 3 new delegations that are directly aligned to the relevant regulations and requirements with regards to tendering for goods and services.

The relevant new delegations will be issued with the relevant numbering system within the current functions of the delegation register, which is currently in review.

The new delegations are contained in **attachment 15.4.4, 15.4.5 and 15.4.6.**

The officer's recommendation is to support the review of the changes in the policy and the delegations as detailed.

### **STATUTORY/LEGAL IMPLICATIONS**

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

#### **2.7. Role of council**

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

### **STRATEGIC IMPLICATIONS**

#### **THEME 3**

#### **Governance**

#### **OBJECTIVES**

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

#### **STRATEGIES**

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

### **CONSULTATION/COMMUNICATION**

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

### **RISK MANAGEMENT**

The risk has been assessed and identified as "Low" should the officers recommendation is not supported.

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

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

### VOTING REQUIREMENTS

Absolute Majority

### OFFICER'S RECOMMENDATION

That Council:

1. Adopts the revised Council Policy – 54 Purchasing Policy as contained in **amended attachment 15.4.2** effective from 21 March 2023;
2. Authorises and grants the powers and duties as detailed in the new Delegations as contained in **attachments 15.4.4, 15.4.5 and 15.4.6**, in accordance with section 5.42 of the *Local Government Act 1995*.

### COUNCIL RESOLUTION OCM 183/03/2023

Moved Cr Morrell

Seconded Cr Brown

That Council:

1. Adopts the revised Council Policy – 54 Purchasing Policy as contained in **amended attachment 15.4.2** effective from 21 March 2023;
2. Authorises and grants the powers and duties as detailed in the new Delegations as contained in attachments 15.4.4, 15.4.5 and 15.4.6, in accordance with section 5.42 of the *Local Government Act 1995*.

**CARRIED 5/0**

**16. CONFIDENTIAL REPORTS**

Nil to report.

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

Nil to report.

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

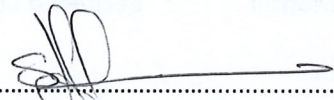
**18.1. COUNCILLORS AND /OR OFFICERS**

Nil to report.

**19. CLOSURE OF MEETING**

Cr Stephen Jefferies thank everyone for attending today and closed the meeting at 4.22pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 18 April 2023



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Presiding Member – Councillor Stephen Jefferies

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