



SHIRE OF WOODANILLING



ORDINARY MEETING OF COUNCIL Confirmed Minutes 27 August 2024

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

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ORDINARY MEETING OF COUNCIL AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson, Cr Douglas declared the meeting open at 4:00pm. The Chairperson will alert the meeting to the procedures for emergencies including evacuation, designated exits, and muster points.

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".

Cr Ian Garstone

I Cr Ian Garstone have a financial interest in Item 14.7 Rate Discounts and Concessions for 2024-2025 Annual Budget as I am to receive a rate concession should the matter be approved by Council and as such will not be present or vote on the matter when it is considered.

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:

Paul Hanlon	Chief Executive Officer
Hannah Wilson	Executive Assistant

Apologies:

Observers:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

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

President Douglas attended the following events and meetings:

- Christmas in July Event at the Woodanilling Pavilion
- Local Emergency Management Committee Meeting in Nyabing with CEO Paul Hanlon
- Great Southern WALGA Zone with Cr Thomson and CEO Paul Hanlon

Deputy President Cr Thomson attended the following events and meetings:

- Bringing Dowerin Downtown in Perth
- Great Southern WALGA Zone with President Douglas and CEO Paul Hanlon

Cr Smith attended the following meeting:

- CWA Meeting

Cr Stephens attended the following event:

- Christmas in July Event at the Woodanilling Pavilion

8. CONFIRMATION OF COUNCIL MEETING MINUTES:

8.1. ORDINARY COUNCIL MEETING – 16 JULY 2024

That the Minutes of the Ordinary Meeting of Council held 16 July 2024 be confirmed as a true and correct record of proceedings.

COUNCIL RESOLUTION – 8.1 - ORDINARY COUNCIL MEETING – 16 JULY 2024 (OCM 339/08/2024)

Moved: Cr Garstone

Seconded:

Cr Smith

That the Minutes of the Ordinary Meeting of Council held 16 July 2024 be confirmed as a true and correct record of proceedings.

CARRIED 6/0

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

Against:

9. CONFIRMATION OF OTHER MEETING MINUTES:

Nil.

10. RECOMMENDATIONS FROM COMMITTEE:

10.1. REGULATION 5 REVIEW	
File Reference	ADM0063
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	ACM Attachment 9.1.1 – Regulation 5 Review Report

BRIEF SUMMARY

The purpose of this report is to present to Council the Regulation 5 Review Report required under the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

In accordance with regulation 5 *Local Government (Financial Management) Regulations 1996*, the CEO is to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every **3 financial years**) and report to the local government the results of those reviews.

The Regulation 5 review was conducted by experienced Local Government Consultant Hammond Woodhouse Advisory.

Andrew Hammond commenced his career in local government at the Shire of Manjimup in 1987 and since then has served as a CEO across regional and metropolitan Western Australia in the Shires of Nannup and Wyndham East Kimberley and the Cities of Albany and Rockingham. In March 2018 Andrew was appointed as a Commissioner to restore good governance to the suspended City of Perth. In August 2019 he was appointed Chair Commissioner of the City of Perth by the State Government. He led the City until the election of the new Lord Mayor in October 2020.

John Woodhouse has almost 40 years of experience specialising in providing advice to local governments and planning authorities. In more recent years, John's interest is in assisting local governments achieve greater effectiveness and improve management practices and governance systems.

John has recently held positions of Special Counsel and Legal Adviser at the Cities of Canning and Wanneroo. Between 2012 and 2016, John was the State's first General Counsel appointed by a local government holding the position of Director of Legal Services and General Counsel at the City of Rockingham.

COMMENT

The review states that:

No major shortcomings or deficiencies were identified that might expose the Shire to inappropriately high levels of risk.

Staff involved with financial management had a sound understanding of the Shire's financial systems and controls and key processes were guided by written procedures known as "Shire of Woodanilling – Work Instructions".

3 emerging risks were identified that require prompt attention.

The outsourcing of ICT systems support, and high-level accounting/financial advice is considered to be appropriate and in line with contemporary local government practice for small rural authorities.

Given the fundamental importance of these 2 roles to the proper and orderly financial management of the Shire, we recommend that contracts securing these services be put in place underpinned by a

comprehensive scope and specification of services and a term that allows for timely review and orderly change of service provider if necessary.

Proper segregation of officers authorising purchases and approving payments presents challenges for small local governments with limited personnel numbers. We suggest that in order to minimise the risk of fraud the authorising/approving process be reviewed so as segregation is achieved wherever possible, but always when amounts exceed a prescribed threshold.

The recommended actions to be undertaken by the Shire are provided in **ACM Attachment 9.1.1 – Regulation 5 Review Report** and summarised in the following table:

		TABLE OF CONSOLIDATED RECOMMENDATIONS
REVIEW TOPIC	Report paragraph	RECOMMENDATION
REVIEW OF FINANCIAL MANAGEMENT		
Collection of moneys	• 3.1(5)	None.
Safe custody and security of moneys	• 3.2(5)	None.
Maintenance and security of financial records	• 3.3(10)	We recommend that a comprehensive scope and specification be developed for the delivery of ICT services and that an appropriately qualified ICT contractor be engaged for a term of at least 2 but preferably 3 years.
Proper accounting of funds	• 3.4(8)	We recommend that a comprehensive scope and specification be developed for the delivery of accounting services and that an appropriately qualified contractor be engaged for a term of at least 2 but preferably 3 years.
Proper authorisation of liabilities and payments	• 3.5(11)	We recommend that: • A control be developed introducing a threshold above which authorisation of purchases must have clear separation between ordering and authorising officers notwithstanding that every effort should be made to achieve segregation where practical; and • A control be developed that facilitates segregated authorisation of credit card statements.
Maintenance of payroll, stock control and costing records	• 3.6(7)	None.
Preparation of budgets, budget reviews, accounts and reports	• 3.7(9)	Refer to recommendations in para 3.3 (10) and para 3.4 (8).

STATUTORY/LEGAL IMPLICATIONS

Regulation 5 *Local Government (Financial Management) Regulations 1996* outlines the CEO's duties as to financial management:

(2) The CEO is to —

- a) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The cost of the Regulation 5 & 17 reviews is budgeted for in the 2024/2025 Shire of Woodanilling Annual Budget. The findings in the reviews will have cost implications to resolve in either staff time or through a consultancy. Each of these matters will be assessed on a case by case basis.

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 review, the Shire of Woodanilling may put itself at risk of legislative non-compliance. Following the Officer's recommendation will ensure that the reviews are accepted for actioning.

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) Receives the Unconfirmed Minutes of the Audit Committee Meeting held 27 August 2024.
- (2) Accepts the regulation 5 *Local Government (Financial Management) Regulations 1996* review report as contained within **ACM Attachment 9.1.1** – Regulation 5 Review Report
- (3) Requests the Chief Executive Officer to action the recommendations in the Regulation 5 review and provide ongoing updates to Council on progress made via an audit log.

COUNCIL RESOLUTION – 10.1 RECOMMENDATION OF AUDIT COMMITTEE MEETING – REGULATION 5 REVIEW REPORT (OCM 340/08/2024)

Moved: Cr Smith

Seconded: Cr Marshall

That Council:

- 1) Receives the Unconfirmed Minutes of the Audit Committee Meeting held 27 August 2024.
- 2) Accepts the Regulation 5 *Local Government (Financial Management) Regulations 1996* review report as contained within ACM Attachment 9.1.1 – Regulation 5 Review Report
- 3) Requests the Chief Executive Officer to action the recommendations in the Regulation 5 review and provide ongoing updates to Council on progress made via an audit log.

CARRIED 6/0

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

Against:

10.2. REGULATION 17 REVIEW REPORT

File Reference	ADM0063
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	ACM Attachment 9.2.1 – Regulation 17 Review Report

BRIEF SUMMARY

The purpose of this report is to present to Council the Regulation 17 Review Report required under the *Local Government (Audit) Regulations 1996*.

BACKGROUND

In accordance with regulation 17 *Local Government (Audit) Regulations 1996*, the CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control; and legislative compliance not less than once in every **3 financial years**.

The Regulation 17 review was last conducted in December 2018 with the matter first raised in the 2022 Audit report that it was overdue.

The Regulation 17 review was conducted by experienced Local Government Consultant Hammond Woodhouse Advisory.

Andrew Hammond commenced his career in local government at the Shire of Manjimup in 1987 and since then has served as a CEO across regional and metropolitan Western Australia in the Shires of Nannup and Wyndham East Kimberley and the Cities of Albany and Rockingham. In March 2018 Andrew was appointed as a Commissioner to restore good governance to the suspended City of Perth. In August 2019 he was appointed Chair Commissioner of the City of Perth by the State Government. He led the City until the election of the new Lord Mayor in October 2020.

John Woodhouse has almost 40 years of experience specialising in providing advice to local governments and planning authorities. In more recent years, John's interest is in assisting local governments achieve greater effectiveness and improve management practices and governance systems.

John has recently held positions of Special Counsel and Legal Adviser at the Cities of Canning and Wanneroo. Between 2012 and 2016, John was the State's first General Counsel appointed by a local government holding the position of Director of Legal Services and General Counsel at the City of Rockingham.

COMMENT

Major points of the review are as follows:

- Controls in a number of areas were assessed as a Low risk rating.
- However, controls in a number of key areas were found to be a Medium rating and recommendations have been made for remedial action to be taken by the CEO.
- The Recommendations in this Report will provide the Shire and its CEO with a "road map" for improvement.

The recommended actions to be undertaken by the Shire are provided in **ACM Attachment 9.2.1** – Regulation 17 Review Report and summarised in the following table:

		TABLE OF CONSOLIDATED RECOMMENDATIONS	
REVIEW TOPIC	Report paragraph	RECOMMENDATION	Risk Rating
REVIEW OF RISK MANAGEMENT			
Risk Management	• 3.1(3)	• <i>Develop a Risk Management Policy which accords with ISO 31000:2018.</i> • <i>Once the Policy is adopted, implement risk reporting in Council agenda items in accordance with the matrix in the Risk Management Policy.</i> • <i>Develop and maintain a Risk Register to address emerging operational and strategic risks.</i>	<i>Medium</i>
Fraud	• 3.2(3)	• The CEO should instigate measures to implement the recommendations of the WA Auditor General's Report.	<i>Medium</i>
Tenders	• 3.3(3)	• Take steps to put in place suitable and proper procedures for: □ Requiring all documents relevant to a tender to be filed in a readily accessible location within the Shire's record keeping system; and □ Requiring evaluation panel members to complete conflict of interest declarations; and	<i>Medium</i>

		□ Dealing with a conflict if one is declared. • Review the training needs of any employee who is given responsibility for the tender process or any aspect of it and ensure that specialised training is undertaken so that the relevant employees can properly carry out the functions involved and understand the relevant legislation.	
Project and contract management	• 3.4(3)	• Take steps: □ to formalise in writing the responsibility for the management of projects and contracts; and □ to put in place a procedure for project management and contract management.	Medium
Audit committee	• 3.5(3)	• Include a provision for reporting and discussion on risk management in the Council Audit Committee agendas; and • Commence risk management reporting.	Medium
REVIEW OF INTERNAL CONTROLS			
Procurement	• 4.1(3)	• Develop a control that requires credit card statements to be authorised by both cardholder and another responsible officer. • Develop a control that establishes a threshold above which ordering and authorising payments must be segregated	Medium
ICT	• 4.2(3)	• Undertake a tender/procurement process for the provision of external ICT services for a term that is	Medium

		commensurate with the importance of the service and the levels of investment that are required from both parties. The specifications should clearly set out (amongst other things) service levels for data storage and retention and the provision of external threat defence systems	
Reconciliation	• 4.3(3)	• None	Low
REVIEW OF LEGISLATIVE COMPLIANCE			
Annual return	• 5.1(3)	• None.	Low
Local laws	• 5.2(3)	- Take steps to address the findings above and more specifically: ☐ Document a procedure to ensure that the local law review required by section 3.16 is undertaken on time; ☐ Consider the publication of the local laws on the website; and ☐ Review the need to commence a review of the 2008 local law.	Medium
LPS	• 5.3(3)	• Undertake the LPS review with a view to its completion by the end of 2024.	Medium
Delegation	• 5.4(3)	• None.	Low
Records	• 5.5(3)	• Undertake and complete the review of the Record Keeping Plan as soon as possible.	Medium
Tenders	• 5.6(3)	• None.	Low
Strategic Planning	• 5.7(3)	• Undertake the review with a view to its completion by the end of 2024.	Medium
HRM	• 5.8(3)	• None.	Low
External audit	• 5.9(3)	• None.	Low
Audit response	• 5.10(3)	• None.	Low
Legislative change	• 5.11(3)	• None.	Low

STATUTORY/LEGAL IMPLICATIONS

Regulation 17 *Local Government (Audit) Regulations 1996* states that the CEO is to review certain systems and procedures:

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - a) risk management; and
 - b) internal control; and
 - c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The cost of the Regulation 17 review is budgeted for in the 2024/2025 Shire of Woodanilling Annual Budget. The findings in the reviews will have cost implications to resolve in either staff time or through a consultancy. Each of these matters will be assessed on a case by case basis.

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 review, the Shire of Woodanilling may put itself at risk of legislative non-compliance. Following the Officer's recommendation will ensure that the reviews are accepted for actioning.

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) Accepts the regulation 17 *Local Government (Audit) Regulations 1996* review report as contained within **ACM Attachment 9.2.1** – Regulation 17 Review Report.
- (2) Requests the Chief Executive Officer to action the recommendations in the Regulation 17 review and provide ongoing updates to Council on progress made via an audit log.

COUNCIL RESOLUTION – 10.2 – RECOMMENDATION OF AUDIT COMMITTEE MEETING – REGULATION 17 REPORT (OCM 341/08/2024)

Moved: Cr Thomson

Seconded: Cr Smith

That Council:

- 1) Accepts the Regulation 17 *Local Government (Audit) Regulations 1996* review report as contained within ACM Attachment 9.2.1 – Regulation 17 Review Report.
- 2) Requests the Chief Executive Officer to action the recommendations in the Regulation 17 review and provide ongoing updates to Council on progress made via an audit log.

CARRIED 6/0

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

Against:

11. REPORTS OF OFFICERS

Nil.

12. REGULATORY SERVICES

12.1. PROPOSED DOG KENNELS – LOT 3674 (NO. 18686) ALBANY HIGHWAY, BEAUFORT RIVER

File Reference	A75
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon
Author of Report	Steve Thompson
Disclosure of any Interest	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>).
Voting Requirement	Simple Majority
Attachments	Attachment 12.1.1 - Location Plan Attachment 12.1.2 - Original information from applicant including Dog Health Management Plan Attachment 12.1.3 - Submissions Attachment 12.1.4 - Summary of submissions with applicant comments Attachment 12.1.5 - Extract from Shire of Woodanilling Town Planning Scheme No. Attachment 12.1.6 - Extract from the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BRIEF SUMMARY

To consider an application for development approval for dog kennels (breeding) at Lot 3674 Albany Highway, Beaufort River.

BACKGROUND

The applicant, Dianne Bielby, seeks development approval for dog kennels (breeding) in the western section of the property.

The site:

- Is situated approximately 2km south of the Beaufort River Roadhouse. The site's location is outlined in **Attachment 12.1.1**;
- Has an area of 209.0847 hectares;
- Contains various lakes (wetlands), including Toojeelup Swamp;
- Contains a tree plantation in the eastern section;
- Contains an existing shed;
- Is bordered by Albany Highway to the east;
- Is surrounded by 'Regional Rural' zoned land; and
- Borders Reserve 33919 (former waste disposal site) in the north-east section.

The surrounding properties on the north, west and southern boundaries are generally 130 hectares or larger in size, with one smaller property of 20 hectares to the east of the application site. The locality has a rural character containing large open paddocks along with clusters of remnant vegetation, some tree plantations and seasonal wetlands.

A review of aerial photography reveals the closest dwelling from the kennels is approximately 2 kilometres away.

Proposal

The applicant proposes to build dog kennels for the purpose of breeding (not boarding) in the western section of the site. Dog kennels are proposed to be at least 350 metres from the nearest property boundary. The nearest neighbours house is approximately 2km away. Details originally provided by the applicant are set out in **Attachment 12.1.2**. The application includes a Dog Health Management Plan. **Attachment 12.1.4** includes some revised information from the applicant with a goal of addressing submissions. This includes:

- The total number of adult dogs kept on site is now proposed to be 24 (was originally 50);
- The kennels will consist of a number of enclosures (dog compounds or yards);
- Each enclosure will be 13m x 5m and will consist of a 2.4m x 3m dog kennel and a 'run' which dogs can access at all times;
- Enclosures will have wire mesh under the sand to prevent the dogs from digging out;
- Enclosures will consist of wire mesh fencing (1.8 metres high) on all sides, including a 1.8m high wire mesh gate;
- Enclosures will be partially covered with shade cloth to provide protection from the sun;
- Each enclosure will contain a 100 litre water trough;
- All enclosures will be built within a 2 acre exercise yard for the dogs to be let out daily for exercise. The exercise yard contains a large waterhole for swimming and will be surrounded by a 1.8 metre high perimeter fence (link chain);
- The kennels are proposed to be operated by the landowner who will permanently reside on-site; and
- The kennels are proposed to be located approximately 1.5 kms from the eastern boundary, 600 metres from the northern boundary, 350 metres from the western boundary, and 400 metres from the southern boundary.

Consultation

The Shire administration invited comment on the Development Application for a 14 day period through seeking comments from landowners within 1.5km of the application site. The 1.5km exceeds the EPA buffer distance of 500m between a dog kennel and 'sensitive uses' such as off-site dwellings.

The following submissions were received:

- 4x Submissions received
- Petition

The submissions are set out in **Attachment 12.1.3**. The submissions primarily raise objections and concerns including:

- Well-being of animals;
- Staff safety;
- Noise;
- Fencing/security;
- Dogs escaping and chasing livestock;
- Dog registration;
- Parking; and
- The applicant's expertise in operating a kennel.

In accordance with standard practice, the applicant was provided an opportunity to respond to a summary of the submissions. The summary of submissions and the applicant's response are provided in **Attachment 12.1.4**.

As outlined above, the applicant supports reducing the number of adult dogs from 50 to 24.

COMMENT

A) Overview

Following assessment of the Development Application against the Scheme, relevant considerations in the *Planning and Development (Local Planning Schemes) Regulations 2015*, the submissions and the applicant's response to the submissions, it is concluded that the Development Application for the proposed dog kennels should be conditionally approved. The reasons for this include:

- Dog kennels are only able to be considered in the Regional Rural zone;
- The size and location of the property is such that it is able to provide buffers in accordance with the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses*. The nearest residence is approximately 2 kms distance from the kennels;
- There is no restriction on the number of dogs which a farmer may have on a property as the Dog Local Law only applies within the townsite. Technically any nearby landowner could have as many dogs, if it can be demonstrated that they are for farm purposes;
- The operations can be effectively managed through normal planning conditions which are reinforced by other statutory regulations; and
- The kennels are not visible from Albany Highway due to their location and the tree plantation.

While noting the objections and the petition, it is suggested the proposed dog kennels (breeding) are appropriate on this property. Issues relating to the suitability of the operator and animal welfare are more appropriately addressed through other legislation.

The *Planning and Development (Local Planning Schemes) Regulations 2015* list a number of matters that a local government is required to consider in its assessment of a Development Application (see **Attachment 12.1.6**). It is suggested the primary planning matters associated with the proposal are:

- Whether the proposed dog kennels are consistent with the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses*;
- Whether the proposed dog kennels would adversely impact the amenity of the area by way of noise;
- Whether the proposed dog kennels are compatible with its setting, including the relationship of the dog kennels to land uses on adjacent properties; and
- The content of the submissions received.

These and other matters are considered below.

B) Buffer/separation distance

The proposed dog kennels are consistent with the Environmental Protection Authority's *Separation Distances Between Industrial and Sensitive Land Uses* (EPA policy). The EPA policy sets out recommended generic buffer distances between industrial/commercial land uses and sensitive land uses. In cases where site specific analysis has not been undertaken, the EPA policy recommends that a buffer of 500 metres is applied between a kennel and a sensitive land use (such as an off-site dwelling). Based on Landgate's aerial photography, the nearest dwelling is approximately 2km away. Accordingly, the proposed kennels comply with the EPA policy of 500 metres.

C) Land use compatibility and noise

It is considered the proposed dog kennels are compatible with their setting, subject to effective on-going management by the applicant/operator.

The term 'amenity' as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means 'all those factors which combine to form the character of an area and include the present and likely future amenity'.

The keeping of multiple numbers of dogs on a property has the potential to be disruptive especially due to noise. Accordingly:

- Dog kennels are only able to be established, with Council's consent, in the Regional Rural zone; and
- The Shire has introduced its Dog Local Law for the Woodanilling townsite.

As outlined above, the EPA's policy prescribes the minimum distance requirements for environmental management. In relation to dog kennels, the EPA policy prescribes a distance of 500m in rural zones due to potential noise and odour impacts. The nearest off-site dwelling is approximately 2km away.

The State Administrative Tribunal has consistently recognised the EPA's generic buffer distance. Sensitivity to noise is a subjective matter and can vary based upon the tonality, modulation or impulsiveness of the noise.

It is also well recognised in the case law that there are a number of management measures which can be introduced to reduce or control barking and noise. These include:

- Locating the kennels at least 500 metres away from residential areas;
- Providing some fully enclosed or acoustically baffled kennels should be available to house particularly noisy animals;
- Possibly using electronic masking noise devices should be provided to reduce audible stimuli to the dogs;
- Constructing kennels to visually screen stimuli such as other dogs, animals or traffic;
- Restricting access to kennels solely to staff;
- Restricting the feeding of the dogs to within the day time hours;
- Exercise of the dogs to be performed within day time hours;
- Having a responsible person being available on site 24 hours per day;
- Constructing kennels of such a material so as to provide an appropriate reduction in the emission of noise; and
- Positioning kennels to utilise the ability of the topography to reduce noise.

Given that the EPA requires a 500m buffer, it is considered that the siting of the kennels is appropriate, given the nearest dwelling is approximately 2kms away.

D) Odour

It is not expected that odour from the kennels would adversely impact the amenity of the area noting the location of off-site dwellings and the buffering created by the tree plantation. The kennels are also required to be connected to an appropriate waste management system.

E) Waste management

There is a need for additional details from the applicant relating to waste management. However, given the generous size of the property (209 hectares), there is plenty of space to locate a waste management system which is appropriately setback from lakes (wetlands).

F) Fencing

The applicant/operator needs to ensure that dogs are effectively contained in the designed kennels and that there is appropriately designed and maintained fencing.

The applicant has advised that the height the enclosures is 1.8 metres (wire mesh fencing), with the height of the fence surrounding the exercise yard, also 1.8 metres (link chain).

It is noted that Council has not made any determination or Local Law regarding the maximum number of dogs which may be kept on farming properties (except for the Woodanilling townsite). Given this, owners of surrounding properties are entitled to keep as many dogs as they wish. Presumably these would represent the same or an increased risk of wandering and stock attacks to their own neighbours.

G) Parking

The property is large and there is plenty of space for parking.

H) Kennel design and management considerations

The Shire does not have kennel design standards or a kennel operational procedures guide for a kennel establishment in the Shire relating to land outside of the Woodanilling townsite.

It noted that while development permits are normally attached to the land, they may also be attached to the applicant. Where the management expertise and experience of the applicant are likely to be significant in reducing the amenity impacts of proposed uses, including dog kennels, the responsible authority (e.g. Council) may impose a condition which makes the permit 'personal' to the applicant.

Similarly the development approval may be granted for a specified number of years (e.g. 5 years or 10 years). This may be done so as to allow for an assessment of the management of the operation, however any use of this must also balance the cost of establishing the business. If the kennels were operating effectively, a separate Development Application could be later lodged to be determined on its merits by the Council.

I) Animal welfare and suitability of applicant to operate kennels

A number of comments in the submissions related to animal welfare and the suitability of the applicant to operate the kennels. It is suggested these are better suited to other legislation and processes.

There are also questions of whether the kennel will be managed appropriately. This is not a matter that can be considered as part of the assessment of the Development Application. It cannot be proven that the kennel would be operated poorly and the kennel could be managed very well. If approved, the landowner would need to manage the facility in accordance with the Shire's conditions of approval, other legislation and relevant guidelines.

Some matters raised in the submissions are not a planning consideration (refer to list of planning matters in **Attachment 12.1.6**).

J) Conclusion

It is suggested the kennels address relevant planning issues (such as buffers, noise, waste disposal, traffic) noting the proposed siting, that the number of adult dogs has been reduced from 50 to 24, and that the kennels can be managed via development conditions. A number of other matters including animal welfare are suggested best addressed through other legislation and guidelines.

The Council has various options in determining the Development Application including approving with conditions (including potentially time-limited), refusal or deferring the application.

It is recommended the Development Application be conditionally approved with the approval period limited to 10 years.

STATUTORY/LEGAL IMPLICATIONS

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015*: the processing of the Development Application is required to comply with the requirements of the Scheme which is an operative local planning scheme under the provisions of the Act/Regulations.

Animal Welfare Act 2002

Dog Act 1976

Dog Amendment (Stop Puppy Farming) Act 2021

Dog Regulations 2013

Environmental Protection (Noise) Regulations 1997

Shire of Woodanilling District Zoning Scheme No. 1

Shire of Woodanilling Health Local Law 2017

The site is zoned 'Regional Rural' in the *Shire of Woodanilling District Zoning Scheme No. 1*.

Attachment 12.1.5 summarises key information from the Scheme.

The area proposed for the dog kennels is classified as a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>.

Kennels are controlled within the Woodanilling townsite under the *Dogs Local Law 2008*. There may be a need to extend the *Shire of Woodanilling Dogs Local Law 2008* to cover rural properties.

POLICY IMPLICATIONS

There are no specific Local Planning Policies that relate to dog kennels.

State Planning Policy 2.5 Rural Planning

Standards and Guidelines for the Health and Welfare of Dogs in Western Australia

FINANCIAL IMPLICATIONS

The applicant has paid the Development Application fee.

STRATEGIC IMPLICATIONS

Nil.

CONSULTATION/COMMUNICATION

The Shire undertook consultation on the Development Application as detailed in the report.

The Shire has separately consulted the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and Shire Contract Ranger.

RISK MANAGEMENT

The risk in relation to this matter is assessed as "Medium" on the basis that if Council does not accept the officer's recommendation, the applicant has a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. Further, the conditions provided on the approval are to ensure the facility operates in a reasonable manner. Following the Officer's recommendation ensures that Council is following statutory planning principles.

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 grant Development Approval for dog kennels (breeding) at Lot 3674 on Deposited Plan 120748 (No. 18686) Albany Highway, Beaufort River pursuant to Schedule 2 Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the following conditions:

1. The approval for the kennels is limited until 27 August 2034.
2. The maximum number of adult dogs which can be kept at the property at any one time is 24.
3. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
4. The kennels, exercise areas and yards shall be suitably fenced to the requirements and satisfaction of the local government prior to the kennels formally operating.
5. The manager/operator of the dog kennels shall reside at 18686 Albany Highway, Beaufort River at all times. Additionally, there shall be suitable ongoing management of the kennels at all times.
6. The Dog Health Management Plan is suitably implemented to the satisfaction of the local government.
7. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
8. The development and operation of the site shall manage noise levels to the requirements and satisfaction of the local government. Noise emissions from the development shall at all times comply with the *Environmental Protection (Noise) Regulations 1997*.
9. A Vermin Management Plan shall be prepared and submitted prior to occupation of the kennels to the satisfaction of the local government. Following this, the plan to be suitably implemented to the satisfaction of the local government.
10. Public access to the kennels is via appointment only.
11. Waste water and other waste from the kennel operations shall be designed and located to the satisfaction of the local government prior to occupation. Following this, waste is treated and managed to the requirements and satisfaction of the local government at all times. No polluted drainage shall be discharged near lakes (wetlands) or beyond the boundaries of the land but shall be so treated and/or absorbed on that lot to the satisfaction of the local government.
12. A Bushfire Evacuation Plan is prepared prior to occupation to the satisfaction of the local government which is then suitably implemented to the requirements and satisfaction of the local government.
13. An adequate on-site water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to commencement of the kennels.

Advice Notes:

- A) This development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 2 years of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
- B) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- C) In relation to Condition 8 compliance with the *Environmental Protection (Noise) Regulations 1997* is considered to be the minimum standard. Where so directed by the local government, additional measures may be required to comply with this condition.
- D) No remnant vegetation shall be removed in association with the approved development without the prior approval of the Department of Water and Environment Regulation.
- E) Sign(s) shall not be erected on the lot without the prior approval of the Shire of Woodanilling.
- F) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
- G) The applicant is advised there is additionally a requirement to address other legislation including *Animal Welfare Act 2002*, *Dog Act 1976*, *Dog Amendment (Stop Puppy Farming) Act 2021* and *Dog Regulations 2013*.
- H) The property is located in a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is recommended that:
- Suitable water supplies are available and maintained on the property to enable people, property and infrastructure to be defended from bushfire;
 - The driveway is formed and maintained to meet Table 6 - Vehicular access technical requirements of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas; and
 - A compliant vehicle turn around area for emergency service vehicles.
- I) Standards for access, turnarounds, water supply and asset protection zones are drawn from the WAPC's *Guidelines for Planning in Bushfire Prone Areas*. The Guidelines should be referenced when considering the establishment of these elements of the development. The Guidelines are available at <https://www.dplh.wa.gov.au/information-and-services/state-planning/bushfire-planning/state-planning-policy-3-7-and-guidelines>.
- J) The applicant is encouraged to:
- Become a registered breeder with Dogs West and the Australian Association of Pet Dog Breeders;
 - Be audited by a qualified veterinarian every year, to maintain high standards; and
 - Maintain Public Liability insurance.
- K) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Motion

Moved: Cr Smith

Seconded: Cr Garstone

A motion was moved to accept the item.

AMENDED RECOMMENDATION

Motion

Moved: Cr Smith

Seconded: Cr Marshall

A motion was moved that Council amend the Officer's recommendation as follows:

Amended Recommendation

That Council grant Development Approval for dog kennels (breeding) at Lot 3674 on Deposited Plan 120748 (No. 18686) Albany Highway, Beaufort River pursuant to Schedule 2 Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to the following conditions:

1. The approval for the kennels is limited until 27 August 2034.
2. The maximum number of adult dogs which can be kept at the property at any one time is 24.
3. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
4. The kennels, exercise areas and yards shall be suitably fenced to the requirements and satisfaction of the local government prior to the kennels formally operating. This is to include the addition of a 1.8 meter minimum height dog proof perimeter fence around the facility footprint.
5. The manager/operator of the dog kennels shall reside at 18686 Albany Highway, Beaufort River at all times. Additionally, there shall be suitable ongoing management of the kennels at all times.
6. The Dog Health Management Plan is suitably implemented to the satisfaction of the local government.
7. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
8. The development and operation of the site shall manage noise levels to the requirements and satisfaction of the local government. Noise emissions from the development shall at all times comply with the *Environmental Protection (Noise) Regulations 1997*.
9. A Vermin Management Plan shall be prepared and submitted prior to occupation of the kennels to the satisfaction of the local government. Following this, the plan to be suitably implemented to the satisfaction of the local government.
10. Public access to the kennels is via appointment only.
11. Waste water and other waste from the kennel operations shall be designed and located to the satisfaction of the local government prior to occupation. Following this, waste is treated and managed

to the requirements and satisfaction of the local government at all times. No polluted drainage shall be discharged near lakes (wetlands) or beyond the boundaries of the land but shall be so treated and/or absorbed on that lot to the satisfaction of the local government.

12. A Bushfire Evacuation Plan is prepared prior to occupation to the satisfaction of the local government which is then suitably implemented to the requirements and satisfaction of the local government.
13. An adequate on-site water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to commencement of the kennels.

Advice Notes:

- A) This development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 2 years of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
- B) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- C) In relation to Condition 8 compliance with the *Environmental Protection (Noise) Regulations 1997* is considered to be the minimum standard. Where so directed by the local government, additional measures may be required to comply with this condition.
- D) No remnant vegetation shall be removed in association with the approved development without the prior approval of the Department of Water and Environment Regulation.
- E) Sign(s) shall not be erected on the lot without the prior approval of the Shire of Woodanilling.
- F) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
- G) The applicant is advised there is additionally a requirement to address other legislation including *Animal Welfare Act 2002*, *Dog Act 1976*, *Dog Amendment (Stop Puppy Farming) Act 2021* and *Dog Regulations 2013*.
- H) The property is located in a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is recommended that:
 - Suitable water supplies are available and maintained on the property to enable people, property and infrastructure to be defended from bushfire;
 - The driveway is formed and maintained to meet Table 6 - Vehicular access technical requirements of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas; and
 - A compliant vehicle turn around area for emergency service vehicles.
- I) Standards for access, turnarounds, water supply and asset protection zones are drawn from the WAPC's *Guidelines for Planning in Bushfire Prone Areas*. The Guidelines should be referenced when considering the establishment of these elements of the development. The Guidelines are available at <https://www.dplh.wa.gov.au/information-and-services/state-planning/bushfire-planning/state-planning-policy-3-7-and-guidelines>.
- J) The applicant is encouraged to:
 - Become a registered breeder with Dogs West and the Australian Association of Pet Dog Breeders;

- Be audited by a qualified veterinarian every year, to maintain high standards; and
 - Maintain Public Liability insurance.
- K) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 6/0

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

Against: Nil

COUNCIL RESOLUTION - 12.1. - PROPOSED DOG KENNELS – LOT 3674 (NO. 18686) ALBANY HIGHWAY, BEAUFORT RIVER (OCM 342/08/2024)

Moved: Cr Smith

Seconded: Cr Garstone

That Council grant Development Approval for dog kennels (breeding) at Lot 3674 on Deposited Plan 120748 (No. 18686) Albany Highway, Beaufort River pursuant to Schedule 2 Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, to the following conditions:

1. The approval for the kennels is limited until 27 August 2034.
2. The maximum number of adult dogs which can be kept at the property at any one time is 24.
3. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
4. The kennels, exercise areas and yards shall be suitably fenced to the requirements and satisfaction of the local government prior to the kennels formally operating. This is to include the addition of a 1.8 meter minimum height dog proof perimeter fence around the facility footprint.
5. The manager/operator of the dog kennels shall reside at 18686 Albany Highway, Beaufort River at all times. Additionally, there shall be suitable ongoing management of the kennels at all times.
6. The Dog Health Management Plan is suitably implemented to the satisfaction of the local government.
7. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
8. The development and operation of the site shall manage noise levels to the requirements and satisfaction of the local government. Noise emissions from the development shall at all times comply with the Environmental Protection (Noise) Regulations 1997.
9. A Vermin Management Plan shall be prepared and submitted prior to occupation of the kennels to the satisfaction of the local government. Following this, the plan to be suitably implemented to the satisfaction of the local government.
10. Public access to the kennels is via appointment only.
11. Waste water and other waste from the kennel operations shall be designed and located to the satisfaction of the local government prior to occupation. Following this, waste is treated and managed to the requirements and satisfaction of the local government at all times. No polluted drainage shall be discharged near lakes (wetlands) or beyond the boundaries of the land but shall be so treated and/or absorbed on that lot to the satisfaction of the local government.
12. A Bushfire Evacuation Plan is prepared prior to occupation to the satisfaction of the local government which is then suitably implemented to the requirements and satisfaction of the local government.
13. An adequate on-site water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to commencement of the kennels.

Advice Notes:

- A) This development approval shall lapse and be of no further effect if the development hereby permitted has not been substantially commenced within 2 years of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
- B) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- C) In relation to Condition 8 compliance with the Environmental Protection (Noise) Regulations 1997 is considered to be the minimum standard. Where so directed by the local government, additional measures may be required to comply with this condition.
- D) No remnant vegetation shall be removed in association with the approved development without the prior approval of the Department of Water and Environment Regulation.
- E) Sign(s) shall not be erected on the lot without the prior approval of the Shire of Woodanilling.
- F) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
- G) The applicant is advised there is additionally a requirement to address other legislation including Animal Welfare Act 2002, Dog Act 1976, Dog Amendment (Stop Puppy Farming) Act 2021 and Dog Regulations 2013.
- H) The property is located in a Bush Fire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. It is recommended that:
- Suitable water supplies are available and maintained on the property to enable people, property and infrastructure to be defended from bushfire;
 - The driveway is formed and maintained to meet Table 6 - Vehicular access technical requirements of the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas; and
 - A compliant vehicle turn around area for emergency service vehicles.
- I) Standards for access, turnarounds, water supply and asset protection zones are drawn from the WAPC's Guidelines for Planning in Bushfire Prone Areas. The Guidelines should be referenced when considering the establishment of these elements of the development. The Guidelines are available at <https://www.dplh.wa.gov.au/information-and-services/state-planning/bushfire-planning/state-planning-policy-3-7-and-guidelines>.
- J) The applicant is encouraged to:
- Become a registered breeder with Dogs West and the Australian Association of Pet Dog Breeders;
 - Be audited by a qualified veterinarian every year, to maintain high standards; and
 - Maintain Public Liability insurance.
- K) If the applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

CARRIED 6/0

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

Against:

13. INFRASTRUCTURE SERVICES

Nil.

14. CORPORATE SERVICES

14.1. LIST OF ACCOUNTS FOR PAYMENT – 31 JULY 2024	
File Reference	ADM0066
Date of Report	7 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Brooke Dellacqua, Senior Finance Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment 14.1.1 – List of Accounts for Payment – 31 July 2024

BRIEF SUMMARY

The purpose of this report is to present to Council the list of accounts paid, for the month ending 31 July 2024, 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 14.1.1**.

Payments up to 31 July 2024

Payment Type	Account Type	Amount \$
Automatic Payment Deductions (Direct Debits & BPay.	Municipal	\$49,666.09
Cheque Payments- Chq 15388 to 15391	Municipal	\$8994.10
EFT Payments #7355 to #7423	Municipal	\$404,401.17
Sub Total	Municipal	\$463,061.36
Payments	Trust	\$0.00
Payments	Reserve	\$0.00
Totals		\$463,061.36

STATUTORY/LEGAL IMPLICATIONS

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

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

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing —

- (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction;*
- and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

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

STRATEGIES

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

CONSULTATION/COMMUNICATION

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

RISK MANAGEMENT

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council accepts the list of accounts and details of the credit card amounts, totalling \$463,061.36 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 July 2024, as contained within **Attachment 14.1.1**.

COUNCIL RESOLUTION – 14.1 - LIST OF ACCOUNTS FOR PAYMENT – 31 JULY 2024 (OCM343/08/2024)

Moved: Cr Marshall

Seconded: Cr Garstone

That Council accepts the list of accounts and details of the credit card amounts, totalling \$463,061.36 paid under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* for the period ended 31 July 2024, as contained within Attachment 14.1.1.

CARRIED 6/0

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

Against: Nil

14.2. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2024

File Reference	ADM0066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment 14.2.1 - Monthly Financial Report 31 July 2024

BRIEF SUMMARY

The Monthly Financial Report for period ending 31 July 2024 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 31 July 2024 shows a closing surplus of \$1,033,431.

The opening surplus brought forward from 2023-2024 is still subject to changes from year-end adjustments and any audit adjustments.

As the 2024-2025 budget has not yet been adopted, no comparatives are provided for this month's reporting.

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 14.2.1**.

STRATEGIC IMPLICATIONS

THEME 3

Governance

OBJECTIVES

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

STRATEGIES

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

CONSULTATION/COMMUNICATION

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

RISK MANAGEMENT

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

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

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Monthly Financial Report for the period of 31 July 2024, 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 14.2.1**.

COUNCIL RESOLUTION – 14.2 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2024 (OCM344/08/2024)

Moved: Cr Smith

Seconded: Cr Stephens

That Council receive the Monthly Financial Report for the period of 31 July 2024, 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 14.2.1.

CARRIED 6/0

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

Against: Nil

14.3. INVESTMENTS REPORT

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Nil

BRIEF SUMMARY

The purpose of this report is for Council to receive the investments report which provides an overview on investments made during the month of August 2024.

BACKGROUND

Money held in the Municipal Fund that is not required for the time being may be invested in accordance with the Local Government Act 1995 and the Trustees Act 1962 Part III.

COMMENT

The investments made by the Shire of Woodanilling occurred on 1st August 2024. As such, this report is to provide council with an overview of the investments made. A monthly update will be brought to Council detailing the progress of these investments.

The table below details the investments made by the Shire on the 1st August 2024:

INVESTMENT REGISTER						
NEW INVESTMENTS MADE IN AUGUST 2024						
NATIONAL AUSTRALIA BANK – FIXED TERM DEPOSIT						
ACCOUNT N ^o	DATE OF INVESTMENT	INTEREST RATE	AMOUNT INVESTED	TERM	INTEREST AT MATURITY	DATE OF MATURITY
20-103-0134	01/08/2024	4.9%	\$700,000.00	90 Days	\$8,457.54	30/10/2024
20-077-0368	01/08/2024	4.9%	\$350,000.00	90 Days	\$4,228.77	30/10/2024

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) deleted]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959 (Commonwealth)* section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

POLICY IMPLICATIONS

Council Policy 115 – Investments

Delegation No. 13 Investment of Surplus Funds

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

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

Council were consulted on the investments to be made in the June and July 2024 Briefing Sessions.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Medium” on the basis that if Council does not receive the report, the Shire of Woodanilling will not be following adopted Council Policy. Following the Officer’s recommendation will ensure that Council Policy is adhered to.

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 receives the Investments Report.

COUNCIL RESOLUTION – 14.3 – INVESTMENTS REPORT (OCM345/08/2024)

Moved: Cr Thomson

Seconded: Cr Smith

That Council receives the Investments Report.

CARRIED 6/0

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

Against: Nil

14.4. ADOPTION OF 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 august 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the Draft Annual Budget for 2024-2025 for Council's consideration and adoption.

BACKGROUND/COMMENT

The draft budget has been prepared in accordance with the presentations made to Councillors at the workshops held. The following draft Annual Budget is presented to Council, as a balanced budget, for consideration and adoption.

The 2024-2025 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33.

The 2024-2025 Annual Budget comprises the following information:

1. Budget Statement of Comprehensive Income by Nature/Type for the Year Ending 30 June 2025;
2. Budget Statement of Cash Flows for the Year Ending 30 June 2025;
3. Budget Statement of Financial Activity by Nature/Type for the Year Ending 30 June 2025;
4. Notes to the Budget

Materiality Threshold for reporting purposes

Each year the Council is required to adopt a percentage or value for the purposes of reporting material variances in the monthly Statement of Financial Activity.

This value or percentage is then used throughout the financial year to identify potential areas in Council's actual revenues and expenditures that vary significantly from Council's budget estimates. The early identification of these potential variances and their cause can assist in better budget management and increased utilisation and allocation of Council funds and resources.

Council has previously used a value of (+) or (-) \$5,000 and a percentage of (+) or (-) 10% for each of the revenue and expenditure nature/type categories listed on the Statement of Financial Activity.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act (1995) s.6.2. (1) states that each Local Government is to prepare an annual budget prior to 31 August, unless an extension from the Minister is granted.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The 2024-25 budget is presented as a balanced budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “High” on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer’s recommendation will reduce the risk to Council.

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. Pursuant to Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33, adopt the 2024-25 Annual Budget (**Attachment 14.4.1**) for the Shire of Woodanilling, including the following:
 - a) Budget Statement of Comprehensive Income by Nature/Type for the year ending 30 June 2025 showing a net result of (\$916,595);
 - b) Budget Statement of Cash Flows for the year ending 30 June 2025;
 - c) Budget Statement of Financial Activity for the year ending 30 June 2025;
 - d) Basis of Preparation;
 - e) Rates and Service Charges;
 - f) Net Current Assets;
 - g) Reconciliation of Cash;
 - h) Property, Plant and Equipment;
 - i) Depreciation;
 - j) Borrowings;
 - k) Reserve Accounts;
 - l) Other Information;
 - m) Elected Member Remuneration;
 - n) Revenue and Expenditure;
 - o) Program Information;
 - p) Fees and Charges;
 - q) Schedule of Fees and Charges for 2024-2025.
 - r) Combining the Affordable Housing Reserve and Building Reserve by transferring the Affordable Housing Reserve balance of \$105,481 at 30 June 2024 into the Building Reserve with the new purpose: "To be used for the acquisition, construction, upgrade, renewal, and maintenance of buildings for Council purposes."
2. That Council pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the following as the materiality threshold for 2024-2025:
 - a) \$5,000 or 10%, whichever is the lowest, for the purposes of reporting material variances.

COUNCIL RESOLUTION – 14.4 - ADOPTION OF 2024-2025 ANNUAL BUDGET (OCM346/08/2024)

Moved: Cr Garstone

Seconded: Cr Smith

That Council:

1. Pursuant to Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33, adopt the 2024-25 Annual Budget (Attachment 14.4.1) for the Shire of Woodanilling, including the following:

- a) Budget Statement of Comprehensive Income by Nature/Type for the year ending 30 June 2025 showing a net result of (\$916,595);
- b) Budget Statement of Cash Flows for the year ending 30 June 2025;
- c) Budget Statement of Financial Activity for the year ending 30 June 2025;
- d) Basis of Preparation;
- e) Rates and Service Charges;
- f) Net Current Assets;
- g) Reconciliation of Cash;
- h) Property, Plant and Equipment;
- i) Depreciation;
- j) Borrowings;
- k) Reserve Accounts;
- l) Other Information;
- m) Elected Member Remuneration;
- n) Revenue and Expenditure;
- o) Program Information;
- p) Fees and Charges;
- q) Schedule of Fees and Charges for 2024-2025.
- r) Combining the Affordable Housing Reserve and Building Reserve by transferring the Affordable Housing Reserve balance of \$105,481 at 30 June 2024 into the Building Reserve with the new purpose: "To be used for the acquisition, construction, upgrade, renewal, and maintenance of buildings for Council purposes."

2. That Council pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the following as the materiality threshold for 2024-2025:

- a) \$5,000 or 10%, whichever is the lowest, for the purposes of reporting material variances.

CARRIED 6/0

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

Against: Nil

14.5.MINIMUM PAYMENT FOR 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the proposed minimum payments for 2024-2025 for Council's consideration.

BACKGROUND/COMMENT

Section 6.35 of the *Local Government Act 1995* states:

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) 50% of the total number of separately rated properties in the district; or*
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) the number of separately rated properties in the district; or*
 - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) to land rated on gross rental value; and*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential general rate is imposed.*

Following the draft budget workshops held, the following minimum rates payments are presented for Councils consideration. The deficiency of expenditure over income for the purpose of striking the rate for the 2024-2025 financial year amounts to \$1,127,249. The Minimum Payment for both Unimproved Valuation (UV) and Gross Rental Valuation (GRV) properties is proposed to increase by 9.92% to \$599.

The proposed 2024-2025 UV Minimum Payment will be imposed on 38 UV property assessments, being 16.81% of the total UV property assessments. The proposed 2024-2025 GRV Minimum Payment will be imposed on 72 GRV property assessments, being 42.11% of the total GRV property assessments.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 s.6.35.

The imposition of the proposed Minimum Payment complies with the percentage requirements of subclause (3) of Section 6.35 of the Local Government Act 1995.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The 2024-2025 budget is presented as a balanced budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “High” on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer’s recommendation will reduce the risk to Council.

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 pursuant to Sections 6.32 and 6.35 of the *Local Government Act* 1995, impose the following Minimum Payment for 2024-2025:

Gross Rental Valuation Properties	\$599 per rateable assessment
Unimproved Valuation Properties	\$599 per rateable assessment

COUNCIL RESOLUTION – 14.5 - MINIMUM PAYMENT FOR 2024-2025 ANNUAL BUDGET (OCM347/08/2024)

Moved: Cr Marshall

Seconded: Cr Stephens

That Council pursuant to Sections 6.32 and 6.35 of the *Local Government Act* 1995, impose the following Minimum Payment for 2024-2025:

Gross Rental Valuation Properties	\$599 per rateable assessment
Unimproved Valuation Properties	\$599 per rateable assessment

CARRIED 6/0

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

Against: Nil

14.6. PAYMENT OF RATES OPTIONS AND INTEREST CHARGES FOR 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the proposed payment of rates options and interest charges for 2024-2025 for Council's consideration.

BACKGROUND/COMMENT

Section 6.45 requires a local government to set the options for the payment of rates or service charges; as well as the ability to impose an administration fee and an instalment interest charge applicable to those payment options.

Section 6.45 of the *Local Government Act 1995* states-

6.45. Options for payment of rates or service charges

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*
 - (a) *4 equal or nearly equal instalments; or*
 - (b) *such other method of payment by instalments as is set forth in the local government's annual budget.*
- (2) *Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —*
 - (a) *by a single payment; or*
 - (b) *by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*
- (3) *A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.*
- (4) *Regulations may —*
 - (a) *provide for the manner of making an election to pay by instalments under subsection (1) or (2); and*
 - (b) *prescribe circumstances in which payments may or may not be made by instalments; and*
 - (c) *prohibit or regulate any matters relating to payments by instalments; and*
 - (d) *provide for the time when, and manner in which, instalments are to be paid; and*
 - (e) *prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and*
 - (f) *provide for any other matter relating to the payment of rates or service charges.*

Section 6.51 provides for a local government to impose an interest charge on a rate of service charge that remains unpaid after becoming due and payable.

6.51. Accrual of interest on overdue rates or service charges

- (1) *A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
- (a) *a rate or service charge (or any instalment of a rate or service charge); and*
 - (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

*** Absolute majority required.**

Payment options

The Shire has traditionally offered three payment options:

Option 1 Payment in full by the due date.

Option 2 Payment in two equal instalments, being-

- (a) Instalment 1 - 50% of the rates and service charges within 35 days of date of issue;
- (b) Instalment 2 - 50% of the rates and service charges at least 2 months after (a);

Option 3 Payment in four equal instalments, being-

- (a) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue;
- (b) Instalment 2 - 25% of the rates and service charges at least 2 months after (a);
- (c) Instalment 3 - 25% of the rates and service charges at least 2 months after (b); and
- (d) Instalment 4 - 25% of the rates and service charges at least 2 months after (c).

It is suggested that these payment options continue.

Administration fee and instalment interest charge

Section 6.45 of the Act permits Council to impose an administration charge where a payment of rate or service charge is made by instalments.

Regulations 67 and 68 of the *Local Government (Financial Management) Regulations 1996* limit how much can be imposed as an administration charge and as an instalment interest charge.

Traditionally the Shire has imposed an administration fee of \$5 on the second, third and fourth instalment payments.

It is suggested that a \$5 administration fee continue to apply to the second instalment under Payment Option 2, and to the second, third and fourth instalment payments under Payment Option 3.

The Shire has also previously imposed an instalment interest charge of 3.0% when option 2 and option 3 is utilised by ratepayers.

Regulation 68 of the *Local Government (Financial Management) Regulations 1996* limits the maximum interest component to be imposed as an instalment interest charge to 5.5%.

It is suggested that Council continue to impose an instalment interest charge of 3.0%.

Accrual of interest on overdue rates or service charges

Section 6.51 of the Act permits Council to impose an interest charge on overdue rates or service charges.

Regulation 70 of *Local Government (Financial Management) Regulations 1996* limits the maximum rate of interest that can be imposed on overdue rates or service charges to 11%.

The State Government did not publish a *Local Government (COVID-19 Response) Amendment Order* this year, meaning the maximum late payment penalty interest now defaults to the 11% under Regulation 70.

It is suggested that Council continue to impose a late payment interest charge of 7% on overdue rates or service charges not paid by the due date.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 s.6.45, 6.50, 6.51.

Local Government (Financial Management) Regulations 1996, Regulations 67, 68, 70 and 71.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

This report forms part of the 2024-2025 Annual Budget and relevant information is disclosed in the Notes to the Annual Budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “High” on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer’s recommendation will reduce the risk to Council.

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. Pursuant to Section 6.45 of the Local Government Act 1995, offer three payment options for rates and service charges for the 2024-2025 financial year, being:
 - a) Option 1 – Payment in full by a single instalment by the due date of 25 October 2024, being 35 days from the date of issue of the rate notice;
 - b) Option 2 – Payment in two equal instalments, being
 - (i) Instalment 1 - 50% of the rates and service charges due by 25 October 2024;
 - (ii) Instalment 2 - 50% of the rates and service charges due by 12 March 2025.
 - c) Payment in four equal instalments, being
 - (i) Instalment 1 - 25% of the rates and service charges due by 25 October 2024;
 - (ii) Instalment 2 - 25% of the rates and service charges due by 2 January 2025;
 - (iii) Instalment 3 - 25% of the rates and service charges due by 12 March 2025; and
 - (iv) Instalment 4 - 25% of the rates and service charges due by 12 May 2025.
2. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$5 (GST Free), which is to apply to Instalments 2, 3 and 4.
3. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment interest charge of 3.0% on payment options 2 and 3, which is to apply to Instalments 2, 3 and 4.
4. Pursuant to Section 6.51 of the Local Government Act 1995, impose a 7.00% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.

Motion

Moved: Cr Thomson

Seconded: Cr Smith

A motion was moved to accept the item.

AMENDED RECOMMENDATION

Motion

Moved: Cr Stephens

Seconded: Cr Thomson

A motion was moved that Council amend the Officer's recommendation as follows:

Amended Recommendation

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, offer three payment options for rates and service charges for the 2024-2025 financial year, being:
 - a) Option 1 – Payment in full by a single instalment by the due date of 25 October 2024, being 35 days from the date of issue of the rate notice;
 - b) Option 2 – Payment in two equal instalments, being
 - (i) Instalment 1 - 50% of the rates and service charges due by 25 October 2024;
 - (ii) Instalment 2 - 50% of the rates and service charges due by 12 March 2025.
 - c) Option 3 - Payment in four equal instalments, being
 - (i) Instalment 1 - 25% of the rates and service charges due by 25 October 2024;
 - (ii) Instalment 2 - 25% of the rates and service charges due by 2 January 2025;
 - (iii) Instalment 3 - 25% of the rates and service charges due by 12 March 2025; and
 - (iv) Instalment 4 - 25% of the rates and service charges due by 12 May 2025.
2. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$5 (GST Free), which is to apply to Instalments 2, 3 and 4.
3. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment interest charge of 3.0% on payment options 2 and 3, which is to apply to Instalments 2, 3 and 4.
4. Pursuant to Section 6.51 of the Local Government Act 1995, impose a 7.00% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.

CARRIED 6/0

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

Against: Nil

COUNCIL RESOLUTION – 14.6 - PAYMENT OF RATES OPTIONS AND INTEREST CHARGES FOR 2024-2025 ANNUAL BUDGET (OCM348/08/2024)

Moved: Cr Thomson

Seconded: Cr Smith

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, offer three payment options for rates and service charges for the 2024-2025 financial year, being:

a) Option 1 – Payment in full by a single instalment by the due date of 25 October 2024, being 35 days from the date of issue of the rate notice;

b) Option 2 – Payment in two equal instalments, being

(i) Instalment 1 - 50% of the rates and service charges due by 25 October 2024;

(ii) Instalment 2 - 50% of the rates and service charges due by 12 March 2025.

c) Option 3 - Payment in four equal instalments, being

(i) Instalment 1 - 25% of the rates and service charges due by 25 October 2024;

(ii) Instalment 2 - 25% of the rates and service charges due by 2 January 2025;

(iii) Instalment 3 - 25% of the rates and service charges due by 12 March 2025; and

(iv) Instalment 4 - 25% of the rates and service charges due by 12 May 2025.

2. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$5 (GST Free), which is to apply to Instalments 2, 3 and 4.

3. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment interest charge of 3.0% on payment options 2 and 3, which is to apply to Instalments 2, 3 and 4.

4. Pursuant to Section 6.51 of the Local Government Act 1995, impose a 7.00% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.

CARRIED 6/0

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

Against: Nil

14.7. RATE DISCOUNTS AND CONCESSIONS FOR 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> . Cr Ian Garstone declared a financial interest in the matter and left the room at 4.25pm as he will be set to receive a rate concession should the matter be approved by Council.
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the proposed rate discounts and rate concessions for 2024-2025 for Council’s consideration.

BACKGROUND/COMMENT

Discount on Rates

In previous budgets Council has offered a 5% discount on rates that are paid within 35 days from the date of issue of the rate notice.

Section 6.46 of the *Local Government Act 1995* provides for a local government to grant a discount for the early payment of a rate or service charge.

Section 6.46 states:

6.46. Discounts

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may, when imposing a rate or service charge, resolve to grant a discount or other incentive for the early payment of any rate or service charge.*

* Absolute majority required.

It is suggested Council continue to offer an early payment discount on rates of 5%.

Concession on Rates

In previous budgets Council has granted two concessions on general rates to select properties.

The first concession is for an amount of 50% of the total rates for Lots 32, 33, 34, 35 & 38 on Deposited Plan 223222, Quartermaine & Shenton Roads, Woodanilling and Lots 2, 3 & 4 on Deposited Plan 227523 Albany Highway. The objective of the concession is to provide a reduction in general rates in recognition of the Planning Restrictions on the land. The concession is granted upon written application of the landowner to the CEO requesting the concession on general rates.

The second concession is for an amount of 50% of the total rates for Lots 328 Shenton Road, 338 Quartermaine Road, 287 Robinson Road and 316 Haddleton Road. The objective of the concession is to provide a reduction in general rates in recognition of the GRV valuation methodology applied to the land that is zoned “local rural” and is currently being run as an operational farm that would normally be rated as unimproved land.

It is suggested that Council continue to offer the same concessions to the specific properties identified.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 s.6.46, 6.47, 6.48

Local Government (Financial Management) Regulations 1996, Regulations 26 and 69A.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

This report forms part of the 2024-2025 Annual Budget and relevant information is disclosed in the Notes to the Annual Budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “High” on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer’s recommendation will reduce the risk to Council.

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. Pursuant to Section 6.46 of the *Local Government Act 1995*, grant a discount of 5% for the early payment of general rates for the 2024-2025 rating year where payment in full is received by 4:00pm on 25 October 2024.
2. Pursuant to Section 6.47 of the *Local Government Act 1995*, upon written application being made by the ratepayer, grant the following concessions for the 2024-2025 rating year:

A201	50% concession on 2024-2025 general rates only
A202	50% concession on 2024-2025 general rates only
A203	50% concession on 2024-2025 general rates only
A204	50% concession on 2024-2025 general rates only
A478	50% concession on 2024-2025 general rates only
A103	50% concession on 2024-2025 general rates only
A104	50% concession on 2024-2025 general rates only
A105	50% concession on 2024-2025 general rates only
A290	50% concession on 2024-2025 general rates only
A291	50% concession on 2024-2025 general rates only
A294	50% concession on 2024-2025 general rates only
A437	50% concession on 2024-2025 general rates only

COUNCIL RESOLUTION – 14.7 - RATE DISCOUNTS AND CONCESSIONS FOR 2024-2025 ANNUAL BUDGET (OCM349/08/2024)

Moved: Cr Smith

Seconded: Cr Marshall

That Council:

1. Pursuant to Section 6.46 of the *Local Government Act 1995*, grant a discount of 5% for the early payment of general rates for the 2024-2025 rating year where payment in full is received by 4:00pm on 25 October 2024.
2. Pursuant to Section 6.47 of the *Local Government Act 1995*, upon written application being made by the ratepayer, grant the following concessions for the 2024-2025 rating year:

A201	50% concession on 2024-2025 general rates only
A202	50% concession on 2024-2025 general rates only
A203	50% concession on 2024-2025 general rates only
A204	50% concession on 2024-2025 general rates only
A478	50% concession on 2024-2025 general rates only
A103	50% concession on 2024-2025 general rates only
A104	50% concession on 2024-2025 general rates only
A105	50% concession on 2024-2025 general rates only
A290	50% concession on 2024-2025 general rates only
A291	50% concession on 2024-2025 general rates only
A294	50% concession on 2024-2025 general rates only
A437	50% concession on 2024-2025 general rates only

CARRIED 5/0

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

Against: Nil

14.8. VALUATIONS AND GENERAL RATES FOR 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the proposed valuations and general rates for 2024-2025 for Council's consideration.

BACKGROUND/COMMENT

Section 6.32 of the *Local Government Act 1995* states

6.32. Rates and service charges-

- (1) *When adopting the annual budget, a local government*
 - (a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either:*
 - (i) *uniformly; or*
 - (ii) *differentially; and*
 - (b) *may impose* on rateable land within its district*
 - (i) *a specified area rate; or*
 - (ii) *a minimum payment; and*
 - (c) *may impose* a service charge on land within its district.*
- (2) *Where a local government resolves to impose a rate it is required to:*
 - (a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*
 - (b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

** Absolute majority required.*

Following the draft budget workshops held, the following general rates are presented for Councils consideration.

The deficiency of expenditure over income for the purpose of striking the rate for the 2024-2025 financial year amounts to \$1,127,249

Every year, the unimproved value (UV) of each property is reassessed by the State's Valuer Generals Office. The gross rental valuation (GRV) of each property for country local governments is reassessed by the State's Valuer Generals Office every five (5) years, with the last GRV valuation occurring in June 2018, with revaluations to take effect from 1 July 2018. The Shire's UV properties were revalued effective 1 July 2024.

The following valuations are currently recorded in Council's 2024-25 rate book-

- (a) Unimproved Valuations (UV) - \$254,938,813;
- (b) Gross Rental Valuations (GRV) - \$1,020,881.

The Shire bases the determination of annual property rates payable upon the unimproved values (UV) for rural properties and the gross rental values (GRV) for non-rural properties; with the values set by Landgate (previously known as Valuer General). The Shire applies a rate in the dollar charge for each valuation category, which is multiplied against a property's valuation.

The rate in the dollar for the 2023-2024 financial year was set, for UV properties at 0.4251 cents, and for GRV properties at 13.9422 cents. This becomes the base rate in the dollar when determining the following year's rate in the dollar. When properties are revalued, the previous year's rate in the dollar is adjusted in consideration of the whether the valuation has increased or decreased. This allows for a revised base rate that would have generated the same amount of revenue using the revalued property valuations.

The increase in UV valuations necessitates an adjustment to the UV rates in the dollar as follows:

1. UV – from 0.4251 cents to 0.3323 cents to account for the valuation increment;

The rates in the dollar proposed in the draft budget are as follows-

- (a) GRV rate in the dollar for 2024-2025 will increase from 13.9422 cents to 15.3253 cents, equating to a 9.92% increase; and
- (b) UV rate in the dollar for 2024-2025 will increase from 0.3323 cents to 0.3653 cents, to equating to a 9.92% increase.

STATUTORY/LEGAL IMPLICATIONS

Local Government Act 1995 s.6.32.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

The 2024-25 budget is presented as a balanced budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as "High" on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer's recommendation will reduce the risk to Council.

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

Absolute Majority

OFFICER'S RECOMMENDATION

That Council;

1. Adopt the valuations, as supplied by the Valuer General's Office and recorded in the Rate Book for the 2024-2025 year:

Gross Rental Valuations	\$1,020,881
Unimproved Valuations	\$254,938,813

2. Pursuant to Section 6.32 of the *Local Government Act* 1995, impose the following general rates for 2024-2025:

Gross Rental Valuation Properties	\$0.153253 Rate in the dollar
Unimproved Valuation Properties	\$0.003653 Rate in the dollar

COUNCIL RESOLUTION – 14.8 - VALUATIONS AND GENERAL RATES FOR 2024-2025 ANNUAL BUDGET OCM350/08/2024)

Moved: Cr Thomson

Seconded: Cr Smith

That Council;

1. Adopt the valuations, as supplied by the Valuer General's Office and recorded in the Rate Book for the 2024-2025 year:

Gross Rental Valuations	\$1,020,881
Unimproved Valuations	\$254,938,813

2. Pursuant to Section 6.32 of the *Local Government Act* 1995, impose the following general rates for 2024-2025:

Gross Rental Valuation Properties	\$0.153253 Rate in the dollar
Unimproved Valuation Properties	\$0.003653 Rate in the dollar

CARRIED 6/0

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

Against: Nil

14.9. WASTE COLLECTION RATE AND KERBSIDE COLLECTION FEE FOR 2024-2025 ANNUAL BUDGET

File Reference	ADM066
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	DL Consulting
Disclosure of any Interest	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> .
Voting Requirement	Absolute Majority
Attachments	Attachment 14.4.1 – Draft 2024-2025 Annual Budget

BRIEF SUMMARY

The purpose of this report is to present the proposed waste collection rate and kerbside collection fees for 2024-2025 for Council's consideration.

BACKGROUND/COMMENT

Section 66 of the *Waste Avoidance and Resource Recovery Act 2007* permits a local government to impose an annual rate on rateable land for the purposes of providing for the performance of waste services.

Section 66 *Waste Avoidance and Resource Recovery Act 2007* states-

66 Local government may impose waste collection rate

- (1) *A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.*
- (2) *The annual rate must not exceed —*
 - (a) *12 cents in the dollar on the gross rental value; or*
 - (b) *where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.*
- (3) *The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).*

Section 66(3) of the *Waste Avoidance and Resource Recovery Act 2007* requires that a local government comply with the provisions of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates.

This means the relevant provisions within Division 6 of Part 6 of the *Local Government Act 1995* that relate to the making, payment and recovery of general rates, apply to a waste collection rate imposed under the *Waste Avoidance and Resource Recovery Act 2007*. As the Waste Collection Rate is imposed as a Minimum Payment of \$55 per assessment, Section 6.35 of the Act applies.

Section 6.35 of the *Local Government Act 1995* states-

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*

- (a) the number of separately rated properties in the district; or
- (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
 - (a) to land rated on gross rental value; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

This also triggers the application of Regulations 52 and 53 of the *Local Government (Financial Management) Regulations 1996*.

Regulation 52 states:

52. Percentage prescribed for minimum payment (Act s. 6.35(4))

The percentage prescribed for the purposes of section 6.35(4) is 50%.

Regulation 53 states:

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.

The proposed Waste Collection Rate for 2024-2025 is a Rate in the Dollar of \$0.000001, and a Minimum Payment of \$55.00 per assessment. If adopted the rate will be imposed on 383 properties, providing a yield of \$21,065.

The annual kerbside collection fee is proposed to be increased to \$400. The \$400 fee does not fully cover the cost of the domestic and recycling service to Council.

STATUTORY/LEGAL IMPLICATIONS

Waste Avoidance and Resource Recovery Act 2007.

Local Government Act 1995

Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

There is no Council Policy relevant to this item.

FINANCIAL IMPLICATIONS

This report forms part of the 2024-2025 Annual Budget and relevant information is disclosed in the Notes to the Annual Budget.

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

Executive Officers and Councillors have been consulted on the preparation of the draft budget over three workshops held in May, June and August 2024.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “High” on the basis that if Council does not adopt the Budget by 31 August it would result in the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Following the Officer’s recommendation will reduce the risk to Council.

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,

- Pursuant to Section 66 of the Waste Avoidance and Resource Recovery Act 2007, and Section 6.35 of the Local Government Act 1995, impose a Waste Collection Rate for 2024-2025 on rateable land as follows:

Gross Rental Valuation Properties	\$0.000001 Rate in the Dollar
Unimproved Valuation Properties	\$0.000001 Rate in the Dollar
Gross Rental Valuation Properties	\$55 per rateable assessment
Unimproved Valuation Properties	\$55 per rateable assessment
- Pursuant to Section 6.16 of the *Local Government Act 1995*, impose a kerb side waste collection fee of \$400 per service for 2024-2025.

Motion

Moved: Cr Smith

Seconded: Cr Marshall

A motion was moved to accept the item.

AMENDED RECOMMENDATION

Motion

Moved: Cr Smith

Seconded: Cr Marshall

A motion was moved that Council amend the Officer's recommendation as follows:

That Council,

1. Pursuant to Section 66 of the Waste Avoidance and Resource Recovery Act 2007, and Section 6.35 of the Local Government Act 1995, impose a Waste Collection Rate for 2024-2025 on rateable land as follows:

Gross Rental Valuation Properties	\$0.000001 Rate in the Dollar
Unimproved Valuation Properties	\$0.000001 Rate in the Dollar
Gross Rental Valuation Properties	\$55 per rateable assessment
Unimproved Valuation Properties	\$55 per rateable assessment

2. Pursuant to Section 6.16 of the *Local Government Act 1995*, impose a kerb side waste collection fee of \$400 per service for 2024-2025 and additional services at \$200.

CARRIED 6/0

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

Against: Nil

COUNCIL RESOLUTION – 14.9 - WASTE COLLECTION RATE AND KERBSIDE COLLECTION FEE FOR 2024-2025 ANNUAL BUDGET OCM351/08/2024)

Moved: Cr Smith

Seconded: Cr Marshall

That Council,

1. Pursuant to Section 66 of the Waste Avoidance and Resource Recovery Act 2007, and Section 6.35 of the Local Government Act 1995, impose a Waste Collection Rate for 2024-2025 on rateable land as follows:

Gross Rental Valuation Properties	\$0.000001 Rate in the Dollar
Unimproved Valuation Properties	\$0.000001 Rate in the Dollar
Gross Rental Valuation Properties	\$55 per rateable assessment
Unimproved Valuation Properties	\$55 per rateable assessment

2. Pursuant to Section 6.16 of the Local Government Act 1995, impose a kerb side waste collection fee of \$400 per service for 2024-2025 and additional services at \$200.

CARRIED 6/0

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

Against: Nil

15. COMMUNITY SERVICES

15.1. WOODANILLING TOWN TEAMS COMMUNITY EVENTS FUND APPLICATION	
File Reference	ADM0332
Date of Report	19 August 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	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> .
Voting Requirement	Simple Majority
Attachments	Attachment 15.1.1 – Woody Town Teams Community Events Fund Application Form

BRIEF SUMMARY

The purpose of this report is present for Council's consideration, a Community Events Fund Application from the Woody Town Team (under the banner and sponsorship of the ABN of the Woodanilling CWA as agreed to at a Woodanilling CWA meeting on 22nd August 2024) for \$5,000.

BACKGROUND

The Woody Town Team is the banner under which the community can undertake community projects, run market stalls and organise activities.

Town Teams is a movement about:

- empowering people.
- Creating connected communities.
- making better places.
- supporting local volunteers.

Town Team Movement is a social enterprise – a non-profit company on a mission. Town teams state that they are building a movement of positive doers and Town Teams focused on improving their own local area, linked together by a shared purpose and values, which is summarised in the Town Team Charter.

<https://www.townteammovement.com/wp-content/uploads/2020/08/Town-Team-Charter-Final.pdf>

COMMENT

The Woody Town Team has hosted a successful market in July 2024 with the assistance of the Woodanilling CWA and are looking to hold another market stall on the 31st August 2024 in the Woodanilling Shire Town Hall and adjacent car park. The Town Team movement are also looking at undertaking a project to rejuvenate the Woodanilling Planter Boxes in the main street over the coming months and to provide workshops and activities such as dance classes for the community.

To assist the Woody Town Team to run the events and activities planned for the 2024/25 FY, the group have submitted an application through the Shire's Community Events Fund Application Form. High on the list of priorities for the group is to purchase an insurance policy to help manage their liability risk in undertaking such activities. An Annual Public & Products Liability policy will provide the group with a level of protection against claims made for personal injury or property damage.

STATUTORY/LEGAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Shire of Woodanilling Policy 32 – Community Financial Assistance Grant Program

FINANCIAL IMPLICATIONS

The cost of the Community Events Fund contribution to the Woody Town Teams is \$5,000 and can be allocated under New Budget item 041170 Community Events.

STRATEGIC IMPLICATIONS

THEME 1

Governance

OBJECTIVES

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

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

STRATEGIES

Establishment of a Community Well Being Fund to provide financial support for events that directly benefit the wellbeing of the local community

CONSULTATION/COMMUNICATION

The CEO has engaged with the CWA – Woodanilling Branch and Woody Town Teams on the proposal.

RISK MANAGEMENT

The risk in relation to this matter is assessed as “Low” on the basis that if Council does not approve the funding, then there is a risk to the reputation of Council. Following the Officer’s recommendation will assist in managing the risks to Council.

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 approves the Community Events Fund Application made by the Woody Town Teams and makes a financial contribution of \$5,000 to the group (under the banner and sponsorship of the ABN of the Woodanilling CWA) from the 2024/25 Annual Budget.

COUNCIL RESOLUTION – 15.1 - WOODANILLING TOWN TEAMS COMMUNITY EVENTS FUND APPLICATION
OCM352/08/2024)

Moved: Cr Smith

Seconded: Cr Stephens

That council approves the community events fund application made by the woody town teams and makes a financial contribution of \$5,000 to the group (under the banner and sponsorship of the ABN of the Woodanilling CWA) from the 2024/25 Annual Budget.

CARRIED 6/0

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

Against: Nil

16 OFFICE OF CEO

Nil.

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

Nil.

18 CONFIDENTIAL REPORTS

Nil.

19 MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

Nil.

20 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 4.36pm

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

Presiding Member – Councillor Dale Douglas



.....
Date. 26/9/2024