

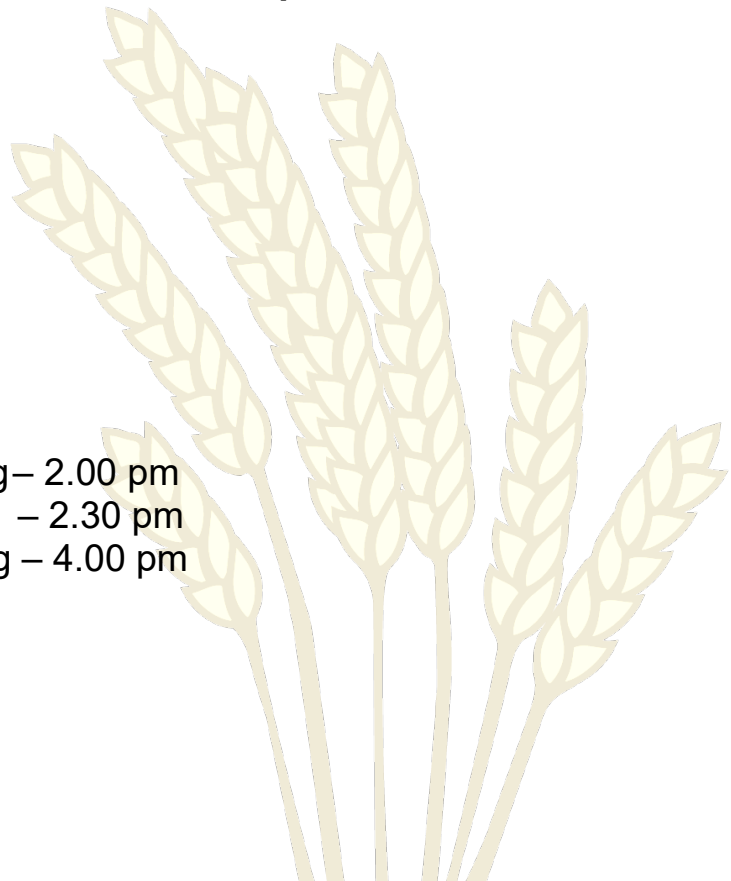


**AGENDA
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 15 February 2023**

**Council Chambers
Lot 66 Railway Street
Trayning WA 6488**

Commencement: 4.00 pm

Audit Committee Meeting – 2.00 pm
Forum Meeting – 2.30 pm
Ordinary Council Meeting – 4.00 pm





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DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Trayning for any act, omission or statement, or intimation occurring during Council or committee meetings.

The Shire of Trayning disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement, or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act, or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Trayning during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Trayning.

The Shire of Trayning warns that anyone who has any application lodged with the Shire of Trayning must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Trayning in respect of the application.

Signed

Leanne Parola
Chief Executive Officer



AGENDA

Ordinary Meeting of the Trayning Shire Council,
To be held in the Council Chambers, Lot 66 Railway Street, Trayning,
on Wednesday 15 February 2023, commencing at 4.00 pm

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Melanie Brown (Shire President)
Cr Geoff Waters (Deputy Shire President)
Cr Michelle McHugh
Cr Clayton Marchant
Cr Peter Barnes
Cr Mark Leslie

STAFF:

Mrs Leanne Parola (Chief Executive Officer)
Mr Stephen Thomson (Works Supervisor)
Ms Belinda Taylor (Manager of Corporate Services)

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:



3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

5.1 Applications Previously Approved

5.2 Leave of Absence

5.3 Disclosure of Interest

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 Petitions

6.2 Deputations

6.3 Presentations

7 CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 14 December 2022 be confirmed as a true and correct record of the proceedings.

8 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

9 REPORTS OF OFFICERS



9.1 REGULATORY SERVICES

9.1.1 Application to Keep a Large Animal – Lot 154, 6 Riley Road, Trayning

Date of Report:	7 February 2023
Proponent:	N/A
File Ref:	10.1.2 Development Control – Other Developments
Officer	Laura Pikoss – HBP Services WA
Officer's Disclosure of Interest:	Nil
Attachments:	9.1.1 Application to Keep a Large Animal
Voting Requirements:	Simple Majority

Purpose of Report

Council is requested to consider an application to keep a horse at Lot 154, 6 Riley Road, Trayning.

Background

The Shire is in receipt of an application from Bianca Clark for the Keeping of a Large Animal (Horse) on Lot 154, 6 Riley Road, Trayning. The current zoning for this site is 'light industry'. Currently the zoning does not permit for animal husbandry, although there maybe permissibility for the 'keeping of a large animal' under the *Shire of Trayning Health Local Laws 2002*.

This application has the possibility to be considered under two different statutory instruments:

- Shire of Trayning Local Planning Scheme No1
- Shire of Trayning Health Local Laws 2002

Both instruments have been assessed individually in this report for consideration. Under both statutory instruments the applicant cannot comply with the conditions set.

Consultation

There has not been any formal consultation on this development proposal.

The applicant has contacted the Department of Planning, Lands and Heritage who has advised her that an application to rezone her property from industrial to rural residential purposes would have a limited prospect of success.

Should this application be considered for approval, an advertisement to neighbouring properties should be conducted, to obtain feedback and implications.



Statutory Environment

Both statutory instruments used to assess the application for the keeping of a large animal identified the application cannot comply.

There is a possibility of permitting the keeping of the large animal under the Local Health Law with strict conditions and neighbour permissibility.

The applicant has put in an application for the keeping of a large animal, due to personal health issues and has stated the animal will provide mental health and wellbeing.

The property meets the adequate size 0.2Ha (2023.951 m²) for the keeping of one large animal.

The application stated they are proposing to build a shed, which will allow for the stabling of the animal at night. The applicant has advised that the manure management will be done daily, with the composting of manure into current garden beds and removal off site if required.

Although the applicant can achieve the lot sizing required for the keeping of a large animal, the application cannot comply with the Shire of Trayning Health Local Law 2002, Section 5.3.2 (2b) due to site constraints ie:

- (b) *the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.*

Under the Shire of Trayning Local Planning scheme No1 the cross referencing in the Zoning Table have marked the activity of 'Rural Pursuit' as 'X' meaning it is not permitted by the scheme. The definition of Rural pursuit has been abstracted below and indicates that the 'stabling' of a horse could fit into the definition of use

5.3.2 Conditions for keeping of an animal

(1) *An owner or occupier of premises, within a townsite shall not keep a horse, cow, large animal, more than three (3) sheep or more than three (3) goats on those premises without approval of the Council.*

(2) *An owner or occupier of premises shall not keep within a townsite an approved large animal or specified number of sheep or goats unless.*

(a) the premises has an area of not less than 0.2 hectares of alienated land; and

(b) the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.

(3) *The owner or occupier wanting to keep more than the above number of animals, on a block of land 0.2 hectares or larger and within a townsite, can do so only by obtaining the written approval of Council.*

The approval will stipulate the maximum number of animals that may be kept. The number of animals will be calculated using the following rate. Four (4) large animals and



two (2) of their offspring up to the age of twelve months or twelve (12) sheep or twelve (12) goats per 0.2 hectares or part thereof.

Extracted from Planning and Development (Local Planning Schemes) Regulations 2015:

Rural pursuit/hobby farm means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household

- (a) the rearing, agistment, stabling or training of animals;*
- (b) the keeping of bees;*
- (c) the sale of produce grown solely on the premises;*

The application fails to achieve 'approved animal does not approach within 30 metres of a dwelling' and does not comply with the Shire of Trayning Local Planning Scheme No1.

Although the main dwelling it will impact is the applicant's, there are also other businesses located within the vicinity and it would need to be established if the keeping of a large animal will impact on their future business applications or operations.

Policy Implications

There is no plan or local planning policy applicable to this proposal.

Financial Implications

There are no budgetary considerations or implications applicable to this proposal.

Strategic Implications

There are currently no other industrial or residential properties within a townsite that have approval to keep a large animal. If this application was approved, it would set a precedent to allow other applications to be approved.

Environmental Implications

Should the application be approved, conditions would need to be set to minimise the risk of environmental health impacts from manure and flies.

Social Implications

The applicant would like to keep a horse on the property as an emotional support animal.

Officer's Comments

Lot 154, 6 Riley Road, Trayning is shown on the aerial image below:



Approval is not recommended unless neighbouring properties have been consulted and have no objections with the keeping of a large animal in light industry zone.

Should the approval be granted the following conditions should apply:

- 1) An owner or occupier of premises on which an approved animal is kept shall:
 - (a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable materials and, provided with a tight-fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;
 - (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
 - (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;
 - (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved conditions.
- 2) The keeping of a horse should be restricted to one animal that needs to be clearly identified to grant approval.
- 3) The approval can be revoked by the Chief Executive Officer should the animal create a nuisance or a complaint is received by the Shire regarding the animal.

ADVICE NOTES

If you are dissatisfied by this decision or the conditions, there is a right of appeal to the State Administrative Tribunal (SAT) within 28 days of the date of this decision. SAT are located on Level 4, 12 St Georges Terrace Perth and may be contacted on 1300 306 017.



Risk Implications

The risk assessment in relation to this development is **Medium**, it poses implications to the site or neighbouring properties.

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
Rear	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.

Officer's Recommendation

That the applicant be advised that:

- 1) The application to keep a large animal at Lot 154, 6 Riley Road Trayning is not approved.
- 2) If you are dissatisfied by this decision or the conditions, there is a right of appeal to the State Administrative Tribunal (SAT) within 28 days of the date of this decision. SAT are located on Level 4, 12 St Georges Terrace Perth and may be contacted on 1300 306 017.



9.2 FINANCE REPORTS

9.2.1 Monthly Payment List December 2022

Date of Report:	8 February 2023
Proponent:	N/A
File Ref:	3.2.2.3 – Accounts Payable (Creditors)
Officer:	Jessi Shannon - Finance Officer
Senior Officer:	Wendy Stringer – LG Best Practices
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.1 Monthly Payment List December 2022
Voting Requirements:	Simple Majority

Purpose of Report

To meet legislative requirements under the Local Government (Financial Management) Regulations.

Background

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Officer's Comment

The list of payments has been compiled for the month of December 2022 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

At the request of Councillors, the Credit Card statement is also attached for information.

Officer's Recommendation

That Council receives the list of payments and credit card statement, as presented, for the month of December 2022, totalling \$339,962.49.



9.2.2 Monthly Payment List January 2023

Date of Report:	8 February 2023
Proponent:	N/A
File Ref:	3.2.2.3 – Accounts Payable (Creditors)
Officer:	Jessi Shannon - Finance Officer
Senior Officer:	Wendy Stringer – LG Best Practices
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.2 Monthly Payment List January 2023
Voting Requirements:	Simple Majority

Purpose of Report

To meet legislative requirements under the Local Government (Financial Management) Regulations.

Background

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Officer's Comment

The list of payments has been compiled for the month of January 2023 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

At the request of Councillors, the Credit Card statement is also attached for information.

Officer's Recommendation

That Council receives the list of payments and credit card statement, as presented, for the month of January 2023, totalling \$505,921.88.



9.2.3 Monthly Financial Report for December 2022

Date of Report:	9 December 2022
Proponent:	N/A
File Ref:	N/A
Officer:	Wendy Stringer – LG Best Practices
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.3 Monthly Financial Statement December 2022
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 31 December 2022.

Background

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government Act 1995 -

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

Local Government (Financial Management) Regulations 1996 -

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —

committed assets mean revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1) (d), for that month in the following detail —



- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets, and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub-regulation (1) (d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of the financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying document sub-regulations on regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The recommendation that follows is consistent with the legislative requirements.



Policy Implications

This proposal incorporates the requirements of policy 7.11 – Investment of Surplus Funds, specifically the requirement to report on Council's investments within the Monthly Financial Report.

Financial Implications

A copy of the Monthly Financial Report for the period ending 30 September 2022, including the report on significant variances, Investment of Councils reserve and, surplus funds and the reconciliation of Councils bank accounts, has been provided to Council via attachment to this report.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comment

Nil

Officer's Recommendation

That the Monthly Financial Report for the period ending 31 December 2022 be accepted as presented.



9.2.4 Monthly Financial Report for January 2023

Date of Report:	9 February 2023
Proponent:	N/A
File Ref:	N/A
Officer:	Wendy Stringer – LG Best Practices
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.4 Monthly Financial Statement January 2023
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 31 January 2023.

Background

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government Act 1995 -

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

Local Government (Financial Management) Regulations 1996 -

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —

committed assets mean revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1) (d), for that month in the following detail —



- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets, and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub-regulation (1) (d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of the financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying document sub-regulations on regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

The recommendation that follows is consistent with the legislative requirements.



Policy Implications

This proposal incorporates the requirements of policy 7.11 – Investment of Surplus Funds, specifically the requirement to report on Council's investments within the Monthly Financial Report.

Financial Implications

A copy of the Monthly Financial Report for the period ending 21 January 2023, including the report on significant variances, Investment of Councils reserve and, surplus funds and the reconciliation of Councils bank accounts, has been provided to Council via attachment to this report.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comment

Nil

Officer's Recommendation

That the Monthly Financial Report for the period ending 31 January 2023 be accepted as presented.



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Review of Local Laws

Date of Report:	7 February 2023
File Ref:	4.1.6.11 – 8 Year Review of Local Laws
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.1 Shire of Trayning Local Laws
Voting Requirements:	Absolute Majority

Purpose of Report

Council is requested to consider the review of the Shire of Trayning's Local Laws.

Background

The Shire of Trayning last reviewed its local laws at the Ordinary Meeting of Council held 19 November 2014.

Consultation

Local public notice was given on 12 December 2022 of the Review of the Shire of Trayning's Local Laws, with submissions due by 6 February 2023.

No submissions were received.

Statutory Environment

Section 3.16 of the Local Government Act requires the Shire to review its local laws within a period of eight years of commencement, or the last review. The last review was conducted in 2014 and a three local laws were made in 2015 as follows:

Local Law	Status
Public Places and Local Government Property Local Law 2015	Commenced 29 December 2015
Standing Orders Local Law 2015	Commenced 26 May 2015
Extractive Industries Local Law 2001	Reviewed November 2014
Cemeteries Local Law 2001	Reviewed November 2014
Parking and Parking Facilities Local Law 2001	Reviewed November 2014
Dogs Local Law 2015	Commenced 6 March 2015
Prevention of Damage To Streets – Draft Model By-Law No 15	Reviewed November 2014

Policy Implications

There are no direct policy implications.



Financial Implications

There are no direct financial implications. If the Shire wishes to amend or repeal a local law, costs would be incurred for publishing the local law in the government gazette.

Strategic Implications

The Shire of Trayning Council Plan 2022-2032 included the review of the Cemeteries and Dogs Local Laws in 2022/2023.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

No submissions were received in regard to the review of the Shire of Trayning's Local Laws.

The Shire could commence the process of amending or repealing one or more of the local laws, but the State Government's review of the Local Government Act 1995 is proposing the following changes in the area of local laws:

- *It is proposed that local laws would only need to be reviewed by the local government every 15 years.*
- *Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.*
- *Local governments adopting model local laws will have reduced advertising requirements.*

As a result, staff are recommending that none of the Shire of Trayning's local laws be repealed or amended until Part 3, Division 2, Subdivision 2 (Local laws made under any Act) of the Local Government Act 1995 is amended by the State Government and new model local laws are prepared.

Officer's Recommendation

That having conducted a review of its local laws, the Shire of Trayning has determined not to repeal or amend any local law at this time.



9.3.2 Renaming the Shire of Trayning Council Plan 2022-2032

Date of Report:	23 December 2022
Proponent:	4.1.5.3 Plan for the Future
File Ref:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.2 Draft Shire of Trayning Strategic Community Plan and Corporate Business Plan
Voting Requirements:	Absolute Majority

Purpose of Report

Council is requested to consider renaming the Shire of Trayning Council Plan 2022-2032.

Background

The Shire of Trayning Council Plan 2022-2032 was adopted by Council at its Ordinary Meeting held 20 April 2022, replacing and combining the previous Strategic Community Plan and Corporate Business Plan.

During the review of the Chief Executive Officer's performance, the independent consultant recommended that the Council Plan be renamed to remove confusion around compliance with the Local Government Act 1995 and the reference to the Corporate Business Plan in the Chief Executive Officer's Key Performance Indicators.

Consultation

Stephen Tindale

Statutory Environment

- Local Government Act 1995, Section 5.56 – Planning for the future
- Local Government (Administration) Regulations 1996, Regulation 19C - Strategic community plans, requirements for
- Local Government (Administration) Regulations 1996, Regulation 19D – Corporate business plans, requirements for

The Council Plan was prepared to comply with the requirements for a Strategic Community Plan and a Corporate Business Plan within a single document (refer to page four for the Shire's integrated planning and reporting framework).

Renaming the Council Plan to the Shire of Trayning Strategic Community & Corporate Business Plan will remove any confusion over compliance with the Local Government Act 1995.



Policy Implications

There are no direct policy implications.

Financial Implications

There are no direct financial implications.

Strategic Implications

The Shire of Trayning Council Plan 2022-2032 set out the long-term direction and strategies of the Shire of Trayning. Changing the name of the plan will not have any strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

The attached draft Shire of Trayning Strategic Community and Corporate Business Plan has the same content as the current Council Plan, with only the document name and references to the document changed.

Officer's Recommendation

That the Shire of Trayning Council Plan 2022-32 be renamed as the Shire of Trayning Strategic Community & Corporate Business Plan as attached.



9.3.3 Budget Review 2022-23

Date of Report:	7 February 2023
Proponent:	Chief Executive Officer
File Ref:	3.2.7.6 – Budget Review
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.3 Budget Review – Estimated Variations
Voting Requirements:	Absolute Majority

Purpose of Report

To consider a review of the 2022/23 Budget and approve budget variations.

Background

A review of actual expenditure to budgeted expenditure to 31 January 2023 has been undertaken by staff.

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Council when adopting its 2022/23 budget endorsed a variance of 10% and a minimum of \$10,000 to be used in the statements of financial activity and annual budget review, which is the basis of reporting for the Mid-Year Budget Review.

Consultation

Works Supervisor

Statutory Environment

Local Government (Financial Management) Regulations, 33A. Review of budget

Policy Implications

Nil

Financial Implications

Budget Review Outcomes

Opening Surplus

Council budgeted for an opening surplus of \$1,921,958 at 1 July 2022. The actual opening surplus, as per the draft financial statements is \$1,992,910 which meant that the opening surplus is expected to be \$70,952 more than budgeted.



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Budgeted Income and Expenditure

Staff have reviewed the budget operating and capital income and expenditure for the year to 31 January 2023 and the following accounts are estimated to vary more than \$10,000 from budget:

GL	Description	IE	Current Budget	Estimated Actual	Estimated Variance	Comment
	Opening surplus		1,921,958	1,992,910	70,952	Actual opening surplus is expected to be more than budgeted
3032306	Grants Commission – Untied Grant	11	382,174	410,974	28,800	Higher grant allocated than budgeted
3051301	Contributions – FESA	12	102,417	132,417	30,000	Additional grant funds to cover headworks costs
3051302	Water Tank Grant	12	0	14,200	14,200	Unbudgeted water tank grant
3113323	Grant Income Capital Sport & Rec	12	687,828	602,645	(85,183)	Changes to LRCIP funds expected
3121320	Footpath Grant	12	180,000	220,000	40,000	Changes to LRCIP funds expected
2113010	Recreation Facilities Ground Maintenance	01	(31,776)	(61,776)	(30,000)	More hours spent than budgeted
2122001	Road Maintenance – Council	01	(159,376)	(119,376)	40,000	Less hours spent than budgeted
2122035	Depot Building Maintenance	01	(1,364)	(11,364)	(10,000)	More hours spent than budgeted
2042059	Valuation Expenses	02	(25,000)	(45,000)	(20,000)	Land & building valuations invoiced this year not last
2122001	Road Maintenance – Council	02	(8,633)	(48,633)	(40,000)	Using contractors due to staff working less hours on road maintenance than budgeted
4042566	Purchase Administration Vehicle		(60,324)	0	60,324	Ordered, wont receive until 2023/24
4051002	4 Bay DFES Building		(201,372)	(213,372)	(12,000)	Additional costs due to headworks
4074701	Purchase Doctors Vehicle		(59,710)	0	59,710	Ordered, wont receive until 2023/24
4113541	Synthetic Bowling Green		(146,000)	(171,000)	(25,000)	Additional costs due to incorrect measurement
4113547	Trayning Sports Ground Capex		(54,000)	(30,000)	24,000	Savings on projects
4121010	Footpath Construction		(184,434)	(221,434)	(37,000)	Increase in contractor costs
5042730	Proceeds on Disposal of Assets		51,818	0	(51,818)	Ordered replacement vehicle, wont receive until 2023/24
5042731	Purchase of Doctor Vehicle – Contributions from Other Shires		5,524	0	(5,524)	Ordered replacement vehicle, wont receive until 2023/24
5042732	Proceeds on Disposal of Assets		51,818	0	(51,818)	Ordered replacement vehicle, wont receive until 2023/24
	Overall Impact on Surplus				(357)	

The following additional changes are recommended to the budget:

GL	Description	IE	Current Budget \$	Proposed Budget \$	Proposed Variance \$	Comment
4101540	Capital Kununoppin Refuse Site		(97,713)	0	97,713	Defer project, extend life of refuse site by moving scrap metal and green waste cells
4113500	Transfer to Facilities Reserve		0	(175,616)	(175,616)	Quarantine funds from building projects deferred and savings achieved at Trayning Sports Ground
4111543	Kununoppin Hall Capital Expenditure		(38,000)	0	38,000	Defer project
4111545	Kununoppin Community Centre		(70,260)	0	70,260	Defer project
4111547	Don Mason Centre (Capital)		(60,000)	0	60,000	Defer project
5102800	Transfer from Refuse Reserve		90,000	0	(90,000)	Transfer station project deferred
	Overall Impact on Surplus				357	



9.3.4 Business Plan – Kununoppin Hospital Staff Housing

Date of Report:	1 February 2023
Proponent:	Chief Executive Officer
File Ref:	14.4.1 Council Owned Properties - Acquisition and Disposal
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.4 Draft Business Plan – Kununoppin Hospital Staff Housing
Voting Requirements:	Simple Majority

Purpose of Report

To consider advertising a Business Plan for a Major Land Transaction and Major Trading Undertaking for Kununoppin Hospital Staff Housing.

Background

In October 2022 the Western Australian Local Government Association forwarded an email from the Western Australian Country Health Service to Great Eastern Country Zone local governments inviting them to invest in a partnership to provide housing for Western Australian Country Health Service staff.

Consultation

The Chief Executive Officer has been liaising with staff from the Western Australian Country Health Service and the Chief Executive Officer of the Shire of Wyalkatchem in regard to the housing needs for the Kununoppin and Wyalkatchem Hospital staff.

The Western Australian Country Health Service has identified a need for an accommodation village for staff at each hospital and are willing to enter into a lease with the respective Shires on a cost recovery basis.

The proposal was discussed at the Councillors Forums held on 19 October and 16 November 2022 and staff have taken feedback from Councillors on board when drafting the attached Business Plan.

Statutory Environment

Section 3.59 of the Local Government Act 1995 details the process governing Commercial Enterprises by local governments, including Major Land Transactions and Major Trading Undertakings.

The proposed Kununoppin Hospital Staff Accommodation could potentially meet the criteria of a major land transaction and a major trading undertaking. Staff are treating the proposal as though it does for the sake of transparency and accountability.



Before the Shire enters into a Major Land Transaction or commences a Major Trading Undertaking, it is required to prepare a Business Plan that includes an overall assessment including:

- a) expected effect on the provision of facilities and services by the Shire
- b) expected effect on other persons providing facilities and services in the district
- c) expected financial effect on the Shire
- d) expected effect on the Shire's Plan for the future
- e) the ability of the Shire to manage the performance of the transactions and
- f) any other matter prescribed for the purposes of the subsection.

The Local Government Act 1995 also requires the Shire to give state-wide public notice that:

- the Shire proposes to enter into a Major Land Transaction and Major Trading Undertaking described in the notice; and
- a copy of the Business Plan may be inspected or obtained at any place specified in the notice.

The Shire is to make a copy of the Business Plan available for public inspection in accordance with the notice. The Shire is to also publish a copy of the Business Plan on its official website.

Submissions about the proposed land transaction or undertaking may be made to the Shire before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the Shire is to consider any submissions made and may decide by absolute majority to proceed with the undertaking and transaction as proposed or so that it is not significantly different from what was proposed.

Policy Implications

Policy 1.11 Community Consultation requires service planning and key strategic issues (major projects) to be advertised in the Ninghan News and the Shire Web Page. The officer recommendation will meet those requirements.

Policy 7.4 Purchasing and Tenders and Policy 7.3 Regional Price Preference will apply if the project proceeds.

Financial Implications

The draft Business Plan proposes to borrow up to \$1.8M to develop an accommodation village for Western Australian Country Health Service staff working at the Kununoppin Hospital. It also proposes charging the Western Australian Country Health Service a monthly lease payment that will cover the costs of the development, finance and operating expenses over a ten year period.

Indicative pricing for the capital and borrowing costs has been sought and are less than the figures used in the Business Plan. The figures have been inflated to allow for the impact of future cost increases.



Advice was sought from the Western Australian Treasury Corporation regarding the impact of the proposed loan on the Shire's ability to borrow funds for other projects. If the loan is offset by a lease agreement for the same period, there should be no impact on the Shire's borrowing capacity.

Strategic Implications

The Shire of Trayning Council Plan recognises the retention of medical services as a community priority and identifies the need for housing and rental stock to assist in the attraction and retention of the local workforce.

As with many industries, the health sector is struggling to attract staff to work in rural and regional areas. Having modern accommodation for staff will assist the Kununoppin Hospital maintain appropriate personnel.

The 2023/24 Annual Budget and future versions of the Council Plan, Long Term Financial Plan and Asset Management Plan will need to take into account the lease income, loan repayments and property maintenance should the project proceed.

At the end of the proposed ten year lease, the Shire will have the option to enter into a new lease agreement with Western Australian Country Health Service or another party/parties, creating a new income stream for the Shire.

Officer's Comment

Staff have been working with the Shire of Wyalkatchem with a view to carrying out a joint project to share administrative inputs and to create an economy of scale in regard to procurement etc.

Should both projects proceed, the Shires will share the cost of consultants, tendering etc, but enter into separate leases with Western Australian Country Health Service and contracts with a supplier for the construction of the accommodation and separate loans with the Western Australia Treasury Corporation.

Officer's Recommendation

That State-wide public notice be given of the attached Business Plan for a Major Land Transaction and Major Trading Undertaking for Kununoppin Hospital Staff Housing, calling for public submissions by 10.00 am on Tuesday 7 April 2023.



9.3.5 Compliance Audit Return 2022

Date of Report:	13 January 2023
Proponent:	Chief Executive Officer
File Ref:	4.3.1.2 Compliance Audit Report
Officer's Disclosure of Interest:	Nil
Attachments:	4.1 Compliance Audit Return 2022
Voting Requirements:	Simple Majority

Purpose of Report

To review the Compliance Audit Return 2022.

Background

A copy of the 2022 Compliance Audit Return has been completed by staff and is presented as Attachment 4.1 of the Audit Committee Agenda.

Consultation

Nil

Statutory Environment

Local Government (Audit) Regulations 1996:

14. Compliance audits by local governments

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

Policy Implications

Nil

Financial Implications

Nil

Officer's Comment

The Shire did not comply with the legislative requirements with regards to the following matter:

S7.9(1) Receipt of Auditors Report

The auditor's report for the financial year ended 30 June 2022 was not provided by the Office of the Auditor General in time for it to be received by the local government by 31 December 2022.



There were a number of factors which have contributed to the late receipt of the financial report for the year ended 30 June 2022 including:

- An interim audit carried out by Audit Partners Australia in April 2022 before they withdrew as the Shire's auditors
- Butler Settineri were appointed as the Shire's new auditors by the Office of the Auditor General in June 2022
- Butler Settineri (now part of Dry Kirkness) advised they would redo the interim audit when they conducted the final audit in September 2022
- The Annual Financial Statements were provided to Dry Kirkness on 2 September 2022, noting that minor changes were expected once the land and building revaluations were received
- Throughout the audit process Shire staff and contractors experienced difficulties with Dry Kirkness asking for information which had already been provided. One of the Dry Kirkness staff involved in the audit left the organisation which contributed in part to this situation, but it would appear their record keeping/audit process were inadequate
- The Office of the Auditor General was advised the late audit was due to the delay in the revaluations, however Dry Kirkness were still asking other audit related questions on 20 December 2022
- The valuer who inspected the Shire properties left the organisation before the report was completed. Other valuation staff tried to complete the valuation using his notes, however they were found to be deficient and all properties had to be re-inspected when another valuer was available
- The valuations were received on 6 December 2022 and the final version of the Annual Financial Report was provided to Dry Kirkness on 21 December 2022
- The Director at Dry Kirkness assigned to the Shire left the organisation on 22 December, with her replacement on leave and not expected to return to work until mid/late January 2023. The auditor finalising their queries was on leave until 9 January 2023
- The Shire has incurred significant extra costs as a result of having to pay its contractors to carry out two interim audits, plus time spent dealing with the duplicate requests for information. It has also resulted in extra time being spent on audit queries by the Shire's Chief Executive Officer and finance staff which impact on other service areas.

Officer's Recommendation

That the Compliance Audit Report 2022 be received as presented by the Chief Executive Officer and be submitted to the Department of Local Government, Sport and Cultural Industries with a copy of the minutes of this meeting.



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

That in accordance with Section 5.23 (3) of the Local Government Act 1995, the meeting move behind closed doors as items 11.1 and 11.2 relate to a matter affecting an employee and a matter that if disclosed would reveal information that has commercial value to a person.

11.1 Tender 3 2022-23 – Sale of Various Properties

Date of Report:	6 February 2023
Proponent:	Chief Executive Officer
File Ref:	14.4.1 Council Properties - Acquisition and Disposal
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

11.2 CEO Contract Review

Date of Report:	4 January 2023
File Ref:	Personnel File
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	The author is the subject of the request
Attachments:	11.2 Current CEO Contract
Voting Requirements:	Simple Majority

12 CLOSURE