

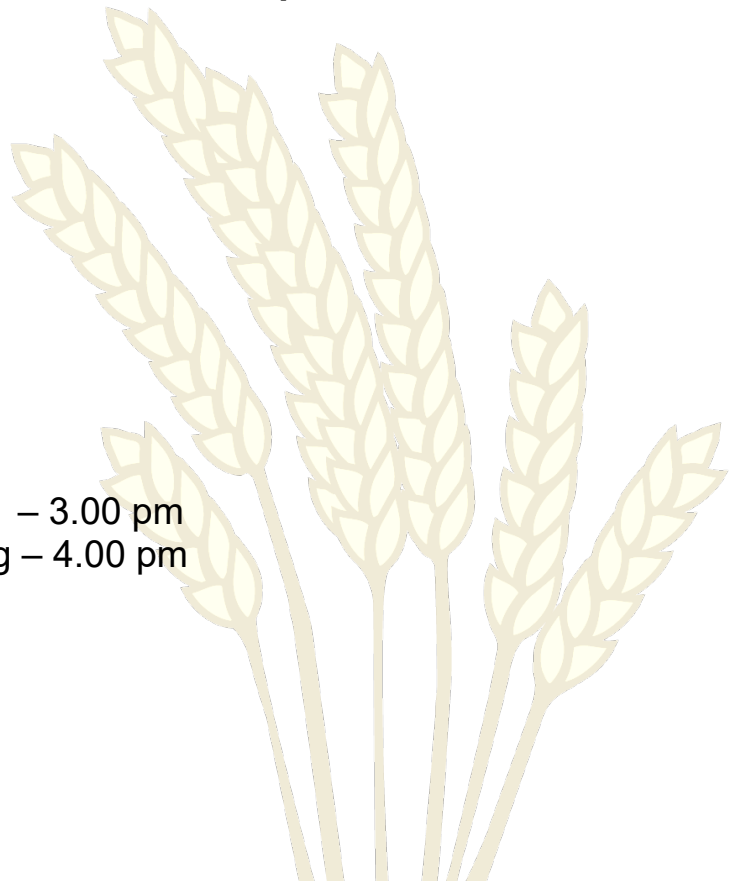


**AGENDA
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 16 November 2022**

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

Commencement: 4.00 pm

Forum Meeting – 3.00 pm
Ordinary Council Meeting – 4.00 pm





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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 16 November 2022, 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
Miss Belinda Taylor - Manager of Corporate Services
Mr Brett Mason – Project manager

APOLOGIES:

ON APPROVED LEAVE(S) OF ABSENCE:

ABSENT:

VISITORS:



3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

The following questions were received in writing prior to the November Ordinary Council meeting by Mr Graham Tarr of 26 Adam Street Kununoppin WA 6489.

- 1) Could you please outline to me and the rest of the community, what advantage is gained for the rate payers of the Shire of Trayning, when both the CEO and Manager of Corporate Services no longer seek quotations from suitably qualified, licensed, from multiple goods and service providers based in the Shire of Trayning
- 2) Can you confirm that the CEO and Manager of Corporate Services are fully compliant with the current code of conduct, especially section 7.3, 7.4 (a) 7.4 (b) of the council policy manual
- 3) Can you confirm that the current gift register for Councilors and CEO, Employee disclosure of notifiable gifts is up to date on the Shire website or is it no gifts have been declared since February 2022 as required under the Local Government Act.
- 4) Can you please provide an answer to why Council payments are no longer listed on the website, my understanding under the financial regulations these must be presented to the Public.

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 19 October 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



9.2 FINANCE REPORTS

9.2.1 Monthly Payment List October 2022

| | |
|-----------------------------------|---|
| Date of Report: | 10 November 2022 |
| 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 October 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 October 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 October 2022, totalling \$314,488.12.



9.2.2 Monthly Financial Report for October 2022

| | |
|-----------------------------------|--|
| Date of Report: | 9 November 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: | 9.2.2 Monthly Financial Statement October 2022 |
| Voting Requirements: | Simple Majority |

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 31 October 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 31 October 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 October 2022 be accepted as presented.



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Council Meeting Dates 2023

| | |
|-----------------------------------|-------------------|
| Date of Report: | 7 November 2022 |
| Proponent: | Shire of Trayning |
| File Ref: | 4.1.2.3 |
| Officer's Disclosure of Interest: | Nil |
| Attachments: | Nil |
| Voting Requirements: | Simple Majority |

Purpose of Report

Council is required to determine meeting dates for the 2023 calendar year.

Background

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, Council is required to advertise Ordinary Council meeting and Committee Meeting dates at least once per annum.

Consultation

Councillors have informally raised the possibility of reducing the number of Ordinary Meetings held each year. Historically, the Shire has held an Ordinary Meeting of Council on the third Wednesday of every month, except January.

Statutory Environment

Local Government (Administration) Regulations 1996, clause 12

12. Meetings, public notice of (Act s. 5.25(1) (g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.



- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications

There are no direct policy implications.

Financial Implications

There will be no costs incurred as the public notice is placed in the Ninghan News and on the Shire's website.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

The advertising of Council meetings whilst meeting a statutory obligation also provides the opportunity for community members to be aware of when Council meetings are being held and attend if they choose which can improve the social interaction with Councillors.

Officer's Comments

Advertising will occur in the Ninghan News, Public Notice Boards, Shire Facebook page and website.

Officer's Recommendation

The Ordinary Meetings of Council in 2023 be held in the Council Chambers commencing at 4.00 pm on the following dates:

- Wednesday 15 February 2023
- Wednesday 19 April 2023
- Wednesday 17 May 2023
- Wednesday 21 June 2023
- Wednesday 19 July 2023
- Wednesday 16 August 2023
- Wednesday 18 October 2023
- Wednesday 20 December 2023



9.3.2 Budget Variation – Trayning Caravan Park Ablutions

| | |
|-----------------------------------|--------------------------|
| Date of Report: | 8 November 2022 |
| Proponent: | Shire of Trayning |
| File Ref: | 3.2.7.8 |
| Officer's Disclosure of Interest: | Nil |
| Attachments: | Nil |
| Voting Requirements: | Absolute Majority |

Purpose of Report

To consider a budget variation to repair or replace the Trayning Caravan Park Ablution Block.

Background

The abluion block at the Trayning Caravan Park has had issues with drainage for several years where the water from the showers has regularly not drained away creating a health and safety issue.

Consultation

Manager Corporate Services
Just Right Contracting

Statutory Environment

Local Government Act 1995, Section 6.2 - Local government to prepare annual budget

Policy Implications

There are no direct policy implications.

Financial Implications

The 2022/23 Budget included \$65,007 to replace the septic/leach drains at the Caravan Park and the ceiling in the Camp Kitchen. These works have been completed within budget.

The budget also included Grants Commission (untied) income of \$282,173. The expected grant funds for the year are now \$411,008, resulting in \$128,835 additional unbudgeted income. A portion of these funds could be utilised to pay for the required repairs (or the replacement) of the Caravan Park abluion block.



Strategic Implications

There are no direct strategic implications.

Environmental Implications

There are no direct environmental implications.

Social Implications

While considered part of the Caravan Park infrastructure, the toilets and showers are also available to users of the gym, Pioneer Park and tennis courts.

Officer's Comments

Major repairs were carried out to the caravan park showers and toilets in 2019 costing almost \$22,000 to retile the floor and replace a section of water damaged wall.

Since then the Shire has spent over \$14,000 on drainage and plumbing related issues and the septic and leach drains were replaced in September 2022 at a cost of over \$50,000.

Unfortunately the drainage issue in the showers has continued, with water pooling over a large section of the floor when the shower is used and not draining away effectively. Investigation found that the floor was still sloping away from the drains and Just Right Contracting were engaged to change the drainage system and floor surface.

When the tiles were removed and new floor drains were being cut, it was discovered that the metal wall frames are rusted due to the drainage issue and the walls of the showers being constructed using gyprock.



The cost of works required to address these issues is significantly more than anticipated and cannot be achieved with the Shire's current budget. A revised quotation has been provided to repair the walls and floors and replace the fixtures etc. Additional quotes for repairs have yet to be sought.



The alternative to fixing the ablution block is to demolish it and replace it with a new one. Quotes are being sought for a new modular building but have not been received at the time of writing this report.

The ablution block is currently closed to the public, so a budget variation is being recommended to Council before quotes are received to allow purchase orders to be raised as soon as possible. It is proposed that if a new ablution block is over \$60,000 (plus GST), the existing facility be repaired.

Officer's Recommendation

The 2022/2023 Budget be amended as follows:

| Job/GL | Description | Current Budget | Amended Budget |
|---------|----------------------------------|----------------|----------------|
| BC36 | Caravan Park Capex | (65,007) | (125,007) |
| 3032306 | Grants Commission – Untied Grant | 282,173 | 342,173 |



9.3.3 Take Possession of Property for Non Payment of Rates

| | |
|-----------------------------------|--------------------------|
| Date of Report: | 9 November 2022 |
| Proponent: | Nil |
| File Ref: | 3.1.14 |
| Officer's Disclosure of Interest: | Nil |
| Attachments: | Nil |
| Voting Requirements: | Absolute Majority |

Purpose of Report

To consider taking possession of and selling Lot 61, 7 Glass Street, Trayning for the recovery of outstanding rates and debtors invoices.

Background

At the time of writing this report, Ms Lawrence, the owner of Lot 61, 7 Glass Street Trayning had the following outstanding debts with the Shire of Trayning:

| | |
|-------------------------|------------------|
| Rates | 12,684.92 |
| Legal Charges/Fees | 9,291.43 |
| Interest & Fees | 8,001.89 |
| Refuse & Recycling | 2,913.00 |
| ESL & ESL Penalties | 836.84 |
| Sundry Debtors Invoices | 5,370.31 |
| TOTAL | 39,099.09 |

Interest continues to accrue on the rates assessment at a rate of \$6.3325 per day.

Consultation

The Chief Executive Officer tried to work with a Financial Counsellor from Knowmore acting on Ms Lawrence's behalf and Liberty Finance, but no agreement could be reached.

The Shire's Debt Collectors AMPAC have pursued the debt as far as possible, and engaged Baycorp on behalf of the Shire to sell the property under Section 63-66 of the *Civil Judgments Enforcement Act 2004*. Baycorp have now advised that they have investigated the property and determined that there is insufficient equity for them to proceed with an auction.

Statutory Environment

Local Government Act 1995
Part 6 — Financial management
Division 5 — Financing local government
Subdivision 6 — Actions against land where rates or service charges unpaid



Policy Implications

Policy 7.6 Debt Recovery – Outstanding Rates and Sundry Debtors

Financial Implications

There is a possibility that the full amount owned by Ms Lawrence will not be totally recovered by auctioning off the property, particularly once the costs of the seizure/sale and additional interest is added.

AMPAC has provided a quotation to carry out the process of possessing and selling the property on behalf of the Shire. Usually these costs are recovered through the sale of a property, however given the large amount owed and likely value of the property, staff will carry out the work in house instead.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no direct environmental implications.

Social Implications

There are no direct social implications.

Officer's Comment

There are no other comments.

Officer's Recommendation

That Council, pursuant to section 6.64(1) (b) of the *Local Government Act 1995*, proceed to take possession and sell Lot 61, 7 Glass Street, Trayning which has rates in arrears for three or more years and recover from the proceeds of sale the outstanding balances.



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12 CLOSURE