

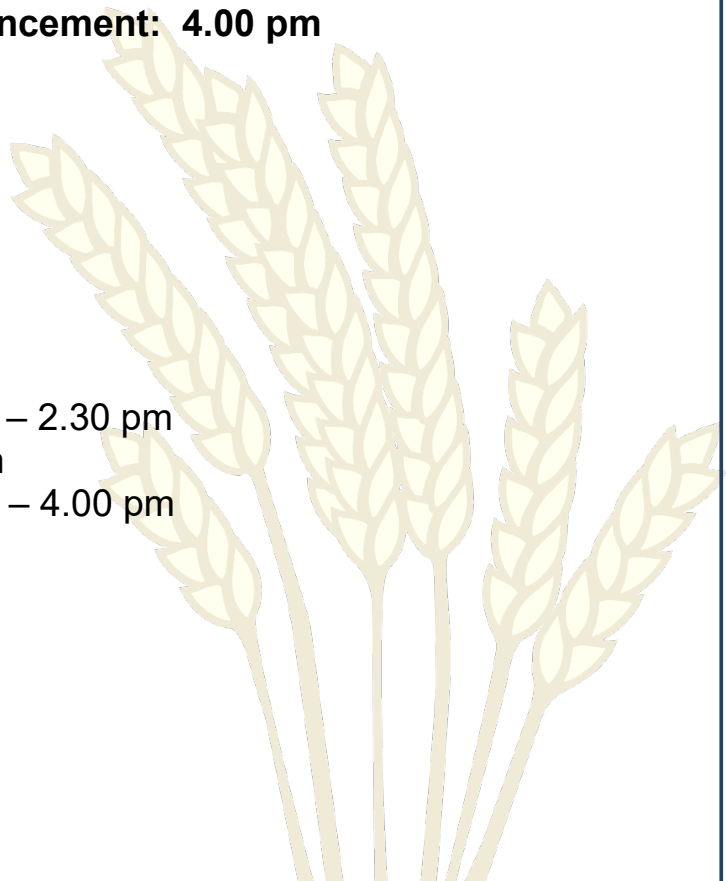


**AGENDA
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 17 November 2021**

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

Commencement: 4.00 pm

Audit Committee Meeting – 2.30 pm
Forum Meeting – 3.00 pm
Ordinary Council Meeting – 4.00 pm





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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 17 November 2021, 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 Freda Tarr
Cr Clayton Marchant
Cr Michelle McHugh
Cr Peter Barnes
Cr Mark Leslie

STAFF:

Mrs Leanne Parola (Chief Executive Officer)
Mr Stephen Thomson (Works Supervisor)

APOLOGIES:

Miss Belinda Taylor (Manager of Corporate Services)

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 20 October 2021 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 For Development Approval – Residential Dwelling – Lot 190 Hewitt Street, Kununoppin
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Date of Report:	12 November 2021
Proponent:	Quality Builders Pty Ltd
File Ref:	10.1.3 – Development Control, Other Developments
Officer's Disclosure of Interest:	Nil
Attachments:	9.1.1 Application for Development
Voting Requirements:	Simple Majority

Purpose of Report

For Council to determine an application for Development Approval (DA) for a new residential dwelling on Lot 190 Hewitt Street, Kununoppin. The DA has been lodged by Quality Builders Pty Ltd on behalf of the owners.

Background

The property is owned by Jarrad and Michelle McHugh. **Figure 1** shows the location of the subject land in relation to the Kununoppin townsite.



FIGURE 1 – LOCATION PLAN



Source: Local Planning Strategy 1

The applicant provided a DA form, a copy of the BAL (Bushfire Attack Level) certificate and assessment report, a cover letter and comprehensive drawings of the proposed dwelling house.

Applications are assessed for compliance with the relevant development controls, including the Residential Design Codes and the Shire's local planning policies. Variations to the deemed-to-comply provisions of the Residential Design Codes are assessed against the Shire's Local Planning Scheme No. 1. If an application is found to comply development approval is issued, but if an application does not comply it may be refused.

The new residential dwelling meets the objectives of the Townsite Zone and is listed as a permitted use in the Zoning Table. There is no indication of the other development on the site as seen in Figure 1.



Officer’s Comment

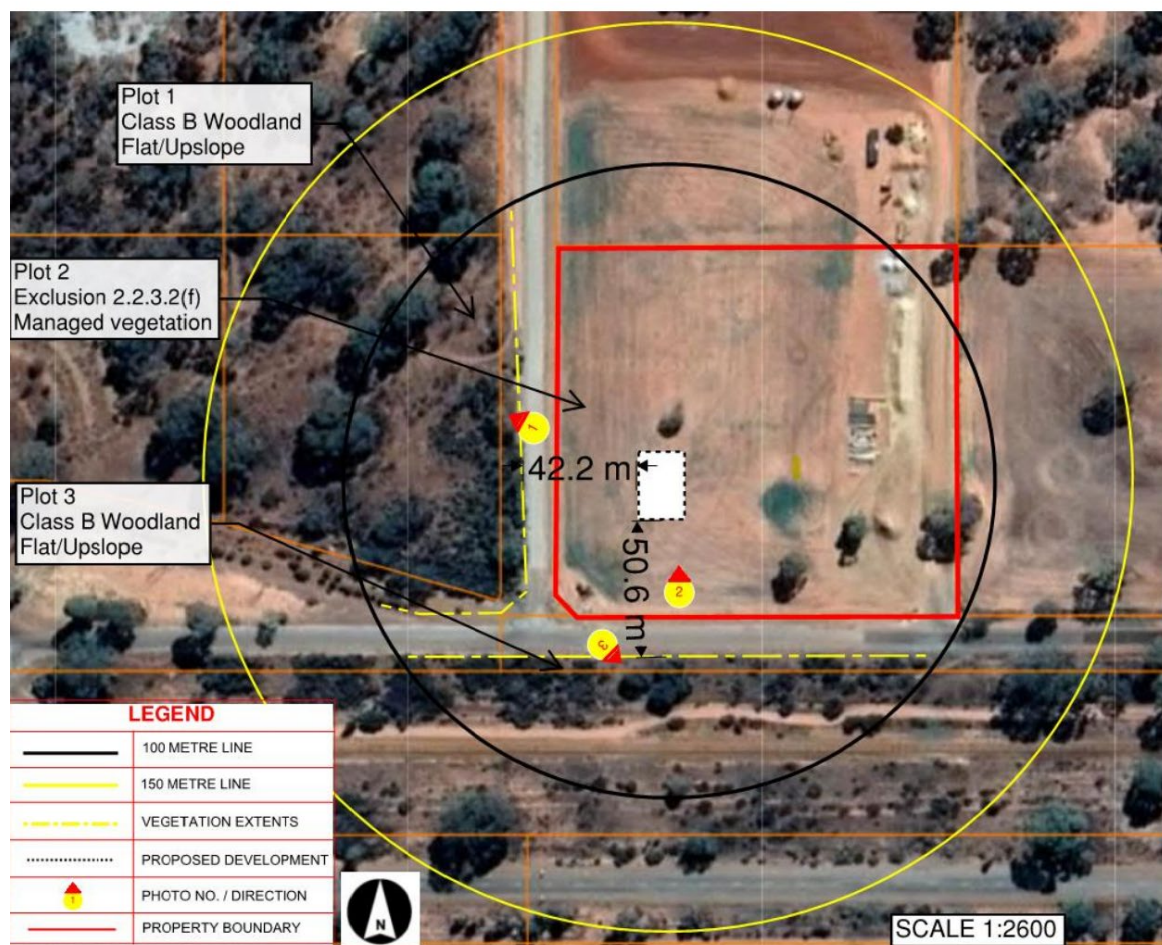
The subject land was rezoned from Rural Residential to Townsite in the Council’s Scheme (Shire of Trayning Local Planning Scheme No 1).

This item is referred to Council as the application is required to be assessed in accordance with Local Planning Scheme No. 1 for rezoned lots. For the reasons set out in this report, it is recommended that the application be approved, subject to conditions under the building codes.

The subject land meets the objectives of the Townsite Zone and a ‘single residential House’ is listed as a permitted use in the Zoning Table. The side setback should be determined by the building codes rather than planning.

The land is included in the Bushfire Prone Mapping area and would be required to have a BAL (Bushfire Attack Level) assessment. The applicant has provided a BAL certificate and assessment report accordingly. **Figure 2** shows the extent of the Bushfire Prone Mapping.

FIGURE 2 – BUSHFIRE PRONE MAPPING AREAS



Source: DA-BAL Assessment Report



Other building requirements including stormwater drainage will be dealt with as part of the Building Permit process. An advice note addresses this issue.

Statutory Environment

The Scheme was gazetted on 25 June 2013 and has been the subject of two amendments – both relating to rezoning.

The subject land was rezoned ‘Townsite’ in the Council’s Scheme. **Figure 3** provides an extract from the Scheme mapping. As can be seen from this figure Lots 189 and 193 Hughes Street, Lot 190 Hewitt Street, Lot 194 Appleyard Street, Lots 202 and 203 Appleyard Street, Kununoppin from Rural Residential to Townsite. These lots permit the use for single houses.

FIGURE 3 – EXTRACT FROM SCHEME No 1 MAPPING



The Scheme objectives for land in the Townsite zoned areas include the following. The objectives are;

- To provide for a degree of flexibility of uses allowed within the zone to maintain a rural town atmosphere.
- To allow a variety of uses necessary to service the normal functions of a rural townsite.
- To provide for a mix of residential development and a range of commercial, light industrial and other uses considered appropriate in rural towns.



Consultation

Nil

Policy Implications

Nil

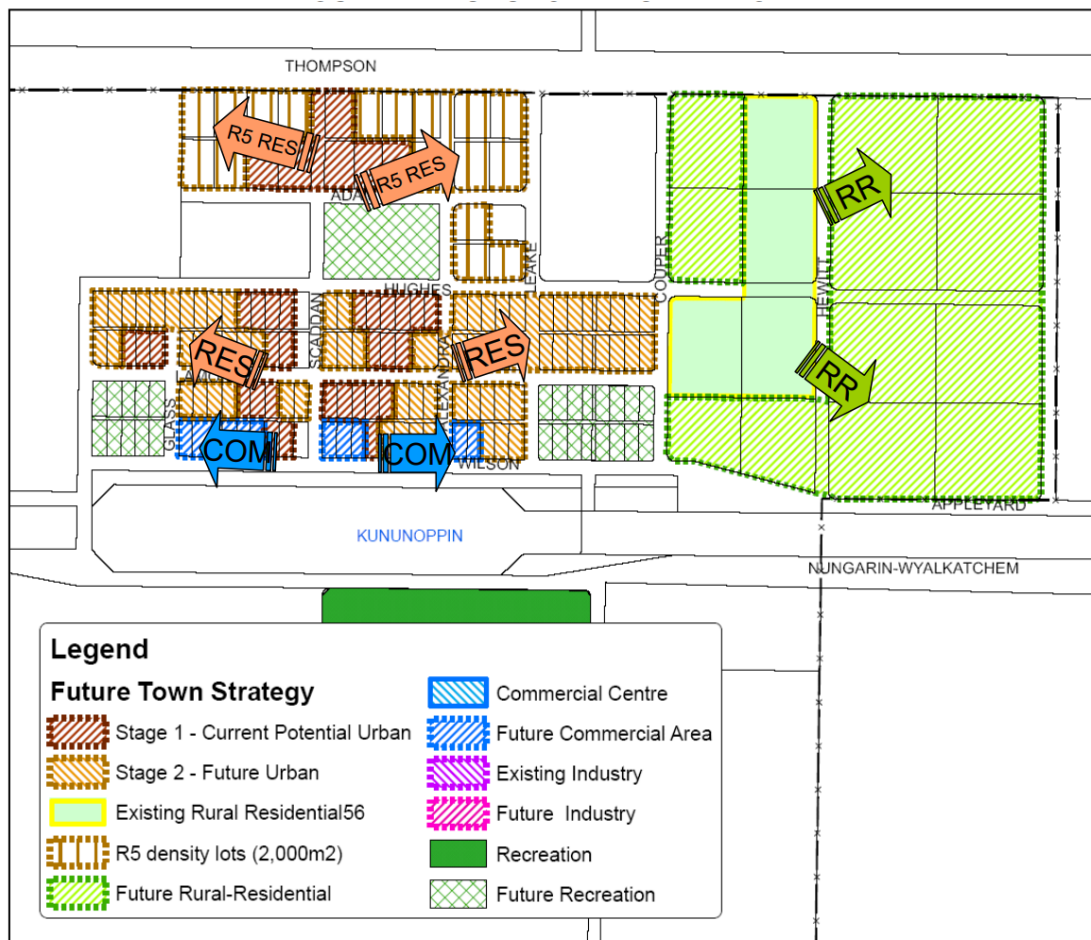
Financial Implications

Nil

Strategic Implications

The Council has prepared a local Planning Strategy in 2012 that earmarks the subject land for development of residential dwelling. The proposal is consistent with the objectives of the strategy as shown on Figure 4 below.

FIGURE 4 – KUNUNOPPIN STRATEGY PLAN



Source: Shire of Trayning Local Planning Strategy 1

Environmental Implications

Nil

Social Implications

Nil



Officer's Recommendation

That the DA be approved subject to the following conditions and advice notes:

1. Side setbacks to comply with Building Code of Australia standards.
2. Landscaping to the satisfaction of the local government.

Advice Notes

- 1 This approval relates to the development only and shall be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2 If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- 3 Prior to lodging an application for a building permit, stormwater and effluent disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed, and maintained to the satisfaction of the Local Government.
- 4 If an applicant or owner 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.



9.2 FINANCE REPORTS

9.2.1 Monthly Financial Report for October 2021

Date of Report:	
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:	9.2.1 October 2021 Monthly Financial Report
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 31 October 2021.

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 are prescribed.

Local Government (Financial Management) Regulations 1996 -

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

- (1A) In this regulation —
committed assets means 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 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 documents referred to in sub 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 2021, 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 2021 be accepted as presented.



9.2.2 Monthly Payment List October 2021

Date of Report:	
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 October 2021 Payments List for Council
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 2021 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 2021, totalling \$349,125.63.



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Taking Possession of Properties for Non-Payment of Rates

Date of Report:	26 October 2021
Proponent:	Chief Executive Officer
File Ref:	3.1.1.4 – Rates Written Off
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Absolute Majority

Purpose of Report

To consider taking action against two properties for non-payment of rates.

Background

There are two properties within the Shire of Trayning where Council had previously resolved to take possession of the land for non-payment of rates and to write off rates payable.

Assessment A81 – Lot 24, 26 Lamond Street, Kununoppin

At the Ordinary Meeting of Council held 21 September 2005, Council resolved:

To write –off the balance of the rate arrears for assessment number 81, presently in the sum of \$315.71 (plus interest) and proceed with the resumption/conveyancing issue of converting the title into the name of the Shire.

It would appear that the rates were written off, but the property was not transferred to the Shire of Trayning. A report to Councillors indicated that documents had been received confirming transfer of land, but a check of Landgate indicates that it is still in the name of Philomenor Decesare.

The assessment was made non-rateable so no rates have been accruing since that time.



Assessment A627 – 42 Coronation Street, Trayning

At the Ordinary Meeting of Council held 20 November 2019, Council resolved:

Moved Cr MS Hudson

Seconded Cr McHugh

That Council:

- endorse the actions of Shire administration and agree to purchase lot 110 (42) Coronation Street Trayning from Ms K Thor for zero consideration,
- agree to write off all outstanding Shire rates and service charges (approximately \$6,275) for lot 110 Coronation Street, subject to the sale to the Shire progressing,
- acknowledge that Settlement Fees of approximately \$1,560 and Water Charges of approximately \$2,116 will be payable by the Shire of Trayning on settlement.

Resolution 11-2019.127

Carried by Absolute Majority 4/1

Prompt Settlements were engaged to transfer the property to the Shire, however Ms Thor has refused to cooperate with the settlement agent. Unfortunately staff wrote off the rates before the property settled.

In July 2021 staff instructed the Shire's Rates Consultant to reverse the write off so that debt collection action could be taken against Ms Thor. Since being contacted by the debt collectors, she has again indicated that she would like Council to take over ownership of the property, provided the rates and charges are written off.

Consultation

Bob Waddell & Associates
Prompt Settlements
Peter Groom Settlements

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

And section 6.12. Power to defer, grant discounts, waive or write off debts

Policy Implications

Policy 7.6 Debt Recovery – Outstanding Rates and Sundry Debtors



Financial Implications

The Shire's Rates Consultant has sought a quotation from Peter Groom Settlements to handle the transfer of A627 from Ms Thor to the Shire of Trayning and advises the costs are likely to be:

Details	Amount
Agent fees and transfers	\$1,592.60
Lawyers' Fees for Caveat	\$1,000.00
Write off of Council Rates & Charges	\$8,474.77
Payment of Water Corp Fees & Charges	Unknown
Estimated Expense (not including Water Corp)	\$11,067.37

The amount of Council Rates and Charges will increase until the property is transferred due to interest and anticipated debt collection fees for the action this financial year. This would be partly offset by the additional, unbudgeted rates income reversal of the previous rates write off of \$7,814.35.

It is likely there will be similar agent fees and transfers for A81. Because the property was made non-rateable, there is no outstanding rates or charges to write off.

Strategic Implications

The two vacant blocks could be listed for sale in the next public auction of property by the Shire which could assist in a small increase in rates and/or attract someone to build a house on them.

Alternative, the Coronation Street property could be used by the Shire for building future staff/rental accommodation.

Officer's Comment

These two outstanding rates transfers need to be dealt with now so that the properties will have some potential in the future. At the moment, the Shire would not be able to sell or develop either one and the property on Coronation Street continues to raise rates and charges which are likely to be unrecoverable.

Officer's Recommendation

That:

- 1) The process to transfer Lot 24, 26 Lamond Street, Kununoppin to the Shire of Trayning be recommenced
- 2) The process to transfer Lot 110, 42 Coronation Street, Trayning to the Shire of Trayning be recommenced
- 3) Rates and charges owing on Assessment A267, Lot 110, 42 Coronation Street be written off after settlement



9.3.2 Council Meeting Dates 2022

Date of Report:	10 November 2021
Proponent:	Shire of Trayning
File Ref:	4.1.2.3
Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Introduction

Council is required to determine meeting dates for the 2022 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

No consultation is required for this item.

Statutory Environment

Local Government (Administration) Regulations 1996, clause 12

Policy Implications

Policy 1.8 Holding of Ordinary Meetings of Council states that Council shall meet at 4 pm on the third Wednesday of each month except January. The officer recommendation reflects the policy.

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 2022 be held in the Council Chambers commencing at 4.00 pm on the following dates:

- Wednesday 16 February 2022
- Wednesday 16 March 2022
- Wednesday 20 April 2022
- Wednesday 18 May 2022
- Wednesday 15 June 2022
- Wednesday 20 July 2022
- Wednesday 17 August 2022
- Wednesday 21 September 2022
- Wednesday 19 October 2022
- Wednesday 16 November 2022
- Wednesday 21 December 2022



9.3.2 Proposed Change to Policy 7.5 Credit Card and Store Cards

Date of Report:	11 November 2021
Proponent:	Shire of Trayning
File Ref:	4.1.5 Policy Manual
Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Draft Policy 7.5 Credit Card and Store Cards
Voting Requirements:	Simple Majority

Introduction

To consider amending Policy 7.5 Credit Card and Store Cards to allow the Manager Corporate Services to have a corporate credit card.

Background

Policy 7.5 Credit Card and Store Cards currently authorises the Chief Executive Officer to hold a corporate credit card.

Consultation

Shire President

Statutory Environment

There are no statutory implications.

Policy Implications

Policy 7.5 Credit Card and Store Cards

Financial Implications

There will be no direct financial implication from amending Policy 7.5.

The value of the available credit (\$20,000) is proposed to remain unchanged, but the authorised limit for the Chief Executive Officer is proposed to be reduced to \$15,000 to allow the Manager Corporate Services to have a limit of \$5,000.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

There have been circumstances when the Chief Executive Officer has been out of the office and/or unavailable to use her credit card when required. Recently the card was compromised and had to be cancelled, resulting in there being no corporate credit card for several weeks.



Having a second card available will reduce the likelihood of this occurring in the future and provide more flexibility to the organisation for purchasing goods or services.

Officer's Recommendation

That Policy 7.5 Credit Card and Store Card be amended as attached.



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Officer Recommendation

That Council close the meeting to members of the public in accordance with section 5.23(2) of the Local Government Act to discuss item 11.1 CEO Performance Assessment.

11.1 CEO Performance Review

12 CLOSURE