



**MINUTES
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 19 April 2023**

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

Commencement: 4.00 pm





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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



PREFACE

When the Chief Executive Officer approves these Minutes for distribution, they are in essence “Unconfirmed” until the following Council Meeting, where the Minutes will be confirmed subject to any amendments made by the members of the Committee

The “Confirmed” Minutes are then signed off by the Presiding Person.

UNCONFIRMED MINUTES

These minutes were approved for distribution on 20 April 2023.

Leanne Parola
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 2023.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



MINUTES

Ordinary Meeting of the Trayning Shire Council,
Held in the Council Chambers, Lot 66 Railway Street, Trayning,
on Wednesday 19 April 2023, commencing at 4.00 pm

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Cr MA Brown welcomed Councillors and staff, declaring the meeting open at 4:00 pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Melanie Brown (Shire President)
Cr Michelle McHugh
Cr Clayton Marchant
Cr Peter Barnes

STAFF:

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

APOLOGIES:

Cr Geoff Waters (Deputy Shire President)

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Cr Mark Leslie

VISITORS:

Nil



3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

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

5.1 Applications Previously Approved

Nil

5.2 Leave of Absence

Nil

5.3 Disclosure of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of interest were made at the Council meeting.

<i>Councillor / Officer</i>	<i>Item No</i>	<i>Nature of Interest</i>	<i>Extent of Interest</i>
Cr ML McHugh	9.3.2	Impartiality	Working in a WACHS Building

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 Petitions

Nil

6.2 Deputations

Nil

6.3 Presentations

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council



Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That the minutes of the Ordinary Meeting of Council held on 15 February 2023 be confirmed as a true and correct record of the proceedings.

Resolution 04-2023.022

Carried 4/0

8 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

9 REPORTS OF OFFICERS

9.1 REGULATORY SERVICES

Nil

9.2 FINANCE REPORTS



9.2.1 Monthly Payment List February 2023

Date of Report:	21 March 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 February 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 February 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 Recommendation/Council Decision

Moved Cr PM Barnes

Seconded Cr ML McHugh

That Council receives the list of payments and credit card statement, as presented, for the month of February 2023, totalling \$273,511.42.

Resolution 04-2023.023

Carried 4/0



9.2.2 Monthly Payment List March 2023

Date of Report:	21 March 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 March 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 March 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 Recommendation/Council Decision

Moved Cr ML McHugh

Seconded Cr PM Barnes

That Council receives the list of payments and credit card statement, as presented, for the month of March 2023, totalling \$719,602.73.

Resolution 04-2023.024

Carried 4/0



9.2.3 Monthly Financial Report for February 2023

Date of Report:	21 March 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:	9.2.3 Monthly Financial Statement February 2023
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 28 February 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 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 Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That the Monthly Financial Report for the period ending 28 February 2023 be accepted as presented.

Resolution 04-2023.025

Carried 4/0



9.2.4 Monthly Financial Report for March 2023

Date of Report:	21 March 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 March 2023
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 31 March 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 Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

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

Resolution 04-2023.026

Carried 4/0



9.2.5 Annual Financial Report 2021 2022

Date of Report:	13 April 2023
File Ref:	3.2.6.4 – Annual Report
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	2021/2022 Annual Report
Voting Requirements:	Simple Majority

Purpose of Report

To adopt the Shire of Trayning Annual Report for the year ended 30 June 2022.

Background

The Shire of Trayning Annual Report that includes the Audited Financial Statements and Auditors Report for the year ending 30 June 2022 will be referred to the Shire of Trayning Audit Committee at its meeting to be held 19 April 2023.

Consultation

The completion of the annual financial report and audit required staff to undertake extensive consultation with the audit staff and no further consultation is required.

Statutory Environment

Local Government Act 1995, Section 7.9 requires the Auditor to examine the accounts and annual financial report by 31 December following the end of the financial year.

The 2021/2022 annual financial report was not examined by the Auditor prior to 31 December for a number of reasons including:

- The interim audit carried out prior to 30 June 2022 had to be redone as the previous contract auditor was unable to fulfil the requirements of their contract. The new contract auditors appointed by the Office of the Auditor General, Drykirkness, did not trust their files and restarted the process from scratch
- Drykirkness experienced a loss of two staff members directly involved in the audit and appear to have internal record keeping deficiencies which resulted in them requesting the same information from the Shire multiple times
- The revaluation of land and building assets had to be redone by the contracted valuers as their staff member who carried out the inspections left suddenly and his notes weren't complete
- Audit staff from Drykirkness took annual leave in December/January
- Drykirkness were still making new requests for documentation and information from staff on 8 March 2023

Local Government Act 1995, Section 7.12A sets out the requirements for local governments in respect to audits. This includes the need to prepare a report to the



Minister within 3 months of receiving the audit report if the auditor identifies any items it considers significant.

Policy Implications

The Shire's Accounting Policies are included in the notes to the Financial Statements.

Financial Implications

The Office of the Auditor General has not provided an invoice of costs for performing the audit at this time. There has been significant over budget expenditure as a result of having engage the Shire's finance contractors to redo the interim audit and Drykirkness' duplication of requests for information.

There will be costs associated with holding an Audit Committee Meeting and the Electors General Meeting.

Strategic Implications

There are no strategic implications relevant to the adoption of the Annual Report. Actions to address the findings of the auditors may have an impact on future versions of the Long Term Financial Plan and the Asset Management Plan.

Environmental Implications

There are no significant environmental implications.

Social Implications

There are no social implications.

Officer's Comments

The Office of the Auditor General completed the audit for the financial year ended 30 June 2022 and issued the Audit Report on 5 April 2023.

The Auditor reported no matters indicating non-compliance in the Audit Report.

The letter from the Office of the Auditor General providing the Auditor General's auditor's report and audited annual financial report, included the following comment:

The date that your entity provided its annual financial report to the Office and the date the Office has assessed that a good and complete set of financial statements was provided, have been recorded for purposes of reporting to Parliament. The date recorded for the receipt of your financial statements was 24 February 2023. The date that the Office has our receipt of a good and complete set of financial statements was 24 March 2023.

Staff would like to point out that the first copy of the Financial Statements was provided to the Office of the Auditor General's contract auditor Drykirkness before



the due date of 30 September 2022. The fact that the final statements were not received by the Office of the Auditor General from their contractor Drykirkness was largely out of the Shire's control.

The final 2021/2022 annual financial report was not examined by the Auditor prior to 31 December for a number of reasons including:

- The interim audit carried out prior to 30 June 2022 had to be redone, as the previous contract auditor was unable to fulfil the requirements of their contract. The new contract auditors appointed by the Office of the Auditor General, Drykirkness, did not trust their files and restarted the process from scratch
- Drykirkness experienced a loss of two staff members directly involved in the audit and appear to have internal record keeping deficiencies which resulted in them requesting the same information from the Shire multiple times
- The revaluation of land and building assets had to be redone by the contracted valuers as their staff member who carried out the inspections left suddenly and his notes weren't complete
- Audit staff from Drykirkness took annual leave in December/January
- Drykirkness were still making new requests for documentation and information from staff on 8 March 2023

Staff would also like to point out that there has been additional expenditure incurred by the Shire as a result of having engage the Shire's finance contractors to redo the interim audit and Drykirkness' duplication of requests for information.

Officer Recommendation

That Council:

- 1) Accept the Shire of Trayning Annual Report that includes the Audited Financial Statements and Auditors Report for the year ending 30 June 2022.
- 2) Endorse the content of the Officer's Comment in this agenda item as the Shire of Trayning's report to the Minister.
- 3) Hold an Electors' General Meeting at 6 pm on Wednesday 17 May 2023 at the Don Mason Community Centre.



Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That Council:

- 1) Accept the Shire of Trayning Annual Report that includes the Audited Financial Statements and Auditors Report for the year ending 30 June 2022.
- 2) Endorse the content of the Officer's Comment in this agenda item as the Shire of Trayning's report to the Minister.
- 3) Hold an Electors' General Meeting at 6 pm on Wednesday 10 May 2023 at the Shire of Trayning Council Chambers.

Resolution 04-2023.027

Carried 4/0

The reason the resolution was changed was to amend the date for the Annual Electors Meeting from the 17 May 2023 to the 10 May 2023 in order for all Elected Members to be present and for it to be held in the Council Chambers.



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Tender 4/2023 – Multi Purpose Outdoor Courts

Date of Report:	17 March 2023
File Ref:	Tender 4/2023
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Confidential 9.3.1 Tender Assessment
Voting Requirements:	Absolute Majority

Purpose of Report

To consider tenders received for the design and construction of multi purpose outdoor courts with the option of lighting.

Background

Tenders were called for the design and construction of multi purpose outdoor courts with the option of lighting and closed at 2 pm on 17 March 2023.

Consultation

Trayning & Districts Tennis Club

Statutory Environment

Tenders were called in accordance with the requirements of the Local Government (Functions and General) Regulations 1996.

Regulation 18 requires that tenders that are not received within the time specified in the invitation for tenders must be rejected.

Policy Implications

Policy 7.4 Purchasing and Tenders applies

Financial Implications

The 2022/2023 budget includes \$496,939 for the consolidation and renewal of the tennis and basketball courts, lighting and shelter with grants and contributions of \$431,599.

The confidential attachment shows a breakdown of the tender submission and other quotations received in relation to this project.

Strategic Implications



The Shire of Trayning Strategic Community & Corporate Business Plan includes a priority of safe and well-maintained shire owned facilities. The replacement and consolidation of the tennis courts and basketball courts is included in the Asset Management Plan and Long Term Financial Plan for 2022/2023.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

One tender was received before the close of tenders at 2 pm on Friday 17 March 2023 and is considered to meet the compliance criteria. Another tender was received on Monday 20 March 2023.

The confidential tender assessment report is provided under separate cover for Councillors' consideration.

Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That:

- 1) The Tender received from Road Contractors Pty Ltd for Tender 4-2002/23 Multipurpose Outdoor Courts, in accordance with the tender documentation and for the fixed lump sum price of \$395,340 excluding GST be accepted (excludes the lighting option).
- 2) The Tender received from Sports Surfaces be rejected as it was received after the close of tenders at 2 pm on Friday 17 March 2023.

Resolution 04-2023.028

Carried by Absolute Majority 4/0



9.3.2 Construction of Staff and Department of Communities Housing

Date of Report:	5 April 2023
File Ref:	Leanne Parola – Chief Executive Officer
Officer’s Disclosure of Interest:	Nil
Attachments:	Confidential – 9.3.2 Tender Quality Price Assessment
Voting Requirements:	Absolute Majority

Purpose of Report

To consider the tender quality prices received for the design of a three bedroom, two bathroom residence to be located at Lot 120 Glass Street Trayning, and the option of a four bedroom, two bathroom residence to be located at Lot 122 Glass Street Trayning.

Background

A request for tender quality prices for the design of a three bedroom, two bathroom residence to be located at Lot 120 Glass Street Trayning, and the option of a four bedroom, two bathroom residence to be located at Lot 122 Glass Street Trayning was sought using the Western Australian Local Government Association’s Vendor Panel.

The intent of the second, optional, property is to build it to lease to the Department of Communities as a GROH house, i.e. to house a State government employee, on a cost recovery basis.

Consultation

Department of Communities, Trayning Primary School.

Statutory Environment

Section 3.57 of the Local Government Act 1995 requires local governments to invite tenders for certain contracts. The Local Government (Functions and General) Regulations 1996 require tenders or the use of the WALGA Procurement Service for contracts over \$250,000.

A Request for Quotation was issued through the WALGA eQuotes in accordance with the Regulations.

Policy Implications

Policy 7.4 Purchasing, Tenders, Policy, and Policy 7.3 Regional Price Preference also apply.



Financial Implications

The 2022 /2023, Annual Budget included an amount of \$350,000 for the construction of staff housing, to be partially funded by loan funds of \$200,000. It did not include provision for the construction and funding of a second house for the Department of Communities.

The lowest tender quality price received is significantly more than was budgeted so if either quotation is accepted, additional loan funds will be required for the staff housing.

Given the timing of the procurement process and proposed construction timeframe, it is likely that only a portion of the contract/s would be required this financial year, with the balance to be paid/received in 2023/2024.

If the Shire proceeds with the construction of a house to rent to the Department of Communities, it will need to include a loan in the 2023/2024 Annual Budget of up to \$800,000, depending on other projects etc. The Department of Communities have indicated they would be willing to sign a lease agreement for 10 years based on their cost recovery calculator, which based on a capital cost of \$610,000 would be \$1,090 per week, plus a CPI adjustment each year.

Strategic Implications

The Shire of Trayning Strategic Community & Corporate Business Plan includes strategic actions and projects to construction of new staff housing and rental housing and the following measure of success:

“Housing and rental stock assist in the attracting and retention of the local workforce”

Environmental Implications

There are no direct environmental implications.

Social Implications

There are no direct social implications.

Officer’s Comments

Two tender quality prices were received before the close of submissions Friday 31 March 2023. The confidential assessment report is provided under separate cover for Councillors’ consideration.

Officer Recommendation

As per Officer Recommendation included in the attached confidential tender quality price assessment.



Council Decision

Moved Cr ML McHugh

Seconded Cr PM Barnes

That:

- 1) A WALGA Member Contract for Goods and Services Supply be entered into with Quality Builders Pty Ltd for the design and construction of a 3-bedroom, 2-bathroom transportable dwelling on Lot 120 Glass Street, Trayning for the total sum of \$592,810.
- 2) The budgeted loan of \$200,000 from the Western Australian Treasury Corporation be raised.
- 3) Authorise the Chief Executive Officer to negotiate alternative cladding options.

Resolution 04-2023.029

Carried by Absolute Majority 4/0

Reason the officer recommendation was changed was because elected members did not want colorbond corrugated wall cladding.



Prior to any consideration of this Item;
Cr ML McHugh declared an impartiality Interest in Item 9.3.2.

New Motion

Moved Cr ML McHugh	Seconded Cr CL Marchant
That Standing Order number 7.5 - Addressing the Meeting be suspended at 4:19 pm in order to discuss item 9.3.3 - Business Plan Submission.	
Resolution 04-2023.030	Carried 4/0

Moved Cr PM Barnes	Seconded: Cr ML McHugh
That Standing Orders be reinstated at 4:29 pm.	
Resolution 04-2022.31	Carried 4/0

9.3.3 Business Plan Submission

Date of Report:	4 April 2023
File Ref:	14.4.1 Council Owned Properties - Acquisition and Disposal
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.3 Estimated Cash Flow Projections
Voting Requirements:	Absolute Majority

Purpose of Report

To consider submissions received regarding the 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 WA 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.

At the Ordinary Meeting of Council held 15 February 2023, it was resolved:

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.
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Consultation

The Business Plan was advertised calling for public submissions, and a copy was provided to the WA Country Health Service and the Kununoppin Hospital.

The WA Country Health Service advised that they were not able to support the Business Plan, as their interpretation of the Department of Communities' policy regarding cost recovery rents is that they can only be over 25 years.

Staff interpret the policy as allowing cost recovery rents for up to 25 years and had verbal advice from the Department of Communities that their standard term for cost recovery is ten years.

This information was conveyed to the WA Country Health Service, who have advised the amount they would be willing to pay per week per unit.

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 treated 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, Tenders, and Policy 7.3 Regional Price Preference will apply if the project proceeds.

Financial Implications

The Business Plan proposed to borrow up to \$1.8M to develop an accommodation village for WA Country Health Service staff working at the Kununoppin Hospital. It also proposed charging the WA 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 were sought and were 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.

If the project proceeds the costs, loan and income would need to be included in the 2023/2024 Annual Budget and the next version of the Shire's Long Term Financial Plan.

Strategic Implications

The Shire of Trayning Strategic Community & Corporate Business 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 would 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.

If the project proceeds, the Shire will have the option to enter into a new lease agreement with the WA Country Health Service or another party/parties at the end of the proposed ten-year lease, creating a new income stream for the Shire.



Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

The WA Country Health Service have advised that they would support a weekly rental figure of \$590 per week per unit if the capital cost of each unit was \$360,000. Their calculations do not take into account the cost of interest and government fees on the loan, nor the cost to maintain the property.

Staff have prepared the attached basic cash flow estimate which shows the development breaking even after 14 years should there be no major maintenance expenditure required in that time.

Officer Recommendation

That the Shire of Trayning:

- 1) Note that the WA Country Health Service did not support the Business Plan for a Major Land Transaction and Major Business Undertaking for Kununoppin Hospital Staff Housing, but were willing to pay \$590 per unit per week if the capital cost of each unit was \$360,000.
- 2) Proceed with the proposal to provide staff accommodation for the Kununoppin Hospital in the 2022/2023 Annual Budget with reduced annual lease income resulting in a longer payback period of up to 15 years.

Council Decision

Moved Cr ML McHugh

Seconded Cr CL Marchant

That Item 9.3.3 Business Plan Submission be laid on the table until the June Ordinary Meeting of Council to enable all voting members to be present.

Resolution 04-2023.032

Carried 4/0



9.3.4 2023 Ordinary Election

Date of Report:	16 March 2023
File Ref:	4.1.3.1 Electoral Correspondence
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Absolute Majority

Purpose of Report

To consider conducting the Shire of Trayning 2023 ordinary Local Government election by the postal voting method and appointing the Western Australian Electoral Commission (WAEC) for this purpose.

Background

It is anticipated that the State Government will enact legislation prior to the 2023 Ordinary Election, which will require the use of Optional Preferential Voting.

Advice has been received from the Department of Local Government, Sport and Cultural Industries that this method of voting is too complex for a manual count so local governments should either elect to have the Western Australian Electoral Commission conduct a postal election on their behalf, or subscribe to use the CountWA software.

Consultation

Staff discussed the situation with Councillors at the Councillors Forum held 15 February 2023 prior to seeing quotations for both options.

Statutory Environment

Section 4.61 of the Local Government Act 1995 allows two types of elections to be conducted:

- 1) Postal election (run by the Western Australian Electoral Commission)
- 2) Voting in person election

A decision to hold a postal election must be made at least 80 days before the election is held, however this year due to the proposed changes in legislation and likely impact on the Western Australian Electoral Commission, local governments have been encouraged to make a decision in March 2023.

While only a postal election can be run by the Western Australian Electoral Commission, the returning officer for a local government conducting an in person election can appoint one or more deputy returning officers. A deputy Returning Officer does not have to be a Shire employee and could be a third party contractor.



Policy Implications

The Shire of Trayning has no policies in regard to the conduct of elections, however in the past has used the voting in person method with the Chief Executive Officer being the Returning Officer.

Financial Implications

Estimates have been sought from the Western Australian Electoral Commission for them to conduct a postal election and for a licence to use the CountWA software. The WAEC charge on a cost recovery basis so if an election is not required (i.e. the same number of nominations are received as positions), the cost would be reduced. They have provided an estimate of \$12,500, which is based on the following assumptions:

- a. 245 electors
- b. A response rate of approximately 60%
- c. 3 vacancies
- d. The count to be conducted at the Shire of Trayning Administration Centre
- e. Appointment by the WAEC of a local Returning Officer
- f. Regular Australia Post deliver service to apply for the lodgement of the election packages.

Staff have contacted the WAEC to advise there will be four vacancies and were advised that the costs would only increase if there were more than ten candidates, regardless of the number of vacancies.

An additional \$55 would be incurred if Council opts for the Australia Post Priority Service for the lodgement of election packages. The estimate does not include the following potential costs:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
- The cost of any casual staff to assist the Returning Officer on election day or night
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic

The cost estimate does not include expenses for election functions that remain the responsibility of the Shire, including:

- a. Appointment of Deputy Returning Officer and appropriate number of additional Local Government election officers to assist with the election process
- b. Any additional postage rate increases passed on by Australia Post

A quotation was also received from the Western Australian Electoral Commission for a licence to use their CountWA software on a single Shire computer if Council decides not to use the Western Australian Electoral Commission to run a postal election. They have advised the cost for a single user of the Count software is \$5,830 and that additional costs will apply for helpdesk support and couriers. This cost is for a single election only, not ongoing usage.



An alternative would be to engage contractors to carry out the count of ballot papers for the Shire and/or to act as Deputy Returning Officer to reduce the workload for Shire staff. At the time of writing this report estimates have not been received, however indications are that an external count and a Deputy Returning Officer are likely to be less than using the WAEC.

The cost of having the Western Australian Electoral Commission run the 2023 Ordinary Election as a postal election for the Shire of Trayning will be the equivalent of a 1% rates rise.

Strategic Implications

There are no direct strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period, the dual role can lead to an unwelcome perception of conflict of interest and bias from the community. It is the prerogative of Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC.

Officer Recommendation/Council Decision

Moved Cr CL Marchant	Seconded Cr ML McHugh
That Council:	
1. Declare in accordance with section 4.20(4) of the <i>Local Government Act 1995</i> , the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls, which may be required.	
2. Decide in accordance with section 4.61(2) of the <i>Local Government Act 1995</i> that the method of conducting the election will be a Postal Election.	
Resolution 04-2023.033	Carried by Absolute Majority 4/0



9.3.5 Disposition of Property – Public Submissions

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

Purpose of Report

To consider the disposal of two properties following local public notice inviting submissions.

Background

At the Ordinary Meeting of Council held 14 December 2022, it was resolved:

That:

- 1) The potential sale of Lot 50 Kellerberrin Yelbeni Road, South Yelbeni to Big Trees Nominees T/A TL & EJ Naughton be advertised in accordance with Section 3.58(3) of the Local Government Act 1995 once a market valuation has been received.*
- 2) The potential lease of a portion of Lot 79 Adams Street, Trayning (current DFES Shed with office, kitchenette and bathroom) to Nikki Macdonald for \$100 per week be advertised in accordance with Section 3.58(3) of the Local Government Act 1995 once a market valuation has been received.*

Consultation

Local public notice of the proposed dispositions has been carried out, with submissions due by 4 pm 6 April 2023.

No submissions were received.

Statutory Environment

Local Government Act 1995, Section 3.58 provides three options for the disposal of land (either by sale or lease):

- Public auction (to the highest bidder)
- Public tender (to the most acceptable tender, not necessarily the highest)
- Private treaty (have to advertise details including market value and invite submissions for two weeks)

The requirements of Section 3.58(3) have been met.



Policy Implications

Policy 15.2 Acquisition and Disposal of Land requires the disposals of these properties to be referred to Council.

Financial Implications

The proposed sale and lease of these properties will result in a slight increase in annual operating revenue for the Shire through lease and rates income.

Strategic Implications

There are no direct strategic implications, but the lease of the former DFES shed will result in a new business in the Shire.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

Staff have no other comments in this regard.

Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That the disposal of properties be approved as follows:

- 1) Sale of Lot 50 Kellerberrin Yelbeni Road, South Yelbeni to Big Trees Nominees T/A TL & EJ Naughton for \$3,000.
- 2) Lease of a portion of Lot 79 Adams Street, Trayning (former DFES Shed with office, kitchenette and bathroom) to Nikki Macdonald for \$100 per week for a two-year term with the option of an additional two years.

Resolution 04-2023.034

Carried 4/0



9.3.6 Review of Library Services

Date of Report:	6 April 2023
Proponent:	Chief Executive Officer
File Ref:	
Officer's Disclosure of Interest:	Nil
Attachments:	9.3.6 Library Service Review
Voting Requirements:	Simple Majority

Purpose of Report

To consider a review of Library Services for the Shire of Trayning.

Background

A review of the Shire of Trayning Library Services has been carried out and incorporates the results of the 2023 Community Needs and Satisfaction Survey.

Consultation

The 2023 Community Needs and Satisfaction Survey included several questions relating to the Shire's Library Service, i.e.:

- Library customer service
- Library appearance/amenity
- Library programs/activities
- Library access to technology

The attached Shire of Trayning Library Service Review provides information about the responses received.

Statutory Environment

The Library Board of Western Australia Act 1951 provides the governing legislation in which local governments operate public libraries in partnership with the State Government.

The State and Local Government Agreement for the Provision of Public Library Services in Western Australia was signed on 1 September 2020 by the Minister for Culture and the Arts and representatives of the Library Board of Western Australia, Western Australian Local Government Association and Local Government Professionals WA.

The agreement includes the expectation that all local governments will make a financial contribution to the provision of public library services to agreed standards and will enter into an Agreement with the Library Board of WA.

The Shire of Trayning has entered into the following agreements:

- Library Information Service WA Database Access
- State Library Virtual Document Exchange



Policy Implications

Policy 1.11 Community Consultation recommends the Shire advertise in the Ninghan News and on the Shire website every time when considering changes in service levels.

Financial Implications

There are no direct financial implications in advertising the service review and calling for expressions of interest.

There are likely to be financial implications if a local business expresses an interest in providing library services on behalf of the Shire. These would be considered at a future Council meeting.

Strategic Implications

Action 1.2.4 of the Shire of Trayning Community Strategic Plan and Corporate Business Plan 2022-2032 is to review "*Library usage, services & future direction*" in 2022/2023.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

A number of Shires have relocated their library services to other service providers, e.g. local Community Resource Centres.

Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr ML McHugh

That:

- 1) The attached review of the Shire of Trayning Library Service be advertised for public comment in the Ninghan News, Shire of Trayning facebook and website.
- 2) Advertising be carried out calling for expressions of interest to provide Library Services on behalf of the Shire of Trayning.

Resolution 04-2023.035

Carried 4/0



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

Nil

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

12 CLOSURE

There being no further business, the Shire President thanked all Councillors and Staff for their attendance and declared the meeting closed at 5:34 pm.