

AGENDA FOR ORDINARY MEETING OF COUNCIL Wednesday 20 October 2021

Council Chambers Lot 66 Railway Street Trayning WA 6488

Commencement: 4:00pm

Swearing in of new Councillors 2:30pm Forum Meeting – 3:00pm Ordinary Council Meeting – 4:00pm





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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





AGENDA

Ordinary Meeting of the Trayning Shire Council, Held in the Council Chambers, Lot 66 Railway Street, Trayning, on Wednesday 20 October 2021, commencing at 4:00pm.

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SWEARING IN OF COUNCIL MEMBERS

The Councillor Elects will make their declaration of office to Mrs Valda Knott, JP.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

In accordance with the provision of the Local Government Act 1995, and in the absence of an elected Shire President following the October 2021 election, the Chief Executive Officer will assume the Chair and open the meeting.

ELECTION OF SHIRE PRESIDENT

The Chief Executive Officer will declare the position of Shire President vacant and call for nominations.

The duly elected Shire President will make their declaration of office to Mrs Valda Knott, JP.

ELECTION OF DEPUTY SHIRE PRESIDENT

The Shire President declared the.

The Shire President will declare the position of Deputy Shire President vacant and call for nominations.

The duly elected Shire President will make their declaration of office to Mrs Valda Knott, JP.

SEATING ALLOCATIONS

The Chief Executive Officer will conduct a draw to allocate the chambers seating arrangements.



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5



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 Cr Cr Cr
STAFF:
Mrs Leanne Parola (Chief Executive Officer) Miss Belinda Taylor (Manager of Corporate Services) Mr Stephen Thomson (Works Supervisor)
APOLOGIES:
ON APPROVED LEAVE(S) OF ABSENCE:
ABSENT:
<u>VISITORS</u> :
RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
PUBLIC QUESTION TIME
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

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 15 September 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





9.2 FINANCE REPORTS

9.2.1 Monthly Financial Report for September 2021

Date of Report: 14 October 2021

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: Ni

Attachments: 9.2.1 September 2021 Monthly Financial

Report

Voting Requirements: Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 30 September 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 Councils investments within the Monthly Financial Report.





Financial Implications

A copy of the Monthly Financial Report for the period ending 30 September 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 Council accepts the Monthly Financial Report for the period ending 30 September 2021 as presented.





9.2.2 Monthly Payment List September 2021

Date of Report: 14 October 2021

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: Ni

Attachments: 9.2.2 September 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 September 2021 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

Officer's Recommendation

That Council receives the list of payments, as presented, for the month of September 2021, totalling \$488,113.50.





9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Appointment to Committees

Date of Report: 18 September 2021
Proponent: Chief Executive Officer

File Ref: 4.1.1.10

Officer: Leanne Parola – Chief Executive Officer

Officer's Disclosure of Interest: Nil Attachments: Nil

Voting Requirements: Absolute Majority

Purpose of Report

To appoint members and delegates to Committees following the Ordinary Local Government Elections.

Background

All appointments by Council to committees expire at the ordinary election day every second year.

Council currently has the following committees:

- Audit Committee
- Local Emergency Management Committee

Council also has previously appointed representatives to the following external committees:

- Western Australian Local Government Association Great Eastern Country Zone
- North East Wheatbelt Regional Organisation of Council
- Main Roads Western Australia Wheatbelt North East Sub-Regional Road Group
- NEW Travel (Wheatbelt Way)
- Kununoppin Medical Practice Committee
- Kununoppin Hospital Local Health Advisory Group
- Eastern Wheatbelt Biosecurity Group
- Development Assessment Panel

Consultation

Nil

Statutory Environment

Local Government Act 1995 sections:

5.8 Establishment of committees

5.9 Committees, types of

Agenda: Ordinary Meeting of Shire of Trayning Council to be held on Wednesday 20 October 2021





5.10 Committee members, appointment of 7.1A Audit Committee Emergency Management Act 2005, section 38 Planning & Development Act 2005, section 171C

Policy Implications

The following policies apply for Council Committee and external organisations:

- 1.5 External Organisations Council Representatives and Expenses
- 3.2 Conferences, Meetings & Training Attendance & Expenses

Financial Implications

Councillors are paid to attend Committee Meetings and for expenses incurred in attending other meetings on behalf of Council.

Strategic Implications

Active participation in regional groupings is one of the strategies within the Strategic Community Plan.

Officer's Comment

Council is required to consider the participation in, and the appointment of delegates, to various committees as detailed below:

Audit Committee:

This is a statutory requirement under the Local Government Act 1995. Meets a minimum of two times per annum. At least three of the members (and the majority of them), are to be Councillors.

Previously Council has appointed all Councillors to this Committee.

Local Emergency Management Committee:

A statutory requirement (Emergency Management Act). Meets quarterly and comprises the Shire President, employees and representatives from emergency and community organisations.

In accordance with the Shire of Trayning Local Emergency Management Arrangements, the Chairperson of the Local Emergency Management Committee is the Shire President. This is the only Council appointment to this Committee.

WALGA-Great Eastern Country Zone (GECZ):

By virtue of our membership of WALGA and our geographic location, we fall into this zone. A senior portfolio due to the lobbying and political influence this organisation can exert. Council is entitled to two representatives.





The CEO attends these meetings as well. Meets six (6) times per annum. Mainly in person and occasionally via teleconference. From this organisation, there is also an Executive Committee drawn from the representatives.

Previously Council has appointed the Shire President and Deputy Shire President to represent it.

North East Wheatbelt Regional Organisation of Council (NEWROC):

The Shire of Trayning is a financial member. An elected member and deputy is appointed to represent Council.

The Shire President would ordinarily be appointed plus a deputy to attend if the Shire President is unavailable. The CEO also attends these meetings and NEWROC meets six (6) times per annum generally on a Tuesday afternoon.

Previously Council appointed the Shire President and Councillor Tarr to represent it.

MRWA Wheatbelt North East Sub-Regional Road Group (RRG):

This is an important appointment due to the amount of funding available and the complexity of transport funding issues. Meetings are held in Mukinbudin or by teleconference.

Councillor Waters was previously appointed to represent Council, with Councillor McHugh as the proxy delegate.

NEW Travel (Wheatbelt Way):

This Committee deals with promoting the Wheatbelt Way. Councillor Tarr was previously appointed to represent Council.

Kununoppin Medical Practice Committee:

Meets as required but at least annually. A committee with two (2) members each from Trayning, Nungarin, Mt Marshall and Mukinbudin supporting the Kununoppin Medical Practice. Important in supporting the doctor and the services provided.

Councillors Brown and Wilkins were previously appointed to represent Council.

Kununoppin Hospital Local Health Advisory Group:

Meets on the last Friday of every second month. This is a support committee for the hospital. Council provides one delegate.

Councillor Tarr was previously appointed to represent Council.

Eastern Wheatbelt Biosecurity Group:

The Eastern Wheatbelt Biosecurity Group meetings twice per year in Merredin. Council provides one delegate.

Councillor Wilkins was previously appointed to represent Council.





<u>Development Assessment Panel</u>

Council is required to nominated two primary and two alternate members to its local Development Assessment Panel, however the likelihood of it meeting is remote (considers applications over \$2M).

The last appointments were made in 2016 for Councillors Tarr and Knott as primary members and Councillors Brown and Yates as alternate members.

Officer's Recommendation

That	Council:	
1.	Appoint	to the Audit Committee.
2.	Appoint the Shire Preside Trayning Local Emerge	ent, Cr as Chairperson of the Shire of ncy Management Committee.
3.		ent Cr and the Deputy Shire President uncil delegates to the <i>WALGA-Great Eastern Country</i>
4.		ent Cras Council delegate and cil proxy delegate to the <i>North East Wheatbelt</i> of Council.
5.		as Council delegate to the <i>MRWA Wheatbelt North</i> d <i>Group</i> and Cras a proxy delegate.
6.	Appoint Cr	as Council delegate to NEW Travel (Wheatbelt Way)
7.	Appoint Cr Biosecurity Group	as Council delegate to the <i>Eastern Wheatbelt</i>
8.		_and as primary delegates and Crs as alternate members to the <i>Development</i>





9.3.2 Elected Member Superannuation

Date of Report: 30 September 2021

Proponent: WALGA

File Ref:

Officer:

4.1.1.11 Members Sitting Fees and Salaries
Leanne Parola –Chief Executive Officer

Officer's Disclosure of Interest:

Attachments: 9.3.2 202109 Policy Paper Elected Member

Superannuation

Voting Requirements: Simple Majority

Purpose of Report

To determine Council's position on superannuation for elected members.

Background

The Western Australian Local Government Association have drafted a policy paper on superannuation for elected members. They are seeking feedback on the draft before preparing agenda items for the November Zone meetings.

Consultation

Shire President Councillors

Statutory Environment

There is currently no statutory requirement for local governments to pay superannuation to elected members in addition to fees and allowances.

The Western Australian Local Government Association is proposing to advocate for the Local Government Act 1995 to be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

Policy Implications

There are no current policy implications.

Financial Implications

There are no current financial implications, but the introduction of superannuation for elected members would have an impact on future budgets and the long term financial plan.

Based on the Shire's current fees and allowances and assuming there would be no increases, the impact of paying superannuation on future budgets would be:





Year	Super	Budget
2022/23	10.5%	\$5,883
2023/24	11.0%	\$6,163
2024/25	11.5%	\$6,443
2025/26 onwards	12.0%	\$6,723

Strategic Implications

Introducing superannuation for elected members will have a minor impact on the Long Term Financial Plan equivalent to approximately 0.5% of rates.

Increasing financial entitlements for elected members may increase the potential to attract nominations in future elections.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comment

The Western Australian Local Government Association are seeking feedback on the following questions:

Should Local Governments be enabled or required to pay superannuation to Elected Members?

Why is that approach preferred?

Officer's Recommendation

That Western Australian Local Government Association be advised that the Shire of Trayning believes that Local Governments should be enabled to pay superannuation to Elected Members if they chose in keeping with the principal of general competency, and that Local Governments should be able to determine their own position in this regard.





9.3.3 Review of Delegations

Date of Report:

Proponent:

File Ref:

18 September 2021

Chief Executive Officer

4.1.5.5 Delegations Register

Officer: 4.1.5.5 Delegations Register
Leanne Parola –Chief Executive Officer

Officer's Disclosure of Interest: Delegated Authority to CEO

Attachments: 9.3.3 Review of Delegated Authority 2021

Voting Requirements: Absolute Majority

Purpose of Report

To review current Delegations

Background

The delegations were last reviewed at the Ordinary Meeting of Council held 18 March 2020.

Consultation

Nil

Statutory Environment

Local Government Act 1995 sections:

5.16 Delegation of some powers and duties to certain committees 5.43 Limits on delegations to CEO

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officer's Comment

The Delegations Register has reformatted reflect the form recommended by the Western Australian Local Government Association. In updating the formatting, there were no changes to the wording or intent of the delegations.





Officer's Recommendation

That Council, having reviewed the Register of Delegations, agree to amend Delegation 1.1.5 Investment of Surplus Funds by replacing "SFO" and "Manager Finance" with "Works Supervisor", with all other Delegations remaining in force.





9.3.4 Review of Continuing Professional Development Policy

Date of Report: 12 October 2021

Proponent: Chief Executive Officer

File Ref:

Officer: Leanne Parola –Chief Executive Officer

Officer's Disclosure of Interest:

Attachments: 9.3.4 - 1.9 Continuing Professional Development

of Elected Members

Voting Requirements: Simple Majority

Purpose of Report

To review Policy 1.9 Continuing Professional Development of Elected Members.

Background

Local governments are required to have and a policy in relation to the continuing professional development of Council Members and to review it after each Ordinary Election.

Consultation

Nil

Statutory Environment

Local Government Act 1995 section 5.128, policy for continuing professional development

Policy Implications

Policy 3.1 – Policy Manual – Changes to be authorised will apply if an amendment was to be made of the policy

Policy 1.9 Continuing Professional Development of Elected Members was reviewed at the Ordinary Meeting of Council held 18 August 2021.

Financial Implications

There are no direct financial implications; the Shire has a budget for Elected Members training.

Strategic Implications

The Community Strategic Plan includes the following strategy:

Councillors are encouraged to attend training

Agenda: Ordinary Meeting of Shire of Trayning Council to be held on Wednesday 20 October 2021





Environmental Implications

There are no direct environmental implications.

Social Implications

There are no direct social implications.

Officer's Comment

Nil

Officer's Recommendation

That Policy 1.9 Continuing Professional Development of Elected Members remain unchanged.





9.3.5 South West Native Title Settlement

Date of Report:

Proponent:

28 September 2021

Chief Executive Officer

File Ref:

Officer: Leanne Parola –Chief Executive Officer

Officer's Disclosure of Interest: Nil Attachments: Nil

Voting Requirements: Simple Majority

Purpose of Report

To consider land identified for consideration in the Noongar Land Estate settlement.

Background

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owner or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

Consultation

Nil





Statutory Environment

Noongar Recognition Bill 2015

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Officer's Comment

Two parcels of land have been identified in the Shire of Trayning being Reserve 18220 (certificates of title LR3151/571 and LR3151/572), shown bordered in red:



The Shire has been asked to provide comments on the following questions:

- 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
- 2. Does the Shire have any interest in the land?





- 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
- 4. Is the land parcel subject to any mandatory connection to services?
- 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
- 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
- 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
- 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
- 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Officer's Recommendation

That the Department of Planning, Lands and Heritage be advised as follows in relation to Reserve 18220 (certificates of title LR3151/571 and LR3151/572):

1.	Is the Shire supportive of the transfer of this land to the	Yes
	Noongar People under the Settlement?	
2.	Does the Shire have any interest in the land?	No
	Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
4.	Is the land parcel subject to any mandatory connection to services?	No
	Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
6.	Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	No
7.	Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	Not applicable
8.	Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	None known
9.	Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	No additional comments





9.3.6 Christmas/New Year Administration Office Hours

Date of Report: 29 September 2021

Proponent: N/A

File Ref: 4.2.15.1

Officer: Leanne Parola –Chief Executive Officer

Officer's Disclosure of Interest: Nil Attachments: Nil

Voting Requirements: Simple Majority

Purpose of Report

To consider Christmas/New Year Administration Office hours.

Background

Christmas Day 2021 and New Year's Day 2022 fall on a Saturday.

Council normally closes the Shire administration office during the Christmas/New Year period. With Christmas falling on a Saturday it is recommended that the administration office be closed from close of business Thursday 23 December 2021 reopening on Wednesday 5 January 2022.

Consultation

There has been no consultation.

Statutory Environment

There are no statutory implications.

Policy Implications

There are no policy implications.

Financial Implications

There are no financial implications.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications





There are no social implications.

Officer's Comment

Traditionally the administration office has been closed between Christmas and New Year. Closing the office from 23 December, as recommended, provides the benefit of allowing the administration staff to have an additional day of leave at a time when the office is very quiet.

Appropriate call out/on call arrangements will be put in place regardless of how long the administration office is closed.

Officer's Recommendation

That the Shire Administration Office be closed from 4 pm Thursday 23 December 2021 to Tuesday 4 January 2022, reopening on Wednesday 5 January 2022.





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.

12 CLOSURE