



**SHIRE OF WANDERING**

**MINUTES OF THE ORDINARY COUNCIL MEETING**

**Wandering Shire Council Chambers, 22 Watts Street,  
Wandering**

**17 August 2017  
3.30pm**

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**SHIRE OF WANDERING**  
**ORDINARY MEETING OF**  
**COUNCIL**

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Wandering will be held on 17 August 2017 at Shire of Wandering Council Chambers, 22 Watts Street, Wandering. Commencing at 3.30 pm

The business to be transacted is shown in the Agenda.

Amanda O'Halloran  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.*

## Ordinary Council Meeting

### 1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President, Cr B Whitely declared the meeting open at 3.30pm

### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

#### Councillors:

Cr B Whitely	President
Cr W Gowland	
Cr J Price	
CR J Parsons	
Cr M Watts	
Cr C Ferguson	

#### Staff:

Ms A O'Halloran	Chief Executive Officer
Mrs H Mark	Administration Officer

#### Visitors:

Nil

#### Apologies:

Cr B Dowsett	Deputy President
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#### On Leave of Absence:

Nil

### 3. DISCLOSURE OF INTERESTS

Nil

#### DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) *(updated 13 March 2000)*

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

## NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it MUST be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
  - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

## INTERESTS AFFECTING IMPARTIALITY

**DEFINITION:** An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

## IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

**4. PUBLIC QUESTION TIME**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL – 20 JULY 2017

**ATTACHMENT 6.1.1**

**COUNCIL DECISION – ITEM 6.1**

**MOVED: Cr Parsons**

**SECONDED: Cr Price**

That the minutes of the Ordinary Meeting of Council held on 20 July 2017, be confirmed as a true and accurate record.

**CARRIED 6/0**

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**9. REPORTS OF COUNCILLORS/COMMITTEES**

HWEDA AGM

Attended by Cr Whitely, Cr Gowland, Cr Parsons, Cr Watts and CEO Ms O'Halloran

- Greg Cavanah re-elected as Chair
- Discussions held regarding employing someone for the role of Executive Officer once the role has been defined.
- The group accepted Wandering's position in regards to only being able to offer \$7,500.
- South 32 has agreed to commit \$7,500 as well and Newmont is considering.
- Work on the Self Drive Trails is progressing well.
- The new constitution was adopted
- The group needs to find its way forward in relation to lobby direction and next major project to consider.

Local Government Week

Cr Whitely, Cr Watts and CEO Ms O'Halloran attended the Local Government week.

The WALGA AGM was interesting and demonstrated an emphasis on working more closely and collaboratively with Government and the importance of Councillor training.

Most interesting Speaker was Dr Ernesto Sirolli, regarding Economic Development in communities and how to understand what a community is saying and needs, he had fascinating insights into the trials and tribulations of Foreign Aid programmes in Africa and has translated these into how to help a community and its local business's develop their own economy and prosper.

The "State of Play" Session – with Liam Bartlett, Paul Murray and Jessica Strutt, was very interesting and informative.

Cr Whitely attended the Mayors and Presidents Forum, with interesting presentations from the Auditor General and Director General of the Department of Local Government.

Cr Whitely and CEO Ms O'Halloran attended the speed dating opportunity to meet the various director Generals and discuss issues with them one on one. They met with the Director General for Local Government and the Director General of Planning and Lands and both were very interested in Wandering's issues and opportunities for the future.

Good networking opportunity as always

#### Regional Road Group

Attended by CEO Ms O'Halloran; no Councillors were available. The key topics were - flood damage, secondary freight routes and supporting an honorarium for the Chair of the Road Group.

#### Bushfire Workshops

There was an amazing turn out of the Fire Brigade Captains, Controller's and Officers and their support is duly noted by the Shire. Members of the public were average in their attendance; however we did get to spend time with a few residents and land owners that have had issues in the past, which will hopefully support safety and action being taken this season.

Ian Turton did a great job facilitating both of the recent Bush Fire Workshops and Council will send a letter thanking him for his support of the venture.

**10. REPORTS OF OFFICERS**

**10.1 CHIEF EXECUTIVE OFFICER**

**10.1.1 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2017**

**FILE REFERENCE:** 1.1.29.1

**PROponents:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 2 August 2017

**PREVIOUSLY BEFORE COUNCIL:** N/A

**AUTHORS NAME & POSITION:** Amanda O'Halloran, CEO

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of July 2017.

**BACKGROUND**

Council has authorised the updated delegations register at the July 2016 Ordinary Meeting of Council. The procedure associated with the register is to report to Council the activities or actions that have been performed under the Delegated Authority. A report will be completed for Council at each meeting that identifies (1) use of the Common Seal, and (2) actions performed under the Delegated Authority requiring referral to Council as per the Shire of Wandering Delegated Authority Register 2016.



## COMMENT/ DETAILS

Actions performed under delegation during July 2017 are provided below:

- **Food Stall Holders Licence**  
Rosa's Recipe –9/9/17 - "Wandering Annual Fair"  
MJZ Ice Cream – 9/9/17 – "Wandering Annual Fair"  
Pickled Partners – 9/9/17 – "Wandering Annual Fair"  
Wandering Lions Club – 9/9/17 - "Wandering Annual Fair"
- **Planning Approval:**  
Nil
- **Building Licences Issued:**  
Nil
- **Health:**  
Nil
- **Payments:**  
Payments to be presented at the September meeting.

## CONSULTATION

Planning and Building Specialists Shire of Kalamunda  
Environmental Health Officer

## STATUTORY/ LEGAL ENVIRONMENT

*Local Government Act 1995 Section 9.49A*

## POLICY IMPLICATIONS

Affixing the Shire of Wandering Common Seal Policy  
Shire of Wandering Delegations Register 2016  
Purchasing and Tendering Policy

## FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2017/18 Annual Budget.

## STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

### **Goal 5 – A strong and effective Organisation**

*Outcome 5.2: Accountable decision making and resource allocation through effective governance.*

**Strategy 5.2.1:** Ensure the Council's decision making process is effective and transparent.

**Strategy 5.2.2:** Ensure that the organisation's governance structure, policies and procedures are current and relevant.

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of July 2017.

**COUNCIL DECISION – ITEM 10.1.1**

**MOVED: Cr Gowland**

**SECONDED: Cr Ferguson**

That Council **ACCEPT** the report “Use of Common Seal and Actions Performed under Delegated Authority” for the month of July 2017.

**CARRIED 6/0**

**10.1.2 REQUEST FOR WAIVING OF COMMUNITY CENTRE FEES TO SUPPORT WANDERING PRIMARY SCHOOL FUNDRAISER**

**FILE REFERENCE:** 8.1.1

**PROPOSERS:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 10 August 2017

**PREVIOUSLY BEFORE COUNCIL:** Nil

**AUTHORS NAME & POSITION:** Amanda O’Halloran, CEO

**NATURE OF COUNCIL’S ROLE IN THE MATTER:**

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- Quasi-judicial When Council determines an application/matter that directly affects a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

## **PURPOSE OF THE REPORT**

The Wandering Primary School has requested the waiving of the Community Centre Function fees to host a fundraiser to support the 2018 Senior School Camp. The event proposed will be a Karaoke and Games night.

## **BACKGROUND**

The Shire has a policy that all education activities that are undertaken in or on Council facilities do not generally incur a fee. This event is requesting that the School, and other service clubs work together to provide a community evening, with proceeds going to the School and the charitable purposes of the specific clubs involved. It is proposed that Alcohol will be sold under the appropriate statutory constraints.

The Shire has previously waived fees and made donations to the 2016 School Camp fundraising Committee, when it waived the fee for the Community Centre kitchen for the Camp Committee to provide lunches one day per week for a term in an effort to raise funds. The Shire also engaged the Committee to provide the Council lunch on two occasions during that time in an effort to support the fundraising effort.

## **COMMENT/ DETAILS**

Council has made provision in the budget to support community groups and lifestyle initiatives such as these. This cause is considered to meet the strategic implications of the Shires Strategic Community Plan, in which particular emphasis is placed on increasing patronage of our facilities and supporting the provision of activities for youth and the community as a whole.

The Shire Administration has reviewed the request and recommends that Council supports the initiative; activities such as these build community culture and atmosphere and provide an opportunity for the greater wide community to support the school children during their education.

## **CONSULTATION**

Nil

## **STATUTORY/ LEGAL ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council has made provision for donations within 2017/18 Budget to accommodate requests such as these.

The School will be required to pay the usual bonds and ensure that the facility is left in a clean and tidy way, ready for re-hiring prior to vacating the premises and the returning of the bond.

## **STRATEGIC IMPLICATIONS**

Community Strategic Plan 2013-2023

### **Goal 1 – A community that is involved and caring**

Outcome 1.1: Community Facilities that suit the community

**Strategy 1.1.1:** Promote community programmes in the Community Centre to increase patronage

Outcome 1.2: A community that celebrates and participates together

**Strategy 1.2.1:** Actively promote and assist community groups and clubs

Outcome 1.3: A supportive and inclusive community for all ages

**Strategy 1.3.3:** Support and promote activities for the Aged

**Goal 5 – A strong and effective Organisation**

*Outcome 5.2: Accountable decision making and resource allocation through effective governance.*

**Strategy 5.2.1:** Ensure the Council's decision making process is effective and transparent.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council

1. **Authorises** the waiving of the Community Centre Foyer Fee for the Wandering Primary School to host a Karaoke and Games night to raise funds for the 2018 Senior School Camp.
2. **Requests** in return for the waiving of the fee that the Wandering Primary School maintains the Community Centre, kitchen, hall and toilets to a clean standard, for immediate use prior to vacating the premises and returning of the bond.

**COUNCIL DECISION – ITEM 10.1.2**

**MOVED: Cr Watts**

That Council

**SECONDED: Cr Gowland**

1. **Authorises** the waiving of the Community Centre Foyer Fee for the Wandering Primary School to host a Karaoke and Games night to raise funds for the 2018 Senior School Camp.
2. **Requests** in return for the waiving of the fee that the Wandering Primary School maintains the Community Centre, kitchen, hall and toilets to a clean standard, for immediate use prior to vacating the premises and returning of the bond.

**CARRIED 6/0**

**10.1.3 COUNCIL CHRISTMAS CLOSING 2017**

**FILE REFERENCE:** 1.3.2

**PROponents:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 18 July 2017

**PREVIOUSLY BEFORE COUNCIL:** Nil

**AUTHORS NAME & POSITION:** Amanda O'Halloran, CEO

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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**PURPOSE OF THE REPORT**

Council traditionally significantly reduces its operations over the Festive Season. This year it is proposed to close Shire Depot Operations from Thursday 21 December 2017 2.00pm, and the Shire administration Operations from Friday 22 until Monday 8 January 2018.

Postal services and emergency support will be provided during this time and Staff will be allocated accordingly.

**BACKGROUND**

Council traditionally reduces its service delivery over the festive season. The Works department generally shuts down to essential services only and the Office provides postal services as required, enabling all other staff to plan leave with their families. This year it is proposed to continue with the tradition and provide ample opportunity for advertisement within the community.

**COMMENT/ DETAILS**

Christmas and the associated public holidays fall quite differently in the calendar this year, Council services generally close for 2 weeks. This gives most staff a genuine break and reduces leave imposts and the associated financial burden on Council.

During the Christmas and New Year period it is proposed that the Shire Office will open for the collection of mail and postal services (as per our contract with Australia Post) however the majority of staff will be asked to take leave over this period. While mail and postal services will continue to operate during this period the CRC, licensing and other Shire services will not be available. The proposed period of reduced operations is as follows –

- Shire Depot team to close on Thursday 21 December 2017 from 2.00pm until Monday 8 January 2018.
- Shire Office administration to close on Friday the 22 December 2017 from 2.00pm until Monday 8 January 2018, with sufficient notification the community will be able to make alternate arrangements for licensing and other payments.

Staff will be allocated to provide call out services and any essential services during the proposed closure. All other staff will be required to take leave over this period.

Staff will be required to take either annual leave or RDO's during this period and the proposed office hours will be as follows:

Friday	22 December	<b>8.30am – 2.00pm Official Closing</b>
Saturday	23 December	<i>Closed</i>
Sunday	24 December	<i>Closed</i>
Monday	25 December	<b>Public Holiday</b>
Tuesday	26 December	<b>Public Holiday</b>
Wednesday	27 December	<b>Australia Post Public Holiday</b>
Thursday	28 December	<b>10.00am – 2.00pm</b> (mail and postal services only)
Friday	29 December	<b>10.00am – 2.00pm</b> (mail and postal services only)
Saturday	30 December	<i>Closed</i>
Sunday	31 December	<i>Closed</i>
Monday	1 January	<b>Public Holiday</b>
Tuesday	2 January	<b>10.00am – 2.00pm</b> (mail and postal services only)
Wednesday	3 January	<b>10.00am – 2.00pm</b> (mail and postal services only)
Thursday	4 January	<b>10.00am – 2.00pm</b> (mail and postal services only)
Friday	5 January	<b>10.00am – 2.00pm</b> (mail and postal services only)
Saturday	6 January	<i>Closed</i>
Sunday	7 January	<i>Closed</i>
<b>Monday</b>	<b>8 January</b>	<b>Normal Services for all Departments</b>

Notification of the office opening times will be published in the Wandering Echo, Shire Office and Noticeboards in the months leading up to Christmas.

**CONSULTATION**

CEO

Manager Works

Manager Communities

**STATUTORY/ LEGAL ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2013-2023**

**Goal 5 – A strong and effective Organisation**

**Outcome 5.1. Accessible customer services and information systems**

Strategy 5.1.1: Promote and deliver responsive customer services

**Outcome 5.4. *Effective provision of customer services and engagement with the community and stakeholders.***

Strategy 5.4.1: Promote and deliver responsive customer services

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

1. Endorse the proposed reduction in Shire Operations for the Festive Season 2017/18 as follows:
  - Shire Works Services close at 2.00pm on Thursday 22 December 2017 to Sunday 7 January 2018 inclusive and reopen 7.30 on Monday 8 January 2018
  - Shire Administration Services close at 2.00pm on Friday 22 December 2017 to Sunday 7 January 2018 inclusive and reopen 8.30 on Monday 8 January 2018
  - Post services reduced to 10.00am – 2.00 pm on the 28 & 29 December 2017 and the 2,3,4 & 5 January 2018
2. That staffing requirements and contact details are put into place for the closure period to deal with any emergency issues that may arise.

**COUNCIL DECISION – ITEM 10.1.3**

**MOVED: Cr Price**

**SECONDED: Cr Ferguson**

**That Council:**

3. Endorse the proposed reduction in Shire Operations for the Festive Season 2017/18 as follows:
  - Shire Works Services close at 2.00pm on Thursday 22 December 2017 to Sunday 7 January 2018 inclusive and reopen 7.30 on Monday 8 January 2018
  - Shire Administration Services close at 2.00pm on Friday 22 December 2017 to Sunday 7 January 2018 inclusive and reopen 8.30 on Monday 8 January 2018
  - Post services reduced to 10.00am – 2.00 pm on the 28 & 29 December 2017 and the 2,3,4 & 5 January 2018
4. That staffing requirements and contact details are put into place for the closure period to deal with any emergency issues that may arise.

**CARRIED 6/0**

**10.1.4 APPOINTMENT OF ACTING CEO TO COVER CEO SICK LEAVE**

**FILE REFERENCE:** 1.4.11

**PROPOSERS:** NIL

**DISCLOSURE OF INTEREST:** Author is the CEO

**DATE:** 10 August 2017

**PREVIOUSLY BEFORE COUNCIL:** N/A

**AUTHORS NAME & POSITION:** Amanda O'Halloran  
Chief Executive Officer

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
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- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**  
For the Council to consider the appointment of Monica Treasure to act in the position of Chief Executive Officer (CEO) for a period up to four weeks commencing the 5 September 2017.

**BACKGROUND**

The CEO requires sick leave to undergo surgery, which may require up to 6 weeks recovery. It is anticipated that the worst case scenario may consist of 4 full weeks of sick leave and two weeks of half days recovery. To ensure the duties of the position are carried, out it is necessary to appoint an acting CEO for the four weeks of sick leave.

**COMMENT/ DETAILS**

Monica is currently in the role of Manager of Communities and has been with the Shire of Wandering for over 4 years. Monica has previously acted in the position of CEO covering annual leave in May 2016. Monica provided good governance and sound decision making during this time, and it is proposed that the opportunity to gain further experience in this regard if again afforded to Monica.



Monica is keen to undertake the role and it is proposed that Monica be paid 100% of the current CEO's salary as higher duties and will work five days a week during this time.

Support mechanisms will be discussed with the CEO and Shire President and will be formalised during the proposed handover meeting including all three parties on the 4 September 2017.

## **CONSULTATION**

Shire President  
Manager Communities  
Manager Works

## **STATUTORY/ LEGAL ENVIRONMENT**

### **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

### **5.41. Functions of CEO**

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

There are no additional financial implications as the provision for leave is included in the annual budget provisions. Provision was made for contractor CEO cover and whilst Acting Staff will receive an allowance for the extra duties and responsibilities during the time they will be acting in the CEO role, this is much less than employing a contractor to act in the role.

## **STRATEGIC IMPLICATIONS**

### **Community Strategic Plan 2013-2023**

#### **Goal 5 – A strong and effective organisation**

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

**Strategy 5.2.1:** Ensure Council's decision making process is effective and transparent

**Strategy 5.2.2:** Ensure the organisations governance structure, policies and procedures are current and relevant.

Outcome 5.3: Professional, committed and multi – skilled staff

**Strategy 5.3.2:** Promote and Implement a relevant and practicable staff development program

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER RECOMMENDATION**

### **That Council:**

1. Approves the sick leave for the Chief Executive Officer for the period 5 September 2017 to the 3 October 2017 (inclusive);
2. Authorises Monica Treasure to be Acting Chief Executive Officer of the Shire of Wandering from the 5 September 2017 to the 3 October 2017 (inclusive);
3. That Monica Treasure Manager of Communities be paid 100% higher duties for the duration of the period of Acting CEO.

## **COUNCIL DECISION – ITEM 10.1.4**

**MOVED: Cr Parsons**

**SECONDED: Cr Watts**

### **That Council:**

1. Approves the sick leave for the Chief Executive Officer for the period 5 September 2017 to the 3 October 2017 (inclusive);
2. Authorises Monica Treasure to be Acting Chief Executive Officer of the Shire of Wandering from the 5 September 2017 to the 3 October 2017 (inclusive);
3. That Monica Treasure Manager of Communities be paid 100% higher duties for the duration of the period of Acting CEO.

**CARRIED 6/0**

**10.1.5 CHANGE OF MEETING DATE TO SUPPORT GOVERNANCE FUNCTIONS POST THE LOCAL GOVERNMENT ELECTIONS ON THE 21 OCTOBER 2017**

**FILE REFERENCE:** 9.1.1

**PROPOSERS:**

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 9 August 2017

**PREVIOUSLY BEFORE COUNCIL:** Nil

**AUTHORS NAME & POSITION:** Amanda O'Halloran  
CEO

**NATURE OF COUNCILS  
ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**

Seek Council's opinion and decision regarding the October 2017 Ordinary Meeting of Council.

Council is scheduled to conduct a Council meeting on the 19 October 2017. The Council Elections are due to be held on the 21 October 2017 this requires the election of a new Shire president and deputy and the swearing in of new Councillors. Rather than holding a special meeting the Shire administration is proposing to postpone the October Council Meeting until the 26 October 2017 rather than call a special meeting of Council.

**BACKGROUND**

Ordinary local government elections are held on the third Saturday in October every two years (21 October 2017), this year the Shire of Wandering has four Councillors up for election.

## COMMENT/ DETAILS

This year's Council election falls within 2 days of the scheduled Ordinary Meeting of Council in October. It is important in the interests of good governance to swear the newly elected Councillors in, and elect the Shire President and Deputy as soon as possible post the election. In some instances a special meeting is called to facilitate this. The Shire Administration is proposing that the planned 19 October 2017 meeting be postponed until the 26 October 2017 rather than call a special meeting.

## CONSULTATION

Shire President  
Councillors

## STATUTORY/ LEGAL ENVIRONMENT

*Local Government Act 1995*

Section 5.4 Calling Council Meetings

An ordinary or a special meeting of a council is to be held –

- (a) If called for by either
  - (i) The mayor or president; or
  - (ii) At least 1/3 of the councillors,In a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) If so decided by the council.

Section 5.5 Convening Council Meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time, and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

**Community Strategic Plan 2013-2023**

Community Strategic Plan 2013-2023

**Goal 5 – A strong and Effective Organisation**

**Strategy 5.2.1:** Ensure Council's decision making process is effective and transparent

**Strategy 5.2.2:** Ensure the organisations governance structure, policies and procedures are current and relevant

## VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

1. Authorise the postponement of the 19 October 2017 Council Meeting until the 26 October 2017 to accommodate the swearing in of Councillors and Shire President post the 2017 State wide Local Government Elections, and
2. Authorise the CEO to advertise the change within the community.

**COUNCIL DECISION – ITEM 10.1.5**

**MOVED: Cr Price**

**SECONDED: Cr Gowland**

**That Council:**

1. Authorise the postponement of the 19 October 2017 Council Meeting until the 26 October 2017 to accommodate the swearing in of Councillors and Shire President post the 2017 State wide Local Government Elections, and
2. Authorise the CEO to advertise the change within the community.

**CARRIED 6/0**

**10.1.6 SUPPORT OF WHEATBELT SOUTH REGIONAL ROAD GROUP CHAIR PERSON  
HONORARIUM OF \$1,800.00 PER YEAR**

**FILE REFERENCE:** 33.1.23

**PROPOSERS:**

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 9 August 2017

**PREVIOUSLY BEFORE  
COUNCIL:** Nil

**AUTHORS NAME &  
POSITION:** Amanda O'Halloran  
CEO

**NATURE OF COUNCIL'S  
ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**

The Wheatbelt South Regional Road Group (WBS RRG) has requested Council's formal decision regarding support of the Regional Road Group Chairperson being paid an annual honorarium of \$1,800.00 as a contribution to the considerable activities required to undertake the role.

**BACKGROUND**

The Shire of Cuballing moved a motion for Council Members of the WBS RRG to contribute to an annual honorarium of \$1,800.00 in support of the considerable time and effort required to carry out the role.

The role of Chairperson of the WBS RRG is a time consuming, volunteer role that delivers significant outcomes for the members of the group.

The role will always be additional to the considerable activities required of a Councillor of a member Shire. The Role of the Chair Person consists of the following:

- Attending and chairing 2/3 WBS RRG meetings per year;
- Attending and chairing 2/3 technical group meetings per year;
- Attending and representing the WBS RRG at an annual meeting of all RRG Chairs;
- Actively participating and representing the WBS RRG in projects such as the Secondary Freight Network Project; and
- Prepare and present a report on WBS RRG activities to 5 central Country Zone Meetings each year.

#### **COMMENT/ DETAILS**

An honorarium is not expected to cover the full cost to the recipient but be recognition of the effort undertaken and a contribution to the expense of carrying out the duties and activities required by the role.

The honorarium of \$1,800 per year represents a contribution of \$100.00 per year from each WBS RRG member Council.

The WBS RRG has no financial capability or capacity to pay the chair person, therefore the motion suggests that the Shire that the Chairperson is a Councillor for will invoice the other member shires to collect the monies and then pay the Chair person through their Elected Member payment system.

#### **CONSULTATION**

Regional Road Group  
Shire of Cuballing

#### **STATUTORY/ LEGAL ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Council has discretionary funding to cover this expense if supported by Council.

#### **STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2013-2023**

Community Strategic Plan 2013-2023

**Goal 5 – A strong and Effective Organisation**

**Strategy 5.2.1:** Ensure Council's decision making process is effective and transparent

**Strategy 5.2.2:** Ensure the organisations governance structure, policies and procedures are current and relevant

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION**

That Council authorise the annual payment of \$100.00 towards the honorarium of \$1,800 for the Wheatbelt South Regional Road Group Chair Person.

**COUNCIL DECISION – ITEM 10.1.6**

**MOVED: Cr Parsons**

**SECONDED: Cr Watts**

That Council authorise the annual payment of \$100.00 towards the honorarium of \$1,800 for the Wheatbelt South Regional Road Group Chair Person.

**CARRIED 6/0**

**10.1.7 REQUEST FOR WAIVING OF CASUAL VENDOR/TRADER FEES FOR THE PROVISION OF SEAFOOD SALES TRIAL**

**FILE REFERENCE:** 13.1.5.8

**PROPOSERS:** The Fresh Fish Van – Tracey McGowan

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 1 August 2017

**PREVIOUSLY BEFORE COUNCIL:** Nil

**AUTHORS NAME &**

**POSITION:** Amanda O'Halloran, CEO

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy                      When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive                        The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative                      Includes adopting local laws, local planning schemes and policies.
- Review                            When Council reviews decisions made by Officers.



- Quasi-judicial      When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### **PURPOSE OF THE REPORT**

A request has been made from Tracey McGowan proprietor of the Fresh Fish Van, to operate in Wandering. Ms McGowan is seeking a waiving of the Casual Vendor/trader fees for the first month to establish if there is a need and or market in the Wandering area.

#### **BACKGROUND**

The Fresh Fish Van is currently registered as a medium risk Food Business in the Boddington Shire and operates regularly throughout the Southern Wheatbelt, providing fresh and frozen seafood to Narrogin, Wagin, Williams and Boddington.

The Fresh Fish Van has stated that Wandering Residents have requested that the service be provided locally and they are keen to trial the service.

#### **COMMENT/ DETAILS**

The Fresh Fish Van has requested the following -

- They are proposing to come to Wandering once a fortnight on a Thursday afternoon.
- The hours will be 1.30 – 4.30 pm.
- They would like to park in the car park opposite the Shire office.
- If possible they would like to access power from the power outlet that is there (which they are willing to pay for accordingly) therefore reducing the noise from their generator.
- If possible they would like to trade on a trial basis of four weeks. If after this time they find that the trading level is satisfactory they are willing to backdate the time and pay the vendors fee ongoing.

The requests for site can be negotiated and will depend on access to the fuel station etc, the Shire is positive that an appropriate site can be arranged.

The Fresh Fish Van has been able to provide appropriate insurance and permits to support trading in the Wandering Shire and the Environmental Health Officer has dealt with them in the two other Shires that he provides services to.

#### **CONSULTATION**

Gordon Tester EHO

#### **STATUTORY/ LEGAL ENVIRONMENT**

Nil

#### **POLICY IMPLICATIONS**

Nil

## FINANCIAL IMPLICATIONS

Council has not budgeted to receive funds in this area, as the Van is prepared to pay for Power, two weeks trial trade will not incur any significant budget implications. If the trial was successful this may result in a revenue stream that will add value to the 2017/18 Budget.

## STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

### Goal 5 – A strong and effective Organisation

*Outcome 5.2: Accountable decision making and resource allocation through effective governance.*

**Strategy 5.2.1:** Ensure the Council's decision making process is effective and transparent.

*\*\* The Strategic Plan does not specifically refer to the increase in commercial service provision to the Wandering Community; however the Shire Administration has been working to increase service provision and is of the opinion that an increase in service delivery opportunities in Wandering is a significant positive that can lead to increased economic return for the region.*

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION

That Council:

1. **Authorises** the waiving of the Casual Traders/Vendor fee on two occasions in the first month of trade to support a fortnightly service during this time, should takings be sustainable during the trial, the Fresh Fish Van will be authorised to trade on going and will from then on pay the appropriate fees and charges.
2. **Requests** that the Fresh Fish Van back pay the casual traders/vendors fee should the takings during the trial reach a sustainable level.
3. **Requests** that the Fresh Fish Van pay a \$10.00 power fee per 3 hours of trade to reimburse Council for the power used during trading.

## COUNCIL DECISION – ITEM 10.1.7

**MOVED:** Cr Ferguson

**SECONDED:** Cr Gowland

1. **Authorises** the waiving of the Casual Traders/Vendor fee on two occasions in the first month of trade to support a fortnightly service during this time, should takings be sustainable during the trial, the Fresh Fish Van will be authorised to trade on going and will from then on pay the appropriate fees and charges.
2. **Requests** that the Fresh Fish Van back pay the casual traders/vendors fee should the takings during the trial reach a sustainable level.
3. **Requests** that the Fresh Fish Van pay a \$10.00 power fee per 3 hours of trade to reimburse Council for the power used during trading.

**CARRIED 5/1**

**10.2 BUILDING AND PLANNING REPORTS**

Nil

**10.3 COMMUNITY SERVICES REPORTS**

Nil

**10.4 CORPORATE SERVICES**

Nil

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

**14 CONFIDENTIAL ITEMS**

Nil

**15 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council meeting to be held on 21 September 2017 at 3:30pm.

**16 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 4.25pm

**These Minutes were confirmed at the Ordinary Council Meeting  
on Thursday 21 September 2017.**

Signed:  .....

Presiding Person at the meeting at which the minutes were confirmed

Date: 21/9/2017 .....



## **SHIRE OF WANDERING**

### **MINUTES OF THE ORDINARY COUNCIL MEETING**

**Wandering Shire Council Chambers, 22 Watts Street,  
Wandering**

**20 July 2017  
3.30pm**

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**SHIRE OF WANDERING  
ORDINARY MEETING OF  
COUNCIL**

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Wandering will be held on 20 July 2017 at Shire of Wandering Council Chambers, 22 Watts Street, Wandering. Commencing at 3.30 pm

The business to be transacted is shown in the Agenda.

Amanda O'Halloran  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.*

## Ordinary Council Meeting

### 1. DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The Shire President, Cr B Whitely declared the meeting open at 3.33pm

### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

#### Councillors:

Cr B Whitely	President
Cr B Dowsett	Deputy President
Cr W Gowland	
Cr J Price	
CR J Parsons	
Cr M Watts	
Cr C Ferguson	

#### Staff:

Ms A O'Halloran	Chief Executive Officer
Mrs H Mark	Administration Officer

#### Visitors:

Mr M Wilkins, Wandering Lions Club

#### Apologies:

Nil

#### On Leave of Absence:

Nil

### 3. DISCLOSURE OF INTERESTS

Nil

#### DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (*updated 13 March 2000*)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

## NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
  - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

## INTERESTS AFFECTING IMPARTIALITY

**DEFINITION:** An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

## IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.



4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL – 15 JUNE 2017

ATTACHMENT 6.1.1

**COUNCIL DECISION – ITEM 6.1**

**MOVED: Cr Price**

**SECONDED: Cr Parsons**

That the minutes of the Ordinary Meeting of Council held on 15 June 2017, be confirmed as a true and accurate record.

**CARRIED 7/0**

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Mel Durack and Steve Fisher A/CEO of the **Peel Harvey Catchment Council** gave a presentation on the work the Council has been carrying out over the last few years, the level of involvement in Wandering, and the opportunities that have been gained through their work in the Shire of Wandering.

The Council also discussed future engagement and the way forward into the future they also discussed that they would like to harness opportunities and pin down possible funding and inkind support going forward.

Mal Wilkins, President Wandering Lions Club gave a presentation on **The Wologin Gully Interpretative Trail Project**

Community project which has been formulated to capture the history and story of the area and be a lovely environment for a walk and enhance the opportunities of the Caravan Park

It will include –

- Removal of weeds and non-native trees
- Tree planting will be a significant facet of the project –local residents and the local school has agreed to be involved
- Signage along gravel pathways, bollards will line the pathways and they can have names of residents on them in plaque form. This will be a Lions project to help fund the project.
- Seating and tables
- Art Work

Indigenous engagement and expertise is being provided by Alistair and Harold Humes, Costings have been done; Monica Treasure and Mel Durack helped apply for funding through NRM, though it will be December before they will know if grant has been approved.

Mal Wilkins, Steve Bullock, Tony Edwards co-ordinating and lead contacts on the project.

**Mr Wilkins left the meeting at 3.54 pm**

## 9. REPORTS OF COUNCILLORS/COMMITTEES

### CENTRAL COUNTRY ZONE

Cr Parsons attended the recent meeting of the Central Country Zone which was held in Pingelly on the 23 June 2017.

Items discussed:

- Concessional License issues and the way forward
- Future of a Healthy Wheatbelt Region, need more representation from the region with only two locals on the board.
- Flood Damage – WANDARRA 743
- Discussion regarding the formulation of a working group to discuss and work through Councillor and CEO Issues.
- Guest Speakers
  - Small Business/Agri business declining numbers
  - Rest Areas for trucks was discussed – Not enough areas for big trucks to pull off the road, and rest up.

UNCONFIRMED MINUTES

## 10. REPORTS OF OFFICERS

### 10.1 CHIEF EXECUTIVE OFFICER

#### 10.1.1 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JUNE 2017

**FILE REFERENCE:** 1.1.29.1

**PROponents:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 2 JULY 2017

**PREVIOUSLY BEFORE COUNCIL:** N/A

**AUTHORS NAME & POSITION:** Amanda O'Halloran, CEO

#### NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### PURPOSE OF THE REPORT

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of June 2017.

#### BACKGROUND

Council has authorised the updated delegations register at the July 2016 Ordinary Meeting of Council. The procedure associated with the register is to report to Council the activities or actions that have been performed under the Delegated Authority. A report will be completed for Council at each meeting that identifies (1) use of the Common Seal, and (2) actions performed under the Delegated Authority requiring referral to Council as per the Shire of Wandering Delegated Authority Register 2016.

## COMMENT/ DETAILS

Actions performed under delegation during June 2017 are provided below:

- **Food Stall Holders Licence:**  
Wandering P&C – 23/6/17 – “Cuppa for Cancer”  
Sweet Streets – 9/9/17 – “Wandering Annual Fair”
- **Planning Approval:**  
Nil
- **Building Licences Issued:**  
A#450/BL170 Lot 91 O’Connell Road, Wandering – P & R Sachse – Shed
- **Health:**  
Nil
- **Payments:** Payments made from the Municipal Account as per financial report attached at 10.4.1 of this Agenda.

## CONSULTATION

Planning and Building Specialists Shire of Kalamunda  
Environmental Health Officer

## STATUTORY/ LEGAL ENVIRONMENT

*Local Government Act 1995 Section 9.49A*

## POLICY IMPLICATIONS

Affixing the Shire of Wandering Common Seal Policy  
Shire of Wandering Delegations Register 2016  
Purchasing and Tendering Policy

## FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2016/17 Annual Budget.

## STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

### **Goal 5 – A strong and effective Organisation**

*Outcome 5.2: Accountable decision making and resource allocation through effective governance.*

**Strategy 5.2.1:** Ensure the Council’s decision making process is effective and transparent.

**Strategy 5.2.2:** Ensure that the organisation’s governance structure, policies and procedures are current and relevant.

## VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION**

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of June 2017.

**COUNCIL DECISION – ITEM 10.1.1**

**MOVED: Cr Price**

**SECONDED: Cr Ferguson**

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of June 2017.

**CARRIED 7/0**

UNCONFIRMED MINUTES

## 10.2 BUILDING AND PLANNING REPORTS

Nil

## 10.3 COMMUNITY SERVICES REPORTS

### 10.3.1 SALE OF LOCAL AUTHORITY NUMBER PLATES

**FILE REFERENCE:** 29.1.1.1

**PROponents:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 13 July 2017

**PREVIOUSLY BEFORE COUNCIL:** 15 November 2007

**AUTHORS NAME & POSITION:** Monica Treasure, Manager of Communities

#### **NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

#### **PURPOSE OF THE REPORT**

The sale of Local Authority number plates has previously been restricted at 2000WD, to review the restriction and suggest the sale of Local Authority Plates up to 9999WD.

## BACKGROUND

In November 2007, the sale of Local Authority plates went before council and it was moved that the sale of plates over 2000WD be restricted from sale, as per the resolution below.

### **RESOLUTION 082:2007/08**

**Moved Cr McNeil seconded Cr Price**

**1 That the following policy be adopted by Council in regards to the sale and allocation of Local Authority number plates:**

- **That the numbers 1000.WD to 2000.WD be made available for tender by local residents at the minimum price of \$155.00 comprised of the cost price of \$130.00 plus \$25 being Council's revenue from the sale.**
  - **That any number beginning with the prefix "0" not be made available for order by local residents.**
  - **That the numbers 00.WD and 000.WD not be made available for order by local residents.**
  - **That all proceed from the sale of Local Authority Plates be allocated to a new Reserve Fund to be called the "Wandering Townscape Development Reserve" for the purpose of future projects that improve the amenity of the townsite.**
- 2. The Chief Executive Officer to write to Mr M Watts advising of the above decision.**
- 3. The tender period to be 1st December 2007 to 28th February 2008.**

**Carried: 5:2**

There has been six plates purchased and processed over 2000WD since 2007 and requests for numbers over 2000WD have been received and declined over the past five years. During the past two financial years, 2015/16 two Local Authority plates were purchased and 2016/2017 six plates were purchased. The costs of the plates are \$252, comprising of: \$200 Department of Transport's commission and \$52 Council's revenue, which is part of licencing commissions in general revenue.

### ATTACHMENT 10.3.1.1

#### COMMENT/ DETAILS

No formal policy regarding this matter has been put in place since the 2007 decision of Council and this has left the matter open to misinterpretation, which has resulted in plates over 2000WD being issued over the past 10 years. Management of the plates has been by verbal explanation handed on from one administration officer to the next and with significant changes within the administration area over the years a clear consistent message has not resulted.

From further review and analysis there appears to be a consistent level of misunderstanding regarding the issue and this item is hoping to set clear direction on the way forward and inform of the rules and regulations regarding these plates.

Council's interpretation of the situation:

- Council has jurisdiction over the sale of the plates – owns them affectively – this is not the case, the plates come under the management of the Department of Transport and they do not restrict the release of Local Authority Plates and accept applications regardless of Council's internal policies or decision making.
- Council has thought that the sale of the plates over 2000WD was restricted – when in fact they are not.
  - *Confusingly if Council was to formally restrict the sale of the Local Authority Plates to 2000WD, the restriction is only on the commission as such ensuring that Council gets the commission for sale of these plates, however it does not restrict the sale of plates above the 2000WD and these would in actual fact be available from any licencing centre around the state as a custom order.*

- Council is limiting its opportunity to capture the potential income possible from the sale of the higher numbered plates with commissions going direct to the department of transport for unguarded or restricted plates.
- The current situation has resulted in an unfair and inequitable situation within the community as some higher numbered plates have been released.

Administration is therefore suggesting that the best way forward for the management of the Shire of Wandering includes the following -

1. Open up general sales to the community to include 2001WD to 9999WD
2. Council purchase the remaining plates with the prefix 0\_WD, namely 01WD, 02WD, 03WD, 04WD, 05WD, 06WD, 07WD, 09WD at the cost of \$200 per plate to be either retained under the Shire of Wandering or attached to Council vehicles and trailers. These plates would not be available for purchase at any other time by the public once bought by the Council and would maintain the value previously placed on those low number plates sold by auction.

This would remove the need to have any internal policy regarding the matter, improve the fairness and equity of the situation and increases the income potential from a greater range of possible sales.

## CONSULTATION

Department of Transport – Plates  
CEO – Amanda O'Halloran  
Councillor Dowsett

## STATUTORY/ LEGAL ENVIRONMENT

The setting of any restrictions on the issuing of Local Authority plates is a policy decision of the Council and is not covered by any relevant legislation.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

At present the cost of each plate is \$252, with Council retaining \$52 from each plate sold and \$200 being paid to the Department of Transport. If Council were to purchase the eight plates starting with 0\_WD this would incur a cost of \$1600.00. There is provision to manage this cost under the insurance GL which is currently in surplus due to proposed increases not going ahead as planned.

## STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

### **Goal 5 - A Strong and Effective Organisation**

*Outcome 5.1: Accessible customer services and information systems*

**Strategy 5.1.1:** Promote and deliver responsive customer services

*Outcome 5.2: Accountable decision making and resource allocation through effective governance*

**Strategy 5.2.1:** Ensure the Council's decision making process is effective and transparent

**Strategy 5.2.2:** Ensure the organisation's governance structure, policies and procedures are current and relevant

*Outcome 5.4: Effective provision of customer services and engagement with the community and stakeholders*

**Strategy 5.4.1:** Promote and deliver responsive customer services

## VOTING REQUIREMENT

Simple Majority



## OFFICER RECOMMENDATION

That Council **authorises**

1. That Local Authority Plates from 0 to 9999WD be available to the Shire of Wandering for general sale to the community at the cost of \$252.
2. That the Shire of Wandering purchase the following plates to be either retained or attached to Council vehicles: 01WD, 02WD, 03WD, 04WD, 05WD, 06WD, 07WD, 09WD, at a cost of \$200 per plate.

### Amendment

**Moved:** Cr Dowsett; **Seconded Cr Watts** that the Officers recommendation section 1. be changed to read

1. "That Local Authority Plates from "1 to 9999WD be available to the Shire of Wandering for general sale to the community at the cost of \$252", and remove point 2 "That the Shire of Wandering purchase the following plates to be either retained or attached to Council vehicles: 01WD, 02WD, 03WD, 04WD, 05WD, 06WD, 07WD, 09WD, at a cost of \$200 per plate".

### Amendment to the Amendment

**Moved:** Cr Price and **seconded** Cr Parsons that point 2 be changed to read "That the Shire of Wandering purchase the following plates to be either retained or attached to Council vehicles: 01WD, 02WD, 03WD, 04WD, 05WD, 06WD, 07WD, 09WD and, 3000WD, 4000WD, 5000WD, 6000WD, 7000WD, 8000WD, 9000WD at a cost of \$200 per plate".

**LOST 3/4**

The presiding member then put the amendment.

**CARRIED 4/3**

The presiding member then put the amended motion which became the substantive.

## **COUNCIL DECISION – ITEM 10.3.1**

That Local Authority Plates from "01 to 9999WD" be available to the Shire of Wandering for general sale to the community at the cost of \$252

**CARRIED 4/3**

**10.4 CORPORATE SERVICES**

**10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 JUNE 2017**

**FILE REFERENCE:** 10.1.16

**PROPOSERS:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 7 July 2017

**PREVIOUSLY BEFORE COUNCIL:** N/A

**AUTHORS NAME & POSITION:** Amanda O'Halloran CEO

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**  
 In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.  
  
 Monthly Financial Report, Payment Listing and Bank Reconciliations for the month of 30 June 2017 is presented for Council's consideration.

**BACKGROUND**

In accordance with Local Government (Financial Management) Regulation 1996 34(1), local governments are required to prepare each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

### **COMMENT/ DETAILS**

Council is requested to accept the Monthly Financial Report, Bank Reconciliations and List of payments for the period ended 30 June 2017, as presented.

Monthly Financial Report 30 June 2017	<b>ATTACHMENT 10.4.1</b>
List of Payments 30 June 2017	<b>ATTACHMENT 10.4.1.1</b>
Bank Reconciliations & Bank Statements (Muni A/C) 30 June 2017	<b>ATTACHMENT 10.4.1.2</b>
Bank Reconciliations & Bank Statements (Investment A/C) 30 June 2017	<b>ATTACHMENT 10.4.1.3</b>
Bank Reconciliations & Bank Statements (Trust A/C) 30 June 2017	<b>ATTACHMENT 10.4.1.4</b>
Credit Card Statement 30 June 2017	<b>ATTACHMENT 10.4.1.5</b>

### **CONSULTATION**

Finance Officer  
Finance Contractor

### **STATUTORY/ LEGAL ENVIRONMENT**

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Financial implications and performance to budget are reported to Council on a monthly basis.

### **STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2013-2023**

**Goal 5 – A strong and Effective Organisation**

Outcome 5.2: Accountable decision making and resource allocation through effective governance

**Strategy 5.2.1:** Ensure Council's decision making process is effective and transparent

**Strategy 5.2.3:** Ensure appropriate funds are available to implement current and future action plans

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

**That Council:**

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$521,545.40 for the period ending 30 June 2017 respectively.
2. Receive the bank reconciliations & bank statements for the period ended 30 June 2017.
3. Receive the financial statements for the period ended 30 June 2017.

**COUNCIL DECISION – ITEM 10.4.1**

**MOVED: Cr Watts**

**SECONDED: Cr Parsons**

**That Council:**

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$521,545.40 for the period ending 30 June 2017 respectively.
2. Receive the bank reconciliations & bank statements for the period ended 30 June 2017.
3. Receive the financial statements for the period ended 30 June 2017.

**CARRIED 7/0**

UNCONFIRMED MINUTES

## 10.4.2 ADOPTION OF THE 2017/18 BUDGET

<b>FILE REFERENCE:</b>	10.4.1.1
<b>PROponents:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE:</b>	13 July 2017
<b>PREVIOUSLY BEFORE COUNCIL:</b>	N/A
<b>AUTHORS NAME &amp; POSITION:</b>	Amanda O'Halloran, CEO
<b>NATURE OF COUNCILS ROLE IN THE MATTER:</b>	Legislative

### PURPOSE OF THE REPORT

To consider and adopt the Municipal Fund Budget for the 2017/18 financial year, together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges and other consequential matters arising from the budget papers.

### BACKGROUND

The draft 2017/18 budget has been compiled based on the principles contained within the Strategic Community Plan and the Long Term Financial Plan. The 2017/18 draft budget has been prepared in accordance with the presentations made to Councillors at the budget workshops held between January and June 2017.

The proposed differential rates were approved by Council on the 15 June 2017 and advertised for the public to comment by 4.30 pm on 14 July 2017. No submissions were received when the public comment period closed.

### ATTACHMENT 10.4.2.1 & 10.4.2.2

### COMMENT/ DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with an 8% rate increase in line with financial plans contained within the Long Term Financial Plan and operational requirements pertinent to the financial climate and Council's current financial position. This increase applies to all differential general rate categories.

Rating Category	Rates in a Dollar	Minimum Rate Payments
GRV - Special Use	\$0.11010	\$1,101
GRV- Residential	\$0.09129	\$902
UV- Rural Residential	\$0.01230	\$1,090
UV- Rural Mining	\$0.00665	\$1,080
UV - Rural	\$0.00665	\$1,080

- Fees and Charges have been reviewed and where increases have occurred, these have generally increased up to 10% and are itemised in the draft budget. There is the inclusion of a number of new items
  - Equipment Hire – PA sound System
  - Computer use - CRC
  - 6 month seasons pass – Transfer Station
  - Council Chambers Hire
  - Annual Funeral Directors Licence
  - Single Funeral Permit (Non Funeral Directors)
  - Group Caravan Park Booking
  - Food Truck Yearly Operations Fee
- Household and commercial waste charges and charges for depositing at the Wandering Waste Transfer Station are proposed to increase 10%.
- The recurrent operating budget included an overall increase of 5% (although individual line items may vary from this, based on specific factors affecting each of these) and continues the focus on improved service delivery to the community. There is no increase in staff numbers planned in this budget. Numbers have decreased by 0.4 FTE.
- A capital works programme totalling \$857,724 is included. Expenditure on road & bridge infrastructure is the major component of the capital budget (\$848,724) in line with Council's strategy to increase the investment in road and associated assets.
- A calculated surplus of \$364,590 is anticipated as per rates statement of budget to be brought forward from 30 June 2017. However this is unaudited and may change. Any change will be addressed as part of a future budget review. The surplus consists of grants that were received early but are actually for expenditure in the 2017/18 budget and anticipated 2016/17 surplus.
  - Financial Assistance Grants \$255,521 – received 8 June 2016
    - General Grants \$136,461
    - Roads Assistance \$119,060
  - DFES (Bush Fire Brigade Grant) \$8,415.00 – first instalment received 29 June 2015
  - FAGS 2016/17 Bridge Allocation \$100,000.00
- Principal additional grant funding for the year is estimated from:
 

▪ Financial Assistance Grant	\$477,264
▪ Regional Road Group	\$447,813
▪ Roads to Recovery	\$103,000
▪ DFES Bush Fire Brigade Grant	\$ 30,600
▪ Department for Regional Development, CRC Service Grant	\$101,214

## CONSULTATION

Councillors  
Chief Executive Officer

While no specific community consultation has occurred on the draft 2017/18 budget, community consultation and engagement has previously occurred during the development of the Community Strategic Plan from which other plans and direction have been formulated. In addition, the proposed differential rates were advertised in the West Australian on the 21 June 2017 and the Wandering Echo on the 1 July 2017.

Extensive internal consultation has occurred through briefings and workshops with elected members.

## STATUTORY/ LEGAL ENVIRONMENT

Section 6.2 of the *Local Government Act 1995* requires that not later than the 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending the following 30 June.

Division 5 and 6 of Part 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2017/18 budget as presented is considered to meet statutory requirements.

## POLICY IMPLICATIONS

The Budget is based on the principals contained within the Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan.

## FINANCIAL IMPLICATIONS

Specific financial implications are outlined in the detailed section of this report and as itemised in the draft 2017/18 budget attached for adoption.

## STRATEGIC IMPLICATIONS

### Community Strategic Plan 2013-2023

#### Goal 5 – A strong and effective Organisation

*Outcome 5.2: Accountable decision-making and resource allocation through effective governance*

**Strategy 5.2.1:** Ensure the Council's decision making process is effective and transparent

**Strategy 5.2.3:** Ensure appropriate funds are available to implement current and future action plans

## VOTING REQUIREMENT

Absolute Majority

## OFFICER RECOMMENDATION

**That Council:**

**Officers recommendation changed by Council to approve \$5,000 to be allocated to Tourism & Area Promotion for annual HWEDA Subscription in the Municipal Budget 2017/18**

## PART A – MUNICIPAL FUND BUDGET FOR 2016/17

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund budget as contained in **ATTACHMENT 10.4.2.1** of this agenda for the Shire of Wandering for the 2017/18 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (2) shows a net result for that year of \$-124,317.00
- Statement of Comprehensive Income by Program on page ( 3) shows a net result for that year of \$-124,317.00
- Statement of Cash Flows on page (5) shows the closing cash balance for that year of \$303,360.00
- Rate Setting Statement on page (6) shows an amount required to be raised from general rates of \$934,074.00
- Notes to and Forming Part of the Budget on pages (7 to 34)
- Transfers to and from Reserves as detailed in page (30)

**ABSOLUTE MAJORITY REQUIRED**

**COUNCIL DECISION – ITEM 10.4.2 PART A**

**MOVED: Cr Watts**

**SECONDED: Cr Dowsett**

Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund budget as contained in **ATTACHMENT 10.4.2.1** of this agenda for the Shire of Wandering for the 2017/18 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (2) shows a net result for that year of \$-124,317.00
- Statement of Comprehensive Income by Program on page ( 3) shows a net result for that year of \$-124,317.00
- Statement of Cash Flows on page (5) shows the closing cash balance for that year of \$303,360.00
- Rate Setting Statement on page (6) shows an amount required to be raised from general rates of \$934,074.00
- Notes to and Forming Part of the Budget on pages (7 to 34)
- Transfers to and from Reserves as detailed in page (30)

**CARRIED 7/0**

**PART B – DIFFERENTIAL RATES, INSTALLMENT PAYMENT ARRANGEMENTS**

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

1.1 Differential Rates

- |                          |                            |
|--------------------------|----------------------------|
| • GRV- Special Use       | 11.010 cents in the dollar |
| • GRV- Residential       | 9.129 cents in the dollar  |
| • UV – Rural Residential | 1.230 cents in the dollar  |
| • UV – Rural Mining      | 0.665 cents in the dollar  |
| • UV – Rural             | 0.665 cents in the dollar  |



1.2 Minimum Payments

• GRV- Special Use	\$1101
• GRV- Residential	\$902
• UV – Rural Residential	\$1090
• UV – Rural Mining	\$1080
• UV – Rural	\$1080

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
  - Full Payment and 1<sup>st</sup> instalment due date 31 August 2017
  - 2<sup>nd</sup> quarterly instalment due date 31 October 2017
  - 3<sup>rd</sup> quarterly instalment due date 2 January 2018
  - 4<sup>th</sup> quarterly instalment due date 5 March 2018
3. Pursuant to Section 6.46 of the *Local Government Act 1995*, Council offers a discount of 5% to ratepayers who will paid their rates in full, including arrears, waste and service charges, on or before the 31 August 2017
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge of \$30.00 for those ratepayers who elect to pay their rates under the four instalment option.
5. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceeding to recover such charges that remains unpaid after becoming due and payable.

**ABSOLUTE MAJORITY REQUIRED**

**COUNCIL DECISION – ITEM 10.4.2 PART B**

**MOVED: Cr Parsons**

**SECONDED: Cr Ferguson**

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values.

1.1 Differential Rates

• GRV- Special Use	11.010 cents in the dollar
• GRV- Residential	9.129 cents in the dollar
• UV – Rural Residential	1.230 cents in the dollar
• UV – Rural Mining	0.665 cents in the dollar
• UV – Rural	0.665 cents in the dollar

1.2 Minimum Payments

• GRV- Special Use	\$1101
• GRV- Residential	\$902
• UV – Rural Residential	\$1090
• UV – Rural Mining	\$1080
• UV – Rural	\$1080

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
  - Full Payment and 1<sup>st</sup> instalment due date 31 August 2017
  - 2<sup>nd</sup> quarterly instalment due date 31 October 2017
  - 3<sup>rd</sup> quarterly instalment due date 2 January 2018
  - 4<sup>th</sup> quarterly instalment due date 5 March 2018
3. Pursuant to Section 6.46 of the *Local Government Act 1995*, Council offers a discount of 5% to ratepayers who will paid their rates in full, including arrears, waste and service charges, on or before the 31 August 2017
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge of \$30.00 for those ratepayers who elect to pay their rates under the four instalment option.
5. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. Pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceeding to recover such charges that remains unpaid after becoming due and payable.

**CARRIED 7/0**

#### PART C – GENERAL FEES AND CHARGES FOR 2017/18

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 1 to 9 inclusive of the fees & Charges 2017/18 included as **ATTACHMENT 10.4.2 .2** of this agenda and minutes.

**ABSOLUTE MAJORITY REQUIRED**

**COUNCIL DECISION – ITEM 10.4.2 PART C****MOVED: Cr Ferguson****SECONDED: Cr Price**

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 1 to 9 inclusive of the fees & Charges 2017/18 included as **ATTACHMENT 10.4.2 .2** of this agenda and minutes.

**CARRIED 7/0****PART D – OTHER STATUTORY FEES FOR 2017/18**

1. Pursuant to section 53 of the *Cemeteries Act 1986* the Council adopts the Fees and Charges for the Wandering Cemetery included at page 3 of the draft fees and Charges included as **ATTACHMENT 10.4.2.2** of this agenda and minutes.
2. Pursuant to section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the Council adopts a swimming pool inspection fee of \$58.45 included at page 7 of the draft 2017/18 fees and charges included as **ATTACHMENT 10.4.2.2** of this agenda and minutes.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council adopt the following charges for the removal and deposit of domestic and commercial waste:
  - 3.1. **Residential Premises (including recycling) Wandering Town Site and Wandering Downs**  
240 litre bin service - per annum - weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin + 1 tip pass pa (disposal of one trailer 6x4)  
\$ 423.50 pa
  - 3.2 **Commercial Premises Wandering Town Site and Industrial Area**  
240 litre bin service - per annum - weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin + 1 tip pass pa (disposal of one trailer 6x4)  
\$ 423.50 pa
4. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:

Charge	Description	Price
Call out Fee	Opening of Transfer Station out of Hours	\$110.00
Seasons Pass	Rural rubbish pass - for those properties that do not have a weekly 240 litre mobile bin service - includes 52 standard 240 litre bin drop offs per year of either Household Waste or Recycling <b>** Does not have to be weekly **</b>	\$143.00
	Rural rubbish pass - for those properties that do not have a weekly 240 litre mobile bin service - includes 26 standard 240 Litre bin drop offs per year of either Household Waste or Recycling <b>** Does not have to be weekly**</b>	\$88.00
Household Waste	per 240 litre bin	\$16.50
Household Waste	per cubic metre	\$44.00
Household Waste	per trailer 6x4	\$44.00
Household Waste	per tonne	\$132.00
Building Site Refuse Disposal	per building licence issued - for dwellings only	\$550.00
Commercial Refuse Disposal	disposal of commercial waste	\$363.00
Vehicle Body Dumping	disposal of car bodies at tip - per car	\$181.50
Recycling	per 240 litre bin	\$16.50
Recycling	per cubic metre	\$44.00
Recycling	per trailer 6x4	\$44.00
Animal Carcasses	small domestic - per carcass	\$22.00
Animal Carcasses	large - cattle, sheep, horse - per carcass	\$44.00
White goods - fridge, freezer, stoves, washing machine etc...	per item	\$24.20
Mattresses	per item	\$42.05
Car Tyre	per tyre	\$11.00
4WD Tyre	per tyre	\$16.50
Car / 4WD tyre on rim	per tyre	\$25.30
10 Litre waste oil and units thereafter	3.30 per 10 litres	\$3.63
Green Waste	<i>Must be separated from other waste or household waste charges apply</i>	No Charge
Clean fill	Clean sand etc, where it can be used on site	No Charge

**ABSOLUTE MAJORITY REQUIRED****COUNCIL DECISION – ITEM 10.4.2 PART D****MOVED: Cr Ferguson****SECONDED: Cr Price**

1. Pursuant to section 53 of the *Cemeteries Act 1986* the Council adopts the Fees and Charges for the Wandering Cemetery included at page 3 of the draft fees and Charges included as **ATTACHMENT 10.4.2.2** of this agenda and minutes.
2. Pursuant to section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the Council adopts a swimming pool inspection fee of \$58.45 included at page 7 of the draft 2017/18 fees and charges included as **ATTACHMENT 10.4.2.2** of this agenda and minutes.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

**3.1. Residential Premises (including recycling) Wandering Town Site and Wandering Downs**

240 litre bin service - per annum - weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin + 1 tip pass pa (disposal of one trailer 6x4)

\$ 423.50 pa

**3.2 Commercial Premises Wandering Town Site and Industrial Area**

240 litre bin service - per annum - weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin + 1 tip pass pa (disposal of one trailer 6x4)

\$ 423.50 pa

4. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:

Charge	Description	Price
Call out Fee	Opening of Transfer Station out of Hours	\$110.00
Seasons Pass	Rural rubbish pass - for those properties that do not have a weekly 240 litre mobile bin service - includes 52 standard 240 litre bin drop offs per year of either Household Waste or Recycling <b>** Does not have to be weekly **</b>	\$143.00
	Rural rubbish pass - for those properties that do not have a weekly 240 litre mobile bin service - includes 26 standard 240 Litre bin drop offs per year of either Household Waste or Recycling <b>** Does not have to be weekly**</b>	\$88.00
Household Waste	per 240 litre bin	\$16.50
Household Waste	per cubic metre	\$44.00
Household Waste	per trailer 6x4	\$44.00
Household Waste	per tonne	\$132.00
Building Site Refuse Disposal	per building licence issued - for dwellings only	\$550.00
Commercial Refuse Disposal	disposal of commercial waste	\$363.00
Vehicle Body Dumping	disposal of car bodies at tip - per car	\$181.50
Recycling	per 240 litre bin	\$16.50
Recycling	per cubic metre	\$44.00
Recycling	per trailer 6x4	\$44.00
Animal Carcasses	small domestic - per carcase	\$22.00
Animal Carcasses	large - cattle, sheep, horse - per carcase	\$44.00
White goods - fridge, freezer, stoves, washing machine etc...	per item	\$24.20
Mattresses	per item	\$42.05
Car Tyre	per tyre	\$11.00
4WD Tyre	per tyre	\$16.50
Car / 4WD tyre on rim	per tyre	\$25.30
10 Litre waste oil and units thereafter	3.30 per 10 litres	\$3.63
Green Waste	<i>Must be separated from other waste or household waste charges apply</i>	No Charge
Clean fill	Clean sand etc, where it can be used on site	No Charge

CARRIED 7/0

**PART E – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2017/18**

Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fee for payment of elected members in lieu of individual meeting attendance fees:

- Shire President \$4,000.00

**ABSOLUTE MAJORITY REQUIRED**

**COUNCIL DECISION – ITEM 10.4.2 PART E**

**MOVED: Cr Parson**

**SECONDED: Cr Watts**

Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, Council **adopts** the following annual fee for payment of elected members in lieu of individual meeting attendance fees:

- Shire President \$4,000.00

CARRIED 7/0

**PART F - MATERIAL VARIANCE REPORTING FOR 2017/18**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2017/18 for reporting material variances shall be 10% or 5,000 whichever is the greater.

**COUNCIL DECISION – ITEM 10.4.2 PART F**

**MOVED: Cr Price**

**SECONDED: Cr Ferguson**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2017/18 for reporting material variances shall be 10% or 5,000 whichever is the greater.

CARRIED 7/0

**Cr Watts left the meeting at 4.42 pm**

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 INTRODUCTION OF CONFIDENTIAL ITEM AS NEW BUSINESS OF AN URGENT NATURE

**COUNCIL RESOLUTION**

MOVED: Cr Dowsett

SECONDED: Cr Gowland

CARRIED 6/0

13.2 COUNCIL RESOLUTION TO CLOSE THE MEETING

**COUNCIL RESOLUTION**

MOVED: Cr Ferguson

SECONDED: Cr Dowsett

**That Council:**

That Council close the meeting to the public at 4.43pm pursuant to sub section 5.23 (2) (e) of the Local Government Act 1995.

CARRIED 6/0

UNCONFIRMED MINUTES

**13.2.1 CONFIDENTIAL ITEM – NON PAYMENT OF RATES – AUTHORITY TO SELL LAND**

**FILE REFERENCE:** 23.1.2

**PROPOSERS:** Nil

**DISCLOSURE OF INTEREST:** Nil

**DATE:** 19 July 2017

**PREVIOUSLY BEFORE COUNCIL:** Nil

**AUTHORS NAME & POSITION:** Amanda O'Halloran CEO

**NATURE OF COUNCIL'S ROLE IN THE MATTER:**

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative Includes adopting local laws, local planning schemes and policies.
- Review When Council reviews decisions made by Officers.
- Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

**PURPOSE OF THE REPORT**

Council has been working to reduce its outstanding rates over the last year. One rate payer, who is more than three years in arrears with rates payments, has continuously broken agreements with Council and the arrears continue to grow. Recent legal action taken did not deliver any debt reduction and Council is requested to give direction under Section 6.64 of the Local Government Act 1995 which outlines the action Council can take for the sale of the land for the non-payment of rates.



**COUNCIL DECISION – ITEM 13.2.1**

**MOVED: Cr Gowland**

**SECONDED: Cr Ferguson**

That Council:

1. **Approves** the action outlined in Section 6.64 of the Local Government Act 1995 for the sale of land on A#12 owned by 3J's Hi PTY Ltd, for the non-payment of rates
2. **Authorises** the CEO to act on behalf of Council regarding his matter and negotiate with Legal Counsel as required.
3. Directs the CEO to adequately inform the Shire President and Council regarding this matter throughout the course of proceedings.

**CARRIED 6/0**

**COUNCIL RESOLUTION TO RE-OPEN THE MEETING**

**MOVED: Cr Dowsett**

**SECONDED: Cr Parson**

That Council re-open the meeting to the public at 5.13pm pursuant to sub section 5.23 (2) (e) of the Local Government Act 1995 and read the resolution passed if any public are present.

**CARRIED 6/0**

**14 CONFIDENTIAL ITEMS**  
Nil

**15 TIME AND DATE OF NEXT MEETING**  
Next Ordinary Council meeting to be held on 17 August 2017 at 3:30pm.

**16 CLOSURE OF MEETING**  
The Shire President declared the meeting closed at 5.15pm

**These Minutes were confirmed at the Ordinary Council Meeting  
on Thursday 17 August 2017.**

**Signed:** .....

**Presiding Person at the meeting at which the minutes were confirmed**

**Date:** .....