

SHIRE OF WANDERING AGENDA



**21 March
2019**

ORDINARY COUNCIL MEETING

Agenda for the Ordinary Council Meeting to be held on Thursday

21 March, 2019 in the Council Chambers commencing at 3.30pm.

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Notice of Meeting

The next Ordinary Council Meeting for the Shire of Wandering will be held on Thursday 21 March, 2019 in the Council Chambers, 22 Watts Street, Wandering commencing at 3.30pm.

A handwritten signature in black ink, appearing to read 'Amanda O'Halloran', is written over a light blue circular stamp.

Amanda O'Halloran
Chief Executive Officer
Date: 15/03/2019

Order of Business

Ordinary Council Meeting to be held on Thursday 21 March, 2019

9.00am	<i>Councillor Briefing</i>
10.30am	<i>Morning Tea</i>
11.00am	<i>Audit Committee Meeting</i>
12.30 pm	<i>Lunch</i>
1.15 pm	<i>Information Bulletin Session</i>
3.00 pm	<i>Councillor Briefing Session</i>
3.30 pm	<i>Council Meeting</i>
5.00pm	<i>Close of Council Meeting</i>
7.00pm	<i>Prospective Councillor Workshop</i>

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

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

3. **DISCLOSURE OF INTERESTS**

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 s.5.69 (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

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 PREVIOUS COUNCIL MEETINGS AND BUSINESS ARISING FROM MINUTES

6.1.1 ORDINARY COUNCIL MEETING

Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 21 February 2019.

ATTACHMENT 6.1.1.1

6.1.2 SPECIAL MEETING OF COUNCIL

Minutes of the Shire of Wandering Special Council Meeting held on Monday 11 March 2019

ATTACHMENT 6.1.1.2

6.1.3. UNCONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING (ATTACHMENT 6.1.3.1 TO BE PRESENTED TO COUNCIL)

Officer Recommendation That the Unconfirmed Minutes of the Audit and Risk Committee Meeting (ATTACHMENT 6.1.3.1) to be held on 21 March 2019 be received.

ATTACHMENT 6.1.3.1

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8.1.1 Presentation by Culford Agri Business – Richard Atkins and Kim Gorey

9. REPORTS OF COMMITTEES

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 FEBRUARY 2019

File Reference	1.1.29.1
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	11 March 2019
Previously Before Council:	N/A
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 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 February 2019.

BACKGROUND

Council has authorised the updated delegations register at the September 2018 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 2018.

COMMENT/ DETAILS

Actions performed under delegation during February, 2019 are provided below:

- **Food Stall Holder's Licence:**
Nil
- **Planning Approval:**
DA19027 Kurt Boddy
2342 North Bannister – Wandering Road
Shed/Carport

Signed: Amanda O'Halloran, CEO

- **Building Licences Issued:**

BL197 N Brand
 Lot 17 Pennington Road
 Dwelling

Signed: Amanda O'Halloran, CEO

- **Health:**

Nil

- **Payments:**

Payments made from the Municipal Account as per financial report at 10.4.1 of this Agenda.

CONSULTATION

Planning and Building Specialists City 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 2018
 Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018-2028

Goal – Provide Strong Leadership

Strategic Community Plan			
Goal	Strategies	Outcome	
10.0	We plan for the future and are strategically focused.	10.1	Ensure accountable, ethical and best practice governance.

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 February 2019.

10.1.2 PROPOSED NEW FEES AND CHARGES

File Reference	1.1.33
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	7 March 2019
Previously Before Council:	N/A
Authors Name & Position:	Amanda O'Halloran, CEO
Attachments:	Nil

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 Shire has on a number of occasions had a request from the community to utilise goods and services where no fee has been approved by Council, the Shire Administration is seeking approval to apply a fee to the following:

- Sale of Grader Blades
- Large Groups Caravan Park Cleaning Fee
- Caravan Park Shower Only Fee
- Caravan Park Washing Machine Use Only Fee

BACKGROUND

At its July 2018 meeting Council adopted the Schedule of Fees and Charges for 2018/19. Since that time Council has had increasing requests and operational imposts that were not considered in the 2018/19 budget planning preparations and as a result, some amendments to the Shire's Schedule of Fees and Charges are required.

COMMENT / DETAILS

It is proposed that the following fees be incorporated in the Shire of Wanderings Fees and Charges Schedule after the appropriate advertising has been undertaken.

Sale of Grader Blades \$10.00

It is the Shire Administrations intent to formalise the sale of the used grader blades in an effort to improve transparency in the community. Used Grader Blades are a highly sought after commodity and it is proposed that they readily be available for sale on request for a set fee. Fees set in the region have been reviewed and it is considered that \$10.00 per blade is a reasonable fee.

Caravan Park Large Group/ Event Cleaning Fee \$90.00

The Shire has a large Group Booking Overnight Fee to accommodate Caravan and Camping Groups, to date this fee has been mostly adequate, however a more detailed analysis of the Caravan Park's costs and corresponding return has identified that the cleaning of all of the facilities during and after a large event and or booking can be quite onerous and ends up costing Council quite substantially. Therefore it is requested

Council adopt a large Group/Event Cleaning Fee of \$90.00 to adequately recover costs incurred during these times.

Caravan Park Washing Machine Use Only Fee \$12.00 per day fee

The Shire has on a number of occasions had requests by residents and visitors to the area, not staying at the Caravan Park, to use the washing machine facilities. The Council currently provides free use of a domestic washing machine to Caravan Park users and it is proposed in the instance of an adhoc request, a \$12.00 fee be introduced which would cover up to three loads being undertaken.

Amendment of the non-powered site overnight fee of \$20.00 to include Shower only service

Many Caravan Parks offer a one shower per day service to visitors requiring this service only. The Shire has on a number of occasions also had such requests by residents when they have had hot water emergencies etc. In order to cover the costs it is suggested that the fee imposed reflects the non-powered site fee. Unfortunately, if there is no other occupancy at the time of the shower only request, this service will trigger the need to clean the facilities on a daily basis. The non-powered site fee enables 2 adults and 2 children to shower in the evening and in the morning and this would then be offered to the shower only request.

Council's approval of the above fees and charges will reduce the current ambiguity in these areas and help make the Councils available services clearer for residents and visitors.

CONSULTATION

Manager Works

Manager Communities

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995, Section 6.16

6.16. Imposition of fees and charges

(1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) *A fee or charge may be imposed for the following —*

(a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

(b) *supplying a service or carrying out work at the request of a person;*

(c) *subject to section 5.94, providing information from local government records;*

(d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*

(e) *supplying goods;*

(f) *such other service as may be prescribed.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

(a) *imposed* during a financial year; and*

(b) *amended* from time to time during a financial year.*

** Absolute majority required.*

Local Government Act 1995, Section 6.17

6.17. *Setting level of fees and charges*

(1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

(a) *the cost to the local government of providing the service or goods; and*

(b) *the importance of the service or goods to the community; and*

(c) *the price at which the service or goods could be provided by an alternative provider.*

(2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96; or*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

Local Government Act 1995, Section 6.19

6.19. *Local government to give notice of fees and charges*

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposed new and revised Fees and Charges may provide an increase in revenue for the Shire, although large uptake of the services is not anticipated in the short term and will therefore have little impact on the 2018/19 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018-2028

Goal 1 – Improve our Financial Position

Strategic Community Plan			
Outcome	Strategies	KPI's	
1.1	The Wandering Shire is financially sustainable	1.1.1	Prudently manage our financial resources to ensure value for money

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.1	A well informed Community	4.1.1	Foster opportunities for connectivity between Council and the Community
4.2	We plan for the future and are strategically focused.	4.2.1	Ensure accountable, ethical and best practice governance.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council by Absolute Majority pursuant to Section 6.16 of the Local Government Act 1995 resolves to:

1. Adopt the following new fees and charges to take effect from the 15 April 2019; and
 - a. Sale of Grader Blades \$10.00 each
 - b. Caravan Park Large Groups/ Event Cleaning Fee \$90.00
 - c. Caravan Park Washing Machine Use Only Fee \$12.00 per day
 - d. Amendment of the Non-powered Site Overnight Fee of \$20.00 to include Shower Only Fee
2. Advertise the Fees and Charges in the April edition of the local newspaper and on the public noticeboard at the Wandering Public Library for a minimum of 14 days.

10.1.3. 2018 COMPLIANCE AUDIT RETURN

File Reference	1.1.26
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	12 March 2019
Previously Before Council:	N/A
Authors Name & Position:	Adrienne Yzerman, Contract Project Officer
Attachment:	10.1.3.1 2018 Compliance Audit Return

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

To consider further the 2018 Compliance Audit Return as presented to the Audit and Risk Committee on the 21 March 2019 and endorse the

BACKGROUND

The Compliance Audit is to assist Council in monitoring its organisational functions. Council is required to note any areas of non-compliance and endorse remedial action.

The Audit is provided by the Department of Local Government, Sport and Cultural Industries through their secure website platform called 'Smart Hub'. The same audit is required to be completed by every WA local government. The Department considers, from a large range of issues it can audit, which ones will be specific to the year in question (i.e. each year the audit questions can change).

The Audit results were presented the Shire of Wandering Audit and Risk Committee on the 21 March 2019. Detailed discussion was undertaken at this time.

COMMENT/ DETAILS

The 2018 Local Government Compliance Audit Return for the period 1 January 2018 to the 31 December 2018 is attached for the Councils consideration.

This year's Audit covered some governance areas that the Council did not undertake any activity in, therefore were not applicable for the 2018 calendar year.

These areas included:

- Commercial Enterprises by Local Government
- Local Government Employees

This year's Audit had the addition of 'Integrated Planning and Reporting. Despite questions five (5), six (6) and seven (7) being affirmative because Council has adopted an Asset Management Plan, a Long Term Financial Plan and a Workforce Plan, this area remains a compliance breach as the Asset Management Plan, Long Term

Financial Plan and Workforce Plan has not been reviewed every four (4) years.

ATTACHMENT 10.1.3.1

CONSULTATION

CEO

Management Team

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995 s. 7.13(1)

Local Government (Audit) Regulations 1996 r.14

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no known financial implications for this matter.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018 - 2028

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	KPI's	
4.1	A well informed Community	4.1.1	Foster opportunities for connectivity between Council and the Community
4.2	We plan for the future and are strategically focused.	4.2.1	Ensure accountable, ethical and best practice governance.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

- 1) Note and accept the Compliance Audit Return 2018, included as **ATTACHMENT 10.1.3.1** of this agenda and minutes.
- 2) Request the Chief Executive Officer to submit a certified copy of the Compliance Audit Return to the Director General of the Department of Local Government Sport and Cultural Industries by 31 March 2019.

10.1.4 WATER CORPORATION – CONSIDERATION OF THE TRANSFER OF DAM 1 & 2 TO THE SHIRE OF WANDERING FOR COUNCIL OPERATIONS

File Reference	32.1.2
Proponents:	Nil
Disclosure of Interest:	
Date:	15 March 2019
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	N/A
Attachment:	10.1.4.1 – WATER CORPORATION LETTER

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 to consider the acquisition of Wandering Dam 1 & 2 and catchments on Reserve 29674 through a formal license agreement with the Water Corporation. The Shire Administration is seeking "in principal" approval to develop and understand opportunities and business benefits of the acquisition into the future.

BACKGROUND

The Water Corporation and the Shire of Wandering have been having discussions regarding the ongoing management and eventual ownership of the Wandering Town Dams – Dams 1 & 2 and the associated catchments since 2013.

The Shire has been accessing water from the Wandering Dam 2 infrastructure for many years now to water the Community Centre gardens and Community Oval. Water Corp have indicated that the total Dam infrastructure is surplus to their needs and has offered the Shire first option to consider securing the sole use of both dams into the future.

Council has had access to up to 12,000 kilolitres(kL) of water in each consecutive 12 month period from Dam 2, to date water has not been readily available from Dam 1 due to infrastructure deficiencies. The Shire is currently paying \$ 0.3318 cents/kL. In the last 4.5 years this level of water has mostly been adequate with exception to the summers of 2015 and 2019.

A formal letter was received requesting a recommendation from Council to proceed on the 14 February 2019. The Shire Administration has considered the acquisition informally and is of the opinion that this is a positive opportunity for the Shire to secure the water supply for Council parks and gardens around town.

Water Corporation has indicated that if Council resolves to proceed "in principal" on the conditions supplied to date, it will then progress with seeking further executive approvals and further negotiations can be entered into regarding the agreement etc.

COMMENT / DETAILS

The Shire of Wandering has been heavily reliant on the water that is sourced through the Water Corporation Agreement that provides for access to water from Wandering Town Dam 2. A significant investment in infrastructure has been made at the Community Centre Precinct and Town Oval Reserve to make the water available for our use.

Given the ongoing political debate regarding water access and cost now and proposed into the future, this is seen as a great opportunity for Council, should it wish to continue to provide the current level of community service in the community centre precinct should water access and associated costs become prohibitive.

The Shire Administration is of the opinion that there is a significant benefit to the Shire if it was to acquire on going unfretted access to Wandering Town Dams 1 & 2 and this opportunity may allow for more of this water resource being utilised more widely in our parks and gardens to decrease ongoing maintenance costs.

CONSULTATION

External – Mick Irving Manager Customer and Stakeholder Engagement Water Corporation

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995

S 3.54. Reserves under control of local government

- 1) If land reserved under the Land Administration Act 1997 is vested or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.
- 2) Subsection (1) is subject to any excess provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

[Section 3.54 amended by No. 49 of 2004 s. 74(4).]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Whilst no formal business analysis has been undertaken, Council to date uses approximately \$3,000.00 per year on water from Dam 2. Often the dam has not completely met the needs of maintaining the Oval and it would be a significant relief to Council to have unfretted access to Dam's 1 & 2. The Shire is currently charged \$.3318 cents per k/L compared to \$2.53 per k/L for scheme water at other Water Corporation access points around town. Water Corporation have advised that a nominal annual fee would be required. It is likely that this would be in the vicinity of \$500.00

Should the Shire accept responsibility and ongoing management of the reserve, the Shire would become responsible for the management of the reserve. To date Council has sprayed and managed the Dam 1 & 2 catchments, but has not provided any in kind or financial contributions to Insurance, fencing, fire breaks etc, if Council was keen to consider the acquisition, it is approximated that this would cost \$5,500.00pa.

The Water Corporation have indicated that they would be supportive of any grant application Council may make to improve the reserve or to link existing infrastructure to the Shires non-potable water network.

If Council was not to proceed and the Water Corporation went ahead with seeking a commercial partner for the use of the water, as they have indicated could be likely – this could have serious consequences regarding Councils ability to continue to maintain the Community Centre and surrounds.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Goal 1 – Improve our Financial Position

Strategic Community Plan			
Outcome	Strategies	Strategies	
1.1	The Wandering Shire is financially sustainable	1.1.1	Prudently manage our financial resources to ensure value for money

Strategic Community Plan			
Outcome	Goals	Strategies	
2.1	People feel safe, connected and actively involved in the community	2.2.2	Facilitate and support activities that optimise use of our facilities
		2.2.3	Assist community and sporting organisations to remain sustainable and active

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.2	We plan for the future and are strategically focused.	4.2.1	Ensure accountable, ethical and best practice governance.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council, advise Water Corporation that they have an interest in the transfer of land and associated infrastructure on portion of Reserve 29674 which includes Wandering Dam 1 & 2 and their catchments, subject to viewing and any subsequent negotiations of the terms of the of interim licence agreement prior to finalisation of the reserve being vested in the Shire of Wandering.

10.1.5 NEW POLICY – CP030 PRIVATE USE OF PLANT AND EQUIPMENT POLICY

File Reference	CP030
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	5 March 2018
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	Nil
Attachments:	10.1.5.1 CP030 Private use of Plant and Equipment

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

To ensure that the private use of Council's plant and equipment is transparent and to retain community confidence that the hire of plant and equipment is consistent for both Council employees and the general public.

BACKGROUND

To date there has not been a set direction as to use of Council plant and equipment by employees. Employee use has often been at the discretion of the Works Manager and this has not always been a transparent and open process, with recent changes in staff it has become apparent that a formal, clear policy is required to guide staff in this area.

COMMENT/ DETAILS

The Shire Administration in consultation with the Shire Council and other Councils in the Central Country Zone has formulated a Policy to direct the management and staff in regards to private use of the Shires plant and equipment.

The Policy directs all employees to seek CEO approval in the first instance to inform the CEO of the use being undertaken. Once approval is confirmed, employees are required to enter into a Private Works agreement which triggers a formal agreement between the Shire and the employee.

Shire employees undertaking work on Council property or housing are not required to hire the plant.

ATTACHMENT 10.1.5.1

CONSULTATION

Shire President and Councillors
Central Country Zone Councils

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018 - 2028

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.1	We plan for the future and are strategically focused	4.1.1	Ensure accountable, ethical and best practise governance

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the following reviewed policy - CP030 Private Use of Plant and Equipment as a finalised formal policy of Council as included as **ATTACHMENT 10.1.5.1** of this agenda and minutes:

10.1.6 POLICY REVIEW – CP029 COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

File Reference	
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	12 March 2019
Authors Name & Position:	Adrienne Yzerman – Contract Project Officer
Previously Before Council:	Nil
Attachments:	10.1.6.1 - CP029 Community Consultation and Engagement Policy

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 is requested to note and endorse the revisions made to the - CP029 Community Consultation and Engagement Policy.

BACKGROUND

Policies set guiding direction for Council staff to manage the operations of the Shire on a day to day basis without the need to present matters to Council meetings for consideration.

Council has generally undertaken policy reviews on a set rotational basis, however as the organisation is currently undertaking it's Local Government (Audit) Regulations 1996 – Reg 17 review, which requires the CEO to regularly review and assess the operational understanding and compliance of a local government's systems and procedures in relation to risk management, internal control and legislative compliance a number of Policies with known deficiencies are being reviewed.

COMMENT/ DETAILS

The Council's policies are statements of strategic intent to guide the Shire's operations, decision making and in keeping with best practice and to provide direction and clarity to staff and the community.

The policy's statement has been amended to update the Community Strategic Plan dates to 2018 – 2028, to include the Disability Access and Inclusion Plan: 2014 – 2018, and has the addition of the statement, "This policy outlines the Shire of Wandering's commitment to engaging with the community through appropriate, effective, inclusive practices and will guide the delivery of services to the community and stakeholders".

The policy's principles have been amended by deleting the reference made to principles developed by the Department of Premier and Cabinet – Office of Citizens and Civics: Consulting Citizens Series as this publication is no longer available from the Department. In 3.1 Strategies, "The Shire is implement this policy by:" a dot point was added, "providing encouragement across the organisation to support decision making, build relationships and strengthen communities".

The changes are necessary to reflect relevancy, enhance and further explain the intention of the policy.
The following revised policy is presented to Council for endorsement:

COUNCIL POLICY

Community Consultation and Engagement Policy – CP029

ATTACHMENT 10.1.6.1

CONSULTATION

Shire Staff
Shire Contractor
Industry Advice and Resources

STATUTORY/ LEGAL ENVIRONMENT

The Local Government Act 1995 Section 2.7(2)(b) states that determining policy is a role of the Council.

POLICY IMPLICATIONS

This item proposes changes to the CP029 Community Consultation and Engagement Policy, as previously discussed in comments.

FINANCIAL IMPLICATIONS

Nil related to the Policy attached

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018 - 2028

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.1	We plan for the future and are strategically focused	4.1.1	Ensure accountable, ethical and best practise governance

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the following reviewed policy - CP029 Community Consultation and Engagement Policy as a finalised formal policy of Council as included as **ATTACHMENT 10.1.6.1** of this agenda and minutes:

10.2 BUILDING AND PLANNING REPORTS

Nil

10.3 COMMUNITY SERVICES REPORTS

10.3.1 STATIC DISPLAY – WANDERING PUBLIC TOILETS

File Reference	
Proponents:	John Ricketts, Jehovah's Witnesses
Disclosure of Interest:	Nil
Date:	11 March 2019
Previously Before Council:	Nil
Authors Name & Position:	Monica Treasure, Manager of Communities
Attachments:	Attachment 10.3.1.1 Letter of Request Attachment 10.3.1.2 Photograph of display

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 received from the Jehovah's Witnesses to have a static display set up on an occasional basis located on the grass next to the Wandering Public Toilets, Watts Street, Wandering.

BACKGROUND

John Ricketts from the Jehovah's Witnesses wishes to display two literature units, four days a week, for no more than four hours each day, manned by two people. In January 2019, a display was erected outside the public toilets by the Jehovah's Witnesses without the correct permits/permission from the Shire of Wandering.

A picture of their display is attached that was utilised in January, 2019.

ATTACHMENT 10.3.1.1
ATTACHMENT 10.3.1.2

COMMENT/DETAILS

The request falls outside the typical development application or retail stallholder request as it is a static display and individuals can choose if they interact if they wish to. As there has not been a static display in this area previously, if approved Council needs to consider requests from other groups and businesses who may wish to man a static display.

During the trial period a complaint was received by a community member stating 'that she was approached by people reciting their religious beliefs whilst walking to the Shire Office'. The Shire's Ranger spoke with the Jehovah's Witnesses personnel requesting them to follow the correct process and apply for the correct permits from the Shire.

Given the complaint received during the pilot period and the lack of a central more appropriate place to facilitate static displays from multiple groups, once a precedent has been set, it is Administration's recommendation to not grant approval for a static display.

COMMUNITY CONSULTATION

CEO
 Contract Ranger Services
 Compliments and Complaints Register

STATUTORY/ LEGAL ENVIRONMENT

- Shire of Wandering *Town Planning Scheme No.3*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018-2028

Goal – Improve the Economic Growth of our Community

Strategic Community Plan			
Outcome	Strategies		
4	Facilitate increased business opportunities	4.2	Ensure our planning framework and environment supports nimble decision making and gives confidence to developers.

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.2	We plan for the future and are strategically focused	4.2.1	Ensure accountable, ethical and best practice governance

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council does not approve the request from John Ricketts to display Christian literature in the form of a static display with two attendees for 4 hours by the public toilets, Watts Street, Wandering.

10.3.2 WANDERING HERITAGE AND NATURE WALK STORY BOARDS

File Reference	
Proponents:	Wandering Lions Club, Mal Wilkins
Disclosure of Interest:	Nil
Date:	11 March 2019
Previously Before Council:	Nil
Authors Name & Position:	Monica Treasure, Manager of Communities
Attachments:	Attachment 10.3.2.1 Heritage Storyboards Attachment 10.3.2.2 Plants Storyboards Attachment 10.3.2.3 Animals Storyboards Attachment 10.3.2.4 Birds Storyboards

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

To approve the publishing of storyboards for the Wandering Heritage and Nature Walk, alongside the Wandering Caravan Park.

BACKGROUND

The Wandering Lions Club with the support of the Wandering CRC and Shire have revegetated and developed a nature and heritage walk alongside the Wandering Caravan Park. This has been funded through a Community Action grant from Natural Resource Management. The final part of the project is to erect signage in the form of storyboards of local nature and heritage information. The Wandering Lions Club has worked with Peel Harvey Catchment Council in respect to the animals and plants to be used on the boards and utilised history from the Horses Came First, book.

COMMENT/DETAILS

Heritage and Tourism are key outcomes in Council's Community Strategic Plan and the proposal will provide a further asset to tourism and heritage within Wandering. Attached are the proposed story boards and information that the Wandering Lions Club are requesting to be published with the approval from Council.

ATTACHMENT 10.3.2.1
ATTACHMENT 10.3.2.2
ATTACHMENT 10.3.2.3
ATTACHMENT 10.3.2.4

The storyboards will be placed along the walk and the styles of the storyboards are the same design as the boards placed at the Codjatotine rest area. The boards will be A4 in size and published in colour.

COMMUNITY CONSULTATION

CEO

Manger of Communities

Wandering Lions Club

Peel Harvey Catchment Council

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018-2028

Improve the Economic Growth of our Community

Strategic Community Plan			
Outcome	Strategies	KPI's	
5	Capture tourism opportunities locally	5.1	Encourage tourists, longer stays and repeat visitation Provide for and maintain infrastructure that grows tourism.
		5.2	

Retain and Grow our Population

Strategic Community Plan			
Outcome	Strategies	KPI's	
8.0	People feel safe, connected and actively involved in the community	8.5	Preserve our history

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council approves the publishing of the following A4 storyboards:

- a) Heritage Storyboards
- b) Native Plants Storyboards
- c) Native Animals Storyboards
- d) Native Birds Storyboards.
- e) The storyboards to be located along the Wandering Heritage and Nature Walk.

10.3.3 COMMUNITY ADVISORY GROUP

File Reference	
Proponents:	Shire of Wandering
Disclosure of Interest:	Nil
Date:	14 March 2019
Previously Before Council:	21 February 2019
Authors Name & Position:	Monica Treasure, Manager of Communities
Attachments:	Attachment 10.3.3.1 CAG Terms of Reference Attachment 10.3.3.2 Expression of Interest Form

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

To approve the Terms of Reference and Expression of Interest for the Shire of Wandering Community Advisory Group, (CAG).

BACKGROUND

At the February 2019, Ordinary Council Meeting it was resolved for the Shire's Administration to explore the development of a Community Advisory Group for the purpose of community consultation and engagement.

MOVED: CR TURTON

SECONDED: CR PRICE

That Council explores the development a Community advisory group for the purpose of Community consultation and engagement of Council matters and issues that may require structured community feedback in an effort to increase the community's knowledge of the role of the Council. The Manager of Communities to report back to Council with a proposed structure, terms of reference and any associated regulations for further consideration by Council.

CARRIED 4/2

COMMENT/DETAILS

The Shire's Administration has developed the terms of reference for the CAG and an Expressions of Interest form to be used for interested residents and ratepayers. The purpose of the CAG is to:

- To gain meaningful contributions from residents, rate payers and from a community perspective to help our Council better understand and respond to the needs of the community.
- To provide a forum for a positive exchange of ideas between Council and the community.
- Maximise opportunities for Council to assist the wider community to build capacity.
- Increase transparency and educate the community on the issues the Council faces in the current political climate.

The Terms of Reference has included, code of conduct, governance, membership and meeting administration. The CAG does not have any financial delegation and is a voluntary position. The Terms of Reference are to be reviewed and evaluated annually by the CAG and Council and with any changes to be passed by Council. It is proposed to advertise the CAG in the Wandering Echo monthly and also an unaddressed letter drop through Wandering Post Office to gain interest for the group. All Expressions of Interest that will be received will be assessed by Administration against the selection criteria and then forwarded to Council for appointment to the CAG.

ATTACHMENT 10.3.3.1
ATTACHMENT 10.3.2.2

COMMUNITY CONSULTATION

CEO
Manger of Communities
Shire of Wandering Councillors

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018-2028

Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	KPI's	
9	A well informed Community	9.1	Foster Opportunities for connectivity between Council and the Community
10	We plan for the future and are strategically focused	10.4	Engage with local, regional, state and federal stakeholders to grow mutually beneficial relationships

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION

That Council approves the following:

- a) The Terms of Reference for the Shire of Wandering Community Advisory Group.
- b) The Expression of Interest Form
- c) To authorise the advertising of the CAG in the Wandering Echo and via a letter drop through the Wandering Post Office.
- d) To forward all assessed Expressions of Interest received to Council for appointment to the CAG.

10.4 CORPORATE SERVICES

10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 28 FEBRUARY 2019

File Reference	10.1.16
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	9 February 2019
Previously Before Council:	N/A
Authors Name & Position:	Cara Ryan, Finance Manager
Attachments:	10.4.1.1 Monthly Financial Report 10.4.1.2 Bank Reconciliations, Bank Statements (Muni A/C) 28 February 2019 10.4.1.3 Bank Reconciliations, Bank Statements (Invest A/C) 28 February 2019 10.4.1.4 Bank Reconciliations, Bank Statements (Trust A/C) 28 February 2019 10.4.1.5 Credit Card Statement 28 February 2019 10.4.1.6 List of Payments February 2019

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 Reconciliation for the month of 28 February 2019 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 Reconciliation and List of payment for the period ended 28 February 2019, as presented.

Monthly Financial Report 28 February 2019
Bank Reconciliations & Bank Statements (Muni A/C) 28 February 2019
Bank Reconciliations & Bank Statements (Investment A/C) 28 February 2019
Bank Reconciliations & Bank Statements (Trust A/C) 28 February 2019

ATTACHMENT 10.4.1.1
ATTACHMENT 10.4.1.2
ATTACHMENT 10.4.1.3
ATTACHMENT 10.4.1.4

Credit Card Statement 28 February 2019
List of Payments 28 February 2019

ATTACHMENT 10.4.1.5
ATTACHMENT 10.4.1.6

CONSULTATION

Finance Officer
Chief Executive Officer

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 2018 - 2028

Goal 1. – The Wandering Shire is Financially Sustainable

Strategic Community Plan			
Outcome	Strategies	Strategies	
1.1	Improve accountability and transparency	1.1.1	Balanced budget delivered annually Annual external financial audit identifies no adverse issues
1.3	Prudently manage our financial resources to ensure value for money	1.1.2	Annual external financial audit identifies no adverse issues

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	Strategies	
4.1	A well informed Community	4.1.1	Foster opportunities for connectivity between Council and the Community
4.2	We plan for the future and are strategically focused.	4.2.1	Ensure accountable, ethical and best practice governance.

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 \$413,151.53 for the period ending 28 February 2019.
2. Receive the bank reconciliations & bank statements for the period ended, 28 February 2019.
3. Receive the financial statements for the period ended 28 February 2019.

10.4.2 ADOPTION OF THE 2018/2019 BUDGET REVIEW

File Reference	10.1.18
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	12 March 2019
Previously Before Council:	N/A
Authors Name & Position:	Cara Ryan – Manager of Finance

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

To consider and adopt the 2018-2019 Budget Review as presented in the Statement of Financial Activity for the period 1 July 2018 to 28 February 2019.

BACKGROUND

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2019 for the period ending 28 February 2019 was presented to the Audit Committee to consider and for recommendation to Council for adoption. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year.

A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

COMMENT/ DETAILS

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

Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

Features of the review as summarised from the detailed financial reports attached are as follow:

REVENUE

Income received for reimbursement of Members expenditure.	\$1,294
Additional income generated from interim rates due to subdivision of land and reduced take up of Councils discount on early payment of rates.	\$6,243
Adjustment to final payment of the Federal Assistance Grant.	(\$13,809)
Increased revenue received on Sanitation and Town Planning fees and charges.	\$5,281
Additional funds received for Main Roads Direct Grant compared to last year.	\$22,128
Additional funding received for feral pig eradication.	\$6,409
Increased income received for Caravan Park accommodation.	\$4,496
Increased fees received for building applications	\$3,627
Revenue generated by CRC activities exceeding budget expectations.	\$12,138
TOTAL ADJUSTED REVENUE	\$47,807

EXPENDITURE

Savings on members expenses.	\$3,500
Increased costs for engaging a Consultant Health Surveyor.	(\$3,000)
Additional expenditure required for refurbishment of 14 Down Street, house.	(\$20,000)
Postponing of paving costs for 1 Dowsett Street, house.	\$8,000
Savings on costs on maintenance of urban stormwater drainage.	\$3,000
Overall saving on parks, ovals and reserves maintenance.	\$6,000
Overall saving on shire road maintenance costs due to shire resources being required to complete storm damage reinstatement works.	\$20,000
Additional expenditure on feral pig eradication to match extra grant funding.	(\$6,409)
Postponing of works budgeted for Area Promotion.	\$5,000
Increased costs for engaging a Consultant Building Surveyor.	(\$2,021)
Increased expenditure on CRC activities, due to extra grant funding.	(\$2,363)
Postponing of works on CRC building maintenance.	\$10,000
Increased expenditure on tyres and tube costs.	(\$5,000)
Overall savings on the running of the administration office.	\$9,000
Additional expenditure required for the appointment of a new CEO.	(\$9,500)
TOTAL ADJUSTED EXPENDITURE	\$16,207

CAPITAL ITEMS

Proceeds received for the sale of 1 Michibin Street.	\$169,665
Additional funds to be received for the sale of 2 x rollers.	\$28,000
Allocation for a new Fixed Water Standpipe Controller.	(\$13,000)
Purchase of a Metrocount – Road Counter.	(\$16,765)
TOTAL ADJUSTED CAPITAL ADJUSTMENT	\$167,900

FINANCING ACTIVITIES

Transfer proceeds of sale of Michibin Street to Council Reserves.	(\$140,000)
TOTAL ADJUSTED FINANCING ACTIVITIES	(\$140,000)

Attached are detailed schedules showing the 30 June 2019 forecast and explanations for the variances.

ATTACHMENT 10.4.2.1

Due to the above adjustments the balanced budget is now predicted to have a **closing surplus of \$91,915**. This predicted surplus includes a timing adjustment of \$24,500, which will be required to be carried over to the 2019-2020 Budget. There has been careful consideration of each line item set in the budget and allowances have been maintained in the budget for any unexpected expenditure. Providing the budget continues to

maintain a budget surplus by June 2019 it is recommended that Council consider transferring \$50,000 of these funds to the plant reserve to help fund much needed future plant replacement.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community

Social Implications

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have been previously been adopted by Council.

Environmental Implications

The budget has been reviewed to support key environmental strategies and initiatives adopted by the Council.

CONSULTATION

Management Team

STATUTORY/LEGAL ENVIRONMENT

Regulation 33 A of the Local Government (Financial Management) Regulations 1996 requires:

- 1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- 2) Consideration and review is to be given to a local government's financial performance in the period beginning on 12 July and ending no earlier than 31 December in that financial year.
- 3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- 4) A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review. * *Absolute majority required*
- 5) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the statutory financial attachments.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2018 - 2028

Goal 1. – The Wandering Shire is Financially Sustainable

Strategic Community Plan			
Outcome	Strategies	KPI's	
1.1	Improve accountability and transparency	1.1.1	Balanced budget delivered annually Annual external financial audit identifies no adverse issues
1.3	Prudently manage our financial resources to ensure value for money	1.1.2	Annual external financial audit identifies no adverse issues

Goal 4 – Provide Strong Leadership

Strategic Community Plan			
Outcome	Strategies	KPI's	
4.1	A well informed Community	4.1.1	Foster opportunities for connectivity between Council and the Community
4.2	We plan for the future and are strategically focused.	4.2.1	Ensure accountable, ethical and best practice governance.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council adopts the 2018-2019 Budget Review included as **ATTACHMENT 10.4.2.1** and adopts the following budget amendments as presented within the 2018-2019 Budget Review.

GL Account Code	Description	Increase in Available Cash	Decrease in Available Cash
	Budget Adoption – Increased Surplus	884,150	
R03202	Grants Commission - Roads		(19,485)
E05107	Insurances		(5,800)
E09103	Maintenance - 14 Down Street		(20,000)
E09104	Maintenance - 1 Dowsett Street	8,000	
E09107	Loss on Sale of Assett		(50,201)
E11300	Public Parks, Gardens & Reserves	5,000	
E11301	Community Centre Oval	4,000	
R12204	Grant - MRWA Direct	22,129	
R12210	Grant - Storm & Flood Damage		(791,073)
R12200	Rural Road Maintenance		(8,000)
R12203	Drainage Maintenance/Spraying	28,000	
E12299	Administration Allocated	80,198	
R13102	Feral Pigs Funding	6,409	
E13102	Feral Pigs		(6,409)
E13202	Area Promotion	5,000	
R13420	RDL Traineeship	5,635	
E13411	CRC Building Maintenance	10,000	
E14202	Works - Annual, LSL, Public Holiday & Sick Leave		(19,643)
E14204	Works - Health, Safety & Training	15,000	
E14205	Tools & Consumables	7,000	
E14206	Other Works Related Expenses		(5,806)
E14299	Administration Allocated		(80,198)
R10201	Commercial Refuse Collection Fees		(1,800)
E14301	Plant - Insurance	5,000	
E14505	Admin - Conference Expenses	5,000	
E14514	Legal Expenses	4,000	
E14515	Consultancy Fees		(5,500)
E14516	Advertising		(4,000)
R09195	Proceeds on Disposal of Assets	169,665	
R09195	Proceeds on Disposal of Assets	28,000	
E12360	Metrocount - Road Counter		(16,765)
E12360	Fixed Water Standpipe Controller		(13,000)
L72100	Plant Replacement Reserve		(112,000)

L72200	Land and Building Reserve		(28,000)
L41100	Loan Liability - Current		(100,000)
	TOTAL	1,386,901	(1,359,706)

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

13. CONFIDENTIAL ITEMS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting:

(e) a matter that if disclosed, would reveal:

(I) a trade secret;

(II) information that has a commercial value to a person; or

(III) information about the business, professional, commercial or financial affairs of a person,

Where the trade secret or information is held by, or is about, a person other than the local government.

(f) a matter that if disclosed, could be reasonably expected to:

(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(II) Endanger the security of the local government's property; or

(III) (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.

13.1.1 CONFIDENTIAL ITEM – PURCHASE OF GRAVEL IN THE SHIRE OF WANDERING AND ASSOCIATED ISSUES

File Reference	33.1.7 & 37.1.1
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	9 March 2019
Previously Before Council:	N/A
Authors Name & Position:	Amanda O'Halloran, Chief Executive Officer
Attachments:	Confidential Legal Documents related to Gravel in the Shire of Wandering

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).*

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the Local Government Act 1995 because it deals with matters affecting s5.23 (2):

- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

PURPOSE OF THE REPORT

To work with the Shire Council on the formalisation of gravel contract management into the future for Council. This includes identifying strategic gravel resources and the entering into of formal contracts with associated land owners and key state holders. This body of work is identified in the Shire of Wandering Strategic Community Plan 2018 – 2028 and requires a review of previous issues and concerns that have been encountered over the last 5 years.

14. TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 18 April, 2019 at 3:30pm.

15. CLOSURE OF MEETING