

**SHIRE OF MOORA**  
**MINUTES OF THE ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS, MOORA**  
**21 FEBRUARY 2024**

**TABLE OF CONTENTS**

<b>1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>3</b>
<b>1.1 DECLARATION OF OPENING.....</b>	<b>3</b>
<b>1.2 DISCLAIMER READING .....</b>	<b>3</b>
<b>2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>3</b>
<b>4. PUBLIC QUESTION TIME .....</b>	<b>4</b>
<b>5. PETITIONS / DELEGATIONS / PRESENTATIONS .....</b>	<b>4</b>
<b>6. APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....</b>	<b>5</b>
<b>8. CONFIRMATION OF MINUTES.....</b>	<b>5</b>
<b>8.1 ORDINARY COUNCIL MEETING - 13 DECEMBER 2024.....</b>	<b>5</b>
<b>9. REPORTS OF OFFICERS.....</b>	<b>6</b>
<b>9.1 GOVERNANCE AND CORPORATE SERVICES .....</b>	<b>6</b>
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.15 .....	6
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2023.....	7
9.1.3 EARLY CHILDHOOD DEVELOPMENT CENTRE – STAGE TWO .....	9
9.1.4 EMERGENCY SERVICES MANAGEMENT .....	10
9.1.5 PAXON REPORT - CARNABY COCKATOO STRUCTURE.....	12
9.1.6 SPORT & RECREATION PRECINCT REDEVELOPMENT .....	14
<b>10. REPORTS OF COMMITTEES .....</b>	<b>16</b>
<b>AUDIT COMMITTEE MEETING – 7 FEBRUARY 2024.....</b>	<b>16</b>
10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2023.....	16
<b>11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..</b>	<b>20</b>

**I2. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL..... 20**

**I3. MATTERS FOR WHICH THE MEETING MAY BE CLOSED ..... 20**

**I4. CLOSURE OF MEETING ..... 20**

- \* Separate Attachments
  - 9.1.1 List of Payments Authorised Under Delegation 1.15 December 2023 and January 2024
  - 9.1.2 Statement of Financial Activity for Period Ended 31 December 2023
  - 9.1.5 Paxon Group – Letter of Advice
  - 9.1.6 Concept Plans
  - 10.1 2023 Compliance Audit Return

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

### **1.1 DECLARATION OF OPENING**

*The Shire President declared the meeting open at 5.30pm and announced:*

*I would like to acknowledge the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present, and emerging.*

### **1.2 DISCLAIMER READING**

*No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.*

*It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.*

## **2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

### **ATTENDANCE**

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
KM Seymour	-	Councillor
TL Errington	-	Councillor
TW Dugan	-	Councillor
GW Robins	-	Chief Executive Officer

### **APPROVED LEAVE OF ABSENCE**

SA Bryan	-	Councillor
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### **APOLOGIES**

DV Clydesdale-Gebert	-	Councillor
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### **PUBLIC** (representing the Kerkhoff Carnaby Group)

Wes Porter	Topsy DeVries	Arie DeVries	Peter Hayes
Jenny Scott	Lynette Atkin	Duncan Peter	Bronwyn Brown

## **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **4. PUBLIC QUESTION TIME**

The President welcomed the representatives of the Kerkhoff Carnaby Group.

Public question time was attended by eight representatives of the Kerkhoff Carnaby Group (KCG). The Group spoke to Council of the importance of being able to progress the construction of the Carnaby structure as proposed.

The Shire confirmed the formal KCG Project Plan (Plan) was received on 2 October 2023; the Plan was subsequently referred to the Paxon Group for assessment. That assessment has highlighted 16 issues, that in Paxon's professional opinion, require further examination and resolution. The assessment noted the necessarily complex due diligence required in respect of public infrastructure.

Discussion focussed on the negativity and inaccuracy of social media commentary. Council and the KCG agreed this is problematic and unhelpful. A recent issue has emerged in respect of the standing of authorised representatives of the KCG. This is to be addressed by the KCG.

It was agreed that a small working group, comprising representatives of the Shire and KCG be convened to examine ways and take steps to move the project forward. The 16 matters and 6 sub-issues identified in the Paxon response to the KCG Project Plan will be central to the work of the working group.

It was further agreed that the Shire and KCG are to nominate their representatives to the working group; and will communicate in good faith but only through mutually agreed statements by the working group.

At 6.13pm, following discussions the Carnaby Group representatives left the meeting.

#### **5. PETITIONS / DELEGATIONS / PRESENTATIONS**

Nil

#### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Shire President, Cr Tracy Lefroy announced that she had submitted a written request for Leave of Absence to the CEO for the Ordinary meeting of Council scheduled to be held on 20 March 2024 as she will be out of the district.

#### **COUNCIL RESOLUTION**

***4/24 Moved Cr Seymour, seconded Cr Errington that leave of absence be granted to Cr Tracy Lefroy for the Ordinary meeting of Council to be held on 20 March 2024.***

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

## 7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

### Cr Lefroy, President

- 26/1 Australian Day awards, Moora
- 1/2 Preliminary meeting on community preparedness for incoming industry – WDC via Teams
- 6/2 meeting with Wes Porter and Topsy De Vries of the Kerkhoff Carnaby Group
- 7/2 Teams meeting with Nils Hay of the Midwest WDC re renewable energy projects.
- 8/2 met with Hon Sandra Carr MLC and Dr Bernard Chapman to discuss local ambulance issues.
- 8-9/2 Telethon Speech & Hearing - Moora community consultation forums
- 15/2 meeting with Jenny Thomas from NBN Co
- 21/2 meeting with PoweringWA, Moora

### Cr Gilbert, Deputy President

- 23/1 Meeting with Bendigo Bank & Moora Chamber of Commerce
- 1/2 Development Assessment Panel online training
- 19/2 Wheatbelt North Regional Road Group Moora Subgroup online meeting
- 19/2 Kerkhoff Carnaby Cockatoo Group meeting

### Cr Errington

- 31/1 CRC Meeting
- 15/2 Sport & Rec Stakeholders meeting, Council Chambers

### Cr Dugan

- 2/2 Development Assessment Panel training, Perth

## 8. **CONFIRMATION OF MINUTES**

### 8.1 **ORDINARY COUNCIL MEETING - 13 DECEMBER 2024**

<b>COUNCIL RESOLUTION</b>
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***5/24 Moved Cr Dugan, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 13 December 2024 be confirmed as a true and correct record of the meeting.***

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

## **9. REPORTS OF OFFICERS**

### **9.1 GOVERNANCE AND CORPORATE SERVICES**

#### **9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.15**

**REPORT DATE:** 16 February 2024

**OFFICER DISCLOSURE OF INTEREST:** Nil

**AUTHOR:** Gavin Robins, Chief Executive Officer

**SCHEDULE PREPARED BY:** Charly Sawyer, Creditors Officer

**ATTACHMENTS:** Accounts Paid Under Delegated Authority

#### **PURPOSE OF REPORT**

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

#### **BACKGROUND**

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

#### **COMMENT**

Accounts Paid under delegated authority are periodically presented to Council.

#### **POLICY REQUIREMENTS**

Delegation 1.15 – Making Payments from Municipal and Trust Funds

#### **LEGISLATIVE REQUIREMENTS**

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

#### **STRATEGIC IMPLICATIONS**

There are no known strategic implications associated with this proposal.

#### **SUSTAINABILITY IMPLICATIONS**

##### **➤ Environment**

There are no known significant environmental implications associated with this proposal.

##### **➤ Economic**

There are no known significant economic implications associated with this proposal.

##### **➤ Social**

There are no known significant social implications associated with this proposal.

#### **FINANCIAL IMPLICATIONS**

Payments are in accordance with the adopted budget.

#### **VOTING REQUIREMENTS**

Simple Majority Required

## COUNCIL RESOLUTION

**6/24 Moved Cr Gilbert, seconded Cr Errington that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15**

Municipal Funds	EFT30543-30719	-\$784,507.97
Municipal Cheque	62594-62598	-\$2195
Credit Card	DD15890.5	-\$7,840.47
Direct Debit	DD15198.3-DD15890.14	-\$54,066.8
NETT Pay	5/12/2023	-\$102,231.79
NETT Pay	19/12/2023	-\$99,635.84

**PAYMENT TOTAL FOR DECEMBER 2023** **-\$1,050,477.87**

Municipal Funds	EFT30720-30825	-\$933,478.34
Municipal Cheque	62601-62602	-\$2160
Credit Card	DD15960.4	-\$871.93
Direct Debit	DD15888.1-DD15960.25	-\$134,836.44
NETT Pay	02/1/2024	-\$99,751.48
NETT Pay	16/1/2024	-\$102,414.19
NETT Pay	30/1/2024	-\$102,961.36

**PAYMENT TOTAL FOR JANUARY 2024** **-\$1,376,473.04**

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

**9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2023**

**REPORT DATE:** 16 February 2024

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Travis Bate, RSM

**ATTACHMENTS:** Statement of Financial Activity for the Period Ended 31 December 2023.

**PURPOSE OF REPORT**

To receive and endorse the Statement of Financial Activity for the period ended 31 December 2023.

**BACKGROUND**

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

**COMMENT**

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

**POLICY REQUIREMENTS**

Nil

**LEGISLATIVE REQUIREMENTS**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

**STRATEGIC IMPLICATIONS**

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

**SUSTAINABILITY IMPLICATIONS****➤ Environment**

There are no known significant environmental implications associated with this proposal.

**➤ Economic**

There are no known significant economic implications associated with this proposal.

**➤ Social**

There are no known significant social implications associated with this proposal.

**FINANCIAL IMPLICATIONS**

Year to date income and expenditure is provided by program to enable comparison to 2023/24 adopted budget.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**7/24 Moved Cr Seymour, seconded Cr Errington that Council endorses the Statement of Financial Activity for the period ended 31 December 2024.**

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan



### **9.1.3 EARLY CHILDHOOD DEVELOPMENT CENTRE – STAGE TWO**

**FILE REFERENCE:** B/CDC1

**REPORT DATE:** 20 February 2024

**APPLICANT/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 15/2/23 (Res 13/23), 16/2/2022 (Res 12/22), 18/8/2021 (Res 85/21), 25/11/2020 (Res 152/20)

**AUTHOR:** Gavin Robins, Chief Executive Officer

**ATTACHMENTS:** Nil

#### **PURPOSE OF REPORT**

To authorise execution of Stage Two contracts with Fleetwood Australia for the construction of the childcare component of the Early Childhood Development Centre.

#### **BACKGROUND**

The Early Childhood Development Centre has progressed because of grants from the Commonwealth Government and Shire funding. The project comprised Stage One, which is the establishment of the Early Childhood Development Centre to provide early intervention clinical services and reduce the need for travel to Perth for a broad range of early childhood services. Stage Two of the project comprises the establishment of the early childhood learning and childcare centre. The projects were separated based on funding, and more recently, in the light of the sale of the Moora Districts Childcare Centre.

#### **COMMENT**

Stage One of the project is well advanced with all modules currently in-situ and being connected to services. This building is expected to receive a certificate of occupancy in mid to late June 2024. With this building being well advanced and off the Fleetwood site, Stage Two of the project is ready to commence. Fleetwood has locked Stage Two into its production schedule in preparation for the arrival of the 14 floor pads for the modules.

As part of the sale of the Moora Childcare business, Stegosaurus Pty Ltd executed a contract to purchase the new childcare centre. Fleetwood Australia has finalised the design of the childcare centre following consultation with Stegosaurus Pty Ltd.

The Shire remains the principal in the building contract with Fleetwood Australia. The contract for the construction of the centre is now ready for execution as the construction of modules is due to commence. The contract value of the construction of the building is \$2,825,586.72 (incl. GST) and will require the President and CEO to execute the contract.

#### **POLICY REQUIREMENTS**

There are no material policy implications currently. These will be triggered when the completed building is sold.

#### **LEGISLATIVE REQUIREMENTS**

Local Government (Financial Management) Regulations 1996

Education and Care Services National Law (WA) 2012

Education and Care Services (Childcare) National Regulations 2012

#### **STRATEGIC IMPLICATIONS**

There are several strategic implications associated with this proposal. The assurance of reliable ongoing childcare services will be the primary concern.

## SUSTAINABILITY IMPLICATIONS

### ➤ Environment

There are no known significant environmental implications associated with this proposal.

### ➤ Economic

There are longer-term positive economic implications associated with this proposal.

### ➤ Social

There are significant social implications associated with this proposal. It is expected that a more functional, cohesive, and sustainable childcare services will strengthen social cohesion and resilience while also promoting greater opportunities for families.

## FINANCIAL IMPLICATIONS

The financial implications of this proposal will be associated with ongoing progress payments during the construction phase of the building. These payments are sustainable under current project and grant funding arrangements but will be monitored closely throughout the project.

## VOTING REQUIREMENTS

Absolute Majority Required

## COUNCIL RESOLUTION

**8/24** *Moved Cr Errington, seconded Cr Gilbert that Council approve the execution of the contract for the construction of Stage Two of the Early Childhood Development Centre with Fleetwood Australia Pty Ltd for an amount of \$2,825,586.72 (incl. GST)*

**CARRIED BY ABSOLUTE MAJORITY 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

### 9.1.4 EMERGENCY SERVICES MANAGEMENT

**FILE REFERENCE:** LO/FIE2-5

**REPORT DATE:** 20 February 2024

**APPLICANTS/PROPONENT:** Shire of Moora

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** Nil

**AUTHOR:** Gavin Robins, Chief Executive Officer

**ATTACHMENTS:** Nil

#### PURPOSE OF REPORT

To recommend the appointment of a Shire employed Emergency Services Manager and the transition away from the current shared Community Emergency Services Manager arrangement by negotiation of a more effective relationship with the Department of Fire and Emergency Services.

#### BACKGROUND

The Shire currently shares a Community Emergency Services Manager (CESM) with the Shire of Victoria Plains under the broader auspices of a Department of Fire and Emergency Services (DFES) agreement. Under this agreement, DFES meets 50% of the costs of supporting the position while the two Shires share equally in meeting the balance of costs.

## **COMMENT**

The current agreement has been in place for several years. In recent times, the model has become less effective in respect of relationship management, achieving the delivery of programme outcomes, delivery of the process driven elements of the tasks and clarity of longer-term objectives. The Shire of Moora has outlined its experiences with the current arrangement and advised DFES of its desire to terminate the current CESM MOU to employ directly, an Emergency Services Manager.

The Emergency Services Manager would undertake the roles of the current CESM and expand the function into support and coordination for other emergency services, compliance, regulation, raise an emergency services brigade, training, and OH&S functions. There are other examples of where other Shires have adopted similar approach and entered into more fit for purpose agreements with DFES, which is the Shire's intention. The Shire of Moora Volunteer Bush Fire Brigade captains, broadly support this approach.

## **POLICY REQUIREMENTS**

Nil

## **LEGISLATIVE REQUIREMENTS**

This approach will enable the Shire to appropriately comply with its legislative obligations and promote these and their impacts more effectively to emergency service personnel and the community.

## **STRATEGIC IMPLICATIONS**

Establishing a full-time position for an Emergency Services Manager will enable the Shire to actively manage its risks and liabilities in respect of volunteer fire fighters, other emergency personnel and the community. It will provide a level of coordination that currently does not exist.

## **SUSTAINABILITY IMPLICATIONS**

### ➤ **Environment**

There are no known significant environmental implications associated with this proposal.

### ➤ **Economic**

The initiative will add marginal costs to the management of emergency services. The Shire will transfer payments under the current CESM agreement to this Emergency Services Manager cost centre; this will include some additional costs necessary to support volunteers and other services.

### ➤ **Social**

There are significant social and community benefits to be gained by taking this initiative. It will create greater community resilience, independence, and capability.

## **FINANCIAL IMPLICATIONS**

There are no material financial implications for this initiative and most costs are already accounted for under the existing CESM MOU with DFES.

## **VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

**9/24 Moved Cr Seymour, seconded Cr Gilbert that Council approve the appointment of an Emergency Services Manager and the termination of the current Community Emergency Services Manager Memorandum of Understanding with the Department of Fire and Emergency Services and Shire of Victoria Plains.**

**CARRIED UNANIMOUSLY 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

**9.1.5 PAXON REPORT - CARNABY COCKATOO STRUCTURE**

**FILE REFERENCE:** CC/CCGI

**REPORT DATE:** 19 February 2024

**APPLICANTS/PROPONENT:** Kerkhoff Carnaby Group

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 18/10/23 (82/23)

**AUTHOR:** Gavin Robins, Chief Executive Officer

**ATTACHMENTS:** Paxon Group – Letter of Advice

**PURPOSE OF REPORT**

To receive the Paxon Group Letter of Advice and consider the next steps.

**BACKGROUND**

The Kerkhoff Carnaby Group has proposed that a Big Carnaby cockatoo structure be constructed in the town of Moora. The Shire has given in principle support to the project and suggested that Apex Park may be a suitable location for the structure. The Group has raised the funds necessary to construct the structure.

**COMMENT**

The construction of the proposed structure raises numerous issues for the Shire relating to pre-construction and through life costs. These costs are in relation to the structure per se and any other infrastructure or services that are needed to support it.

The Paxon Group was requested to provide advice as to the adequacy of the Kerkhoff Carnaby Group proposal as a document upon which the Shire could rely for decision making purposes, and to highlight areas where the Shire would need to undertake further investigations to satisfy itself that it understood the nature and extent of risks and costs involved.

The Paxon Group advises that it has identified sixteen (16) cost components and six (6) non-cost components for the project. Paxon further advises, that based on the information provided (KCG Proposal), it has not been able to perform a detailed cost analysis to provide estimates for each of the cost components where additional information is required. Where costs have been identified, these are based on items identified in The Proposal and have not been audited. In assessing the information provided we have focused on the risks and implications of the project. The potential merits and advantages of the project have not been assessed, including those identified in The Proposal.

**POLICY REQUIREMENTS**

The Shire is required to satisfy itself as to the merit or otherwise of a proposal placed before it. The Shire must undertake reasonable and competent means to determine or investigate those matters about which it has concerns or open questions.

**LEGISLATIVE REQUIREMENTS**

The general legislative framework within which the Shire operates applies to this proposal. This framework includes the legislative obligations of other agencies in addition to those applying to local government.

**STRATEGIC IMPLICATIONS**

There are no strategic implications associated with this proposal at this time.

**SUSTAINABILITY IMPLICATIONS****➤ Environment**

There are no known significant environmental implications associated with this proposal at this time.

**➤ Economic**

The economic implications of this proposal are not known or fully understood at this time.

**➤ Social**

There are no known significant social implications associated with this proposal at this time.

**FINANCIAL IMPLICATIONS**

The financial implications of this proposal require further investigation.

**VOTING REQUIREMENTS**

Simple Majority Required

**COUNCIL RESOLUTION**

***10/24 Moved Cr Errington, seconded Cr Gilbert that Council accept the Paxon Group Letter of Advice relating to the Carnaby Cockatoo Structure, note the issues raised and seek further advice on the resolution of the points.***

**CARRIED 5 / 0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

## **9.1.6 SPORT & RECREATION PRECINCT REDEVELOPMENT**

**FILE REFERENCE:** PD/SRMI

**REPORT DATE:** 19 February 2024

**OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 28/9/22 (67/22)

**AUTHOR:** Gavin Robins, Chief Executive Officer

**ATTACHMENTS:** Concept Plans

### **PURPOSE OF REPORT**

To receive and consider the Paterson revised Sport and Recreation Precinct Concept Plan and view the fly through presentation.

### **BACKGROUND**

The Sport and Recreation Redevelopment plan has worked its way through several iterations to inform the presentation to the sporting clubs on Thursday 15, 2024. The presentation defined the works proposed for stages 1 and with concepts for stage 3. The proposed design was endorsed by the group as the basis for the forthcoming funding submission.

### **COMMENT**

A funding submission for Stage 1 of the Sport and Recreation Redevelopment Plan is being developed for lodgement between March and June 2024. Stage 1 comprises, in order of priority: 1) football change rooms, 2) the multi-courts, 3) multi-sport utility complex (tennis, basket/netball, hockey, darts) and reconfigured hockey ground, and 4) playground.

The application to the Department of Local Government, Sport and Cultural Industries for funding will incorporate the Government's priorities in respect of consolidated and shared services, facilities, and other resources. The Shire accepted the foregoing principles at community consultative meetings held in 2020 and 2021.

### **POLICY REQUIREMENTS**

The Shire has adopted the principles Government has established for the allocation of grants for the upgrade of sport and recreational complexes.

Central to the Shire's development of the sport and recreation precinct will be the priorities of community benefit, resilience, cohesion, and adaptability. These characteristics will be further amplified in the Community Strategic Plan.

### **LEGISLATIVE REQUIREMENTS**

Apart from complying with the Shire's current general legislative obligations, there are no additional obligations for the Shire to meet currently. Subject to the completion of the sport and recreation upgrade plans, the Shire may need to observe newly introduced legislative criteria.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications associated with this proposal at this time.

### **SUSTAINABILITY IMPLICATIONS**

#### **➤ Environment**

There are no known significant environmental implications associated with this proposal at this time.

- **Economic**  
The economic implications of this proposal have not yet been developed and will rely on the outcome of the overall project plan and approvals.
- **Social**  
There are no known social implications associated with this proposal at this time.

### **FINANCIAL IMPLICATIONS**

The financial implications of this proposal require further investigation.

### **VOTING REQUIREMENTS**

Simple Majority Required

## **COUNCIL RESOLUTION**

***11/24 Moved Cr Errington, seconded Cr Gilbert that Council***

- i. Endorse the Sport and Recreation Redevelopment Concept Plan – Stages 1 and 2 as the basis for future planning.***
- ii. Endorse the development of a funding application to the Department of Local Government, Sport and Cultural Industries based on Stages 1 and 2 of the development plan.***
- iii. Note that funding for stage 1 only is to being requested at this time.***

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

## **10. REPORTS OF COMMITTEES**

### **AUDIT COMMITTEE MEETING – 7 FEBRUARY 2024**

#### **10.1 SHIRE OF MOORA ANNUAL COMPLIANCE AUDIT RETURN FOR 2023**

**FILE REFERENCE:** GA/SCO1

**REPORT DATE:** 31 January 2024

**APPLICANT/PROPONENT:** Department of Local Government, Sport, and Cultural Industries

**OFFICER DISCLOSURE OF INTEREST:** The author has no financial or other interest in this matter.

**PREVIOUS MEETING REFERENCES:** N/A

**AUTHOR:** Gavin Robins, Chief Executive Officer

**ATTACHMENTS:** 2023 Compliance Audit Return

#### **PURPOSE OF REPORT:**

The 2023 statutory Compliance Audit Return (CAR) has been completed for the 2023 calendar year and is being presented to Council for adoption.

#### **BACKGROUND:**

Section 7.13(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance whether of a financial nature or not. Local Government (Audit) Regulations prescribe in more detail the requirements of the compliance audit including the requirement for Council to submit a certified copy of the return by 31 March to the Department of Local Government, Sport, and Cultural Industries.

The Return is considered a very useful device for local governments to check their level of compliance with the legislative requirements of the Local Government Act 1995 and other relevant legislation. Also, the Return forms an important part of the Shire's monitoring program. There is a legal requirement to annually complete the Return of which the Councils Audit Committee is required to review and report the results to the Council prior to the CAR's adoption by Council and submission to the Department.

#### **COMMENT:**

The purpose of the annual CAR is for individual local governments to assess their level of compliance with the Local Government Act 1995 and associated Regulations.

The 11 specific category areas addressed by the CAR are:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning & Reporting
- Local Government Employees
- Official Conduct
- Optional Questions
- Tenders for Providing Goods and Services



The Compliance Audit Return has been undertaken as an internal audit, sourcing evidence of compliance through the Shire's own records.

The review noted 4 areas of non-compliance. It should be noted that Council is currently in the process of reviewing the Shire's Strategic Community Plan and Corporate Business Plan which will ensure compliance with the 2023 CAR.

A summary of the 4 areas of non-compliance is shown below;

Delegation of Power/Duty

**Q12 - Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?**

**No.**

The updating of the Shire's Delegation Register has not kept pace with the impact of staff changes during the year. With increased staff stability and capacity, the revision of the Delegations Register will enable compliance with the 2024 Compliance Audit Return.

**Q13 - Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?**

**No.**

While records were maintained for persons exercising delegated power or duty during the period, this was not recorded in the prescribed format.

Regulation 19 of the *Local Government (Administration) Regulations 1996* outlines the application of the following format;

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

While all delegates have the recall capacity and can articulate the application above steps in respect of given matters, rectifying the issue is an administration requirement that requires systematised monitoring throughout the year and is currently being addressed to ensure it is compliant in 2024.

Finance

**Q3. Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?**

**No.**

The auditor's report was not received by the Shire by 31 December 2023 because the statutory asset valuation had not been completed. This was due to the number of shires undertaking valuations and the limited number of accredited valuers available for engagement.

Integrated Planning and Reporting**Q1. Has the local government adopted by absolute majority a strategic community plan?****No.**

Council is currently in the process of reviewing the Shire's Strategic Community Plan which will ensure compliance with the 2023 Compliance Audit Return.

**Q2. Has the local government adopted by absolute majority a corporate business plan?****No.**

Council is currently in the process of reviewing the Shire's Corporate Business Plan which will ensure compliance with the 2023 Compliance Audit Return.

Official Conduct**Q8. By September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?****No – consent granted to extension of time in which to submit accounts to auditors.**

The Shire did not submit its balance accounts and annual financial report for the year ending 30 June 2023 to the auditor because the statutory asset valuation had not been completed. The Department of Local Government, Sport and Cultural Industries granted the Shire two separate extensions of time in which to lodge its Annual Financial Report.

**POLICY REQUIREMENTS:**

Nil

**LEGISLATIVE REQUIREMENTS:**

*Local Government Act 1995, s. 7.13(1)(i) and r. 14 and 15 of the Local Government (Audit) Regulations 1996 as set out below.*

**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 subregulation (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.

**15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

- (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —
- certified* in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
- (b) the CEO.

### **STRATEGIC IMPLICATIONS:**

There are no known strategic implications associated with this proposal.

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**  
There are no known significant environmental implications associated with this proposal.
- **Economic**  
There are no known significant economic implications associated with this proposal.
- **Social**  
There are no known significant social implications associated with this proposal.

### **FINANCIAL IMPLICATIONS:**

Nil

### **VOTING REQUIREMENTS**

Simple Majority Required

### **COUNCIL RESOLUTION (AUDIT COMMITTEE RECOMMENDATION)**

***12/24 Moved Cr Seymour, seconded Cr Dugan that Council adopts the 2023 Compliance Audit Return for the period (1 January 2023 to 31 December 2023), and forward with the duly signed Joint Certification by the President and Chief Executive Officer, to the Department of Local Government, Sport, and Cultural Industries.***

**CARRIED 5/0**

FOR: Cr's Lefroy, Gilbert, Seymour, Errington, and Dugan

**11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

Nil


**13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**14. CLOSURE OF MEETING**

*There being no further business, the Shire President declared the meeting closed at 6.37pm.*

**CONFIRMED**



**PRESIDING MEMBER**