



COUNCIL CALENDAR

Date	Time	Meeting
13 December 2022	4:00pm	Ordinary Council Meeting

NOVEMBER MEETING PROGRAM

4:00pm	Ordinary Council Meeting
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MEETING GUESTS

Nil

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DECLARATION OF INTEREST FORM

TO: CHIEF EXECUTIVE OFFICER

As required by Section 5.65 of the Local Government Act 1995, I _____ hereby disclose my interest in the following matters of the agenda papers for the Council meeting dated _____.

FINANCIAL INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

CLOSELY ASSOCIATED PERSON AND IMPARTIALITY INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

PROXIMITY INTEREST

AGENDA ITEM No.	SUBJECT	NATURE OF INTEREST	MINUTE No.

SIGNATURE: _____ **DATE:** _____

NOTES:

1. For the purposes of the financial interest provisions you will be treated as having a financial interest in a matter if either you, or a person with whom you are closely associated, have a direct or indirect financial interest or a proximity interest in the matter.
NB: It is important to note that under the Act you are deemed to have a financial interest in a matter if a person with whom you are closely associated has a financial interest or a proximity interest. It is not necessary that there be a financial effect on you.
2. This notice must be given to the Chief Executive Officer prior to the meeting.
3. It is the responsibility of the individual Councillor or Committee Member to disclose a financial interest. If in doubt, seek appropriate advice.
4. A person who has disclosed an interest must not preside at the part of the meeting relating to the matter, or participate in, be present during any discussion or decision-making procedure relating to the matter unless allowed to do so under Section 5.68 or 5.69 of the Local Government Act 1995.

OFFICE USE ONLY:

1. PARTICULARS OF DECLARATION GIVEN TO MEETING
2. PARTICULARS RECORDED IN MINUTES
3. PARTICULARS RECORDED IN REGISTER

CHIEF EXECUTIVE OFFICER: _____ **DATED:** _____

NOTICE OF MEETING

To the President & Councillors,

In accordance with the provisions of Section 5.5 of the Local Government Act, you are hereby notified that the November Ordinary Meeting of Council has been convened for:

Date: Tuesday 15 November 2022
At: Shire of Narembeen Council Chambers
1 Longhurst Street, Narembeen
Commencing: 4.00pm



Tamara Clarkson
Acting Chief Executive Officer
Date: 10 November 2022

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Narembeen for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Narembeen disclaims any liability for any loss whatsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's and or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for license, any statement or limitation or approval made by a member or officer of the Shire of Narembeen during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Narembeen. The Shire of Narembeen warns that anyone who has an application lodged with the Shire of Narembeen must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Narembeen in respect of the application.

AGENDA

Shire of Narembeen Ordinary Council Meeting
Tuesday 15 November 2022, commencing at 4:00pm

1.0 Opening & Welcome

2.0 Attendance & Apologies

Attendance

Councillors

Officers

Apologies

Approved leave of absence

3.0 Declarations of Interest

4.0 Announcements

4.1 Application for leave of absence

5.0 Public Question Time & Deputations (15 min)

Nil

6.0 Minutes of Previous Meetings

6.1 Confirmation of Minutes of Ordinary Meeting of Council

6.1.1 Confirmation of Minutes

Confirmation of Minutes from the Shire of Narembeen Ordinary Meeting held on Tuesday 18 October 2022.

RECOMMENDATION:

That the minutes of the meeting of the Shire of Narembeen Ordinary Meeting held on Tuesday 18 October 2022 be confirmed as a true and accurate record of the proceedings.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

6.1.2 Business Arising

Business Arising from the Minutes of the Shire of Narembeen Ordinary Meeting held Tuesday 18 October 2022.

6.2 Receive Minutes – Ramelius Resources and Shire of Narembeen Community Benefit Fund Advisory Committee Meeting

6.2.1 Receive minutes of the Ramelius Resources and Shire of Narembeen Community Benefit Fund Advisory Committee Meeting held on Wednesday 9 November 2022.

RECOMMENDATION

That the minutes of the Ramelius Resources and Shire of Narembeen Community Benefit Fund Advisory Committee Meeting held on Wednesday 9 November 2022 be received and the following action be endorsed:

That the Shire of Narembeen Council approve the following grant applications:

Club/Group	Project/Event	Amount
Narembeen Bowling Club	Australia Days Men's Fours - Prize Money	2,500.00
St John Ambulance	Speed Alert Signage	5,358.00
CRC	Ladies Long Lunch	5,000.00
CRC	Christmas Party	3,500.00
Mt Walker Sports Club	Mobile Seating	1,812.00
Recreation Club	Entertainment	3,200.00
Narembeen Hockey Club	Field Goals	5,846.00
Narembeen Basketball Club	Storage Shed	1,349.00
Narembeen Bat & Ball Club	Fundraising Event	2,000.00
TOTAL		\$30,265.00

COUNCIL RESOLUTION

MIN **MOTION** - Moved Cr. Seconded Cr.

CARRIED /

7.0 Status Report

RECOMMENDATION:

That the Status Report for November 2022 be received.

COUNCIL RESOLUTION

MIN **MOTION** - Moved Cr. Seconded Cr.

CARRIED /

8.0 Reports

8.1 Acting Chief Executive Officer

AGENDA ITEM: 8.1.1 - CEO Standards for Recruitment, Performance and Termination

Subject:	CEO Standards for Recruitment, Performance and Termination
Applicant:	Shire of Narembeen
File Ref:	ADM541
Disclosure of Interest:	Nil
Author:	Tamara Clarkson, Acting Chief Executive Officer
Date:	9 November 2022
Attachments:	DLGSCI Guidelines and Draft Council Policy – CEO Standards for Recruitment, Performance and Termination

PURPOSE

To adopt standards relating to the recruitment, performance and termination of the Chief Executive Officer (CEO) in accordance with section 5.39B of the *Local Government Act 1995*.

BACKGROUND

The *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations) were published in the *Government Gazette* on 2 February 2021, which introduced new regulations within the *Local Government (Administration) Regulations 1996* including new mandatory minimum model standards for the recruitment, selection, performance review and early termination of local government Chief Executive Officers (Model CEO Standards).

The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity, and transparency.

CONSULTATION

Department Local Government, Sport and Cultural Industries.

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Administration) Amendment Regulations 2021.

Section 5.39A. Model standards for CEO recruitment, performance and termination

- 1) Regulations must prescribe model standards for local governments in relation to the following
 - a) the recruitment of CEOs;
 - b) the review of the performance of CEOs;
 - c) the termination of the employment of CEOs.

5.39B. Adoption of model standards

- 1) In this section — model standards means the model standards prescribed under section 5.39A(1).
- 2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards. * Absolute majority required.

- 4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- 5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.
- 6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

Local Government (Administration) Regulations 1996

Part 4 – Local Government Employees (specifically regulation 18FA)

Schedule 2 - Model standards for CEO recruitment, performance and termination¹.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Council Policy – Human Resource Management

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 – 2032

Civic Leadership: Well governed and efficiently managed Local Government.

- Compliant and resourced Local Government

VOTING REQUIREMENTS

Absolute majority

COMMENT

The legislation provides that Council must adopt the model standards as a minimum, however it may introduce additional standards provided they are consistent with the prescribed model.

- The model standard provides the following:
- Determination of selection criteria and approval of job description form (JDF)
- Advertising requirements
- JDF to be made available by Council
- Establishment of selection panel for employment of CEO
- Recommendation by selection panel
- Offer of employment in position of CEO
- Variations to proposed terms of contract of employment
- Recruitment requirements upon certain contract expiry
- Confidentiality of information
- Performance review process to be agreed between Council and CEO
- Carrying out a performance review
- Endorsement of performance review by Council
- CEO to be notified of results of performance review
- General principles applying to any termination
- Additional principles applying to termination for performance related reasons

- Decision to terminate
- Notice of termination of employment

CEO Recruitment

In relation to CEO recruitment, the Shire has adopted a consistent approach to the model standard, to ensure transparency with any selection outcome. This includes the appointment of an external recruitment consultant to formalise the recruitment methodology and oversee the selection process.

The Shire appointed a consultant to undertake the 2021 CEO recruitment process and invited an independent person to the recruitment panel, in line with the standards.

CEO Performance Review

The Shire President and Deputy President undertake a review of the CEOs performance ensuring the performance criteria is specific, relevant, measureable, achievable and time based. Council endorses the performance review assessment by absolute majority.

CEO Termination Process

The Shire's current process is procedurally fair in that it applies the evidence, hearing, and bias tests in making a determination of whether termination is an appropriate outcome. This is consistent with the model standard requirements under the *Local Government Act 1995*. The model standard basically sets out what is required from a common law perspective and ensures that all local governments adhere to being fair and transparent in regard to making any decisions pertaining to employment.

The model standards prescribed under the *Local Government Act 1995* are consistent with the Shire's current human resource practices and processes in regards to recruitment, performance assessment and termination management. The model standards provide an industry benchmark in which the Shire is able to ensure it adopts a best practice approach in regards to its people management practices.

A Council Policy – CEO Standards for Recruitment, Performance and Termination has been drafted to provide a mechanism to ensure the review of the standards in conjunction with the Policy Framework.

OFFICER RECOMMENDATION

That Council:

1. Adopts the model standards for CEO recruitment, performance and termination as prescribed in Schedule 2 *Local Government (Administration) Regulations 1996*
2. Adopts Council Policy – CEO Standards for Recruitment, Performance and Termination as attached.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

**CARRIED /
BY ABSOLUTE MAJORITY**

AGENDA ITEM: 8.1.2 - Corporate Business Plan Report – November 2022

Subject:	Corporate Business Plan Report November 2022
Applicant:	Not applicable
File Ref:	ADM172
Disclosure of Interest:	Not applicable
Author:	Tamara Clarkson, Acting Chief Executive Officer
Date:	1 November 2022
Attachments:	Corporate Business Plan Report – Nov. 2022

PURPOSE

To update Council on the progress of implementation of the Shire of Narembeen Corporate Business Plan 2023 – 2027.

BACKGROUND

Council adopted the Corporate Business Plan (CBP) 2022/23 – 2025/26 at its meeting in August 2022 following a period of consultation.

The CBP defines the facilities, services, programs, and projects the Shire will undertake to deliver the community priorities that are detailed in the adopted Community Strategic Plan 2022-2032 document.

As identified in the CBP, the list of community priorities in the plan provides for quarterly reporting using a simple traffic light system to indicate progress.

CONSULTATION

Executive Manager Corporate Services
Works Manager
Economic Development Officer

STATUTORY IMPLICATIONS

The CBP represents the highest level of strategic planning undertaken by local governments. It is a legislative requirement as part of the Integrated Planning and Reporting Framework under the *Local Government Act 1995*. Its purpose is:

- Ensuring the community is involved in the setting of a long term vision;
- Providing Council with a clear understanding of the community's wellbeing, priorities, aspirations, needs and wants; and
- Setting out Council's priorities in relation to implementing its strategies.

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Quarterly reporting of the CBP ensures Council are kept informed on the progress of implementation of the CBP and ensures accountability of key staff. It also allows for open discussion for each identified project and strategy thereby minimising the risk of the Council's objectives not being achieved.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

Civic Leadership – Well governed and efficiently managed local government.

Corporate Business Plan 2023 – 2026

Civic Leadership – Forward planning and implementation of plans to achieve strategic priorities.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Please refer attachment for update on each initiative.

OFFICER RECOMMENDATION

Council accept the November 2022 Corporate Business Plan Report.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

AGENDA ITEM: 8.1.3 - 2023 Council Meeting Dates

Subject:	2023 Council Meeting Dates
Applicant:	Shire of Narembeen
File Ref:	ADM195
Disclosure of Interest:	Nil
Author:	Tamara Clarkson, Executive Manager Corporate Services
Date:	31 October 2022
Attachments:	Nil

PURPOSE

To consider the Ordinary Council meeting dates for 2023.

BACKGROUND

Council is required to consider and adopt the Ordinary Council meeting dates including venue, time and place and the advertising of this information by way of local public notice.

CONSULTATION

Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
 - g) *the giving of public notice of the date and agenda for council or committee meetings*

Local Government (Administration) Regulations 1996

Regulation 12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 4.2.13 - Meetings – When held

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 – 2032

Civic Leadership: Well governed and efficiently managed Local Government.

- Compliant and resourced Local Government

VOTING REQUIREMENTS

Simple majority

COMMENT

Council Meetings are held the third Tuesday of the month, commencing at 4.00pm. There are no Council meetings held in January.

The suggested dates for 2023 are:

21 February 2023

21 March 2023

19 April 2023

16 May 2023

20 June 2023

18 July 2023

15 August 2023

19 September 2023

24 October 2023

21 November 2023

12 December 2023

The 2023 Local Government Elections will be held Saturday 21 October 2023. A Special Council Meeting will be held Monday 23 October 2023 to formally appoint Councillors. While all effort will be made to bring reports to Council in November for the benefit of new Councillors, the legislated financial reports will be presented to the Ordinary Meeting of Council in October. Reform may impact October's meetings, however at the time of writing, the implementation date is not known.

It is proposed to hold the December meeting one week earlier to allow for finalisation of the minutes and respond to issues prior to the Christmas and New Year office closure.

It is proposed to change the start time of Council meetings in 2023 to 5.00pm to accommodate councillor commitments.

OFFICER RECOMMENDATION

That Council:

3. Resolves to hold its Ordinary Council Meetings for 2023 on the third Tuesday of every month, with meetings commencing at 5.00pm to be held in the Council Chambers, 1 Longhurst Street, Narembeen, except for January.
4. Directs the Chief Executive Officer to give local public notice of the date, time and place of the 2023 Ordinary Council Meetings.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

AGENDA ITEM: 8.1.4 - Christmas and New Year Administration and CRC Closure 2022/23

Subject:	Christmas and New Year Administration and CRC Closure 2022/23
Applicant:	Shire of Narembeen
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Tamara Clarkson, Executive Manager Corporate Services
Date:	31 October 2022
Attachments:	Nil

PURPOSE

Council consideration of closing the Administration and Community Resource Centre over the 2022/23 Christmas and New Year period.

BACKGROUND

Shire of Narembeen normally closes the Administration and CRC between Christmas and New Year. Staff access accrued rostered days off, annual leave or leave without pay for those days other than the public holidays specified in the relevant Award or Enterprise Agreement.

Experience shows that there is a significant decline in customer demand during the period.

This report seeks Council support to close the Administration and CRC for the first week in January 2023 to accommodate staff leave.

CONSULTATION

Chief Executive Officer
Customer Services Staff

STATUTORY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 – 2032

Community: Happy, safe, healthy and inclusive community.

Civic Leadership: Well governed and efficiently managed Local Government.

VOTING REQUIREMENTS

Simple majority

COMMENT

In considering the Christmas and New Year period, it is proposed to close the Administration Building and CRC between midday Friday 23 December 2022 to 6 January 2023, reopening Monday 9 January 2023.

This period is considered appropriate to ensure minimal disruption to operational activities, together with provision of an opportunity for staff to reset, refresh and spend time with their families before starting the new year.

The recognised Public Holidays for 2022/23 are:

Monday 26 December (Christmas)
Tuesday 27 December (Boxing Day)
Monday 2 January (New Year's Day)

In line with the Local Government Officers' (WA) Award 2021, the Shire of Narembeen Works Staff Enterprise Bargaining Agreement 2021 and the Municipal Employees (WA) Award 2021, employees are entitled to a day's paid absence in lieu of holidays previously observed on 2 January. These days do not accrue.

As per previous years, the works crew will take one weeks leave between 3 and 6 January 2023. This coordinated group leave aims to ensure minimal disruption to road and parks maintenance. The Administration office and CRC are short staffed, and school holidays present a coverage issue due to lack of childcare availability. January is historically a quiet time in Narembeen and the anticipated queries will likely be Department of Transport Licensing. Community members can access this service online or at neighbouring Bruce Rock or Merredin.

The Chief Executive Officer is on extended personal leave, the Executive Manager Corporate Services will be available to attend to an emergency and provide adequate response. Staff will access existing leave balances such as accrued rostered days off or annual leave. Should a staff member not have sufficient leave, they will take leave without pay.

Advertising will commence 28 November 2022 in the Fence Post, Shire website, notice boards and social media.

OFFICER RECOMMENDATION

That Council approves:

1. Shire of Narembeen and the Narembeen Community Resource Centre offices be closed to the public for the 2022/23 Christmas and New Year period, commencing at 12.00pm on Friday 23 December 2022, reopening 8.30am Monday 9 January 2023.
2. The office closure be advertised in the Fencepost, on the Shire website, social media and on appropriate notice boards.
3. The Chief Executive Officer is directed to ensure arrangements are in place and employees are available to undertake required tasks during this period or in the event of an emergency within the Shire.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

AGENDA ITEM: 8.1.5 - Dog Exercise Areas

Subject:	Dog Exercise Areas
Applicant:	Not applicable
File Ref:	ADM551
Disclosure of Interest:	Nil
Author:	Tamara Clarkson, Executive Manager Corporate Services
Date:	31 October 2022
Attachments:	Nil

PURPOSE

Council to approve two Dog Exercise Areas, specifically the Avoca Farm walk trails and Town Oval.

BACKGROUND

The Shire currently has no designated dog exercise areas.

Recent complaints regarding uncontrolled dogs in public places has resulted in additional action taken by staff. A community awareness and education program has been undertaken however it is now considered appropriate to formalise the specified exercise areas.

CONSULTATION

Chief Executive Officer
Community

On 11 November 2022, a letter to all PO Boxes and a social media post were issued regarding registration requirements and the need for dogs to be under control.

Community feedback was sought via the Fencepost on 26 October and 2 November 2022. Responses are summarised below.

	Comment	Response
Resident 1	Request off leash designated dog exercise areas to be sports oval – offseason and the Avoca walk trails	Agreed.
Resident 2	Great idea, suggestion for a fenced area between Caravan Park and Oval to benefit visiting dog owners	Great consideration for the future upgrades to the area
Resident 3	Requested the Lake be a leash only area	Under the Dog Act 1976, all dogs must be controlled and on leash in public areas by default

STATUTORY IMPLICATIONS

Dog Act (Western Australia) 1976 – Section 31

(1) A dog shall not be in a public place unless it is — (a) held by a person who is capable of controlling the dog; or (b) securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

(3A) a local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

(3B) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.

(3C) At least 28 days before specifying a place to be — (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or (b) a dog exercise area under subsection (3A); or (c) a rural leashing area under subsection (3B), a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.

Shire of Narembreen Dogs Local Law 2020

Part 5 Dogs in Public Places

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

Part 7 Enforcement

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Medium Risk.

Without formal decision on designated areas, rangers are unable to infringe and dog attacks may occur, resulting in injury or even death.

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 – 2032

Community: Happy, safe, healthy and inclusive community.

- Inclusive community activities, events and initiatives
- Recreational, social and heritage spaces are safe and encourage active and healthy lifestyles

VOTING REQUIREMENTS

Absolute majority

COMMENT

All community members have a right to feel safe while walking around town, with or without dogs.

Dog owners have several responsibilities under the *Dog Act* including registration, microchipping, fencing requirements and the requirement to pick up faeces in public place.

Not all community members are comfortable with other peoples' dogs. Some dog owners prefer to keep their dog on a leash and do not like being approached by off-leash dogs, while other community members prefer to let their dog off leash.

The Shire has a responsibility to provide public open space so that there is adequate space for recreation for those people who don't own, or don't like dogs, and for owners who prefer to walk their dogs on-leash.

Officers believe designation of two separate areas for dog owners to exercise dogs will accommodate both preferences and the wider community.

Dog Exercise Areas

Section 31 (3A) of the *Dog Act 1975* states that a local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

In a Dog Exercise Area where a dog is off the leash the owner must ensure that the dog:

- Is under effective control, which means the dog will come back at all times when called
- Does not chase or show signs of aggression toward people or other animals
- Is accompanied by someone who is capable of controlling the dog
- Is close to their owner so the leash can be quickly attached if need be

A fine of \$5,000 can be incurred by those who fail to control their dogs properly in public places.

Avoca Farm is owned by the Shire and the fire breaks surrounding the paddocks are often used by people walking their dogs. The Town Oval is another popular place for people to exercise their dogs off leash.

The main issue identified with sports grounds is uncollected dog faeces. Dog waste bags are located near a bin and passive surveillance shows this is not a major issue at the Shire. However, during sports season, the oval is a designated active sports ground and dog owners may be requested to leave.

It is proposed to specify Avoca Farm walk trails and the Town Oval as designated Dog Exercise Areas. This means dogs can be exercised off leash providing the dog is under effective control.

Public Places

Unless in an approved Dog Exercise Area, dogs must always be on a leash in publicly accessible areas.

Apex Park, Caravan Park and Walker Lake are all public places and in line with Section 31 of the *Dog Act 1975* (1), all dogs must be held by a person who is capable of controlling the dog; or securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

Several complaints have been received from dog owners, visitors and residents staying at the caravan park, playing at the playground and walking around Walker Lake with dogs off leash and not under control of their owner. This presents a challenge for all parties that may result in additional conflict.

Should Council agree to enforce Apex Park, Caravan Park and Walker Lake as public places, signs will be installed stating that dogs must always be on a leash. The ranger will continue random compliance checks and infringements will be issued.

Dogs are prohibited in the following areas:

- Any public reserve indicated by a sign or public building
- All premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*
- Any public swimming pool

OFFICER RECOMMENDATION

That Council:

1. Endorse Avoca Farm Walk Trails and Town Oval as designated Dog Exercise Areas.
2. Advertise to the public for a period of 28 days the proposed areas.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

**CARRIED /
BY ABSOLUTE MAJORITY**

AGENDA ITEM: 8.1.6 - Financial Report period ending 31 October 2022

Subject:	Financial Report October 2022
Applicant:	Shire of Narembeen
File Ref:	Not applicable
Disclosure of Interest:	Nil
Author:	Teresa Cousins – Senior Finance Officer
Date:	4 November 2022
Attachments:	Financial Report October 2022

PURPOSE

For Council to accept the monthly statement of Financial Activity disclosing the Shires financial activities for the period October 2022.

BACKGROUND

The monthly financial report is presented in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's financial activities.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate Services

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity.

Regulation 34(2) requires the statement of financial activity to report on the sources and applications of funds, as set out in the annual budget.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

- Minor Compliance risk considered low.
Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring
- Financial Impact risk considered moderate.
Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022 - 2032

We have sound financial and asset management policies and practices in place, with transparent, accountable and integrated reporting.

Corporate Business Plan 2020/21 – 2023/24

Goal Area 1. Focus upon local economic drivers to retain and grow existing businesses, employment and to attract new industry.

VOTING REQUIREMENTS

Simple Majority

COMMENT

Council's closing position at 31 October 2022 amounts to \$3,312,752 with current assets of \$9,386,215 and \$413,441.29 in reserve funds.

OFFICER RECOMMENDATION

That Council receive the Shire of Narembreen's Financial Report for October 2022.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

AGENDA ITEM: 8.1.7 - Schedule of Accounts for October 2022

Subject:	Schedule of Accounts for October 2022
Applicant:	Not Applicable
File Ref:	ADM018
Disclosure of Interest:	Nil
Author:	Kathryn Conopo – Administration Officer
Date:	4 November 2022
Attachments:	Creditors Payment List – October 2022, Credit Card Payments List 16 August – 14 September 2022

PURPOSE

For Council to review the payments made by the Shire of Narembeen in October 2022.

BACKGROUND

The Shire's schedule of accounts is to be provided to council each month pursuant to the *Local Government (Financial Management) Regulation 1996*.

CONSULTATION

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Reg. 13 List of Accounts

1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared;
 - a. The payee's name;
 - b. The amount of the payment;
 - c. The date of the payments; and
 - d. Sufficient information to identify the transaction.

3. A list prepared under sub regulation (1) or (2) is to be –
 - a. Presented to the council at the next ordinary meeting of council after the list is prepared; and
 - b. Recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

STRATEGIC PLAN REFERENCE

Strategic Community Plan 2022-2032

Civic Leadership: Well governed and efficiently managed Local Government.

4.2 Compliant and resourced Local Government

We have sound financial and asset management policies and practices in place
Transparent, accountable, and integrated reporting.

VOTING REQUIREMENTS

Simple majority

COMMENT

A schedule of accounts paid during the month of October 2022 is attached to this report and the total amounts paid from the municipal fund and the trust fund are as follows:

Municipal Account: \$ 608,769.29

OFFICER RECOMMENDATION

That Council:

1. Receive the Creditors Payment List - October 2022
2. Receive the Credit Card Payments List 16 August – 14 September 2022

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

CARRIED /

AGENDA ITEM: 8.1.8 - Proposed single house and outbuilding - Lot 68 (No 29) Cheetham Way, Narembeen

Subject:	Proposed single house and ancillary dwelling – Lot 68 (No 29) Cheetham Way, Narembeen
Applicant:	Sydney and Nola Parsons
File Ref:	P5328
Disclosure of Interest:	Nil
Author:	Liz Bushby, Town Planning Innovations
Date:	9 November 2022
Attachments:	Plans

PURPOSE

Council is to consider a planning application for a single house and outbuilding on Lot 68 (No 29) Cheetham Way, Narembeen. The applicant is in the process of purchasing the lot from the Shire and has lodged an application to ascertain what can be developed on the lot.

The application is being advertised for public comment until 23 November 2022. This report recommends that Council delegate authority to the Chief Executive Officer to determine the application.

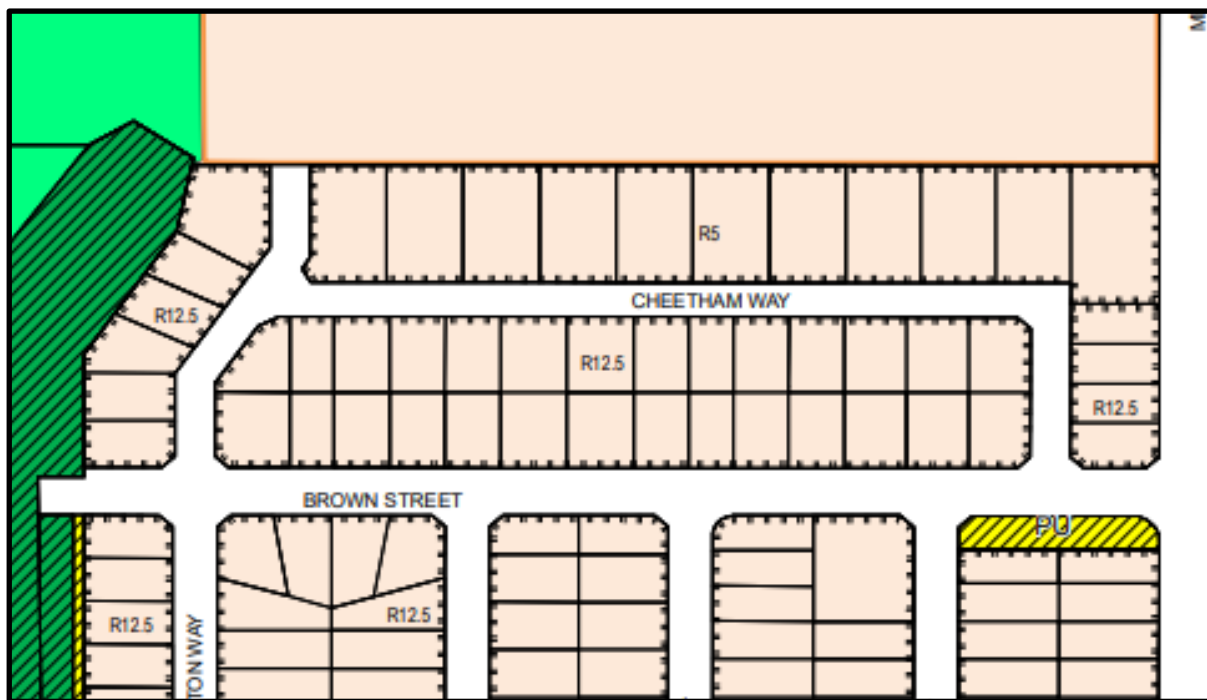
BACKGROUND

Lot 68 is currently vacant and has an approximate area of 2104m².



Location Plan

Lot 68 is zoned 'Residential' with an 'R5' density code under the Shire of Narembeen Local Planning Scheme No 2 (the Scheme).



Zoning map

The density code dictates the permissible site requirements under the Residential Design Codes (R-Codes).

CONSULTATION

The application is being advertised for public comment until 23 November 2022. At the time of writing this report no submissions had been received.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 – The Regulations were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Narembeen Local Planning Scheme No 2.

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer.

Clause 82(2) requires any delegation to be by Absolute Majority.

Clause 61 lists development that is exempt from the need for planning approval, including a single house and ancillary dwelling that complies with the Residential Design Codes, and is not a heritage place.

Division 2, Schedule 2, Part 2 outlines the procedure for making, advertising and adopting a local planning policy.

TPI has assumed that the Shire has complied with the Regulations in processing and adopting Local Planning Policy No 1. This includes publishing a notice advertising final adoption of the policy.

Shire of Narembeen Local Planning Scheme No 2 – Explained in the body of this report.

FINANCIAL IMPLICATIONS

The Shire pays fees to Town Planning Innovations for planning advice.

POLICY IMPLICATIONS

Shire of Narembeen Local Planning Policy 1: Outbuilding Control – explained in the body of this report.

RISK MANAGEMENT IMPLICATIONS

There are no known risk implications associated with this report.

STRATEGIC PLAN REFERENCE

Corporate Business Plan 2020/21 – 2023/24

Civic Leadership: Well governed and efficiently managed Local Government

VOTING REQUIREMENTS

Absolute Majority

COMMENT

- ***Description of Proposal***

The applicant proposes to construct a single house and an outbuilding. A site plan and elevations are attached.

- ***State Planning Policy 7.3 - Residential Design Codes (Single House)***

The Residential Design Codes (R-Codes) operate as a State Planning Policy produced by the Western Australian Planning Commission. The R-Codes provide a basis for the control and assessment of residential development throughout Western Australia.

The R Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for single dwellings and outbuildings. The 'Deemed to Comply' requirements relate to building setbacks, site open space, privacy and overlooking, site works, retaining walls, and other general site controls.

The proposed single house complies with the Residential Design Codes with the exception of the average front setback. The proposed house complies with the minimum front setback of 6 metres. The front setback required for the R5 density code is a minimum of 6 metres and an average of 12 metres. Averaging is achieved by having areas of open space at the sides of the dwelling that compensate or equal the areas of the house forward of the 12-metre average setback line.

The closest two dwellings at No 17 and No 25 Cheetham Way are setback further at 9 metres and 12 metres and meet the 12-metre front setback average. To ensure that the proposed dwelling at

No 29 is more aligned with the streetscape elements within the same R10 zone, TPI recommends that the front setback of the house be increased to 7 metres.

The applicant has advised that he has no nominated builder, and is only seeking approval to ascertain what he can build on the lot. The applicant has also advised he can revise the plans as required by the Shire.

If the minimum front setback is increased to 7 metres, then the area forward of the 12-metre average front setback line is approximately 96.5m² and the compensating area (behind the 6-metre setback line) is approximately 76m². A revised plan with an increased 7 metre front setback will still entail a variation to the 12-metre average setback, however the variation will be reduced.

TPI recommends any approval include a condition requiring revised plans.

- **State Planning Policy 7.3 - Residential Design Codes (Outbuilding)**

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings. The proposed outbuilding seeks variations to Residential Design Codes as detailed below:

Clause 5.4.3 C3 B 'deemed to comply' criteria / Outbuildings that:	Officer Comment (TPI)
(i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation A floor area of 200m ² is proposed.
(ii) setback in accordance with Table 2a.	Complies.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 4 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Variation. A ridge height of 5 metres is proposed.
(vi) not located within the primary or secondary street setback area; and	Complies.
vi) do not reduce the open space and outdoor living area requirements in table 1.	Complies.

In addition to the above, the R-Codes require that an outbuilding be associated with a dwelling.

As the application proposes variations to the 'Deemed to Comply' requirements the Shire has to determine if the outbuilding complies with the alternative 'Design Principle' (5.4.3 P3) of the R-Codes which is:

"Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties".

Notwithstanding the above, the Shire has a separate Local Planning Policy that applies to outbuildings.

- **Shire of Narembreen Local Planning Policy No 1 – Outbuilding Control**

The Shires Local Planning Policy introduces alternative maximum outbuilding sizes and heights as summarised in the Table below.

	Residential greater than 1000m ²	Officer Comment (TPI)
Max Aggregate Floor Area	150m ² or 12% of site areas whichever is the less	Variation A floor area of 200m ² is proposed. Note: Council has approved outbuildings with an aggregate floor of 200m ² at 36-38 Thomas Street in November 2000.
Max Wall Height	3.5m	Variation. A wall height of 4 metres is proposed.
Max Ridge Height	5m	Complies. A ridge height of 5 metres is proposed.
Setbacks	As per scheme or R Codes	Complies.
Zinculume	No	Complies. Colorbond materials are proposed.

Variations to the Policy provisions can be considered as follows:

Variations	Officer Comment (TPI)
<p>The purpose and objectives of this Policy.</p> <p>a) To accommodate outbuildings that meet the needs of the residents whilst being appropriate for the zone and land use;</p> <p>b) Balance amenity issues with the varying need of residents in a regional community who lead a different lifestyle to residents in the metropolitan area.</p> <p>d) Provide guidance on the Development Approval requirements for outbuildings.</p>	<p>In considering amenity it is noted that:</p> <ul style="list-style-type: none"> - The outbuilding is proposed to the rear of the lot so the main visual impact is to the adjacent neighbour at No 25 Cheetham Way. There is an existing shed at No 25 to the west of the proposed outbuilding at No 29. - The outbuilding is proposed to be setback a significant distance from the front lot boundary, and may be partially screened by a future dwelling.
<p>The Local Planning Scheme –</p> <ul style="list-style-type: none"> ▪ Aims of the Scheme; ▪ Reserve objectives (not applicable to this lot) ▪ Zone objectives. 	<p>The aims of the Scheme are fairly broad and include <i>'to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes'</i>.</p> <p>The objectives of the Residential zone are:</p> <ul style="list-style-type: none"> a) to retain the single house as the predominant form of residential development in the town. b) to provide for lifestyle choice in and around the town with a range of residential densities. c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

Schedule 2 cl. 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 - Matters to be Considered by Local Government.	Under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Council can have regard for normal planning considerations such as impact on amenity, streetscape and the relationship to other development.
Applications to vary from this policy may be requested to screen proposed outbuildings if visible from the street, relocating the outbuilding to another portion of the block if possible or any other condition imposed by Council to reduce the impact on the local amenity.	Under the Policy Council may require screening (such as landscaping), revised plans with a different building location or other conditions to mitigate visual impact.

OFFICER RECOMMENDATION

That Council:

1. Note that Shire Administration has commenced advertising of the planning application for Lot 68 (No 29) Cheetham Way, Narembeen. The application is being advertised for public comment until 23 November 2022.
2. Pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a single house and outbuilding on Lot 68 (No 29) Cheetham Way, Narembeen.

COUNCIL RESOLUTION

MIN

MOTION - Moved Cr.

Seconded Cr.

**CARRIED /
BY ABSOLUTE MAJORITY**

9.0 Urgent business as permitted by Council

10.0 Councillor's Reports

Cr K Mortimore

Attended

-

Cr S Stirrat

Attended

-

Cr H Cusack

Attended

-

Cr T Cole

Attended

-

Cr C Bray

Attended

-

Cr A Hardham

Attended

-

Cr M Currie

Attended

-

Cr W Milner

Attended

-

11.0 Date, time & place of next meeting

Tuesday 13 December 2022, 4.00pm at the Shire of Narembeen Council Chambers.

12.0 Closure

There being no further business the Chair declared the meeting closed at _____.