



**PUBLIC MINUTES
OF THE
ORDINARY MEETING
OF COUNCIL
HELD ON
THURSDAY 16 DECEMBER 2021**

**Council Chambers
Honour Avenue
Wyalkatchem**

**Commencement: 4:09PM
Closure: 5:59PM**

www.wyalkatchem.wa.gov.au

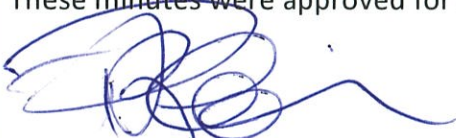
Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Unconfirmed Minutes

These minutes were approved for distribution on 20 December 2021



Peter Klein

Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem 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 decisions, which will be provided within ten days of this meeting.

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1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies, opened the meeting at 4:09pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil

2.2. Declaration of Public Question Time opened

Public Question Time opened at 4:09pm.

There were no members of the public.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:09pm

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:

- Cr. Quentin Davies
- Cr. Owen Garner
- Cr. Emma Holdsworth
- Cr. Stephen Gamble
- Cr. Mischa Stratford
- Cr. Christy Petchell

Staff:	Peter Klein	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Terence Delane	Manager of Works

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

It was advised that Derek Hands recently passed away on the 20 November 2021. Derek was a long-term community member as was his father. He was a Councillor from 1967 – 1964 and Justice of the Peace, an active member and President of many Wyalkatchem Clubs, a volunteer ambulance driver and co-founder of the Wylie Weekly. Derek was also a great sportsman – Bowls, Golf, Tennis, Basketball, Athletics and Football. He will be missed.

It was advised that Janet Brookes – President of the Shire of Koorda has recently passed.

It was advised that John Cashmore, previous Wheatbelt farmer, has recently passed.

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1. Petitions

Nil

5.2. Deputations

Nil

5.3. Presentations

Nil

6. DECLARATIONS OF INTEREST

6.1. Financial and Proximity Interest

Item 14.1 Amended Licence Agreement

- Cr Stratford declared a Financial Interest in item 14.1 Airport Terminal Licence Agreement. Cr Stratford is employed by the prospective Licensee Emily Gray. As a consequence, there may be a perception that her impartiality on the matter may be affected. Council determined that Cr Stratford would leave the room and not vote on the matter.

6.2. Impartiality Interests

Item 14.1 Amended Licence Agreement

- Cr Garner declared an Impartiality Interest in item 14.1 Airport Terminal Licence Agreement. Cr Garner is the prospective Licensee Emily Gray's Father in Law and therefor a relative.

7. CONFIRMATION AND RECEIPT OF MINUTES

7.1. Confirmation of Minutes

7.1.1. Ordinary Meeting of Council – November 2021

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 18 November 2021 (Attachment 7.1.1)

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(395/2021) Moved: Cr Holdsworth

Seconded: Cr Gamble

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 18 November 2021 (Attachment 7.1.1) be confirmed as a true and correct record.

CARRIED 6/0

7.2. Receipt of Minutes

7.2.1. Audit and Risk Committee Meeting Minutes – 16 December 2021

Minutes of the Audit Committee Meeting of Thursday 16 December 2021 (Attachment to be provided).

OFFICER RECOMMENDATION:

(396/2021) Moved: Cr Holdsworth

Seconded: Cr Petchell

That the minutes of the Audit Committee Meeting of Thursday 16 December 2021 (Attachment 7.2.1 to be provided) be received by Council.

CARRIED 6/0

NOTE: Council adopted en bloc (397/2021) moved by Cr Stratford and seconded by Cr Holdsworth, the recommendations of the Audit Committee from the Audit Committee meeting of Thursday 16 December 2021, noting an Absolute Majority requirement for recommendation 12.1.2.

MATTERS ARISING FROM THE AUDIT COMMITTEE MEETING

12.1.1 Meeting with the Auditor and Management Letter

VOTING REQUIREMENT

Simple Majority

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION: (en bloc)

(397/2021) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council;

- 1. Accept the 2020/2021 Management Letter prepared by the Office of the Auditor General and the management actions proposed in response to the audit recommendations.**
- 2. Acknowledge that the Audit and Risk Management Committee has met with the Auditors and has discharges its obligations, in accordance with Section 7.12A (2)) of the Local Government Act.**

CARRIED 6/0

12.1.2 Annual Report and Financial Statements

VOTING REQUIREMENT

Absolute majority

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION: (en bloc)

(397/2021) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council;

- 1. Accepts the Annual Report and Financial Statements for the year ended 30 June 2021.**
- 2. Holds a General Meeting of Electors in early February 2022, date and time to be determined, in the Shire of Wyalkatchem Council Chambers.**

CARRIED 6/0

- 7.2.2. Local Emergency Management Committee Meeting (LEMC) – 24 November 2021**
Minutes of the Local Emergency Management Committee Meeting (LEMC) of Wednesday 24 November 2021 (Attachment 7.2.2).

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

(398/2021) Moved: Cr Stratford

Seconded: Cr Petchell

That the minutes of the Minutes of the Local Emergency Management Committee Meeting (LEMC) of Wednesday 24 November 2021 (Attachment 7.2.2.) be received by Council.

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies wished Councillors, staff and community a Merry Christmas and happy holiday.

Cr Davies looks forward to seeing everyone back next year for further good decision making and the extraordinary election.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

9.1. Item 14.1 AIRPORT TERMINAL LICENCE AGREEMENT

9.2. Item 14.2 DEVELOPMENT APPROVAL

10.REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – NOVEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	09 December 2021
Reporting Officer:	Tegan Maitland, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for Payment – November 2021

SUMMARY

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with his delegated authority and for Council to endorse the payments made for the prior month.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO 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 all payments since the last such list was prepared.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

COMMENT

The November payment listing 2021 is presented for Council for their endorsement.
After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be -\$74.25.

Bank Account	Payment Type	Last Number	First Number in report
Municipal	Cheque	16893	16894
Municipal & Trust	EFT	EFT1561	EFT1562
Reserves	EFT	EFT	No Payments

Please note that the above does not include payments made via Direct Debit (DD) as they are not in sequential number order.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations, S13.1

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2021/2022 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.2	<ul style="list-style-type: none"> Ensuring sound financial management and plans for the Shire's long term financial sustainability
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance
		10.4	<ul style="list-style-type: none"> Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(399/2021) Moved: Cr Gamble

Seconded: Cr Garner

That Council endorse the Total payments for the month of November, 2021 being \$468,237.55 which comprised of:

- 1. Cheque 16894 payments in the Municipal Fund totalling \$50.00;***
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$389,020.73;***
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$18,854.63;***
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$60,312.19***

CARRIED 6/0

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – NOVEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 December 2021
Reporting Officer:	Tegan Maitland
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Cards – November 2021

BACKGROUND

Council governance procedures requires the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management s.6.4

Local Government (Financial Management) Regulations 1996, R34

POLICY IMPLICATIONS

Policy Number 2.1 – Purchasing Policy.

Policy Number 2.3 – Credit Card Policy.

FINANCIAL IMPLICATIONS

Nil. Reported expenditure is assessed by management as being consistent with the FY21 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

This matter is consistent with the following Strategic Community Plan goal.

Goal - Transparent, accountable and effective governance

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.2	<ul style="list-style-type: none"> Ensuring sound financial management and plans for the Shire's long term financial sustainability
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance
		10.4	<ul style="list-style-type: none"> Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(400/2021) Moved: Cr Stratford

Seconded: Cr Garner

That Council endorse credit card payments for the period 29 September to 28 October 2021, totalling \$2,604.65 (refer attachment 10.1.2).

CARRIED 6/0

10.1.3 MONTHLY FINANCIAL REPORT – NOVEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 December 2021
Reporting Officer:	Ally Bryant, Financial Consultant
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report – November 2021

BACKGROUND

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1)(d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

COMMENT

The attached report includes:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire's operations on an actual year to date basis.

These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes are supporting documents to the Statements of Financial Activity for Councillors' information.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management S6.4

Local Government (Financial Management) Regulations, R34

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil – Monthly Statement of Financial Activity reporting on council's current financial position.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal: Transparent, accountable and effective governance.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.2	<ul style="list-style-type: none"> Ensuring sound financial management and plans for the Shire's long term financial sustainability
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance
		10.4	<ul style="list-style-type: none"> Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(401/2021) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council accepts the Statement of Financial Activity for the month ending 30 November 2021 (refer attachment 10.1.3).

CARRIED 6/0

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT – NOVEMBER / DECEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 December 2021
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

SUMMARY

This report is prepared by the CEO to provide Council and the Wyalkatchem community with information about CEO activities and Council operations.

COMMENT

Since the last report the CEO has attended the following substantial meetings and events to progress community and Council's interests;

- NEWROC Executive – Nungarin
- Celia Jordaan – SBDC re streamlining NEWROC shire purchasing policies
- Jan Trenorden & James Gaunt (WA Police) re Youth Week activities
- Friends of the Cemetery re water/wind erosion mitigation
- Local Government Act reforms – Zoom meeting with Minister for LG
- NAB Building inspection
- David Blurton – CEO Shire of Narembeen re RoeROC regional landfill operation
- Ashley Fisher – Avon Waste re NEWROC regional landfill planning
- WALGA – Great Eastern Country Zone, Kellerberrin
- Health & Safety working group
- Local Emergency Management Committee – re emergency preparation
- Barb Garner – Senior Citizen Homes Trust re aged care services

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The CEO's activity promotes the Strategic Community Plan objectives particularly, those outlined in Goal 10 which calls on transparent, accountable and effective governance.

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships and advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(402/2021) Moved: Cr Petchell

Seconded: Cr Stratford

That Council accepts the Chief Executive Officer's report for the month of November/December 2021.

CARRIED 6/0

10.2.2. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER'S REPORT – NOVEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	10 December 2021
Reporting Officer:	Peter Toboss – Principal Environmental Health Officer (PEHO)
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	NIL

COMMENT

The PEHO attended the Shire office on 25 November 2021.

HEALTH, BUILDING AND PLANNING ENQUIRIES

The PEHO completed a total of six (6) health, building and planning enquiries in November 2021.

FOOD PREMISES INSPECTION

Nil

CONTACT REGISTER INSPECTIONS

The PEHO inspected four (4) businesses in town for compliance with COVID-19 Contact Register Directions. From 5 December 2020 it has been mandatory for specified businesses to implement and maintain a contact register of all persons who attend their business premises.

RECYCLED WASTEWATER SAMPLING

The PEHO undertook the monthly sampling of Wyalkatchem Wastewater Treatment Plant in accordance with the Department of Health Guidelines for the *Non-Potable Uses of Recycled Water in Western Australia (2011)*. The laboratory results of the water sample taken from the Shire storage dam outlet for November 2021 met the required standards.

SWIMMING POOL WATER SAMPLING

The swimming pool water sampling for November was undertaken and the test results met the required standards.

HOUSE UNFIT FOR HABITATION INSPECTION

The PEHO conducted inspection of a dwelling house on 13 Piesse Street, for compliance with section 135 of the *Health (Miscellaneous Provisions) Act 1911*. The inspection found the dwelling to be in poor condition but still habitable at the time of the inspection.

The property owner/occupier will be issued with a notice under section 3.25 of the *Local Government Act 1995* - Notices requiring certain things to be done by owner or occupier of land and an ongoing monitoring of this property will be undertaken by the PEHO.

NOISE COMPLAINT- SLOCUM STREET, WYALKATCHEM

In November, the Shire received a noise complaint from a resident regarding a loud stereo noise from Slocum Street. No further action has been required.

STATUTORY ENVIRONMENT

Public Health Act 2016

Food Act 2008

Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships and advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(403/2021) Moved: Cr Stratford

Seconded: Cr Garner

That Council accept the attached PEHO Report for November 2021.

CARRIED 6/0

10.2.3. FORMER NATIONAL AUSTRALIA BANK BUILDING

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 December 2021
Reporting Officer:	Peter Klein – CEO
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01A
Attachment Reference:	Attachment 10.2.3.1 – Condition Report Attachment 10.2.3.2 – Hazardous Materials Report Sept 2016

BACKGROUND

NAB has approached Council asking if it would be interested in having the bank building gifted to it. The NAB has proposed the negotiation of a Deed of Gift. The draft Deed has not yet been provided however, in respect to the terms likely to be included in the Deed NAB has advised as follows;

In relation to NAB's conditions – they are really positive obligations to limit the possibility of Council, a Mortgagee who comes into possession, or a future owner should Council sell the or lease the premises within 5 years, – not honouring the intent of the gift.

NAB will lodge a Caveat to support the Deed and the Deed will contain an Option to re-acquire, should the Deed be breached within the 5 years.

The Deed will also cover items such as acceptance of the Property as is.

I've provided a couple of excerpts from the Deed we used in a recent gifting in NSW. I've also requested that our lawyers provide a draft for Shire of Wyalkatchem as soon as possible.

Naturally, NAB is happy to discuss reasonable amendments to the Deed.

Lloyd

Council Obligations

The Council agrees that:

- (a) it will not sell, agree to sell, assign, lease, license, part with possession of, transfer or otherwise dispose of the Land or any part thereof or any estate or interest in the Land to a bank or financial institution without obtaining the prior written consent of NAB, which consent may be withheld by NAB in its absolute discretion, for a period of 5 years from the Completion Date **provided that** NAB may not unreasonably withhold consent in relation a lease, licence or parting with possession to a bank or financial institution for a period not exceeding 5 years and **provided further that, for the avoidance of doubt**, no such consent shall be required to otherwise sell, assign, lease, licence, part with possession of, transfer or otherwise dispose of the Land or any part thereof or any estate or interest in the Land.

7.1 Option

- (a) If at any time after the Completion Date the Council breaches any of the Council's Obligations and the breach is not remedied within thirty (30) days after written notice to the Council specifying the breach then NAB has the option upon giving to the Council thirty (30) days' notice in writing to re-acquire the Land for an estate in unencumbered fee simple in possession from the Council.
- (b) it will not mortgage, charge or encumber the Land or any part thereof or any estate or interest in the Land for a period of 5 years from the Completion Date unless:
 - (i) the person to whom any such right or interest is to be granted (**Mortgagee**) has first executed a deed of covenant in such form as NAB requires to be prepared by NAB's solicitors at the cost and expense in all respects of the Council or the Mortgagee (as the case may be) which deed contains (among other things) covenants by the Mortgagee in favour of NAB that (so long as the Mortgagee has any interest in the Land):

Council's Obligations:

- (c) it will not, and will not allow any third party, to do anything on the Land which is unlawful, immoral, noxious, offensive, hazardous or likely to cause nuisance, interference, injury or unreasonable disturbance to any neighbours or to the community at large for a period of 5 years from the Completion Date; and
- (d) it will, at its cost, publicly recognise NAB's contribution to the Council.

As there are no tax implications from the transfer, the only cost the Council will incur as a result of this gift will relate to the loss of council rates and the cost of any maintenance that the Council chooses to perform.

Control of this building provides the opportunity for Council to engage community to identify an alternate purpose and to seek grant funding to develop the building for this purpose. It is unlikely the Council would develop the building in the absence of grant funding.

Council's intention should be to use the building for the community's benefit and in a manner that enhances services and the general wellbeing of Shire residents.

Prior to hand-over, NAB will make the building safe which includes the removal or stabilisation of any hazardous building products.

LGIS advises that the transfer of this building into the Shire's asset register may result in an adjustment to our insurance premium. The premium adjustment won't be calculated until after the end of the current insurance period which expires 30 June 2022. We can expect that the premium will increase.

A copy of a 2018 condition assessment is attached but its key conclusions are as follows;

1. Replace timber to verandah posts on the western side of the building. Concrete will have to be cut, new posts and stirrups fitted and re concrete around stirrups. Estimated cost for the work:
Two carpenters two days' work to remove concrete around posts, fit new posts on stirrups and concrete around stirrups. \$4,064. Action required as soon as possible
2. Repairs to the cracks to the front elevation wall and re paint including the parapet wall on the roof side, gutters and downpipes and all timber. The box gutters can be treated with rust inhibitor and painted which should last for quite a few years. The estimated cost for the work:
Two painters seven days' work including the cost of mobile scaffold to completely repaint outside \$11,680. Action required after carpenters complete.
3. Remove rear timber wall and addition to the west side of the building and return to rear verandah. Noticed approx. 66 square meters of asbestos but may be more, needs to be checked when demolishing. The asbestos needs to be removed by a licenced contractor, wrapped in plastic and buried at a refuse site allocated for asbestos. This would need an inspection by the contractor and priced accordingly. Once asbestos removed then carpenters can remove the rear wall and timber frame to the addition. An estimate for the carpenters to demolish timber (not asbestos) and rebuild verandah including rubbish tip fees for timber \$9,771. Action required as soon as possible.
4. Roof tiles need to be cleaned using a high-pressure cleaner and ridge, valley capping rebidder with cement where necessary. The estimated cost of the work:
Roof restorer two days including materials \$1,630. Action required prior to painting.
5. Concrete to rear verandah section recommended. The estimated cost for the works:
Two concreters one day to form and pour concrete \$844. Action required after carpenter complete work to rear.
6. Minor work required to patch step crack to brickwork, hole in brickwork to the western side of the building and to remove soil from vent area. Estimated cost of the works:
One labourer 4 hours plus materials. \$380. Action required before painting.

Also attached is a hazardous materials report.

STATUTORY ENVIRONMENT

The Shire of Wyalkatchem has the authority to acquire land under the Local Government Act, section 3.59. A transaction is exempt for the purposes of Ministerial approval if the total transaction value is the less than \$2M or 10% of annual expenditure from the municipal fund.

The proposed transaction is an exempt transaction.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Loss of rates, any minor maintenance undertaken and costs associated with community consultation and grant writing.

COMMUNITY & STRATEGIC OBJECTIVES

The recommendation before Council is generally in accordance with the following objective and actions outlined in the Shire of Wyalkatchem Strategic Community Plan.

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships and advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(404/2021) Moved: Cr Gamble

Seconded: Cr Garner

The Council agrees in principle to being gifted the Wyalkatchem National Australia Bank (NAB) building and authorises the CEO to negotiate a Deed of Gift with NAB administration to facilitate this transfer.

CARRIED 5/0

Cr Stratford left the meeting at 5:08pm

Cr Stratford returned to the meeting at 5:11pm

10.2.4. LOCAL GOVERNMENT REFORM

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	3 December 2021
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.4 – LG Reform WALGA Recommendations

BACKGROUND

The Minister for Local Government has released a package of proposed reforms to the Local Government Act which, were developed from various reports including the Local Government Review Panel Final Report that was published in May 2020.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

Comments on the proposed reforms are to be submitted to actreview@dlgsc.wa.gov.au by 5pm 25 February 2022.

The proposed reforms and draft WALGA responses are attached for consideration.

POLICY IMPLICATIONS

There are various direct policy implications in relation to this item and current policies will be reviewed subject to the reforms ultimately adopted by the Minister for implementation.

FINANCIAL IMPLICATIONS

There will be financial implications in relation to many reform proposals which will involve additional compliance & procedural obligations. The implications will not be fully understood until the Minister's endorsement is known.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally addresses the following objectives from the Shire's Strategic Community Plan.

Goal 10 Transparent, accountable and effective governance and
Goal 12 Form strategic partnerships and advocate for the Community.

Goal No.	Action No.	Actions
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships and advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(405/2021) Moved: Cr Petchell

Seconded: Cr Garner

- ***That Council determines a position in respect to each of the proposed Local Government Act reforms and submits a response to the reform panel where its position differs from that proposed by WALGA.***
- ***That Council invite the Minister to address Council at the earliest convenience on the LG Reform issue.***

CARRIED 6/0

Cr Holdsworth left the meeting at 5:22pm

Cr Holdsworth returned to the meeting at 5:24pm

Cr Petchell left the meeting at 5:25pm

Cr Petchell returned to the meeting at 5:26pm

10.2.5. REPRESENTATIVES TO COMMUNITY BASED COMMITTEE

Applicant:	Shire of Wyalkatchem
Date:	7 December 2021
Reporting Officer:	Peter Klein, CEO
Disclosure of Interest:	No interest to disclose
File Number:	13.05.08
Attachment Reference:	Nil

BACKGROUND

During a meeting on 2 December with Barb Garner, Chair of the Senior Citizens Home Trust, an invitation was extended to the Shire to participate in future meetings of this group.

The provision of housing to our ageing community has been a long-term strategic priority for Council and the alignment of Council and the Homes Trust on this objective makes Council support for the objective of the Homes Trust a logical initiative.

In future, the Homes Trust could be a player in the provision of in-home care & support which is a potential extension of Council's strategic focus on coordinating aged care services and making the choice to age in place, in Wyalkatchem an easier decision.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council delivers upon the following council objective and strategies;

Objective.	Action	Strategy
Provision of services for all ages & abilities	1.1.3.3	Enhance availability of in-home aged care services.
	1.1.3.7	Ensure continued provision of sufficient retirement housing.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(406/2021) Moved: Cr Stratford

Seconded: Cr Gamble

- *That Council appoints a representative to the Senior Citizens Home Trust.*
- *That Council appoints the CEO and 2 representatives – Cr Garner and Cr Stratford.*

CARRIED 6/0

10.2.6. REVIEW OF COUNCIL MEETING AND AUDIT COMMITTEE MEETING DATES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2021
Reporting Officer:	Stephanie Elvidge – Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.5.12
Attachment Reference:	NIL

BACKGROUND

Council had adopted policy number 6.1 Ordinary Council Meeting Dates which stipulates that the Ordinary Council Meetings be conducted on the Third Thursday of each month, except January, unless otherwise determined by a Council as a ‘Special Meeting’ and that Council meetings commence at 4pm, with Public notice to be given annually.

COMMENT

As elected representatives in local government, elected members are required to attend Council and committee meetings. It is in meetings that elected members participate in discussion and debate on a wide variety of issues to make decisions representing the overall public interest of the local government area.

Elected members have a duty and responsibility to attend all council meetings to ensure that the district’s electors are adequately represented. The number of council and committee meetings that elected members will be required to attend will vary according to the frequency of their local government’s scheduled ordinary and committee meetings.

Ordinary Council Meetings

Ordinary council meetings are formal meetings of the elected council members and are required to be open to the public (although under certain conditions, council meetings can be closed under provisions of the Act). In order to promote the transparency and accountability required for good governance the closed meeting provisions should be applied as infrequently as possible.

Section 5.3 of the *Local Government act 1995* (the Act) requires a council to hold ordinary meetings and provides that they may hold special meetings. Ordinary meetings are to be held not more than three (3) months apart.

While section 5.3 of the Act requires Council meetings to be held not more than three (3) months apart, the *Local Government (Financial Management) Regulations 1996* section 34(1)(a) requires the Financial Activity Statement required each month to be presented at the Ordinary meeting of Council within 2 months after the of month to which the statements relate. Therefore it is compliance with the *Local Government (Financial Management) Regulations* driving the minimum frequency meeting structure.

Committee Meetings

The Act enables councils (section 5.8 of the Act) to form committees to assist it with its functions. Committee members can include elected members, employees and members of the public in a variety of combinations. Committees can operate with council delegated decision making powers or solely on an advisory basis. Advisory committees where members are drawn from both council

and the community give the community a significant opportunity to provide input into the council's decision making meeting process

As required under the Act, Council operates an Audit Committee, being the Audit and Risk Committee. This is the only committee that currently exists under section 5.8 of the Act.

Review and Recommendation

On completion of its consideration of the effectiveness of the 12 month meeting structure for the 2021 calendar year, it is recommended that the November meeting is reinstated, and that the January month remains clear.

Ordinary Council Meetings

To be conducted on the Third Thursday on the month as follows;

No January Meeting

17 February 2022

17 March 2022

21 April 2022

19 May 2022

16 June 2022

21 July 2022

18 August 2022

15 September 2022

20 October 2022

17 November 2022

15 December 2022,

unless otherwise determined by the Shire President as a 'Special Meeting', and that Council meetings commence at 4pm, unless otherwise determined by the Shire President.

Audit and Risk Committee Meetings

That the Audit and Risk Committee Meeting be conducted on the Third Thursday on the month as follows;

17 February 2022

19 May 2022

15 September 2022

15 December 2022

That Audit and Risk Committee meetings commence at 3pm, unless otherwise determined by the Shire President.

That, in accordance with the Act, both meetings are open to the public, with the exception of confidential matters as defined under section 5.23(2) of the Act, where the meeting or part of the meeting is closed to the public.

STATUTORY ENVIRONMENT

The matter of the role of Council and conducting of Council and Committee meetings are prescribed within the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, and *Local Government (Rules of Conduct) Regulations 2007*.

In particular, the following statutory environment is referenced in relation to this item;
Local Government Act 1995- Section 5.3(2)
Local Government Act 1995- Section 5.8
Local Government Act 1995- Section 5.23
Local Government (Administration) Regulations 1996 – Regulation 12(1)
Local Government (Financial Management) Regulations 1996 section 34(1)(a)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal 10: Community and customer service focus

Goal 10	Strategies	
Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.2	Ensuring sound financial management and plans for the Shire's long term financial sustainability
	10.3	High quality corporate governance, accountability and compliance
	10.4	Maintaining integrated strategic and operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(407/2021) Moved: Cr Stratford

Seconded: Cr Gamble

That Council,

- 1. Consider and endorse the dates for the Ordinary Council Meetings and the Audit and Risk Committee meetings for the 2022 calendar year as recommended.**
- 2. In accordance with the Local Government (Administration) Regulations, gives public notice of the Ordinary Council Meeting dates, Audit and Risk Committee Meeting dates and time and place.**

CARRIED 6/0

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS OFFICER'S REPORT - DECEMBER 2021

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	8 December 2021
Reporting Officer:	Terry Delane – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

COMMENT

SAFETY

1. Reported Incidents as follows;
 - a. Property damage at public toilets
 - b. Illegal dumping of an oil drum off the Trayning Rd
 - c. Unauthorised dumping at the Wylie tip by other Shire residents

ROADS – MAJOR PROJECTS

- Further inspection carried out with MRWA to discuss the scope for the Koorda Rd upgrade from SLK 0.00 to SLK 23.0. The estimate was completed in conjunction with MRWA and our road crew and then reviewed by MOW. Final estimate is \$6.98M with the Shire contribution of 7%. Program to be from 4 - 6 years.
- Traffic counters have now been deployed on both Elsegood Rd and Wylie Nth Rd.
- Clearing work has commenced on the Cunderdin Rd for the final stages of widening.
- Clearing work to complete sight lines on the Tammin - Divers - De Pierres Rd intersection.

MAINTENANCE AND MINOR WORKS

- Pothole repairs effected on Grace & Mitchell corner, Swan and Flint St X Rd, Wallambin & Lackman Rd.
- Culvert installed on the path over the rail line.
- Creek behind toilets completed with spoil used to fill in redundant creek west end.

PRIVATE WORKS

- Block levelling at the Men's Shed.
- Private road for Ballandeen Farms completed (stage 1 in August).

PARKS / TOWN SERVICES CREW

- Slashing work carried out to verges and town blocks.
- Fire ready inspections completed. Most OK, some needed assistance or reminding.
- Rec Ground reticulation rewiring booked in for early January.

SWIMMING POOL RENOVATION

- Contract Aquatics agreed to assist in running social activities.
- Pump-motor coupler replaced.

OTHER PROJECTS

- **Grace St Depot.**
 - Clearing work completed, fencing completed to extend to both blocks, most plant and equipment shifted in to shed.
 - Electrical work contracted.
 - Plans drafted and being costed for an in-situ steel and fibro training/crib room. Expected to be major savings in both cost and time frame.
- **WWTP**
 - Contractors left site for extended break. Expected back after New Year.
- **Gamble St Upgrade**
 - Asphalt, footpath and kerb.
- **Recreation Ground**
 - Rec Centre main line installed.
 - Turf block coming along nicely.
 - South wicket grass surrounds installed.
 - New light pole secured. Long lead time on light heads holding up install.
- **Vehicle/Plant**
 - Hired prime mover used to cover for the Isuzu which needed tip body repairs.
 - 000WM panel repairs completed under insurance.

STATUTORY ENVIRONMENT

There are no statutory environment implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The list before Council is generally in accordance with the desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Goal: Our built environment responds to the accessibility and connectivity needs of all.

Outcome No.		Action No.	Actions
Goal 8	Our built environment responds to the accessibility and connectivity needs of all	8.1	Improving safety on road, cycle and footpath networks
		8.2	Developing & planning community infrastructure to improve use & social interaction
		8.3	

		8.4	Implement Aged Friendly Plan Implement the Disability Access and Inclusion Plan (DAIP
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VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(408/2021) Moved: Cr Petchell

Seconded: Cr Gamble

That Council accept the Manager of Work's December Report.

CARRIED 6/0

10.4. PLANNING AND BUILDING

See item 14.2 DEVELOPMENT APPROVAL (DA) APPLICATION

11.MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13.URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

14.MATTERS BEHIND CLOSED DOORS

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(409/2021) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council moves behind closed doors in accordance with Section 5.23 (2)(b) and (e)(iii) of the Local Government Act 1995 which states, that a Council may move its meeting behind closed doors;

- ***to deal with matters that relate to the personal affairs of a person and***
- ***to deal with a matter that if disclosed, would reveal Information about the business, professional, commercial or financial affairs of a person.***

CARRIED 6/0

Mr Delane left the meeting at 5:49pm

Mr Delane re-joined the meeting at 5:50pm

Declaration of interests

Cr Garner declared an Impartiality Interest – see item 6.2

Cr Stratford declared a Financial Interest – see item 6.1

Council agreed that Cr Stratford will leave the room at 5:50pm prior discussion.

14.1. AIRPORT TERMINAL LICENCE AGREEMENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 December 2021
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	14.1 Confidential Amended Licence Agreement

BACKGROUND

The airport terminal is currently licensed to physiotherapist, Emily Gray. The Agreement commenced on 8th December 2020 and ceases on 7th December 2021.

Emily has requested a new licence and Council determined amended commercial terms for a replacement licence during its November meeting.

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

Council provides significant financial support to sustain services provided by doctor in Wyalkatchem. Physiotherapy is an important allied health service and the importance of this service and the precedent set by Council's support for the doctor, justifies Council providing the Airport Terminal to the physiotherapist at a subsidised rate.

FINANCIAL IMPLICATIONS

Budgeted Terminal Building expenses FY22 is approximately \$16,000 comprising \$8,390 of maintenance expense and the balance being depreciation. T

COMMUNITY & STRATEGIC OBJECTIVES

The recommendation before Council is generally in accordance with the following objective and actions outlined in the Shire of Wyalkatchem Strategic Community Plan.

Objective.	Action No.	Actions
A healthy, safe, active and engaged community.	1.1.1.8	Explore opportunities to expand the range and availability of health services.
	1.1.1.11	Licence the aerodrome building, or part thereof, for provision of allied health services.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(410/2021) Moved: Cr Gamble

Seconded: Cr Petchell

That the amended Licence with Emily Gray for use of the Airport Terminal for the operation of her physiotherapy practice be approved for execution under the common seal.

CARRIED 5/0

Cr Holdsworth left the meeting at 5:53pm

Cr Holdsworth and Cr Stratford returned to the meeting at 5:53pm

14.2. DEVELOPMENT APPROVAL (DA) APPLICATION

Applicant:	Shire of Wyalkatchem
Location:	Wilson Street, Wyalkatchem
Date:	23 November 2021
Author:	Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01 and 7.10
Attachment Reference:	Attachment 14.2 – Confidential Planning Application Documents

Executive Summary

This report considers a proposal to build a new shed measuring 6m x 12m at the rear of a commercial property in Wilson Street, Wyalkatchem.

Policy Implications

Under the provisions of Scheme 4, the Council has adopted various Local Planning Policies (LPPs) that deal with issues not necessarily relevant to the Scheme. These LPPs relate to the following topics;

1. Moveable Buildings
2. Homestead Lots
3. DA Delegation
4. Bed and Breakfast
5. Plantations
6. Rural Residential
7. Caretakers Residence and
8. Wylie Airstrip

Financial Implications

There are no financial implications applicable to this item.

Strategic/Risk Implications

There are no strategic or risk implications applicable to this item.

Objective: A sustainable natural and built environment

Outcome No.	Outcome	Action No.	Actions
3.1	A sustainable natural and built environment	3.1.1	Maintain an effective Local Planning Scheme

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(411/2021) Moved: Cr Gamble

Seconded: Cr Holdsworth

That the Council approves the proposed as submitted, plus the addition of standard footnotes to address approval times, appeal rights and the need for a building permit.

CARRIED 6/0

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(412/2021) Moved: Cr Gamble

Seconded: Cr Garner

That Council move out from behind closed doors.

CARRIED 6/0

15. INFORMATION BULLETIN

15.1. Information Bulletin

The information bulletin has been provided as an attachment (Attachment 15.1)

15.2. Business Arising from the Information Bulletin

Nil

16. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:59pm.