



**PUBLIC MINUTES**  
**OF THE**  
**ORDINARY MEETING**  
**OF COUNCIL**  
**HELD ON**  
**THURSDAY 21 April 2022**

**Council Chambers**  
**Honour Avenue**  
**Wyalkatchem**

**Commencement: 4:09pm**  
**Closure: 6:06pm**

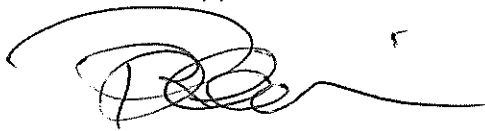
**Preface**

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**

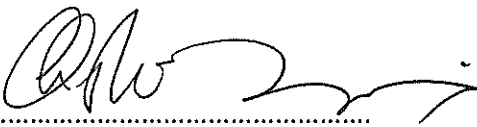
These minutes were approved for distribution on 27 April 2022



Peter Klein  
Chief Executive Officer

**Confirmed Minutes**

These minutes were confirmed at the Ordinary Meeting of Council held 19 May 2022.

Signed: .....  


Cr Davies, Shire President and Presiding Member  
Shire of Wyalkatchem

*Note: The Presiding Member at the meeting at which the minutes where confirmed is the person who signs above*

**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.

**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  
Cr. Christopher Loton

Staff:	Peter Klein	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Terence Delane	Manager of Works
	Raj Sunner	Manager of Corporate Services

**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 Kaye Bloomfield, long term resident and sportswoman, has recently passed away. Our condolences to the Bloomfield family.

It was advised that Edna Ruitenbergh, long term resident and previous Matron of the Wyalkatchem Hospital, has recently passed away. Our condolences to the Diver family.

**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**

Nil

**6.2. Impartiality Interests**

Nil

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Meeting of Council – 17 March 2022**

Minutes of the Shire of Wyalkatchem Ordinary Meeting of Council held on Thursday 17 March 2022 (Attachment 7.1.1)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(28/2022) Moved: Cr Stratford*

*Seconded: Cr Garner*

*That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 17 March 2022 (Attachment 7.1.1) be confirmed as a true and correct record.*

**CARRIED 7/0**

**7.2. Receipt of Minutes**

**7.2.1. NEWROC Council Minutes – 29 March 2022**

Minutes of the NEWROC Council Meeting held on Tuesday 29 March 2022 (Attachment 7.2.1)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(29/2022) Moved: Cr Petchell*

*Seconded: Cr Holdsworth*

*That the minutes of the NEWROC Council Meeting of Tuesday 29 March 2022 (Attachment 7.2.1) be received by Council.*

**CARRIED 7/0**

*Note: Council agreed to receive items 7.2.2 and 7.2.3 SRRG Minutes en bloc*

*(30/2022 Moved: Cr Gamble, Seconded Cr Stratford)*

**7.2.2. Wheatbelt North East SRRG Minutes – 7 February 2022**

Minutes of the Wheatbelt North East Meeting of Monday 7 February 2022 (Attachment 7.2.2)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*That the minutes of the Wheatbelt North East SRRG Meeting of Monday 7 February 2022 (Attachment 7.2.2) be received by Council.*

**7.2.3. Wheatbelt North East SRRG Minutes – 4 April 2022**

Minutes of the Wheatbelt North East Meeting of Monday 4 April 2022 (Attachment 7.2.3)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION:**

***That the minutes of the Wheatbelt North East SRRG Meeting of Monday 4 April 2022 (Attachment 7.2.3) be received by Council.***

***CARRIED 7/0***

**7.2.4. NEWTRAVEL – General Meeting Minutes – 23 February 2022**

Minutes of the NEWTRAVEL General Meeting of Thursday 23 February 2022 (Attachment 7.2.4)

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

***(31/2022) Moved: Cr Stratford***

***Seconded: Cr Petchell***

***That the minutes of the NEWTRAVEL General Meeting of Thursday 23 February 2022 (Attachment 7.2.4) be received by Council.***

***CARRIED 7/0***

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

Cr Davies welcomed Cr Loton to his first official meeting as Councillor and commented on how great it was to have a full Council after so many years.

Cr Davies thanked Councillors for their attendance and participation in the Roads Hierarchy meeting and the community consultation budget discussion. Cr Davies valued CEO Peter Klein's presentation and management of the event.

There is a WALGA Zone meeting on the 26<sup>th</sup> April, 9:30am, at the Kellerberrin Recreation Centre. All Councillors are welcome to attend.

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

**9.1. 14.1 Recalcitrant Rates**

**9.2. 14.2 Shed Development Approval**

**9.3. 14.3 Shed Development approval**

## **10.REPORTS**

### **10.1. CORPORATE AND COMMUNITY SERVICES**

#### **10.1.1. ACCOUNTS FOR PAYMENT – MARCH 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	10 April 2022
Reporting Officer:	Rajinder Sunner – Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1.1 – Accounts for Payment – March 2022 Attachment 10.1.1.2 – Certificate of Payment – March 2022

#### **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.

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. *See attachment 10.1.1.2.*

#### **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
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(32/2022) Moved: Cr Gamble      Seconded: Cr Stratford*

*That Council endorse the payments for the month of March 2022, (refer attachment 10.1.1.1) being \$259,839.18, which comprised of:*

- 1. Electronic Funds Transfer (EFT) payments from the Municipal Fund totalling \$200,849.15(EFT 1820 – 1884);*
- 2. Direct Debit (DD) payments from the Municipal Fund totalling \$58,990.03 (DD1931.1 – DD1970.11).*

**CARRIED 7/0**

**10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – FEBRUARY 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 April 2022
Reporting Officer:	Parul Begum – Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Cards – February 2022

**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 FY21/22 Annual Budget.

**COMMUNITY & STRATEGIC OBJECTIVES**

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

**Goal 10 - TRANSPARENT, ACCOUNTABLE AND EFFECTIVE GOVERNANCE**

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

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

***(33/2022) Moved: Cr Stratford***

***Seconded: Cr Petchell***

***That Council endorse credit card payments for the period 29 January 2022 to 28 February 2022, totalling \$216.38 (refer attachment 10.1.2).***

***CARRIED 7/0***

### 10.1.3. MONTHLY FINANCIAL REPORT – MARCH 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 April 2022
Reporting Officer:	Rajinder Sunner, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report March 2022

#### 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 to the Statements of Financial Activity are provided 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

Total Cash Available as at 31 March 2022 is \$4,410,999. Cash available is made up of Unrestricted cash \$1,849,874 (41.9%) and Restricted cash \$2,561,125 (58.1%) backed by various reserves.

Rates Debtors balance as at 31 March 2022 is \$84,844 Rates Notices for 2021-22 were issued in August 2021. Rates collected as at end of March 2022 was \$1,303,598 – 93.90%.

**Mar 2022:** Operating Revenue – Operating revenue of \$2,447,492 is made up of Rates - 54%, Grants - 35%, Fees and Charges - 9% and other – 2%.

Operating Expenses – Operating expenses of \$3,607,147 is made of Depreciation - 31%, Employee Costs – 27%, Materials and Contracts – 34%, Insurance – 4% and Utility – 3% and Other Charges – 1%.

**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
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION**

*(34/2022) Moved: Cr Holdsworth                      Seconded: Cr Gamble*

*That Council accepts the Statement of Financial Activity for the month ending 31 March 2022 (refer attachment 10.1.3).*

**CARRIED 7/0**

#### 10.1.4. BUDGET AMENDMENTS RE ROADS ADVANCE PAYMENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 April 2022
Reporting Officer:	Rajinder Sunner, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.05.06
Attachment Reference:	Attachment 10.1.4. Email – Advance Payment of 2022-2023 FAG

#### SUMMARY

To consider the Shire of Wyalkatchem financial position as at 13 April 2022 and performance in relation to the adopted budget and projections estimated for the remainder of the financial year.

#### BACKGROUND

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

#### COMMENT

**1. FAGS payment of \$1,409,588 for 2022-23.**

Federal Assistance Grants (FAGS) have been received early this year. Normally 60% of the grant payment is made in June with the balance paid by quarterly instalments. The Federal Government released payment early to assist Local Governments affected by floods.

Due to a large amount received as pre-payment in April 2022, Grant commission recommended that the Shire amend the current budget.

This amount received will be reflected in our closing balance/ carried forward balance and we will receive less payment in 2022-23 as a quarterly payment.

**2. Stormwater drainage Funds re-allocated to new project:**

The total budget for stormwater drainage projects was \$555,083 – DWER \$179,579 {32%}, LRCIP Phase 2 \$226,756 {41%} and Shire contributed \$148,568 {27%}. We now have completed two projects, Railway Terrace and Flint and Gamble Street. There is \$154K unspent on this project, thus a budget amendment to allocate funds to – Thurston Street and Railway Terrace.

**3. Re-Allocate R2R funds:**

When the budget was adopted in July 2021, McNee Road was selected and allocated \$208,917, but actual allocations for 2021-2022 from R2R is \$283,917 – a shortfall of \$75,000. Terry Delane reassessed the McNee Road Project and identified that two extra roads can be completed within the R2R budget allocations of 2021-22. The budget amendment is to recognise an extra funding income of \$75,000, transfer \$77,345 from McNee Road and add Elsegood Road with estimated costs of \$124,000 and fix up the Gnuca corner with an estimated cost of \$28,345.

**4. RRG – Recognise extra income for 2020-21:**

Work completed in 2020-2021 under regional road group {RRG} funding, final claim wasn't lodged. We have submitted a final invoice in April for \$49,936. We required more funds to complete review of Council Policies, Local Laws, Long Term Financial Plans - \$13,000 is

allocated to fund the extra cost anticipated. The balance of \$36,936 will be part of the closing balance for FY 2021-2022.

**CONSULTATION:**

Chief Executive Officer  
 Manager of Work and Services

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**6.8. Expenditure from municipal fund not included in annual budget**

*\* Absolute majority required.*

(1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government’s annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The budget will be amended to reflect the variances to estimated budget 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
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>• Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>• Ensuring sound financial management and plans for the Shire’s long-term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>• High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>• Maintaining Integrated Strategic and Operational plans</li> </ul>

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

**(35/2022) Moved: Cr Holdsworth**

**Seconded: Cr Gamble**

**That Council adopt by absolute majority the following budget amendments.**

GL Code	Description	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
<b>FAGS Received EARLY for 2022-23</b>					
3030210	GEN PUR - Financial Assistance Grant - General 2022-23	Operating Revenue	\$988,250		\$988,250
3030211	GEN PUR - Financial Assistance Grant - Roads 2022-23	Operating Revenue	\$421,338		<b>\$1,409,588</b>
<b>Transfer funds to New Stormwater Drainage work</b>					
CIO005	Railway Terrace Stormwater	Capital Expense	\$165,271		\$1,409,588
CIO006	Flint and Gamble Intersection-Stormwater	Capital Expense		-\$11,000	\$1,563,859
<b>CIO014</b>	<b>Railway Tce and Thurston St Stormwater</b>	Capital Expense		<b>-\$154,271</b>	\$1,409,588
<b>Transfer funds to New R2R Road Project</b>					
3120111	ROADC - Roads to Recovery Grant	Capital Revenue	\$75,000		\$1,484,588
R2R09	McNee Road	Capital Expense	\$77,345		\$1,561,933
R2R130	R2R - WYLIE-KOORDA RD (Gnuca Corner) SLK 7.90 - 8.30	Capital Expense		-\$28,345	\$1,533,588
R2R03A	R2R - ELSEGOOD ROAD	Capital Expense		-\$124,000	\$1,409,588
<b>Extra income from RRG 2020-21 final adjustmnet claim - April 2022</b>					
3120110	ROADC - Regional Road Group Grants (MRWA)	Capital Revenue	\$49,936		\$1,459,524
2040285	OTH GOV - Compliance/Reviews expenditure	Operating Expenses		-\$13,000	\$1,446,524
			<b>\$1,777,140</b>	<b>-\$330,616</b>	<b>\$1,446,524</b>

**CARRIED 7/0**



## **10.2. GOVERNANCE AND COMPLIANCE**

### **10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 April 2022
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;

- John Bogoevski – Operations Manager, Catholic Homes;
- Wyalkatchem Senior Citizens Homes Trust re local aged care services;
- Roundtable session re GP recruitment - Local Government Minister John Carey;
- Staff toolbox meeting;
- Audit entrance meeting – Macri Partners & OAG representatives;
- Stephen Tweedie re review of Shire policies;
- NEWROC Council meeting (via Teams);
- Mike Jones – LIGNA Construction re Waterwise Garden refurbishment;
- Brendan Eaton re caravan park settlement & next steps;
- Dr Emmanuel Awogun – re GP recruitment & Medical Centre operations;
- Sally Putt re-entrance & directional signage.

#### **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 direct 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
<b>10</b> <b>Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
<b>12</b> <b>Form strategic partnerships and advocate for the community</b>	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 RECOMMENDATION / COUNCIL RESOLUTION**

*(36/2022) Moved: Cr Petchell*

*Seconded: Cr Stratford*

*That Council accepts the Chief Executive Officer's report.*

**CARRIED 7/0**

**Information only –**

**CRC LIBRARY STATISTICS**

**Council KPI figures for Q3**

**Date range is 01/01/2022 to 31/03/2022**

ITEM#	DESCRIPTION	METRIC
1	Number of current users	82
2	Number of active users	14
3	Number of loan transactions	159
4	Number of Overdue items	76

*Cr Stratford left the meeting at 5:29pm*

*Cr Stratford re-joined the meeting at 5:30pm*

### 10.2.2. NAB BUILDING - GIFT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 April 2022
Reporting Officer:	Peter Klein – Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.2 – Deed of Gift

#### SUMMARY

NAB is the registered owner of the property located at Lot 5, Railway Tce Wyalkatchem and has offered to donate the property to the Shire of Wyalkatchem subject to certain conditions outlined in a Deed of Gift drafted to support this transaction.

#### COMMENT

The key terms of this agreement are as follows;

##### Purpose of Gift

NAB has agreed to gift the Property to the Shire for the purpose of providing community services to the broader Wyalkatchem community.

##### Shire 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 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 Settlement provided that NAB may not unreasonably withhold consent in relation to a lease, licence or parting with possession for a period not exceeding 5 years and provided further that no such consent shall be required in the case of a licence or parting with possession for the purposes of short term (being a period not exceeding 21 days) rental accommodation;
- b) it will not mortgage, charge or encumber the Property or any part thereof or any estate or interest in the Property for a period of 5 years from Settlement 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 Shire or the Mortgagee (as the case may be) which deed contains (among other things) covenants by the Mortgagee in favour of NAB.

##### Covenants are then listed

Immediately following registration of the Transfer, the Shire agrees that NAB is permitted to lodge an absolute caveat on the Certificate of Title to the Land to protect its interests under this deed and the Shire charges its interest in the Land to NAB for this purpose.

Each party pays for its own legal expenses

Option

If at any time after Settlement the Shire breaches any of the Shire's Obligations and the breach is not remedied within thirty (30) days after written notice to the Shire specifying the breach then NAB has the option to give the Shire thirty (30) days' notice in writing to re-acquire the Property for an estate in unencumbered fee simple from the Shire.

The Specified Encumbrances are:

- II. Memorial K705695 lodged pursuant to the Heritage of Western Australia Act 1990 (WA); and
- III. the reservations and conditions contained in the Crown grant of the Land.

The Shire:

- I. accepts the transfer of the Property subject to the Specified Encumbrances; and
- II. has no right to make any objection in respect of any of the Specified Encumbrances.

NAB commits to use its reasonable endeavours to complete the works within 30 days of signing the deed.

The Shire acknowledges that:

- (a) it has inspected the Property and accepts it in its condition and state of repair as at the date of this deed;
- (b) it is satisfied in all respects as to the nature, quality and state of repair of the Property;
- (c) no warranty or representation is made by NAB;
- (d) the Property is gifted with the NAB Works complete but otherwise on an 'as is, where is' basis and subject to all faults and defects (whether latent or patent) and in their present state of repair, condition, dilapidation and infestation;
- (e) NAB is under no liability or obligation to the Shire to carry out any repairs, alterations or improvements to the Property other than the NAB Works;
- (f) it is satisfied about the purposes for which the Property may be used and about all restrictions and prohibitions on its development.
- (g) On and from the Settlement Date the Shire must at its own cost assume all responsibility for and indemnify and release NAB from and against all costs arising from the presence of any Contaminant found on, in, above, under or emanating from the Property either before or after Settlement. The provisions of this clause **Error! Reference source not found.** do not merge on Settlement.

**STATUTORY ENVIRONMENT**

The Shire is exempt from any taxes or duties applicable to transactions of this nature.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There will initially be a loss of rates revenue and some conveyancing cost associated with this transaction.

The building itself requires investment to repurpose. The extent of this investment can only be known once a purpose for the building is agreed. Grant funding will be sought to pay for or off-set the direct cost of this investment to the Shire.

**COMMUNITY & STRATEGIC OBJECTIVES**

Under the Deed of Gift the building must initially be used for a purpose that delivers benefit to the community.

**Key Result Area 2: Council services support & facilitate local business activity.**

**Key Result Area 3: Public spaces encourage & facilitate community activities.**

Goal No.	Action No.	Actions
2	2.1.2.4	Mobilise new or existing community assets to support economic activity and job creation
3	3.1.1.1	Council maintains open spaces, gardens & sporting facilities in a conditions that reflects our town pride.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(37/2022) Moved: Cr Stratford*

*Seconded: Cr Garner*

*That Council approves the Deed of Gift and its execution under common seal in accordance with clause 9.49A (1)(a) of the Local Government Act 1995.*

**CARRIED 7/0**

### 10.3. WORKS AND SERVICES

#### 10.3.1. MANAGER OF WORKS OFFICER'S REPORT MARCH – 13 APRIL 2022

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	13 April 2022
Reporting Officer:	Terry Delane – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### BACKGROUND

To inform Council of the activities of the works and services team during the months of March / April 2022.

#### COMMENT

#### SAFETY

1. Reported Incidents as follows;
  - a. Light pole unhinged
  - b. Flood over highway – MOW
  - c. Minor arm injury MOW
  - d. Follow up data required for power line issue.

#### ROADS – MAJOR PROJECTS

- **Regional Road Group.**
  - Steering Committee note below for SRRG
  - Resealing of the Cunderdin and Tammin Roads were expected to start last week, but weather delays have pushed the date out by a week or so.
  - The reconstruction work is still under negotiation. (Tammin Rd SLK 17.45-17.85 and Cunderdin Rd SLK 28.85 – 31.05)
- **Wheatbelt Secondary Freight Network**
  - Nominations for the Technical Committee are as follows: Tech Representative - Rod Munns, MECS; Proxy Glen Brigg, Shire of Yilgarn.
  - Nominations for the Steering Committee are as follows: Eileen O'Connell, Shire of Muka; Geoff Waters, Shire of Nungarin.
  - Funding rejected for 2023-2024 Koorda Road work. The intention is to reapply with possibly a smaller scope. Main Roads opinion at this time is that in the State's Priority roads program, Koorda Rd is a Priority 4 and unlikely to increase to a P3 or a P2. The funding is generally for a "route" not a section of the road, which is why MRWA has recommended the whole Wylie to Cowcoving section be nominated.
- **Roads 2 Recovery.**
  - Clearing work started on McNee Rd North. Concentration is currently on the north end and delayed due to boggy conditions. The scope has been reduced to fit a revised budget figure of \$130K.

- Work will be conducted from Turner Rd North to Wallambin Rd, with re-sheeting from the Wallambin end back, potentially 3 kms max.
- The funds released from the R2R revised budget are being redistributed to the Gnuca Corner on the Wylie – Koorda Rd and the remainder to Elsegood Road shoulder work.
- **Roads Working Group**
  - It is my intention to include a separate section on this group's activities in my monthly reporting.
  - Outcomes from the planning session on the 13<sup>th</sup> April will be included as separate attachments.
- **Black Spot Projects**
  - Benjiberring Hindmarsh and Davies South Roads are still to be safety audit assessed.
  - A conversation with MRWA (Ali) suggests we should apply for Black Spot Funding for the Gnuca Corner for completion in 2023/24. Applications close 7<sup>th</sup> July.

#### **ROADS – GENERAL**

- Some maintenance grading has been undertaken whilst the roads are damp – Wylie North, Martin Rd, Wallambin (east end) and Garn Road.

#### **PRIVATE WORKS**

- Nil completed this month.

#### **PARKS / TOWN SERVICES CREW**

- New light pole finished with very good lumen.
- New goal posts installed.
- Cemetery seat and notice board installed. General maintenance re-started. Overall upgrade to be scoped.

#### **SWIMMING POOL RENOVATION**

- Rudimentary scope received from Peter Jacques. Scope to be drafted and market tested.

#### **GRACE ST DEPOT.**

- Minimal progress on the Western Power application.
- Minimal progress on the Water Corporation application.

#### **GAMBLE ST UPGRADE**

- Project complete as per scope of works.
- Handrails to be installed as part of street infrastructure.

#### **WYLIE WATERPROOFING - NATIONAL GRID CONNECTION PROJECT**

- All pricing received, significantly over funding budget. DNER will assess further.

#### **VEHICLE/PLANT**

- Taken delivery of MOW Hilux.

**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
<b>Goal 8</b>	<b>Our built environment responds to the accessibility and connectivity needs of all</b>	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

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(38/2022) Moved: Cr Petchell*

*Seconded: Cr Gamble*

***That Council accept the Manager of Work's (MOW) Report for the months of March to 13 April 2022.***

**CARRIED 7/0**



**10.4. PLANNING AND BUILDING**

**10.4.1. DEVELOPMENT APPROVAL REQUESTS – SEE 14.1 ITEMS BEHIND CLOSED DOORS**

14.2. Shed Development approval

14.3. Shed Development approval

**10.4.2. BUILDING APPLICATIONS RECEIVED**

Nil

**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**

- Recalcitrant Rates (Overdue Rates and Charges) as at 31 March 2022
- Shed Development approval Lot 800 (HN 4398) Goomalling-Wyalkatchem Road, Benjaberring.
- Shed Development approval Lot 11667 (HN 258) Parsons Rd, Korrelocking.

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

*(39/2022) Moved: Cr Stratford*

*Seconded: Cr Loton*

*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 7/0**

**14.1. RECALCITRANT RATES**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	02 April 2022
Reporting Officer:	Louise Sequerah
Disclosure of Interest:	No interest to disclose
File Number:	25.08.01
Attachment Reference:	14.1 - Recalcitrant Rates Debtors - as at 2022-03-31.pdf

**SUMMARY**

The Shire of Wyalkatchem recalcitrant rates debtors report as at 31 March 2022 details

- non-pensioner assessments
- not paying on an arrangement,
- not paying by instalments,
- with a total amount outstanding of more than \$100.

**STATUTORY ENVIRONMENT**

It is an offence for Council not to recovery outstanding rates and charges.

*Local Government Act 1995.*

- 6.57. *Non-compliance with procedure in Act not to prevent recovery of rate or service charge*  
*In proceedings by or on behalf of a local government for the recovery of an amount due in respect of a rate or service charge, failure by the local government to comply in respect of the rate or service charge with the provisions of this Act, is not a defence, if it appears that it had the power to impose, and did in fact assent to the imposition of, the rate or service charge.*

**POLICY IMPLICATIONS**

Policy 2.10 Revenue Collection.

**FINANCIAL IMPLICATIONS**

In 2021/2022, a budget of \$3,500 exists for Rates Debt Collection Expenses. To date we have expended \$7,018.00 for debt recovery. All expenses for debt recovery are on-charged to the ratepayer and held as an additional debt on the property.

**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
10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

***(40/2022) Moved: Cr Petchell***

***Seconded: Cr Stratford***

***That the Council receives the report of Recalcitrant Rates Debtors as presented in the attachment "14.1 - Recalcitrant Rates Debtors - as at 2022-03-31.pdf"***

***CARRIED 7/0***

## 14.2. DEVELOPMENT APPROVAL (DA)

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

Applicant:	Goomalling-Wyalkatchem Road, Benjaberring
Location:	Shire of Wyalkatchem
Date:	12 April 2022
Reporting Officer:	Peter Klein
Author:	Paul Bashell, Planwest (WA) PTY LTD
Disclosure of Interest:	No interest to disclose
File Number:	7.10
Attachment Reference:	DA as submitted

### Statutory Environment

Planning and Development Act 2005

Shire of Wyalkatchem Local Planning Scheme No 4

### Policy Implications

There are no policy implications applicable to this item.

### 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 RECOMMENDATION / COUNCIL RESOLUTION

*(41/2022) Moved: Cr Gamble*

*Seconded: Cr Stratford*

*That the Council approves the proposed shed as submitted and shown in Figure 5, plus the addition of standard footnotes to address approval times, appeal rights and the need for a building permit.*

**Footnotes**

1. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
2. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
3. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.

**CARRIED 7/0**

**14.3. DEVELOPMENT APPROVAL (DA)**

Applicant:	Parsons Rd, Korrelocking
Location:	Shire of Wyalkatchem
Date:	12 April 2022
Reporting Officer:	Peter Klein
Author:	Paul Bashell, Planwest (WA) PTY LTD
Disclosure of Interest:	No interest to disclose
File Number:	7.10
Attachment Reference:	DA as submitted

**Statutory Environment**

Planning and Development Act 2005

Shire of Wyalkatchem Local Planning Scheme No 4

**Policy Implications**

There are no policy implications applicable to this item.

**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.

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 RECOMMENDATION / COUNCIL RESOLUTION**

**(42/2022) Moved: Cr Gamble**

**Seconded: Cr Stratford**

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

**Footnotes**

1. If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
2. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
3. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.

**CARRIED 7/0**

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION:**

**(43/2022) Moved: Cr Stratford**

**Seconded: Cr Holdsworth**

***That Council move out from behind closed doors.***

**CARRIED 7/0**

**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**

**15.2.1. Status report**

Consideration to be given re a new date for the Welcome to Wylie and Citizenship Awards.

**16. CLOSURE OF THE MEETING**

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 6:06pm.