



**PUBLIC MINUTES
OF THE
ORDINARY MEETING
OF COUNCIL
HELD ON
THURSDAY 15 DECEMBER 2022**

**Council Chambers
Honour Avenue
Wyalkatchem**

**Commencement: 4:10pm
Closure: 6:21pm**

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 21 December 2022



Peter Klein
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at the Ordinary Meeting of Council held 16 February 2023.

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.

DISCLOSURE OF INTEREST

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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1. DECLARATION OF OPENING

The meeting was declared open at 4:10pm.

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 4:13pm.

There were no questions.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:13pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	Shire President
	Cr. Owen Garner	Deputy president
	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
Visitors:	Emma Grant	Acting WDHS Principal

3.2. Apologies

Claire Trenorden	Manager of Corporate Services
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3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

Nil

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1. Petitions

Nil

5.2. Deputations

Nil

5.3. Presentations – Emma Grant, acting Principle WDHS.

Emma gave an update on the statistics of the school and predictions for 2023. Emma explained processes they were going through to progress the school's abilities and reputation.

Emma left the meeting at 5:42pm.

6. DECLARATIONS OF INTEREST

6.1. Financial and Proximity Interest

Cr Stratford declared a Financial Interest in item 14.1 Airport Terminal Licence Agreement. Cr Stratford is employed by the Licensee. 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 meeting and not vote on the matter.

6.2. Impartiality Interests

Cr Garner declared an Impartiality Interest in item 14.1 Airport Terminal Licence Agreement. Cr Garner is the Licensee Father in Law and therefore a relative. As a consequence, it may be perceived that his vote may not be impartial.

It was agreed that Cr Garner will remain in the meeting and vote on the matter.

7. CONFIRMATION AND RECEIPT OF MINUTES

7.1. Confirmation of Minutes

7.1.1. Ordinary Meeting of Council – 17 November 2022

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

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(138/2022) Moved: Cr Stratford

Seconded: Cr Loton

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

CARRIED 7/0

7.1.2. Audit and Risk Management Committee (ARC) Minutes – 1 December 2022

Minutes of the ARC Meeting held on Thursday 1 December 2022 (Attachment 7.1.2)

Business Arising:

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION / COMMITTEE RESOLUTION

(14/2022) Moved: Cr Stratford

Seconded: Cr Petchell

That the Audit and Risk Management Committee:

- 1. Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
- 2. That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*

3. *Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act, and that the Audit and Risk Committee recommends that that Council;*
4. *Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
5. *That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*
6. *Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act*

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(139/2022) Moved: Cr Petchell

Seconded: Cr Stratford

That the minutes of the ARC Meeting held on Thursday 1 December 2022

(Attachment 7.1.2) be received by Council and that Council:

1. ***Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)***
2. ***That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).***
3. ***Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act.***

CARRIED 7/0

7.1.3. Audit and Risk Management Committee (ARC) unconfirmed Minutes – 15 December 2022

Minutes of the ARC Meeting held on Thursday 15 December 2022 (Attachment 7.1.3 to be presented)

Business Arising:

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION / COMMITTEE RESOLUTION

(16/2022) Moved: Cr Gamble

Seconded: Cr Petchell

That Audit and Risk Management Committee;

1. ***Accepts the Annual Report and Financial Statements for the year ended 30 June 2022 year as provided for in attachment 7.1.2.2.***

That the Audit and Risk Committee recommends that Council;

1. ***Accepts the Annual Report and Financial Statements for the year ended 30 June 2022 year.***
2. ***Holds a General Meeting of Electors on the 2 February (tbc) 2023 commencing at 6pm in the Shire of Wyalkatchem Council Chambers.***

10. REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – NOVEMBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	01 December 2022
Reporting Officer:	Parul Begum
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for Payment – November 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.

COMMENT

The payment listing for November 2022 is presented to Council for endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal and Trust	EFT	EFT 2403	EFT 2334
DD	DD	DD 2377	DD 2341

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 2022/2023 Annual Budget.

COMMUNITY and 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.

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – OCTOBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	05 November 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 – October 2022

BACKGROUND

Council governance procedures require 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 FY22 Annual Budget.

COMMUNITY and 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 Ensuring sound financial management and plans for the Shire’s long-term financial sustainability High-quality corporate governance, accountability, and compliance Maintaining Integrated Strategic and Operational plans.
		10.2	
		10.3	
		10.4	

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(144/2022) Moved: Cr Stratford

Seconded: Cr Loton

That Council endorses credit card payments for the period 29 September – 28 October 2022, totalling \$6,420.29 (refer to attachment 10.1.2).

CARRIED 7/0

10.1.3. MONTHLY FINANCIAL REPORT – NOVEMBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Claire Trenorden, MCS and Megan Shirt, Consultant
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report November 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 all relate to the Statements of Financial Activity.

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 AUGUST 2022

Total Cash Available as at 30 November 2022 is \$5,336,391;

- cash available is made up of unrestricted cash \$2,378,235 (44.57%) and
- restricted cash \$2,989,869 (56.03%).

Rates Debtors balance as at 30 November 2022 is \$211,459 and Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of November 2022 was \$1,23,473 - 85%.

November 2022: Operating Revenue – Operating revenue of \$2,065,731 is made up of Rates - 68%, Grants - 22%, Fees and Charges - 7%, Interest earnings – 2% and other – 1%.

Operating Expenses – Operating expenses of \$1,849,394 is made of Employee Costs – 29%, Materials and Contracts – 26%, Depreciation – 32%, Insurance – 8% and Utility – 3% and Other Charges – 2%.

COMMUNITY and 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

(145/2022) Moved: Cr Holdsworth

Seconded: Cr Loton

That Council accepts the Statements of Financial Activity for the months ending 30 November 2022 (refer attachment 10.1.3.).

CARRIED 7/0

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT NOVEMBER/DECEMBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 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, some insight into 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;

- Tania Reynolds (At Works Australia) and James Gault (WAPOL) re employment opportunities within the shire;
- Grace St Depot pre-start x 2;
- WALGA Great Eastern Zone meeting;
- NEWROC Council meeting, Trayning;
- Craig Cooper, Wylie CRC – building repairs;
- Gavin Cook, Vizona re feature lighting;
- GP welcome event, Community Club;
- WALGA Waste Advisory Committee;
- Julie Chambers – former casual employee

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 and 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 and 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

(146/2022) Moved: Cr Gamble

Seconded: Cr Petchell

That Council accepts the Chief Executive Officer's report.

CARRIED 7/0

10.2.2. FITNESS FOR DUTY POLICY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 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 Fitness for Duty Policy V4 Final

COMMENT

Management has recently undertaken the first staff random drug and alcohol screening test. This was undertaken on 2 December 2022.

A number of lessons were learnt and as a result some revisions to the policy have been recommended to improve the flow of its delivery.

In particular, the policy has been amended to allow either a urine or saliva screening test for drugs and to encourage, not compel counselling following a positive drug test.

In addition, the relationship with the Medical Centre is better understood and will support the process by either receiving urine samples for dispatch for confirmation testing or collect and dispatch of urine samples for confirmation testing.

The intention of this policy is to improve workplace safety, reduce operating risk and strengthen the wellbeing of council staff.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Replaces the Fitness for Duty policy that was approved by Council in September 2022.

FINANCIAL IMPLICATIONS

There will be costs for training staff as drug and alcohol testers (\$550/person + costs), for calibrating the breath tester and procuring drug screening test kits.

COMMUNITY and STRATEGIC OBJECTIVES

The policy supports **Goal 1 - A safe and healthy community.**

Goal No. 1	Actions
Zero lost time injuries An engaged workforce with safety at its core.	Staff present to the workplace in a fit and healthy state.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(147/2022) Moved: Cr Petchell

Seconded: Cr Garner

That Council approve the revised Fitness for Duty Policy subject to reference to Council being replaced with the CEO as appropriate.

CARRIED 7/0

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(148/2022) Moved: Cr Gamble

Seconded: Cr Stratford

That Council Move items 10.2.3 to 10.2.6 Local Laws en bloc.

CARRIED 7/0

10.2.3. PROPOSED VOLUNTEER BUSH FIRE BRIGADES LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.3 - Bush Fire Brigades Local Law 2022

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Bush Fire Brigades Local Law, subject to deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted;**
- 2. In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Emergency Services;**
- 3. In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal local public notice be given:**
 - a. Stating the title of the local law;**
 - b. Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire offices.**
- 4. In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

SUMMARY

A draft local law was previously adopted by council, advertised for public comment and copies sent to the Ministers for Local Government and Emergency Services.

Subject to some minor amendments to reflect the feedback received, the local law can now be made. It will come into effect 14 days after publication in the Government Gazette.

COMMENT

As reported to council at its meeting held on 15 September 2022, most matters relating to bush fires and the role of local governments are dealt with by the Bush Fires Act and its associated Regulations.

The proposed local law deals with the matters that a local law is required to deal with under s43 of the Bush Fires Act.

STATUTORY ENVIRONMENT

Section 62 of the *Bush Fires Act 1954* provides that a local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Ministers for Emergency Services and Local Government and was advertised for public comment.

There were no comments received from the public. A summary of other responses and proposed action is:

Suggestion	Comment
The WA Department of Local Government, Sport and Cultural Industries noted that in recent years, local governments have sought to simplify bush fire brigade local laws and remove unnecessary procedures. It lacks the subject matter expertise to determine what level of detail is appropriate for these local laws, so has refrained from making suggestions in that regard.	Noted.
The Minister for Emergency Services advised that: <ol style="list-style-type: none"> 1) The Shire should ensure a careful review of clause numbering; and 2) While the proposed local law appears to satisfy the relevant requirements of the Bush Fires Act 1954, the Shire may care to seek input from the WA Local Government Association who offer guidance on local laws, including a template Bush Fire Brigades Local Law which has been endorsed by the (WA Parliamentary) Joint Standing Committee on Delegated Legislation. The template provides a comprehensive framework, including more prescriptive role statements and governing rules which may assist the smooth running of brigades. 	Noted. Clause numbers referred to in the draft local law appear correct. As noted above and reported to council at its meeting held on 15 September 2022, the local law deals only with the matters that a local government is required to when establishing a volunteer bush fire brigade. The model referred to by the Minister is considered overly prescriptive; amendments to matters listed would require amending the local law which is a drawn out, cumbersome and expensive process that is of little use when dealing with volunteers. The approach used by the local governments referred to above (Carnarvon and Greater Geraldton) is far simpler and has the same effect.

The Department also made some suggestions in relation to page numbers, the enacting provision, and the contents page of the draft local law. Page numbers and an index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act) added.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

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.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

10.2.4. PROPOSED PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.4 – Public Places and LG Property LL V3 1 Dec 2022

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Public Places and Local Government Property Local Law, subject to:**
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and**
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.**
- 2. In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal local public notice be given:**
 - a. Stating the title of the local law;**
 - b. Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire offices.**
- 4. In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

SUMMARY

The Shire has in place a number of local laws that regulate activities on property under its care, control and management.

It is proposed to replace all of them with one that reflects current legislative provisions, is based on a model made by the WA Local Government Association and used by a number of local governments.

A draft local law was considered by council at its meeting held on 15 September 2023 and advertised for public comment. Subject to some minor amendments, the local law can now be made. It will come into effect 14 days after publication in the Government Gazette.

COMMENT

This proposed local law replaces six older ones and regulates activities on property under the Shire's care, control and management as well as thoroughfares (essentially road reserves).

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

There were no comments received from the public. The WA Department of Local Government, Sport and Cultural Industries made a number of minor suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p>Clause 9.6 of the local law provides that in the absence of proof to the contrary, the business indicated on the side of a shopping trolley is presumed to own that trolley.</p> <p>Generally speaking, the onus lies on the prosecutor to prove all elements of an offence. Clause 9.6 reverses this onus, by stating that the business displayed on the shopping trolley has the onus of proving their innocence.</p> <p>The Parliament's Delegated Legislation Committee has refrained from objecting to clauses of this kind, since the burden imposed by the clause was deemed acceptable. However, the Committee has expressed serious doubts as to whether these clauses would be enforceable if challenged in court. The Shire should keep this in mind when enforcing the local law.</p>	<p>Noted.</p>

The Department also made some suggestions in relation to page numbers, the enacting provision, deletion of a duplicated clause and the contents page of the draft local law. Page numbers and an index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act).

STATUTORY ENVIRONMENT

Local governments make local laws using the process set out in section 3.12 of the Local Government Act 1995.

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

The Shire gave local public notice from 7 October to 24 November 2022 stating that it proposes to make a Public Places and Local Government Property local law, the purpose and effect of which was summarised in the notice. A copy was also given to the Minister for Local Government.

The local law may now be 'made' in accordance with s3.12(4) of the Act and must be published in the Government Gazette. It will come into effect 14 days after Gazettal. Note that the version that is Gazetted will have the contents page, text box notes and pages deleted and will be the official version.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

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.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

10.2.5. PROPOSED CATS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant.
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.5 SOW Cats Local Law version 2

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Cats Local Law, subject to:**
 - a. Various minor amendments as 'marked up' on the attachment to the report to Council; and**
 - b. Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted**
- 2. In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal local public notice be given:**
 - a. Stating the title of the local law;**
 - b. Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire offices.**
- 4. In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

SUMMARY

Clause 5.4.2 of the Shire's *Health Local Law 2002* deals with cats, but the *Cat Act 2012* and associated regulations also apply.

A draft Shire of Wyalkatchem Cats Local Law was considered by Council at its meeting held on 15 September 2022 (item 10.2.5). Its subsequent publication resulted in no public comments being received although the Department of Local Government, Sporting and Cultural Industries suggested some minor amendments. This local law will come into effect subject to Council endorsement and 14 days after publication in the Government Gazette.

COMMENT

There have been a significant number of recent changes in the management of cats, including the introduction of the *Cat Act 2011*, the *Cats Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

In summary, the local law regulates of the number of cats that can be kept on premises (the ‘standard number’) without a permit.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

There were no comments received from the public. The WA Department of Local Government, Sport and Cultural Industries made a number of minor suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p>Clause 2.3 provides that in a residential zone, no more than 3 cats may be kept on the premises.</p> <p>It has been noted that the local law does not prescribe a cat limit for any other zone of property. The Shire should keep in mind that this will mean no cat limits apply to those properties.</p>	<p>Clause 5.2.4 of the current Health Local law applies to all premises in the district. It is not intended to restrict this to only properties zoned residential, and as such clause 2.3 of the proposed new local law should be amended to reflect the provisions of the current Health local law and apply to all properties in the district.</p>
<p>The Cat Regulations specify that cat limits do not apply to cats lower than 6 months in age. To avoid any confusion, it is suggested that clause 2.3 be modified by changing “3 cats may” to “3 cats over the age of 6 months may”</p>	<p>Agreed – the suggested amendment is shown ‘marked’ on the updated version of the local law attached to this report.</p>

A duly updated local law showing the recommended changes ‘marked’ is attached to the report.

Page numbers and the index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act) will be added prior to being published.

STATUTORY ENVIRONMENT

Section 3(2) of the Cat Act 2011 provides that words and expressions defined in the Local Government Act 1995 have the same meaning in the Cat Act, unless the contrary intention appears. This includes making local laws, and using the process set out in section 3.12 of the Local Government Act 1995.

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

The Shire gave local public notice from 7 October to 24 November 2022 stating that it proposes to make a Cats local law, the purpose and effect of which was summarized in the notice. A copy was also given to the Minister for Local Government.

The local law may now be 'made' in accordance with s3.12(4) of the Act and must now be published in the Government Gazette. It will come into effect 14 days after Gazettal. Note that the version that is Gazetted will have the contents page, text boxes notes and pages deleted and will be the official version.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

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.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

10.2.6. PROPOSED DOGS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 10.2.6 – Dogs Local Law Version 3 December 2022

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Dogs Local Law subject to:
 - a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
 - b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted**
2. *In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, after Gazettal local public notice be given:
 - a. *Stating the title of the local law;*
 - b. *Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and*
 - c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.**
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

SUMMARY

A draft Shire of Wyalkatchem Dogs Local Law was considered by Council at its meeting held on 15 September 2022 (item 10.2.6). No comments were received from the public and subject to some minor amendments suggested by the Department of Local Government, Sporting and Cultural Industries this local law can now be made subject to adoption by the Council. It will come into effect 14 days after publication in the Government Gazette.

COMMENT

The *Shire of Wyalkatchem Dogs Local Law* was made in 1986 and last amended in 1988. A number of activities dealt with by this local law have been affected by changes to other legislation and in particular changes to the *Dog Act 1976* and the *Dogs Regulations 2013*.

As such, rather than amending the old local law, it was considered more efficient to make a new one. Most issues relating to dogs are dealt with by the *Dog Act* and its associated regulations. It is

therefore only necessary to make a local law to deal with confinement, the requirement to pick up dog excreta, and kennels.

STATUTORY ENVIRONMENT

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

The WA Department of Local Government, Sport and Cultural Industries made the following suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p>Clause 4.1 – Penalty for excrement Clause 4.1 prescribes an offence for dog excrement. This clause is subject to the general penalty in clause 5.2, which means a person who disputes an offence in court may potentially be liable for an offence of \$5000. The Shire may wish to add a subclause to clause 4.1 specifying a lower penalty for this offence. For example: <i>(4) Notwithstanding clause 5.2, the unmodified penalty for an offence under this clause is \$1000.</i></p>	<p>Agreed. Clause 4.1(4) has been added to the draft local law.</p>
<p>2. Schedule of prohibited areas After Schedule 3, there appears to be an additional sheet of paper which purports to set out several “dog exercise” areas and “dog prohibited” areas. After the last set of amendments to the Dog Act, dog local laws were no longer capable of prescribing these areas. Instead, local councils were granted the power to establish these areas by resolution (subject to the consultation process of the Act). It is suggested that the sheet after Schedule 3 be deleted since: a. It has no legal force; and b. Once the Shire council passes a resolution to add or remove from its list of declared areas, this document will become outdated and potentially confusing.</p>	<p>Agreed. The sheet referred to does not form part of the local law. It is a list of areas where dogs are prohibited and where dogs may be exercised off leash. The draft advertisement was included by mistake in the draft of the local law sent to the Minister.</p>

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

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.

Objective: Transparent, accountable and effective governance and community and customer service focus

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

10.2.7. REVIEW OF COUNCIL MEETING AND AUDIT COMMITTEE MEETING DATES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
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

Elected members attend 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.

Committee Meetings

Section 5.8 of the LG Act enables councils 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

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

It is recommended that no council meeting be held during January 2023.

Ordinary Council Meetings

To be conducted on the third Thursday on the month as follows 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.

No January Meeting

16 February 2023
16 March 2023
20 April 2023
18 May 2023
15 June 2023
20 July 2023
17 August 2023
21 September 2023
19 October 2023
16 November 2023
21 December 2023

Audit and Risk Committee Meetings

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

16 February 2023
18 May 2023
21 September 2023
21 December 2023

That Audit and Risk Committee meetings commence at 3:30pm, unless otherwise determined by the Shire President.

In accordance with the Act, both meetings will be 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

(149/2022) Moved: Cr Gamble

Seconded: Cr Holdsworth

That Council,

- 1. Consider and endorse the dates for the Ordinary Council Meetings and the Audit and Risk Committee meetings for the 2023 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 7/0

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS OFFICER'S REPORT OCTOBER – DECEMBER 9 2022

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	9 December 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 6 October – 8 December 2022.

COMMENT

SAFETY / INCIDENTS

Reported Incidents as follows;

1. Repeated vandalism to Railway Tce Park irrigation (3 nights in a row).

CAPITAL PROJECTS

REGIONAL ROAD GROUP. (RRG)

1. Cunderdin Rd and Tammin Rd seal lifting issue. Temporary repairs affected by spreading stone.
2. Cunderdin Rd sealing to be programmed in conjunction with the Wyalkatchem North Rd.
3. Wyalkatchem North Rd estimate indicates that the 3.3 km can be delivered for the funding allowance with a small over run to cover extra tankage at Martin Rd as discussed. A key component is gravel haulage which if not managed has the potential to affect the expected project balance.

ROADS 2 RECOVERY (R2R)

4. Elsegood Rd upgrade status;
 - Wet mixing of the 2 nominated areas completed
 - Sealing to be programmed
 - Gravel laying out on the balance of the road continuing
 - Suggested asphaltting of the Koorda Road intersection to the Xing to be completed prior to Xmas to boost safety at this intersection
 - Work is coming along well, albeit several weeks behind program due to compliance and HR issues.

AERODROME

- Resealing to be rescheduled to mid-January.

OVAL IRRIGATION UPGRADE

- Newground to advise of an annual maintenance program for the oval turf as well as the wicket block, in conjunction with David Crane.
- Wickets themselves have been good playing strips.

SWIMMING POOL

- EOI for major capital works requested from Wet Deck Pools.
- Pool open and good quality.

ASHELFORD PARK

- Survey points taken, not yet marked on block.

MINOR WORKS AND MAINTENANCE

MAINTENANCE GRADING

- To be continued when time permits.

PARKS / TOWN SERVICES CREW

- Tree pruning / clean ups in town and on roads.

RUBBISH TIP

- Indiscriminate tipping still occurring.
- New tipping design concept to be tabled.

HUMAN RESOURCES

- New Works Administrator position filled.

VEHICLE/PLANT

- Grader steering solenoid repaired, grader back in work.
- Truck air-conditioning and tipping solenoid repairs complete.
- Dolly air bag and leveller replaced.
- Dolly spider studs and cleats replaced.
- All LV's being serviced prior to Xmas.
- 'Fred' Wicket Roller diff failure. Plans to replace currently on hold.

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

Outcome No.	Action No.	Actions
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 and planning community infrastructure to improve use and social interaction
	8.3	Implement Aged Friendly Plan
	8.4	Implement the Disability Access and Inclusion Plan (DAIP)

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(150/2022) Moved: Cr Garner

Seconded: Cr Stratford

That Council accept the Manager of Work's (MOW) Report up to 9 December 2022.

CARRIED 7/0

Cr Loton left the meeting at 6pm

Cr Loton returned to the meeting at 6:01pm

10.4. PLANNING AND BUILDING

- Planning approved for Crisp Wireless Tower as per OMC 17 November 2022.
- Planning approval extension request – confidential item 14.2

Cr Holdsworth left the meeting at 6:08pm

Cr Holdsworth returned to the meeting at 6:10pm

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

14.1 AIRPORT TERMINAL LICENCE

14.2 PLANNING APPLICATION EXTENSION

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(151/2022) Moved: Cr Gamble

Seconded: Cr Garner

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

Cr Stratford made a declaration of financial interests – see item 6.1.

Cr Stratford left the meeting at 6:12pm.

Cr Garner made a declaration of impartial interest – see item 6.1.

14.1. AIRPORT TERMINAL LICENSE AGREEMENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 14.1 – Revised Licence Agreement - confidential

SUMMARY

The airport terminal is currently licensed to physiotherapist, Emily Gray. The Agreement commenced on 8th December 2020 and was renewed on 8th December 2021 for a period of one year. The existing agreement expired on 7 December 2022.

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 a 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. Total Licence income at \$7,150 means the cost of holding the building is being under-recovered.

The extent of this under recovery (\$8,850) defines Council’s subsidy to support the continuation of this service.

COMMUNITY and STRATEGIC OBJECTIVES

The list before Council is generally in accordance with the desired outcome as expressed 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

(152/2022) Moved: Cr Loton

Seconded: Cr Petchell

That Council offers a one-year licence renewal to Emily Gray based on the existing terms and conditions except for the following amendments;

- 1. The weekly licence fee increasing by 3.5%, and*
- 2. The obligation to pay the weekly licence fee, during the term, being suspended for any period of leave.*

CARRIED 6/0

Cr Stratford returned to the meeting at 6:16pm

14.2. DEVELOPMENT APPROVAL – WILSON STREET, WYALKATCHEM

Applicant:	Owner
Location:	Wilson Street, Wyalkatchem
Date:	7 December 2022
Responsible Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	18.13 Subdivisions
Attachment Reference:	Attachment 14.2 – SOW Policy 11.1 Moveable Buildings

BACKGROUND

In October 2021, development approval was given through the following resolution of Council;

That Council approves the positioning of two containers within the footprint shown as a 'Proposed New Extended Shed' on the application sketch for a period of 12 months (i.e. to 31 October 2022).

The owner advises that the new shed, to house the containers, has been delivered to site but that the party contracted to erect the shed will not be available to complete the works until January/February 2023.

Statutory Environment

- *Planning and Development Act 2005*
- Shire of Wyalkatchem Local Planning Scheme No 4

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 is a minor risk that this approval may encourage further of the same requests and that unfavourable outcomes may appear biased.

It is recommended that the proposed development only be approved for a short additional period to provide time for the owner to complete the works.

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

(153/2022) Moved: Cr Loton

Seconded: Cr Garner

That Council extends its approval for the positioning of two containers within the footprint shown as a 'Proposed New Extended Shed' on the previous application sketch for an additional period of 4 months, to 28 February 2023.

CARRIED 7/0

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(154/2022) Moved: Cr Garner

Seconded: Cr Stratford

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 Discussion

16. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 6:21pm.