



**MINUTES
OF THE
ORDINARY MEETING
OF COUNCIL
HELD ON
THURSDAY 15 June 2023**

**Council Chambers
Honour Avenue
Wyalkatchem**

**Commencement: 4:12pm
Closure: 5:09pm**

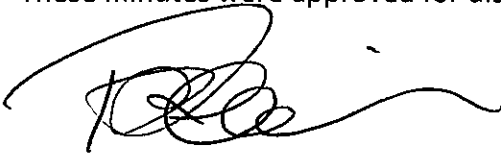
Preface

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 20 June 2023.

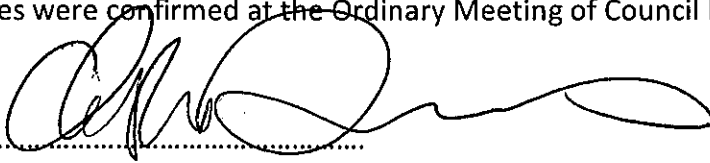


Peter Klein
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at the Ordinary Meeting of Council held 20 July 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

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

Shire President, Cr Davies, declared the meeting open at 4:12pm.

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 4:12pm.

There weren't any members of the public.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:12pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	Shire President
	Cr. Owen Garner	Deputy president
	Cr. Emma Holdsworth	
	Cr. Mischa Stratford	
	Cr. Christy Petchell	
	Cr Steve Gamble	
	Cr Christopher Loton	
Staff:	Peter Klein	Chief Executive Officer
	Terence Delane	Manager of Works
	Stephanie Elvidge	Governance Executive Officer
	Claire Trenorden	Manager of Corporate Services

Visitors: Nil

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 Peggy Gamble, ex long term resident of Wyalkatchem had passed peacefully 28 May aged 99.

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 – 18 May 2023

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 18 May 2023(Attachment 7.1.1)

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(57/2023) Moved: Cr Stratford

Seconded: Cr Garner

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 18 May 2023 (Attachment 7.1.1) be confirmed as a true and correct record.

CARRIED 7/0

7.2. Receipt of Minutes

Item 10.2.4 Pioneer Pathway.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies congratulated Cr Loton and Tzarina on their recent marriage and wished them all the best.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

10. REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – MAY 2023

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	03 May 2023
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 – May 2023

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 May 2023 is presented to Council for endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal and Trust	EFT	EFT 2786	EFT 2703
DD	DD	DD 2672	DD 2674

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.

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

(58/2023) Moved: Cr Stratford

Seconded: Cr Loton

That Council endorse the total payments for May 2023 being \$457,269.52 which comprised of:

- 1. Electronic Funds Transfer (EFT) payments from the Municipal Fund totalling \$420,512.76;*
- 2. Direct Debit (DD) payments from the Municipal Fund totalling \$36,756.76.*

CARRIED 7/0

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARD – APRIL 2023

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	06 June 2023
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 Card – April 2023

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 the 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 FY22/23 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

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

Goal - Transparent, accountable and effective governance.

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

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION/ COUNCIL RESOLUTION

(59/2023) Moved: Cr Gamble

Seconded: Cr Garner

That Council endorses credit card payments for the period 29th March to 28 April 2023 totalling \$924.42 (refer to attachment 10.1.2).

CARRIED 7/0

10.1.3. MONTHLY FINANCIAL REPORT – MAY 2023

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	10 May 2023
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 May 2023

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 of 10% or \$10,000 whichever is the greater.

COMMENT

The attached reports include:

- 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

Total Cash Available as at 31 May 2023 is \$4,245,085;

- cash available is made up of unrestricted cash \$1,014,779 (23.90%) and
- restricted cash \$3,230,306 (76.10%).

Rates Debtors balance as at 31 May 2023 is \$67,939 and Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of May 2023 was \$1,379,114 - 95%.

May 2023: Operating Revenue – Operating revenue of \$2,563,208 is made up of Rates - 55%, Grants - 30%, Fees and Charges - 10%, Interest earnings – 5% and other – 0%.

Operating Expenses – Operating expenses of \$3,846,756 is made of Employee Costs – 32%, Materials and Contracts – 25%, Depreciation – 34%, Insurance – 4% and Utility – 4% and Other Charges – 1%.

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

(60/2023) Moved: Cr Stratford

Seconded: Cr Loton

That Council accepts the Statements of Financial Activity for the month ending 31 May 2023 (refer attachment 10.1.3.)

CARRIED 7/0

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT – JUNE 2023

Applicant:	Shire of Wyalkatchem
Date:	8 June 2023
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;

- Wylie Business Network – Petchell Mechanical
- Deb Andrews WAPOL re introduction
- Rodeo WG re preparation for 25 August event
- Helen & Misty Morton re aged care services
- NEWROC Energy Sub-committee re ARENA grant application
- Jessica burton DWER re tip site clearing permit
- Otis Arrow Distinctive Pools re upgrade budget estimate
- CEACA Management Committee – Kellerberrin
- NEWROC Executive Committee – Wyalkatchem
- Kathy Balt Water Corporation re chlorinator commissioning
- Wyalkatchem DHS Council Meeting
- Alana King, Jennie Gorham & Steph Elvidge re rodeo preparation
- Mark Kestel Double Barrel re rodeo preparation
- Nikki Hawser & Craig Cooper re aged care services

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(61/2023) Moved: Cr Petchell

Seconded: Cr Gamble

That Council accepts the Chief Executive Officer's report.

CARRIED 7/0

**10.2.2. PROPOSED PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY
AMENDMENT LOCAL LAW**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	30 May 2023
Reporting Officer:	Peter Klein CEO; Chris Liversage Consultant
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.1 - Amended Public Places and Local Government Property Local Law 2022

SUMMARY

The Shire has updated a number of local laws. Part of the process to make a local law requires that a copy of it be submitted to the Joint Standing Committee on Delegated Legislation (JSCDL), which amongst other things oversees the making of local laws by local governments on behalf of the WA Parliament.

The Committee has requested that an amendment be made to the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022*.

A draft Amendment Local Law is attached.

COMMENT

At its meeting held on 15 December 2022 Council resolved to make the Shire of Wyalkatchem Public Places and Local Government Property Local Law which was then published in the Government Gazette on 13 March 2023 and came into effect 14 days later.

The Committee has requested that two amendments be made to the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022*. If the amendments are not made, the Committee has the power to recommend that Parliament disallow the local law.

The comments by the Committee and requested action are in relation to clauses 5.10 and 9.2.

Clause 5.10 – Disposal of lost property

Clause 5.10 of the local law provides that:

An article left on any local government property, and not claimed within a period of 3months, may be disposed of by the CEO or an authorised person —

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the Local Government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;*
- (b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or*
- (c) In any other case, by donation to a not for profit body incorporated under the Associations Incorporations Act 2015.*

The amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* is \$20,000. The intent of clauses 5.10(b) and (c) was to provide an avenue by which items with a negligible value could be efficiently dealt with.

The Committee advises that it 'notes any property which is of significant value (such as, for example, a diamond ring) but below \$20,000 may not be covered by either clause 9.3(1)(a) or (1)(b) if of no interest to a not for profit body. It could accordingly be disposed of by the CEO or an authorised persons 'in any manner he or she thinks fit'.

The Committee requests the Shire amend this clause to ensure that any lost property of the type described above is dealt with in an appropriately and timely manner, such as being handed in to WA Police within 1 week after being left on Shire property'.

The clause can therefore be amended so that it reads:

An article left on any local government property, and not claimed within a period of 3months, may be disposed of by the CEO or an authorised person —

(a) if the value of the property is reasonably believed to exceed the amount prescribed by Regulation 30(3) of the Local Government (Functions and General) Regulations 1996, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section; and

(b) if the article is reasonably believed to be below the amount prescribed by Regulation 30(3) of the Local Government (Functions and General) Regulations 1996, by being handed over to the WA Police Service.

*(Proposed amendments shown in **bold** type).

Clause 9.2 – Animals (cats) on local government property

Clause 9.2 of the local law relates to animals on local government property. Clause 9.2(2)(a) of the local law provides that:

(2) An owner of an animal shall not—

(a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven...

The Committee advises that in its view 'animal' also includes a cat, and that local governments may make local laws about cats using s79 of the *Cat Act 2011*. In particular, sections 79(3)(f) and 79(3)(g) limit the scope of local laws concerning the prohibition of cats on public land and the confinement of cats:

- Section 79(3)(f), which provides that a local law may be made that specifies places where cats are prohibited absolutely; and
- Section 79(3)(g), which provides that a local law may be made requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;

In the Committee's view, clause 9.2(2)(a) of the local law has the same effect as banning the owner of a cat from it being on a public place, which includes a thoroughfare, unless led and makes it inconsistent with the Cat Act.

The application of clause can therefore be amended with an additional clause 9.2(2A) so that it reads:

(2) An owner of an animal shall not—

(a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven...

(2A) In clause 2, 'animal' excludes a cat.

(Proposed addition shown in **bold** type).

While the Shire's local law is no different to ones made by other local governments with respect to this issue, the Committees position can and does change over time.

A draft Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law detailing these proposed changes is attached.

STATUTORY ENVIRONMENT

Local governments can make local laws to amend a local law using the process set out in section 3.12 of the *Local Government Act 1995*.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be sent to the Minister for Local Government.

The purpose and effect of the proposed *Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law* is:

Purpose

To amend clause 5.10 of the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022* to the effect that lost property below a prescribed value left on local government property is to be handed to WA Police; and to amend clause 9.2(2) of the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022* to the effect that it does not apply to cats.

Effect

The clauses are amended.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the Amendment local law.

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

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(62/2023) Moved: Cr Petchell

Seconded: Cr Stratford

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice stating that:**
 - A. It is proposed to make a Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law, and a summary of its purpose and effect;**
 - B. Copies of the proposed local law may be inspected at the Shire offices;**
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;**
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Minister for Local Government;**
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and**
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received.**

CARRIED 7/0

10.2.3. PROPOSED CATS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	30 May 2023
Reporting Officer:	Peter Klein, CEO; Chris Liversage - consultant
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.3 – Cats Local Law 2022

SUMMARY

The Shire has updated a number of local laws, including a Cats local law to replace clauses in the Health local law, and that reflect more up to date legislative provisions.

Part of the process to make a local law requires that a copy of it be submitted to the Joint Standing Committee on Delegated Legislation (JSCDL), which amongst other things oversees the making of local laws by local governments on behalf of the WA Parliament.

The Committee has requested that the Shire re-make the *Shire of Wyalkatchem Cats Local Law 2022*. It contends that an amendment made to the draft of the local law between initial and final adoption was significant, and this being the case the consultation process must be repeated.

A draft Local Law is attached. Note that it contains notes and text boxes that will be deleted from the official version that may be eventually Gazetted.

COMMENT

At its meeting held on 15 December 2022 Council resolved to make the Shire of Wyalkatchem Cats Local Law which was then published in the Government Gazette on 13 March 2023 and came into effect 14 days later.

The Committee In particular advises that:

‘Clause 2.3 of the proposed local law stated (underline added):

2.3 Standard number of cats

For the purposes of the definition of standard number of cats in regulation 4(1) of the Cat (Uniform Local Provisions) Regulations 2013, no more than 3 cats may be kept on premises within the residential zone of the local planning scheme or used for residential purposes at which a member of a cat organisation is not ordinarily resident.

Clause 2.3 of the adopted local law states (underline added):

2.3 Standard number of cats

For the purposes of the definition of standard number of cats in regulation 4(1) of the Cat (Uniform Local Provisions) Regulations 2013, no more than 3 cats over the age of 6 months may be kept on premises within the district at which a member of a cat organisation is not ordinarily resident.

The Committee is of the view this change made the adopted local law significantly different from the proposed local law that was publicly advertised, in breach of section 3.12(4). This is

because the public was not given an opportunity to provide feedback about a material change in the permitted number of cats. That is, a reduction in the permitted number of cats allowed on premises within the Shire's non-residential zone from an unlimited number to 3 cats over the age of 6 months.

This was contrary to the intent behind the community consultation requirement of section 3.12. The local law is therefore invalid as it infringes term of reference 10.6(a) as not being authorised by section 3.12(4). The Shire must recommence the local law-making procedure as required by section 3.13 of the Act.'

As advised in the report to council at its meeting held on 15 December 2022, Clause 5.2.4 of the Health Local Law applied to all premises in the district and provided that a person shall not keep more than 3 cats on any premises within the district. As the Cats local law stipulated the same thing but using the required head of power in the Cat Act, the proposed change was considered minor.

The Committee has though, taken a different view. The local law should be remade.

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.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears. A copy is also to be given to the Minister for Local Government.

The purpose and effect of the local law is:

Purpose

To set a 'standard number' of cats that may be kept on premises.

Effect

Persons must not keep more than the standard number of cats unless provided for by the local law, the Cat Act, or its associated Regulations.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

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

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION/ COUNCIL RESOLUTION

(63/2023) Moved: Cr Gamble

Seconded: Cr Stratford

That Council:

- 1. In accordance with sections 3.12(3)(a) and (3a) of the Local Government Act 1995, gives local public notice stating that:**
 - A. It is proposed to make a Shire of Wyalkatchem Cats Local Law, and a summary of its purpose and effect;**
 - B. Copies of the proposed local law may be inspected at the Shire offices;**
 - C. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;**
- 2. In accordance with s3.12(3)(b) of the Act, as soon as the notice is given, provides a copy of the proposed local law to the Minister for Local Government;**
- 3. In accordance with s3.12(3)(c) of the Act, provides a copy of the proposed local law to any person requesting it; and**
- 4. Notes that the results of the public consultation be presented to Council for consideration of any submissions received.**

CARRIED 7/0

10.2.4. PIONEER PATHWAY MoU 2020-2023 EXTENSION

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 June 2023
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.4.1 – Pioneer Pathway Minutes 8 June 2023 Attachment 10.2.4.2 – Pioneer Pathway MOU exp June 30 2023

BACKGROUND

The Pioneers Pathway is a Self-Drive Trail that runs from Toodyay to Merredin, a distance of 226 kilometres. The trail passes through the following Shires:

- Toodyay
- Goomalling
- Dowerin
- Wyalkatchem
- (Trayning -discussions are in place regarding Trayning re-joining the PP.)
- Nungarin
- Merredin

The Pioneers Pathway Advisory group currently comprises of six (6) member councils, including the Shires of Dowerin, Goomalling, Merredin, Nungarin, Toodyay, and Wyalkatchem being localities who share a common interest in the Pioneers' Pathway and regional boundaries.

The group works collaboratively developing historical tourism in the region through the development, promotion and marketing of the Pioneers' Pathway Self Drive Trail from Perth to Merredin reminiscing the path of the Pioneers' during the gold rush in the Eastern Goldfields and the development of agriculture and communities.

Council's Governance Executive Officer, Ms Stephanie Elvidge, regularly attends the Pioneers Pathway as Council's proxy delegate and ensures that the Shire of Wyalkatchem contributes and progresses initiatives and projects.

COMMENT

The Pioneers' Pathway MoU is due to expire on the 30 June 2023.

The Pioneers' Pathway Executive and members would request that the MoU be extended for a further 12 months in order that the direction and opportunities for the Pathway be further explored, including the Shire of Trayning and Shire of Victoria Plains expressions of interests being explored.

The extended MoU will be effective 1 July 2023 and expire 30 June 2024. A copy of the expiring MoU is provided under attachment 10.4.1.2.

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

By entering into the MoU, the Shire will be committing to an annual contribution of \$3,500, as well as other miscellaneous in-kind expenditure.

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

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION/ COUNCIL RESOLUTION

(64/2023) Moved: Cr Gamble

Seconded: Cr Holdsworth

That Council;

- a) Receives the Minutes of the Pioneer Pathway Meeting 8 June 2023 (attachment 10.2.4.1);*
- b) Agrees to extend the existing Pioneers’ Pathway MoU for an additional 12 months (30 June 2024) at a financial contribution of \$3,500 per member Council. Within this the period the Advisory Group to meet regularly to form options to present to member Councils by February 2024 (addendum to be provided).*
- c) That the 2023-2024 Marketing budget be like the 2022-2023 with the inclusion of developing a Pioneers’ Pathway brochure and small print run of the brochure.*
- d) Linda Vernon’s contract as the Executive Officer to be extended to 30 June 2024.*

CARRIED 7/0

10.2.5. FLYING FLAGS POLICY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 June 2023
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	Attachment 10.2.5 – Flying Flag Policy

DISCUSSION

The Council has purchased new flagpoles and plans to decommission the current pole at the administration building and for this to be replaced with two new poles be placed parallel with the front of the building, as approximately shown in the following map.



The Council has a flag policy and some updates to this policy are incorporated in the attached draft to accommodate the flying of multiple flags.

STATUTORY ENVIRONMENT

The Council's policy must be compliant with the requirements of the *Flags Act 1953*. It is also noted that the Australian Aboriginal and the Torres Strait Islander flags were proclaimed as flags of Australia in July 1995.

POLICY IMPLICATIONS

Subject to approval the Flying of Flags Policy will be replaced with the updated policy.

FINANCIAL IMPLICATIONS

Subject to the EOI outcome, some lease revenue may need to be reported.

COMMUNITY & STRATEGIC OBJECTIVES

This initiative promotes the following Strategic Community Plan objectives;

Goal No.	Action No.	Actions
5 - Growth in business opportunity	5.2	Support new industry while encouraging the growth in local businesses.
10 – transparent accountable & effective governance	10.1	A well-informed Council makes decisions that benefit the community.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(65/2023) Moved: Cr Stratford

Seconded: Cr Garner

That Council approve the amended Flying of Flags Policy.

CARRIED 7/0

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS OFFICER'S REPORT JUNE 2023

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	08 June 2023
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 period prior to the 8 June 2023.

SAFETY / INCIDENTS

- Windscreen replacement for Roller – truck passing stone damage.
- Side mirror replacement – Grader – struck by tree.
- Side mirror replacement – Tractor – cracked mirror fell off.
- Loader damage from falling oil tank when being moved.
- Recreation Centre window broken and broken glass and blood left.
- Roller damage from branch hitting and breaking the aerial and base.

ROADS – MAJOR PROJECTS

- **Black Spot Projects (BSP)**
 - i. MRWA Safety Audit conducted 8th and 9th June 2023.

ROAD MAINTENANCE PROGRAM

1. Grading is ongoing
2. Re-sheeting, wash outs and culvert / floodway repairs to commence next week.

PRIVATE WORKS

- Nil

PARKS / TOWN SERVICES CREW

- Clean up after storms
- Focus on rodeo preparation and assisting with road signage.

BUILDING MAINTENANCE

- Upgrades to Lady Novar and NAB taking priority.

SWIMMING POOL RENOVATION

- No further progress

ASHELFORD PARK

- Granite boulders delivered.

GAMBLE ST UPGRADE – Thurston St Variation

- Modifications still pending.

WYLIE WATERPROOFING - NATIONAL GRID CONNECTION PROJECT

- Power install expected mid-June 2023.

RUBBISH TIP

- Clean up complete.
- New cell to be prepared.

HUMAN RESOURCES

- An update will be provided.

VEHICLE/PLANT

1. LV’s have been ordered.
2. Skid steer ordered – Estimated delivery time 3 weeks.

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 some 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
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

(66/2023) Moved: Cr Petchell

Seconded: Cr Loton

That Council accepts the Manager of Works Officer’s report.

CARRIED 7/0

10.4. PLANNING AND BUILDING

Confidential Report to be shared with Council under separate cover.

Noted.

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

Nil

15.INFORMATION BULLETIN

15.1. Information Bulletin

Status Report only.

15.2. Business Arising from Status Report (attachment 15.1)

Nil

16.CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:09pm.