



**MINUTES
OF THE
SPECIAL MEETING
OF COUNCIL
HELD ON
THURSDAY 29 June 2023**

**Council Chambers
Honour Avenue
Wyalkatchem**

**Commencement: 4:00pm
Closure: 5:03pm**

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

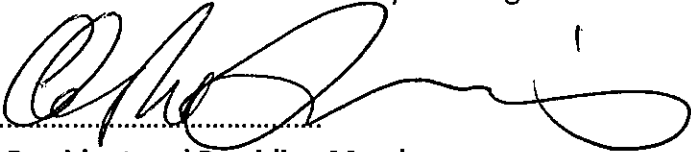
These minutes were approved for distribution on 03 July 2023.



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 were 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

Shire President, Cr Davies, declared the meeting open at 4:00pm.

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 4:00pm.

There weren't any members of the public.

2.3. Declaration of Public Question Time closed

Public Question Time closed at 4:00pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	Shire President
	Cr. Owen Garner	Deputy president
	Cr. Emma Holdsworth	<i>Joined at 4:02pm</i>
	Cr. Mischa Stratford	
	Cr. Christy Petchell	
	Cr Steve Gamble	<i>Joined at 4:09pm</i>
	Cr Christopher Loton	
Staff:	Peter Klein	Chief Executive Officer
	Terence Delane	Manager of Works <i>Joined at 4:02pm</i>
	Stephanie Elvidge	Governance Executive Officer
	Claire Trenorden	Manager of Corporate Services <i>Left the meeting at 4:45pm</i>

Visitors: Nil

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

To be deferred until July OMC.

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. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies congratulated Jennie Gorham on her initiative to hold Mental Health Awareness nights for the ladies and men. Both nights were well organised, well attended and successful.

Cr Davies thanked those that attended the Merredin meeting on the *Aboriginal Cultural Heritage Act 2021*; Cr Stratford for representing the Shire at the GECZ meeting on Monday and Cr Stratford and Cr Loton for attending the NEWROC meeting on Tuesday.

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

9. REPORTS

9.1. CORPORATE AND COMMUNITY SERVICES

9.1.1. ADOPTION OF ANNUAL BUDGET 2023/2024

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	23 June 2023
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	9.1.1 Annual Budget for the year ended 30 June 2024 9.1.2 Capital program for the year ended 30 June 2024

SUMMARY

The *Local Government Act 1995*, section 6.2 requires a local government to prepare and adopt a budget before 31 August. Council is recommended to adopt the attached Annual Budget for year end 30 June 2024.

BACKGROUND

The draft 2023/24 Budget has been compiled based on the principles contained in the Strategic Community Plan and in accordance with presentations made to Council at budget workshops.

COMMENT

The main features of the draft 2023/24 Annual Budget are as follows;

Major Items of Income;

- Rates \$1,458,642
- Operating Grants \$ 274,645
- Non-operating Grants \$1,570,316
- Fees & Charges \$ 211,683

Proposed capital expenditure of \$2,744,145 funded as follows;

- Reserve funded \$ 472,408
- Non-operating grants \$1,475,035
- Other Non-operating contributions \$ 17,219
- Proceeds from sales \$ 214,544
- New borrowings (plant) \$ 165,000
- Own source (Municipal fund) \$ 399,939

The capital works include;

a. roads program totalling \$827,535, comprising;

- Roads to Recovery \$ 285,000; &
- Regional Road Group \$ 542,535

These works are principally funded via federal and state government grants. Delivery of this work will require just \$180,845 to be drawn from the Municipal Fund.

b. plant replacement of \$706,867 and the major components are as follows;

- truck replacement \$ 220,000
- Side tipper trailer \$ 80,000
- Second grader \$ 250,000
- vehicle replacements \$ 156,867

During the year there will be a deposit of \$178,291 into the plant reserve and the withdrawal of \$312,273 from this reserve.

c. other infrastructure projects totalling \$1,209,743 and include the following projects;

- Wyalkatchem Pool Refurbishment program \$463,650
- Practice cricket wicket* \$ 51,657
- Gymnasium* \$ 54,106
- Asset Security/Protection – CCTV* \$ 40,000
- Carried over LRCL projects \$ 139,637
- Airport Runway reseal (carried over) \$294,443

*Project delivery is subject to a successful grant application.

The estimated brought forward balance is \$2,088,640 however, it must be noted that this figure is unaudited and may change once the annual accounts are finalised. The major contributor to this carried forward amount is the 100% advance payment of the Commonwealth Financial Assistance Grants for 2023/24 being pre-paid in June 2023.

STATUTORY ENVIRONMENT

Local Government Act 1995

“6.2. *Local government to prepare annual budget*

(1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*

(a) the expenditure by the local government; and

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be considered unless otherwise prescribed.*

(4) *The annual budget is to incorporate —*

- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
- (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 and
- (c) the fees and charges proposed to be imposed by the local government; and
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
- (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- (g) such other matters as are prescribed.

- (5) Regulations may provide for —
 - (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.”

POLICY IMPLICATIONS

Policy 2.4. Budget preparation

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 2023/24 financial year.

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: Goal 10 Transparent, accountable and effective governance

Outcome No.	Outcome	Action No.	Measure
1	Ensuring a well informed Council makes good decisions for the community	1	Community Satisfaction

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION/ COUNCIL RESOLUTION

(67/2023) Moved: Cr Stratford

Seconded: Cr Loton

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(68/2023) Moved: Cr Petchell

Seconded: Cr Stratford

That Council suspends Standing Orders at 4:10pm to discuss the matters presented.

CARRIED 7/0

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(69/2023) Moved: Cr Petchell

Seconded: Cr Holdsworth

That Council resumes Standing Orders at 4:50pm.

CARRIED 7/0

- 1. That, in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Shire of Wyalkatchem 2023/2024 Budget, as presented in Attachment 9.1.1.***
- 2. That, in accordance with Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, Council for the purpose of yielding the deficiency disclosed by the 2023/24 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 2 of the 2023/24 Budget).***

Unimproved Value	Rate in \$	Minimum Rate
Residential (GRV)	0.117326	\$533.00
Rural (UV)	0.010794	\$593.00
Mining (UV)	0.010794	\$593.00

- 3. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:***

One Installment Option:

Full payment with 5% discount	18/08/2023
Full payment	01/09/2023

Four Installment Option:

1st Instalment due date	01/09/2023
2nd Instalment due date	03/11/2023
3rd Instalment due date	12/01/2024
4th Instalment due date	15/03/2024

- 4. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service***

charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.

5. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates and other charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
7. That, in accordance with Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential and Commercial Premises 240ltr Waste Bin Weekly Collection;	\$ 347.00
Additional Refuse Service 240ltr Waste Bin Weekly Collection;	\$ 347.00
Residential Premises – Pensioner/Senior First 240ltr Waste Bin Weekly Collection;	\$242.00
Residential Premises – Pensioner/Senior Additional Refuse Service	\$347.00

8. That, in accordance with Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees and allowances for elected members:

Council Annual Meeting Fees; Councilor’s	\$ 5,135.00 per annum
Council Annual Meeting Fees; President	\$ 5,135.00 per annum
Allowance; Shire President	\$ 6,524.00 per annum
Allowance; Deputy Shire President	\$ 1,631.00 per annum
Allowance; ICT expenses	\$583.00 per annum

9. That, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2023/24 for the reporting of material variance as 10% or \$10,000, whichever is the greater.
10. That, in accordance with Section 6.11 of the Local Government Act 1995, Council adopts to transfer \$178,291 to the Plant Reserve and utilise \$312,273 to fund plant purchases. Council also adopts to utilize \$160,135 to fund sport & recreation related capital projects.
11. That, in accordance with Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges 2023/2024 included from page 26 of attachment 9.1.1.

CARRIED 7/0

9.2. GOVERNANCE AND COMPLIANCE

9.2.1. WA PARLIAMENTARY JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION – SHIRE OF WYALKATCHEM BUSH FIRE BRIGADES LOCAL LAW 2023

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	15 June 2023
Reporting Officer:	Chris Liversage, Consultant and Peter Klein, CEO
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	Attachment 9.2.1.1 – JSCDL Letter of Notice to disallow the local law. Confidential – separate cover. Attachment 9.2.1.2 – CEO Letter of Response – Confidential – separate cover. Attachment 9.2.1.3 – Email thread to consider CEO response – Confidential – separate cover. Attachment 9.2.1.4 – Email thread confirming the need to amend – Confidential – separate cover. Attachment 9.2.1.5 – BFB Local Law Amendment Notice

SUMMARY

The Bush Fire Brigade Local Law, previously endorsed by Council and which came into effect on 27 March 2023, has been reviewed by the WA Parliamentary Joint Standing Committee on Delegated Legislation.

They have recommended amending the Law in order to comply with the *Bush Fire Act*, which we will do by deleting clause 7 (**Appointment, Employment, Payment, Dismissal and Duties of Bush Fire Control Officers**), as the appointment of Fire Control Officers is dealt with by clause 6(1)(g).

STATUTORY ENVIRONMENT

Amendments to local laws made under the Bush Fires Act are done using the process set out in s3.12 of the *Local Government Act 1995*.

This requires giving local public notice of the proposed amendment, providing copies to the relevant Ministers and to members of the public requesting it, consideration of any submissions received and consideration by Council as reflected in the recommendation above.

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 the amended 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

(70/2023) Moved: Cr Garner

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 advising that the Shire of Wyalkatchem intends making under common seal:

 - A. A Bush Fire Brigades Amendment Local Law, and explaining 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 Ministers for Local Government and Emergency Services;**
- 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

9.3. PLANNING AND BUILDING

9.3.1. SUBDIVISION APPLICATION – De PIERRES ROAD, WYALKATCHEM

Applicant:	RM Surveys
Location:	Lots 10433, 13267 and 22001 De Pierres Road, Wyalkatchem
Date:	7 June 2023
Reporting Officer:	Peter Klein, Chief Executive Officer; Paul Bashall, Planning Consultant
Disclosure of Interest:	No interest to disclose.
File Number:	7.10 Subdivision
Attachment Reference:	Attachment 9.3.1.1 – WAPC Referral Letter – separate attachment Attachment 9.3.1.2 – WAPC Display Plan Attachment 9.3.1.3 – Lot information Binder

SUMMARY

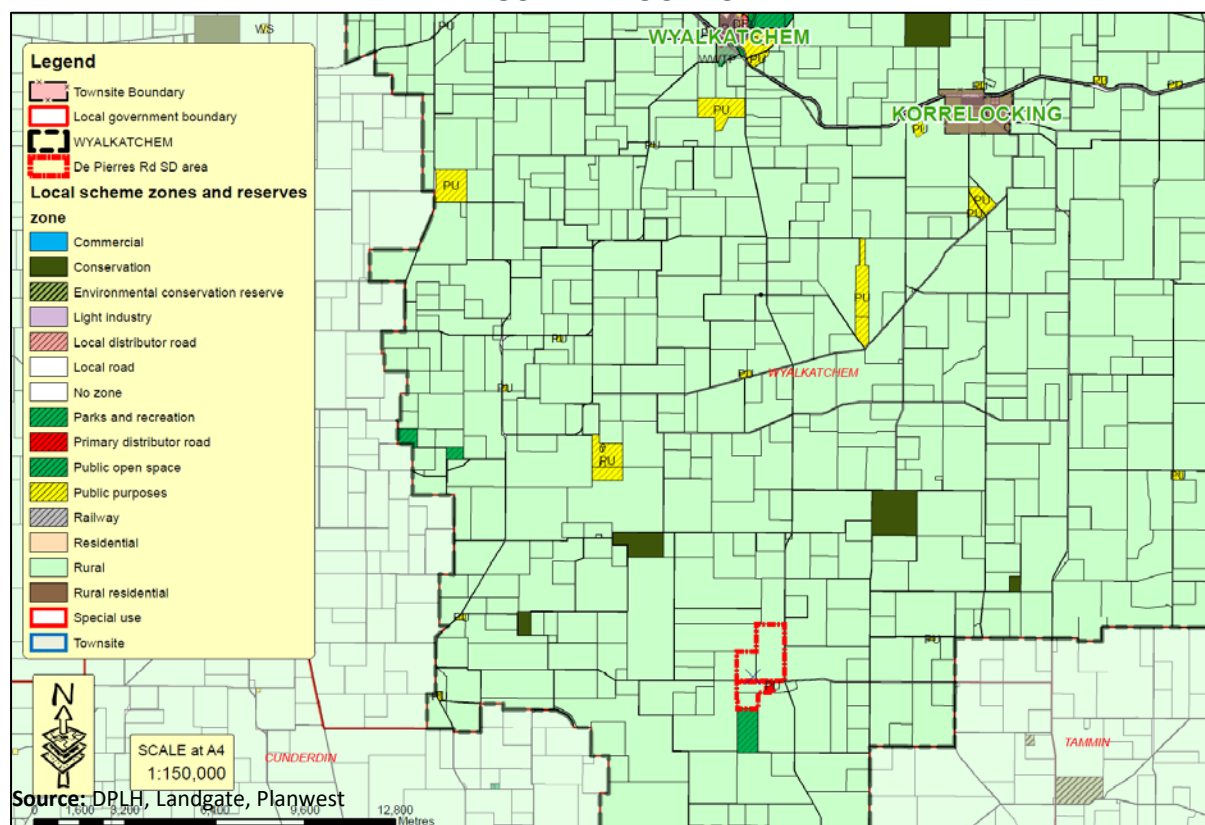
To consider subdivision application WAPC 163692 for Lot 10433, 13267 and 22001 De Pierres Road, **Wyalkatchem**.

BACKGROUND

The Western Australia Planning Commission (the Commission) has referred a subdivision application (163692) to the Shire of Wyalkatchem for comment. Responses are required by 19th July 2023.

Plans and documentations relating to the proposal are attached to this item. The proposed subdivision area is located about 21 kilometres south of Wyalkatchem townsite, about 19 kilometres south of Korrelocking and about 5 kilometres north of the Shire’s southern boundary as seen in **Figure 1** below.

FIGURE 1 – LOCATION PLAN



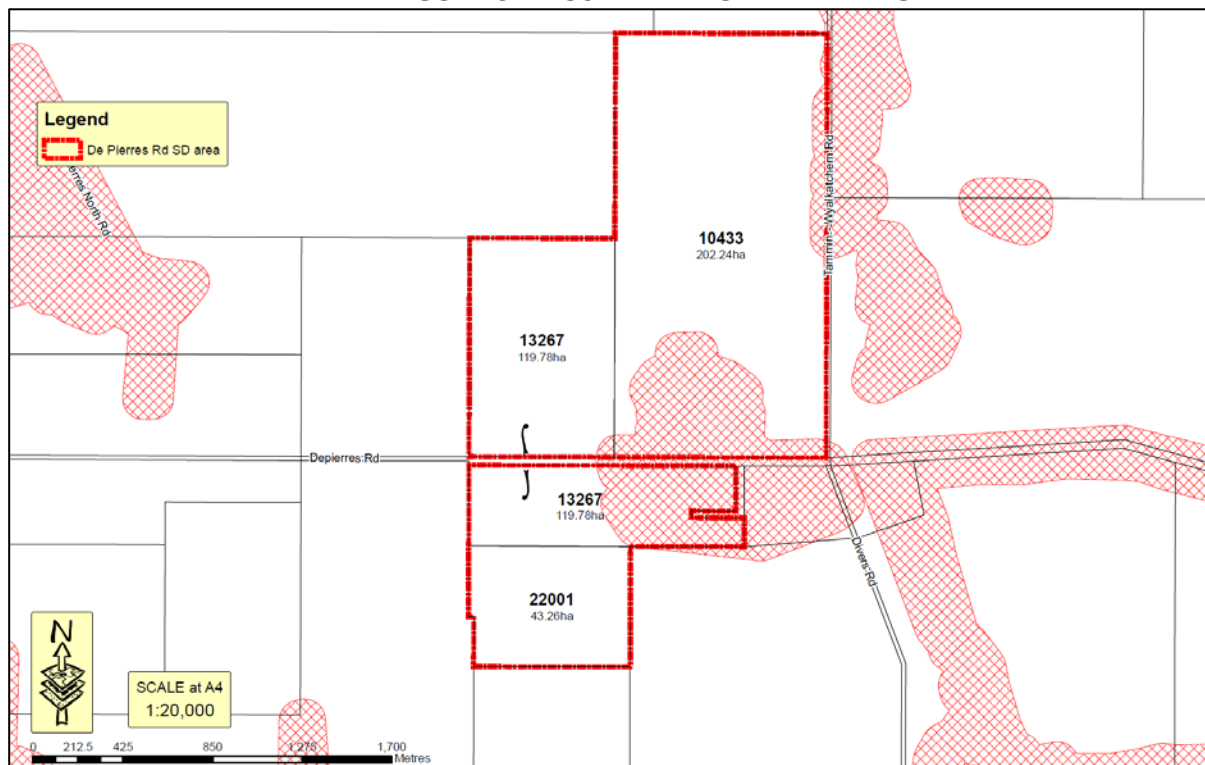
The three existing properties are approximately 202ha, 120ha and 43ha in area and is currently used for agricultural purposes as can be seen in the aerial photograph shown in **Figure 2** below. **Figure 3** shows the Bushfire Prone mapping extent over the subject land.

FIGURE 2 – AERIAL PHOTOGRAPH OF SUBJECT LAND



Source: ESRI, Landgate, Planwest

FIGURE 3 – BUSHFIRE PRONE MAPPING



Source: DFES, Landgate, Planwest

The existing Lot 13267 is currently divided by De Pierres Road; however, the reconfiguration will create a single lot south of De Pierres Road with 2 lots north of this road (as shown in **Figure 5**).

PROPOSED SUBDIVISION

The proposed subdivision is a realignment of existing lot boundaries that creates no additional lots. As mentioned in the applicant’s covering letter, because there are no additional lots created there is no change in the bushfire threat. Although the Bushfire Prone mapping covers part of the subject land, there appears little value in requiring a BAL assessment (Bushfire Attack Level).

Obligation regarding fire breaks along boundaries and the need for a Development Approval (DA) on new dwellings (in bushfire prone areas) remain unchanged.

Figure 4 shows the existing lots in the application, and **Figure 5** shows the proposed lot boundaries. These two Figures also show the existing Scheme designations.

FIGURE 4 – EXISTING LOT

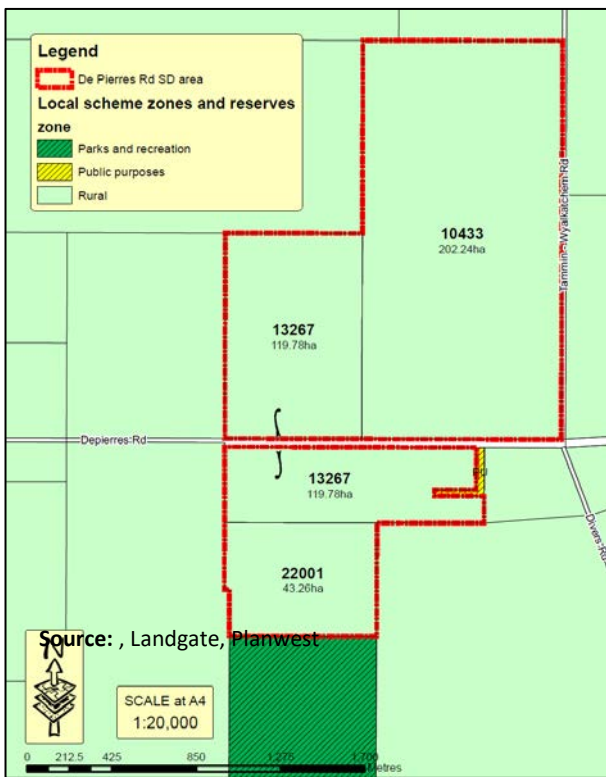
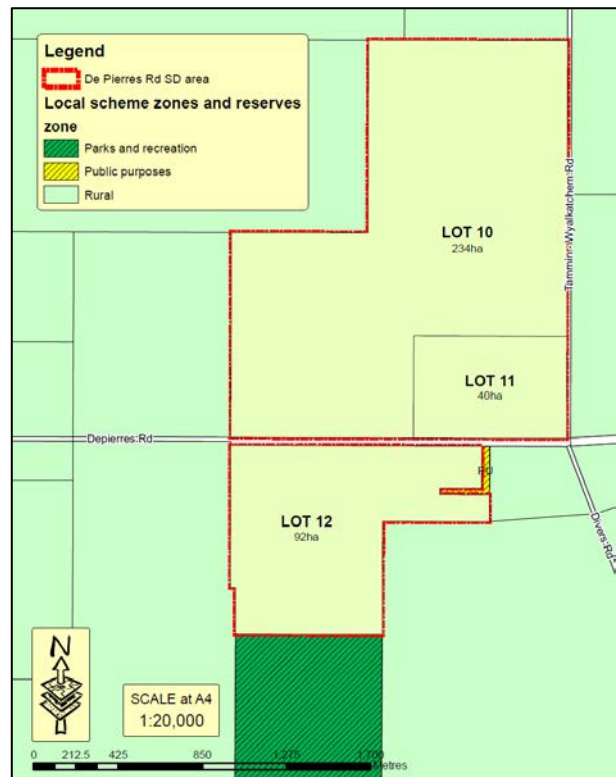


FIGURE 5 – PROPOSED SUBDIVISION



STRATEGIC ENVIRONMENT

The Council’s Local Planning Strategy was endorsed by the Commission on 22nd January 2013. The Strategy is silent on the Council’s position on the subdivision of rural land.

STATUTORY ENVIRONMENT

The land is all zoned ‘Rural’ in the Council’s Local Planning Scheme No 4 (the Scheme). The Scheme was gazetted on 24th June 2013.

The Scheme provides no minimum lot sizes in the rural areas as lot sizes and subdivision are controlled by the Commission.

COMMENT

The Commission is responsible for determining all subdivision applications in the State.

The application has been provided to Council's Shire Planning consultant – Mr Paul Bashall from Planwest who has provided the following comments;

- The subdivision proposal simply seeks to rearrange existing lot boundaries without creating additional lots.
- Because there is no new development, the BAL (Bushfire Attack Level) should not be required. Any future development will require the Council's assessment of a fresh DA (Development Approval) application at which time a BAL may be necessary.
- Fire breaks will automatically apply to new boundaries.

Mr Bashall has recommended that Council supports the application, raising no objections or conditions.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

Not applicable.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

(71/2023) Moved: Cr Garner

Seconded: Cr Holdsworth

That the Council:

- 1. supports the subdivision application No. 163692 - Lots 10433, 13267 and 22001 De Pierres Road, Wyalkatchem, as outlined in the application to the WA Planning Commission dated 31 May 2023, and*
- 2. advises the WA Planning Commission that it has no objections to the proposed subdivision and has no conditions to impose on the proposal.*

CARRIED 7/0

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

Nil

11.CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:03pm.