



**PUBLIC MINUTES  
OF THE  
ORDINARY MEETING  
OF COUNCIL  
HELD ON  
THURSDAY 21 OCTOBER 2021**

**Council Chambers  
Honour Avenue  
Wyalkatchem**

**Commencement: 4:01pm  
Closure: 6:39pm**

**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 28 October 2021

Peter Klein

**Chief Executive Officer**

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.*

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## 1. DECLARATION OF OPENING

In accordance with the provision of the *Local Government Act 1995*, and in the absence of an elected Shire President following the October 2021 Ordinary Election, the Chief Executive Officer assumed the Chair and opened the meeting at 4:01pm.

## 2. ELECTION OF SHIRE PRESIDENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 October 2021
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.07.06
Attachment Reference:	Nil

### SUMMARY

To elect the President of the Council for a two year term commencing immediately upon declaration into office.

### BACKGROUND

Schedule 2.3 of the *Local Government Act 1995* provides the legislative framework for how the position of President is filled by the Council;

- The council is to elect a councillor to fill the office.
- The election is to be conducted by the CEO in accordance with the procedure prescribed.
- Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- The votes cast under are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (LG Act which deals with determining the result of an election) as if those votes were votes cast at an election.
- As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

### COMMENT

On receiving nominations and undertaking the Election process the newly Elected Shire President will be required to be declared into office by the Chief Executive Officer, in accordance with the *Local Government Act 1995* and *Local Government (Constitutional) Regulations 1998* (Form 7).

At the conclusion of electing the Shire President, the President will 'assume the chair'.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Schedule 2.3.*

*Local Government (Constitutional) Regulations 1998 Form 7*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

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

**Goal: A well-managed and effective Council organisation**

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"><li>Ensuring a well-informed Council makes good decisions for the community</li></ul>
		10.3	<ul style="list-style-type: none"><li>High quality corporate governance, accountability and compliance</li></ul>

**ELECTION PROCESS**

*The Local Government Act 1995* states that the nomination for President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.

The Chief Executive Officer advised that he has received one nomination for the position of President from Cr Davies.

The Chief Executive then called for any further nominations from Councillors for the position of President. No further nominations were forthcoming.

The Chief Executive Officer declared Cr Davies elected to the position of President.

Cr Davies made his declaration in accordance with Form 7 – Declaration by elected member of Council, and took the chair at 4:06pm.

### 3. ELECTION OF DEPUTY SHIRE PRESIDENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 October 2021
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.07.06
Attachment Reference:	Nil

#### SUMMARY

To elect the Deputy President of the Council for a two year term commencing immediately upon declaration into office.

#### BACKGROUND

Schedule 2.3 of the *Local Government Act 1995* provides the legislative framework for how the position of Deputy President is filled by the Council;

- The council is to elect a councillor to fill the office.
- The election is to be conducted by the CEO in accordance with the procedure prescribed.
- Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- The votes cast under are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the act (which deals with determining the result of an election) as if those votes were votes cast at an election.
- As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

#### COMMENT

On receiving nominations and undertaking the Election process the newly Elected Deputy Shire President will be required to be declared into office by the Chief Executive Officer, in accordance with the *Local Government Act 1995* and *Local Government (Constitutional) Regulations 1998 (Form 7)*.

At the conclusion of electing the Deputy Shire President, the Deputy President will 'assume their chair'.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995, Schedule 2.3*

*Local Government (Constitutional) Regulations 1998 Form 7.*

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

### **COMMUNITY & STRATEGIC OBJECTIVES**

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

#### **Objective: A well-managed and effective Council organisation**

<b>Goal No.</b>	<b>Strategies</b>		<b>Actions</b>
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1 10.3	<ul style="list-style-type: none"><li>• Ensuring a well-informed Council makes good decisions for the community</li><li>• High quality corporate governance, accountability and compliance</li></ul>

### **ELECTION PROCESS**

*The Local Government Act 1995* states that the nomination for Deputy President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.

The Chief Executive Officer advised that he has received one nomination for the position of Deputy President from Cr Garner.

The Chief Executive then called for any further nominations from Councillors for the position of Deputy President. No further nominations were forthcoming.

The President declared Cr Garner elected to the position of Deputy President.

Cr Garner made his declaration in accordance with Form 7 – Declaration by elected member of Council, and was seated at 4:10pm.



**4. BALLOT FOR SEATING**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 October 2021
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.07.06
Attachment Reference:	Nil

**SUMMARY**

A Ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers.

**BACKGROUND**

The Shire of Wyalkatchem Standing Orders provides the framework on how to allocate Council seating arrangements;

**Clause 8.2 Standing Orders - Members to Occupy Own Seats**

At the first meeting held after each ordinary Election Day, the CEO is to allot by random draw, a position at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions

**COMMENT**

After the conclusion of the ballot, the Shire President will invite Councillors to take their seats.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Shire of Wyalkatchem Standing Orders 8.2 Members to Occupy Own Seats*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

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

**Goal: A well-managed and effective Council organisation**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>

## **BALLOT PROCESS**

Chief Executive Officer, Mr Peter Klein, conducted the ballot process with the names being drawn as follows.

- Cr Mischa Stratford
- Cr Owen Garner
- Cr Emma Holdsworth
- Cr Christy Petchell
- Cr Stephen Gamble
- Vacant

The following seating arrangements were not allocated by ballot, being the Shire President and Staff and are as follows

- Governance Executive Officer / Minute taker
- Shire President
- Chief Executive Officer
- Manager of Corporate services
- Manager of Works

At the conclusion of the ballot, the Shire President, Cr Davies invited Councillors to take their seats.

*Ms Elvidge left the meeting at 4:14pm*

*Ms Elvidge returned to the meeting at 4:15pm*

## **5. PUBLIC QUESTION TIME**

### **5.1. Response to Public Questions Previously Taken on Notice**

Nil

### **5.2. Declaration of Public Question Time opened**

Public Question Time opened at 4:15pm

There were no members of the public.

### **5.3. Declaration of Public Question Time closed**

Public Question Time closed at 4:15pm

## **6. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

### **6.1. Attendance**

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

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

**6.2. Apologies**

Nil

**6.3. Approved Leave of Absence**

Nil

**6.4. Applications for Leave of Absence**

Nil

**7. OBITUARIES**

It was advised that long term resident and well known community member Merle Crute, wife of past Shire President Ross Crute, sadly passed on 9<sup>th</sup> October 2021.

**8. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**8.1. Petitions**

Nil

**8.2. Deputations**

Nil

**8.3. Presentations**

Nil

**9. DECLARATIONS OF INTEREST**

**9.1. Financial and Proximity Interest**

Nil

**9.2. Impartiality Interests**

Nil

**10. CONFIRMATION AND RECEIPT OF MINUTES**

**10.1. Confirmation of Minutes**

**10.1.1. Ordinary Meeting of Council – 16 September 2021**

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 16 September 2021 (Attachment 10.1.1)

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

***(355/2021) Moved: Cr Stratford***

***Seconded: Cr Gamble***

***That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 16 September 2021 (Attachment 10.1.1) be confirmed as a true and correct record.***

***CARRIED 6/0***

**10.2. Receipt of Minutes**

**10.2.1. Northam District Operations Advisory Committee Minutes (DOAC) draft – 14 September 2021**

Minutes of the DOAC meeting held on Tuesday 14 September 2021 (Attachment 10.2.1)

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

**(356/2021) Moved: Cr Holdsworth**

**Seconded: Cr Garner**

**That the Minutes of the DOAC meeting held on Tuesday 14 September 2021 (Attachment 10.2.1) be received by Council.**

**CARRIED 6/0**

**10.2.2. Wyalkatchem Bush Fire Brigade AGM – 23 September 2021**

Minutes of the Wyalkatchem Bush Fire Brigade Annual General Meeting held on Thursday 23 September 2021 (Attachment 10.2.2)

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

**(357/2021) Moved: Cr Garner**

**Seconded: Cr Stratford**

**That the Minutes of the Wyalkatchem Bush Fire Brigade Annual General Meeting held on Thursday 23 September 2021 (Attachment 10.2.2) be received by Council.**

**CARRIED 6/0**

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

Cr Davies congratulated Cr's Garner, Holdsworth, Petchell and Stratford on their being elected/re-elected to Council. This will be Cr Petchells' first Term of Office and her nomination is very much appreciated.

Cr Davies congratulated Cr Garner on his re-election to Deputy President and thanked all of Council for his own re-election as president.

Cr Davies reflected on his first Term as President, the huge challenge it was initially and how progressively over the years Council had developed and continued to 'get things done'. He commented on the faith that the Community held that Council would make well considered decisions and get things right.

Cr Davies thanked Ally Bryant and Cr Stratford for organising the Wylie Fair and the Shire staff for their great contribution to the Fair's success. A record 550 + people attended the event.

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

**12.1. ITEM 14.1 OVERDUE RATES AND CHARGES**

**12.2. ITEM 14.2 DEVELOPMENT APPROVAL – WILSON STREET**

**12.3. ITEM 14.3 NON-COMPLIANCE WITH HEALTH NOTICE**

## 13.REPORTS

### 13.1. CORPORATE AND COMMUNITY SERVICES

#### 13.1.1. ACCOUNTS FOR PAYMENT – SEPTEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	06 October 2021
Reporting Officer:	Tegan Maitland, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 13.1.1 – Accounts for Payment – September 2021

#### SUMMARY

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

#### BACKGROUND

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing all payments since the last such list was prepared.

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

#### COMMENT

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

Bank Account	Payment Type	Last Number	First Number in report
Municipal	Cheque	16889	16892
Municipal & Trust	EFT	EFT1412	EFT1413
Reserves	EFT	EFT	No Payments

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

Cheques 16890 and 16891 both cancelled due to issue with split payment of invoice.

#### STATUTORY ENVIRONMENT

*Local Government (Financial Management) Regulations, S13.1*

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2021/2022 Annual Budget.

## COMMUNITY & STRATEGIC OBJECTIVES

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

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

## VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION:

*(358/2021) Moved: Cr Stratford*

*Seconded: Cr Garner*

*That Council endorse the following payments for the month of September 2021:*

- 1. Cheque 16892 payment from the Municipal Fund totalling \$75.75;*
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$421,578.16;*
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$31,091.25;*
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$45,956.96;*
- 5. Total payments for the month of September 2021 being \$498,702.12.*

**CARRIED 6/0**

**13.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – SEPTEMBER 2021**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	06 October 2021
Reporting Officer:	Tegan Maitland
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 13.1.2 – Credit Cards – September 2021

**BACKGROUND**

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management s.6.4*  
*Local Government (Financial Management) Regulations 1996, R34*

**POLICY IMPLICATIONS**

Policy Number 2.1 – Purchasing Policy.  
 Policy Number 2.3 – Credit Card Policy.

**FINANCIAL IMPLICATIONS**

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

**COMMUNITY & STRATEGIC OBJECTIVES**

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

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

**VOTING REQUIREMENT**

Simple Majority

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

***(359/2021) Moved: Cr Stratford***

***Seconded: Cr Gamble***

***That Council endorse credit card payments for the period 29 July to 27 August 2021, totalling \$1,881.44 (refer attachment 13.1.2).***

***CARRIED 6/0***

### 13.1.3. MONTHLY FINANCIAL REPORT – SEPTEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 October 2021
Reporting Officer:	Ally Bryant, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 13.1.3 – Monthly Financial Report – September 2021

#### BACKGROUND

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

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

#### COMMENT

The attached report includes:

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

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

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

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

#### STATUTORY ENVIRONMENT

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

*Local Government (Financial Management) Regulations, R34*

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

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

#### COMMUNITY & STRATEGIC OBJECTIVES

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

**Goal: Transparent, accountable and effective governance.**



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

**VOTING REQUIREMENT**

Simple Majority

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

***(360/2021) Moved: Cr Holdsworth***

***Seconded: Cr Stratford***

***That Council accepts the Statement of Financial Activity for the month ending 30 September 2021 (refer attachment 13.1.3).***

***CARRIED 6/0***

## **13.2. GOVERNANCE AND COMPLIANCE**

### **13.2.1. CHIEF EXECUTIVE OFFICER'S REPORT – SEPTEMBER / OCTOBER 2021**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 October 2021
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### **SUMMARY**

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

#### **COMMENT**

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

- Joanne Eggleston, LGIS re front line leadership training
- Neil Chivers & Paul Gardiner – Western Power re Community Power Banks Trial
- NEWROC Executive – Trayning
- Darren Kavanagh – Worksafe Commissioner (via Zoom) re WHS Act amendments
- Rob Cossart – WDC (via Zoom) re Regional Economic Development Grants Round 4
- Paul de Pierres & Daniel Hendriksen re 50 year service medal
- Amit Singh – Concept AV re video conferencing system
- Shaun Edwy-Smith – Market Creations re video conferencing system
- Annual WALGA Conference - Perth

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

#### **COMMUNITY & STRATEGIC OBJECTIVES**

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

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

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

**VOTING REQUIREMENT**

Simple Majority

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

**(361/2021) Moved: Cr Garner**

**Seconded: Cr Stratford**

**That Council accepts the Chief Executive Officer's report for the month of September/October 2021.**

**CARRIED 6/0**

### 13.2.2. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER'S REPORT – SEPTEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 October 2021
Reporting Officer:	Peter Toboss – Principal Environmental Health Officer (PEHO)
Disclosure of Interest:	NIL
File Number:	13.05.01
Attachment Reference:	NIL

#### COMMENT

The PEHO attended the Shire office on 28 September 2021.

#### HEALTH, BUILDING AND PLANNING ENQUIRIES

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

#### FOOD PREMISES INSPECTION

Nil

#### NOISE COMPLAINT- JOHNSTON STREET, WYALKATCHEM

In September, the Shire received a noise complaint from a resident regarding a loud stereo noise from Johnston Street. The PEHO investigated the source of the noise complaint and issued an Environmental Protection (Noise) Regulations 1997 warning letter to alleged offender. The Environmental Protection (Noise) Regulations 1997 (the Regulations) operate as a prescribed standard under the Environmental Protection Act 1986 (the Act) and set limits on noise emissions. No further action at this stage unless further complaint received.

#### CONTACT REGISTER INSPECTIONS

The PEHO inspected four (4) businesses in town for compliance with COVID-19 Contact Register Directions. From 5 December 2020, mandatory requirements specified in directions issued under the *Emergency Management Act 2005*, for specified businesses to implement and maintain a contact register of all persons who attend their business premises.

#### 2020-2021 WASTE DATA ONLINE LOCAL GOVERNMENT REPORT

The 2020-21 annual return under regulation 18C of the Waste Avoidance and Resource Recovery Regulations 2008 (WARR Regulations) for the Department of Water and Environmental Regulation was completed online and submitted. This waste data reporting is conducted annually and completion is in accordance with regulation 18C of the WARR Regulations which required a liable person to lodge an annual return in Waste Data Online format. Failing to comply with this requirement is an offence under regulation 18E (2) of the WARR Regulations and carries a maximum penalty of \$10 000.

#### RECYCLED WASTEWATER SAMPLING

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

### **STATUTORY ENVIRONMENT**

*Public Health Act 2016*

*Food Act 2008,*

*Building Regulations 2012*

*Health (Public Buildings) Regulations 1992*

*Waste Avoidance and Resource Recovery Regulations 2008*

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

### **COMMUNITY & STRATEGIC OBJECTIVES**

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

#### **Objective: Healthy, Strong and connected communities**

<b>Outcome No.</b>	<b>Outcome</b>	<b>Action No.</b>	<b>Actions</b>
1.1	Enhance community well-being and participation in community life	1.1.2	Promote regional health solutions that are integrated with other governments and entities

#### **Objective: A prosperous and dynamic district**

<b>Outcome No.</b>	<b>Outcome</b>	<b>Action No.</b>	<b>Actions</b>
2.1	A Vibrant and activated public places	2.1.1	Enhance and upgrade the amenity of the shopping precinct

### **VOTING REQUIREMENT**

Simple Majority

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

**(362/2021) Moved: Cr Stratford**

**Seconded: Cr Gamble**

**That Council accept the attached PEHO Report for September 2021.**

**CARRIED 6/0**

**13.2.3. DELEGATIONS REGISTER REVIEW – SEPTEMBER 2021**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	13 October 2021
Reporting Officer:	Peter Klein, CEO, & Stephanie Elvidge, GEO
Disclosure of Interest:	No interest to disclose
File Number:	22.02.02
Attachment Reference:	Attachment 13.2.3 Delegations Matrix

**BACKGROUND**

In accordance with the *Local Government Act 1995*, Council reviews its delegation register annually. The last review was conducted on 21 February 2020.

**COMMENT**

Delegations are required to be reviewed on an annual basis.

This review has been conducted by the CEO and recommended amendments are included in the following matrix.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995 s 5.42 – Delegation of some powers and duties to CEO*

*Local Government act 1995 s 5.44 – CEO may delegate some powers and duties to other employees.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

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

**Goal 10 Transparent, accountable and effective governance**

Outcome No. 10	Outcome	Action No.	Actions
Transparent, accountable and effective governance		10.1	Ensuring a well-informed Council makes good decisions for the community.
		10.3	High quality corporate governance, accountability and compliance

**VOTING REQUIREMENT**

Absolute Majority

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

**(363/2021) Moved: Cr Gamble**

**Seconded: Cr Garner**

**That Council approves the amended Delegations Register.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

*Cr Stratford left the meeting at 5:15pm*

*Cr Stratford returned to the meeting at 5:17pm*

### **13.3. WORKS AND SERVICES**

#### **13.3.1. MANAGER OF WORKS OFFICER'S REPORT SEPTEMBER / OCTOBER 2021**

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	12 October 2021
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 month of September / October 2021.

#### **COMMENT**

##### **SAFETY**

1. Reported Incidents as follows;
  - a. Vandalism / Graffiti on hotel, public buildings and footpaths/kerbs
  - b. Property damage at public toilets
2. Jon and Lesley representing the Safety committee attended training in Kellerberrin during the month.

##### **ROADS – MAJOR PROJECTS**

- Inspections carried out with both MRWA and RRG reps to discuss strategies for the Koorda Rd and the Wylie Nth Road.
- Traffic counters have been deployed on both.

##### **MAINTENANCE GRADING**

- Shoulder reconstruction work completed on Elsegood, Koorda and Wylie North Roads.
- Road repairs commenced.

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

- Major focus on major issues with Rec Ground reticulation.
- Wylie Fair completed
- Workers Camp repainted some machinery in Pioneer Park and repointed some masonry in the stone walls.

##### **SWIMMING POOL RENOVATION**

- Met with Contract Aquatics to discuss the upcoming season.
- Fencing repairs completed. Workers camp assisted.
- Main pump / motor US. Replacements being sourced.

##### **OTHER PROJECTS**

- **Butlin St depot.**
  - Vacant possession not yet achieved.
  - Crews assisting with clean up and preparing to move.



- **WWTP**
  - Contractors progressing well.
  - Pad construction to commence soon.
  
- **Gamble St Upgrade**
  - Creek work to be completed.
  - Footpath and kerb work to be installed asap.
  - Sealing to follow asap.
  - Signage and line marking to follow that.
  
- **Recreation Ground**
  - Rec Centre main line contracted to Blackwell Plumbing.
  - Reticulation repairs still ongoing.
  - South wicket pitch installed. Artificial turf in 2 weeks' time.
  - Insurance claim for light pole lodged. A Tyler completed strengthening of light poles.
  
- **Vehicle/Plant**
  - Hired water truck use for shoulder work. Now returned.
  
- **Aerodrome**
  - Runway overlay to go to RFQ stage soon.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

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

**Goal 8: Our built environment responds to the accessibility and connectivity needs of all.**

Outcome No.		Action No.	Actions
<b>Goal 8</b>	<b>Our built environment responds to the accessibility and connectivity needs of all</b>	8.1	Improving safety on road, cycle and footpath networks
		8.2	Developing & planning community infrastructure to improve use & social interaction
		8.3	Implement Aged Friendly Plan
		8.4	

			Implement the Disability Access and Inclusion Plan (DAIP)
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**VOTING REQUIREMENT**

Simple Majority

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

***(364/2021) Moved: Cr Stratford***

***Seconded: Cr Gamble***

***That Council consider and accept the Manager of Works report for the month of September/October 2021.***

***CARRIED 6/0***

**13.4. PLANNING AND BUILDING**

*See matters behind closed doors, Item 17.2 AND 17.3*

**14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**16.1. RECREATION CENTRE OVAL RETICULATION – EMERGENCY REPAIRS BUDGET AMENDMENT**

The President advised the meeting that the Manager of Works and Chief Executive Officer have sought leave to introduce an urgent item of business. The reason for the urgency was the need for an urgent repair of the reticulation system at the Oval.

The current system has had continuous issues with the solenoids' and electrical wiring that has become unmanageable.

It is recommended that a budget amendment be made to enable urgent replacement of the components of the reticulation. If this were not to happen, it is certain that the Oval will continue to deteriorate due to the faulty nature of the current system and lack of water.

**Voting Requirement**

Absolute Majority

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

***(365/2021) Moved: Cr Garner***

***Seconded: Cr Gamble***

***That council support the urgent replacement of components of the reticulation system at the Recreation Reserve to rectify current failure of the system, and that Council amend the FY 22 budget as follows - \$20,000 be transferred from the Sports and Recreation Facility Reserve to this project, and that the \$10,000 previously allocated to the water tank for the Recreation Centre be reallocated to this project.***

***CARRIED BY ABSOLUTE MAJORITY 6/0***

## 17. MATTERS BEHIND CLOSED DOORS

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION:

*(366/2021) Moved: Cr Holdsworth*

*Seconded: Cr Stratford*

*That Council moves behind closed doors in accordance with Section 5.23 (2)(b) and (e)(iii) of the Local Government Act 1995,*

*(b) to deal with matters that relate to the personal affairs of a person;*

*(e)(iii) to deal with a matter that if disclosed, would reveal Information about the business, professional, commercial or financial affairs of a person,*

**CARRIED 6/0**

### 17.1. OVERDUE RATES AND CHARGES – 30 SEPTEMBER 2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	30 September 2021
Reporting Officer:	Louise Sequerah
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 17.1 - Recalcitrant Rates Debtors - confidential

### SUMMARY

The Shire of Wyalkatchem recalcitrant rates debtors report as at 30 September 2021 details

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

### STATUTORY ENVIRONMENT

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

*Local Government Act 1995.*

6.57. *Non-compliance with procedure in Act not to prevent recovery of rate or service charge*

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

### POLICY IMPLICATIONS

Policy 2.10 Revenue Collection.

CEO Delegated Authority 1.2.23 – Recovery of Rates or Service Charges.

### FINANCIAL IMPLICATIONS

In 2021/2022, a budget of \$3,500 exists for Rates Debt Collection Expenses. Debt Recovery is an expensive exercise, with a Property Sale & Seizure Order costing \$5,000 per assessment. If active Debt Recovery is commenced, this budget may be exceeded. All expenses for debt recovery is on-charged to the ratepayer and held as an additional debt on the property.

### COMMUNITY & STRATEGIC OBJECTIVES

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

#### Goal: Transparent, accountable and effective governance.

Goal No.	Strategies		Actions
10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>

### VOTING REQUIREMENT

Simple Majority

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

*(367/2021) Moved: Cr Stratford*

*Seconded: Cr Gamble*

*That Council receives the report of Recalcitrant Rates Debtors as presented in the confidential attachment "17.1 - Recalcitrant Rates Debtors - as at 2021-09-30.pdf"*

**CARRIED 6/0**

#### 17.2. DEVELOPMENT APPROVAL – WILSON STREET, WYALKATCHEM

Applicant:	R McDonald
Location:	Wilson Street, Wyalkatchem
Date:	22 September 2021
Responsible Officer:	Peter Klein, Chief Executive Officer
Reporting Officer:	Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	18.13 Subdivisions
Attachment Reference:	Attachment 17.2 – SOW Policy 11.1 Moveable Buildings

### Executive Summary

This report considers a proposal to temporarily locate two 6m x 2.4m containers at the rear of a commercial property in Wilson Street, Wyalkatchem.

#### 1.5 Consultation

- Council Governance Executive Officer
- Paul Bashall – Planwest, Town Planning Consultant

### **1.6 Statutory Environment**

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

### **1.7 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

The first LPP relates to Moveable Buildings that includes containers. The LPP defines containers as follows;

'Containers'. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seainers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

The LPP outlines the Council policy on the location and use of containers as follows;

The Council will not permit the storing or use of a 'container', as defined above, within a town site area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

### **1.8 Financial Implications**

There are no financial implications applicable to this item.

### **1.9 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.

A footnote will be added to emphasise that the containers will not be an approved development following the 24-month approval period, and that the approval does not relate to any other development – for which a fresh DA will be required.

Following 24 months the development will be considered illegal and may incur a penalty under the provisions of the Planning and Development Act 2005.

**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:**

*(368/2021) Moved: Cr Stratford*

*Seconded: Cr Petchell*

*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 24 months only.*

*(369/2021) Amendment moved by Cr Garner*

*Seconded by Cr Petchell*

*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).*

**CARRIED 6/0**

**(370/2021) SUBSTANTIVE MOTION**

*The Presiding Person put the amended motion:*

*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).*

**CARRIED 6/0**

*The reason for the change is that 12 months encourages the completion of the 'Proposed New Extended Shed' and the removal or concealment of the two sea containers.*

*Cr Garner left the meeting at 6:27pm*

*Cr Garner returned to the meeting at 6:28pm*





**18. INFORMATION BULLETIN**

**18.1. Information Bulletin**

The information bulletin has been provided as an attachment (Attachment 18.1)

**18.2. Business Arising from the Information Bulletin**

Nil

**19. CLOSURE OF THE MEETING**

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 6:39pm.