



# **PUBLIC AGENDA**

## **ORDINARY COUNCIL MEETING**



**15 OCTOBER 2020**

Commencing at 4pm in the  
Shire of Wyalkatchem Council Chambers  
27 Flint Street, Wyalkatchem

## **NOTICE OF COUNCIL MEETING**

The next Ordinary Meeting of the Wyalkatchem Shire Council will be held on Thursday 15 October 2020 in the Council Chambers, 27 Flint Street Wyalkatchem, commencing at 4pm.

An Agenda for this meeting will be made available from the Shire Administration Office and on our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

## **ORDER OF EVENTS**

**Thursday, 15 October 2020**

**3:00pm                    Audit and Risk Management Committee Meeting**

**4:00pm                    Ordinary Meeting of Council**

I have reviewed this agenda and am aware of all recommendations made to Council and support each as presented.

**Stephen Tindale**

**ACTING 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.*

## **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.

## TABLE OF CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING</b> .....	<b>1</b>
<b>2.</b>	<b>PUBLIC QUESTION TIME</b> .....	<b>1</b>
2.1.	Response to Public Questions Previously Taken on Notice.....	1
2.2.	Declaration of Public Question Time opened.....	1
2.3.	Declaration of Public Question Time closed.....	1
<b>3.</b>	<b>ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE</b> .....	<b>1</b>
3.1.	Attendance.....	1
3.2.	Apologies.....	1
3.3.	Approved Leave of Absence.....	1
3.4.	Applications for Leave of Absence.....	1
<b>4.</b>	<b>OBITUARIES</b> .....	<b>1</b>
<b>5.</b>	<b>PETITIONS, DEPUTATIONS, PRESENTATIONS</b> .....	<b>1</b>
5.1.	Petitions .....	1
5.2.	Deputations.....	1
5.3.	Presentations .....	1
<b>6.</b>	<b>DECLARATIONS OF INTEREST</b> .....	<b>1</b>
6.1.	Financial and Proximity Interest .....	1
6.2.	Impartiality Interests.....	1
<b>7.</b>	<b>CONFIRMATION AND RECEIPT OF MINUTES</b> .....	<b>1</b>
7.1.	Confirmation of Minutes.....	1
7.1.1.	Ordinary Meeting of Council – 17 September 2020.....	1
7.2.	Receipt of Minutes.....	1
7.2.1.	NEWROC Council Minutes – 29 September 2020.....	1
7.2.2.	Northam District Operation’s Advisory Committee Minutes – 8 September 2020 ..	2
<b>8.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b> .....	<b>2</b>
<b>9.</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b> .....	<b>2</b>
9.1.	Item 14.1 Appointment of Manager of Works .....	2
<b>10.</b>	<b>REPORTS</b> .....	<b>3</b>
10.1.	CORPORATE AND COMMUNITY SERVICES.....	3
10.1.1.	ACCOUNTS FOR PAYMENT – SEPTEMBER 2020 .....	3
10.1.2.	ACCOUNTS FOR PAYMENT – CREDIT CARDS – AUGUST 2020.....	5
10.1.3	MONTHLY FINANCIAL REPORT – SEPTEMBER 2020 .....	7

10.1.4.	WRITE OFF OF RATES AND CHARGES.....	10
10.1.5.	REQUEST FOR FEE REDUCTION.....	12
10.2.	GOVERNANCE AND COMPLIANCE .....	14
10.2.1	CHIEF EXECUTIVE OFFICER REPORT – SEPTEMBER 2020 .....	14
10.2.2.	ADDITIONAL NOVEMBER COUNCIL MEETING .....	16
10.2.3.	MARKET CREATIONS – BRAND & STYLE GUIDE .....	19
10.2.4.	ST MARY’S ROMAN CATHOLIC CHURCH – CONSERVATION STRATEGY.....	21
10.3.	WORKS AND SERVICES .....	24
10.3.1.	OFFICERS ACTIVITY REPORT – MANAGER OF WORKS .....	24
10.4.	PLANNING AND BUILDING .....	28
10.4.1.	PROPOSED LEASE OF A PORTION OF RESERVE 40516 TO TELSTRA.....	28
<b>11.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>30</b>
<b>12.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>30</b>
<b>13.</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>30</b>
<b>14.</b>	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>30</b>
14.1.	APPOINTMENT OF MANAGER OF WORKS.....	30
<b>15.</b>	<b>INFORMATION BULLETIN.....</b>	<b>33</b>
15.1.	Information Bulletin.....	33
15.2.	Business Arising from the Information Bulletin.....	33
<b>16.</b>	<b>CLOSURE OF THE MEETING.....</b>	<b>33</b>

**1. DECLARATION OF OPENING**

**2. PUBLIC QUESTION TIME**

**2.1. Response to Public Questions Previously Taken on Notice**

**2.2. Declaration of Public Question Time opened**

**2.3. Declaration of Public Question Time closed**

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**3.1. Attendance**

**3.2. Apologies**

**3.3. Approved Leave of Absence**

**3.4. Applications for Leave of Absence**

**4. OBITUARIES**

**5. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**5.1. Petitions**

**5.2. Deputations**

**5.3. Presentations**

**6. DECLARATIONS OF INTEREST**

**6.1. Financial and Proximity Interest**

**6.2. Impartiality Interests**

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Meeting of Council – 17 September 2020**

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 17 September 2020 ([Attachment 7.1.1](#))

**OFFICER RECOMMENDATION:**

*That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 17 September 2020 (Attachment 7.1.1) be confirmed as a true and correct record.*

**7.2. Receipt of Minutes**

**7.2.1. NEWROC Council Minutes – 29 September 2020**

Minutes of the NEWROC Executive Meeting held on Tuesday 29 September 2020 ([Attachment 7.2.1](#))

**OFFICER RECOMMENDATION:**

*That the minutes of the NEWROC Executive Meeting of Tuesday 29 September 2020 (Attachment 7.2.1) be received by Council.*

**7.2.2. Northam District Operation's Advisory Committee Minutes – 8 September 2020**

Minutes of the Northam District Operation's Advisory Committee held on Tuesday 8 September 2020 ([Attachment 7.2.2](#))

**OFFICER RECOMMENDATION:**

*That the minutes of the Northam District Operation's Advisory Committee held on Tuesday 8 September 2020 (Attachment 7.2.2) be received by Council.*

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

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

**9.1. Item 14.1 Appointment of Manager of Works**

**10.REPORTS**

**10.1. CORPORATE AND COMMUNITY SERVICES**

**10.1.1. ACCOUNTS FOR PAYMENT – SEPTEMBER 2020**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 October 2020
Reporting Officer:	Tegan Maitland, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	<a href="#">Attachment 10.1.1 – Accounts for payment – September 2020</a>

**SUMMARY**

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

**BACKGROUND**

In accordance with the *Local Government (Financial Management) Regulations 1996, s13(1)*, If a local government has delegated to the CEO the exercise of 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 for each account paid since the last such list was prepared.

A list prepared under sub regulation (1) is to be –

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

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

**COMMENT**

A payment listing for the month of September 2020 is presented for Council for their endorsement and includes payments made via cheque, Electronic Funds Transfer (EFT) and Direct Debit.

After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be -\$25.63.

Previous Accounts for Payment report to enable council to check that no sequential payment numbers have been missed from the previous accounts for payment reports and the report presented as attached, the following information is provided on the last cheque or EFT number used

Bank Account	Payment Type	Last Number	First Number in report
Municipal	Cheque	16885	16887
Municipal & Trust	EFT	EFT694	EFT695
Trust	Cheque	Cheque	No Payments
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.

**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 2019/2020 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
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>
		10.2	<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**

*That Council endorse the following payments for the month of August 2020:*

- 1. Cheque 16887 payments in the Municipal Fund totalling \$ 112.00;*
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$208,010.75;*
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$19,260.23;*
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$71,200.28;*
- 5. Total payments for the month of September 2020 being \$298,583.26.*

### **10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – AUGUST 2020**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 October 2020
Reporting Officer:	Tegan Maitland
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	<a href="#">Attachment 10.1.2 – Credit Cards – August 2020</a>

#### **SUMMARY**

This report provides Council with a list of all financial dealings relating to the use of credit card payments for the period 29 July to 28 August 2020.

#### **BACKGROUND**

This information is provided to Council on a monthly basis in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Council is presented with the monthly accounts for payment at each Council meeting, providing information of payments made for the reporting period (note attachment 10.1.2.1 and 10.1.2.2). This report includes the monthly payment of the credit card debit to the National Australia Bank.

#### **COMMENT**

Accountability in local government can be multifaceted, as council seek to achieve diverse social, political and financial goals for the community benefit. The accountability principles of local government are based on strong financial probity, financial propriety, adherence to conflict of interest principals and expectations that the local government is fully accountable for community resources.

This report provides Council with detailed information of purchases paid using the Shire of Wyalkatchem Corporate Credit Cards.

A monthly review of credit card use is independently assessed by the Manager Corporate Services, to confirm that all expenditure has been occurred, is for the Shire of Wyalkatchem and has been made in accordance with Council policy, procedures and the Local Government Act 1995 and associated regulations. The review by the Manager Corporate Services also ensures that misuse of any corporate credit card can be readily detected.

This review has been conducted and no issues are evident and all areas of compliance have been met.

#### **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**

Financial implications and performance to budget are reported to Council on a monthly basis. In this regard, expenditure must be in accordance with the 2019/2020 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
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>
		10.2	<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**

*That Council, in accordance with attachment 10.1.2.1 and 10.1.2.2, endorse credit card payments made for the period 29 July 2020 to 28 August 2020 totalling \$1,320.84.*

### 10.1.3 MONTHLY FINANCIAL REPORT – SEPTEMBER 2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	15 October 2020
Reporting Officer:	Ally Bryant, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	<a href="#">Attachment 10.1.3 Monthly Financial Report – September 2020</a>

#### SUMMARY

For Council to review and accept the monthly financial report for the period ending 30 September 2020.

#### BACKGROUND

The *Local Government (Financial Management) Regulations 34* states that a local government must prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) and states the information required to be included in the financial activity reporting.

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

#### COMMENT

In the attachment, financial activity reports have been prepared in accordance with the *Local Government (Financial Management) Regulations (34)*.

The report includes

Statement of Financial Activity by Program (p.3)

Statement of Financial Activity by Nature an Type (p.4)

The statements provide details of the Shires 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 Councillor's information

The notes provided are:

Note 1 – Explanation of the composition of net current assets: This note details the current funding position of the Shire.

Note 2 - Explanation of Material Variances Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Note 3 – Cash and Financial Assets: This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 4 - Cash Backed Reserves: This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year to date basis.

Note 5 – Capital Acquisitions: This note details the capital expenditure program for the year.

Note 6 – Disposal of Assets: This note gives details of the capital asset disposals during the year.

Note 5 – Payables: This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 7 – Non-Operating Grants and Contributions Received: This note provides information on non-operating grants received.

Note 8 – Operating Grants and Contributions Received: This note provides information on operating grants received.

Note 9 – Rate Revenue: This note provides details of rates levied during the year.

Note 10 – Receivables: This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 11 – Payables: This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 12 – Borrowings: This note shows the Shire’s current debt position and lists all borrowings.

Note 13 – Lease Liabilities: This note provides information relating to monies owed for equipment leases.

Note 14 – Budget Amendments: This note is used to show Council any amendments that are made to the Budget during the course of the financial year.

#### **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
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>
		10.2	<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**

*That Council accepts the Statement of Financial Activity for the month ending 30<sup>th</sup> September 2020, as included in attachment 10.1.3, as presented and notes any material variances.*

#### 10.1.4. WRITE OFF OF RATES AND CHARGES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	30 September 2020
Reporting Officer:	Louise Sequerah
Disclosure of Interest:	No interest to disclose
File Number:	25.05.11
Attachment Reference:	Nil

#### SUMMARY

For Council to consider writing off the Rates and Charges incorrectly raised on Crown Land.

#### BACKGROUND

The Shire has raised Rates and Charges on Assessment A1015 - 93 STATION STREET KORRELOCKING WA 6485, for the 2019/2020 & 2020/2021 Financial Years.

The Department of Planning, Lands and Heritage, emailed on 17 September 2020 stating they are exempt from charges.

#### COMMENT

The Local Government Act 1995, Section 6.26 states

#### 6.26. Rateable land

- (2) The following land is not rateable land —
- (a) land which is the property of the Crown and —
    - (ii) is unoccupied, .....

Assessment A1015 - 93 STATION STREET KORRELOCKING WA 6485, which is rating Lot 93 on Plan 222722.

- is a vacant lot.
- owned by the State of Western Australia.

Based on this use and ownership it is exempt under the Local Government Act from Rates and Emergency Services Levy.

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

Reduction of Income of \$495.00 – Account 130301300.3000 - RATES - Rates Levied - Synergy (General Rates)

Reduction of Current Liability to DFES of \$84.00 – Account 193410010 - ESL Liability

Write off of 2019/2020 Rates and Charges of \$638.73, plus overdue interest, will be charged to Expense Account 2030118 – Rates Write Off.

No budget provision exists for this expense.

**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**

*That the Council approves for assessment A1015 the*

- *Reversal of 2020/2021 Rates and ESL charges totalling \$579.00*
- *Write off of 2019/2020 Rates, Overdue Interest and ESL totalling \$638.73 plus interest.*



#### **10.1.5. REQUEST FOR FEE REDUCTION**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	15 October 2020
Reporting Officer:	Ally Bryant
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	<a href="#">Attachment 10.1.5 – Request for Fee Reduction</a>

#### **SUMMARY**

For Council to consider granting a reduction in the fees for the hire of the Town Hall allowing the Wyalkatchem CRC to use the Town Hall for a Farm Safety information session. The CRC will only require the use of the Town Hall if the bookings are above the capacity of their facility.

#### **BACKGROUND**

The Shire has Fees and Charges set for the hire of its Town Hall and any request for reduction must be presented to Council for approval.

#### **COMMENT**

The Wyalkatchem CRC have organised a Farm Safety information session to be held on the 22<sup>nd</sup> October 2020. They request reduced fees for the Town Hall which they will only require in the event that they have over 35 online bookings.

The CRC is an important part of our community which provided events, workshops and other community functions for the community of Wyalkatchem.

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

Revenue in accordance with Fees and Charges 2020

#### **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: Community and customer service focus**

Goal No.	Strategies		Actions
Goal 11	Community and customer service focus	11.1	<ul style="list-style-type: none"><li>• Effective communication and engagement with the community, including local groups and organisations</li><li>• Providing high quality customer and community focused services and programs across the organisation</li></ul>
		11.2	

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

*That Council provide the use of the Town Hall free of charge to the Wyalkatchem Community Resource Centre on the 22<sup>nd</sup> October 2020.*

## **10.2. GOVERNANCE AND COMPLIANCE**

### **10.2.1 CHIEF EXECUTIVE OFFICER REPORT – SEPTEMBER 2020**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	10 September 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.09.01
Attachment Reference:	Nil

#### **SUMMARY**

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

#### **COMMENT**

Since the last Council meeting the Acting CEO attended the following meetings and events.

- Market Creations – re IT & Marketing Services
- Tennis Courts Project Meeting – Community Club
- Outside Staff – Council Depot
- NEWROC Function - Burswood
- NEWROC Executive – Wyalkatchem
- CEO Farewell Function – Nungarin
- NEWHEALTH Meeting – Bencubbin (re EHO contract)
- WaterCorp Meeting – Upgrade to Wyalkatchem Water Treatment Plant
- Tom and Sue Nelson – Wyalkatchem Caravan Park closure and sale
- Dennis Pease – Mens Shed Collection Depot
- Craig Grant - WALGA eQuotes – Wyalkatchem
- Integrated Planning and Reporting Pilot Project – Zoom meeting
- LEMC Meeting - Wyalkatchem

In the month of October the following meetings and events have been diarised.

- Regional Roads Group – Zoom meeting
- Emma Clements – WALGA Employee Relations Service
- CEO Recruitment Interviews
- Council Meeting
- Outside Staff – Council Depot
- NEWROC Council Meeting - Wyalkatchem

#### **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 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 and 12 Form strategic partnerships and advocate for the Community.

Outcome No.	Outcome	Action No.	Actions
10	<b>Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
		10.2	Ensuring sound financial management and plans for the Shire's long term financial sustainability
		10.3	High quality corporate governance, accountability and compliance
		10.4	Maintaining Integrated Strategic and Operational plans
12	<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

*That Council accepts the Acting CEO's report for the month of September 2020.*

**10.2.2. ADDITIONAL NOVEMBER COUNCIL MEETING**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 October 2020
Reporting Officer:	Stephen Tindale – Acting CEO
Disclosure of Interest:	No interest to disclose
File Number:	13.5.12
Attachment Reference:	NIL

**SUMMARY**

Council to consider and endorse the date for an Ordinary Council Meeting in November 2020.

**BACKGROUND**

At its December 2019 meeting, Council adopted the following schedule of meetings.

*That Council;*

- 1. Holds Ordinary Meetings of Council commencing at 4.00pm in the Council Chambers, 27 Flint Street, Wyalkatchem on the following dates for the coming year:*

*20 February 2020  
19 March 2020  
21 May 2020  
18 June 2020  
16 July 2020  
17 September 2020  
15 October 2020  
17 December 2020*

- 2. In accordance with the Local Government (Administration) Regulations, gives Public Notice of the Ordinary Meeting dates, time and place.*

- 3. Holds Audit and Risk Committee Meetings commencing at 3.00pm in the Council Chambers, 27 Flint Street, Wyalkatchem on the following dates for the coming year:*

*20 February 2020  
21 May 2020  
17 September 2020  
17 December 2020*

- 4. In accordance with the Local Government (Administration) Regulations, gives Public Notice of the Audit and Risk Committee Meeting dates, time and place.*

- 5. That the monthly Councillor Workshop, date and time be determined by the Chief Executive Officer.*

- 6. That workshop meetings to be closed to the public.*

At its July 2020 Ordinary Meeting of Council, Council decided to convene an Ordinary meeting Council on the 20th August 2020 based largely on advice from the Acting CEO that:

*in light of the uncertainty surrounding the current CEO's absence from the workplace, it would be appropriate for Council to convene an Ordinary Meeting of Council in August 2020 to conduct not only the normal business of a monthly Council meeting but also to adopt the 2020/21 Annual Budget.*

*The week (or weeks) preceding the Ordinary Meeting of Council can then be given over to budget workshops which will assist with the timely adoption of the budget.*

#### **COMMENT**

The process of selecting and appointing a new CEO is currently underway and it is felt that in the interests of continuity and clearing any outstanding Council business ahead of the new CEO's arrival, the conduct of an Ordinary Meeting of the Council in November 2020 would be appropriate.

The alternative is to bank any business up until the December meeting while noting that there is usually a January recess for Council.

#### **STATUTORY ENVIRONMENT**

Section 5.3 of the *Local Government Act 1995* requires, in part, that;

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.

Clause 12 of the *Local Government (Administration) Regulations 1996* requires, in part, that;

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).

#### **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 10: Community and customer service focus**

Goal 10	Strategies	
Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.2	Ensuring sound financial management and plans for the Shire's long term financial sustainability
	10.3	High quality corporate governance, accountability and compliance
	10.4	Maintaining integrated strategic and operational plans

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

*That Council*

- 1. Holds an Ordinary Meeting of Council commencing at 4.00pm in the Council Chambers, 27 Flint Street, Wyalkatchem, on the 19<sup>th</sup> November 2020.*
- 2. In accordance with the Local Government (Administration) Regulations, gives local public notice of the meeting, time and place.*

### 10.2.3. MARKET CREATIONS – BRAND & STYLE GUIDE

Applicant:	Market Creations
Location:	Shire of Wyalkatchem
Date:	7 Oct 2020
Reporting Officer:	Stephen Tindale – Acting CEO
Disclosure of Interest:	No interest to disclose
File Number:	2.10.01
Attachment Reference:	<a href="#">Attachment 10.2.3 – Shire of Wyalkatchem Logo Concepts</a>

#### SUMMARY

Council to consider and endorse a new logo for the Shire of Wyalkatchem.

#### BACKGROUND

In February 2020 Market Creations was engaged to deconstruct the Shire of Wyalkatchem’s existing logo and then modernise the logo’s elements, colour, fonts and positioning of the words ‘Shire of Wyalkatchem’.

The new logo, once adopted by Council, will be the basis of a new *Shire of Wyalkatchem Brand Style Guide* which includes formats for letterheads, business cards and with compliments slips.

At its September 2020 meeting, Council considered several concept logo designs so that a proposed brand style guide could be finalised and work completed on the following options that have also been requested from Market Creations.

- Word letterhead template
- Signage template & style guide
- Facebook page set up
- Email template

None of the concepts presented met with any general support and as a consequence, Council resolved that it revisit the item at this month’s meeting pending a further request to Market Creations for more work on the logo noting that:

- a slogan was no longer required
- the logo was to be “decolourised”
- the logo was to take the general form of either a circle or a triangle

Since then Market Creations has developed two concepts for Council’s consideration (see Attachment 10.2.3).

#### COMMENT

The Acting CEO sought feedback on the two most recent concepts from all Councillors. Two Councillors responded and they both favoured Concept 1.



### STATUTORY ENVIRONMENT

Section 1.3 (3) of the *Local Government Act 1995* provides that:

*In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.*

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

Payment of \$3,640 (ex GST) for the production of the Brand Style Guide was made in April this year. The cost of the optional work, which has been budgeted for this financial year, is \$1,690 (ex GST).

The above work is separate from work which yet to be undertaken by Market Creations for the upgrade of the Shire's website. This work was which was paid for in advance in April 2020 (\$13,976 ex GST).

### COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following goal expressed in the Shire of Wyalkatchem's Strategic Community Plan:

#### Goal 11: Community and customer service focus

Goal No.	Strategies		Actions
Goal 11	Community and customer service focus	11.1	<ul style="list-style-type: none"><li>• Effective communication and engagement with the community, including local groups and organisations</li></ul>
		11.2	<ul style="list-style-type: none"><li>• Providing high quality customer and community focused services and programs across the organisation</li></ul>

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

*That Council adopt Concept 1 from Market Creations as its new logo.*

#### 10.2.4. ST MARY'S ROMAN CATHOLIC CHURCH – CONSERVATION STRATEGY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	8 October 2020
Reporting Officer:	Stephen Tindale, Acting CEO
Disclosure of Interest:	No interest to disclose
File Number:	13.05.1
Attachment Reference:	<a href="#">Attachment 10.2.4 – Wyalkatchem Catholic Church</a>

#### SUMMARY

Council to consider a proposal to accept a Management Order over Reserve 19635 and with it, the management of St Mary's Church.

#### BACKGROUND

An email has been received from the Department of Planning Lands and Heritage advising the following.

*The Catholic Archdiocese of Perth has advised our Department that the abovementioned reserve is surplus to their needs and is no longer required.*

*Prior to our Department cancelling a reserve, the reserve must be cleared of improvements. However, the Catholic Archdiocese of Perth further advised that they are unable to demolish the building contained within the reserve as it is listed on the Local Municipal Inventory as a 'Category 2' classification.*

*Due to this high degree of local significance, is the Shire of Wyalkatchem willing to accept management over Reserve 19635? Please provide a response as soon as practicable.*

In 1999 the Shire of Wyalkatchem adopted a *Municipal Inventory of Heritage Places* as required under the *Heritage of Western Australia Act 1990*.

Of the 116 heritage places identified within the inventory, two places were considered to be of National and State significance.

- 1936 Wheat Bin
- Lady Novar Hostel

Another 9 places were considered to be of State significance.

- Derdebin House
- Wyalkathem RSL Hall
- Wyalkatchem Town Hall
- Wyalkatchem Hotel
- Johnstons Shops
- National Bank Building
- Wyalkatchem Post Office
- Bank of NSW Building
- Benjabbering Well

All of the above Category 1 places were thought worthy of inclusion in the in the State Register of Heritage Places.

Category 2 places which were to be considered for National Trust listing (which provides less statutory protection) were as follows.

- Wyalkatchem Catholic Church
- Wyalkatchem Railway Station
- Wyalkatchem Masonic Lodge
- Wyalkatchem Methodist Church
- CWA Meeting Hall
- Paynes Rock Pool

To maintain control over the development or demolition of all of the above sites (at least within the Wyalkatchem Town site) consideration was to be given to including the places within the Wyalkatchem Town Planning Scheme.

In 2004 a review of the Municipal Inventory saw the status of St Mary's Catholic Church being elevated to that of a Category 1 place. In particular, it was considered to be;

*Of significant importance for inclusion in the (State) Register of Historic Places, recommend to Heritage Council of WA, HCWA, for listing and assessment. Advise owners of the significance and set up a conservation strategy.*

An extract of the listing for the church showing its Category 1 status on the State's inHerit database appears as Attachment 10.2.4. The database is searchable online.

#### **COMMENT**

Without being certain, it seems that with the 2004 review of the Municipal Inventory, two buildings within Wyalkatchem's Roman Catholic Precinct (namely the Church and the Presbytery) were reclassified as Category 1 places while the Church Precinct as a whole (which includes the School) was reclassified as Category 2 for the purposes of entry into the Shire's Municipal Inventory.

Unlike the Wyalkatchem Railway Station Precinct (which also consists of a collection of places) the Roman Catholic Precinct is not on the State's Register of Heritage Places which has far stronger statutory protection.

Given the above and the potential for a significant loss of Wyalkatchem's built heritage, it is recommended that the Shire engage with the Catholic Archdiocese of Perth and the State Heritage Council on a potential conservation strategy for Wyalkatchem's Roman Catholic Precinct.

#### **STATUTORY ENVIRONMENT**

While not under active consideration at the present time, the *Planning and Development (Local Planning Schemes) Regulations 2015* gives the Shire a fair degree of control in the event that a Development Application is lodged to demolish the buildings.

### **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 at the present time.

### **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 7 We have vibrant, active public open spaces and buildings with high levels of utilisation and functionality**

<b>Outcome No 7</b>	<b>Action No.</b>	<b>Actions</b>
We have vibrant, active public open spaces and buildings with high levels of utilisation and functionality	7.1	Improve asset management practices in a manner that optimises life and function
	7.2	Developing, maintaining & enhancing town streetscape and public spaces
	7.3	Providing quality amenities & accessible public spaces for our community
	7.4	Conserve the Shire's natural environment

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

*That Council direct the CEO to engage with the Catholic Archdiocese of Perth and the State Heritage Council on a potential conservation strategy for Wyalkatchem's Roman Catholic Precinct.*

### **10.3. WORKS AND SERVICES**

#### **10.3.1. OFFICERS ACTIVITY REPORT – MANAGER OF WORKS**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	8 October 2020
Reporting Officer:	Keith Mills – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### **SUMMARY**

Council to consider and accept the Manager of Works report for the month of August 2020.

#### **BACKGROUND**

To inform Council of the activities of the works and services team during the month of August 2020.

#### **COMMENT**

##### ***Road Crew***

Winter maintenance grading was completed on 18/09/2020.

Works on the Shire's Roads to Recovery program commenced on 29/09/2020, with back slope and drain clearing/cleaning completed on Elsegood Rd (SLK 17.26-20.56 = 3.3km). Similar work has now commenced on Davies Rd (SLK 4.52-11.19 = 6.67km).

Gravel pushing will commence for the roads re-sheeting program once all quotes have been received from suitable bulldozing contractors. 17,500m<sup>3</sup> of gravel is to be sourced from Trent Tyler's pit for Davies Rd. 4500m<sup>3</sup> gravel for the Cunderdin–Wyalkatchem Rd (SLK 17.85–26.16 = 8.31km) shoulder widening & reconditioning job will be sourced from Wayne Metcalf's pit for the Shire's Regional Road Group 20/21 project.

##### ***Parks / Town Services Crew***

- Town street verge maintenance, brush cutting and weed spraying.
- Shire Admin garden maintenance.
- Admin Park mowing.
- Town Hall garden maintenance.
- Railway Barracks grounds maintenance.
- Road House gardens maintenance.

##### ***Buildings***

The annual servicing and repairs to evaporative, ducted and split system air conditioners for all the Shire's building assets has been awarded to KTY Electrical. They commenced work on 5/10/2020 and expect to have it completed by 16/10/2020 with minor repairs to some units and four split system replacements.

### **Waste Management**

- Weekly push up of deposited waste at Wyalkatchem's landfill.

With the school holiday period, children have been opening bags of rubbish to gather cans and bottles to claim the 10c recycling levy. Unfortunately this is leaving the wind to blow rubbish around the tip area which is currently being collected by the outside staff for an hour each morning and placed back into the tip and covered.

### **Plant – Servicing and Repairs**

- Amman multi tyre roller – 6000hr service completed by Petchell Mechanical.
- MOW work vehicle – windscreen replacement (Petchell) and tail gate renewal (Speciale Smash Repairs).
- Isuzu 6x4 tipper truck booked for service – 19/10/2020.

### **Vehicle/Plant – replacement quotations**

Trade-in vehicles for the 20/21 budgeted replacements were put out to tender as required by Council policy. The vehicles were made available for public inspection on Thursday 24/9/2020 with offers closing on Friday 2/10/2020.

With all offers being considered, the table below sets out the new vehicles, vehicle trade-in values and nett change-over pricing. Vehicle replacements will be carried out over the coming months.

**2020 Prado (CEO)** – Trade Corolla = \$13,000 inc – Change over = \$58,300 inc.

**2020 SR5 Hilux (MOW)** – Trade SR5 = \$47,000 inc – Change over = \$8,600 inc.

**2019 Kluger (Dr)** – Trade Mazda CX9 = \$38,000 inc - Change over = \$13,605 inc.

**2020 Hilux 4x2 (Gard)** – Trade Isuzu = \$13,000 inc - Change over = \$32,890 inc.

All the above-mentioned were won by Avon Valley Toyota in accordance with the Shire's local purchasing preference policy.

The Isuzu 300 series Crew Cab is to be sold to Smith Broughton for \$38,000 inc. It is to be replaced with a **2021 Isuzu NPR Crew Cab Truck** for \$79,970 inc from Major Motors for a change-over price of \$41,970 inc (delivery late Feb 21).

The New Holland Tractor will also go to Smith Broughton for \$50,270 inc. Its replacement is a **Kubota Tractor with turf tyres and bucket** for \$48,290 inc. from Boya Equipment.

**New 2.5t Kubota Excavator** has been purchased from Boya Equipment for \$58,300 inc and delivery is expected around 16/10/2020.

With the above and including the purchase of the mini-excavator, there will be budget savings of \$101,260 for the Shire.

### **Aerodrome**

Weekly aerodrome and lighting inspection carried out.

- One globe blown at the northern end of the main runway and one complete light missing at the southern end of the main runway which will require an electrician.

- Three white marker cones were smashed and have been replaced. It looks like people have been out there with their cars having some fun.
- Both runways are all clear of debris.
- Edges of the runways have been sprayed but may require slashing in the near future.

### **Private works**

Nil

### **General**

The working party formed for the Town Beautification Project met onsite on 29/9/2020 to consider ideas for town improvements, namely:

- Lawning – extra area in front of the barbeque
- Kerbing – around the new lawn.
- Asphalt walkways - behind the native flora garden, in front of the gazebo to the bridge over the drain.
- Plants to be planted in vacant area near the museum and turned into a new garden bed.

Quotations are being sought for the required works.

### **OSH**

Chemical Training was scheduled for Tuesday 29/9/2020, but was postponed and has been re-scheduled for Thursday 8/10/2020, The Shire will have one member from the gardening staff attending this training in Kellerberrin.

### **Staff**

The new full-time handyman position has been filled by Gary Thorpe and he will be commencing duties within 3 weeks and will reside at 2A Slocum Street.

### **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>8 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 Implement Aged Friendly Plan
	8.3	Implement the Disability Access and Inclusion Plan (DAIP
	8.4	

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

*That Council accept the Manager of Work's report for the month of September 2020.*



#### **10.4. PLANNING AND BUILDING**

##### **10.4.1. PROPOSED LEASE OF A PORTION OF RESERVE 40516 TO TELSTRA**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	8 October 2020
Reporting Officer:	Stephen Tindale, Acting CEO
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	<a href="#">Attachment 10.4.1 – Telstra Proposal</a>

#### **SUMMARY**

Council to consider and endorse a new lease agreement with Telstra Corporation Limited (Telstra) for the Wyalkatchem Telstra mobile tower site situated on the Wyalkatchem North Road.

#### **BACKGROUND**

In 1988, part of Avon Location 28870 (Reserve 40516) was vested to the Shire of Wyalkatchem with the Shire having the power to lease the land. The purpose of the reserve is for a radio communications site.

In October 2001 Council agreed to lease Reserve 40516 to Telstra for a period of ten years commencing 1 November 2001 for the sum of \$1.00 per year. At the same meeting the Council also agreed to the raising of \$60,000 loan to be repaid over a period of six years as a “Contribution to the cost of a CDMA telephone tower. Balance from Networking the Nation.”

The lease contained an option to renew for a further period of ten years expiring 31 October 2021. The renewal of the lease was endorsed by Council at its February 2012 meeting.

The ‘Heads of Terms’ for a proposed new lease agreement is shown as Attachment 10.4.1 to this agenda.

#### **COMMENT**

The rent for the land has increased to \$1,000 per year which is believed to be more in line with commercial rates.

Point 5 of the Heads of Terms permits Telstra to undertake a number of uses of the land including “... access to and from and the **removal** of the Lessee’s Facility on the Land.... “

Given that the Shire raised a loan of \$60,000 for the CDMA telephone tower at an interest rate of 5.685%, the Shire has existing equity in the tower which should be recognised by Telstra.

In addition, the Heads of Terms refers to a lease **renewal** which is not the case. It is a new lease that entails a fresh disposal of land by the Shire. Both matters have been taken up with Telstra’s agents, Jones Lang La Salle, and subject to clarification, there is nothing else that prevents the Shire from entering into a new lease agreement.

### STATUTORY ENVIRONMENT

Section 3.58 of the *Local Government Act 1995* sets out the requirements for the disposal of land and would ordinarily require that a valuation be obtained for the land and that public comment be sought on the proposed disposal.

However Regulation 30 of the *Local Government (Functions and General) Regulations 1996* exempts certain disposals of land from the requirements of the Act.

Specifically, the Shire is exempted from the requirements of Section 3.58 of the Act as Telstra is considered to be an “instrumentality of the ... Commonwealth”.

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

Unbudgeted income of \$1,000 for the 2020/21 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.

### GOAL 6 Essential services and infrastructure are available to support the community and local economy

No.6	Strategies	
Essential services and infrastructure are available to support the community and local economy	6.1	Advocate for improved access to telecommunication infrastructure
	6.2	Continue to improve internet infrastructure and connectivity
	6.3	Advocate for improved access to reliable power supply
	6.4	Develop, review & implement town centre and townscape revitalisation plans

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

That Council authorise the signing of the Heads of Terms document by the Shire President and Acting CEO and the execution of the resultant lease document subject to:

1. clarification from Jones Lang La Salle that the proposed lease with Telstra is a new lease, and
2. clarification of the Shire's equity in the telecommunication mast.

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

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

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

**14.MATTERS BEHIND CLOSED DOORS**

**OFFICER’S RECOMMENDATION**

*That Council suspends Standing Orders and moves behind closed doors in accordance with Section 5.23 (2)(a) & (b) and 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to:*

- *a matter affecting an employee or employees;*
- *the personal affairs of a person and*
- *matters of a contract which may be entered into, by the local government*

**14.1. APPOINTMENT OF MANAGER OF WORKS**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 October 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	22.23.09
Attachment Reference:	Nil

**Reason for Confidentiality**

The Appointment of a Senior Officer is confidential in accordance with section 5.23(2) (b) of the Local Government Act because it deals with matters affecting the personal affairs of a person and 5.23(2)(c) of the Local Government Act because it deals with matters of a contract which may be entered into, by the local government.

## **STATUTORY ENVIRONMENT**

Sections 5.37 and 5.39 of the *Local Government Act 1995* provides the following in part.

### **5.37. Senior employees**

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (2) A contract under this section —
  - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
  - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
  - (a) the expiry date is specified in the contract; and
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

## **POLICY ENVIRONMENT**

Shire of Wyalkatchem policies provide the following.

### **Policy 5.16 - Senior Employees**

For the purposes of Section 5.37 of the Local Government Act 1995, the Shire of Wyalkatchem shall designate the following employee/s to be "senior employees":

1. Chief Executive Officer
2. Manager of Works

**Policy 5.2 – Recruitment and Selection Policy (in part)**

Recruitment and selection of positions which have been previously determined as ‘senior employees’ in accordance with section 5.37 of the Act, will accord with the requirements of this policy in addition to requirements for the CEO to inform Council of any decision to employ or dismiss a ‘senior employee’.

**FINANCIAL IMPLICATIONS**

Manager of Works costs of employment, as per budget provision.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following goal as expressed in the revised Shire of Wyalkatchem Strategic Community Plan – Community and Customer Service Focus - to be achieved by providing high quality customer and community focussed services and programs across the organisation.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That subject to the satisfactory completion of the probationary period, Council accept the appointment of Keith Mills to the position of Manager of Works, in accordance with section 5.37(2) of the Local Government Act 1995.*

## **15. INFORMATION BULLETIN**

### **15.1. Information Bulletin**

The information bulletin has been provided as an attachment ([Attachment 15.1](#))

### **15.2. Business Arising from the Information Bulletin**

## **16. CLOSURE OF THE MEETING**