



**MINUTES
OF THE
ORDINARY MEETING OF
COUNCIL**

HELD ON

THURSDAY, 27 August 2020

Council Chambers

Honour Avenue

Wyalkatchem

Commencement: 4:10pm

Closure: 6:37pm

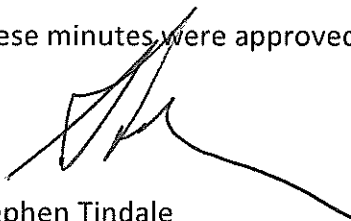
Preface

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 August 2020.



Stephen Tindale
Acting Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at the Ordinary Meeting of Council held 17 September 2020.

Signed: 

Cr Quentin Davies, Shire President and Presiding Member
Shire of Wyalkatchem

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above

Disclaimer

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

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1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies opened the meeting at 4:10pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil.

2.2. Declaration of Public Question Time opened

Public Question Time opened at 4:10pm.

There were no members of the Public.

2.3. Declaration of Public Question Time closed

Public question Time closed at 4:10pm.

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	President (Presiding Member)
	Cr. Owen Garner	Deputy
	Cr. Emma Holdsworth	
	Cr. Stephen Gamble	
	Cr. Mischa Stratford	
	Cr. Rachel Nightingale	

Staff:	Stephen Tindale	Acting Chief Executive Officer
	Ally Bryant	Manager of Corporate Services
	Keith Mills	Manager of Works
	Stephanie Elvidge	Governance Executive Officer

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

It was advised that Ian Ashelford passed away. Ian was an exceptionally long standing employee of the Shire of Wyalkatchem as Works and Shire Foreman, for 32 years. Ian is known to have loved his roads and many councillors, employees and members of the Community would have crossed his path. It was noted at his funeral that Ian had received a *Medal of Bravery* for rescuing a local community member from a burning residence.

It was advised that Lyn Maddigan had recently passed away.

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1. Petitions

Nil

5.2. Deputations

Nil

5.3. Presentations

Nil

6. DECLARATIONS OF INTEREST

6.1. Financial and Proximity Interest

Mr Tindale declared a financial interest in item 14.1 CEO RECRUITMENT PROCESS. The proposed would have a financial benefit of extended employment of Mr Tindale by the Shire of Wyalkatchem.

Mr Tindale confirmed he would be leaving the meeting and will not take part in discussions and the decision of Council.

6.2. Impartiality Interests

Nil

7. CONFIRMATION AND RECEIPT OF MINUTES

7.1. Confirmation of Minutes

7.1.1. Ordinary Meeting of Council – 16 July 2020

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 16 July 2020 (Attachment 7.1.1)

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 16 July 2020 (Attachment 7.1.1) be confirmed as a true and correct record.

COUNCIL RESOLUTION:

(115/2020) Moved: Cr Stratford

Seconded: Cr Garner

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 16 July 2020 (Attachment 7.1.1) be confirmed as a true and correct record.

CARRIED 6/0

7.1.2. Special Meeting of Council – 18 August 2020

Minutes of the Shire of Wyalkatchem Special Meeting held on Tuesday 18 August 2020 (Confidential Attachment 7.1.2 under separate cover).

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Special Meeting of Council of Tuesday 18 August 2020 (Confidential Attachment 7.1.2 under separate cover) be confirmed as a true and correct record.

COUNCIL RESOLUTION:

(116/2020) Moved: Cr Nightingale Seconded: Cr Stratford
That the minutes of the Shire of Wyalkatchem Special Meeting of Council of Tuesday 18 August 2020 (Confidential Attachment 7.1.2 under separate cover) be confirmed as a true and correct record.

CARRIED 6/0

7.2. Receipt of Minutes

7.2.1. NEWROC Council Minutes – 23 June 2020

Minutes of the NEWROC Council Meeting held on Tuesday 23 June 2020 (Attachment 7.2.1)

OFFICER RECOMMENDATION:

That the minutes of the NEWROC Council Meeting of Tuesday 23 June 2020 (Attachment 7.2.1) be received by Council.

COUNCIL RESOLUTION:

(117/2020) Moved: Cr Holdsworth Seconded: Cr Garner
That the minutes of the NEWROC Council Meeting of Thursday 23 June 2020 (Attachment 7.2.1) be received by Council.

CARRIED 6/0

7.2.2. NEWTRAVEL General Meeting Minutes – 23 July 2020

Minutes of the NEWTRAVEL General Meeting held on Thursday 23 July 2020 (Attachment 7.2.2)

OFFICER RECOMMENDATION:

That the minutes of the NEWTRAVEL General Meeting of Thursday 23 July 2020 (Attachment 7.2.2) be received by Council.

COUNCIL RESOLUTION:

(118/2020) Moved: Cr Holdsworth Seconded: Cr Garner
That the minutes of the NEWTRAVEL General Meeting of Thursday 23 July 2020 (Attachment 7.2.2) be received by Council.

7.2.3. NEWROC Executive Minutes – 28 July 2020

Minutes of the NEWROC Executive Meeting held on Tuesday 28 July 2020 (Attachment 7.2.3)

OFFICER RECOMMENDATION:

That the minutes of the NEWROC Executive Meeting of Tuesday 28 July 2020 (Attachment 7.2.3) be received by Council.

COUNCIL RESOLUTION:

(119/2020) Moved: Cr Stratford

Seconded: Cr Nightingale

That the minutes of the NEWROC Executive Meeting of Tuesday 23 June 2020 (Attachment 7.2.3) be received by Council.

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

On behalf of council and the community, Cr Davies expressed a warm welcome to Ally Bryant (Manager of Corporate Services) and Keith Mills (Manager of Works).

Cr Davies commented on the success of the Centenary of the Road Board and thanked Stephanie and all that assisted with the event. Thank you to Elected Members for their attendance.

Cr Davies thanked acting CEO Stephen Tindale for his assistance and support to himself and Council, and for his continued support until a permanent Chief Executive Officer is recruited.

Cr Davies and Mr Tindale attended a dinner meeting last night in the Shire of Dowerin with WALGA President Tracy Roberts and WALGA Chief Executive Officer Nick Sloan. The Shire of Koorda was also represented.

Cr Davies thanked Cr Garner for chairing the second budget workshop, and his attendance at the Great Eastern Country Zone Meeting.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

9.1. Item 14.1 CEO Recruitment Process.

10. REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – JULY 2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	17 August 2020
Reporting Officer:	Tegan Maitland, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for Payment – July 2020

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 July 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 \$50,000.27.

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	16882	16883
Municipal & Trust	EFT	EFT576	EFT577
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

Aspiration: Accountable, effective and engaged leaders

Outcome No.	Outcome	Action No.	Actions
Goal 10	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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the following payments for the month of July 2020:

- 1. Cheque 16883 payments in the Municipal Fund totalling \$ 115.60;*
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$299,454.93;*
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$13,649.71;*
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$58,155.71;*
- 5. Total payments for the month of July 2020 being \$371,375.95.*

COUNCIL RESOLUTION:

(120/2020) Moved: Cr Stratford

Seconded: Cr Garner

That Council endorse the following payments for the month of July 2020:

- 1. Cheque 16883 payments in the Municipal Fund totalling \$ 115.60;***
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$299,454.93;***
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$13,649.71;***
- 4. Payroll Journal (JNL) payments in the Municipal Fund totalling \$58,155.71;***
- 5. Total payments for the month of July 2020 being \$371,375.95.***

CARRIED 6/0

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – JUNE/ JULY 2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	17 August 2020
Reporting Officer:	Tegan Maitland
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2.1 – Credit Cards – June 2020 Attachment 10.1.2.2 – Credit Cards – July 2020

SUMMARY

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

Aspiration: Accountable, effective and engaged leaders

Outcome No.	Outcome	Action No.	Actions
Goal 10	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

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 May 2020 to 28 July 2020 totalling \$188.00.

COUNCIL RESOLUTION:

(121/2020) Moved: Cr Stratford

Seconded: Cr Garner

That Council, in accordance with attachment 10.1.2.1 and 10.1.2.2, endorse credit card payments made for the period 29 May 2020 to 28 July 2020 totalling \$188.00.

CARRIED 6/0

10.1.3. MONTHLY FINANCIAL REPORT – JULY AND AUGUST 2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	21 August 2020
Reporting Officer:	Manager of Corporate services - Ally Bryant
Disclosure of Interest:	No interest to disclose
File Number:	12.02.02
Attachment Reference:	Nil

SUMMARY

For Council to note that due to the adoption of the 2020-2021 budget pending, there will not be a monthly financial report for the period ending 31 July 2020.

July and Augusts reports will be made available in the September Ordinary Meeting of Council pending Adoption of the 2020-2021 budget.

10.2. GOVERNANCE AND COMPLIANCE

10.2.1 CHIEF EXECUTIVE OFFICER REPORT – JULY 2020

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	20 August 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

In the month of July 2020 the Acting CEO has attended the following meetings and events.

- Shire of Merredin CEO – CEACA
- Shire of Dowerin CEO – Resource sharing
- Manager of Corporate Services interviews
- Ashley Richards et al – Recycling of derelict buildings
- CRC Board meeting (post event)
- Friends of the Cemetery – Cemetery improvements
- NEWHealth Meeting (Bencubbin) – Mukinbudin withdrawal
- Wyalkatchem Health Service - Subin Daniel
- Manager of Works Interviews
- Council Meeting
- Hon. Mia Davies
- CSSRF Meeting (Northam) – Tennis Courts claim process
- Council introduction to Megan Shirt
- NEWROC Executive (Bencubbin)

In the month of August 2020 the Acting CEO has attended or will attend the following meetings and events.

- NEW Health Council Meeting
- Rotary representatives re place markers
- Budget Workshop x 2
- Pioneers Pathway 100 year event
- NEWROC Council
- Dinner with WALGA, Koorda and Dowerin reps
- WALGA Zone Meeting
- Council Meeting

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

Objective: A well-managed and effective Council organisation

Outcome No.	Outcome	Action No.	Actions
5.1	A well-governed, efficient and responsive organisation	5.1.1	Implement effective governance structures
		5.1.2	Embed sound risk management frameworks to mitigate council's strategic and operational risk
		5.1.3	Deliver open and transparent Council decision-making and reporting
		5.1.4	Implement systems and processes to enhance organisational capability
5.2	A customer focussed organisation	5.2.1	Improve awareness of Council's services, activities and performance
5.3	An organisation that demonstrates community inspired leadership	5.3.3	Enhance the delivery of service and advice that meets compliance and best practice
		5.3.6	Implement best practice people management policies and practices.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Acting CEO's report for the month of July 2020

COUNCIL RESOLUTION:

(122/2020) Moved: Cr Gamble

Seconded: Cr Garner

CARRIED 6/0

10.2.2. PRINCIPAL ENVIRONMENTAL HEALTH OFFICER REPORT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	18 August 2020
Reporting Officer:	Peter Toboss – Principal Environmental Health Officer
Disclosure of Interest:	NIL
File Number:	13.09
Attachment Reference:	NIL

SUMMARY

Council is to consider and accept the Principal Environmental Health Officer report for July 2020 as presented.

BACKGROUND

The report provides insight into the important tasks undertaken by the Principal Environmental Health Officer (PEHO) on Monthly basis.

COMMENT

The Principal Environmental Health Officer attends the Wyalkatchem office each Thursday. The following meetings and events were attended in the month of July 2020:

- Accredited Building Surveying & Construction Services Pty Ltd
- Planning Development meeting – Land use

HEALTH, BUILDING AND PLANNING ENQUIRIES

The PEHO completed a total of nine (9) health, building and planning related enquiries completed in July 2020.

FOOD PREMISES INSPECTION

Nil

2019-2020 FOOD ACT 2008 AND PUBLIC HEALTH ACT 2016 LOCAL GOVERNMENT REPORTING REQUIREMENTS.

The PEHO completed the online reporting to the Department of Health. Local Government enforcement agencies are required to report to the Department of Health on their performance of functions under the *Food Act 2008* (Food Act) (as required by section 121) and the *Public Health Act 2016* (Public Health Act) (as required by section 22). All responses submitted will assist the Department of Health in determining how public health risks should be managed in Western Australia and the way forward under the Public Health Act.

RECYCLED WASTEWATER SAMPLING

In July, the PEHO respectively undertook the monthly sampling of Wyalkatchem Wastewater Treatment Plant in accordance with the Department of Health Guidelines for the Non-Portable Uses of Recycled Water in Western Australia (2011). The laboratory results of the water sample taken from the tennis tank outlet for July met the required standards.

PRIVATE SWIMMING POOL INSPECTION

The PEHO inspected 4 private swimming pool fences and gates for compliance with the Building Regulations 2012. The inspections returned good results.

DISABILITY ACCESS AND INCLUSION PLAN (DAIP)

The *Disability Services Act 1993* sets out the minimum reporting requirements for public authorities in relation to DAIPs. The Shire of Wyalkatchem will continue report on the implementation of its DAIP through the annual report and the prescribed proforma to the Disability Services Commission each year, outlining:

- Progress towards the desired outcomes of its DAIP;
- Progress of its agents and contractors towards meeting the seven desired outcomes; and
- The strategies used to inform its agents and contractors of its DAIP.

The Shire of Wyalkatchem DAIP progress reporting 2019/20 was completed and forwarded to the department prior to due date.

SEPTIC APPLICATION FOR LOT 15732 WEST LAKE ROAD, WYALKATCHEM.

The PEHO completed the first assessment and approval of a septic application for development of a single dwelling house on lot 15732 West Lake Road, Wyalkatchem.

STATUTORY ENVIRONMENT

Public Health Act 2016

Food Act 2008

Shire of Wyalkatchem Local Planning Scheme 4.

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

Aspiration: A natural and built environment that supports a connected, active and safe community.

Outcome No.	Outcome	Action No.	Actions
Goal 8	Our built environment responds to the accessibility and connectivity needs of all	8.3	Implement Aged Friendly Plan
		8.4	Implement the Disability Access and Inclusion Plan (DAIP)

Aspiration:

Outcome No.	Outcome	Action No.	Actions
Goal 9	Sustainable management of resources	9.1	Providing effective & efficient Waste Management Services
		9.3	Increase availability of water catchment and treatment options, waste re-use and recycling.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Principal Environmental Health Officer Report for July 2020.

COUNCIL RESOLUTION:

(123/2020) Moved: Cr Gamble

Seconded: Cr Stratford

That Council accept the Principal Environmental Health Officer Report for July 2020.

CARRIED 6/0

10.2.3. PROPOSED LEASE OF COUNCIL PROPERTY – HANGER 1 WYALKATCHEM AERODROME (REPRESENTED)

Applicant:	Bruce Eckersley
Location:	Hanger 1 on portion of Lot 500 on deposited plan 68673 Wyalkatchem Aerodrome
Date:	20 August 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	5.19.06C
Attachment Reference:	Attachment 10.2.3.1 - Draft Lease for Hanger 1 Lot 500, Wyalkatchem Aerodrome Attachment 10.2.3.2 - Property Valuation Report

SUMMARY

Council to consider entering into a lease with Mr Bruce Eckersley for Hangar 1 located on portion of Lot 500 on deposited plan 68673 Wyalkatchem for a term of five years.

BACKGROUND

The Shire of Wyalkatchem owns Lot 500 on deposited plan 68673 freehold, with the land being used for the purpose of an Aerodrome. Included on this parcel of land are three airplane hangars.

Hanger one is currently vacant and Mr Eckersley has approached the Shire to lease the vacant hangars for recreational use.

COMMENT

This matter is represented to Council on the basis that a report to Council in May 2020 erred in that;

- there was no requirement to consider the matter behind closed doors,
- the report failed to address a statutory requirement to publicly advertise the proposed disposition of property, and
- the CEO inappropriately sought delegated authority to enter into a confidential agreement with Mr Eckersley thereby frustrating the requirement to publicly advertise the proposed disposition of property.

Mr Eckersley is also prepared to pay \$2,500 per annum (which matches the market valuation) for a five year lease rather than the previously offered \$2,000 per annum for a three year lease.

A draft lease has been prepared (refer Attachment No. 10.2.3.1) incorporating an annual lease amount of \$2,500 for a five year term, other conditions in accordance with existing hangar lease agreements, with the exception that Public Liability insurance has been reduced from \$20 million to \$10 million. The reduction was a result of Mr Eckersley's request to make the lease of the facility affordable as well as seeking advice from Council's insurers. Mr Eckersley has considered the lease documentation and is willing to accept the terms of the lease.

The proposed annual lease amount of \$2,500 is consistent with the market valuation.

Section 3.58 of the *Local Government Act 1995* provides that the Shire may dispose of property (this includes leasing) by one of three methods, each with varying compliance requirements:

- Public Tender,
- Public Auction; or
- Private Treaty.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides that a disposal of property may be exempt from compliance with the s.3.58 requirements if the market value is less than \$5,000 and the Shire does not consider that the ownership (possession) of the land would be of significant benefit to anyone other than the transferee.

The value of the proposed lease is \$12,500 (\$2,500 per annum over a 5 year lease term) and therefore the Shire is required to comply with the s.3.58 requirements.

In this instance, Mr Eckersly has approached the Shire directly to acquire the lease and therefore the disposal method will be private treaty, which requires the Shire to comply with the following:

- Provide public notice of the proposed lease, calling for public submissions, for a period of not less than 2 weeks.
- The public notice is required to include:
 - A description of the property;
 - The names of all parties concerned;
 - The consideration to be received by the Shire; and
 - The market value of the disposition

The Shire has therefore obtained a market valuation from Urban and Rural Valuations, which states the current valuation for leasing of Hangar 1 is \$2,500 per annum.

Council is required to consider any submissions made and, if a decision is made by Council in regard to the submissions, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

This report recommends that Council authorise the Shire President and the CEO to execute the lease agreement following the public submission period, provided that no public submissions are received.

If however a public submission or submissions are received, then the CEO will provide a further report to Council that enables consideration of the submission/s and provides further recommendations on how any matters raised in submissions may impact the finalisation of proposed lease agreement.

If the officer recommendation is supported then a public notice will be placed as soon as practicable.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 3.58 – Disposing of Property.

Local Government (Functions and General) Regulations 1996 – regulation 30 Disposition of property excluded from Act s.3.58

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Annual lease income of \$2,500 per annum for the next five years.

COMMUNITY & STRATEGIC OBJECTIVES

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

Aspiration: A natural and built environment that supports a connected, active and safe community.

Outcome No.	Outcome	Action No.	Actions
Goal 8	Our built environment responds to the accessibility and connectivity needs of all	8.2	Developing & planning community infrastructure to improve use & social interaction

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the market valuation of \$2,500 per annum dated 17 April 2020 for disposal of Lot 500 Deposited plan 68673, Hangar 1, obtained in accordance with section 3.58(4)(c)(ii) of the Local Government Act 1995;*
- 2. Endorses for public notice purposes the proposed draft lease agreement between the Shire of Wyalkatchem and Mr Bruce Eckersley, as detailed in Attachment No.10.2.3.1, to dispose of a portion of Shire land being Lot 500 , Deposited plan 68673, hangar one, for a term of five years at a consideration of \$2,500 per annum.*
- 3. Authorises the Shire President and CEO to execute the proposed lease agreement as detailed in Attachment No. 10.2.3.1 by affixing the Common Seal of the Shire of Wyalkatchem, subject to no public submissions having been received at the close of the public notice period in accordance with s.3.58(3) of the Local Government Act 1995.*

COUNCIL RESOLUTION:

(124/2020) Moved: Cr Gamble

Seconded: Cr Stratford

That Council:

- 1. Notes the market valuation of \$2,500 per annum dated 17 April 2020 for disposal of Lot 500 Deposited plan 68673, Hangar 1, obtained in accordance with section 3.58(4)(c)(ii) of the Local Government Act 1995;***
- 2. Endorses for public notice purposes the proposed draft lease agreement between the Shire of Wyalkatchem and Mr Bruce Eckersley, as detailed in Attachment No.10.2.3.1, to dispose of a portion of Shire land being Lot 500 , Deposited plan 68673, hangar one, for a term of five years at a consideration of \$2,500 per annum.***
- 3. Authorises the Shire President and CEO to execute the proposed lease agreement as detailed in Attachment No. 10.2.3.1 by affixing the Common Seal of the Shire of Wyalkatchem, subject to no public submissions having been received at the close of the public notice period in accordance with s.3.58(3) of the Local Government Act 1995.***

CARRIED 6/0

10.2.4. REGISTER OF POLICIES – 2.1 PURCHASING POLICY

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	20 August 2020
Reporting Officer:	Stephen Tindale – Acting Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	4.14.01
Attachments:	Nil

SUMMARY

Council’s approval is sought for changes to the current Finance Policy – 2.1 Purchasing Policy, section 2. Purchasing Practice Purchasing Value Thresholds.

BACKGROUND

The *Local Government Act 1995* empowers Council in the determination of policy under section 2.7 Role of Council - “(2) (b) determine the local government’s policies.”

Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the Shire.

Council Policies are developed to further the achievement of the Shire’s strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

Purpose of Council Policies

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intends to be taken in a particular issue and:

1. Support consistency and equity in decision making,
2. Facilitate prompt responses to customer requirements; and
3. Promote operational efficiency.

COMMENT

The current adopted Purchasing Policy (see table below) sets out the requirements for obtaining quotes in either written or verbal form.

Staff have experienced significant delays in approving works of an urgent nature due to the limitations of the current policy.

Due to the limited availability of suppliers within the region, obtaining three quotes can often be difficult because of supplier perceptions that;

1. the Shire will ordinarily choose ‘resident’ rather than ‘regional’ suppliers and/or
2. the relatively low dollar value of the goods or services does not encourage the supplier’s investment of time in preparing a quote and/or

3. any travel requirement to Wyalkatchem acts as a discouragement in providing a competitive quote – again for the relatively low dollar values involved.

At the same time the existing policy allows verbal quotes to be obtained which may be open to abuse if “friendly” suppliers have knowledge of the contents of written quotes received.

The proposed changes to the purchasing policy are shown in the table below.

Purchase Value Threshold (exc GST)	Purchasing Practice Required
Less than \$3,000 <i>(ex GST)</i>	No quotations required. Officers are to use professional judgment and discretion to determine if prices or rates are value for money.
\$3,001 to \$5,000 \$10,000 <i>(ex GST)</i>	Obtain at least one (1) verbal or two written quotations from a suitable supplier in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). The purchasing decision is to be evidenced in accordance with the Shire’s Record Keeping Plan.
From \$5,001 and up to \$20,000 <i>(ex GST)</i>	Seek at least three (3) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers response to: <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire’s Record Keeping Plan.
\$20,001 \$10,001 and up to \$50,000 <i>(ex GST)</i>	Seek at least three (3) written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1) except if purchasing from a WALGA PSA, CUA or other tender exempt arrangement, where a minimum of one (1) written quotation is to be obtained. The purchasing decision is to be based upon assessment of the suppliers’ responses to:

Purchase Value Threshold (exc GST)	Purchasing Practice Required
	<ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The purchasing decision is to be evidenced using the Brief Evaluation Report Template retained in accordance with the Shire’s Record Keeping Plan.</p>
<p>\$50,001 and up to \$250,000 (ex GST)</p>	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire’s Record Keeping Plan.</p>
<p>Over \$250,000 (ex GST)</p>	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The purchasing decision is to be evidenced using the Evaluation Report template retained in accordance with the Shires Record Keeping Plan.</p>

STATUTORY ENVIRONMENT

Regulation 11A. of the *Local Government (Functions and General) Regulations 1996* requires that:

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
 - (b) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

POLICY IMPLICATIONS

This report seeks a change to current policy.

FINANCIAL IMPLICATIONS

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

COMMUNITY & STRATEGIC OBJECTIVES

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

Aspiration: Accountable, effective and engaged leaders

Outcome No.	Outcome	Action No.	Actions
Goal 10	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

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council, by absolute majority, approves the revision of Finance Policy – 2.1 Purchasing Policy, section 2. 'Purchasing Practice - Purchasing Value Thresholds', as presented in the proposed revised table.

COUNCIL RESOLUTION:

(125/2020) Moved: Cr Holdsworth Seconded: Cr Nightingale

That Council, by absolute majority, approves the revision of Finance Policy – 2.1 Purchasing Policy, section 2. 'Purchasing Practice - Purchasing Value Thresholds', as presented in the proposed revised table.

CARRIED 6/0

Mr Tindale left the room at 4:54pm

Mr Tindale returned to the meeting at 4:54pm

Manager of Works Keith Mills joined the meeting at 4:54pm

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS REPORT – JULY / AUGUST 2020

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	18 August 2020
Reporting Officer:	Keith Mills – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.09
Attachment Reference:	Nil

SUMMARY

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

BACKGROUND

To inform Council of the activities of the Works and Services team during the month of July / August 2020.

COMMENT

Manager of Works

I Keith Mills, started in post on the 17th august 2020.

Road Crew

Maintenance grading:

Yearly maintenance grading has occurred on the following sector: Nearly all the roads in the South East corner of the Shire between Tammin-Wylie Rd & Nembudding South Rd have been completed with approx. 4 weeks to go for a total maintenance grade of the shires network.

Works crew will be commencing the Shires RRG program around late September early October starting on the Cunderdin/Wyalkatchem Rd for the Shoulder Reconditioning project from SLK 17.85 – SLK 24.18 = 6.33km.

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

43 Wilson Street has been completed with new renovations and maintenance.

Waste Management

Weekly push up of deposited waste at Wyalkatchem's Landfill.

Plant – Servicing and Repairs

New Holland Tractor - WM005 has been diagnosed with an oil leak and leaky radiator.
2500hr Cat Grader service completed by Westrac on 24/08/2020.

Vehicle/Plant – replacement quotations

Quotations for CEO, MCS, MOW & Doctors vehicles currently being sourced, along with quotes for Crew Cab tipper truck & Town ute.
These will be presented at the September meeting with recommendations for council approval.

Private works

Nil

General

Town Beautification plan - Turf and reticulate 3 areas in the main street (Tidy Town = 243sqm, Old Play Ground = 170sqm, Museum = 110sqm). Total Eden have supplied a pricing for the supply of the reticulation and will also supplied a DIY reticulation set out, this would be completed by the gardening crew.
Discussion encouraged.

OSH

MOW to update SWMS for all machines, develop a SWMS for job specific and will be presented and implemented at the next Toolbox Meeting.

Staff

Dale Stone (New Employee) has joined the roads crew, he has come from 8yrs on the Dowerin Shire with vast experience on all machines (except grader).
Full Time Handyman position to be advertised.

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.

Aspiration: Accountable, effective and engaged leaders

Outcome No.	Outcome	Action No.	Actions
Goal 10	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

Aspiration: Form strategic partnerships and advocate for the community

Outcome No.	Outcome	Action No.	Actions
Goal 12	Form strategic partnerships and advocate for the community	12.1	Developing strategic partnerships with regional, State & Federal governments
		12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

Aspiration: A natural and built environment that supports a connected, active and safe community.

Outcome No.	Outcome	Action No.	Actions
Goal 8	Our built environment responds to the accessibility and connectivity needs of all	8.1	Improving safety on road, cycle and footpath networks
		8.2	Developing & planning community infrastructure to improve use & social interaction

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Manager of Work's report for the month of July / August 2020.

COUNCIL RESOLUTION:

(126/2020) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council accept the Manager of Work's report for the month of July / August 2020.

Cr Holdsworth left the meeting at 5:03pm.

CARRIED 5/0

Mr Mills left the meeting at 5:03pm.

Cr Holdsworth returned to the meeting at 5:03pm.

10.4. PLANNING AND BUILDING

10.4.1. BUILDING PERMIT APPLICATION – 49 FLINT STREET

Applicant:	Rod Lawson Kerr
Location:	Lot No 201 (49) Flint Street
Date:	17 August 2020
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	7.02 – 49 Flint
Attachment Reference:	Attachment 10.4.1.1 – Application for Building Permit Attachment 10.4.1.2 – Certificate of Design Compliance

SUMMARY

To consider an application for a Certified Building Permit for a detached shed at Lot 201, 49 Flint Street Wyalkatchem.

BACKGROUND

The owners and occupiers of Lot 201 (49) Flint Street have requested a permit to build and erect an additional shed to the property. The property totals 1012 m².

Plans and documentations relating to the proposal are attached to this item in attachment 10.4.1.1 and 10.4.1.2.

COMMENT

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

- Part 5.4.3 of the R-Codes applies. The shed is larger than the R-Codes allow as 'deemed to comply' requirements (60m²).
- The proposed shed may impact on neighbour's visibility.

Mr Bashall has recommended that Council supports the application, pending consultation with neighbours.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Aspiration: Accountable, effective and engaged leaders

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. supports the building application lots no 201, 49 Flint Street, Wyalkatchem, as provided in attachment 10.4.1.1 and 10.4.1.2, and*
- 2. advises the neighbouring properties for comment prior to Permit issue.*

COUNCIL RESOLUTION:

(127/2020) Moved: Cr Stratford

Seconded: Cr Nightingale

That Council:

- 1. supports the building application lots no 201, 49 Flint Street, Wyalkatchem, as provided in attachment 10.4.1.1 and 10.4.1.2, and***
- 2. advises the neighbouring properties for comment prior to Permit issue.***

CARRIED 6/0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

The presiding member approved considering late item 13.1.1 ADOPTION OF ANNUAL BUDGET

COUNCIL RESOLUTION:

(128/2020) Moved: Cr Stratford Seconded: Cr Gamble

That Council considers late item 13.1.1 ADOPTION OF ANNUAL BUDGET

CARRIED 6/0

13.1. ADOPTION OF ANNUAL BUDGET 2020/2021

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	27 August 2020
Reporting Officer:	Ally Bryant, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	13.1.1 2020/2021 Annual Budget 13.1.2 2020/2021 Fees and Charges 13.1.3 2020/2021 Capital Works Program 13.1.4 2020/2021 Supplementary Workings

SUMMARY

The *Local Government Act 1995*, section 6.2 requires a local government to prepare and adopt a budget before 31 August. Council is recommended to adopt the proposed 2020/2021 Annual Budget as provided to Councillors.

BACKGROUND

The draft 2020/21 Budget has been compiled based on the principles contained in the Strategic Community Plan, with consideration for the *Local Government (COVID-19 Response) Ministerial Order 2020* as gazetted on 8 May 2020, and in accordance with presentations made to Council at budget workshops held in August 2020.

Further amendments reflecting the direction of Councillors from the workshop have been undertaken resulting in the proposed budget.

COMMENT

The main features of the draft 2020/21 Annual Budget include:

1. A breakdown of rate charges;
2. Schedule of Fees and Charges;
3. Refuse collection charges; and

Council has allowed for \$692,000 towards its road maintenance program for the 2020/21 year.

Proposed capital expenditure of \$3,025,451 includes the following:

- a. A capital roads program totalling \$1,246,223 the cost of which is partially offset by Federal and State road funding. The net impact of these works on Council funds is \$380,486
- b. A total of \$1,123,695 on other infrastructure including the new tennis court project \$583,642, improvements to the town streetscape \$90,735, Wyalkatchem Community Club upgrade \$100,000 and two water retention projects totalling \$293,339 (subject to \$200,000 State grant funding);
- c. Building projects totalling \$245,283 with the two main projects being the proposed early childhood centre and the museum storage and display shed both being funded from the Local Government Roads and Community Infrastructure Grant.
- d. The purchase of the following plant is offset by vehicle disposals and Municipal Funds:

Mini Excavator	\$ 55,000
New Tractor	\$ 50,250
Crew Cab Tipper Truck	\$ 120,000
CEO Vehicle	\$ 65,000
Doctors Vehicle	\$ 65,000
Works Manager Vehicle	\$ 55,000
Total	\$ 410,250

Transfers into Reserve Funds of \$175,891 (includes approximate interest of \$10,900) also forms part of the budget.

The estimated brought forward balance is \$1,743,002 however, it must be noted that this figure is unaudited and may change once the annual accounts are finalised. The major influence on the brought forward figure is a payment of \$852,457 made in June 2020 relating to the Commonwealth Financial Assistance Grants, a carried forward amount of \$222,295 for capital projects and underspending on budgeted expenses of approximately \$606,000 for the 2019/2020 year.

STATUTORY ENVIRONMENT

Local Government Act 1995

"6.2. Local government to prepare annual budget

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

* Absolute majority required.

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government; and*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;**and*
 - (c) the fees and charges proposed to be imposed by the local government; and*
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) the form of the annual budget; and*
 - (b) the contents of the annual budget; and*
 - (c) the information to be contained in or to accompany the annual budget.”*

POLICY IMPLICATIONS

Policy 2.4. Budget preparation

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 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.

Aspiration: Goal 10 Transparent, accountable and effective governance

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

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION

1. That, in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Shire of Wyalkatchem 2020/21 Budget, as presented in Attachment 13.1.1, which includes the following:
 - a. Statement of Comprehensive Income by nature and type on page 2 showing a net result for the 2020/21 financial year of \$49,193;
 - b. Statement of Comprehensive Income by Program on page 4 showing a net result for the 2020/21 financial year of \$49,193;
 - c. Statement of Cash Flows on page 6 showing a net result for the 2020/21 financial year of \$2,695,590;
 - d. Rate Setting Statement on page 7 showing the required amount of \$1,310,147 to be raised from rates for the 2020/21 financial year;
 - e. Notes to and forming part of the Annual Budget on pages 8 to 27; and
 - f. Transfers to/from Reserve Accounts as detailed in page 23.

2. That, in accordance with Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, Council for the purpose of yielding the deficiency disclosed by the 2020/21 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 1 on Page 10 of the 2020/21 Budget). It should be noted that in line with State Government recommendations, the Shire of Wyalkatchem has opted for no increase in the rate in the dollar nor an increase in the minimum rate. Some rates may be affected due to Unimproved Valuations received from Landgate effective 1 July 2020.

Unimproved Value	Rate in \$	Minimum Rate
Residential (GRV)	10.504	495.00
Rural (UV)	1.642	550.00
Mining (UV)	1.642	550.00

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

One Installment Option:

Full payment with 5% discount	05/10/2020
Full payment	19/10/2020

Four Installment Option:

1 st Instalment due date	19/10/2020
2 nd Instalment due date	21/12/2020
3 rd Instalment due date	22/02/2021
4 th Instalment due date	22/04/2021

4. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
5. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 8% for rates and other charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
7. That, in accordance with Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential and Commercial Premises a. 240ltr Waste Bin Weekly Collection; and	\$ 315.00
Additional Refuse Service a. 240ltr Waste Bin Weekly Collection.	\$ 315.00

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

Council Annual Meeting Fees; Councillors	\$ 4793.00 per annum
Council Annual Meetings Fees; President	\$ 4793.00 per annum
Allowance; Shire President	\$ 6090.00 per annum
Allowance; Deputy Shire President	\$ 1523.00 per annum

9. That, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2020/21 for the reporting of material variance as 10% or \$10,000, whichever is the greater.

COUNCIL RESOLUTION:

(129/2020) Moved: Cr Nightingale

Seconded: Cr Holdsworth

That Council by absolute majority:

1. **That, in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Shire of Wyalkatchem 2020/21 Budget, as presented in Attachment 13.1.1, which includes the following:**
 - g. Statement of Comprehensive Income by nature and type on page 2 showing a net result for the 2020/21 financial year of \$49,193;**
 - h. Statement of Comprehensive Income by Program on page 4 showing a net result for the 2020/21 financial year of \$49,193;**
 - i. Statement of Cash Flows on page 6 showing a net result for the 2020/21 financial year of \$2,695,590;**
 - j. Rate Setting Statement on page 7 showing the required amount of \$1,310,147 to be raised from rates for the 2020/21 financial year;**
 - k. Notes to and forming part of the Annual Budget on pages 8 to 27; and**
 - l. Transfers to/from Reserve Accounts as detailed in page 23.**

2. **That, in accordance with Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, Council for the purpose of yielding the deficiency disclosed by the 2020/21 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 1 on Page 10 of the 2020/21 Budget). It should be noted that in line with State Government recommendations, the Shire of Wyalkatchem has opted for no increase in the rate in the dollar nor an increase in the minimum rate. Some rates may be affected due to Unimproved Valuations received from Landgate effective 1 July 2020.**

Unimproved Value	Rate in \$	Minimum Rate
Residential (GRV)	10.504	495.00
Rural (UV)	1.642	550.00
Mining (UV)	1.642	550.00

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

One Installment Option:

Full payment with 5% discount	05/10/2020
Full payment	19/10/2020

Four Installment Option:

1st Instalment due date	19/10/2020
2nd Instalment due date	21/12/2020
3rd Instalment due date	22/02/2021
4th Instalment due date	22/04/2021

4. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
5. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 8% for rates and other charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.
7. That, in accordance with Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential and Commercial Premises b. 240ltr Waste Bin Weekly Collection; and	\$ 315.00
Additional Refuse Service b. 240ltr Waste Bin Weekly Collection.	\$ 315.00

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

Council Annual Meeting Fees; Councillors	\$ 4793.00 per annum
Council Annual Meetings Fees; President	\$ 4793.00 per annum
Allowance; Shire President	\$ 6090.00 per annum
Allowance; Deputy Shire President	\$ 1523.00 per annum

9. That, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2020/21 for the reporting of material variance as 10% or \$10,000, whichever is the greater.

CARRIED 6/0

Cr Garner left the room at 5:50pm

Cr Garner returned to the meeting at 5:51pm

Mrs Bryant left the room at 5:52pm

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*

COUNCIL RESOLUTION:

(130/2020) Moved: Cr Stratford

Seconded: Holdsworth

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***

CARRIED 6/0

Mr Tindale declared a financial interest in item 14.1 CEO RECRUITMENT PROCESS.

The proposed would have a financial benefit of extended employment of Mr Tindale by the Shire of Wyalkatchem.

Mr Tindale confirmed he would be leaving the meeting and will not take part in discussions and the decision of Council.

Cr Nightingale left the room at 6.01pm

Mr Tindale left the room at 6:01pm

Cr Nightingale returned to the meeting at 6:02pm

14.1. CEO RECRUITMENT PROCESS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	21 August 2020
Reporting Officer:	Stephen Tindale, Acting Chief Executive Officer
Disclosure of Interest:	The Acting CEO has a direct Financial Interest in the matter
File Number:	22.23.07
Attachment Reference:	Nil

Reason for Confidentiality

The Appointment of Chief Executive Officer is confidential in accordance with section 5.23(2)(a) & (b) of the Local Government Act because it deals with matters affecting an employee and 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.

SUMMARY

Council is asked to consider and endorse one of two options for the selection and appointment of a CEO.

STATUTORY ENVIRONMENT

Sections 5.36, 5.39 and 5.40 of the *Local Government Act 1995* provides the following in part:

5.36 Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* *Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

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.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (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.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and

- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

Regulation 18 of the *Local Government (Administration) Regulations 1996* provides the following:

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in sub regulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are 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.

Aspiration: Accountable, effective and engaged leaders

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

Option 1

That Council conduct the recruitment of a CEO in-house and approve the following process for the selection and appointment of a CEO:

- Shire President and Acting CEO to review the CEO position description and selection criteria and amend where appropriate.*
- Shire President and Acting CEO to develop an Information Package*
- Shire President and Acting CEO to develop a job advertisement for placement in the West Australian newspaper as required by legislation*
- Shire President and Acting CEO to place vacancy details on relevant on-line platforms (Seek, Local Government Jobs WA)*
- Applications to be received in confidence by the Shire President. Applications received that do not meet the basic criteria are to be declined*
- All other applications are to be shared with all Councillors after the closing date.*
- Full Council to assess all applications and determine a short list of candidates for interview*
- Interview questions to be prepared by Shire President and Acting CEO*
- Interviews arranged by Shire President with the assistance of the Acting CEO*
- Preferred candidate to be selected by full Council*
- Shire President to undertake reference checks*
- Employment contract to be negotiated by the Shire President, using the model contract of employment for CEO's as endorsed by WALGA.*

Option 2

That Council engage a suitably qualified recruitment consultant to assist in the recruitment process of a Chief Executive Officer. The recruitment consultant to undertake the following tasks, in consultation with the Shire President and Council:

- *Review CEO position description and selection criteria*
- *Draft Job Advertisement*
- *Develop Information Package*
- *Conduct Executive Search*
- *Perform Preliminary Assessments and Background Checks*
- *Assist Council develop interview questions and prepare for conduct of interviews*
- *Guide Council in interview process and selection process*
- *Conduct referee checks*
- *Prepare a Contract of Employment for the successful candidate.*

COUNCIL RESOLUTION:

(131/2019) Moved: Cr Gamble

Seconded: Cr Stratford

Option 1

That Council conduct the recruitment of a CEO in-house and approve the following process for the selection and appointment of a CEO:

- ***Shire President and Acting CEO to review the CEO position description and selection criteria and amend where appropriate.***
- ***Shire President and Acting CEO to develop an Information Package***
- ***Shire President and Acting CEO to develop a job advertisement for placement in the West Australian newspaper as required by legislation***
- ***Shire President and Acting CEO to place vacancy details on relevant on-line platforms (Seek, Local Government Jobs WA)***
- ***Applications to be received in confidence by the Shire President. Applications received that do not meet the basic criteria are to be declined***
- ***All other applications are to be shared with all Councillors after the closing date.***
- ***Full Council to assess all applications and determine a short list of candidates for interview***
- ***Interview questions to be prepared by Shire President and Acting CEO***
- ***Interviews arranged by Shire President with the assistance of the Acting CEO***
- ***Preferred candidate to be selected by full Council***
- ***Shire President to undertake reference checks***
- ***Employment contract to be negotiated by the Shire President, using the model contract of employment for CEO's as endorsed by WALGA.***

CARRIED 6/0

OFFICER'S RECOMMENDATION

That Council resumes Standing orders and move out from behind closed doors.

COUNCIL RESOLUTION:

(132/2019) Moved: Cr Holdsworth

Seconded: Cr Stratford

That Council resumes Standing orders and move out from behind closed doors.

CARRIED 6 /0

Mr Tindale and Mrs Bryant returned to the meeting at 6:12pm

15. INFORMATION BULLETIN

15.1. Information Bulletin

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

15.2. Business Arising from the Information Bulletin

15.2.1. Status Report – trees to be determined

Council agreed this is redundant and is to be removed.

15.2.2. Review of meeting dates

Review meeting dates in Dec as planned – Workshop to be arranged for recruitment selection and meeting dates review.

Cr Garner left the room at 6:19pm

Cr Garner returned to the meeting at 6:21pm

15.2.3. Elected Member training

E learning session to be arranged.

15.2.4. NEWROC Waste management proposal

Councillors to read the report.

15.2.5. Drag Racing

Council agreed that more information is required. ANDRA needs to sanction prior any further discussion. Mr Tindale to approach the police for any prior feedback. Standing starts- need options. To be discussed further with the other Shires mentioned in the email.

15.2.6. Proposed Fly in

Council is in agreement. Mr Tindale to communicate with David Holdsworth.

16. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 6:37pm.