



# Agenda

Ordinary Council Meeting  
Wednesday, 19 April 2023

Date	Wednesday 19 April 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 14 April 2023



## Notice of Meeting

Please be informed an Ordinary Council Meeting of the Council of the Shire of Wickepin will be held at 3:30pm on Wednesday 19 April 2023 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

A handwritten signature in blue ink that reads "Nathan Cain".

Nathan Cain  
Chief Executive Officer  
Friday 14 April 2023

**Disclaimer**

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*In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin must obtain, and only should rely on, written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wickepin in respect of the application.*

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# 1 Declaration of Opening

The Presiding Member declared the meeting open at [time].

## 2 Attendance

### 2.1 Present

#### Councillors

J Russell	Shire President
W Astbury	Deputy Shire President
T Miller	Councillor
F Allan	Councillor
P Thompson	Councillor
L Corke	Councillor
J Mearns	Councillor

#### Employees

N Cain	Chief Executive Officer
E Clement	Deputy Chief Executive Officer
M Martin	Executive Support Officer

## 3 Public Question Time

### 3.1 Responses to Previous Public Questions Taken On Notice

Nil

### 3.2 Public Question Time

[Public Question Time]

## 4 Apologies and Leave of Absence

### 4.1 Apologies

Nil

### 4.2 Previously Approved Leave of Absence

Nil

### 4.3 Requests for Leave of Absence

[Requests for Leave of Absence]

## 5 Petitions, Memorials and Deputations

### 5.1 Petitions

Nil

### 5.2 Memorials

Nil

### 5.3 Deputations

Nil

## 6 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

14.4 Determination of Chief Executive Officer Key Performance Indicators	
Name	N Cain - Chief Executive Officer
Nature of interest	Financial
Interest description	Employment with the Shire of Wickepin

## 7 Confirmation of Minutes of Previous Meetings

### 7.1 Minutes of the Ordinary Council Meeting held on 15 March 2023

#### Officer Recommendation

*That Council, Confirm the minutes of the Ordinary Council Meeting held on Wednesday 15 March 2023, as attached, as a true and accurate record.*

### 7.2 Minutes of the Special Council Meeting held on 30 March 2023

#### Officer Recommendation

*That Council, Confirm the minutes of the Special Council Meeting held on Thursday 30 March 2023, as attached, as a true and accurate record.*

## 8 Status Report

### Key

○ = in progress    ✓ = completed    ✕ =superseded

Item	Subject	Council Decision	Status	Action
1104-190820-11	Albert Facey Homestead Committee Recommendations	An inventory of all public artefacts and donations within the Shire is to be completed.	○	Commenced, not yet complete.
1161-150921-13	Townscape and Cultural Planning Committee Recommendations	That the current Wogolin Road Information Board not be re-sited and that a new board be redesigned.	○	Commenced, researching digital signage.
1236-141222-10	Astrotourism Signage	That Council amend the 2022/23 Budget and reallocate \$15000 from Media Content to Astrotourism signage which includes 2 x Astrotourism markers for the Yealering townsite along with two significant signs for the Yealering foreshore, a concrete pad & 2 x bench seats.	✓	Budget has been amended and works commenced.
1238-141222-12	Fuel Facility – Public Transport Authority of Western Australia	That council: 1. Agree to the Public Transport Authority of WA 24 Lease Agreement L7239-2 terms and conditions for the Shire of Wickepin, located on Fisher Road, Rail Corridor Region for the purpose of a Fuel Outlet/Bulk Fuel Depot for a term of 10 years commencing on the 01/12/2022. 2. Authorise signing of the Public Transport Authority Lease L72392.	✓	The signed lease has been received.
1239-150323-03	Town Boundary Speed Signs	That Council: a. Support a wider 50km/h speed zone on	✓	Main Roads Western Australia have been formally advised of



Item	Subject	Council Decision	Status	Action
		the Northern, Eastern and Southern entries around the Wickepin townsite, and b. Request the Chief Executive Officer to liaise with Main Roads Western Australia to ensure this can happen.		Council's request and have, accordingly, commenced the required review process.
1240-150323-07	Review of Budget	That Council, pursuant to Regulation 33A of the <i>Local Government (Financial Management) Regulations 1996</i> , adopts the review of the 2022-2023 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.	✓	Budget Review compliance requirements have been met and the Budget amended accordingly.
1241-150323-08	Conduct of 2023 Local Government Ordinary Election	That Council, 1. Pursuant to Section 4.20 of the <i>Local Government Act 1995</i> , declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2023 Local Government Election together with any other elections or polls which may be required, and 2. Pursuant to Section 4.61 of the <i>Local Government Act 1995</i> , decides to conduct the 2023 Local Government Election as a postal election.	✓	Western Australian Electoral Commissioner has been formally advised of Council's decision.
1242-150323-09	2022 Compliance Audit Return	That Council, pursuant to regulations 14 and 15 of the <i>Local Government (Audit) Regulations 1996</i> ,	✓	Compliance Audit Return compliance requirements have been met.

Item	Subject	Council Decision	Status	Action
		<p>1. Adopts the Compliance Audit Return for the period 1 January 2022 to 31 December 2022, as attached, and</p> <p>2. Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sports and Cultural Industries.</p>		
1243-150323-13	Determination of Chief Executive Officer Key Performance Criteria	<p>That Council, pursuant to Section 5.39 of the <i>Local Government Act 1995</i>,</p> <p>1. Determine the following Key Performance Criteria applicable to the performance of the Chief Executive Officer –</p> <ul style="list-style-type: none"> <li>· Legal and statutory compliances are met, particularly related to asset infrastructure.</li> <li>· Ensure effective financial management, including internal controls, throughout the organisation.</li> <li>· Under delegation from Council, represent the objectives of Council with relevant stakeholders.</li> <li>· Provide strategic direction and leadership within the organisation in delivering a high level of service to the community and Council, in accordance with</li> </ul>	✓	<p>Shire President and Chief Executive Officer met to determine relevant Key Performance Indicators. Additionally, a Council workshop considered and informally agreed on the Key Performance Indicators.</p> <p>An item will be presented to the April 2023 Ordinary Council Meeting to formally propose to accept the Key Performance Indicators for the Chief Executive Officer.</p>

Item	Subject	Council Decision	Status	Action
		<p>corporate business objectives.</p> <ul style="list-style-type: none"> <li>· Ensure the development and maintenance of sound communication and effective relationships between the Shire, Community Groups, regional Local Governments, as well as State and Federal Government Departments.</li> </ul> <p>2. Permit the Shire President and Chief Executive Officer to negotiate the Key Performance Indicators within each Key Performance Criteria for presentation to the April 2023 Ordinary Council Meeting.</p>		
1244-150323-16	Receipt of Offer to Purchase Land	<p>That Council, with respect to the sale of 4 Plover Street, Wickepin, and pursuant to Section 3.58 of the <i>Local Government Act 1995</i> –</p> <ol style="list-style-type: none"> <li>1. Not accept the offer of \$34,000 from B Francis and K Flynn (both from Narrogin), and</li> <li>2. Provide a counter-offer of \$40,000, noting this is already a reduced price for the land.</li> </ol>	✓	The Real Estate Agent has been advised of Council's decision.
SCM-230330-01	Receipt of Counter-Offer to Purchase Land	<p>That Council, with respect to the sale of 4 Plover Street, Wickepin, and pursuant to Section 3.58 of the <i>Local Government Act 1995</i> –</p> <ol style="list-style-type: none"> <li>1. Provisionally accept the counter-offer of \$37,000 from B Francis</li> </ol>	○	The Real Estate Agent has been advised of Council's decision, and a Land Valuer has been engaged to value the property prior to advertising.

Item	Subject	Council Decision	Status	Action
		and K Flynn (both from Narrogin) subject to the legislatively required advertising and public comment period, and 2. Request the Chief Executive Officer to advertise the proposed disposition of property in accordance with legislative requirements.		

Where a resolution is formal, procedural or lost it has not been recorded (e.g. confirmation of minutes, meeting behind closed doors, lapsed, etc).

## 9 Motions of Which Notice Has Been Given

Nil

## 10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

### 10.1 Minutes of the Governance, Audit and Community Services Committee Meeting held on Wednesday 15 March 2023.

#### Officer Recommendation

*That Council receive the minutes of the Governance, Audit and Community Services Committee Meeting held on Wednesday 15 March 2023, as attached.*

## 11 President's Report

Community Barbeques held in Yealering, Harrismith and Wickepin over three consecutive nights by Shire officers and Councillors were very successful and a big thank you to all concerned with organising and attending these events.

The aim of the community barbeques was to “brainstorm” and encourage community members to initiate thoughts of ideas, wishes and any concerns onto paper under the headings of -

- Community,
- Economy,
- Environment,
- Infrastructure, and
- Governance.

Over the course of the next few months several more community brainstorming genres will be used - including surveys, competitions and more barbeques - to consult with our residents and ratepayers.

All of this information will be collated and formalised into the Shire's Strategic Community Plan.

This is a source document adopted by Council and used by both Shire officers and Councillors in the forward planning and budgeting of our Shire for the next few years.

So, in effect, the Shire's planning and budgets are based upon the Community's input.

On Thursday 6th April I attended the Wickepin Primary School's ANZAC Day Commemoration Service prior to the school holiday break.

The annual Easter long weekend has provided the opportunity for a few days away for those who have not yet mobilised plant and machinery for the winter sowing programmes, following timely and soaking recent rains which have enabled the countryside to turn green in a short space of time.

Thank you to the Shire of Wickepin's local Volunteer Fire Control Officers and Brigades and Volunteer Ambulance Officers for their dedication and work carried out over the past season.

They have been on hand at the drop of a hat to ensure unforeseen events have been dealt with and safe outcomes have eventuated.

As we are now in Open Burning Season, it is imperative everyone remain diligent and take extra care in “burning off”, as fires can, and will, get away – Thank you to all concerned.

A reminder of the Wickepin Shire ANZAC day service is to be held at 9:30am on Tuesday April 25th, at the Wickepin War Memorial.

## 12 Report by the Chief Executive Officer

A summary of some of the actions undertaken by the Chief Executive Officer for March 2023 is below –

### Federal Member for O'Connor

Met with Rick Wilson, MP (Federal Member for O'Connor). Discussion on road quality, the tier three (3) rail network, WA Kaolin impacts, water infrastructure and CBH arrangements for grain handling took place. Steve Martin MLC and the Shire President were also in attendance.

### Yealering Progress Association

Met with the group to introduce myself and to discuss works to be undertaken on Council facilities.

### Facey Group

Met with representatives of the Facey Group in an introductory capacity to understand the purpose behind the group and how the group aligns with Council. Discussion regarding funding requirements and contract renewal also occurred.

### Wickepin Primary School

Met with the School Principal to understand the issues facing the school and to better understand the previous relationship between the School and the Shire. Discussion regarding future works and lobbying assistance also occurred.

### Wheatbelt Regional Planning Workshop

The Shire President and I attended Northam for a Planning Workshop with various government agencies and several other local government representatives to discuss future Wheatbelt Region planning considerations.

### Primary School Swimming Carnival

Attended the Primary School Swimming Carnival to present medallions and awards to the winners.

### Ernie White Memorial

Attended the Ernie White Memorial held in recognition of Ernie White who tragically died on 6 November 1967 whilst fulfilling his duties as a fire fighter.

### Wickepin Primary School School Council

Attended the Wickepin Primary School School Council meeting as the Community Representative.

### Toolibin Tennis Club

Met with representatives of the Toolibin Tennis Club to discuss possible expansion of the Club and new Clubhouse facilities.

### Wickepin Arts and Crafts Group

Met with the Wickepin Arts and Crafts group in an introductory capacity and to discuss the facility used by them.

### Regional Operations Advisory Committee

Attended the Regional Operations Advisory Committee to discuss local fire matters and firefighting arrangements.

### Chief Executive Officer Connection Forum

Attended the Chief Executive Officer Connection Forum hosted by the Department of Local Government, Sports and Cultural Industries and Local Government Professionals. Presentations were received from Dr Andrew Robertson (Chief Health Officer, WA Government), Matt Watson (Manager Health and Safety Services, Department of Fire and Emergency Services), James Sheridan (Chief Executive Officer, Local Government Insurance Scheme), and Hon. John Carey MLA (Minister for Local Government).

### Brainstorming BBQs

Attended the three (3) nights of brainstorming community ideas (at Yealering, Harrismith, and Wickepin) and meeting the community. Thank you to Councillors for attending and to Shire employees for helping the events run smoothly. A special thank you and recognition to Cr Corke for attending each event night and for helping with the cooking.

### Local Government Professionals and Department of Local Government, Sport, and Cultural Industries

Attended a meeting to discuss topical issues regarding changes to the Local Government Act 1995, Workplace Health and Safety, Policy Development, and rating matters.

### Wheatbelt Local Government and Health Partners

Attended a meeting to discuss an increase in drug and alcohol related violence and harm in the Wheatbelt region, particularly evident in schools and young adults. Local governments are encouraged to support any anti-drug and anti-alcohol messaging from the WA Primary Health Alliance / WA Country Health Service.

## **13 Notices of Motions for the Following Meeting**

[Notices of Motion for the Following Meeting]



## 14 Reports and Information

### 14.1 Monthly Schedule of Accounts Paid – March 2023

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<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	5 April 2023
<b>Attachments</b>	Monthly Schedule of Accounts Paid – March 2023

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#### Summary

Council is required to have a Schedule of Accounts Paid produced each month containing relevant information, as legislated.

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid, including Corporate Credit Card Reconciliations, for March 2023, and
- Trust Fund Payments for March 2023.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as attached.

#### Background

The *Local Government (Financial Management) Regulations 1996* requires Shire officers to, monthly and within a prescribed timeframe, prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

#### Comments

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

The schedule of accounts, covering vouchers as listed below, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been remitted.

For the month under review the following summarised details are presented –

<b>Municipal Fund</b>	<b>Vouchers</b>	<b>Amounts</b>
Electronic Funds Transfer	13338 -13431	\$341,368.87
Cheques	15874 -15878	\$43,020.60
Direct Deductions	March 2023	\$1,338.95
Superannuation	March 2023	\$13,641.96
Credit Card	March 2023	\$680.53
BPay Payments	March 2023	\$1,759.58
Payroll	March 2023	\$92,432.00
Licensing	March 2023	\$38,796.10
<b>Municipal Fund Total</b>		<b>\$533,038.59</b>
<b>Trust Fund</b>		
Electronic Funds Transfer		\$0.00
Cheques		\$0.00
<b>Trust Fund Total</b>		<b>\$0.00</b>
<b>Total</b>	<b>March 2023</b>	<b>\$533,038.59</b>

### **Statutory Environment**

*Local Government (Financial Management) Regulations 1996 – Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

Where the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing details for each account paid.

This list is to be presented to the council at the next ordinary meeting of the council and recorded in the minutes.

### **Policy Implications**

*Council Policy 3.1.7 – EFT Payment and Cheque Issue*

Council has authorised the Chief Executive Officer to make payments from the municipal fund and the trust fund.

### **Financial Implications**

#### Current Financial Year

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

#### Future Financial Years

Nil

### **Strategic Implications**

Nil

**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$533,038.59 and from the Trust Fund of \$nil, as attached, for March 2023.*

## 14.2 Statement of Financial Activity – March 2023

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<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	12 April 2023
<b>Attachments</b>	Statement of Financial Activity – March 2023

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### Summary

Council is required to have a Statement of Financial Activity produced each month containing relevant information, as legislated.

The purpose of this report is to present the Statement of Financial Activity for the period ended March 2023.

Council is requested to accept the Statement of Financial Activity.

### Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

### Comments

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements, and this is attached.

### Statutory Environment

*Local Government Act 1995 – Section 6.4 Financial report*

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

*Local Government (Financial Management) Regulations 1996 – Regulation 34 Financial activity statement required each month (Act s. 6.4)*

Shire officers are to prepare each month a statement of financial activity reporting on revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

### Policy Implications

*Council Policy 3.1.14.2 – Monthly Financial Reporting*

The Chief Executive Officer shall ensure a monthly statement of financial activity complies with all aspects of the Act and *Local Government (Financial Management) Regulations 1996*.

## **Financial Implications**

### Current Financial Year

Commentary on the current financial position is outlined within the body of the attached reports.

### Future Financial Years

Nil

## **Strategic Implications**

Nil

## **Voting Requirement**

Simple majority

## **Officer Recommendation**

*That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 accepts the Statement of Financial Activity and associated documentation for March 2023, as attached.*

### 14.3 Cooperation in a Disaster Memorandum of Understanding

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<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	ES.SPR.916
<b>Author</b>	N Cain – Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	14 April 2023
<b>Attachments</b>	Memorandum of Understanding

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#### Summary

Council is requested to enter into a *Cooperation in a Disaster Memorandum of Understanding* with partnering local governments.

#### Background

The Executive Officer of the Central Country Zone of the Western Australian Local Government Association has written to all Zone member local governments requesting they formally resolve to enter into a Memorandum of Understanding (MoU) regarding cooperation in a disaster.

The MoU sets out a basic framework for cooperation between partnering local governments to promote cooperation in a disaster event which affects one or more of the partnering local governments.

The guiding principle of the MoU is any support given to a partnering local government shall be voluntary and of a level which will not unduly compromise the operability of the partnering local government providing the support.

The 15 (fifteen) partnering local governments include –

- Shire of Beverley,
- Shire of Brookton,
- Shire of Corrigin,
- Shire of Cuballing,
- Shire of Dumbleyung,
- Shire of Kulin,
- Shire of Lake Grace,
- Shire of Narrogin,
- Shire of Pingelly,
- Shire of Quairading,
- Shire of Wagin,
- Shire of Wandering,
- Shire of West Arthur,
- Shire of Wickepin, and
- Shire of Williams.

Council last entered into this arrangement in February 2020, which expired on 31 December 2022.

The proposed MoU has a term expiring on 30 June 2028.

The Executive Officer has worked with partnering local governments to determine the suitability of the previous MoU and the need to alter, if at all, the agreement.

## Comments

Shire officers have reviewed the document with the only notable variation between the proposed MoU and the previous one as follows –

### *Allocation of Resources*

3. *This MoU acknowledges and accepts each participating local government commits to make available at a minimum, and if required, the following resources (if not otherwise committed or needed) at no cost for up to thirty (3) days during and immediately following an event. Thereafter CEO discretion on allocation of these resources and cost recovery may apply:*

- *Community Emergency Services Manager (CESM)*
- *Local Recovery Coordinator (LRC)*
- *Administration Officer*
- *Plant Operator*
- *Evacuation Centre Building*
- *Animal Welfare Equipment*
- *Community Bus (excludes fuel)*
- *Emergency Generator (excludes fuel)*

To the best of Shire officer knowledge the Shire of Wickepin has not called on the use of the MoU nor has been asked to provide support or resources to a partnering local government.

The MoU seems a logical extension of the Central Country Zone's "sharing" philosophy (which the Shire has utilised previously) and, as such, it is recommended Council agrees to enter the MoU.

Should Council not agree to enter the MoU there may be repercussions from other local governments towards the Shire of Wickepin which may negatively impact the reputation and future operations of the Shire.

## Statutory Environment

### *Local Government Act 1995 – Section 2.7 Role of council*

The Council governs the local government's affairs and is to oversee the allocation of the local government's resources.

## Policy Implications

### *Council Policy 2.1.11 Resource sharing*

Council has agreed to engage in resource sharing activities with neighbouring or nearby Councils.

## Financial Implications

### Current Financial Year

Unknown – Should there be a need to respond to a request from a partnering local governments the Shire will incur costs of an unknown magnitude.

Future Financial Years

As above.

**Strategic Implications**

*Shire of Wickepin 2018 Strategic Community Plan – Goal 11 We are proactive about collaboration and forward planning our future success*

Council is to continually review the role of the Shire in regional groupings.

**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, with regard to the Central Country Zone's Cooperation in a Disaster Memorandum of Understanding and pursuant to Section 2.7 of the Local Government Act 1995 –*

- 1. Endorses the Memorandum of Understanding, as attached,*
- 2. Requests the Chief Executive Officer to advise the Executive Officer of the Central Country Zone of the Western Australian Local Government Association of Council's decision, and*
- 3. Authorises the Shire President and Chief Executive Officer to sign the finalised document.*



## 14.4 Determination of Chief Executive Officer Key Performance Indicators

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<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	PF.S143
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	N Cain – Financial Interest
<b>Report Written Date</b>	14 March 2023
<b>Attachments</b>	-

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### Summary

Council is requested to determine the Key Performance Indicators for the Chief Executive Officer.

### Background

Within three (3) months of the commencement date of the Chief Executive Officer, Council and the Chief Executive Officer must negotiate and determine the Key Performance Criteria and Indicators applicable to the role of the Chief Executive Officer.

The Chief Executive Officer commenced employment on 3 January 2023.

To assist Council in determining the Key Performance Criteria and Indicators, the Department of Local Government, Sport and Cultural Industries has developed Chief Executive Officer Standards, which are available from the Department's website ([www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au)).

The aim of the Standards is to provide local government with a consistent and equitable process for recruitment, performance review and termination of the Chief Executive Officer in accordance with the principles of merit, equity and transparency.

### Comments

Council was presented with a series of Key Performance Criteria at the Councillor Forum held on 15 February 2023 which were later agreed between the Chief Executive Officer and Councillors before being adopted by Council at the March 2023 Ordinary Council Meeting.

As per Council's decision, the Shire President and Chief Executive Officer met on Friday 17 March 2023 to determine several Key Performance Indicators for each of the adopted Criteria.

These Indicators were then discussed and agreed at a workshop held with the Chief Executive Officer and Councillors on Thursday 30 March 2023 and are now presented for formal adoption.

If Council does not formally adopt the Key Performance Indicators it will need to negotiate further with the Chief Executive Officer and will be in breach of the employment contract.

### Statutory Environment

*Local Government Act 1995 – Section 5.38 Annual review of employees' performance*

A local government must review the performance of the Chief Executive Officer each year.

*Local Government Act 1995 – Section 5.39 Contracts for CEO and senior employees*

The employment of the Chief Executive Officer is to be governed by a written contract which includes, amongst other matters, the need to specify Key Performance Criteria and Indicators for the purpose of reviewing the person's performance.

*Local Government Act 1995 – Section 5.39A Model standards for CEO recruitment, performance and termination*

Model standards for local governments relate to the review and performance of Chief Executive Officers.

**Policy Implications***Council Policy 2.1.26 CEO Recruitment, Performance and Termination*

Council adopted the Model Standards regarding the recruitment, performance and termination of the Chief Executive Officer which, amongst other matters, includes the need to determine the appropriate Key Performance Criteria and Indicators.

**Financial Implications**Current Financial Year

Nil

Future Financial Years

Nil

**Strategic Implications**

Nil

**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, pursuant to Section 5.39 of the Local Government Act 1995, determine the following Key Performance Indicators within each previously adopted Key Performance Criteria applicable to the performance of the Chief Executive Officer –*

- *Legal and statutory compliances are met, particularly related to asset infrastructure.*
  - *The Annual Compliance Return demonstrates a very high level of compliance across all areas of the assessment.*
  - *Local Laws are reviewed in accordance with legislation by 30 June 2024.*
  - *All public Registers are current and accessible on the Shire website.*
  - *Council Policies are reviewed and updated to effectively guide Council decision making.*
  - *Building and construction activities of the Shire are performed under the relevant Australian Standards / Codes.*

- *Ensure effective financial management, including internal controls, throughout the organisation.*
  - *Implement and undertake an Internal Audit program which focuses on Shire activities outside of financial management.*
  - *Ensure the Corporate Business Plan is relevant and useful in assessing revenue capacity, allocating resources and determining the financial priorities in the annual budget process.*
  - *Budgeted capital works are delivered to an acceptable standard and, where practicable, on time and within budget.*
  - *Undertake the legislated Financial Management Review and Risk Management Review by 31 December 2023.*
- *Under delegation from Council, represent the objectives of Council with relevant stakeholders.*
  - *Implement a District Growth Strategy by 30 June 2024.*
  - *Implement a Local Planning Strategy by 30 June 2024.*
  - *Regularly meet with parliamentary representatives.*
  - *Regularly meet with local business owners and industry groups.*
- *Provide strategic direction and leadership within the organisation in delivering a high level of service to the community and Council, in accordance with corporate business objectives.*
  - *Be approachable and available to discuss relevant issues with Council Members on a "one on one" basis.*
  - *Implement a Customer Service Charter applicable to the community and Council Members and provide Council Members with a strategic briefing on the survey outcomes and proposed strategic response.*
  - *Demonstrate evidence of staff training and development programs and activities undertaken.*
  - *Implement a regular Staff Satisfaction Survey and provide Council Members with a strategic briefing on the survey outcomes and proposed strategic response.*
- *Ensure the development and maintenance of sound communication and effective relationships between the Shire, Community Groups, regional Local Governments, as well as State and Federal Government Departments.*
  - *Be approachable and available to discuss relevant issues with community members and regularly meet with Community Groups.*
  - *Regularly meet with neighbouring Local Governments and State and Federal Government Departments.*

## 14.5 Proposed Telecommunications Infrastructure

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<b>Submission To</b>	Ordinary Council Meeting
<b>Location / Address</b>	Lot 14431 Helm Road, East Wickepin
<b>Name of Applicant</b>	Crisp Wireless
<b>File Reference</b>	A6478
<b>Author</b>	A.Awang – Executive Manager Development and Regulatory Services, Shire of Narrogin
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	14 March 2023
<b>Attachments</b>	Development application and supporting documents

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### Summary

Council is requested to consider the Planning Application for a proposed 30m Telecommunications Infrastructure and a container to house the communication equipment with solar panels for the provision of power at Lot 14431 Helm Road, East Wickepin.

### Background

On Wednesday 12 April 2023, the Shire of Wickepin received a Planning Application from CRISP Wireless (Regional Internet Service Provider) for a proposed 30 metre high Telecommunications Tower, including a container to house the associated communication equipment at Lot 14431 Helm Street, East Wickepin.

The proposed Telecommunications Tower is part of a wider network across the region to improve the telecommunications connectivity for Wheatbelt residents.

The telecommunications infrastructure will consist of the following:

- A 30m steel tower;
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector Antennas;
- A sea container housing the communications equipment; and
- Solar panels to power the system on the roof of the sea container.

According to the application, the tower and associated infrastructure will occupy an area of approximated 400 square metres.

The applicant has advised there will be no clearing of vegetation as the proposed structure will be located in a cleared area.

Access to the property is via Helm Street.

### Comments

#### Zoning

Lot 14431 Helm Road, East Wickepin is zoned "General Agriculture Zone" under the Shire of Wickepin Local Planning Scheme No. 4.

The objectives of the General Agriculture Zone are –

- To protect areas of broad acre agricultural significance for sustainable production.
- To encourage processing and value adding industries to be located within the zone.

- To encourage intensive agriculture where it can be demonstrated off-site impacts (if any) will not adversely affect existing agricultural activities.
- To protect and enhance rural landscapes.
- To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the zone are realised.
- To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.

The proposed Telecommunications Infrastructure is defined as –

*land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;*

Such use is listed as a 'D' use under the zoning table, which means the use is not permitted unless the local government has exercised its discretion by granting development approval.

The applicant has provided their response as to how they have addressed the objective of the General Agriculture Zone.

It is considered the proposed use would be consistent with the objective of the General Agriculture Zone, by virtue of the proposal not significantly impacting existing agricultural activities and the structure will be located on cleared land thereby protecting existing remnant vegetation.

### Setbacks

The minimum setbacks to lot boundaries in the 'General Agricultural Zone' are 20 metres from all lot boundaries and 50 metres if the proposed site fronts a major road.

The proposed Telecommunication Tower is setback approximately 1.3 kilometres from Wogolin Road South, 1.2 kilometres from Helm Road to the east and 570m to the north boundary of the property and therefore complies with the setback requirements.

### State Planning Policy (SPP) 5.2

The following principles outlined in SPP 5.2 apply to the subject proposal –

*“Telecommunications Infrastructure should be sited and designed to minimise visual impact and wherever possible –*

- a) Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
- b) Be located to avoid detracting from a significant view of a heritage item or place, a landmark, streetscape, vista or a panorama, whether viewed from public or private land;*
- c) Not be located on sites where environmental cultural heritage, social and visual landscape values maybe compromised and;*
- d) Display design features, including scale, material, external colours and finishes that are sympathetic to the surrounding landscape.”*

It is the officer's view the subject proposal does not threaten views of scenic nature or pose a threat to any heritage place or landmarks.

**State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

The subject property falls within the Department of Fire and Emergency Services (DFES) Bush Fire Prone Area.

A Bush Fire Management Plan or BAL report is not required as there is no habitual residence at the subject site.

In order to protect the asset, it is recommended the applicant ensures there is at least a minimum 10 metre Asset Protection Zone (APZ) around the proposed development.

Furthermore it is recommended the site is annually maintained to reduce the bush fire risk to the asset.

It is also noted the Department of Planning, Lands and Heritage is currently reviewing this Policy.

Based on the above assessment, it is the officer's recommendation Planning Approval be granted for the proposed Telecommunications Infrastructure subject to conditions as outlined in the Officer Recommendation.

**Statutory Environment***Shire of Wickepin – Town Planning Scheme Number 4*

The Town Planning Scheme controls the types of uses and development allowed in the different areas of the District and sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

*State Planning Policy 5.2 – Telecommunications infrastructure*

This planning policy aims to balance the need for effective telecommunication services and effective roll-out of networks with the community interest in protecting the visual character of local areas.

*State Planning Policy 3.7 – Planning in Bushfire Prone Areas*

This planning policy seeks to guide the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

**Policy Implications**

Nil

**Financial Implications****Current Financial Year**

Nil

**Future Financial Years**

Nil

## Strategic Implications

*Shire of Wickepin 2018 Strategic Community Plan – Goal 17 Residents and visitors can access reliable telecommunication services*

Council is to advocate for improved telecommunications solutions.

## Voting Requirement

Simple majority

## Officer Recommendation

*That Council, with respect to the Application for Planning Approval – Telecommunications infrastructure at Lot 14431 Helm Road, East Wickepin, approves the application subject to the following conditions –*

- 1. The approval shall expire if the development permitted is not completed within two (2) years of approval, or within any extension of time which, upon written application (made before or within twenty-one (21) days after the expiry of the approval) to the Shire is granted by it in writing.*
- 2. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for use.*
- 3. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.*
- 4. All electromagnetic emissions are to comply and be carried out in accordance with Australian Communications and Media Authority requirements.*
- 5. The use permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.*
- 6. The self-standing mast and equipment shelter is to be of a non-reflective finish and shall not cause a nuisance to the amenity of the locality by emission of glare.*
- 7. The applicant to ensure at least a 10 metre Asset Protection Zone (APZ) around the proposed development and the site is annually maintained to reduce the bush fire risk to the asset.*

## Advice Notes

- 1. Should the application require the clearing of remnant vegetation the applicant should liaise with the Department of Water and Environmental Regulation.*
- 2. If the applicant and / or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.*
- 3. A completed building permit application must be submitted and approved by the Shire's building surveyor prior to the commencement of any construction on the land including any future proposed fit out work.*

## 14.6 Keeping of Beehive Application

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<b>Submission To</b>	Ordinary Council
<b>Location / Address</b>	48 Johnson Street, Wickepin
<b>Name of Applicant</b>	J Mearns
<b>File Reference</b>	A5112
<b>Author</b>	N Cain – Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	12 April 2023
<b>Attachments</b>	-

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### Summary

An application has been received for the keeping of a beehive located at 48 Johnson Street, Wickepin.

Council is requested to not approve the application.

### Background

In late-January 2023, Shire officers were asked to inspect a possible non-approved beehive allegedly being kept at 48 Johnson Street, Wickepin.

The following was observed from the rear laneway on Monday 30 January 2023 where Shire officers observed bees swarming, entering, and leaving the alleged beehive –



The request to inspect was raised after workmen working in the backyard of the adjacent property were stung multiple times by a bee swarm and required medical treatment.

In order to maintain high biosecurity standards, beehives need to be registered with the Department of Primary Industries and Regional Development (“the Department”).



It is a legal requirement to register bee hives with the Department who will issue a certificate along with a unique brand identifier for the bee hives

Soon after the first inspection Shire officers contacted the Department who later confirmed a registered hive licence to J Mearns (J2M).

Notwithstanding the licence provided by the Department, the Shire of Wickepin *Health Local Laws 2008* prohibit the keeping of bees anywhere within the District unless approval to do so has been given by Council.

Due to resourcing delays it was not until 20 March 2023, when Shire officers were able to re-inspect the property and observed the following from the rear laneway –



Shire officers subsequently wrote to J Mearns advising of the unapproved nature of the beehive and the need to lodge an application seeking Council approval to keep the beehive.

On 22 March 2023, J Mearns contacted the Shire, as below –

*I also received your letter about my beehive.*

*I have had it for 3 years & no prior trouble. I have a big fence constructed along my boundary. I dug the holes for the fence posts near the hive to save workers unnecessary exposure.*

*As fate has it, after 3 years the boxes were warped & the bees were transferred by a bee expert from Cubi, to new boxes. They get snarly for a few days after, before settling which is when the workers were using a Kanga hammer other side of fence.*

*I recall an application coming before us in Council whilst Mark Hook CEO. I thought I had made application subsequent to this approval & remember speaking to fellow Councillors about it as wanted to do right thing*

*I will send to Council a request to keep my hive to be included in next Council meeting.*

The Shire has no record of a previous application.

On 29 March 2023, J Mearns made the following application to Council –

*Good Day*

*I wish to ask Wickepin Council to approve my single Bee Hive @ 48 Johnston Street.*

*It is a registered hive. J2M*

*To support my application, I attach photos. The hive has been there for over 3 years. During this time & without any fence, at least 2 tenants & Colin Turner have lived & worked adjacent & have never been troubled.*

*The house was sold around 12 months ago but has been vacant all this time & still is.*

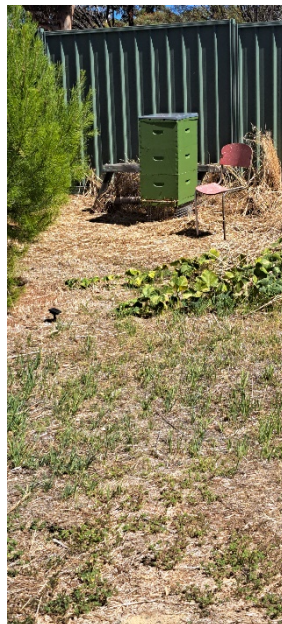
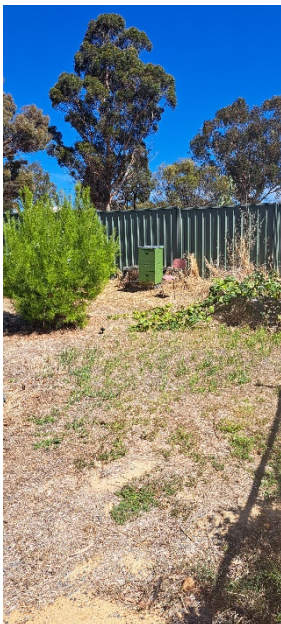
*There, as one can see, been a large fence placed all around the boundary property, something I reluctantly agreed to for our side. Their back yard area is segregated by a similar height fence from the last 40 metres which only has a recently constructed shed on it.*

*We have been renovating for the last 2 years which has seen many tradies work in the area of the hive with no interaction.*

*I have given away much honey to people both here & in Narrogin.*

*My apologies for not making an earlier application.*

*I hope for a favourable consideration.*



Shire officers subsequently wrote to the owners / residents of fourteen (14) surrounding and nearby properties seeking support / non-support for the application, any comment, and an indication if anyone who regularly attends their property has an allergy to bees.

At the time of writing this item, the following responses had been received –

Reply 1            *I SUPPORT the keeping of a beehive at 48 Johnson Street, Wickepin.*

Reply 2            *I DO NOT SUPPORT the keeping of a beehive at 48 Johnson Street, Wickepin. I, or someone who regularly attends my property, has an allergy to bees. Builders working on site have been surrounded and stung. Residents have been stung.*

Reply 3            *I SUPPORT the keeping of a beehive at 48 Johnson Street, Wickepin. I have no problems with bees in a township, they are even kept in cities now. It can be a great venture, educational and economical.*

Council has previously approved the keeping of a beehive twice in the past decade –

- February 2018            26 Wogolin Road, Wickepin, and
- April 2021                33 Henry Street, Wickepin

In 2017, Council approved the following application from the Wickepin Community Resource Centre for the placement of Native Bee Hotels –

*The Wickepin Community Resource Centre were successful in receiving a grant for science week 2017. For Science Week this year we have decided to do an information session on Native Bees and their importance to our Eco System. This information session will be run by Tracy Lansdell at Green Tree Naturopathy, and will be followed by hands on activity making Bee Hotels. There will only be 15 Bee Hotels made. The Bee Hotel structures will be made by the He Shed She Shed group. We were wondering if it was possible to have some of the Bee Hotels located in Wickepin Shire Gardens, around the shire. The Native Bees are not aggressive like their Honey Bee Cousins and do not pose an increased risk of Anaphylaxis. If you would like more information on our Native Bee information session or to discuss further the Native Bee Hotels and housing them in our community, please do not hesitate to contact me at the Wickepin Community Resource Centre.*

The only honey bee available in Western Australia is *Apis mellifera* (European Honey Bee).

## **Comments**

The applicant is currently in breach of Council's Local Law for the keeping of bees without approval which carries a penalty of not more than \$1,000, along with a daily penalty for a continuing offence.

In this instance no infringement has yet been issued as the applicant, once aware of the conditions of this law, moved quickly to make an application to keep bees (albeit seeking retrospective approval).

This does not preclude the possible issuance of an infringement at a future time either retrospectively, or for future occurrences, should the breach continue.

Regarding the current application, the original concern (workmen stung multiple times by a bee swarm and requiring medical treatment) was raised in January 2023, when it was the “old” and white beehive observed in use.

The applicant alludes to a possible additional incident after the bees were transferred to their “new” green beehive which gives Shire officers concern regarding the “nuisance” nature of the beehive.

Nuisance is a legal term which refers to anything which causes hurt, inconvenience, or damage to the right to use and enjoy land, which may be intentional, negligent, or ultra-hazardous in origin, and must result from the activity of a person(s).

Nuisance can be either public or private, depending on whether it affects the public or an individual.

Nuisance can include various forms of interference, such as smells, noise, burning, water, gambling, signs etc. and can be remedied by legal actions, such as injunctions or damages.

As per the *Shire of Wickepin Health Local Laws 2008*, Council may order the removal of beehives if they are causing a nuisance.

On the surface, the keeping of bees by J Mearns at 48 Johnson Street, Wickepin may be considered as causing a nuisance, although it is uncertain if bees from the applicant’s beehive, or other bees, are responsible for causing the nuisance.

If Council were to approve the keeping of bees at 48 Johnson Street, Wickepin, and this was later proved to have contributed to personal injury or death, Council may be found negligent in its duty of care having been previously advised of persons being allergic to bees nearby to the proposed location.

It is on this basis Council is requested to not approve the application.

If Council were to consider approving the application, conditions regarding the location of the beehive to reduce any future possible negative interactions, and maximise the safety of nearby persons, are recommended.

Shire records indicate no complaints or incidents relating to other previously approved beehives.

## **Statutory Environment**

### *Shire of Wickepin Health Local Laws 2008 – Division 7 – Bee keeping*

A person shall not keep or permit the keeping of bees anywhere within the District unless approval to do so has been given by the Council. If the approved bee hives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.

Bee means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

**Policy Implications**

Nil

**Financial Implications**

Current Financial Year

Nil

Future Financial Years

Nil

**Strategic Implications**

Nil

**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, pursuant to Shire of Wickepin Health Local Laws 2008 – Division 7 – Bee keeping,*

- 1. Does not approve the application for the keeping of bees by J Mearns at 48 Johnson Street, Wickepin, and*
- 2. Directs J Mearns to remove the bees and beehive currently located at 48 Johnson Street, Wickepin, from the District within twenty-one (21) days of this decision, and to advise Council, in writing, once this is complete.*

## **15 Confidential Reports and Information**

Nil

## **16 Urgent Business**

[Urgent Business]

## **17 Closure**

The Presiding Member declared the meeting closed at [time].