



Agenda

Ordinary Council Meeting
Wednesday 20 March 2024

Date	Wednesday 20 March 2024
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Monday 18 March, 2024



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 20 March 2024 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

A handwritten signature in black ink, appearing to be "Tim Clynch".

Tim Clynch
Acting Chief Executive Officer
15 March 2024

Disclaimer

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Contents

1	Declaration of Opening	6
2	Attendance	6
	2.1 Present.....	6
3	Public Question Time	6
	3.1 Responses to Previous Public Questions Taken On Notice.....	6
	3.2 Public Question Time.....	6
4	Apologies and Leave of Absence	6
	4.1 Apologies.....	6
	4.2 Previously Approved Leave of Absence.....	6
	4.3 Requests for Leave of Absence.....	6
5	Petitions, Memorials and Deputations	7
	5.1 Petitions.....	7
	5.2 Memorials.....	7
	5.3 Deputations	7
6	Declarations of Councillors and Officers Interest	7
7	Confirmation of Minutes of Previous Meetings	7
	7.1 Minutes of the Ordinary Council Meeting held Wednesday 21 February 2024	7
8	Status Report	8
9	Motions of Which Notice Has Been Given	14
	9.1 2024/2025 Budget Consideration – Employment of Ranger.....	14
10	Receipt of Committee Minutes or Reports and Consideration of Recommendations	16
11	President’s Report	16
12	Report by the Chief Executive Officer	16
13	Notices of Motions for the Following Meeting	16
14	Reports and Information	17
	14.1 Monthly Schedule of Accounts Paid – February 2024.....	17
	14.2 Statement of Financial Activity – February 2024.....	20
	14.3 Review of Budget 2023/2024.....	22
	14.4 Attendance at Events and Functions’ Policy	24
	14.5 Code of Conduct Behaviour Complaints Management Policy	26
	14.6 Compliance Audit Return 2023	28
	14.7 Strategic Community Plan 2023-2033.....	32

14.8 Agreement Provision of Day Care Services-Wickepin Playgroup Premises 36

14.9 Renewal of Agreement (MOU) with Wickepin Playgroup 38

14.10 Club Nights Light Program Grant Application – Wickepin Tennis Club..... 40

14.11 Final Adoption Scheme Amendment No. 3 – Lot 7 (No. 56) Fisher Street,
Wickepin... 42

15 Confidential Reports and Information 46

16 Urgent Business..... 46

17 Closure..... 46

1 Declaration of Opening

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

2 Attendance

2.1 Present

Councillors

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

Employees

K Bartley	Chief Executive Officer
T Clynch	Support Person
E Clement	Deputy Chief Executive Officer
L Marchei	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

[Request for leave of Absence]

5 Petitions, Memorials and Deputations

5.1 Petitions

Nil

5.2 Memorials

Nil

5.3 Deputations

Presentation by Wickepin Community Resource Centre Chairperson and Executive Officer.

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 –

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held Wednesday 21 February 2024

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 21 February 2024, as included in the attachments, 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. Chief Executive Officer has contacted the Committee regarding progress of the project.
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. Chief Executive Officer has contacted the Committee regarding progress of the project.
OCM – 231018-07	Proposed Scheme Amendment – Lot 7 (No. 56) Fisher St, Wickepin	That with respect to the proposed Scheme Amendment No. 3 at Lot 7 (No.56) Fisher Street, Wickepin, to rezone the land from “Recreation and Open Space” reserve to “Residential” zone with a density coding of R10, Council: 1. Pursuant to Section 75 of the Planning and Development Act 2005, supports the Scheme Amendment as a ‘Standard Amendment’ to the Shire of Wickepin Local Planning Scheme No. 4; 2. Prepare a notice to the Western Australian Planning Commission of the proposed Standard Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No. 4; 3. Pursuant to Section 81 of the Planning and Development Act 2005,	✓	Refer Item 14.11 This part of the amendment process is completed. Assuming Council resolves in accordance with the recommendation contained in Item 14.11 a new resolution will be included in the Status Report from next month.

Item	Subject	Council Decision	Status	Action
		give written notice to the Environmental Protection Authority for the determination of their assessment; and 4. Adopt the proposed scheme amendment for the purpose of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47 (2) for a period of 42 days, subject to the determination of the Environmental Protection Authority's assessment outcome.		
OCM-231213-04	Public Transport Authority – Draft Lease Template	That Council re-submit request to the Public Transport Authority to purchase railway reserve land south of the railway line.	○	Re-submitted and awaiting response.
OCM – 210224-05	Request for Waiver of Hire Charges at Wickepin Community Centre	That Council: 1. Approve a waiver of all hire charges at the Wickepin Community Centre for the playing of carpet bowls by seniors for the period up to 30 June 2024. 2. That the organiser of the senior carpet bowls initiative be invited to seek a further waiver of hire charges if proposing to extend the initiative into 2024/25.	√	Correspondence sent.
OCM - 210224-06	Request for Waiver of Hire Charges at Wickepin Community Centre	That Council amend Delegation A13 (Hire of Community Halls/Community Centre) to the following: The Chief Executive Officer is authorised to waive/grant concessions	√	Delegation Register updated.

Item	Subject	Council Decision	Status	Action
		in respect of hire of council's halls and community centres.		
OCM-210224-07	Proposed Fencing Law	<p>That Council:</p> <p>1. In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Fencing Local Law 2024, a summary of its purpose and effect being:</p> <p><u>Purpose</u> The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.</p> <p><u>Effect</u> The effect of this local law is to establish the minimum requirements for fencing within the district.</p> <p>2. Notes that:</p> <p>a) Copies of the proposed Fencing Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;</p> <p>b) Submissions regarding the proposed Fencing Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;</p> <p>c) In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Fencing Local Law 2024 will be provided to the Minister</p>	○	Consultation period has commenced – closes 3 May 2024.

Item	Subject	Council Decision	Status	Action
		for Local Government; and d) In accordance with section 3.12(3) (c) of the Local Government Act 1995, a copy of the proposed Fencing Local Law 2024 will be supplied to any person requesting it. 3. Notes that all submissions received will be presented to Council for consideration.		
OCM-210224-08	Proposed Parking and Parking Facilities Local Law	That Council: 1. In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Parking and Parking Facilities Local Law 2024, a summary of its purpose and effect being: <u>Purpose</u> The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities. <u>Effect</u> The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government. 2. Notes that:	○	Consultation period has commenced – closes 3 May 2024.

Item	Subject	Council Decision	Status	Action
		<p>a) Copies of the proposed Parking and Parking Facilities Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;</p> <p>b) Submissions regarding the proposed Parking and Parking Facilities Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;</p> <p>c) In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be provided to the Minister for Local Government; and</p> <p>d) In accordance with section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be supplied to any person requesting it.</p> <p>3. Notes that all submissions received will be presented to Council for consideration.</p>		
OCM-210224-09	Consideration of Motion from 2024 Annual General Meeting of Electors – Annual Australia Day Event	<p>1. That Council commit to having an annual Australia Day event, either Shire managed or via a local community group with funding of the event by Council.</p> <p>2. That consideration/planning for the 2025 Australia</p>	○	To be discussed at July Forum.

Item	Subject	Council Decision	Status	Action
		Day event be scheduled to commence in July 2024 via discussion at that month's Forum.		
OCM-210224-10	South West Native Title Settlement – Crown Land Enquiry	That Council: 1. Advise the Department of Planning, Lands and Heritage (DPLH) that it does not support the possible release of the 15 land parcels under the South West Native Title Settlement process on the grounds the lands are fragmented, heavily vegetated, many are an unusable size and all contain rare and endangered flora and wildflowers that form a significant part of our Shire's tourism trail. 2. Authorises the Chief Executive Officer to respond to the questionnaire seeking details on these land parcels.	√	Response sent to DPLH.

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

9.1 2024/2025 Budget Consideration – Employment of Ranger

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	Cr Mearns
File Reference	GO.CME.1323
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	7 March 2024
Attachments	-

Summary

Cr J Mearns has submitted the following Notice of Motion –

That the CEO, as part of the 2024/25 budget preparation process, investigate and report back to council, the need for and potential costs of employing a part-time Ranger, either as a standalone part-time position or part of a combined position incorporating an additional gardener or works crew employee.

Background

Cr J Mearns has offered the following reasons in support of the Notice of Motion –

Given the proposed introduction of new local laws and ever increasing issues concerning dogs in the Shire, it is timely for Council to determine if now is the time to start to consider employing our own Ranger. We could look at employing an additional staff member with that person to be trained as a part-time Ranger and also having another role – such as a gardener or waste officer. The Ranger component however should be the focus and priority of any new position.

All scenarios can be considered and assessed by the CEO as part of reporting back to council as part of the 2024/25 budget process.

Council has in recent years had a strong focus on funding infrastructure and it may now be time to look at increasing services. The current situation where we rely on Rangers from the Shire of Narrogin means it is difficult for us to respond quickly to ranger issues.

Comments

It is always opportune to review structure and resourcing to determine if the Shire is meeting the demands of the community. The obvious question to consider is whether council can afford it. In addition to salary costs initial expenditure would also have to cover a suitable vehicle and equipment. The operation of a local pound at the depot versus maintaining the current arrangement with the Shire of Narrogin would also have to be part of any assessment.

The appropriate timing for these considerations is the annual budget process and the timing of Cr Mearns' notice of motion will allow a full assessment of this matter to be done in time for consideration in the 2024/25 budget.

It is not a simple matter to just employ a part-time Ranger. A Ranger will ideally have undertaken suitable training across the many disciplines of the position. Combining the Ranger duties with

another position may limit the attractiveness of the position for qualified Rangers therefore it is possible that inexperienced applicants may occur. In this scenario it may be beneficial to retain the services of the Shire of Narrogin Rangers for support and mentoring and this can be included in the assessment for budget consideration.

It is also desirable, when proposing to create a multi-disciplinary position to ensure that the different disciplines are compatible. Many Ranger tasks are predicated on public queries and complaints and require a prompt response. Therefore the other discipline of the proposed position would have to allow some form of flexibility.

Statutory Environment

Nil – the motion is only seeking investigations and reporting back for future budget consideration.

Policy Implications

Nil

Financial Implications

There are no financial implications, other than staff time, for investigations and reporting back to Council. The report back to council will provide detailed information on the estimated costs to employ a person to carry out Ranger duties.

Strategic Implications

Strategic Community Plan 2018-2028

Goal 10 – our organisation is well positioned and has capacity for the future

Strategy 10.1 – continually review our organisational structure to be in line with community expectations (infrastructure and services)

Strategy 10.4 – council staff are multi skilled to understand the business of local government, can provide a seamless service to the community and are compliant.

Voting Requirement

Simple Majority

Notice of Motion

That the CEO, as part of the 2024/25 budget preparation process, investigate and report back to council, the need for and potential costs of employing a part-time Ranger, either as a standalone part-time position or part of a combined position incorporating an additional gardener or works crew employee.

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

Nil.

11 President's Report

To be tabled.

12 Report by the Chief Executive Officer

To be tabled.

13 Notices of Motions for the Following Meeting

Nil.

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – February 2024

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	13 March 2024
Attachments	Monthly Schedule of Accounts Paid – February 2024

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 February 2024, and
- Trust Fund Payments for February 2024.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as included in the attachments.

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 –

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	EFT14265 –EFT 14374,	\$541,957.45
Cheques	15921 -15923	\$ 21,260.48
Direct Deductions	February 24	\$ 1,218.97
Superannuation	February 24	\$ 14,490.58
Credit Card	February 24	\$ 1,291.11
BPay Payments	February 24	\$ 1,808.37
Payroll	February 24	\$ 97,740.00
Licensing	February 24	\$ 40,467.40
Municipal Fund Total		\$720,684.36
Trust Fund		
Electronic Funds Transfer	EFT 14375	\$ 120.00
Cheques		\$ 0
Trust Fund Total		\$ 120.00
Total	February 24	\$720,804.36

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 \$720,684.36 and Trust fund of \$120.00 for February 2024.

14.2 Statement of Financial Activity – February 2024

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	13 March 2024
Attachments	Statement of Financial Activity – February 2024

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 February 2024.

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 the period ending February 2024, as included in the attachments.

14.3 Review of Budget 2023/2024

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.BU.1208
Author	E.Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	13 March 2024
Attachments	2023/2024 Budget Review Statutory Budget - (To be tabled under separate cover) Adjustment Notes for Budget Review

Summary

Council is requested to consider the Shire of Wickepin's financial position as at 29 February 2024 and financial performance for the period 1 July 2023 to 29 February 2024 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

Background

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The report for the period 1 July 2023 to 29 February 2024 (as attached) has been prepared incorporating year-to-date budget variations and forecasts to 30 June 2024 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document, where possible.

Comments

The budget review report includes a summary of predicted variances by nature and type / program activities contained within the rate setting statement, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed), as below –

Adjustment to Financial Assistance Grants	\$ 81,066
Reduction in costs	-\$102,959
Increase in Capital Costs for LRCI Phase 4 Projects	-\$448,886
Increase in Income	\$ 56,052
Interest on the Reserve Funds has shown a decrease to the budget forecast.	-\$ 27,000
Transfer from Land Development Reserve	\$ 28,000
Adjustments to Capital Projects	\$ 17,133
LRCI Funding	\$396,594
Overall Change (deficit)	0

In considering the above variances and projections within the attached budget review, there has been no change to the closing position, reflected in the Statement of Budget Review by Nature or Type.

Following completion of the budget review, and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate.

Required budget amendments have been included in Note 4 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.

Statutory Environment

Local Government (Financial Management) Regulations 1996 – Regulation 33A Review of budget

Local governments are required to, between 1 January and 31 March in each financial year, carry out a review of the annual budget, and to submit the review to the Department of Local Government, Sports and Cultural Industries.

Policy Implications

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Absolute majority

Officer Recommendation

That Council, pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopts the review of the 2023-2024 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.

14.4 Attendance at Events and Functions' Policy

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	
Author	Tim Clynych – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	29 February 2024
Attachments	Local Government Operational Guideline – Attendance at Events Policy (December 2019) Draft 'Attendance at Events and Functions' Policy

Summary

In 2020, as part of amendments to the Local Government Act, Local Governments across Western Australia were required to prepare and adopt an "Attendance at Events" policy that relates to the attendance of Elected Members and Chief Executive Officers' (CEO) at events such as concerts, conferences and functions as a representative of Council. A recent internal review of legislative compliance identified that no such policy has been adopted by council.

Background

Refer the attachment titled 'Local Government Operational Guideline – Attendance at Events Policy' that sets out the background and justification for the proposed policy.

To meet legislative requirements a draft Policy has been prepared for Council's consideration with a view to adoption. In addition to councillors and the CEO the draft policy also covers attendance at events by employees.

Comments

The draft policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

The majority of events that councillors, the CEO or employees at the Shire get invited to are free non ticketed events.

The draft policy lists a range of pre-approved events that councillors, the CEO and employees are entitled to attend without a need for any other approval. An approval process is set out for other events.

Statutory Environment

Section 5.90A of the Local Government Act 1995, states:

"5.90A. Policy for attendance at events

(1) In this section —

event includes the following —

(a) a concert;

(b) a conference;

(c) a function;

(d) a sporting event;

(e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*

(a) the provision of tickets to events; and

(b) payments in respect of attendance; and

(c) approval of attendance by the local government and criteria for approval; and

(d) any prescribed matter.

** Absolute majority required.*

(3) A local government may amend the policy.*

** Absolute majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's official website".

Policy Implications

The recommendation proposes establishment of a new policy, consistent with the intent of the legislation and guideline and has been prepared to include reference to all Shire of Wickepin employees (not just the Chief Executive Officer) as permitted by the guideline.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Absolute Majority

Officer Recommendation

That Council adopt the 'Attendance at Events and Functions' Policy as shown in the attachment.

14.5 Code of Conduct Behaviour Complaints Management Policy

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	28 February 2024
Attachments	Code of Conduct Behaviour Complaints Management Policy Draft 'Complaint about Alleged Breach' Form

Summary

Related to the work undertaken in completing the 2023 Compliance Audit Return it was identified that Council doesn't have a policy articulating the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Wickepin's Code of Conduct for Council Members, Committee Members and Candidates.

Also required to be endorsed is the form to be completed by persons wishing to make a complaint alleging a breach of the Code of Conduct for Council Members, Committee Members and Candidates.

Background

Local Governments are required to establish a procedure for dealing with complaints about alleged breaches of the behaviour requirements included in the Code of Conduct for Council Members, Committee Members and Candidates.

A draft Code of Conduct Behaviour Complaints Management Policy has been prepared, based on a template produced by WALGA.

The draft complaint form is based on the template provided by the DLGSC.

Under s5.120 of the Local Government Act the CEO is the complaints officer to receive any complaints alleging a breach of the Code of Conduct for Council Members, Committee Members and Candidates.

Comments

The draft policy is predicated on minimising actual and perceived bias due to conflict of interests, minimise council involvement in the complaints process and remove opportunities for conflicts to arise. The policy intends the use of external parties to be the assessor of complaints and that the role of the complaints officer isn't to be an advocate for the complainant or the respondent but instead is limited to providing procedural information and assistance to both the complainant and respondent.

The policy provides for the appointment of a Complaint Assessor as an impartial third party who will undertake the functions specified in the Policy. In undertaking their functions, the Complaint Assessor will apply the principles of the policy. The Complaint Assessor is able to request a written response from the respondent, review all documents provided by the Behaviour Complaints Officer and conduct any necessary investigations. The Complaint Assessor will prepare a Complaint Report that will be presented to council for determination.

Statutory Environment

Local Government Act 1995 and Local Government (Model Code of Conduct) Regulations 2021

Policy Implications

As above

Financial Implications

Nil for adoption of policy

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council adopt the Code of Conduct Behaviour Complaints Management Policy and 'Complaint about Alleged Breach' Form as presented in the attachments.

14.6 Compliance Audit Return 2023

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.AUD.1200
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	28 February 2024
Attachments	Compliance Audit Return 2023

Summary

For each calendar year, Council is required to undertake a Compliance Audit Return to ascertain the Shire's level of adherence to legislatively required functions.

The responses to the 2023 Compliance Audit Return are firstly required to be presented to the Audit & Governance Committee for review before subsequently being submitted to Council.

Council is requested to adopt the 2023 Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

Background

Pursuant to legislation, local governments are required to carry out a compliance audit for each calendar year and to submit the audit findings to the Department of Local Government, Sport and Cultural Industries.

The compliance audit covers a range of matters requiring actions to be completed by local governments in performing their functions to maintain legislative compliance and focuses on areas considered to be high risk.

Each year the Compliance Audit Return covers various categories and for the 2023 Return, the areas covered are:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosures of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Other
- Tenders for Providing Goods and Services

Comments

Shire officers have responded to the questions in the 2023 Compliance Audit Return.

Of the ninety-four (94) questions included in the 2023 Compliance Audit Return, the Shire is considered as not having met compliance on six (6) occasions.

The areas of non-compliance, and a brief summary of each, are below –

Delegation of Power/Duty – Question 13

Did all persons exercising a delegated power or duty under the *Local Government Act 1995*, keep on all occasions, a written record in accordance with *Local Government (Administration) Regulations 1996* regulation 19?

Officer Response – A written record listing the monthly exercise of delegations was maintained up until December 2022 and was also reported to each ordinary council meeting. This appears to have been discontinued in January 2023 and no alternative record keeping process was established. A new process will be implemented.

Elections – Question 1

Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gift forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulation 30G(1) and regulation 30G(2) of the Local Government (Elections) Regulations 1997?

Officer Response - Up until January 2024 an electoral gifts register didn't exist - probably because no electoral gifts have ever been reported. This was rectified in January 2024 when a register was created and can be found at F:\Council Documents\Council Elections\Electoral Gift Register

Elections – Question 3

Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?

Officer Response - Refer comments to Question 1 of this section. No electoral gift register existed prior to January 2024. Even though no gifts were declared by candidates it is a requirement to have an electoral gift register on the website. The register can now be viewed at

https://www.wickepin.wa.gov.au/Profiles/wickepin/Assets/ClientData/Register_of_Electoral_Gifts.pdf

Integrated Planning and Reporting – Question 3

Does the corporate business plan comply with the requirements of Local government (Administration) Regulations 1996 19DA (2) & (3)?

Officer Response - Whilst the current CBP does address the matters specified in Regs 19DA92) & (3) the CBP hasn't been reviewed since its adoption in 2020 therefore its 4-year projections are out of date.

Other – Question 4

Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with attendance of council members and the CEO at events?

Officer Response - Whilst Council has policies addressing attendance by councillors at conferences, seminars, training and induction courses (Policy 2.1.1) and attendance by councillors and employees at social functions hosted by the Shire of Wickepin (Policy 2.1.12), it doesn't have a policy prepared in accordance with s.5.90A of the Local Government Act dealing with attendance by councillors and the CEO at events. A draft policy will be presented to the March 2024 council meeting.

Tenders for Providing Goods and Services – Question 7

Did the information contained in the local government's tender register comply with the requirements of the Local Government (Functions and general) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?

Officer Response - A hard copy tender register exists but doesn't record all the prescribed information, specifically particulars of and a copy of the notice calling tenders and the names of each tenderer whose tender has been opened. The electronic tender register on the Shire website also doesn't contain the above information nor does it list the name of the successful tenderer.

The 2023 Compliance Audit Return is being presented to the Audit & Governance Committee meeting to be held prior to the ordinary council meeting on 20 March 2024. The officer recommendation below is the same as provided in the report to the Audit & Governance Committee. In the event of the committee making an alternative recommendation this will be submitted to council in lieu of the officer recommendation below.

Statutory Environment

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be —
 - a) presented to the council at a meeting of the council; and
 - b) adopted by the council; and

- c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council adopt the Compliance Audit Return for the 2023 calendar year as shown in the attachment prior to it being submitted to the Department of Local Government, Sport and Cultural Industries.

14.7 Strategic Community Plan 2023-2033

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	
Author	Tim Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	11 March 2024
Attachments	Community Engagement Outcomes 2023 Report Strategic Community Plan 2023-2033

Summary

A review of Council's current Strategic Community Plan has been undertaken with the draft (reviewed) document presented to Council for adoption.

Background

Under the Local Government (Administration) Regulations 1996, all local governments in Western Australia are required to have developed and adopted two key documents: a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP) which are supported by a suite of long term informing strategies. The informing strategies include the Long-Term Financial Plan, Asset Management Plan and Workforce Plan. Collectively these documents drive the development of each local government's annual budget.

Council adopted its current Strategic Community Plan in 2018.

The Strategic Community Plan is a strategy and planning document that reflects the longer term (10+ years) community and local government aspirations and priorities.

The Strategic Community Plan responds to three questions put to the community and the local government:

- Where are we now?
- Where do we want to be?
- How do we get there?

The Integrated Planning Framework and Guidelines of the Department of Local Government, Sport and Cultural Industries state that at a minimum a desk top review of the Strategic Community Plan should be undertaken every two years, and a full review and renewed long-term visioning process be conducted every four years thus ensuring the community priorities and aspirations are kept up to date and relevant.

Under the Integrated Planning and Reporting Framework and Guidelines, all local governments must develop their 10+ year Strategic Community Plan through a community engagement process aimed at identifying long term community aspirations, visions and objectives

A review of the Strategic Community Plan commenced in 2023 and included a community engagement process that encompassed two formal mechanisms of engagement, being three community workshops and a community survey. A total of 151 persons were recorded as

participants in this engagement, being 79 attending the workshops and 72 responding to the community survey.

The new Strategic Community Plan contains 12 goals and 50 strategies. The goals are:

1. Roads are a key economic driver across the Shire (4 strategies)
2. Improve the amenities and aesthetics of townsites (3 strategies)
3. The Shire of Wickepin Caravan Park amenities are of a high standard (2 strategies)
4. Maintain Shire owned facilities in a strategic manner and also to meet community needs (3 strategies)
5. We are an agricultural hub, that innovates and leverages opportunities (3 strategies)
6. New businesses are attracted and existing businesses grow (5 strategies)
7. Residents and visitors can access reliable telecommunications services (1 strategy)
8. Tourism opportunities create value to our communities (5 strategies)
9. Our communities are engaged, have a healthy lifestyle and are safe (14 strategies)
10. Our organisation is well positioned and has capacity for the future (3 strategies)
11. We are proactive about collaboration and forward planning our future success (3 strategies)
12. Our communities are informed via multiple channels at regular intervals (4 strategies)

Comments

The Strategic Community Plan 2023-2033 is the culmination of an extensive community consultation and engagement program and has delivered a focused and targeted strategic document to guide the delivery of our local government services and future projects. The new Plan replicates the structure of the 2018-2028 Strategic Community Plan and indeed of the 12 goals 11 are completely unchanged with only minor variances made to Goal 2.

The 2018-2028 Strategic Community Plan contained 70 strategies and this has been reduced to 50 strategies in the new Plan. Of these 50, only 19 remain unchanged from the 2018 Plan.

The current legislative reforms to local government legislation being pursued by the Western Australian Government includes changes to the integrated planning requirements with the intent being that Strategic Community Plan will be replaced with a new Council Plan setting high-level objectives. It is likely that by 2026 when the next (desktop) review of the Strategic Community Plan is scheduled that the "Council Plan" model will be in place.

In order to close the loop on the community engagement it is proposed to make available the community engagement outcomes report that summarises the 2023 engagement mechanisms.

Statutory Environment

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

Local Government Act – Section 5.56. Planning for the future

(1) *A local government is to plan for the future of the district.*

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations - 19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2018-2028

Goal 11 – we are proactive about collaboration and forward planning our future success

Strategy 11.5 - review integrated planning documents as required

Voting Requirement

Absolute Majority

Officer Recommendation

That Council:

- 1. Note the Community Engagement Outcomes Report 2023 as presented.*
- 2. Adopt the Shire of Wickepin Strategic Community Plan 2023-2033 as presented, to replace the 2018-2028 Strategic Community Plan.*

14.8 Agreement Provision of Day Care Services-Wickepin Playgroup Premises

Submission to	Ordinary Council Meeting
Location / Address	Lot 1 Campbell Street, Wickepin
Name of Applicant	Sally-Mae Downey
File Reference	CS.SPR.310
Author	Tim Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 March 2024
Attachments	Draft Agreement (MOU) 2024 to 2028

Summary

A local resident, Sally-Mae Downey, under the auspice of Wiliwagtails Family Day Care, has obtained the necessary approvals to operate a day care service in Wickepin. The chosen site to run this service is the Wickepin Playgroup premises.

An agreement, of a length of approximately 1 year and 8 months has been developed in order to set out the terms and conditions between the Shire and Sally-Mae Downey for use of the premises. The length (term) of the agreement would cover the balance of 2024 and all of 2025.

Background

For some time there has been expressed a desire by local families with young children for an increased day care service to be provided in Wickepin. For the last few years only a one day per week service has been available – supplied by Regional Early Education and Development Inc. (REED).

With REED unable or unwilling to increase its service provision in Wickepin, Sally-Mae Downey intends to operate a separate day care service, operating 3 days per week (Tuesdays, Wednesdays and Thursdays). REED will continue to provide day care services each Monday and Wickepin Playgroup will operate each Friday.

Comments

A draft Agreement (MOU) has been prepared, based on the Agreement proposed for Wickepin Playgroup (refer separate item in this agenda). The rental fee of \$5.00 per session is the same as applied to the day care service offered by REED.

Ms Downey proposes to commence her day care service as soon as possible (due to demand) and the CEO has indicated a preparedness to approve her use of the Wickepin Playgroup premises ahead of Council's consideration of the Agreement, subject to suitable evidence of insurance coverage being provided by Ms Downey.

A MOU was entered into with the former Narrogin Regional Child Care Services Incorporated which was the predecessor to REED taking over the service. That Agreement has expired. It is recommended that a new Agreement be established with REED on the similar terms and conditions as the one for Ms Downey. The CEO should be authorised to enter into such an agreement on the basis that the terms and conditions are consistent. Any marked changes to terms and conditions would require presentation of a draft Agreement to Council.

Statutory Environment

Section 3.58 of the Local Government Act concerns the disposition of land, including the leasing of Land or part thereof. Under this clause disposition of land can only occur via tender, auction or by other means after local public notice of the proposed disposition is given and any submissions considered.

Notwithstanding the above, Regulation 30(2) of the Local Government (Functions and General) Regulations exempts the proposed agreement with Ms Downey from having to comply with Section 3.58 of the Local Government Act as the lease is for less than 2 years and Ms Downey would not have exclusive use of the land.

Policy Implications

Nil

Financial Implications

The MOU proposes an annual rental payment to the Shire.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

- 1. That Council endorse the Agreement (MOU) with Sally-Mae Downey and authorise the Chief Executive Officer to sign the Agreement.*
- 2. That the Chief Executive Officer be authorised to enter into an Agreement (MOU) with REED for its one day per week child care service at the Wickepin Playgroup premises subject to the terms and conditions contained in the Agreement being for a maximum term of 2 years and is consistent with the terms and conditions of the agreement with Sally-Mae Downey.*

14.9 Renewal of Agreement (MOU) with Wickepin Playgroup

Submission to	Ordinary Council Meeting
Location / Address	Lot 1 Campbell Street, Wickepin
Name of Applicant	Wickepin Playgroup
File Reference	LD.MM.2
Author	Tim Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 March 2024
Attachments	Draft Agreement (MOU) 2023 to 2028

Summary

An Agreement (MOU) between the Shire of Wickepin and Wickepin Playgroup expired on 30 June 2023. A new 5 year Agreement has been prepared that replicates the former Agreement except for some minor (agreed) changes.

Background

In 2018 the Shire of Wickepin and Wickepin Playgroup entered into a 5 year Agreement (MOU) that set out the terms and conditions for the Playgroup to use the building located at Lot 1 Campbell Street, Wickepin. The Agreement expired on 30 June 2023 but the use of the premises by Wickepin Playgroup has continued on under the same terms and conditions of the Agreement.

Comments

In consultation with Wickepin Playgroup the new proposed Agreement reflects the following changes from the former Agreement:

- Page 1, Preamble – change dates from 1 July 2018 to 30 June 2023 to 1 July 2023 to 30 June 2028 (note as the use of the premises by playgroup has continued unabated since 30 June 2023 the agreement can be backdated to commence on 1 July 20-23).
- Page 1, clause 1 – Change “Thursday” to “Friday” to reflect the change in weekly day for playgroup that was kindly done to accommodate the new day care operation.
- Page 2, clause 4 – change “1st day of July 2018” to “1st day of July 2023”.
- Page 2, clause 5 – add new dot point under Wickepin Playgroup to read – “Liaise with other users of the premises to ensure each user takes responsibility for cleaning and tidiness after its activities occur”. (note it is proposed to add a similar clause to the proposed agreement to be entered into with the operator of the new 3 day per week day care service and REED for its one day per week day care service).
- Page 2, clause 5 – add new point under Wickepin Playgroup to read – “Acknowledge that any contents owned by the Shire of Wickepin will not be covered by the Shire’s insurance and if wishing to insure their own contents a suitable policy and coverage is to be entered into with an insurance company”.
- Page 2, clause 5 – add new point under Wickepin Playgroup to read – “Have appropriate Public Liability Insurance cover up to \$10,000,000 and present on an annual basis to the Shire of Wickepin or at any other time upon demand by the Shire of Wickepin”.
- Page 3, clause 8.3 – change commencement date and expiration date to be same as in first dot point above.

Statutory Environment

Section 3.58 of the Local Government Act deals with disposition of local government property, including the leasing of property. Under this Section property can be disposed of by public auction,

tender or by private treaty after a community consultation process however Regulation 30 of the Local Government (Functions and General) Regulations exempts the disposition of property from those processes if the land/property is disposed of to a body, whether incorporated or not –

the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

In the case of the Wickepin Playgroup it is clear that its objects are that of an educational and cultural nature. The members of Wickepin Playgroup do not receive any pecuniary profit from its transactions.

Policy Implications

Nil

Financial Implications

The MOU proposes an annual rental payment of \$100 by the Wickepin Playgroup to the Shire.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council endorse the new Agreement (MOU) with the Wickepin Playgroup and authorise the Chief Executive Officer to sign the Agreement.

14.10 Club Nights Light Program Grant Application – Wickepin Tennis Club

Submission to	Ordinary Council Meeting
Location / Address	Wickepin Tennis Club
Name of Applicant	Wickepin Tennis Club
File Reference	
Author	Olivia Melville-Main – Community & Economic Development Officer
Interest Disclosures	-
Report Written Date	12 March 2024
Attachments	-

Summary

As part of the process for the Department of Local Government, Sport and Cultural Industries' (DLGSC) Community Club Night Lights Program (CNLP) the applicable local government is asked to prioritise all applications received for its district before they are lodged.

Only 1 application exists for the current CNLP funding round, being an application submitted by the Wickepin Tennis Club to upgrade the lighting at the tennis courts.

Background

The CNLP, administered by the DLGSC, aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well used facilities through the provision of floodlighting.

The DLGSC offers funding to local governments and community sporting groups for sports ground lighting via CNLP, with a maximum contribution of 50% of total project costs. It is incumbent upon the applicant to secure the remaining 50% of necessary funding for project implementation. As part of its application and evaluation process, the DLGSC prioritises projects within relevant local government areas, seeking input from local authorities. This facilitates communication on infrastructure development proposals and allows local governments to align project prioritisation with strategic objectives.

In the current round, only one CNLP application has been submitted - by the Wickepin Tennis Club. This application aims to replace damaged halogen floodlights across the club's five courts. Presently, only three of the eight lights are operational, rendering the courts unusable during evening hours. The proposed upgrade entails replacing existing lighting with LED sports lights to meet Lux rating standards for social tennis. This enhancement will ensure safe and enjoyable evening play, potentially extending the tennis season into spring and autumn. Such improvements could attract additional members and bolster overall community sports participation.

Comments

The committee of the Wickepin Tennis Club has prepared the application in consultation with:

- Wickepin District Sports Club
- Tennis West
- Melchiorre Electrical
- Duffy Electrics
- SAL National Pty Ltd
- S-Tech LED Technology

- DLGSC Regional Manager, Wheatbelt
- Shire of Wickepin Economic Development Officer
- DLGSC Regional Manager, Wheatbelt,

The application has been prepared in accordance with the DLGSC Club Night Lights Program grant guidelines with applications closing on the 28th March 2024.

This application seeks a financial contribution from the Shire to contribute one-third of the project costs, while the Wickepin District Sports Club and the CLNP grant, if successful, would cover the remaining two thirds. The Shire's contribution would be in the form of cash (\$5,750 ex-GST) and in-kind (use of cherry picker with Shire personnel - \$4,016 ex-GST).

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Total project Cost: \$29,717.60, funded by:

- CNLP Funding, if successful: \$14,858.80
- Shire financial contribution: \$7429.40 (cash and in-kind)
- Wickepin Tennis Club (Wickepin District Sports Club) contribution: \$7429.40

CNLP applications will be determined in June 2024. In approving the submission Council in effect is committing to funding its financial contribution. The cash component can be funded from the annual community grants allocation.

Strategic Implications

Strategic Community Plan 2018-2028

Goal 4 – maintain Shire owned facilities in a strategic manner and also to meet community needs

Strategy 4.2 – encourage greater usage of current Shire owned facilities

Strategy 4.4 – support the improvement and maintenance of assets in a strategic manner

Voting Requirement

Simple Majority

Officer Recommendation

1. *That Council approve the submission of the Club Night Lights Program (CNLP) grant application by the Wickepin Tennis Club for upgrade of lighting at the tennis courts.*
2. *The Council advises the Department of Local Government, Sport and Cultural Industries that Council ranks this grant application as Priority 1 of 1 for the current CNLP funding round for this Shire.*
3. *That Council, in the event the application is successful, commits to funding its financial contribution (\$5,750 cash, \$4,016 in-kind) in the 2024/25 budget with the cash component being funded from the 2024/25 community grants allocation.*

14.11 Final Adoption Scheme Amendment No. 3 – Lot 7 (No. 56) Fisher Street, Wickepin

Submission to Location / Address	Ordinary Council Meeting Lot 7 (No. 56) Fisher Street, Wickepin WA 6370
Name of Applicant	Edge Planning & Property
File Reference	
Author	Azhar Awang, Executive Manager Development & Regulatory Services, Shire of Narrogin
Interest Disclosures	-
Report Written Date	March 2024
Attachments	1 - Scheme Amendment Report 2 – Schedule of Submissions (provide under separate cover) 3 - Guidelines for Separation of Agricultural and Residential Land Uses, published by the Department of Health (2012)

Summary:

Council is requested to consider the final adoption after the public advertising period for the proposed Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No.4. This amendment aims to rezone Lot 7 (No.56) Fisher Street, Wickepin from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10.

Background:

The proposal was previously considered by Council at its meeting held on 18 October 2023. Council at that meeting resolved as follow:

"That with respect to the proposed Scheme Amendment No. 3 at Lot 7 (No.56) Fisher Street, Wickepin, to rezone the land from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10, Council:

1. *Pursuant to Section 75 of the Planning and Development Act 2005, supports the Scheme Amendment as a 'Standard Amendment' to the Shire of Wickepin Local Planning Scheme No. 4;*
2. *Prepare a notice to the Western Australian Planning Commission of the proposed Standard Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No. 4;*
3. *Pursuant to Section 81 of the Planning and Development Act 2005, give written notice to the Environmental Protection Authority for the determination of their assessment; and*
4. *Adopt the proposed scheme amendment for the purpose of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47 (2) for a period of 42 days, subject to the determination of the Environmental Protection Authority's assessment outcome.*

The Environmental Protection Authority (EPA) was provided with the documentation regarding the scheme amendment for assessing potential environmental impacts, as per Section 81 of the Planning and Development Act 2005. On 30 November 2023, the Shire received a response from the EPA stating that no formal assessment of the scheme

amendment was necessary under Part IV of the Environmental Protection Act 1986, as detailed in Attachment 2.

Following the EPA's response, the proposed scheme amendment was publicly advertised on the Shire's website, and notices were sent to relevant public authorities (including the Department of Biodiversity, Conservation and Attractions; DFES; Public Transport Authority; Department of Water; Western Power; Department of Health; Water Corporation; Department of Primary Industry and Regional Development; Tourism WA; and Department of Energy, Mines, Industry Regulations, and Safety). Additionally, notices were sent to adjacent landowners, with submissions closing on 29 February 2024.

At the conclusion of the public submission period, a total of five (5) submissions were received. Four (4) submissions raised no objections, while one agency recommended that occupants of the property should be informed about the potential for spray drift from the agricultural area approximately 130 meters to the east, despite there being a small buffer of native vegetation in between.

A detailed of the submissions received is included in Attachment 2 of this report.

The scheme amendment is therefore presented for Council's final approval and endorsement.

Comments:

The purpose of this scheme amendment is to formalise the existing land use and ensure that it aligns with the correct zoning under the Local Planning Scheme.

Lot 7 (No.56) Fisher Street currently features an existing dwelling and several outbuildings. The dwelling, a brick cottage with a corrugated iron roof, holds historical significance and is categorized as a category 2 listed building in the Shire's Municipal Heritage Inventory. While it served as the Station Master's house, it is not currently listed on the State Heritage Register.

Scheme Amendment Category

As the proposed amendment is to change the zoning of the land to formalise the existing land use on site to reflect the current zoning of the Local Planning Scheme, the proposed Scheme Amendment is considered as a 'Standard Amendment' as defined under section 34 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Current Zoning

Lot 7 (No.56) Fisher Street, Wickepin is identified in the Shire of Wickepin Local Planning Scheme No. 4 as a Local Scheme reserves for the purposes of "Recreation and Open Space". The site is surrounded by "Recreations and Open Space" Reserve which provides a buffer to the Industrial zoned land to the north west of the subject property.

The existing house, which is a brick cottage and corrugated iron roof is listed in the Shire's Municipal Heritage Inventory as category 2 listed building, which was previously used as the Station Master's house. The site is not currently listed on the State Heritage Register list.

Proposed Re-Zoning

The proposal is to rezone the subject land from a reserve purposes "Recreation and Open Space" to "Residential" with a density of R10. The objective of the Residential Zone under the Local Planning Scheme No. 4 is to *provide for a range of housing choice with a high level of amenity in residential areas and which reflects a rural lifestyle.*

The subject land has a total lot area of 1212m² and therefore with a proposed R-Cording of R10 (average 1000m² per dwelling) will not allow future subdivision to occur.

As the current zoning of the subject property is considered an anomaly in the current Local Planning Scheme No. 4, the proposed rezoning to "Residential " will help to formalise the existing situation on the property. It is also considered that the rezoning would not adversely impact the surrounding amenity of the area and is consistent with the orderly and proper planning.

Submissions

At the conclusion of the public submissions period, the Shire received five (5) submissions from State agencies. Four (4) of the submissions received raises no objection to the proposal and one (1) recommending that the occupants of the property be advised of the potential spray drift from the agricultural area located 130m to the east. This is recommended despite there being a small buffer of native vegetation in between.

The reporting officer had queried the advice from the Department of Primary Industries and Regional Development (DPIRD), given the distance of the existing house to the Agricultural property to the east (130m) and the existing of well-established vegetation. It was considered that the distance from the property boundary and the vegetated buffer would satisfy the criteria outline for an effective barrier to spray drift in accordance with the *Guidelines for Separation of Agricultural and Residential Land Uses*, published by the Department of Health (2012).

Based on the submission received, it is recommended that the Shire writes to the property owner advising them of the potential spray drift from the agricultural area to the east of the property.

Given the above assessment, it is therefore recommended that the Council support the proposed scheme amendment for final approval and forward to the Western Australian Planning Commission for its endorsement.

Statutory Environment:

- Planning and Development (Local Planning Schemes) Regulations 2015 – Division 3 – Process for standard amendments to local planning scheme.
- Planning and Development (Local Planning Schemes) Regulations 2015 - regulation 50(2) & (3)(a)
- Planning and Development Act 2005 – Section 75 – Amending Scheme.
- Planning and Development Act 2005 – Section 81– Proposed scheme or amendment to be referred to EPA.

- Shire of Wickepin Local Planning Scheme No. 4.

Policy Implications:

Nil

Financial Implications:

The costs associated with the advertisement and notices are borne by the applicant as per the Planning and Development (Local Planning Schemes) Regulations 2015 – Section 48. The cost for a Standard Scheme Amendment is \$3,235 in accordance with the Shire's schedule of fees and charges and include advertising. This fee has been paid in full by the applicant.

Strategic Implications:

Strategic Goals and Objectives:

The proposed development aligns with several strategic goals and objectives of the Shire of Wickepin. These goals may include:

Economy

Goal 6: New Businesses are attracted and existing business grow
6.9 – Town Planning Scheme is reviewed.

Recommendations:

That with respect to the proposed Scheme Amendment No. 3 at Lot 7 (No.56) Fisher Street, Wickepin, to rezone the land from "Recreation and Open Space" reserve to "Residential" zone with a density coding of R10, Council:

1. Pursuant to Section 50(2) & (3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, support the Standard Scheme Amendment No.3 without modifications to the Shire of Wickepin Local Planning Scheme No. 4 for final approval by:
 - a. Amending the classification of Lot 7 on Deposited Plan189958 (No. 56) Fisher Street, Wickepin from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10.
 - b. Amending the Scheme Map accordingly.
2. Authorise the Chief Executive Officer and President to endorse the amendment documentation for final approval and affix the Shire of Narrogin common seal.
3. Advise those persons who lodged submissions of the outcome.
4. Forward the endorsed scheme amendment documentation to the Western Australian Planning Commission for its determination
5. Write to the property owner advising of the potential spray drift from the agricultural property to the east.

Voting Requirements:

Simple majority.

15 Confidential Reports and Information

Nil

16 Urgent Business

Nil

17 Closure

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