



Agenda

Ordinary Council Meeting
Wednesday 15 November 2023

Date	Wednesday 15 November 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Thursday 9 November 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 15 November 2023 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

Tim Clynch
Acting Chief Executive Officer
Thursday 9 November 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 Acting Chief Executive Officer declared the meeting open at [time].

1.1 Election of Shire President

The Local Government Act 1995 Schedule 2.3, Division 1, Section 4 indicates in part that the Council is to elect a Councillor to fill the office of President and that the election is to be conducted by the Chief Executive Officer in accordance with the procedures prescribed.

Nominations are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations.

If a Councillor is nominated by another Councillor, the nominee must confirm to the Chief Executive Officer, orally or in writing that he or she is willing to be nominated for the office.

In the event of two or more nominations being received ballot papers will be issued to councillors and an election held.

The Chief Executive Officer to declare the result of the election. The successful candidate is to complete the declaration for the position of Shire President on the prescribed form.

Once elected, the Shire President is to assume role of the Presiding Member.

1.2 Election of Deputy Shire President

The Local Government Act 1995 Schedule 2.3, Division 2, Section 8 indicates in part that the Council is to elect a Councillor (other than the President) to fill the office of Deputy President.

Nominations are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations.

If a Councillor is nominated by another Councillor, the nominee must confirm, orally or in writing, that he or she is willing to be nominated for the office.

In the event of two or more nominations being received ballot papers will be issued to councillors and an election held.

The Shire President to declare the result of the election. The successful candidate is to complete the declaration for the position of Deputy President on the prescribed form.

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

T Clynch	Acting Chief Executive Officer
E Clement	Deputy Chief Executive 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

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 –

Nil

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held on Wednesday 18 October 2023

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 18 October 2023, 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-230517-07	Naming of the Wickepin Independent Living Units	For any received submissions to be provided to Council for consideration.	✓	That Council name the Wickepin Independent Living Units as follows Complex - Woodland Court. Individual Units - Numbered 1,2,3,4
OCM-230913-05	Local Roads and Community Infrastructure Program – Phase Four (4) Grant – Proposed Work Schedules	That Council, with respect to Phase Four (4) of the Local Roads and Community Infrastructure Program, a) approves the following projects for submission to Part A of the Program – •Improvements / renovation to the Wickepin Community Centre (estimation \$60,000 ex GST) •Renovation and improvements to the Wickepin Community Centre Playground (estimation \$140,000 ex GST) •Accessibility improvements to the Wickepin Swimming	○	Grants have been submitted. Expecting a formal response with four (4) weeks.

Item	Subject	Council Decision	Status	Action
		<p>Pool Toilet Facilities (estimation \$30,000 ex GST)</p> <ul style="list-style-type: none"> •Provision of playground facilities at the Harrismith Golf Club (estimation \$95,000 ex GST) •Provision of toilet and shower facilities at the Toolibin Tennis Club (estimation \$40,000 ex GST) <p>b) approves the following projects for submission to Part B of the Program –</p> <ul style="list-style-type: none"> •Traffic pull-off bay installation in Harrismith (estimation \$50,000 ex GST) •Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street (estimation \$45,000 ex GST) •Asphalt sealing of car-park area in Wickepin (near fuel bowsers) (estimation \$35,000 ex GST) •Pathways at Yealering, yet to be scoped (estimation \$80,000 ex GST) 		
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	○	Scheme Amendment has been forwarded to Department of Water and Environment Regulation for assessment.

Item	Subject	Council Decision	Status	Action
		<p>Development Act 2005, supports the Scheme Amendment as a 'Standard Amendment' to the Shire of Wickepin Local Planning Scheme No. 4;</p> <p>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;</p> <p>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</p> <p>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.</p>		
OCM – 231018-08	Tender RFT 04 – 2023/24 Supply and Lay Bitumen Products	That Council, with respect to Tender RFT-04-2023-2024 Supply and Lay Bitumen Products - Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18, accepts the tender submission from WCP	✓	

Item	Subject	Council Decision	Status	Action
		Civil Pty Ltd for \$832,532 ex GST.		
OCM – 231018-09	Delegations Register 2023	That council adopts Shire of Wickepin Delegations Register as reviewed at its ordinary meeting on 18 October 2023.	✓	
OCM – 231018-14	Appointment – Acting Chief Executive Officer	1. That Council appoint Mr Tim Clynych for a three month period on the conditions listed under recommendation 15.1 Confidential Item – Appointment Acting Chief Executive Officer commencing 23 October 2023. 2. That Council authorise the Acting Chief Executive Officer to purchase the required furniture.	✓	
OCM- 231018-16	Seed Collection to June 2024 – M Perrie	That council grant permission to M Perrie of Lot 17, Tincurrin Road, Tincurrin WA 6361 to collect native plants from reserves (gravel pits, road verges, and townsite reserves) vested to the Shire of Wickepin for the period to 30 June 2024. With the following conditions: • All conditions imposed on License number CP60000657 from the Department of Parks and Wildlife are to be followed at all times. • Appropriate hygiene measures are to be followed at all times to prevent the spread of plant disease and weeds. • All care to be taken to avoid the disturbance of fauna habitat.	✓	

Item	Subject	Council Decision	Status	Action
		<ul style="list-style-type: none">• All care to be taken to avoid any disturbance that may lead to soil degradation.• No damage to be done to golf fairways or rough.• No picking during imposed harvest and vehicle movement bans.• No picking during total fire bans.		

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 Seating Arrangements – Standing Orders

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	GO.CME.1323
Author	T Clynych – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	30 October 2023
Attachments	-

Summary

Cr J Russell has submitted the following Notice of Motion –

That Council revoke Resolution OCM-231018-01 and proceed with the allocation of seating arrangements in accordance with clause 11.4.1 of the Standing Orders excepting –

1. *That the first seat on the table to the left of the head table and last seat on the table to right of the head table be reserved for staff seating*
2. *That last seat on the table to left of the head table be reserved for Cr Mearns in recognition of his mobility limitations.*

Background

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

- a. Insufficient reasons existed, or were put forward, for Council to disregard the intent of our Local Standing Order clause 11.4.1 and not conduct a random allocation of seating arrangements. Council acts as a Team, and having the bi-annual random seating allocations demonstrates such and ensures that there is no external perception of division or favouritism within the team.
- b. The first place on the table to the left of the head table has for some time being allocated to the Deputy Chief Executive Officer. Other staff attending meetings have been sitting in the end seat of that table. Moving that seat to the opposite table would mean that each table would contain 3 Councillors and 1 staff member.
- c. Given the tight seating against walls of the Council Chamber, it is difficult for Cr Mearns to crab sideways into his seat following joint replacements (2 hips and 1 knee) without enduring much pain and discomfort. This can be alleviated by the permanent allocation of an end seat to him, such as he has had in the past.

Comments

Under Regulation 10 of the Local Government (Administration) Regulations a notice of motion to revoke a decision is to be signed by at least 1/3 of the number of office (whether vacant or not) of members of the Council, inclusive of the mover. The required number of signatories has been provided with this notice of motion.

Statutory Environment

Regulation 10 – Local Government (Administration) Regulations

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Shire of Wickepin Local Laws Relating to Standing Orders 1998 – Clause 11.4. Members to Occupy Own Seats

- 11.4.1 At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot by random draw, a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.
- 11.4.2 No councillor shall be deemed to be present unless occupying that member's allotted place within the council chambers.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Absolute Majority for revoking of Council Resolution.

Notice of Motion

That Council revoke Resolution OCM-231018-01 and proceed with the allocation of seating arrangements in accordance with clause 11.4.1 of the Standing Orders excepting –

- 1. That the first seat on the table to the left of the head table and last seat on the table to right of the head table be reserved for staff seating*
- 2. That last seat on the table to left of the head table be reserved for Cr Mearns in recognition of his mobility limitations.*

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

10.1 Minutes of the Bushfire Control Officers Committee Meeting held on Tuesday 5 September 2023.

Officer Recommendation

That Council receive the minutes of the Bushfire Control Officers Committee Meeting held on Tuesday 5 September 2023, as included in the attachments.

10.2 Minutes of the Local Emergency Management Committee Meeting held on Monday 30 October 2023.

Officer Recommendation

That Council receive the minutes of the Bushfire Control Officers Committee Meeting held on Monday 30 October 2023, as included in the attachments.

11 President's Report

To Be Tabled.

12 Report by the Chief Executive Officer

A summary of some of the activities undertaken by the Acting Chief Executive Officer since his commencement in the position on 23 October 2023 –

Introductions

Met a number of key people, ranging from shopkeepers to emergency services volunteers, local police and personnel from some surrounding local governments.

Issues Updates

Met with the Shire President and relevant staff to obtain updates on a number of strategic issues including but not limited to waste site management, emergency services issues, review of the Strategic Community Plan and facility management. Arising from these discussions are likely to be discussion items to future Forums.

Landcare Field Inspection, Dumbleyung

Together with the Community & Economic Development Officer attended a landcare session in Dumbleyung to inspect and discuss a local desalinisation project that treats high salinity groundwater for community reuse. The event was coordinated by DPIRD and the Shire of Dumbleyung and was arranged to respond to community concerns relating to disposal of the residue saline product. The intent in attending was to determine if a similar proposal could be contemplated within the Shire of Wickepin however the view was that it is premature to gauge the success of the Dumbleyung project and instead it can be monitored from a distance.

CBH Residential Development Proposal

Met with Tim Roberts (Lead – Planning and Approvals), CBH Group – to discuss various options for development of worker accommodation in Wickepin. Feedback on this meeting can be provided to councillors at the Council meeting.

Roads Works During Total Fire Bans

Participated in an online information session addressing the proposed changes to road work conditions when working during a total fire ban.

13 Notices of Motions for the Following Meeting

Nil

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – October 2023

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	9 November 2023
Attachments	Monthly Schedule of Accounts Paid – October 2023

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 October 2023, and
- Trust Fund Payments for October 2023.

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	13942 -13992, 13997 - 14033	\$596,342.61
Cheques	15905,15907,15908	\$8,313.11
Direct Deductions	October 2023	\$1,503.15
Superannuation	October 2023	\$15,716.66
Credit Card	October 2023	\$687.90
BPay Payments	October 2023	\$1,720.84
Payroll	October 2023	\$102,939.00
Licensing	October 2023	\$15,655.55
Municipal Fund Total		\$742,939.00
Trust Fund		
Electronic Funds Transfer	13993 – 13996, 14034	\$540.00
Cheques		\$0.00
Trust Fund Total		\$540.00
Total	October 2023	\$742,418.82

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 \$742,878.82 and from the Trust Fund of \$540.00, as included in the attachments, for October 2023.

14.2 Statement of Financial Activity – October 2023

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	9 November 2023
Attachments	Statement of Financial Activity – October 2023

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 October 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 October 2023, as included in the attachments.

14.3 Shire of Wickepin Bushfire Risk Management Plan

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	ES.NOT.907
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 November 2023
Attachments	Shire of Wickepin Bushfire Risk Management Plan

Summary

Seek Council endorsement of the Shire of Wickepin Bushfire Risk Management Plan.

Background

The Bushfire Risk Management Plan is a strategic document that facilitates a coordinated approach towards the identification, assessment and treatment of assets exposed to bushfire risk. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan and Treatment Schedule to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

The aim of the Plan is to effectively manage bushfire risk to protect people, assets and other things of local value in the Shire of Wickepin. The objectives of the Plan are to:

- guide and coordinate a tenure blind, multi-agency BRM program over a five-year period;
- document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- facilitate the effective use of the financial and physical resources available for BRM activities;
- integrate BRM into the business processes of local government, landowners and other agencies;
- ensure there is integration between landowners, BRM programs and activities; and
- document processes used to monitor and review the implementation of treatment plans to ensure they are adaptable, and that risk is managed at an acceptable level.

The Plan was submitted to the Office of Bushfire Risk Management (OBRM) on 24 October 2023 and obtained the necessary approval from OBRM on 31 October 2023. A condition of the OBRM approval is that Council formally approve the Plan.

Comments

There was a total of 231 assets identified for the BRMP assessments covering four (4) Asset Categories (Human Settlement (85.7%), Economic (10.8%), Environmental (0.4%) and Cultural (3.1%)).

The assets were assessed using a standard risk assessment methodology that evaluated the likelihood rating (ie fuel age and separation distance) and the consequence (ie vulnerability, hazard, potential; impact). From this assessment, a Risk Evaluation was formulated identifying the risk category and the treatment priority for each of the assets.

Of note, 97.9% of assets were assessed within the High, Very High and Extreme risk ratings.

Assets listed as High, Very High and Extreme will require treatment and this will be developed in consultation with land owners and other stakeholders, with a treatment schedule to be completed within six months of the BRMP being endorsed by Council.

Upon endorsement by Council, the Shire of Wickepin is eligible to apply for mitigation activity funding through the Mitigation Activity Fund to identify and implement treatment strategies for assets identified as Extreme, Very High and High risk within the plan.

The next round of the Mitigation Activity fund is expected to open in April 2024 for funding in 2024/25.

Statutory Environment

Under the State Hazard Plan - Fire (OEM 2019) an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Wickepin in accordance with the requirements of the 'Guidelines for Preparing a Bushfire Risk Management Plan'.

Policy Implications

Nil for endorsement of the Shire of Wickepin Bushfire Risk Management Plan.

Financial Implications

Nil for endorsement of the Shire of Wickepin Bushfire Risk Management Plan.

Council has included funds of \$16,000 in its 2023/24 budget for a contribution to employment of a Bushfire Risk Management Coordinator in partnership with other nearby local governments. Preliminary discussions with potential local government partners has recently commenced.

Strategic Implications

Strategic Community Plan

Goal 9: Our communities are engaged, have a healthy lifestyle and are safe.

Medium Term Strategy: Emergency services planning is coordinated and articulated.

Voting Requirement

Simple majority

Officer Recommendation

That Council endorse the Shire of Wickepin Bushfire Risk Management Plan as included in the attachments.

14.4 Council Meeting Dates 2024

Submission to	Ordinary Council Meeting
Location / Address	Whole Shire
Name of Applicant	
File Reference	CM.PLA.404
Author	T Clynch, Acting Chief Executive Officer
Interest Disclosures	Nil
Report Written Date	26 October 2023
Attachments	-

Summary

Council is being requested to adopt the proposed 2024 council meeting dates.

Background

The Local Government Act 1995 states “at least once a year a Local Government is to give public notice of the dates on which time and place at which ordinary and committee meetings are to be held”.

Comments

Following is the proposed meeting dates for 2024, commencing at 3.30pm. The December 2024 Council meeting is proposed to be held the 2nd week of December, 11 December, as the 3rd week, 18 December, is close to the Christmas office closure. Moving the meeting forward one week will allow sufficient time for the council minutes to be produced and actioned.

- Wednesday February 21, 2024
- Wednesday March 20, 2024
- Wednesday April 17, 2024
- Wednesday May 15, 2024
- Wednesday June 19, 2024
- Wednesday July 17, 2024
- Wednesday August 21, 2024
- Wednesday September 18, 2024
- Wednesday October 16, 2024
- Wednesday November 20, 2024
- Wednesday December 11, 2024

Statutory Environment

Local Government (Administration) Regulations 1996

12. Meetings, public notice of (Act s. 5.25(1)(g))

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

- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Local Government Act 1995

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,
in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council adopt the following Ordinary Meeting Council dates for 2024 -

- *Wednesday February 21, 2024*
- *Wednesday March 20, 2024*
- *Wednesday April 17, 2024*
- *Wednesday May 15, 2024*
- *Wednesday June 19, 2024*
- *Wednesday July 17, 2024*
- *Wednesday August 21, 2024*
- *Wednesday September 18, 2024*
- *Wednesday October 16, 2024*
- *Wednesday November 20, 2024*
- *Wednesday December 11, 2024*

14.5 Purchase of Land – Lot 41 Moss Parade, Wickepin

Submission to	Ordinary Council Meeting
Location / Address	Lot 41 Moss Parade, Wickepin
Name of Applicant	S & A Williams
File Reference	A5185
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	3 November 2023
Attachments	-

Summary

A conditional offer for the Shire to purchase Lot 41 (No.13) Moss Parade, Wickepin has been accepted by the owners of that land. One of the conditions of the offer is that Council is to endorse the offer for the land transfer process to occur. Therefore this proposal is presented to Council for formal consideration.

Background

This matter was discussed informally by councillors at a Council Forum on 18 October 2023. Whilst there was interest expressed by councillors in purchasing the land it was by no means unanimous. The consensus arrived at was that an offer be made to the owners of Lot 41 Moss Parade, subject to formal council approval being required in the event that the offer was accepted.

Comments

The owners had indicated a purchase price of \$30,000 GST inclusive. Taking into account the discussions at the Council Forum an offer was made to purchase the land (Lot 41 Moss Parade, Wickepin) for the sum of \$28,000 GST inclusive, subject to the following conditions:

1. Both parties are responsible for their own land transfer/settlement costs.
2. In the event of the owners accepting this offer the matter will be formally presented to Council for determination. If Council endorses the offer the land transfer process can commence. If Council resolves not to proceed with the purchase no further action would occur.

This offer was accepted by the owners on 2 November 2023.

Statutory Environment

Shire of Wickepin Town Planning Scheme No. 4

Lot 41 Moss Parade, Wickepin is zoned Residential under the town planning scheme.

Local Government Act 1995

A business plan assessing the proposed land exchange is not required as the land is not being purchased as either a major land transaction or as preparatory to a major land transaction under Section 3.59 of the Local Government Act. The transaction will occur by offer and acceptance.

Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Policy Implications

Nil

Financial Implications

The purchase of this land is not provided for in Council's 2023/24 budget therefore it is classed as ex-budget expenditure. The costs can be funded from the Buildings Reserve that has a budgeted closing balance in 2023/24 of \$237,000.

The purpose of the Buildings Reserve is "to be used to assist with any significant expense associated with Council buildings, predominantly staff housing". The purchase of the land is the precursor to developing a house therefore using funds in the Buildings Reserve is considered acceptable.

An allowance of \$2,000 has been made for the Shire (as purchaser) settlement and land transfer costs. This increases the estimated purchase costs to \$30,000. Only the actual amount would be drawn from reserve hence the wording of the officer recommendation "up to an amount of \$30,000".

Strategic Implications

Nil

Voting Requirement

Absolute Majority

Officer Recommendation

That Council resolves to purchase Lot 41 Moss Parade, Wickepin for the sum of \$28,000 GST inclusive and transfers a sum up to \$30,000 from the Buildings Reserve to fund the ex-budget expenditure of the land purchase and its share of the acquisition and land transfer costs.

14.6 Council Committees and Reference Groups

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	CR.MEE.224
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	30 October 2023
Attachments	Current and Proposed New Terms of Reference for Committees and Working Groups

Summary

For Council to determine the re-establishment of Council Committees following the October 2023 ordinary local government elections.

The replacement of two former committees with informal reference groups is also contained within the recommendations of this item

Background

A local government may establish Committees pursuant to Section 5.8 of the Local Government Act 1995 to directly assist the Council in a function, project or issue(s). The function, project or issue(s) should be clearly specified by the Council and each Committee is to act in the best interests of the Council and conduct its affairs in accordance with the provisions of the Local Government Act and Council's Standing Orders.

Section 5.9 of the Local Government Act allows for a Committee to comprise –

- (a) Council members only
- (b) Council members and employees
- (c) Council members, employees and other persons
- (d) Council members and other persons
- (e) Employees and other persons; or
- (f) Other persons only

A Committee system with maximum efficiency is one that contains justified Committees and establishes *Terms of Reference* to guide them.

Committees under the Local Government Act may be delegated powers from Council, in which case, additional requirements are imposed on the committee and the members of the committee. The Terms of Reference for Committees and Working Groups have been developed on the basis that no delegation of powers are to be made to any committee. Delegations to Reference Groups are not permitted by the Act.

The Local Government Act does not specifically require that the establishment of committees and their terms of reference are reviewed. Once established, the committee continues until disbanded by resolution of Council, and the committee's terms of reference continue until amended by resolution of Council. However, as tenure for the members of a committee under Section 5.11 of the Local Government Act 1995 is for a maximum of two years, concluding at each ordinary local

government election, it is considered the post-election period an opportune time to review the committees and working groups and their associated Terms of Reference for relevance and purpose.

Legislation generally provides that

- The Shire President may exercise a right to be a member of any committee,
- The committee itself is to elect its presiding person and deputy; and
- If an employee is to be a voting member of a Committee the CEO has the right to be that employee, ex-officio, or to nominate a specific employee to be a member.

Establishment of a committee, determination of membership and terms of reference is required to be by absolute majority.

Changes to a committee or reference group terms of reference or establishment may be made at any time by Council resolution.

Comments

The potential re-establishment of committees was discussed at the October Councillor Forum. The consensus of discussion from that Forum has been used to inform the recommendations of this report, specifically the re-establishment of some committees, change of other committees to Reference Groups and the disbandment of two committees entirely.

The officer recommendation proposes the following:

- Governance, Audit and Community Services Committee – re-establish but change name to Audit and Governance Committee, review terms of reference.
- Local Emergency Management Committee (currently a joint committee with the Shire of Cuballing) – re-establish committee and develop terms of reference.
- Bush Fire Control Officers Committee –re-establish committee and develop terms of reference
- Australia Day Committee – disband (not re-establish).
- Townscape and Cultural Planning Committee – disband (not re-establish) and instead create as a Reference Group with renewed terms of reference.
- Albert Facey Homestead Committee - disband (not re-establish) and instead create as a Reference Group with specific terms of reference.
- Lifestyle Retirement Committee – disband (not re-establish).

Explanatory information on the above recommendations is set out below.

- *Governance, Audit and Community Services Committee – change name to Audit and Governance Committee, review terms of reference.*

Nowhere in the current terms of reference are objectives or functions in the area of community services listed, therefore the above name change is recommended.

A review of the objectives, functions, role and scope of the committee has been conducted and is reflected in the proposed new terms of reference (refer attachment).

- *Local Emergency Management Committee (currently a joint committee with the Shire of Cuballing) – re-establish committee and develop terms of reference*

Section 38 of the Emergency Management Act 2005 requires a local government to establish one or more local emergency management committees for its district.

Section 39 of the Emergency Management Act 2005 states the functions of a local emergency management committee as –

- to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

No terms of reference for the Committee appear to exist so in effect the above currently forms the terms of reference.

Updated terms of reference have been prepared for Council's consideration (refer attachment).

There has been discussions at LEMC meetings and Council on a suggestion from the Shire of Cuballing that the LEMC be amalgamated with the Shire of Narrogin LEMC. Further discussions between the three local governments are scheduled to occur over the next few months – in the meantime it is recommended that Council formally re-establish the current joint committee with the Shire of Cuballing.

- *Bush Fire Control Officers Committee – re-establish committee and develop terms of reference*

Section 67 of the Bush Fires Act 1954 provides that a Council may appoint a Bush Fire Advisory Committee. Specifically sub-clause (1) of this section states:

- A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*

No terms of reference for the Committee appear to exist so in effect the above currently forms the terms of reference.

Updated terms of reference have been prepared for Council's consideration (refer attachment).

- *Australia Day Committee – not renew (disband) Committee*

Council has recently determined that it won't host annual Australia Day events (including honour awards) and that instead this will occur on a biennial basis. This negates the need for a committee and every second year Council, if it feels the need, can establish an informal group to guide planning for the event.

- *Townscape and Cultural Planning Committee – disband (not re-establish) and instead create as a Reference Group with renewed terms of reference*

Council has recently discussed changing some of its committees to reference groups in order to allow them to operate in a less formal environment. For example under a reference group the Council's Standing Orders need not be applied and discussion at meetings can occur in a more "round-table" format than in debate form.

One former committee identified as being more suitable to be reformed as a reference group is the Townscape and Cultural Planning Committee.

A revised terms of reference has been prepared for the reference group, bringing in more specific townscape functions and introducing cultural planning objectives and functions.

- *Albert Facey Homestead Committee - disband (not re-establish) and instead create as a Reference Group with specific terms of reference*

Similar to the Townscape and Cultural Planning Committee, the Albert Facey Homestead Committee would operate better as a reference group.

No terms of reference appear to exist for the Committee. Therefore some terms of reference have been compiled for the proposed reference group. These have been developed having regard to the content of minutes of the committee over the past few years.

- *Lifestyle Retirement Committee – disband (not re-establish).*

With the imminent completion of the Wickepin Independent Living Units (Woodland Court) the immediate role or function for this committee has ended.

Under the terms of reference that applied to the committee its three main functions were:

- To represent to the Council the views of the community regarding Aged Persons Housing.
- To represent the Council's position in regards Aged Housing to regulatory bodies and interest groups/committees.
- To assist the Wickepin Council in developing an Aged Housing Strategy.

With no new aged persons housing currently being contemplated by Council, nor development of an Aged Housing Strategy there isn't any remaining role for the committee. Importantly the Committee has never been contemplated to have an advisory role in managing aged or community housing.

If the Council was, in future, to progress towards developing more aged or community housing then reactivation of the committee could be considered.

Statutory Environment

- Establishment of Committees is pursuant to Section 5.8 – 5.18 of the *Local Government Act 1995*.
- Clause 5.10(2) of the *Local Government Act 1995* states:
(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- Clause 5.10(4) of the *Local Government Act 1995* states:
(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- Clause 1.2 Shire of Wickepin Standing Orders
The proceedings or all council meetings, committee meetings and other meetings or the council shall be governed by these Standing Orders unless otherwise provided in the Act, regulations, or any other law.
- Sections 38 and 39 of the Emergency Management Act 2005 requires a local government to establish one or more local emergency management committees for its district and sets out the functions of such a committee.
- Section 67 Bush Fires Act allows for appointment of a Bush Fire Advisory Committee (Bush Fire Control Officers Committee)

Policy Implications

Nil

Financial Implications

Councillor delegates to committees are entitled to claim a meeting sitting fee and travel expenses. These costs have been allowed for in the annual budget.

Strategic Implications

Nil

Voting Requirement

Absolute Majority

Officer Recommendation

1. *That Council establish the following committees for a 2 year term, expiring 18 October 2025 and adopt the updated terms of reference for each committee as included in the attachments:*
 - *Audit and Governance Committee*
 - *Local Emergency Management Committee (joint committee with the Shire of Cuballing)*
 - *Bush Fire Control Officers Committee*

2. *That Council appoint the following members to the Audit and Governance Committee:*

- *Cr Julie Russell*
- *Cr Wes Astbury*
- *Cr Fran Allan*
- *Cr John Mearns*
- *Cr Lindsay Corke*
- *Cr Peter Thompson*
- *Cr Ty Miller*

3. *That Council appoint the following members to the Local Emergency Management Committee:*

- *Shire President*
- *One councillor (nominations to be sought)*
- *Shire of Wickepin Chief Bush Fire Control Officer or a representative from Shire of Wickepin bush fire brigades as nominated by the Chief Bush Fire Control Officer.*

4. *That Council note that the following agencies or services will be invited to participate as members of the Local Emergency Management Committee:*

- *DFES*
- *Department of Communities*
- *Department of Health/local health services*
- *Department of Education/local schools*
- *Main Roads Western Australia*
- *Police*
- *St Johns Ambulance*

5. *That Council appoint the following members to the Bush Fire Control Officers Committee:*

- *Chief Bush Fire Control Officer*
- *Deputy Chief Bush Fire Control Officer*
- *All Fire Control Officers for the Shire of Wickepin*

6. *That Council note that the following agencies or services will be invited to participate as members of the Bush Fire Control Officers Committee:*

- *DFES*
- *Police*

7. *That Council replace the former Townscape and Cultural Planning Committee with the Townscape and Cultural Planning Reference Group with updated terms of reference as included in the attachments.*

8. *That Council appoint the following members to the Townscape and Cultural Planning Reference Group:*

- *Any interested councillors (as nominated at the Council Meeting)*

- *Libby Heffernan*
- *Kym Smith*
- *Annika Miller*
- *Lee-Ann Mullan*
- *Tracey Hodgson*
- *Kevin Coxon*
- *Veronica Stacey*

9. *That Council replace the former Albert Facey Homestead Committee with the Albert Facey Homestead Reference Group with updated terms of reference as included in the attachments.*

10. *That Council appoint the following members to the Albert Facey Homestead Reference Group:*

- *Any interested councillors (as nominated at the Council Meeting)*
- *Dave Astbury*
- *Libby Heffernan*
- *Charlotte Astbury*
- *Linley Rose*
- *Luci Sartori*
- *Shelley Starr*

11. *That Council not re-establish the Lifestyle Retirement Committee as with the imminent completion of the Wickepin independent living units (Woodland Court) the immediate role or function for this committee has ended. Furthermore Council formerly thanks the members of the committee for their contributions during their terms of membership.*

12. *That Council not re-establish the Australia Day Committee noting that future Australia Day celebrations will be held on a biennial basis with the next celebrations scheduled to occur in 2025.*

14.7 Council Delegates to External Committees/Groups

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	
File Reference	
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	1 November 2023
Attachments	-

Summary

Appoint elected member representatives to external Committees or groups affiliated with the Shire of Wickepin.

Background

During the term of the previous Council, various external Committees requested the appointment of a Councillor delegate. An external Committee is one not established by Council (under the Local Government Act 1995), but run independently by another organisation.

Committees that had a Council delegate during the 2021-23 period were:

WALGA Central Country Zone (Cr Russell and Cr Astbury)
 Wheatbelt South Regional Road Group (Cr Russell; Deputies Cr Mearns & Cr Thompson)
 Regional Joint Development Assessment Panel (Cr Russell & Cr Astbury; Alternate Members Cr Thompson & Cr Mearns)
 Grain Freight Network – Wheatbelt Railway Retention Alliance (Cr Russell)
 Central Agcare (Cr Allan)
 Facey Group (Cr Miller)
 Wickepin Community Resource Centre (Cr Russell & Cr Miller)

Comments

Council is required to have delegates to the WALGA Zone, Regional Road Group and Regional Joint Development Assessment Panel. For the other committees/groups Council should, on a biennial basis at least, determine the appropriateness and value in having a delegate.

It is recommended that the Shire President call for nominations from councillors and determine delegates accordingly.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Councillors performing in a role as an official delegate of the Shire of Wickepin to a committee or external group is entitled to claim meeting sitting fees and travel expenses. These costs have been accommodated in the annual budget.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council appoint delegates to the following external committees or groups:

- *WALGA Central Country Zone*
- *Wheatbelt South Regional Road Group*
- *Regional Joint Development Assessment Panel*
- *Grain Freight Network – Wheatbelt Railway Retention Alliance*
- *Central Agcare*
- *Facey Group*
- *Wickepin Community Resource Centre*

14.8 Review of Councillors Continuing Professional Development Policy

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	CM.POL.403
Author	T Clynch - Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	26 October 2023
Attachments	Current Council Policy 2.1.27 – Councillors Continuing Professional Development

Summary

To comply with legislative requirements a review of Council Policy 2.1.27 'Councillors Continuing Professional Development' is required.

Background

Section 5.128(5) of the Local Government Act 1995 requires a local government to review its policy for continuing professional development of council members after each ordinary election.

Comments

No changes to the policy are identified.

Statutory Environment

Section 5.128 Local Government Act 1995

5.128. Policy for continuing professional development

- (1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.
* Absolute majority required.
- (2) A local government may amend* the policy.
* Absolute majority required.
- (3) 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.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.
- (5) A local government —
 - (a) must review the policy after each ordinary election; and
 - (b) may review the policy at any other time.

Policy Implications

The bi-annual review of this policy is a statutory requirement.

The attendance of councillors at conferences, seminars other training and induction courses is addressed in separate policy (Policy No. 2.1.1). That policy isn't being reviewed at this time.

Financial Implications

Nil for review of policy.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 10 – Our organisation is well positioned and has capacity for the future

Short Term Strategy – identify councillor training needs

Voting Requirement

Simple Majority if policy is reviewed with no changes; Absolute Majority if changes to policy made

Officer Recommendation

That Council note the review of Policy 2.1.27 ‘Councillors Continuing Professional Development’ and determine that no changes to the policy are required.

15 Confidential Reports and Information

Nil

16 Urgent Business

Nil

17 Closure

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