



# Minutes

Ordinary Council Meeting  
Wednesday 13 December 2023

Date	Wednesday 13 December 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Thursday 7 December 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 13 December 2023 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  
8 December 2023

**Disclaimer**

*No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during council / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.*

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

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## 1 Declaration of Opening

The Presiding Member declared the meeting open at 3.36pm.

## 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
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

Nil

## 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

Nil

## **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*.

Nil

## **7 Confirmation of Minutes of Previous Meetings**

### **7.1 Minutes of the Ordinary Council Meeting held Wednesday 15 November 2023**

#### **Officer Recommendation**

*That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 15 November 2023, as included in the attachments, as a true and accurate record.*

#### **Council Decision**

**Resolution** OCM-231213-01  
**Moved** Cr L Corke  
**Second** Cr Cr W Astbury

**That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 15 November 2023, as included in the attachments, as a true and accurate record.**

**Carried** 7/0  
**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan  
**Against** Nil

## 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-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 – <ul style="list-style-type: none"> <li>•Improvements / renovation to the Wickepin Community Centre (estimation \$60,000 ex GST)</li> <li>•Renovation and improvements to the Wickepin Community Centre Playground (estimation \$140,000 ex GST)</li> <li>•Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities (estimation \$30,000 ex GST)</li> <li>•Provision of playground facilities at the Harrismith Golf Club</li> </ul>	✓	

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



Item	Subject	Council Decision	Status	Action
		<p>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-231115-07	Shire of Wickepin Bushfire Risk Management Plan	That Council endorse the Shire of Wickepin Bushfire Risk Management Plan as included in the attachments.	✓	
OCM-231115-08	Council Meeting Dates 2024	That Council adopt the following Ordinary Meeting Council dates for 2024 - February 21 March 20 April 17 May 15 June 19	✓	

Item	Subject	Council Decision	Status	Action
		July 17 August 21 September 18 October 16 November 20 December 11		
OCM-231115-09	Purchase of Land – Lot 41 Moss Parade, Wickepin	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.	○	
OCM-231115-10 - OCM-231115-23	Council Committees and Reference Groups	Members were appointed to various Council Committees and Reference Groups.	✓	
OCM-231115-24	Council Delegates to External Committees/Groups	That Council appoint delegates to the following external committees or groups: <ul style="list-style-type: none"> <li>• WALGA Central Country Zone – Cr W Astbury, Cr J Russell</li> <li>• Wheatbelt South Regional Road Group – Cr J Russell, Cr P Thompson (Deputy)</li> <li>• Regional Joint Development Assessment Panel – Cr J Russell, Cr W Astbury, Cr P Thompson (Alternate Member), Cr J Mearns (Alternate Member)</li> <li>• Grain Freight Network – Wheatbelt Railway Retention Alliance – Cr J Russell</li> <li>• Central Agcare – Cr F Allan</li> </ul>	✓	

Item	Subject	Council Decision	Status	Action
		<ul style="list-style-type: none"> <li>• Facey Group – Cr T Miller</li> <li>• Wickepin Community Resource Centre – Cr T Miller, Cr J Russell</li> </ul>		
OCM-231115-25	Review of Councillors Continuing Professional Development Policy	That Council note the review of Policy 2.1.27 'Councillors Continuing Professional Development' and determine that no changes to the policy are required.	✓	

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

## **9 Motions of Which Notice Has Been Given**

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

Nil

## **11 President's Report**

On Friday November 17<sup>th</sup>, ACEO Tim and myself attended the Central Country Zone meeting held at the Lake Grace Sports Pavilion. Amongst the attendees were representatives from WALGA, Main Roads WA, Department of Local Government, Sport and Cultural Industries and Members of Parliament. Bi-annual elections of Chair, Deputy Chair, State Council and Deputy State Council Representatives, Executive Committee of the Central Country Zone were held, and the meeting dates and venues were set for the Central Country Zone for the 2024 year.

Friday 1st December saw the annual Wickepin Shire sponsored event, the Senior Citizen's Christmas Lunch, held at the Wickepin Community Centre where approximately 50 guests celebrated the upcoming festive season with their friends and acquaintances. Wickepin Primary School children assisted with Christmas raffles and activities, and Frank Heffernan entertained the crowd with his most recently scribed bush poems. Many Thanks to CEDO Olivia for organising this year's event, Council for allowing the event to happen and to the fantastic volunteer team who put aside their time to make the day a wonderful one for the older residents of our shire.

I attended the Wickepin Primary School end of year presentations on Wednesday 6<sup>th</sup> December, where I presented the Year 3 Student Award sponsored by the Wickepin Shire. Thank you to Councillor Allan who will be the Council Representative at the Yealering Primary School end of year presentations on Wednesday December 13<sup>th</sup>. Congratulations to all of the award recipients and to all of the school staff, students and parents on a wonderful year's work, and best of luck to those students who are moving on from primary school and into the secondary part of their schooling.

Thursday 7<sup>th</sup> December I attended a meeting alongside ACEO Tim and DCEO Erika with Tim Partridge from AMD Chartered Accountants and Fatima Padia from the Office of the Auditor General, where the audit of the Shire of Wickepin's financial statements for the year 2022-23 was closed off. The audit was able to be completed quickly and was completed in accordance with the plan that was set at the Audit Entrance Meeting. Congratulations to Erika on her capable handling of our financial situations and for being able to have any information ready and available to the OAG so that the audit could be executed in an efficient and timely fashion.

Friday 8<sup>th</sup> December was the annual year end Christmas celebration of Council staff, a great evening for all to reflect on the past year's achievements and to look forward to the challenges of the year to come.

A huge thank you goes to all of our staff for accomplishing a wonderful year's work.

The Independent Living Units in Wickepin are almost at completion stage, the Harrismith Toilets have been completed and the Yealering Toilets are well on their way to being re-furbished. Our road programmes and plant operations are running smoothly and within budgetary parameters.

Thank you to Nathan for the efforts put into these projects for the time that he was here and special thanks to Acting CEO's Tim and Erika who have very confidently and ably taken the reins since the departure of CEO Nathan in October. A massive thank you to the girls in the administration office who have been wonderful supports to the ACEO's and to Manager of Works, Graeme, who has led the team of outside crew who continue to work to their very high standard and have our Shire looking great. Council is very proud to have a great staff to work with.

Thank you also to my fellow Councillors for your wonderful efforts and support throughout the year. In what has been a somewhat tumultuous year that has seen most of us be stretched beyond our comfort zones at times, we have banded together and worked through the events capably and I am very proud to be a part of a great team of Community Leaders.

Merry Christmas and a  
Safe and Happy New Year to All.



## 12 Report by the Chief Executive Officer

A summary of some of the activities undertaken by the Chief Executive Officer since the November Council meeting –

### WALGA Central Country Zone Meeting

Attended zone meeting in Lake Grace with Shire President on 17 November 2023. A number of Government agency reports were tabled and presentations made by the Shire of Lake Grace, Main Roads WA, Wheatbelt Development Commission, Regional Development Australia WA and the Hon Shelley Payne MLC, Member for Agricultural Region.

### Shire of Narrogin Function

Attended on 21 November the Shire of Narrogin function for welcoming of newly elected councillors and farewelling of outgoing councillors. The Shire President was unable to attend. This was an opportunity to meet councillors and executive staff at the Shire of Narrogin.

### Bush Fire Risk Management Plan

Following Council's endorsement of the Bush Fire Risk Management Plan at the November meeting follow up discussions have been held with officers of the Department of Fire and Emergency Services (DFES) about implementation of the plan and the process to seek mitigation funding in 2024/25. Included in this is the opportunity for the Shire of Wickepin to partner with the Shires of Narrogin, Wagin and Kulin to jointly employ a Bush Fire Risk Coordinator to plan and oversee mitigation activities, submit grant proposals, prepare acquittals and maintain the bush fire risk register. Council has included funds for its share of this position in its 2023/24 budget but this isn't the case with some of the other councils. A meeting between the CEOs of the 4 LGs is planned for 21 December 2023 in order to progress this matter.

### CBH Residential Development Proposal

Further discussions held with CBH Group, Shire of Narrogin (town planning services) and Department of Planning in order to determine process for CBH to apply for residential development of its land east of silos. Once an application is received it will have to be presented to Council for preliminary assessment and if supported Council would resolve to advertise as a 'use not listed'

under the Town Planning Scheme. The application is scheduled to be submitted in time for presentation to the February 2024 Council meeting.

#### Growing Regions Funding Application

Earlier this year the Shire submitted an expression of interest (EOI) under the Australian Government's Growing Regions Program for funding to develop approximately 10 new residential lots in what is known as the "English Land". On 23 November 2023 the Shire received notification that its EOI was successful and therefore an invitation was received to submit a formal application for the next stage. This is a significant milestone and indicates that the Shire's proposal successfully meets the parameters of the funding and is a proposal that has broad government support. Of course there are no guarantees that the formal application will be approved. Since receipt of the notification meetings have been held with the town planning consultant preparing the Local Planning Strategy and a consultant engaged to assist in compiling the application. Further discussion is scheduled to occur at the December Forum.

#### Local Government Reform

Participated in a webinar run by DLGSC to discuss the next tranche of local government reforms including but not limited to changes to owners and occupiers roll, livestreaming or recording of council meetings, standardised requirements for crossovers and outdoor trading, establishment of new online registers for each LG to maintain (leases/licences, sponsorship/grants, contracts for goods and services), publishing of CEO key performance indicators, standardised meeting procedures (Standing Orders), communications agreements (council/CEO), changes to integrated planning (Council Plan and Annual Plan to replace Strategic Community Plan and Corporate Business Plan). These reforms will be progressed in 2024.

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

Nil

## 14 Reports and Information

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

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	6 December 2023
<b>Attachments</b>	Monthly Schedule of Accounts Paid – November 2023

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#### Summary

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

The purpose of this report is to present the –

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

<b>Municipal Fund</b>	<b>Vouchers</b>	<b>Amounts</b>
Electronic Funds Transfer	14035 - 14124	\$ 357,825.37
Cheques	15909-15913	\$ 27,826.57
Direct Deductions	November 2023	\$ 1,657.87
Superannuation	November 2023	\$ 22,082.89
Credit Card	November 2023	\$ 761.94
BPay Payments	November 2023	\$ 5,508.00
Payroll	November 2023	\$ 137,895.00
Licensing	November 2023	\$ 11,289.57
<b>Municipal Fund Total</b>		<b>\$ 564,847.21</b>
<b>Trust Fund</b>		
Electronic Funds Transfer	14125	\$ 120.00
Cheques		
<b>Trust Fund Total</b>		<b>\$ 120.00</b>
<b>Total</b>	<b>November 2023</b>	<b>\$ 564,967.21</b>

### **Statutory Environment**

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

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

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

### **Policy Implications**

*Council Policy 3.1.7 – EFT Payment and Cheque Issue*

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

### **Financial Implications**

#### Current Financial Year

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

#### Future Financial Years

Nil

### **Strategic Implications**

Nil



**Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$564,847.21 and from the Trust Fund of \$120.00, as included in the attachments, for November 2023.*

**Council Decision****Resolution** OCM-231213-02**Moved** Cr F Allan**Second** Cr L Corke

**That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$564,847.21 and from the Trust Fund of \$120.00, as included in the attachments, for November 2023.**

**Carried** 7/0**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan**Against** Nil

## 14.2 Statement of Financial Activity – November 2023

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	6 December 2023
<b>Attachments</b>	Statement of Financial Activity – November 2023

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### Summary

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

The purpose of this report is to present the Statement of Financial Activity for the period ended November 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 November 2023, as included in the attachments.*

**Council Decision**

**Resolution**    OCM-231213-03  
**Moved**        Cr P Thompson  
**Second**       Cr F Allan

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

**Carried**        7/0  
**For**            Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan  
**Against**       Nil

### 14.3 Licence to Occupy

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Railway Reserve, Wickepin
<b>Name of Applicant</b>	Public Transport Authority
<b>File Reference</b>	LD.LA.0001
<b>Author</b>	T Clynch – Acting Chief Executive Officer
<b>Interest Disclosures</b>	
<b>Report Written Date</b>	7 December 2023
<b>Attachments</b>	Plan of Licence Area Draft Lease Template

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#### Summary

The Public Transport Authority has offered the Shire a licence to occupy for railway reserve land in Wickepin. This licence replaces a previous licence that expired in 2020.

#### Background

Between 2010 and 2020 a licence to occupy existed between the Shire of Wickepin and the Public Transport Authority (PTA) for a portion of railway reserve fronting Wogolin Road – encompassing Albert Facey Homestead, playground, public toilets, skate park and car parking.

The licence expired in August 2020 and for some time discussions have been occurring between the Shire and PTA for renewal.

PTA has offered to enter into a new Licence to Occupy for a further 10 year period with the land covered by the licence being extended to include a portion of railway reserve on the northern side of the rail line running from the Wickepin-Pingelly Road to behind the golf club.

The terms and conditions of the new licence are:

Lessee:	Shire of Wickepin
Address of premises:	Portion of land located adjacent to line 59 between the 42.5km and 44km rail markers and along Wogolin Road and Fisher Street, Wickepin, Western Australia.
Lease Number:	L2663
Location/Region:	Wickepin/Corridor
Use:	Community Purpose (Parking & Drainage)
Rent:	\$1.00
Reviews:	24 monthly to market upon change of use subject to PTA prior approval.
Term:	10 years
Options:	Not available
Start date:	1 <sup>st</sup> November 2023
Area:	Approx. 40,936sqm
Lease Plan attached:	Yes
Type of Agreement:	Licence to Occupy

#### Special Conditions:

- 6-month break clause
- High/low environmental

- Tenant/Licensee to provide ASIC Business Extract OR copy of the constitution of incorporated associations (avail from Dept of Commerce)
- Fitout/make good requirements
- Tenant to pay legal fees/Lease Preparation fees (*applicable to all matters except new Retail Leases*)
- Insurance – Tenant required to pay insurance premiums on an annual basis – Update clause 8.2 Tenant’s Obligations (3) pay each premium **on an annual basis** and before...”

### Comments

Whilst the licence area is considerably larger than that covered by the former licence the securing of the land adjacent to Wogolin Road is critical due to the extent of Shire infrastructure on that land. The Shire will have management responsibility for all of the licence area.

The licence to occupy secures the Shire’s right to use the land.

### Statutory Environment

Nil

### Policy Implications

Nil

### Financial Implications

A \$500 ex-GST lease preparation fee is payable by the Shire if it determines to accept the renewal of the licence for the land. This expenditure can be costed to Account 156320 Town Improvements (townscape projects – other).

As the use of the land is consistent with “community purposes” the annual licence fee has been set at \$1.00 payable if and when demanded.

### Strategic Implications

Strategic Community Plan Goal 2 – Improve the amenities and aesthetics along the main street of townsites (although not specific to the licence to occupy without effective tenure of the land the development and maintenance of community facilities on this land could not occur).

### Voting Requirement

Simple Majority

### Officer Recommendation

*That Council:*

1. *Accept the offer from the Public Transport Authority (including the terms and conditions contained therein) to enter into a new Licence to Occupy for Lease Agreement L2663 encompassing railway reserve land in Wickepin.*
2. *Authorise signing of Lease Agreement L2663.*

**Council Decision****Resolution** OCM-231213-04**Moved** Cr W Astbury**Second** Cr P Thompson**That Council:**

- 1. Accept the offer from the Public Transport Authority (including the terms and conditions contained therein) to enter into a new Licence to Occupy for Lease Agreement L2663 encompassing railway reserve land in Wickepin.**
- 2. Authorise signing of Lease Agreement L2663.**
- 3. Re-submit request to the Public Transport Authority to purchase railway reserve land south of the railway line.**

**Carried** 7/0**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan**Against** Nil

*The resolution differed to the Officer's recommendation as council resolved to pursue purchasing portion of the railway reserve land.*

## 14.4 Annual Report and Annual Financial Report 2022/23

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1211
<b>Author</b>	T Clynch – Acting Chief Executive Officer
<b>Interest Disclosures</b>	-
<b>Report Written Date</b>	8 December 2023
<b>Attachments</b>	2022/23 Annual Report

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### Summary

Following receipt of the Independent Audit Report from the Office of the Auditor General, the Annual Report including the Annual Financial Statements has been prepared in accordance with Section 5.53 of the Local Government Act.

The Annual Report is being presented to Council via Council's Audit and Governance Committee which is meeting prior to the Council Meeting. This agenda item has been prepared on the assumption the Audit and Governance Committee will be recommending to Council the acceptance of the Annual Report.

Council is requested to receive the Annual Report for the 2022/23 financial year and set a date for the Annual General Meeting of Electors.

### Background

The Local Government Act requires a local government to prepare each financial year an Annual Report that includes the Annual Financial Statements.

The Shire President (representing the Audit and Governance Committee), Acting Chief Executive Officer and Deputy Chief Executive Officer met by telephone with the auditor and representative from the Office of the Auditor General on 7 December 2023.

The annual report is to contain –

- A report from the Mayor or President,
- A report from the Chief Executive Officer,
- An overview of the plan for the future of the district, including major initiatives which are proposed to commence or to continue in the next financial year,
- The financial report for the financial year,
- Such information as may be prescribed in relation to the payments made to employees,
- The auditor's report for the financial year,
- A report on *Disability Services Act 1993* matters,
- Details on complaints made associated with minor breaches, and
- Other matters which may be prescribed.

The annual report, which is presented to council, contains the required information, as legislated.

## Comments

The final Audit Report was received on 8 December 2023. Section 5.54 of the Local Government Act requires a local government to accept the Auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Assuming Council accepts the Auditor's Report and Annual Report it needs to determine a date for the Annual General Meeting of Electors. The CEO is required to provide sufficient public notice of the availability of the Auditor's Report and Annual Report, and the date of the Annual General Meeting of Electors.

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report for the previous financial year. Assuming Council accepts the annual report at its December meeting the latest date for the Annual General Meeting of Electors would be Wednesday, 7 February 2024.

Taking into account the above and avoiding school holidays it is recommended that the Annual General Meeting of Electors be held at 5:30pm on Wednesday, 7 February 2024. Holding the meeting at a later time of 5.30pm may encourage greater attendance by electors.

The Chief Executive Officer is to convene the annual general meeting of electors by providing at least fourteen (14) days' local public notice of the date, time, place and purpose of the meeting.

It is intended to advertise the meeting date via –

- Narrogin Observer
- Social media
- Noticeboards, and
- Shire Website.

The audit of the Shire's 2022/23 Financial Statements has been conducted in accordance with Australian Auditing Standards and the Auditor has determined that:

"In my opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion section of my report, the financial report is:

- based on proper accounts and records
- presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2023 and its financial position at the end of that period
- in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards."

The Basis for Qualified Opinion was:

"Infrastructure reported at the carrying value of \$92,213,435 in Note 7(a) of the financial report as at 30 June 2023 has not been revalued with sufficient regularity as required by Regulation 17A(4)(b) of the Local Government (Financial Management) Regulations 1996 since 2017-18. Consequently, I was unable to determine the extent to which the carrying amount of Infrastructure is misstated, as it was impracticable to do so. Additionally, I am unable to determine whether there may be any consequential impact on the revaluation surplus as at 30 June 2023.



## Statutory Environment

*Local Government Act 1995*

s.5.27(2) calling of Annual General Meeting of Electors

s.5.53 contents of Annual Report

s.5.54 acceptance of Annual Report

s.5.55 and s.5.55A for notice and publication of Annual Report

## Policy Implications

Nil

## Financial Implications

Expenses associated with advertising and hosting the annual meeting of electors, and producing the annual report, are considered minor and are included in the annual budget.

## Strategic Implications

Nil

## Voting Requirement

Absolute Majority

## Officer Recommendation

*That Council:*

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2022/23 financial year and gives local public notice of its availability.*
- 2. Schedules the Annual General Meeting of Electors to be held on Wednesday, 7 February 2024 in the Council Chambers, commencing at 5:30pm.*

## Council Decision

**Resolution** OCM-231213-05

**Moved** Cr F Allan

**Second** Cr W Astbury

**That Council:**

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2022/23 financial year and gives local public notice of its availability.**
- 2. Schedules the Annual General Meeting of Electors to be held on Wednesday, 7 February 2024 in the Council Chambers, commencing at 5:30pm.**

**Carried** 7/0 Absolute Majority

**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan

**Against** Nil

## 15 Confidential Reports and Information

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

A matter affecting an employee or employees;

A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

### Officer Recommendation

*That Council go behind closed doors to consider Confidential Item 15.1 'Appointment – Chief Executive Officer'.*

### Council Decision

**Resolution** OCM-231213-06

**Moved** Cr W Astbury

**Second** Cr L Corke

**That Council go behind closed doors to consider Confidential Item 15.1 'Appointment – Chief Executive Officer'.**

**Carried** 7/0

**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan

**Against** Nil

### 15.1 Appointment – Chief Executive Officer

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<b>Submission To:</b>	<b>Ordinary Council</b>
<b>Location/Address:</b>	
<b>Name of Applicant:</b>	
<b>File Reference:</b>	<b>PE.REC.2010</b>
<b>Author:</b>	<b>Tim Clynch – Acting Chief Executive Officer</b>
<b>Disclosure of any Interest:</b>	<b>Nil</b>
<b>Date of Report:</b>	<b>13 December 2023</b>

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**Enclosure/Attachments:** Chief Executive Officer Recruitment Report (LO-GO Appointments)  
CEO Employment Contract

### Summary:

The CEO Recruitment Panel Committee held a meeting earlier today (Wednesday 13 December 2023) to determine a recommendation to Council on the appointment of the Chief Executive Officer.

**Background:**

Council is being requested to adopt the recommendations from the Recruitment Panel Committee meeting held earlier today (Wednesday 13 December 2023).

The former Chief Executive Officer, Nathan Cain, resigned from his position at the Shire of Wickepin effective 6 October 2023. The recruitment process for a new Chief Executive Officer commenced later that month with advertising occurring in 'The West Australian' newspaper on 27 October 2023.

The Recruitment Panel conducted interviews on 28 November 2023 and a preferred candidate identified. LO-GO Appointments have conducted reference checks, assessed qualifications and negotiated a draft Contract of Employment and is presenting a final recruitment report to enable the Panel and in turn Council to make the necessary decisions for appointment of the preferred applicant to the position.

**Comments:**

The Recruitment Panel is to recommend to Council the appointment of a Chief Executive Officer for the Shire of Wickepin. A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of Council. If there is a process of negotiation to finalise the terms and conditions of the contract, Council is required to endorse the appointment and approve the CEO's employment contract by absolute majority.

The final recruitment report recommends the appointment of Kellie Bartley to the position.

The Recruitment Committee met earlier today and have made a recommendation to Council. The recommendation is set out at the end of this item.

**Statutory Environment:***Local Government Act*

s5.39 = Contracts for CEO and senior employees

s5.39A - Model standards for CEO recruitment, performance and termination

*Local Government (Administration) Regulations 2021*

Regulation 18A– vacancy to be advertised.

Regulation 18B – Contracts of CEOs and senior employees, content of

Regulation 18F – Remuneration and benefits of CEO to be as advertised

Regulation 18FA - model standards for CEO recruitment, performance and termination

Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment

**Policy Implications:**

Council is required to work within the framework of its adopted Model Standards.

**Financial Implications:**

The total remuneration package negotiated with the preferred applicant is predominantly within the parameters of the current budget allocation with any adjustments to be determined at the mid-year budget review.

**Strategic Implications:**

Nil

**Voting Requirements:** Absolute Majority

**CEO Recruitment Panel Recommendation:**

*That Council:*

1. *Receives the CEO Recruitment Panel's assessment summary and recommendation as to which applicant or applicants are suitable to be employed as the Chief Executive Officer (CEO) for the Shire of Wickepin.*
2. *Appoints Kellie Bartley to the position of Chief Executive Officer (CEO) for the Shire of Wickepin, being the candidate that the Council determines as being the person most suitably qualified and experienced for the position.*
3. *Makes an offer of employment for the position of CEO to Kellie Bartley as the preferred candidate, with Council being satisfied that the candidate is suitably qualified and that the person's character, work history, competencies, performance, and any other claims made by the applicant have been verified.*
4. *Authorises the Shire President to agree on a commencement date and insert this date into the CEO Employment Contract.*
5. *Noting Part 4 above, endorses the CEO Employment Contract, as presented under separate confidential cover, based on a 5-year term with a six-month initial probation period and total remuneration package of \$207,830, commensurate with the April 2023 Salaries and Allowances Tribunal's Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023 (SAT Determination) for a Band 4 local government.*
6. *Authorises the Shire President and Acting CEO to execute the CEO employment contract and apply the Common Seal in accordance with section 9.49A(1) of the Local Government Act 1995.*
7. *Endorses the reimbursement of relocation expenses up to the value of \$5,000, upon receipt of supporting documentary evidence.*
8. *Certifies that Council has complied with the requirements of the Shire of Wickepin's adopted CEO Recruitment, Performance and Termination Standards and, within 14 days of this resolution, provides a copy of the resolution as confirmation to the Department of Local Government, Sport, and Cultural Industries [as per s.5.39B(7) of the Local Government Act 1995 and r.18FB of the Local Government (Administration) Regulations 1996].*

## **Council Decision**

**Resolution**    **OCM-231213-07**  
**Moved**        **Cr P Thompson**  
**Second**       **Cr L Corke**

## **That Council:**

1. **Receives the CEO Recruitment Panel's assessment summary and recommendation as to which applicant or applicants are suitable to be employed as the Chief Executive Officer (CEO) for the Shire of Wickepin.**
2. **Appoints Kellie Bartley to the position of Chief Executive Officer (CEO) for the Shire of Wickepin, being the candidate that the Council determines as being the person most suitably qualified and experienced for the position.**
3. **Makes an offer of employment for the position of CEO to Kellie Bartley as the preferred candidate, with Council being satisfied that the candidate is suitably qualified and that the person's character, work history, competencies, performance, and any other claims made by the applicant have been verified.**
4. **Authorises the Shire President to agree on a commencement date and insert this date into the CEO Employment Contract.**
5. **Noting Part 4 above, endorses the CEO Employment Contract, as presented under separate confidential cover, based on a 5-year term with a six-month initial probation period and total remuneration package of \$207,830, commensurate with the April 2023 Salaries and Allowances Tribunal's Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023 (SAT Determination) for a Band 4 local government.**

6. **Authorises the Shire President and Acting CEO to execute the CEO employment contract and apply the Common Seal in accordance with section 9.49A(1) of the Local Government Act 1995.**
7. **Endorses the reimbursement of relocation expenses up to the value of \$5,000, upon receipt of supporting documentary evidence.**
8. **Certifies that Council has complied with the requirements of the Shire of Wickepin's adopted CEO Recruitment, Performance and Termination Standards and, within 14 days of this resolution, provides a copy of the resolution as confirmation to the Department of Local Government, Sport, and Cultural Industries [as per s.5.39B(7) of the Local Government Act 1995 and r.18FB of the Local Government (Administration) Regulations 1996].**

**Carried**            **7/0 Absolute Majority**  
**For**                **Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan**  
**Against**          **Nil**

#### **Council Decision**

**Resolution**    **OCM-231213-07**  
**Moved**         **Cr W Astbury**  
**Second**        **Cr L Corke**

**That Council come out from behind closed doors at 3.50pm.**

**Carried**            **7/0**  
**For**                **Cr J Russell, Cr W Astbury, Cr T Miller, Cr L Corke, Cr J Mearns, Cr P Thompson, Cr F Allan**  
**Against**          **Nil**

## **16 Urgent Business**

Nil

## **17 Closure**

The Presiding Member declared the meeting closed at 3.51pm.