Minutes

Ordinary Council Meeting
Wednesday, 15 March 2023

Date	Wednesday 15 March 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 17 March 2023

Endorsement Recommendation

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

Nathan Cain
Chief Executive Officer
Friday 17 March 2023

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Contents

1 Declaration of Opening 5

2 Attendance 5

2.1 Present 5

3 Public Question Time 5

3.1 Responses to Previous Public Questions Taken On Notice 5

3.2 Public Question Time 5

4 Apologies and Leave of Absence 5

4.1 Apologies 5

4.2 Previously Approved Leave of Absence 5

4.3 Requests for Leave of Absence 6

5 Petitions, Memorials and Deputations 6

5.1 Petitions 6

5.2 Memorials 6

5.3 Deputations 6

6 Declarations of Councillors and Officers Interest 6

7 Confirmation of Minutes of Previous Meetings 7

7.1 Minutes of the Ordinary Council Meeting held on 15 February 2023 7

8 Status Report 8

9 Motions of Which Notice Has Been Given 10

9.1 Town Boundary Speed Signs 10

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations 13

10.1 Minutes of the Townscape and Cultural Planning Committee Meeting held on Wednesday 1 March 2023. 13

10.2 Minutes of the Lifestyle Retirement Committee Meeting held on Wednesday 1 March 2023 13

11 President's Report 14

12 Report by the Chief Executive Officer 15

13 Notices of Motions for the Following Meeting 16

14 Reports and Information 17

14.1 Monthly Schedule of Accounts Paid – February 2023 17

14.2 Statement of Financial Activity – February 2023 20

14.3 Review of Budget 22

14.4 Conduct of 2023 Local Government Ordinary Election 25
14.5 2022 Compliance Audit Return 29
14.6 Determination of Chief Executive Officer Key Performance Criteria 33
15 Confidential Reports and Information 37
16 Urgent Business 38
16.1 Receipt of Offer to Purchase Land 39
17 Closure 42

1 Declaration of Opening

The Presiding Member declared the meeting open at 3.45pm

2 Attendance

2.1 Present

Councillors

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

Employees

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

Members of Public

There was zero (0) members of the public in attendance at the commencement of the meeting.

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

Cr J Mearns was granted leave of absence for the 15 March 2023.

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*.

The following declarations of interest have been disclosed –

14.6 Determination of Chief Executive Officer Key Performance Criteria	
Name	Chief Executive Officer Nathan Cain
Nature of interest	Financial
Interest description	Employment with the Shire of Wickepin

9.1 Town Boundary Speed Signs	
Name	Cr T Miller
Nature of interest	Proximity
Interest description	Owns land 100m from proposed sight.

9.1 Town Boundary Speed Signs	
Name	Shire President J Russell
Nature of interest	Proximity
Interest description	Own land adjoining boundary.

16.1 Receipt of Offer to Purchase Land	
Name	Cr T Miller
Nature of interest	Proximity
Interest description	Resides at 1 Curlew Way, adjacent to Plover Street block.

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held on 15 February 2023

Officer Recommendation

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

Council Decision

Resolution 150323-01
Moved Cr F Allan
Seconded Cr W Astbury

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

Carried 6/0

8 Status Report

Item	Subject	Council Resolution	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.	❍	Still to be undertaken. Will discuss at the next AFH Committee Meeting.
1161-150921- 13	Townscape & Cultural Planning Committee Recommendations	That the current Wogolin Road information board not be re-sited and that a new board be redesigned.	❍	Researching digital signs.
1177-200422-06	Bush Fire Control Officers' Meeting Recommendations	That a photo of Ernie White along with a plaque be commissioned to be hung in an appropriate place at the discretion of Council.	✓	Memorial held Monday 13 March 2023.
1230-161122-06	Route Determination - V121112/VA8188 - ACFS Port Logistics	That Council approve the Route Determination - V121112/VA8188 application from ACFS Port Logistics Pty Ltd	❍	Letter sent to ACFS 2/12/2022.
1236-141222-10	Astrotourism Signage	That Council amend the 2022/23 Budget and reallocate $15000 from Media Content to Astrotourism signage which includes 2 x Astrotourism markers for the Yealering townsite along with two significant signs for the Yealering foreshore, a concrete pad & 2 x bench seats.	❍	Awaiting signage. Once received concrete pad will be laid. Bench seats have arrived.
1238-141222-12	Fuel Facility – Public Transport Authority of Western Australia	That council: 1. Agree to the Public Transport Authority of WA 24 Lease Agreement L7239-2 terms and conditions for the Shire of Wickepin, located on Fisher Road, Rail Corridor Region for the purpose of a Fuel Outlet/Bulk Fuel Depot for a term of 10 years	❍	Awaiting final documentation.

		commencing on the 01/12/2022. 2. Authorise signing of the Public Transport Authority Lease L72392.		

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

Key

❍ = in progress ✓ = completed ✖ =superseded

3.52pm Cr J Russell and Cr T Miller declared their interest regarding Item 9.1 of the Agenda and left the meeting.

Cr W Astbury assumed the Chair.

Council Decision

Resolution 150323-02
Moved Cr L Corke
Seconded Cr P Thompson

That Council pursuant to Section 5.68 of the *Local Government Act 1995*, and regarding item 9.1 – Town Boundary Speed Signs,

1. **Allows Cr J Russell and Cr T Miller to be present during any discussion or decision making procedure relating to the matter as the matter is considered insignificant and unlikely to influence the disclosing member's conducted, and**

2. **Allows Cr J Russell to preside at the meeting.**

Carried 4/0

3.54pm Cr J Russell and Cr T Miller returned to the meeting.

9 Motions of Which Notice Has Been Given

9.1 Town Boundary Speed Signs

Submission To	Ordinary Council Meeting
Location / Address	Wickepin Town Site
Name of Applicant	-
File Reference	GO.CME.1307
Author	N Cain – Chief Executive Officer
Interest Disclosures	-
Report Written Date	10 March 2023
Attachments	-

Summary

Cr J Russell has submitted the following Notice of Motion –

That Council –

a. *Support a wider 50km/h speed zone around the Wickepin townsite, and*
b. *Request the Chief Executive Officer to liaise with Main Roads Western Australia to ensure this can happen.*

Background

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

a. Conversations with local Police indicate general over speed of vehicles (of all makes and sizes) that enter the Wickepin Townsite.
b. Expansion of slower speed zones could assist in the vehicles decreasing speed earlier, therefore enter the Wickepin Townsite at the correct speed.
c. Will assist in reduction of noise from speeding vehicles.

Comments

Main Roads Western Australia have provided the following commentary to assist with Council's decision making –

> *"The 50 km/h or "Built Up Area" is defined by warrant rather than being dependant on issues such as noise … an extension of the 50 BUA may be possible. The possible downside of that extension would be that any change would have to comply with current zoning policy which calls for removal of buffer zones, and replacement with 50 ahead warning signing."*

A representative from Main Roads Western Australia will be onsite on Monday 13 March 2023, attending to other works in the vicinity, and will meet with Shire officers to further discuss the proposal.

Shire officers will be in a better position to advise Council following this meeting.

<u>Subsequent Information</u>

Shire officers have been advised there have been changes to the standards associated with 50 km/h speed signage in Western Australia as there is now a national standard being observed.

Accordingly, should Council wish to pursue a 50 km/h zoning regime, the following design standards will be observed –

The below image represents the approximate locations of where the Main Roads Western Australia representative believes to be the most appropriate locations for signage placement consideration should Council wish to seek a change to the Wickepin townsite speed zoning.

Shire officers were advised there is tiered approval process through Main Roads Western Australia and the State Government for zoning changes, with no guarantee of support at any level.

Statutory Environment

Shire of Wickepin Local Laws Relating to Standing Orders 1998 – Section 10. Notices of Motion

A Councillor may bring forward at a meeting particular business in the form of a motion of which notice has been given, in writing, to the Chief Executive Officer.

Policy Implications

Nil

Financial Implications

Current Financial Year
Nil

Future Financial Years
Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Notice of Motion

That Council –

a. *Support a wider 50km/h speed zone around the Wickepin townsite, and*
b. *Request the Chief Executive Officer to liaise with Main Roads Western Australia to ensure this can happen.*

Council Decision

Resolution 150323-03
Moved Cr J Russell
Seconded Cr T Miller

That Council –

a. **Support a wider 50km/h speed zone on the Northern, Eastern and Southern entries around the Wickepin townsite, and**
b. **Request the Chief Executive Officer to liaise with Main Roads Western Australia to ensure this can happen.**

Carried 6/0

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

10.1 Minutes of the Townscape and Cultural Planning Committee Meeting held on Wednesday 1 March 2023.

Officer Recommendation

That Council receive the minutes of the Townscape Cultural Planning Committee Meeting held on Wednesday 1 March 2023, as attached.

10.2 Minutes of the Lifestyle Retirement Committee Meeting held on Wednesday 1 March 2023.

Officer Recommendation

That Council receive the minutes of the Lifestyle Retirement Committee Meeting held on Wednesday 1 March 2023, as attached.

Council Decision

Resolution 150323-04
Moved Cr F Allan
Seconded Cr T Miller

That Council receive en-bloc the minutes, as attached, of –

- **Townscape and Cultural Planning Committee Meeting held on Wednesday 1 March 2023, and**
- **Lifestyle Retirement Committee Meeting held on Wednesday 1 March 2023.**

Carried 6/0

11 President's Report

I attended the Wheatbelt South Regional Road Group meeting in Wickepin on Friday February 24th alongside CEO Nathan. Speakers included representatives from WALGA and the Main Roads Department who addressed issues current and relevant to the Wheatbelt South Region of Main Roads.

Updates were given on Wheatbelt South RRG Direct Grant Funding, Road Projects, Black Spots, Commodity Routes and State Initiatives Funding.

Member Shires were requested to provide feedback on their current project statuses and projected completion.

Although only 50% of the 19 Shires of the group responded (including Shire of Wickepin), based on the reports received, the WBS RRG is well placed to acquit most of the allocated funding this financial year – which is a very important position to be in considering more funding is always being requested, and also the WBS RRG Road Project Funding levels for 2023/24 are indicatively looking to be increased by approximately 7.20% on the 2022/23 funding.

We were also presented with updates on the Wheatbelt Secondary Freight Group Network; Main Roads WA maintenance and construction; and given an overview of the WALGA Road Condition Assessment 2022-2023 for Wheatbelt Region by contractors ARRB. This initiative of road mapping from our WALGA Infrastructure Team will become a very useful tool to all local governments assessing for road funding requirements and upgrades for not only normal annual programmes, but also in the event of extreme occasions where storm damage causes excessive unplanned costs.

On March 1st CEO Nathan and myself had a meeting with Member for O'Connor – R Wilson MP where various items were discussed including local road issues, grain freight, WA Kaolin's impacts on main roads and scheme water infrastructure. Steve Martin MLC was also in attendance.

On March 8th Northam Recreational Centre was the destination where CEO Nathan and myself attended the Wheatbelt Regional Planning Workshop, held by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission. This workshop formed a part of a project to develop a new Regional Land Use Planning Strategy for the Wheatbelt, and will provide valuable early input from the key stakeholders in attendance (some 100 attendees from Local Governments within the Wheatbelt and relevant State Government Departments) into the formation of the Strategy.

Factors that we considered were-
Community:Economy:Environment:Infrastructure:Governance:Regulatory Development.

This eventual Strategy will be essentially linked to our own Land Use and Town Planning Strategies, and our Community Strategies that we are currently in the process of reviewing.

Thank You to Manager of Works Graeme Hedditch, and our Outside Works Crew, who have done another outstanding job of implementing our 2022-23 roadworks programme to date. Well done to all.

I wish everyone a very safe and happy upcoming school holiday period and Easter Break.

12 Report by the Chief Executive Officer

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

Arts Narrogin
Attended the opening event of the Narrogin Green Shoots Program which featured a performance from the Perth Symphony Jazz Trio.

WA Kaolin
Met with A Sorensen (Chief Executive Officer) and A Baker (Executive Director) regarding the future operations of the kaolin mine east of Wickepin.

Local Government Insurance Scheme
Met with J Sheridan (Chief Executive Officer) of the Local Government Insurance Scheme to discuss the current insurance scheme model which will focus on simplification of insurance matters and returns for Councils.

Ernie White Memorial Piece
Several meetings with residents and interested parties regarding the organisation and presentation of the Ernie White Memorial Piece.

Department of Fire and Emergency Services
Met with S Anderson (Superintendent Upper Great Southern) regarding Bush Fire Management Planning and the pros and cons of having a CESM (Community Emergency Services Manager) for the Shire.

Regional Tourism
Attended a Regional Tourism Meeting in Kojonup which showcased some of the tourism offerings in the Lower Wheatbelt and Great Southern Regions. Chief Executive Officers from fourteen (14) local governments were also invited to workshop further opportunities to improve the tourism offering in the area.

Wheatbelt Local Government and Health Partners Collaborative Series
Attended the first session for 2023, the meeting focused on the prevention and control of communicable diseases in the Wheatbelt Region.

Wheatbelt South Regional Road Group
Attended the first Regional Road Group meeting for the year, where the Shire President and I raised concerns regarding the current state of the road network in the Shire. Advice was provided regarding works to commence shortly on the Wickepin – Narrogin Road, as well as the Wickepin – Kondinin Road (road widening, with surveyor markings already placed on the road surface).

Yealering Primary School
Held an introduction meeting with L Nelson (School Principal) to discuss opportunities for the Yealering Primary School to partner with the Shire to deliver beneficial community outcomes. Also discussed opportunities to provide presentations to the school regarding what the Shire does / heavy equipment displays etc.

13 Notices of Motions for the Following Meeting

Nil

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – February 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	7 March 2023
Attachments	Monthly Schedule of Accounts Paid – February 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 February 2023, and
- Trust Fund Payments for February 2023.

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

Background

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

Comments

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

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

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

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	13260-13337	$621,808.09
Cheques	15780-15873	$21,794.82
Direct Deductions	February 2023	$1,338.95
Superannuation	February 2023	$12,896.41
Credit Card	February 2023	$2,036.50
BPay Payments	February 2023	$1,870.07
Payroll	February 2023	$89,633.00
Licensing	February 2023	$15,463.00
Municipal Fund Total		**$766,840.84**
Trust Fund		
Electronic Funds Transfer		$0.00
Cheques		$0.00
Trust Fund Total		**$0.00**
Total	**February 2023**	**$766,840.84**

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 $766,840.84 and from the Trust Fund of $nil, as attached, for February 2023.

Council Decision

Resolution 150323-05
Moved Cr F Allan
Seconded Cr P Thompson

That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996,* acknowledges payments from the Municipal Fund of $766,840.84 and from the Trust Fund of $nil, as attached, for February 2023.

Carried 6/0

14.2 Statement of Financial Activity – February 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	7 March 2023
Attachments	Statement of Financial Activity – February 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 February 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 February 2023, as attached.

Council Decision

Resolution 150323-06
Moved Cr W Astbury
Seconded Cr L Corke

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

Carried 6/0

14.3 Review of Budget

Submission To	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.BU.1208
Author	E.Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 March 2023
Attachments	2022/2023 Budget Review Statement of Financial Activity, notes on Closing Funds, and Budget Amendments.

Summary

Council is requested to consider the Shire of Wickepin's financial position as at 28 February 2023 and financial performance for the period 1 July 2022 to 28 February 2023 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

Background

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

The report for the period 1 July 2022 to 28 February 2023 (as attached) has been prepared incorporating year-to-date budget variations and forecasts to 30 June 2023 and is presented for Council's consideration.

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

Comments

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

Increase in Rates Discount	($12,035)
Increase in to Depot (audit findings), Admin Building, IT Equipment Upgrade, Road Revaluation, CEO Recruitment, Playgroup Roof, Staff Training	($101,900)
Increase in Capital Costs for Harrismith Toilet Block. Independent Living Units	($242,000)
Savings to Conference Expenses, Refreshments, Phone Allowance, Staff Training, Relocation Allowance, Consultants, Legal Opinions, Staff Housing Subsidy	$60,462
Interest on the Municipal funds has shown an increase to the budget forecast.	$50,200
Decrease in Tree Lopping	$46,720
Transfer from Building Reserve (Independent Living Units)	$200,000
Overall Change (deficit)	**($1,365)**

In considering the above variances and projections within the attached budget review, the closing position has increased from $91.00 to $1,365.00, reflected in the Statement of Budget Review by Nature or Type.

Following completion of the budget review, and to properly consider the impact of estimated projections at 30 June 2023, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate.

Required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.

Statutory Environment

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

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

Policy Implications

Nil

Financial Implications

Current Financial Year
The net result of the proposed amendments is a deficit of $1,365 with other specific financial implications outlined in the Review.

Future Financial Years
Nil

Strategic Implications

Nil

Voting Requirement

Absolute majority

Officer Recommendation

That Council, pursuant to Regulation 33A of the Local Government (Financial Management) Regulations 1996, adopts the review of the 2022-2023 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.

Council Decision

Resolution 150323-07
Moved Cr F Allan
Seconded Cr W Astbury

That Council, pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, adopts the review of the 2022-2023 Annual Budget (as attached) and acknowledges the proposed revisions to revenue and expenditure estimates contained in the review.

Carried 6/0

14.4 Conduct of 2023 Local Government Ordinary Election

Submission To	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	GO.ELE.1318
Author	N Cain – Chief Executive Officer
Interest Disclosures	-
Report Written Date	7 March 2023
Attachments	-

Summary

Council is requested to declare the Western Australian Electoral Commissioner ("the Commissioner") to be responsible to conduct the 2023 Local Government Election, by postal method.

Background

The Minister for Local Government ("the Minister") has recently corresponded with all local governments regarding electoral reforms applicable to local government.

These reforms include several measures aimed at strengthening local democracy and increase community engagement, including new requirements for –

- The introduction of optional preferential voting for all local government elections,
- Directly elected Mayors and Presidents for all Band One (1) and Band Two (2) local governments,
- The abolition of wards for all Band Three (3) and Band Four (4) local governments, and
- Aligning the size of councils with the size of the population of each district.

Optional preferential voting is similar to preferential voting used in State and Federal elections, and for every other Australian state.

This method of voting provides electors the ability to preference as many or as few candidates as they decide, with no transfer of preferences other than the preferences electors mark on their ballot paper.

Council will be required to purchase the software to track the transfer of preferences if managing the election with the Chief Executive Officer as the Electoral Returning Officer or, alternatively, declare the Commissioner as responsible to conduct the 2023 Local Government Election.

The previous elections have been undertaken using the Chief Executive Officer as the Electoral Returning Officer ("in-house").

Additionally, previous elections held in the Shire of Wickepin have been conducted as an "in-person" election where electors are required to attend polling locations to vote.

If the Commissioner is declared responsible to conduct the 2023 Local Government Election then this will require a change in the conduct of the election from "in-person" to "postal" (whereby all electors will have their voting information and ballot papers posted to them, and then can post the ballot papers back to the Commissioner or lodge them at the Shire Office).

The Minister has requested Council determines the conduct for the 2023 Local Government Election early in the calendar year to enable both the necessary training and software configuration for an "in-house" election or for the Commissioner to plan ahead to successfully conduct the election externally.

Comments

Shire officers have reviewed the new reform measures as applicable to the Shire of Wickepin.

Should Council determine to conduct the election "in-house", the Chief Executive Officer (or other appointee) will be wholly responsible for the conduct of the count, the correct use of the software, the introduction of the new optional preferential voting counting and backfilling provisions, software licensing, and dealing with disputes or complaints.

In the event of a successful election, and after the purchase of the software licensing, the Shire will likely incur marginally less expense than by using the Commissioner (noting the need for attendance at training sessions on the new reforms, voting methods and software).

Postal elections have proven to have better voter responses than "in-person" elections.

Shire officers have corresponded with the Commissioner and, pursuant to legislation, the Commissioner has agreed to be responsible for the conduct of the ordinary elections in 2023 for the Shire of Wickepin on the proviso the election is undertaken as a postal election.

The estimated cost for the 2023 election if conducted as a postal ballot is $13,000, including GST, which has been based on the following assumptions –

- 520 electors
- Response rate of approximately 50%
- Three (3) vacancies
- Count to be conducted at the Shire of Wickepin Administration Centre
- Appointment of a Returning Officer relatively local to the area
- Regular Australia Post delivery service to apply for the lodgement of the election packages

The Commissioner is required to conduct local government elections on a full cost recovery basis and this is an estimate only and may vary depending on a range of factors.

Statutory Environment

Local Government Act 1995 – Section 4.20 CEO to be returning officer unless other arrangements made

The Chief Executive Officer is the Returning Officer of a local government for each election unless, by an absolute majority decision and having first obtained the written agreement of the Commissioner, the Commissioner is declared to be responsible for the conduct of an election.

Local Government Act 1995 – Section 4.61 Choice of methods of conducting election

By an absolute majority decision, the local government may decide to conduct the election as a postal election.

Policy Implications

Nil

Financial Implications

Current Financial Year
Nil

Future Financial Years
The funds required to conduct the 2023 Local Government Election will be included in the 2023-2024 Annual Budget.

The estimate for the Commissioner to undertake the election is $13,000, including GST.

Should Council not proceed to use the Commissioner to conduct the 2023 Local Government Election, the cost to run the election “in-house” is estimated to be marginally cheaper given the expenses to meet the additional requirements associated with the new voting method.

Strategic Implications

Nil

Voting Requirement

Absolute majority

Officer Recommendation

That Council,

1. *Pursuant to Section 4.20 of the Local Government Act 1995, declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2023 Local Government Election together with any other elections or polls which may be required, and*
2. *Pursuant to Section 4.61 of the Local Government Act 1995, decides to conduct the 2023 Local Government Election as a postal election.*

Council Decision

Resolution 150323-08
Moved Cr T Miller
Seconded Cr L Corke

That Council,

1. **Pursuant to Section 4.20 of the *Local Government Act 1995*, declares the Western Australian Electoral Commissioner to be responsible for the conduct of the 2023 Local Government Election together with any other elections or polls which may be required, and**
2. **Pursuant to Section 4.61 of the *Local Government Act 1995*, decides to conduct the 2023 Local Government Election as a postal election.**

Carried 6/0

14.5 2022 Compliance Audit Return

Submission To	Ordinary Council
Location / Address	-
Name of Applicant	-
File Reference	FM.AUD.1200
Author	N Cain – Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 March 2023
Attachments	2022 Compliance Audit Return

Summary

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

The responses to the 2022 Compliance Audit Return are firstly required to be presented to the Governance, Audit and Community Services Committee for review before subsequently being submitted to Council.

Council is requested to adopt the 2022 Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

Background

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

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

Comments

The 2022 Compliance Audit Return contains the following compliance categories –

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

Shire officers have responded to the questions in the 2022 Compliance Audit Return.

Of the ninety-four (94) questions included in the 2022 Compliance Audit Return, the Shire is considered as not having met compliance on nine (9) occasions.

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

- Did all persons exercising a delegated power or duty under the *Local Government Act 1995*, keep on all occasions, a written record in accordance with *Local Government (Administration) Regulations 1996* regulation 19*?*
  Details of exercising the delegated power or discharging the delegated duty do not contain the information as required.

- Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58 (3) of the *Local Government Act 1995* (unless section 3.58 (5) applies)?
  The sale of a parcel of land was not advertised by local public notice, as required.

- Where the local government disposed of property under section 3.58 (3) of the *Local Government Act 1995*, did it provide details, as prescribed by section 3.58 (4), in the required local public notice for each disposal of property?
  The sale of a parcel of land was not advertised by local public notice, as required.

- Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?
  The auditor's report for the financial year ended 30 June 2022 has not been received.

- Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?
  The auditor's report for the financial year ended 30 June 2022 has not been received.

- Has the local government adopted by absolute majority a strategic community plan? What was the adoption date or the date of the most recent review?
  The review of the Strategic Community Plan has not been completed in the prescribed timeframe.

- Has the local government adopted by absolute majority a corporate business plan? What was the adoption date or the date of the most recent review?
  The review of the Corporate Business Plan has not been completed in the prescribed timeframe.

- Does the corporate business plan comply with the requirements of the *Local Government (Administration) Regulations 1996* 19DA (2) and (3)?
  The review of the Corporate Business Plan has not been completed in the prescribed timeframe.

- Did the information recorded in the local government's tender register comply with the requirements of the *Local Government (Functions and General) Regulations 1996*, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?
  The tenders register on the Shire website does not contain all the required information.

The 2022 Compliance Audit Return was reviewed by the Governance, Audit and Community Services Committee at a meeting held on 15 March 2023 (commencing at 1:00 pm).

Following Council endorsement, the 2022 Compliance Audit Return must be certified by the Shire President and Chief Executive Officer and submitted to the Department of Local Government, Sport and Cultural Industries by no later than 31 March 2023.

Statutory Environment

Local Government (Audit) Regulations 1996 – Regulation 14 Compliance audits by local governments

A local government is to carry out a compliance audit for the period 1 January to 31 December each year and submit this to the audit committee for review before then being adopted by council.

Local Government (Audit) Regulations 1996 – Regulation 15 Certified copy of compliance audit return and other documents to be given to Departmental CEO

A certified copy of the compliance audit and other required information is to be submitted to the Department of Local Government, Sports and Cultural Industries by 31 March next following the period to which the return relates.

Policy Implications

Nil

Financial Implications

Current Financial Year
Nil

Future Financial Years
Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to regulations 14 and 15 of the Local Government (Audit) Regulations 1996,

1. *Adopts the Compliance Audit Return for the period 1 January 2022 to 31 December 2022, as attached, and*
2. *Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sports and Cultural Industries.*

Council Decision

Resolution 150323-09
Moved Cr F Allan
Seconded Cr P Thompson

That Council, pursuant to regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*,

1. **Adopts the Compliance Audit Return for the period 1 January 2022 to 31 December 2022, as attached, and**
2. **Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sports and Cultural Industries.**

Carried 6/0

4.25pm Chief Executive Officer Nathan Cain declared an interest regarding Item 14.6 – Determination of Chief Executive Officer Key Performance Criteria of the Agenda, and left the meeting.

Council Decision

Resolution 150323-10
Moved Cr L Corke
Seconded Cr F Allan

That Council, with respect to Item 14.6 – Determination of Chief Executive Officer Key Performance Criteria, allows Chief Executive Officer Nathan Cain to be present during any discussion or decision making procedure relating to the matter.

Carried 6/0

4.28pm Chief Executive Officer Nathan Cain returned to the meeting.

Council Decision

Resolution 150323-11
Moved Cr F Allan
Seconded Cr T Miller

That Council, at 4.28pm suspend the Shire of Wickepin Local Laws relating to Standing Orders.

14.6 Determination of Chief Executive Officer Key Performance Criteria

Submission To	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	PF.S143
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	N Cain – Financial Interest
Report Written Date	10 March 2023
Attachments	-

Summary

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

Background

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

The Chief Executive Officer commenced employment on 3 January 2023.

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

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

Comments

Council was presented with a series of Key Performance Criteria at the Councillor Forum held on 15 February 2023.

Also presented were the Key Performance Indicators applicable for the previous Chief Executive Officer.

Although not a decision-making forum, Councillors provided guidance and direction regarding the presented Criteria noting the opportunity to amend the Criteria could occur at future performance reviews.

The Criteria considered for proposal, having regard to the need to negotiate and agree within the assigned timeframe, are as follows –

- Legal and statutory compliances are met, particularly related to asset infrastructure.
- Ensure effective financial management, including internal controls, throughout the organisation.
- Under delegation from Council, represent the objectives of Council with relevant stakeholders.

- Provide strategic direction and leadership within the organisation in delivering a high level of service to the community and Council, in accordance with corporate business objectives.
- Ensure the development and maintenance of sound communication and effective relationships between the Shire, Community Groups, regional Local Governments, as well as State and Federal Government Departments.

The Chief Executive Officer has agreed to the five (5) Criteria shown above, which were included in the advertising package associated with the recruitment of the Chief Executive Officer.

If Council does not agree with the Criteria it will need to negotiate with the Chief Executive Officer within the assigned timeframe.

Statutory Environment

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

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

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

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

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

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

Policy Implications

Council Policy 2.1.26 CEO Recruitment, Performance and Termination

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

Financial Implications

Current Financial Year
Nil

Future Financial Years
Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

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

- *Legal and statutory compliances are met, particularly related to asset infrastructure.*
- *Ensure effective financial management, including internal controls, throughout the organisation.*
- *Under delegation from Council, represent the objectives of Council with relevant stakeholders.*
- *Provide strategic direction and leadership within the organisation in delivering a high level of service to the community and Council, in accordance with corporate business objectives.*
- *Ensure the development and maintenance of sound communication and effective relationships between the Shire, Community Groups, regional Local Governments, as well as State and Federal Government Departments.*

Council Decision

Resolution 150323-13
Moved Cr T Miller
Seconded Cr L Corke

That Council, pursuant to Section 5.39 of the *Local Government Act 1995*,

1. **Determine the following Key Performance Criteria applicable to the performance of the Chief Executive Officer –**

    - **Legal and statutory compliances are met, particularly related to asset infrastructure.**
    - **Ensure effective financial management, including internal controls, throughout the organisation.**
    - **Under delegation from Council, represent the objectives of Council with relevant stakeholders.**
    - **Provide strategic direction and leadership within the organisation in delivering a high level of service to the community and Council, in accordance with corporate business objectives.**
    - **Ensure the development and maintenance of sound communication and effective relationships between the Shire, Community Groups, regional Local Governments, as well as State and Federal Government Departments.**

2. **Permit the Shire President and Chief Executive Officer to negotiate the Key Performance Indicators within each Key Performance Criteria for presentation to the April 2023 Ordinary Council Meeting.**

Carried 6/0

Council Decision

Resolution 150323-12
Moved Cr L Corke
Seconded Cr F Allan

That Council, at 4.56pm reinstate the Shire of Wickepin Local Laws relating to Standing Orders.

15 Confidential Reports and Information

Nil

16 Urgent Business

Officer Recommendation

That Council, with respect to new business of an urgent nature introduced by Council decision Council, pursuant to clause 5.5 of the Shire of Wickepin Standing Orders Local Law 1998 accept the following Urgent business –
16.1 Receipt of Offer to Purchase Land.

Council Decision

Resolution 150323-14
Moved Cr P Thompson
Seconded Cr F Allan

That Council, with respect to new business of an urgent nature introduced by Council decision Council, pursuant to clause 5.5 of the Shire of Wickepin Standing Orders Local Law 1998 accept the following Urgent business –
16.1 Receipt of Offer to Purchase Land.

Carried 6/0

5.02 pm Cr T Miller declared an interest regarding Item 16.1 of the Agenda and left the meeting.

Council Decision

Resolution 150323-15
Moved Cr L Corke
Seconded Cr P Thompson

That Council, pursuant to Section 5.68 of the *Local Government Act 1995*, and regarding item 16.1 – Receipt of Offer to purchase Land, allow Cr T Miller to be present during any discussion or decision making procedure relating to the matter.

Carried 5/0

5.06pm Cr T Miller returned to the meeting.

16.1 Receipt of Offer to Purchase Land

Submission To	Ordinary Council Meeting
Location / Address	4 Plover Street, Wickepin WA 6370
Name of Applicant	-
File Reference	CP.A&D.502
Author	N Cain – Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 March 2023
Attachments	-

Summary

An offer to purchase 4 Plover Street, Wickepin has been received by Shire officers.

Council is requested to consider and not accept the offer and to provide a counter-offer.

Background

Council previously resolved to list two parcels of land for sale in the Yarling Brook Estate with Elders Real Estate – Narrogin at a listing price of $45,000 each.

The listing price of $45,000 has been noted as having been the listed price for some many years.

In March 2022 Council resolved to accept an offer of $35,000 for 2 Plover Street, Wickepin and in June resolved to reduce the listing price for the remaining parcel of land to $40,000 (4 Plover Street, Wickepin).

Shire officers have recently received a joint cash offer of $34,000 from B Francis and K Flynn (both from Narrogin) for 4 Plover Street, Wickepin.

The offer is presented for Council to consider.

Comments

Council currently has 4 Plover Street, Wickepin listed for sale at $45,000 with Elders Real Estate – Narrogin.

It is unclear why the property remains for sale at this price given the Council resolution to reduce the listing price to $40,000.

Notwithstanding this, Council has previously resolved to sell the neighbouring land parcel for $35,000 with this information freely available to access by the public.

An offer at $34,000 is therefore in keeping with proximity to the previous sale price of the adjoining land parcel.

Considering the increased cost of building homes and increasing interest rates currently being observed in Australia, the offer would appear sound.

Recent interest from WA Kaolin and other interested parties in properties in Wickepin has been increasing and, therefore, delaying acceptance below the current asking price may also prove beneficial for Council.

It is recommended Council not accept the cash offer and provides a counter-offer at the already reduced price of $40,000.

Should Council resolve to accept the offer, an advertising period is required prior to official sale.

Statutory Environment

Local Government Act 1995 – Section 3.58. Disposing of property

A local government can dispose of property by public auction or by public tender to the highest bidder. Where public auction or public tender is not used, a local government can still dispose of property if it provides an advertising period outlining the full details of the disposition.

Policy Implications

Nil

Financial Implications

Current Financial Year
Council has not budgeted for the sale of the land in the 2022-2023 Annual Budget.

Notwithstanding this, the Budget states income received from the sale of the English House is held in a Reserve Account for future development of the English Land (which is the Yarling Brook Estate).

Future Financial Years
Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to the sale of 4 Plover Street, Wickepin, and pursuant to Section 3.58 of the Local Government Act 1995 –

1. *Not accept the offer of $34,000 from B Francis and K Flynn (both from Narrogin), and*
2. *Provide a counter-offer of $40,000, noting this is already a reduced price for the land.*

Council Decision

Resolution 150323-16
Moved Cr P Thompson
Seconded Cr L Corke

That Council, with respect to the sale of 4 Plover Street, Wickepin, and pursuant to Section 3.58 of the Local Government Act 1995 –

1. **Not accept the offer of $34,000 from B Francis and K Flynn (both from Narrogin), and**
2. **Provide a counter-offer of $40,000, noting this is already a reduced price for the land.**

Carried 6/0

17 Closure

The Presiding Member declared the meeting closed at 5.11pm.