



Minutes

Ordinary Council Meeting
Wednesday 21 February 2024

Date	Wednesday 21 February 2024
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 16 February, 2024



Notice of Meeting

Please be informed an Ordinary Council Meeting of the Council of the Shire of Wickepin will be held at 3:30pm on Wednesday 21 February 2024 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

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

Tim Clynch
Acting Chief Executive Officer
15 February 2024

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.

Contents

1	Declaration of Opening	6
2	Attendance	6
	2.1 Present.....	6
3	Public Question Time	6
	3.1 Responses to Previous Public Questions Taken On Notice.....	6
	3.2 Public Question Time.....	6
4	Apologies and Leave of Absence	7
	4.1 Apologies.....	7
	4.2 Previously Approved Leave of Absence.....	7
	4.3 Requests for Leave of Absence.....	7
5	Petitions, Memorials and Deputations	7
	5.1 Petitions.....	7
	5.2 Memorials.....	7
	5.3 Deputations	7
6	Declarations of Councillors and Officers Interest	7
7	Confirmation of Minutes of Previous Meetings	8
	7.1 Minutes of the Ordinary Council Meeting held Wednesday 13 December 2023 ..	8
8	Status Report	9
9	Motions of Which Notice Has Been Given	14
10	Receipt of Committee Minutes or Reports and Consideration of Recommendations	14
11	President’s Report	14
12	Report by the Chief Executive Officer	15
13	Notices of Motions for the Following Meeting	15
14	Reports and Information	16
	14.1 Monthly Schedule of Accounts Paid – December 2023 & January 2024	16
	14.2 Statement of Financial Activity – December 23 and January 2024.....	19
	14.3 2024 Annual General Meeting of Electors – Receival of Minutes	21
	14.4 Request for Waiver of Hire Charges at Wickepin Community Centre.....	23
	14.5 Proposed Fencing Local Law.....	26
	14.6 Proposed Parking and Parking Facilities Local Law.....	29
	14.7 Consideration of Motion from 2024 Annual General Meeting of Electors – Annual Australia Day Event	32

14.8	South West Native Title Settlement – Crown Land Enquiry.....	34
15	Confidential Reports and Information	38
16	Urgent Business	38
17	Closure	38

1 Declaration of Opening

The Presiding Member declared the meeting open at 3.32pm.

2 Attendance

2.1 Present

Councillors

J Russell	Councillor
W Astbury	Councillor
F Allan	Councillor
L Corke	Councillor
J Mearns	Councillor
P Thompson	Councillor (4.25pm onwards)

Employees

T Clynch	Acting Chief Executive Officer
E Clement	Deputy Chief Executive Officer
L Marchei	Executive Support Officer

Members of the Public

There were three (3) 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

Dave Astbury

Australia Day Event – Council advised that a decision was made by council in September 2023 to hold a bi annual event. This decision was advertised with community groups invited to host the event. No response or feedback was received.

Toolseum Shed – Dave queried the location of the shed and suggested it be incorporated in to any future main street refurbishments.

Lifestyle and Retirement Committee – Dave expressed his disappointment at the failure to thank and acknowledge the committee for their contribution towards the provision of the new Independent Living Units. Shire President advised that each committee member was formally acknowledged via letter which included that an invitation to attend the official opening will be forwarded to them.

Selection of Roads in Road Program – Dave asked whether road counter data was used in Council's selection of roads for their annual Road Program. Manager of Works advised that road counters were one of several criteria used.

Disposal of Tyres at Wickepin Waste Facility – Shire President advised that tyres are not accepted at Wickepin's Temporary Waste Facility.

Louie Gamble

Wickepin Caravan Park – Acknowledged the current Caretaker and the importance of maintaining an appealing Caravan Park in Wickepin. Requested if the fence that is to be removed from the Independent Living Units could be erected behind the Caretaker's residence.

Members of the public left at 3.56pm.

MWS left the meeting at 4.06pm and returned at 4.06pm.

4 Apologies and Leave of Absence

4.1 Apologies

Cr T Miller

4.2 Previously Approved Leave of Absence

Nil

4.3 Requests for Leave of Absence

[Request for leave of Absence]

5 Petitions, Memorials and Deputations

5.1 Petitions

Nil

5.2 Memorials

Nil

5.3 Deputations

Nil

6 Declarations of Councillors and Officers Interest

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

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

The following declarations of interest have been disclosed – Nil.

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held Wednesday 13 December 2023

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 13 December 2023, as included in the attachments, as a true and accurate record.

Council Decision

Resolution OCM-210224-01

Moved Cr F Allan

Second Cr L Corke

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 13 December 2023, as included in the attachments, as a true and accurate record.

Carried 5/0

For Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, 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 – 231018-07	Proposed Scheme Amendment – Lot 7 (No. 56) Fisher St, Wickepin	That with respect to the proposed Scheme Amendment No. 3 at Lot 7 (No.56) Fisher Street, Wickepin, to rezone the land from “Recreation and Open Space” reserve to “Residential” zone with a density coding of R10, Council: 1. Pursuant to Section 75 of the Planning and Development Act 2005, supports the Scheme Amendment as a ‘Standard Amendment’ to the Shire of Wickepin Local Planning Scheme No. 4; 2. Prepare a notice to the Western Australian Planning Commission of the proposed Standard Scheme Amendment No. 3 to the Shire of Wickepin Local Planning Scheme No. 4; 3. Pursuant to Section 81 of the Planning and Development Act 2005,	○	Scheme Amendment has been forwarded to Department of Water and Environment Regulation for assessment.

Item	Subject	Council Decision	Status	Action
		<p>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-231115-09	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.	✓	Offer and acceptance signed.
OCM-231213-04	Public Transport Authority – Draft Lease Template	<p>That Council:</p> <ol style="list-style-type: none"> 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. 	✓	Signed and returned.

Item	Subject	Council Decision	Status	Action
		3. Re-submit request to the Public Transport Authority to purchase railway reserve land south of the railway line.		Re-submitted and awaiting response.
OCM-231213-05	Annual Report and Annual Financial Report 2022/23	<p>That Council:</p> <ol style="list-style-type: none"> 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. 	✓	
OCM-231213-07	Appointment of Chief Executive Officer	<p>That Council:</p> <ol style="list-style-type: none"> 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 	✓	

Item	Subject	Council Decision	Status	Action
		<p>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.</p> <p>4. Authorises the Shire President to agree on a commencement date and insert this date into the CEO Employment Contract.</p> <p>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.</p> <p>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.</p> <p>7. Endorses the reimbursement of relocation expenses up to the value of \$5,000,</p>		

Item	Subject	Council Decision	Status	Action
		<p>upon receipt of supporting documentary evidence.</p> <p>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].</p>		

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

Welcome back to all Councillors and Staff after our Christmas and New Year break.

January proved to be very challenging to our volunteer Fire Brigades as the inclement weather delivered a series of storms and lightning strikes. Unfortunately many people were absent due to annual holiday commitments, so the small team of volunteers left to handle these events were kept on the go with five fires in 9 days, including a suspicious lighting of the Wickepin Waste Site.

The waste site proved to be extremely time consuming as it was impossible to extinguish the burning rubble of the past 80 or so years. Management was put in place over approximately 2 weeks but 3 solid days of water dousing throughout that time was needed to suppress the fire which was burning and spreading underground. The site was closed to the public due to fumes and danger of collapse. Grateful thanks are extended to FCO Phil, the Shire Crew and Mark who spent unlimited time at the site to manage the situation, which impeded into their own work timetables.

We now have a new site for the delivery of waste, thank you to MWS Graeme for setting this up. The hours are controlled and the site is manned in order to avoid illegal and excessive dumping of waste by non shire residents.

On 5 February 2024 CEO Tim and myself attended, by Teams, the Regional Road Group Lakes Sub-group where I was appointed Deputy Chair of the RRG Lakes Sub Group and voting delegate for the Wheatbelt South Regional Road Group. I was also elected as the RRG Lakes Sub Group proxy member to the Wheatbelt Secondary Freight Network Steering Committee. MWS Graeme has been appointed as the Lakes Sub Group representative to the RRG Technical Working Group. Further to the elections, business covered 2023-24 RRG project and funding expenditure review, bridge inspections, endorsement of 2024-25 projects and a discussion on the problems of safe passing faced by over width vehicles on roads that are being upgraded throughout the wheatbelt.

On 7 February I attended, by Teams, the Central Country Zone Executive Committee meeting, where guidance was set for the ensuing year of Zone business. Items included financial status of the Zone, speakers and strategic direction.

Council's first meeting of the year was held on 7 February being our Annual Elector's meeting, where the Annual Financial and Audit Report for the year 2022-23 was received. Thank you to those residents and ratepayers who attended and raised their questions to Council.

On 16 February ACEO Tim and myself attended the Central Country Zone meeting in Narrogin. Of the speakers WALGA's Acting Manager of Economist Daniel Thomson presented a great set of slides showing the State's economy over the past 5-10 years, including population changes, unemployment, building and construction and many other inputs. This of course showed the period

throughout the Covid era and was relative to our own building and construction challenges that our shire faced through the same times with our projects including the Independent Living Units. We are going really well considering all of the challenges the Industry faced and I would like to thank all of those who have been involved in our projects for their perseverance and patience as we are coming to end of many of them, and the times certainly have been extremely challenging.

Following Daniel's presentation, a presentation by Tony Brown who covers the Association's Governance including State Council and all of the Zones, was made to cover the role of the Zone Delegate in relation to the Zone and the Zone's input to WALGA's State Council. Tony also covered some recent issues that have been covered by our own Central Country Zone.

Upcoming scheduled meetings include the Wheatbelt South Regional Roads Group meeting in Wickepin on Friday 15 March.

12 Report by the Chief Executive Officer

Nil.

13 Notices of Motions for the Following Meeting

Nil.

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – December 2023 & January 2024

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	8 February 2024
Attachments	Monthly Schedule of Accounts Paid – December 2023 & January 2024

Summary

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

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid, including Corporate Credit Card Reconciliations, for December 2023 and January 2024, and
- Trust Fund Payments for December 2023 and January 2024.

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

Background

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

Comments

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

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

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

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	EFT14126 –EFT 14176, 141780 –EFT 141223	\$707,586.55
Cheques	15914- 15915	\$ 21,200.94
Direct Deductions	December 23	\$ 1,582.72
Superannuation	December 23	\$ 15,599.62
Credit Card	December 23	\$ 1,625.05
BPay Payments	December 23	\$ 6,213.16
Payroll	December 23	\$ 99,486.00
Licensing	December 23	\$ 10,521.10
Municipal Fund Total		\$863,815.14
Trust Fund		
Electronic Funds Transfer	EFT 14177 –EFT 14179	\$ 793.49
Cheques		\$ 0
Trust Fund Total		\$ 793.49
Total	December 2023	\$864,608.63

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	EFT14224 – EFT14264	\$ 392,320.41
Cheques	15916, 15918-15919	\$ 15,264.76
Direct Deductions	January 24	\$ 2,811.00
Superannuation	January 24	\$ 14,152.95
Credit Card	January 24	\$ 1,625.05
BPay Payments	January 24	\$ 2,070.04
Payroll	January 24	\$ 91,042.00
Licensing	January 24	\$ 24,311.95
Municipal Fund Total		\$ 543,598.18
Trust Fund		
Electronic Funds Transfer		\$ 0
Cheques		0
Trust Fund Total		\$ 0
Total	January 2024	\$ 543,598.18

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 \$\$864,608.63 and Trust fund of \$793.49 for December 2023 and Municipal Fund of \$543,598.18 January 2024.

Council Decision

Resolution OCM-210224-02

Moved Cr F Allan

Second Cr W Astbury

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$\$864,608.63 and Trust fund of \$793.49 for December 2023 and Municipal Fund of \$543,598.18 January 2024.

Carried 5/0

For Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan

Against Nil

Cr Thompson arrived at 4.25.pm.

14.2 Statement of Financial Activity – December 23 and January 2024

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	7 February 2024
Attachments	Statement of Financial Activity – December 23 and January 2024

Summary

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

The purpose of this report is to present the Statement of Financial Activity for the period ended December 2023 and January 2024.

Council is requested to accept the Statement of Financial Activity.

Background

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

Comments

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

Statutory Environment

Local Government Act 1995 – Section 6.4 Financial report

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

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

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

Policy Implications

Council Policy 3.1.14.2 – Monthly Financial Reporting

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

Financial ImplicationsCurrent Financial Year

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

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for the period ending December 2023 and January 2024, as included in the attachments.

Cr Thompson entered the meeting at 4.25pm.

Council Decision

Resolution OCM-210224-03

Moved Cr W Astbury

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 \$\$864,608.63 and Trust fund of \$793.49 for December 2023 and Municipal Fund of \$543,598.18 January 2024.

Carried 6/0

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

Against Nil

14.3 2024 Annual General Meeting of Electors – Receival of Minutes

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	GO.CME.1306
Author	T Clynch, Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 February 2024
Attachments	Minutes AGM of Electors Held 7 February 2024

Summary

For Council to formally 'receive' the Minutes of the Annual General Meeting of Electors held on 7 February 2024.

Background

At the Annual General Meeting (AGM) of Electors held on 7 February 2024, 7 electors, 3 councillors and 2 staff were present.

At the meeting motions were carried to confirm the minutes from the previous year's (2023) AGM and to receive the Annual Report (including therein the Annual Financial Statements and Auditor's Report) for the year ending 30 June 2023. No further action on those motions is required.

One other motion was carried at the AGM (pertaining to Council holding an annual Australia Day event) and that motion is being presented to Council via a separate agenda item.

Comments

As the Minutes from the AGM of Electors will not be confirmed until the next AGM of Electors, it is prudent for Council to formally receive the Minutes so that they become a 'record of Council'.

Statutory Environment

Sections 5.27, 5.29 and 5.33 of the *Local Government Act 1995* require an Annual Electors Meeting to be held each year and for decisions made at such meetings to be considered by the Council.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council receive the Minutes of the Annual General Meeting of Electors held on 7 February 2024.

Council Decision**Resolution** OCM-210224-04**Moved** Cr W Astbury**Second** Cr J Mearns

That Council receive the Minutes of the Annual General Meeting of Electors held on 7 February 2024 subject to the following modifications:

1. **Resolution AEM-070224-02**

The mover of this motion be changed from C Starr to S Starr.

2. **Dishwasher at the Community Centre.**

Amend the wording to read:

Ray Lewis asked if there was any plans to put in a dishwasher at the Community Centre.

President advised that Council had not been formally asked for this by any community group that utilise the kitchen.

3. **Railway**

Amend wording to read:

Ray Lewis asked in there had been further developments on the re-opening of the Tier 3 railway lines?

President advised there was a feasibility study started last year by the State Government into opening up the line between Narrogin and Kulin and that she had attended meetings regarding this last year. The feasibility hasn't been completed but at this stage it appears there doesn't seem to be a favourable outlook for re-opening this section up anywhere in the near future.

Carried 6/0

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

Against Nil

14.4 Request for Waiver of Hire Charges at Wickepin Community Centre

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	Ruth Bailey
File Reference	CP.DAC.514
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	2 February 2024
Attachments	-

Summary

A request for waiver of hire charges at the Wickepin Community Centre has been received that is not covered by current delegations from Council to the Chief Executive Officer.

Background

A request for waiver of hire charges at the Wickepin Community Centre has been received from Ruth Bailey on behalf of a group of seniors wishing to play carpet bowls on the mezzanine level and use of the kitchen once per week.

The group proposes to play carpet bowls once per week.

Council has delegated authority to the Chief Executive Officer to approve waiver of hire charges to a maximum of \$200 per occasion. Council interpretation of this wording is being sought as it could be interpreted to allow the Chief Executive Officer to waive hire charges for ongoing programs or activities run by community groups or private individuals.

Assuming the limit of \$200 applies to a program/activity the Chief Executive Officer has exercised his delegation and waived the hire charges for the first 3 weeks which covers the period up to the February Council meeting.

In light of the above a determination from Council on the ongoing waiver of the hire charges and direction on the current wording of the delegation is being sought.

Comments

The applicant hasn't advised how long the weekly carpet bowls is intended to run but like most activities of this type it will no doubt continue to run whilst sufficient enthusiasm and interest from participants exists and as long as someone is prepared to run the activity.

It is noted that Council doesn't record hire charge waivers as income and expenditure (i.e. recording the hire charge as income and the donation/waiver as expenditure) therefore there is no reason why Council couldn't approve the waiver on a long-term or even permanent basis. For the purpose of the officer recommendation a term until 30 June 2024 has been proposed but Council may wish to grant a longer waiver period.

Supporting seniors' programs such as the carpet bowls initiative are important in keeping seniors active and allowing ageing in place to occur.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The value of the hire charge waiver has been calculated at \$63.00 per occasion (½ day) noting that a charge to use the kitchen hasn't been included as only minimal use (cups of tea and coffee) is expected. Any time a waiver of hire charges is granted the value can be viewed as foregone income however it is likely in this (and similar) requests that if the hire charge wasn't waived the use wouldn't proceed and no income would be received.

Strategic Implications

Goal 9 – our communities are engaged, have a healthy lifestyle and are safe.

Strategy 9.7 – seniors are encouraged and able to age in place.

Voting Requirement

Simple Majority

Officer Recommendation

That Council:

1. *Approve a waiver of all hire charges at the Wickepin Community Centre for the playing of carpet bowls by seniors for the period up to 30 June 2024.*
2. *That the organiser of the senior carpet bowls initiative be invited to seek a further waiver of hire charges if proposing to extend the initiative into 2024/25.*
3. *Provide direction to the Chief Executive Officer on the process for considering waiving of hire charges for extended programs and amend Delegation A13 (Hire of Community Halls/Community Centre) accordingly.*

Council Decision

Resolution OCM-210224-05

Moved Cr W Astbury

Second Cr L Corke

That Council:

1. **Approve a waiver of all hire charges at the Wickepin Community Centre for the playing of carpet bowls by seniors for the period up to 30 June 2024.**
2. **That the organiser of the senior carpet bowls initiative be invited to seek a further waiver of hire charges if proposing to extend the initiative into 2024/25.**

Carried 6/0

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

Against Nil

Council Decision

Resolution OCM-210224-06

Moved Cr P Thompson

Second Cr F Allan

That Council amend Delegation A13 (Hire of Community Halls/Community Centre) to the following:

The Chief Executive Officer is authorised to waive/grant concessions in respect of hire of council's halls and community centres.

Carried	6/0 by absolute majority
For	Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan, Cr P Thompson
Against	Nil

14.5 Proposed Fencing Local Law

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	LD.LL.14
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 February 2024
Attachments	Draft Shire of Wickepin Fencing Local Law 2024

Summary

Council doesn't currently have a local law that details requirements for boundary fencing on properties within the Shire. Following discussion at the December Forum a draft Fencing Local Law has been prepared for Council's consideration. The draft Fencing Local Law is based on the model local law developed by WALGA.

Background

The Dividing Fences Act 1961 empowers local governments to make local laws to determine what constitutes a 'sufficient fence' in the local government district. Likewise, the Local Government Act 1995 allows a local government to make local laws for the good government of its district. The Local Government Act 1995 further allows local governments to make local laws for building work, demolition work, a standard for the construction or demolition of incidental structures, or the use and maintenance of, and requirements in relation to, incidental structures, such as fencing. Through this local law a local government can determine:

- a. what fences may look like;
- b. how fences are to be constructed;
- c. what materials can be used in construction; and
- d. to what standards they are to be built.

The Shire of Wickepin doesn't currently have a Fencing Local Law. The draft local law has been prepared using a model (template) local law prepared by WALGA.

Comments

In accordance with section 3.12 of the Local Government Act 1995 prior to making any local law, the Shire is required to give local public notice of the draft law and receive submissions from the public for at least six weeks.

Following the conclusion of the submission period, the local law will be resubmitted to Council for its consideration as to if it should be made.

Statutory Environment

Local Government Act 1995: Section 3.12: Procedure for making local laws.

Section 3.12 of the Local Government Act 1995 provides the procedure that must be followed in creating a new local law, with the initial steps being:

1. To give local public notice that the Council proposes to make a new local law (to repeal an existing one);
2. To call for public submissions on the proposed (repeal) local law within 42 days;
3. To provide a copy of the proposed (repeal) local law to the relevant Minister responsible for Local Government.

Policy Implications

Nil

Financial Implications

Costs of advertising can be met from existing budget allocations.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council:-

1. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Fencing Local Law 2024, a summary of its purpose and effect being:*

Purpose

The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.

Effect

The effect of this local law is to establish the minimum requirements for fencing within the district.

2. *Notes that:*
 - a) *Copies of the proposed Fencing Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;*
 - b) *Submissions regarding the proposed Fencing Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;*
 - c) *In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Fencing Local Law 2024 will be provided to the Minister for Local Government; and*
 - d) *In accordance with section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed Fencing Local Law 2024 will be supplied to any person requesting it.*
3. *Notes that all submissions received will be presented to Council for consideration.*

Council Decision**Resolution** OCM-210224-07**Moved** Cr W Astbury**Second** Cr J Mearns**That Council:**

1. In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Fencing Local Law 2024, a summary of its purpose and effect being:

Purpose

The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.

Effect

The effect of this local law is to establish the minimum requirements for fencing within the district.

2. Notes that:

- a) Copies of the proposed Fencing Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;
- b) Submissions regarding the proposed Fencing Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;
- c) In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Fencing Local Law 2024 will be provided to the Minister for Local Government; and
- d) In accordance with section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed Fencing Local Law 2024 will be supplied to any person requesting it.

3. Notes that all submissions received will be presented to Council for consideration.**Carried** 6/0**For** Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan, Cr P Thompson**Against** Nil

MWS left the meeting at 4.46pm.

14.6 Proposed Parking and Parking Facilities Local Law

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	LD.LL.14
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 February 2024
Attachments	Draft Shire of Wickepin Parking and Parking Facilities Local Law 2024

Summary

Council doesn't currently have a local law that details requirements for parking on public land within the Shire. Following discussion at the December Forum a draft Parking and Parking Facilities Local Law has been prepared for Council's consideration. The draft Local Law is based on the model local law developed by WALGA.

Background

The Local Government Act 1995 allows a local government to make local laws for the good government of its district.

The Shire of Wickepin doesn't currently have a Parking Local Law. The draft local law been prepared using a model (template) local law prepared by WALGA.

In recent years there have been multiple instances of persons parking vehicles on footpaths and road verges and parking in parking bays contrary to markings. Without a specific local law it hasn't been possible to regulate these activities.

Comments

In accordance with section 3.12 of the Local Government Act 1995 prior to making any local law, the Shire is required to give local public notice of the draft law and receive submissions from the public for at least six weeks.

Following the conclusion of the submission period, the local law will be resubmitted to Council for its consideration as to if it should be made.

Statutory Environment

Local Government Act 1995: Section 3.12: Procedure for making local laws.

Section 3.12 of the Local Government Act 1995 provides the procedure that must be followed in creating a new local law, with the initial steps being:

4. To give local public notice that the Council proposes to make a new local law (to repeal an existing one);
5. To call for public submissions on the proposed (repeal) local law within 42 days;
6. To provide a copy of the proposed (repeal) local law to the relevant Minister responsible for Local Government.

Policy Implications

Nil

Financial Implications

Costs of advertising can be met from existing budget allocations.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

That Council:-

1. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Parking and Parking Facilities Local Law 2024, a summary of its purpose and effect being:*

Purpose

The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

Effect

The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

2. *Notes that:*
 - a) *Copies of the proposed Parking and Parking Facilities Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;*
 - b) *Submissions regarding the proposed Parking and Parking Facilities Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;*
 - c) *In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be provided to the Minister for Local Government; and*
 - d) *In accordance with section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be supplied to any person requesting it.*
3. *Notes that all submissions received will be presented to Council for consideration.*

Council Decision

Resolution OCM-210224-08
Moved Cr W Astbury
Second Cr P Thompson

That Council:

1. In accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that it proposes to make a Parking and Parking Facilities Local Law 2024, a summary of its purpose and effect being:

Purpose

The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

Effect

The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

2. Notes that:

- a) Copies of the proposed Parking and Parking Facilities Local Law 2024 may be inspected at the Shire's offices and will be made available on the Shire's website;
- b) Submissions regarding the proposed Parking and Parking Facilities Local Law 2024 may be made to the Shire within a period of not more than 6 weeks after the public notice is given;
- c) In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be provided to the Minister for Local Government; and
- d) In accordance with section 3.12(3)(c) of the Local Government Act 1995, a copy of the proposed Parking and Parking Facilities Local Law 2024 will be supplied to any person requesting it.

3. Notes that all submissions received will be presented to Council for consideration.

Carried 6/0
For Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan, Cr P Thompson
Against Nil

14.7 Consideration of Motion from 2024 Annual General Meeting of Electors – Annual Australia Day Event

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	GO.CME.1306
Author	T Clynch, Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 February 2024
Attachments	-

Summary

To consider a motion carried at the recent Annual General Meeting of Electors.

Background

At the Annual General Meeting (AGM) of Electors held on 7 February 2024 the following motion was moved, seconded and carried:

Moved **R Lewis**
Second **N Ballard**

That Council hold an annual Australia Day event.

Any motion carried at an electors meeting is in effect a recommendation to Council. Council is not bound by the Local Government Act to accept the recommendation; it can amend it or reject it as it is able to do with an officer recommendation.

Comments

The motion carried at the AGM requests that Council hold an annual Australia Day event. It doesn't offer any specifics on the type of event. Indeed the event need not be run or managed by the Shire and instead Council could seek expressions of interest from community groups to run an event with funding provided by the Council.

Assuming Council concurs with the direction of the motion from the AGM it could, at this point in time commit to having an annual Australia Day event with the details for the 2025 event to be determined later in the year.

Statutory Environment

Sections 5.27, 5.29 and 5.33 of the *Local Government Act 1995* require an Annual Electors Meeting to be held each year and for decisions made at such meetings to be considered by the Council.

Policy Implications

Nil

Financial Implications

The annual budget typically contains an allocation for an Australia Day event.

Strategic Implications

Nil

Voting Requirement

Simple Majority

Officer Recommendation

1. *That Council commit to having an annual Australia Day event, either Shire managed or via a local community group with funding of the event by Council.*
2. *That consideration/planning for the 2025 Australia Day event be scheduled to commence in August 2025 via discussion at that month's Forum.*

Cr Thompson left the meeting at 5.03pm.

Council Decision**Resolution** OCM-210224-09**Moved** Cr J Mearns**Second** Cr F Allan

1. **That Council commit to having an annual Australia Day event, either Shire managed or via a local community group with funding of the event by Council.**
2. **That consideration/planning for the 2025 Australia Day event be scheduled to commence in July 2024 via discussion at that month's Forum.**

Carried 5/0**For** Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan**Against** Nil

Reason for amending Officer recommendation:

Bringing forward the consideration/planning phase from August to July will allow an additional month to consult with community groups.

MWS re entered the meeting at 5.10pm.

14.8 South West Native Title Settlement – Crown Land Enquiry

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	Department of Planning
File Reference	CP.A&D.505
Author	T Clynch – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	15 February 2024
Attachments	Maps of Subject Properties

Summary

To consider a proposal to release existing (vacant) crown land parcels within the Shire of Wickepin under the South West Native Title Settlement process. Council isn't the decision-maker in determining whether the lots should be released but has been provided the opportunity to make recommendations and comment for consideration

Background

The Department of Planning, Lands and Heritage has invited the Shire of Wickepin to comment on its proposal to consider release 15 parcels of crown land within the Shire. If released, the lots would be transferred to the Noongar Land Estate under the South West Native Title Settlement.

Noongar Land Estate Proposal

The South West Native Title Settlement (Settlement) is a landmark native title agreement, negotiated between the Noongar people and the Western Australia Government. The Settlement involves around 30,000 Noongar people and covers approximately 200,000 square kilometres of the greater southwest region. The Settlement creates a Noongar governance structure to represent the rights and interests of the six Noongar Agreement groups. The Settlement package will provide the Noongar people with sustainable assets and options for developing Noongar interests, including opportunities for the WA Government to work in partnership with the Noongar people to elevate economic, social and community outcomes. The Noongar peoples' strong relationship to the Noongar lands is reflected through the many components of the Settlement package. Relevant to this report the settlement package includes the creation of a future Noongar Land Estate.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next three to five years, the Department of Planning, Lands and Heritage will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- unallocated Crown land;
- unmanaged reserves;
- land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

The Department of Planning, Lands and Heritage has advised that part of the assessment involves referral of land parcels to relevant agencies for comment (which includes the Shire of Wickepin). There are a number of specific questions that DPLH require answered and these responses can be compiled by Shire officers however the fundamental question that requires Council’s formal consideration is whether the Shire supportive of the transfer of this land to the Noongar People under the Settlement.

Comments

The 15 parcels of crown land consist of unallocated crown land and reserves vested with Government agencies. No Shire vested reserves are included. The 15 land parcels are listed in the table below.

No.	Lot/Reserve No.	Locality	Tenure	Comment
1.	Lot 403 Williams Kondinin Road	Wickepin	Reserve vested with Minister for works	Former Tarling Hall Reserve. The land is extensively vegetated.
2.	Reserve 10439 Fox Road/Tincurrin Road	Tincurrin	Reserve vested with Water Corporation	Extensively vegetated
3.	Unallocated crown land Old Line Road	Toolibin	Unallocated crown land	Parcel of land is only 45 metres wide (3.7520ha in area).
4.	Unallocated crown land Old Line Road	Toolibin	Unallocated crown land	Land is cleared (2.1058ha) and appears to be farmed by adjacent property owner
5.	Lot 15292 (Reserve 5287) Brown Road	Wickepin	Reserve vested with Water Corporation	Extensively vegetated
6.	Unallocated crown land Old Line Road	Toolibin	Unallocated crown land	Extensively vegetated (7.187 ha in size)
7.	Lot 15590 (Reserve 32170) Line Road	Toolibin	Reserve vested with DPLH	Ex-sanitation reserve
8.	Lot 2962 (Reserve 5286) Baker Road	Harrismith	Reserve vested with Water Corporation	Water reserve

9.	Unallocated crown land Tincurrin Road North	Tincurrin	Unallocated crown land	Extensively vegetated
10.	Lot 7362 (Reserve 18880) Wickepin Harrismith Road	Wickepin	Reserve vested with DPLH	Public utility reserve. Extensively vegetated.
11.	Unallocated crown land Old Line Road	Toolibin	Unallocated crown land	Adjacent to Parcel 3. Area of 9.1941ha
12.	Unallocated crown land Old Line Road	Toolibin	Unallocated crown land	Adjacent to Parcels 3 and 11. Area of 1.7245ha
13.	Lot 16004 (Reserve 5288) Brown Road/Tincurrin North Road	Tincurrin	Reserve vested with Water Corporation	Water reserve. Extensively vegetated.
14.	Lot 6145 (Reserve 16277) McDougalls Road	Tincurrin	Reserve vested with DPLH	Public utility reserve. Extensively vegetated.
15.	Lot 350 (Reserve 19839) Wedin North Road	Wickepin	Reserve vested with DPLH	Gravel reserve

No details are provided in this process of what possibly will be the ultimate purpose of any land transferred under the South West Native Title Settlement. At this stage DPLH is simply looking at all possible land parcels that could be subject to transfer under the settlement process.

There has been previous lists of land parcels assessed within the Shire of Wickepin and these have been presented to Council. It is likely there will be more in the future. Taking into account the limited means that local government could object to possible transfer of the land under the South West Native Title Settlement it is recommended that Council delegate authority to the CEO to respond to similar requests in future without reference to Council. The majority of land parcels being considered are unallocated crown land and unvested reserves. If reserves vested in the Shire of Wickepin are nominated in future it is likely that some objection to their release would be made.

Statutory Environment

The full details of the Settlement are recorded in six Indigenous Land Use Agreements (ILUA) made in compliance with the Native Title Act 1993.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple Majority for Part 1 of recommendation; absolute majority for Part 2.

Officer Recommendation

- 1. That Council advise the Department of Planning, Lands and Heritage (DPLH) it has no objections to the possible release of the 15 land parcels under the South West Native Title Settlement process and authorises the Chief Executive Officer to respond to the questionnaire seeking details on these land parcels.*
- 2. That Council delegate authority to the Chief Executive Officer to respond to any future South West Native Title Land Enquiries without reference to council on the condition that no release of any land vested with the Shire of Wickepin will be supported without reference to Council.*

Cr Thompson re-entered the meeting at 5.15pm.

Council Decision**Resolution** OCM-210224-10**Moved** Cr J Mearns**Second** Cr F Allan**That Council:**

- 1. Advise the Department of Planning, Lands and Heritage (DPLH) that it does not support the possible release of the 15 land parcels under the South West Native Title Settlement process on the grounds the lands are fragmented, heavily vegetated, many are an unusable size and all contain rare and endangered flora and wildflowers that form a significant part of our Shire's tourism trail.**
- 2. Authorises the Chief Executive Officer to respond to the questionnaire seeking details on these land parcels.**

Carried 6/0**For** Cr J Russell, Cr W Astbury, Cr L Corke, Cr J Mearns, Cr F Allan, Cr P Thompson**Against** Nil

Reason for amending Officer recommendation:

Council determined not to support the possible lease of the 15 land parcels. Council wish future proposals to be presented for formal consideration rather than being dealt with under Delegated Authority.

15 Confidential Reports and Information

Nil

16 Urgent Business

Nil

17 Closure

The Presiding Member declared the meeting closed at 5.32pm.