



# Agenda

Ordinary Council Meeting  
Wednesday 11 December 2024

Date	Wednesday 11 December 2024
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 6 December 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 11 December 2024 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

Kellie Bartley  
Chief Executive Officer

6 December 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.*

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## 1 Declaration of Opening

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

## 2 Attendance

### 2.1 Present

#### Councillors

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

#### Employees

K Bartley	Chief Executive Officer
E Clement	Deputy Chief Executive Officer
G Cross	Manager Works & Services
J Harvey	Executive Support Officer

#### Apologies

J Mearns	Councillor
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## 3 Public Question Time

### 3.1 Responses to Previous Public Questions Taken On Notice

### 3.2 Public Question Time

## 4 Apologies and Leave of Absence

### 4.1 Apologies

Cr J Mearns

### 4.2 Previously Approved Leave of Absence

### 4.3 Requests for Leave of Absence

[Request for leave of Absence]

## 5 Petitions, Memorials and Deputations

### 5.1 Petitions

### 5.2 Memorials

### 5.3 Deputations

## **6 Declarations of Councillors and Officers Interest**

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

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

The following declarations of interest have been disclosed –

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

### **7.1 Minutes of the Ordinary Council Meeting held Wednesday 20 November 2024**

#### **Officer Recommendation**

*That Council confirms the minutes of the Ordinary Council Meeting held on Wednesday 20 November 2024, as included in Attachment 7.1.1, as a true and accurate record.*

## 8 Status Report

### Key

○ = in progress    ✓ = completed    ✕ =superseded

Item	Subject	Council Decision	Status	Action
OCM-231213-04	Public Transport Authority – Draft Lease Template	That Council re-submit request to the Public Transport Authority to purchase railway reserve land south of the railway line.	○	Re-submitted and awaiting response. 09.07.2024 – current CEO to follow up on current PTA and the playground and skatepark. 05.09.2024 – CEO emailed PTA to follow up previous correspondence, nil response to date. Nov 24 – follow up email in progress with PTA and item.
OCM-170424-10	Local Emergency Management Committee Review – Combined Shires Wickepin, Cuballing and Narrogin	Recommendation 1 That Council may resolve to seek a variation to separate from the combined LEMC with the Shire of Cuballing, seeking to stand alone and conduct the LEMC with the Shire of Wickepin only. Recommendation 2 That Council authorises the Shire President and Chief Executive Officer to proceed to engage and seek the opportunities to apply for a Community Emergency Services Manager for the Shire of Wickepin and surrounding local governments that may have interest.	○	In progress, meeting to be held Monday 13 May 2024 for next step. CEO has been in contact with DFES, DEMC for requirements and advised by CEO's of Narrogin and Cuballing of outcomes. 09.07.2024 – pending process with the LEMC processes and changes as required. Sept 24 – CEO has sent relevant information and letter to SEMC for approval. Awaiting response. Shire has been approved for AWARE Grant to proceed with new process.

Item	Subject	Council Decision	Status	Action
				Oct 24 – No change pending grant agreement to be issued. Nov 24 – Consultant review in Jan 25 with meeting to be held early 2025.
OCM-150524-12	Adoption – Shire of Wickepin Parking and Parking Facilities Local Law 2024	<p>That with respect to the proposed Shire of Wickepin Parking and Parking Facilities Local Law 2024, that Council:</p> <ol style="list-style-type: none"> <li>1. Makes the local law as detailed in Attachment 14.7.3, pursuant to section 3.12 (4) of the Local Government Act 1995;</li> <li>2. Notes the submissions received during the public advertising period required by the Local Government Act 1995 and the responses taken to the proposed Local Law.</li> <li>3. Authorises the Shire President and Chief Executive Officer to affix the common seal to the Shire of Wickepin Parking and Parking Facilities Local Law 2024 as contained in Attachment 14.7.3.</li> <li>4. Instructs the Chief Executive Officer to: <ol style="list-style-type: none"> <li>a) Publish the local law in the Government Gazette in accordance with section 3.12(5) of the Local Government Act 1995;</li> <li>b) Provide a copy of this local law to the Minister of Local Government once published in the Government Gazette;</li> <li>c) Give local public notice pursuant to section 1.7 of the Local Government Act 1995 following publication in the Government Gazette, stating the title and purpose and effect of this local law, and that the local law is published on the Shire</li> </ol> </li> </ol>	○	In progress.



Item	Subject	Council Decision	Status	Action
		<p>website and that copies may be inspected at, or obtained from the Shire's administration officers; and</p> <p>d) Prepare and submit to the Joint Standing Committee on Delegated Legislation, a copy of this local law, an explanatory memorandum (jointly signed by the Shire President and Chief Executive Officer) along with the checklist and any other supporting information on the local law made.</p>		
OCM-210824-13	Shire of Wickepin – Draft Local Planning Strategy	<p>That with respect to the proposed Shire of Wickepin Draft Local Planning Strategy, Council:</p> <ol style="list-style-type: none"> <li>1. Pursuant to Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the Shire of Wickepin Draft Local Planning Strategy, as detailed in Attachment 14.5.1, for the purposes of advertising.</li> <li>2. Forwards the Shire of Wickepin Draft Local Planning Strategy to the Western Australian Planning Commission for assessment and compliance with Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015.</li> <li>3. Upon receiving certification from the Western Australian Planning Commission, advertise the Shire of Wickepin Draft Local Planning Strategy in accordance with Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015, including an extended public comment period of 90 days.</li> <li>4. After the expiry of the period within which submissions may be made, review the Shire of</li> </ol>	○	<p>Sept 24 – Awaiting DLPH to then advertise as required.</p> <p>Oct 24 – request sent to DLPH for advertising approval, pending approval.</p> <p>Nov 24 – DLPH yet to respond still pending approval for advertising to commence. Follow up has occurred, nil response to date.</p>

Item	Subject	Council Decision	Status	Action
		<p>Wickepin Draft Local Planning Strategy, considering any submissions received.</p> <p>5. After the completion of the review of Shire of Wickepin Draft Local Planning Strategy, submit to the Western Australian Planning Commission:</p> <p>(a) a copy of the advertised Local Planning Strategy; and</p> <p>(b) a schedule of the submissions received; and</p> <p>(c) particulars of any modifications to the advertised local planning strategy proposed by the local government.</p>		
OCM-201124-07	Proposed Council Meeting Dates 2025	<p>That Council requests the Chief Executive Officer to give local public notice in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 for the Shire of Wickepin's 2025 Ordinary Council Meetings to be held at 3.30pm in the Council Chambers, Shire of Wickepin Administration Office, 77 Wogolin Road, Wickepin;</p> <ul style="list-style-type: none"> <li>• No Meeting Scheduled January 2025</li> <li>• Wednesday February 19, 2025</li> <li>• Wednesday March 19, 2025</li> <li>• Wednesday April 16, 2025</li> <li>• Wednesday May 21, 2025</li> <li>• Wednesday June 18, 2025</li> <li>• Wednesday July 16, 2025</li> <li>• Wednesday August 20, 2025</li> <li>• Wednesday September 17, 2025</li> <li>• Wednesday October 15, 2025</li> <li>• Wednesday November 19, 2025</li> <li>• Wednesday December 17, 2025</li> </ul>	✓	Updated on shire website and social media platforms as well as advertised in Watershed.

Item	Subject	Council Decision	Status	Action
OCM-201124-08	Budget Amendment - Australia Day Celebrations 2025 Grant	<p>That Council:</p> <p>1) Approves the expenditure for the purpose for the Australia Day Event 2025 in the Shire of Wickepin, totalling \$10,000.00 (ex GST); and</p> <p>2) Authorises the following amendments to the 2024/2025 Budget detailed in the table below.</p> <p>Account Number - 0983 Grant Income Increase - (\$10,000) Revised budget - (\$10,000)</p> <p>Account Number - 0312 Presentations &amp; Others – Expenses Increase - (\$10,000) Revised budget \$10,000</p> <p>Net Effect to Budget - Revised budget - \$0.00</p> <p>The total project cost will not have a negative effect on the budget due to project being fully funded</p> <p>Reason: To provide for the income and expenditure for the Australia Day Event 2025.</p>	✓	Item completed for budget variation.
OCM-201124-09	RFT - 03-2024-2025 – Supply and Delivery of a 6 x 4 Two-Way Tip Truck	That Council, pursuant to section 3.57 of the Local Government Act 1995 and Regulation 11 of the Local Government (Functions and General) Regulations 1996, approves for the Chief Executive Officer to publicly invite tenders for RFT03- 2024-2025 for the Supply and Delivery of a 6 x 4 Two-Way Tip Truck.	○	To be advertised for tender process. New MWS will be completing this over the Dec/Jan period for Feb 25 agenda.

Item	Subject	Council Decision	Status	Action
OCM-201124-10	Acceptance of Tender - RFT 02-2024-2025 - Supply & Lay of Asphalt – Stock Route Road	That Council, with respect to Tender RFT-02-2024-2025 Supply and Lay of Asphalt; 1. Authorises the Chief Executive Officer seeking a request for variation from Regional Road Group Lakes Subgroup with a variation of \$102,073 from Wickepin-Pingelly Road to Stock Route Road from projected savings; 2. Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 awards Tender RFT-02-2024-2025 to WCP Civil Pty Ltd for \$348,348.00 ex GST; and 3. Authorises the Chief Executive Officer to sign a contract on behalf of the Shire of Wickepin for Tender RFT-02-2024-2025 - Supply and Lay of Asphalt, in principle, pending variation approved by the Regional Road Group Lakes Subgroup	○	Tender yet to proceed, email to Subgroup RRG has been submitted, final decision to be advised after COB 6.12.24.
OCM-201124-11	Policy Review – Council Policy – 3.1.4 – Waiving of Fees & Charges for Hiring of Council Facilities	That Council adopts the revised Council Policy 3.1.4 – Waiving of Fees & Charges for Hiring of Council Facilities, with the relevant changes noted and contained in Attachment 14.7.2.	✓	Item updated on website and completed.
OCM-201124-12	Shire of Wickepin – Adoption Local Heritage Survey	That the item lay on the table pending further review of the document with a final engagement before Council to consider and the item to be brought back to Council for the Ordinary Council Meeting for December 2024.	✓	Item to be presented to Dec 25 OCM.
OCM-201124-14	Chief Executive Officer – Annual Leave 2024-2025	That Council allows the Chief Executive Officer to take Annual Leave from 13th December 2024 to 5th January 2025.	✓	Item completed.

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

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

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

**11 President's Report**

To be tabled at the meeting.

## 12 Report by the Chief Executive Officer

To be tabled at the meeting.

### Delegations exercised –

No.	Delegation Name	Delegation To	Delegation Exercised	When Exercised	Persons Affected
A1	Cheque Signing and Account Authorisation	CEO	Payment of Accounts Refer to FM report item. 14.1 List of Accounts		CEO, DCEO
A2	Septic Tank Application Approvals	EHO			
A3	Building Approvals	BO	Building Permit – WK2425001 2 Plover Street, Wickepin	14/11/2024	CEO
A4	Roadside Advertising	CEO			
A5	Application for Planning Consent	CEO	Development Approval – 2 Plover Street, Wickepin	12/11/2024	CEO
A6	Appointment and Termination of Staff	CEO			
A7	Rates Recovery – Instalment Payments	CEO			
A8	Issue of Orders	CEO			
A9	Legal Advice	CEO			
A10	Permits to Use Explosives	CEO			
A11	Street Stalls	CEO			
A12	Liquor Consumption on Shire Owned Property	CEO	Alcohol Consumption Approval – Christmas Tree Event, Community Centre, Wickepin Playgroup	21/11/2024	CEO
			Alcohol Consumption Approval – Seniors Christmas Lunch, Community Centre, Shire of Wickepin	21/11/2024	CEO
			Alcohol Consumption Approval – AGM, Community Centre, Facey Group	22/11/2024	CEO
			Alcohol Consumption Approval – AGM, Community Centre, Facey Group	25/11/2024	CEO
			Alcohol Consumption Approval – Private Event, Yealering Hall	25/11/2024	CEO
			Alcohol Consumption Approval – Cricket Games, Community Centre, Cricket Club	28/11/2024	CEO
			Alcohol Consumption Approval – Fundraiser event, Community Centre, Football Club	29/11/2024	CEO
A13	Hire of Community Halls / Community Centre	CEO	Fee Waiver – Small Schools Swimming Carnival, Wickepin Swimming Pool	22/11/2024	CEO
			Fee Waiver – Facey Group AGM & Christmas Function, Wickepin Community Centre	22/11/2024	CEO

<b>A14</b>	<b>The Food Act 2008 and the Food Regulations 2009</b>	<b>CEO</b>			
<b>A15</b>	<b>The Public Health Act 2016</b>	<b>CEO</b>			
<b>A16</b>	<b>Sponsorship, contributions and donations to sporting and community groups</b>	<b>CEO</b>			

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

## 14 Reports and Information

### 14.1 Monthly Schedule of Accounts Paid – November 2024

<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	9 December 2024
<b>Attachment</b>	14.1.1 - Monthly Schedule of Accounts Paid – November 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 November 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 is contained in **Attachment 14.1.1**.

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

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

<b>Municipal Fund</b>	<b>Vouchers</b>	<b>Amounts</b>
Electronic Funds Transfer	EFT14981-15017, EFT15024-15057	\$ 287,236.52
Cheques	15965 - 15971	\$ 24,227.82
Direct Deductions	November 24	\$ 238.00
Superannuation	November 24	\$ 17,541.26
Credit Card	November 24	\$ 696.85
BPay Payments	November 24	\$ 2,602.78
Payroll	November 24	\$ 131,859.30
Licensing	November 24	\$ 15,198.40
<b>Municipal Fund Total</b>		<b>\$ 479,600.93</b>
<b>Trust Fund</b>		
Electronic Funds Transfer	EFT15018 - EFT15023	\$ 1,128.33



Cheques		\$
<b>Trust Fund Total</b>		<b>\$ 1,128.33</b>
<b>Total</b>		<b>\$ 480,729.26</b>

**Statutory Environment**

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

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

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

**Policy Implications**

*Council Policy 3.1.7 – EFT Payment and Cheque Issue*

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

**Financial Implications**

Current Financial Year

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

Future Financial Years

Nil

**Strategic Implications**

**Goal - Governance**

- Objective: 11 We are proactive about collaboration and forward planning our future success
- Strategy 11.2 Long Term Financial Plan is reviewed on a regular basis
- 11.3 Ensure integrated planning documents remain current via regular reviews

**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 \$480,729.26 and Trust \$1,128.33 for November 2024, as included in **Attachment 14.1.1**.*

## 14.2 Statement of Financial Activity – November 2024

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	FM.FR.1212
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	11 December 2024
<b>Attachment</b>	<b>14.2.1</b> - Statement of Financial Activity – November 2024

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### Summary

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

The purpose of this report is to present the Statement of Financial Activity for the period ended November 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 is contained in **Attachment 14.2.1**.

### 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**

**Goal - Governance**

Objective:	11	We are proactive about collaboration and forward planning our future success
Strategy	11.2	Long Term Financial Plan is reviewed on a regular basis
	11.3	Ensure integrated planning documents remain current via regular reviews

**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 November 2024, as included in **Attachment 14.2.1**.*

### 14.3 Addition to Fees and Charges 2024 – Caravan Park Charge

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	E Clement
<b>File Reference</b>	CP.MAI.528.
<b>Author</b>	E Clement – Deputy Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	6 December 2024
<b>Attachments</b>	Nil

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#### Summary

This report is for Council to consider an additional fee in the Schedule of Fees and Charges for 2024/2025 for the use of facilities within the Shire of Wickepin's Caravan Parks.

#### Background

There is currently no charge for casual use of the Ablution Facilities at the Shire of Wickepin's Caravan Parks, however the Shire has recently had requests for the use of these facilities.

#### Comments

In recent times there has been a need for residents to use the Caravan Parks Facilities for hygiene. By introducing the fee it will enable any resident to utilise the facilities at all the Caravan Parks and be charged appropriately. The charge will be \$5.00 per day to utilise the Ablution Facilities within the Shire of Wickepin's Caravan Parks, if you are not already paying for a paid site at all sites.

The Shire will be required to advertise this fee and charge for a period of 21 days by legislation. It will be advertised in the Watershed, Facebook and the Shire's website.

#### Statutory Environment

##### *Local Government Act 1995, Part 6 – Financial Management*

##### *6.16. Imposition of fees and charges*

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(2) A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

#### 6.17. Setting level of fees and charges

*(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

- (a) the cost to the local government of providing the service or goods; and*
- (b) the importance of the service or goods to the community; and*
- (c) the price at which the service or goods could be provided by an alternative provider.*

*(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

*(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*

- (a) under section 5.96; or*
- (b) under section 6.16(2)(d); or*
- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*

#### 6.19. Local government to give notice of fees and charges

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

### **Policy Implications**

There is no policy associated with this item.

### **Financial Implications**

The income for this will be classified as Revenue raised from fees and charges and will be held within the Annual Budget.

### **Strategic Implications**

#### **Goal - Governance**

Objective: 11 We are proactive about collaboration and forward planning our future success  
 Strategy 11.2 Long Term Financial Plan is reviewed on a regular basis  
 11.3 Ensure integrated planning documents remain current via regular reviews

### **Voting Requirement**

Absolute Majority

### **Officer Recommendation**

*That Council;*

- 1. Adopts the new fee for Casual (non-resident) Shower use at \$5.00 per person daily; and*
- 2. Authorise the Chief Executive Officer to advise the new fee and charge for the prescribed period.*

## 14.4 Australia Day Awards 2024

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	K Bartley, Chief Executive Officer
<b>File Reference</b>	CR.MEE.211
<b>Author</b>	J Harvey, Executive Support Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	2 December 2024
<b>Attachments</b>	<b>CONFIDENTIAL Attachment 14.4.1</b> – Citizen of the Year Nominations 2024

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### Summary

The purpose of this report is for the Council to endorse the selected winners for the Australia Day Awards 2025, based on the nominations received from the community. The Council is asked to formally approve the nominated individuals as winners for this year's awards.

### Background

The Shire of Wickepin called for nominations for community members to be recognised for their individual and group for their community achievements within the district. The Awards acknowledge those individuals or groups who have made a marked contribution over the past year and celebrate those organisations who have given outstanding service to the community. Members of the public have submitted their nominations for the 2024 Awards.

Nominations closed on 8<sup>th</sup> November 2024 and all nominations received were tabled at the November 2024 Council Forum. The following awards and selection guidelines are:

#### Citizen of the Year

Persons who have made a noteworthy contribution during the current year and/or given outstanding service to the community over a number of years, be it through commerce, tourism, sport, volunteer work etc, shall be eligible.

#### Senior Citizen of the Year

Persons who have made a noteworthy contribution during the current year and/or given outstanding service to the community over a number of years, be it through commerce, tourism, sport, volunteer work etc, shall be eligible, the person must be over 65 years of age on January 26, 2025.

#### Youth Citizen of the Year

Young persons who have achieved or received a significant honour, be it academic, commerce, tourism, sport, trade, volunteer work, etc or made a noteworthy contribution during the current year, and their primary place of residence is within the Shire of Wickepin, shall be eligible. To be eligible the person must not be more than 25 years of age on 26 January 2025.

#### Community Group of the Year

The award is available to community groups of four or more people who:

- Perform a service to the community;
- Raise funds for a community charity/event/project;
- Conduct a successful project, event or activity; or
- Bring credit/recognition to a community through a cultural, environmental or sporting achievement.

## Comments

The Australia Day Awards are a way for the Shire to formally recognise individuals and Community Groups who contribute to the overall wellbeing and fabric of the Community through a significant contribution to the Shire in the preceding year. Names have been quarantined until the Australia Day Breakfast 2025 where the awards will be presented.

The following nominations were received at the Shire, 4 nominations for Citizen of the Year, 1 for Senior Citizen of the Year, 1 for Community Grupo of the Year. There were no nominations for the Youth Citizen of the Year. Therefore, with no nomination for this category, there will be no acknowledgment for 2024.

In determining the award recipients, it is recommended that the Council endorse the nominations presented. All nominations received are contained within **Confidential Attachment 14.4.1** and the winners are noted in red.

## Statutory Environment

There are no legislative/statutory implications relative to this report.

## Policy Implications

There are no current policies that relate to this item.

## Financial Implications

Any financial contribution is allocated in the current annual budget for the Australia Day celebrations.

## Strategic Implications

### Goal - Community

Objective: 9 Our communities are engaged, have a healthy lifestyle and are safe  
Strategy 9.1 Advocate for quality health and community services

## Voting Requirement

Simple Majority

## Officer Recommendation

*That Council endorses the recipients (with names withheld) for the Australia Day Community Awards 2024 as reflected and listed below:*

<i>Citizen of the Year</i>	<i>Name withheld until after event</i>
<i>Senior Citizen of the Year</i>	<i>Name withheld until after event</i>
<i>Community Group of the Year</i>	<i>Name withheld until after event</i>
<i>Youth Citizen of the Year</i>	<i>No nomination received – Nil</i>

#### 14.5 Policy Review – Council Policy 2.1.4 Matters to be Discussed at Council Council Policy 2.1.7 Use of Council Administration Facilities Council Policy 2.1.21 Designation of Senior Employees

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Kellie Bartley – Chief Executive Officer
<b>File Reference</b>	Policy Manual
<b>Author/s</b>	Kellie Bartley – Chief Executive Officer Lara Marchei – Governance Officer
<b>Interest Disclosures</b>	The authors have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	4 December 2024
<b>Attachments</b>	<b>Attachment 14.5.1</b> – Current Council Policy – 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports <b>Attachment 14.5.2</b> – Current Council Policy – 2.1.7 – Use of Council Administration Facilities <b>Attachment 14.5.3</b> – Revised Council Policy – 2.1.7 – Use of Council Administration Facilities <b>Attachment 14.5.4</b> – Current Council Policy – 2.1.21 – Designation of Senior Employees

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#### Summary

The purpose of this report is to recommend to the Council to review/amend the current Council Policies 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports, 2.1.7 – Use of Council Administration Facilities, 2.1.21 – Designation of Senior Employees, so they reflect current practice.

#### Background

Shire Officers have commenced the review of the policies to be presented to the Council over the next 12 months. The review will identify to revoke, review or endorse work procedures due to their administrative functions. This month there is 3 Council Policies for review.

The Council Policies – 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports, 2.1.7 – Use of Council Administration Facilities, 2.1.21 – Designation of Senior Employees have been endorsed since 2015 and have been reviewed over this period of time.

The current Council Policy – 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports is contained in **Attachment 14.5.1**, current Council Policy 2.1.7 – Use of Council Administration Facilities, is contained in **Attachment 14.5.2** and current Council Policy 2.1.21 – Designation of Senior Employees is contained in **Attachment 14.5.4**.

#### Comments

##### **Council Policy – 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports**

The review of the policy 2.1.4 – Matters to be Discussed at Council/Committee Meetings/Tabling of Reports aims to ensure clear guidelines are in place for matters requiring a decision by Council.



Shire Officers have reviewed this Policy and there is no changes required. However, the Policy may be reviewed once new legislation is passed following the recent changes through Tranche 2 of Local Government Act Reform on 27 November 2024.

**Council Policy 2.1.7 – Use of Council Administration Facilities**

The review of Council Policy 2.1.7 – Use of Council Administration Facilities aims to ensure clear guidelines for the hiring and use of Council Administration facilities in a consistent and transparent manner.

The revised policy outlines the eligibility and hire use of Council Administration facilities.

Shire Officers have reviewed and updated the changes to the Council Policy 2.1.7 – Use of Council Administration Facilities and the amended Policy is contained in **Attachment 14.5.3**.

The changes are noted in **RED** for additional wording and the deletions are noted with **STRIKE-OUT** in **BLUE**. Minor changes to this policy to reflect best practice. Due to this being an administration function, the removal of the Shire President has been amended.

**Council Policy 2.1.21 – Designation of Senior Employees**

At the September 2022 Ordinary Meeting of Council, Council resolved to revoke Policy 2.1.22 – Senior Employee Contracts as per the following:

Resolution No 210922-10	
Moved Cr Miller /Seconded Cr Thompson	
That Council cease use of and remove Shire of Wickepin policy 2.1.22 – Senior Employee Contracts.	
RESOLUTION:	DATE OF REVIEW:
170615-12	17/06/2015
150317-11	15/03/2017
180320-02	19/02/2020
170321-03	17/02/2021
200422-12	16/03/2022
Carried 7/0 by Absolute Majority	

With the revoking of this policy, it is noted to revoke Council Policy 2.1.21 – Designation of Senior Employees due to the shire having no identified Senior Employees on contract. The provisions of employment matters for all positions are of an administrative nature and therefore sit with the CEO. The position of Manager Works & Services falls under the current Local Government (Officers) Award 2020, which provides for their employment and therefore is based on the award provisions.

Therefore Council Policy 2.1.21 – Designation of Senior Employees will be revoked.

**Statutory Environment**

Section 2.7 of the *Local Government Act 1995*, states:

**2.7. ROLE OF COUNCIL**

- (1) *The council —*
  - (a) *governs the local government’s affairs; and*
  - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government’s finances and resources; and*
  - (b) *determine the local government’s policies.*

Furthermore, section 5.41 of the *Local Government Act 1995* notes that one of the CEO's functions is to ensure that advice and information is available to Council so that informed decisions can be made.

### **Policy Implications**

The policies will require to be updated within Council's Policy manual and provide for best practice and any relevant updates or changes. One Council Policy will be revoked.

### **Financial Implications**

There is no financial implications to these Council Policies or to this item.

### **Strategic Implications**

#### **GOAL - Governance**

Objective: 10 Our organisation is well positioned and has capacity for the future.

Strategy: 10.1 Attract, train, develop and retain a skilled and effective workforce.

### **Voting Requirement**

Simple Majority

### **Officer Recommendation**

*That Council;*

1. *Notes no changes to Council Policy 2.1.4 – Matters to be discussed at Council/Committee Meetings/Tabling of reports as contained in **Attachment 14.5.1**;*
2. *Adopts the revised Council Policy – 2.1.7 – Use of Council Administration Facilities with the relevant changes noted and contained in **Attachment 14.5.3**; and*
3. *Revokes Council Policy 2.1.21 – Designation of Senior Employees as contained in **Attachment 14.5.4** effective 11 December 2024.*

## **14.6 Policy Review – Council Policy – 2.1.2 – Retirement/Resignation of Elected Members**

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Kellie Bartley – Chief Executive Officer
<b>File Reference</b>	Policy Manual
<b>Author/s</b>	Kellie Bartley – Chief Executive Officer Lara Marchei – Governance Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	4 December 2024
<b>Attachments</b>	<b>Attachment 14.6.1</b> – Current Council Policy – 2.1.2 – Retirement of Councillors – Council Gift/Function <b>Attachment 14.6.2</b> – Revised Council Policy – 2.1.2 – Retirement/Resignation of Elected Members

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### **Summary**

The purpose of this report is for Council to amend the current Council Policy 2.1.2 – Retirement of Councillors – Council Gift/Function, so that it reflects current practice.

### **Background**

Shire Officers have commenced the review of the policies to be presented to the Council over the next 12 months. The review will identify to revoke, review or endorse work procedures due to their administrative functions.

The Council Policy – 2.1.2 – Retirement of Councillors – Council Gift/Function, has been endorsed since 2015 and has been reviewed over this period of time. The policy requires further clarification to provide clear guidelines for the retirement or resignation of an Elected Member from the Shire of Wickepin. It has been further developed and now has clear direction and parameters in relation to the objectives and protocols for payments to Employees in addition to their contract or award.

The current Council Policy –2.1.2 – Retirement of Councillors – Council Gift/Function is contained in **Attachment 14.6.1**.

### **Comments**

The review of the policy aims to ensure clear guidelines when an Elected Member retires or resigns from Council of the Shire of Wickepin, in a consistent and transparent manner.

The revised policy outlines the scope, definitions of eligibility and prescribed amount of payment afforded to the Elected Member. The payment amounts have not been listed in the policy as it has noted in the Annual Fees and Charges. Due to this being deleted in 2023, it now needs to be added to the policy to outline the payment amounts.

Shire Officers have reviewed and updated the changes to the Council Policy –2.1.2 – Retirement of Councillors – Council Gift/Function and the amended and Policy 2.1.2 - Retirement/ Resignation of Elected Members is contained in **Attachment 14.6.2**.

The changes are noted in **RED** for additional wording and the deletions are noted with **STRIKE OUT** in **BLUE**.

## Statutory Environment

Section 2.7 of the *Local Government Act 1995*, states:

### 2.7. ROLE OF COUNCIL

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

Furthermore, section 5.41 of the *Local Government Act 1995* notes that one of the CEO's functions is to ensure that advice and information is available to Council so that informed decisions can be made.

## Policy Implications

The policy will provide for the objective of specific guidelines for payments to Employees in addition to their contract or award.

## Financial Implications

The financial payments are factored into the current Annual Budget for each financial year.

## Strategic Implications

### GOAL - Governance

Objective: 10 Our organisation is well positioned and has capacity for the future.

Strategy: 10.1 Attract, train, develop and retain a skilled and effective workforce.

## Voting Requirement

Simple Majority

## Officer Recommendation

*That Council adopts the revised Council Policy – 2.1.2 - Retirement/ Resignation of Elected Members with the relevant changes noted and contained in **Attachment 14.6.2**.*

## 14.7 Policy Review – Council Policy – 2.1.19 – Payments to Employees in Addition to Contract or Award

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Kellie Bartley – Chief Executive Officer
<b>File Reference</b>	Policy Manual
<b>Author/s</b>	Kellie Bartley – Chief Executive Officer Lara Marchei – Governance Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	4 December 2024
<b>Attachments</b>	<b>Attachment 14.7.1</b> – Current Council Policy – 2.1.19 – Farewell Gifts to Employees <b>Attachment 14.7.2</b> – Revised Council Policy – 2.1.19 – Payments to Employees in Addition to Contract or Award

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### Summary

The purpose of this report is to recommend to the Council to amend the current Council Policy – 7.3.5 – Farewell Gifts to Employees so that it reflects current practice.

### Background

Shire Officers have commenced the review of the policies to be presented to the Council over the next 12 months. The review will identify to revoke, review or endorse work procedures due to their administrative functions.

The Council Policy – 2.1.19 – Farewell Gifts to Employees has been endorsed since 2015 and has been reviewed over this period of time. The policy requires further clarification to provide clear guidelines to allow for an equitable assessment of employee eligibility to an additional payment when ceasing employment with the Shire of Wickepin. It has been further developed and now has clear direction and parameters in relation to the objectives and protocols for payments to Employees in addition to their contract or award.

The current Council Policy – 2.1.19 – Farewell Gifts to Employees is contained in **Attachment 16.7.1**.

### Comments

It is a requirement of the *Local Government Act 1995* 'to prepare a policy in relation to employees whose employment with the local government is finishing'.

The review of the policy aims to ensure clear guidelines for the equitable assessment of employee eligibility to an additional payment when ceasing employment with the Shire of Wickepin, in a consistent and transparent manner.

The revised policy outlines the scope, definitions of eligibility and prescribed amount of payment. It is noted that this use to be within the Annual Fees and Charges document reflecting these amounts.

Shire Officers have reviewed and updated the changes to the Council Policy – 2.1.9 – Farewell Gifts to Employees and the amended and renamed Policy 2.1.9 - Payments to Employees in Addition to Contract or Award is contained in **Attachment 14.7.2**.

The changes are noted in **RED** for additional wording and the deletions are noted with **STRIKE-OUT** in **BLUE**.

## Statutory Environment

Section 2.7 of the *Local Government Act 1995*, states:

### 2.7. ROLE OF COUNCIL

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

### LOCAL GOVERNMENT ACT 1995 - SECT 5.50

#### 5.50. Payments to employees in addition to contract or award

- (1) *A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —*
  - (a) *the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
  - (b) *the manner of assessment of the additional amount.*
- (1a) *A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).*
- (2) *A local government may make a payment —*
  - (a) *to an employee whose employment with the local government is finishing; and*
  - (b) *that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.*
- (3) *The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.*
- (4) *In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.*
- (5) *The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website*

Furthermore, section 5.41 of the *Local Government Act 1995* notes that one of the CEO's functions is to ensure that advice and information is available to Council so that informed decisions can be made.

## Policy Implications

The policy will provide for the objective of specific guidelines for payments to Employees in addition to their contract or award.

### **Financial Implications**

The provisions for these payments are held within the Annual Budget for each financial year.

### **Strategic Implications**

#### **GOAL - Governance**

Objective: 10 Our organisation is well positioned and has capacity for the future.

Strategy: 10.1 Attract, train, develop and retain a skilled and effective workforce.

### **Voting Requirement**

Simple Majority

### **Officer Recommendation**

That Council adopts the revised Council Policy – 2.1.9 - Payments to Employees in Addition to Contract or Award with the relevant changes noted and contained in **Attachment 14.7.2**.

## 14.8 Shire of Wickepin – Adoption Local Heritage Survey

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Shire of Wickepin
<b>File Reference</b>	GR.SL.5
<b>Author</b>	L Gray – Heritage Intelligence (WA)
<b>Interest Disclosures</b>	The author have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	11 November 2024
<b>Attachments</b>	<b>Attachment 14.8.1</b> - Shire of Wickepin Local Heritage Survey 2024 <b>Attachment 14.8.2</b> - Appendix 1 – Table of Heritage Places <b>Attachment 14.8.3</b> - Appendix 2 – Heritage List All attachments will be distributed under a separate cover prior to the meeting

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### Council Decision

**Resolution** OCM-201124-12

**Moved** Cr Corke

**Second** Cr Thompson

*That the item lay on the table pending further review of the document with a final engagement before Council to consider and the item to be brought back to Council for the Ordinary Council Meeting for December 2024.*

**Carried** 7/0

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

**Against** Nil

### Summary

The purpose of this report is to request Council to adopt the Local Heritage Survey and Heritage List. *This item was presented to Council for consideration, however item was asked to further review and then to be brought back to Council in December 2024.*

### Background

Laura Gray of Heritage Intelligence (WA) has been contracted to undertake a review of the 1996 Shire of Wickepin's Municipal Inventory of Heritage Places. Given the expiration of time since then and changes to legislation, a review was considered with the support of funding to achieve the outcomes.

In July 2019, the Heritage Act 2018 replaced the Heritage of Western Australia Act 1990. Changes in the new Act enhanced heritage protection and streamlined processes to bring it more into line with the other States.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage's guidelines; *Criteria for the assessment of local heritage places and areas* as recommended in *State Planning Policy 3.5 Historic Heritage Conservation*.

Heritage Intelligence (WA) presented an overview of the review process to Council and discussed the implications associated with the Heritage List in late 2023.



## Comments

The final report is a summary of heritage places throughout the Shire, recorded in the Local Heritage Survey (LHS). Places identified as having the highest level of cultural heritage significance form the Heritage List from within the LHS. The places on the Heritage List are worthy of protection through Shire planning provisions.

176 places, including many sites, are recommended in the Local Heritage Survey, many of which were mentioned in the 1996 heritage inventory. Of the 176 places, 45 are on the Heritage List, and one of those places; the former Wickepin Hospital, is on the Heritage Council of Western Australia's Register of Heritage Places- the highest accolade for a heritage place in Western Australia.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories (*Heritage Act 2018*).

The consultant presented an overview of the review process to Council and discussed the implications associated with the Heritage List. The draft report comprised recommendations for the Local Heritage Survey and the places within that survey that form the Heritage List for conservation guidance through the provisions of the Shire's planning scheme and a local planning policy.

Shire Council's endorsement of the draft report at the Ordinary Council meeting on 21<sup>st</sup> August 2024 facilitated the call for community consultation is an important part of the review process. There was no response from the community.

With the request to seek further local knowledge and collaboration, the Chief Executive Officer sought local knowledge and advice from Mr Ken Beattie, Mrs Linley Rose and Mrs Libby Heffernan. There have been several changes to the document that reflect the local knowledge and historical details provided by the community members who have a high level of local knowledge for the changes that are noted. The changes noted are now listed in the document in red.

The Shire would like to thank these community members for their reference and historical knowledge that has been added to the documents.

These reports are contained in **Attachments 14.8.1, 14.8.2 and 14.8.3**.

## Statutory Environment

This item is related to the following legislation:

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Heritage Act 2018 – Part 8 Local Heritage Surveys*
- *State Planning Policy 3.5 – Historic Heritage Conservation*
- *Guidelines for Local Heritage Surveys 2022*

## Policy Implications

There are no policies applicable to this item however consideration for a Local Planning Policy may be considered as part of the review process.

### **Financial Implications**

A provision has been included in the 2024/2025 annual budget for various planning services needed this financial year. There will be cost incurred for advertising, possible drop in session.

### **Strategic Implications**

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

#### **Goal - Economy**

Objective: 6 New Businesses are attracted and existing business grow

Strategy 6.2 Plan in a Local Planning Strategy and Town Planning Scheme for a diverse range of land, housing and development opportunities for facilitation of growth in residential and industrial land use – to meet current and future needs

### **Voting Requirement**

Simple Majority

### **Officer Recommendation**

*That, with respect to the proposed Shire of Wickepin Draft Local Heritage Survey, that Council endorses the final Local Heritage Survey and Heritage List contained in **Attachments 14.8.1, 14.8.2 and 14.8.3.***

## 14.9 Proposed Amalgamation – Lots 76 & 77 Railway Parade, Toolibin

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Lots 76 & 77 Railway Parade, Toolibin
<b>Name of Applicant</b>	Western Australian Planning Commission (WAPC)
<b>File Reference</b>	A3517
<b>Author</b>	A Awang, Executive Manager Development & Regulatory Services
<b>Interest Disclosures</b>	The author have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	5 December 2024
<b>Attachments</b>	<b>Attachment 14.9.1</b> - Application – Proposed Amalgamation Lots 76 & 77 Railway Parade Toolibin

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### Summary

This report considers the proposed amalgamation of Lots 76 and 77 Railway Parade, Toolibin. The proposal has been assessed with respect to the *Shire of Wickepin Local Planning Scheme No. 4, Planning and Development (Local Planning Schemes) Regulations 2015* and other relevant local policies, and other statutory and strategic considerations. Key issues addressed include zoning compliance, minimum lot area, access road provisions, proximity to a Threatened Ecological Community (TEC) buffer, bushfire-prone status, and threatened fauna habitat buffers.

The Shire's role in this application is as a referral body, as required by the *Planning and Development Act 2005*. The Western Australian Planning Commission (WAPC), assessing body has referred the application to the Shire of Wickepin for comments and recommendations to assist in determining the application.

The referral deadline is 15 January 2025, with a statutory response period of 42 days from the notification date of 4 December 2024.

### Background

Council has received an application from the Western Australian Planning Commission (WAPC) for the amalgamation of Lots 76 and 77 Railway Parade, Toolibin. The application has been prepared by Anderson Consulting Surveyors on behalf of the landowners, Gregory Roland Williams and Vicki Lorraine Williams.

Lot 76 has existing buildings and structures with the exception of portion of the building to the south east which has been constructed over Lot 77. The proposal is to formalise the existing building structures that currently extend over lot 77, which is currently vacant.

Lot 76 has a total area of 2.0291 hectares and Lot 77 has a total area of 2.0968 hectares and the combined of these lots will result in a total combined area of 4.1259 hectares.

Access to the properties is via Railway Parade and Knox Road.

The proposed amalgamation formalises the existing development on Lot 76, ensuring all buildings and structures are contained within a single property boundary.

## Comments

### Zoning

The subject lots are currently zoned 'General Agricultural' under the *Shire of Wickepin Local Planning Scheme No. 4 (LPS 4)*.

The objectives of this zone are:

- *To protect areas of broadacre agricultural significance for sustainable production.*
- *To encourage processing and value adding industries to be located within the zone.*
- *To encourage intensive agriculture where it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities.*
- *To protect and enhance rural landscapes.*
- *To protect the natural environment and biodiversity while ensuring appropriate development opportunities within the zone are realised.*
- *To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning.*

Clause 4.19 of the LPS 4, states the following provisions:

#### **4.19 DEVELOPMENT IN THE GENERAL AGRICULTURE ZONE**

**4.19.1** *In assessing applications for development and/or subdivision within the General Agriculture zone, local government will consider the following:*

- a) *the availability of services required to support the proposed development or subdivision and the economic impact of the provision of, extension or upgrading of those services that may be required;*
- b) *the adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and*
- c) *the need to enforce such conditions as local government deems appropriate in order to minimise any adverse effect the development or subdivision may have on the general environment of the area.*

**4.19.2.** *local government may grant approval of up to two dwellings on any lot, provided the lot exceeds 40ha in area, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.*

**4.19.3** *local government shall refuse an application for development approval where in its opinion the proposed development will adversely affect the rural landscape or will adversely impact upon the agricultural use of the land.*

**4.19.4** *An application for development approval for intensive agriculture in the General Agriculture zone shall be assessed by local government in accordance with local government's Local Planning Policy - Intensive Agriculture.*

The proposed amalgamation is consistent with Clause 4.19 of LPS No. 4, as it:

- Does not require additional services or road infrastructure.
- Formalises the property boundaries without altering the rural landscape or impacting agricultural activities.
- Aligns with the General Agricultural Zone's objectives to support sustainable land use and preserve rural character.

The amalgamation represents a straightforward administrative adjustment that enhances the management and use of the land without introducing new impacts or intensifications.

#### Environmental Considerations:

The site intersects with Threatened Ecological Community (TEC) and fauna habitat buffers. As the proposal does not involve new development or a change of land use, no immediate environmental impact is anticipated. Any future development applications will need to address these environmental constraints in accordance with relevant state and federal legislation. As part of the amalgamation process, the WAPC will refer the proposal to relevant environmental agencies, including DPIRD, DWER, and DBCA, to obtain their comments on the site's environmental aspects.

#### Bush Fire Prone Area

Lot 77 is wholly contained within a designated bushfire-prone area, while only the top portion of Lot 76, in the northeastern part of the property, falls within this designation. A Bushfire Attack Level (BAL) Contour Map has not been provided, as the proposal does not intensify land use or create additional lots. The site's bushfire-prone status necessitates adherence to the Bushfire Management Guidelines if development proceeds after the amalgamation. Future developments on the site will be required to comply with State Planning Policy 3.7 – Planning in Bushfire-Prone Areas, including the submission of a Bushfire Management Plan where applicable.

Based on the assessment of the proposed amalgamation, which formalises the existing buildings and structures on the site without intensifying land use, it is recommended that Council supports the proposal.

#### Referral Process and Conditions

Referral agencies are required to use the *Model Subdivision Conditions Schedule (2024)* when providing recommendations to the WAPC.

- Standard Conditions: These align with the schedule and do not require additional justification.
- Non-Standard Conditions: These require referral agencies to provide detailed justification demonstrating consistency with the validity test for conditions, which includes relevance, enforceability, and proportionality to the development.

Examples include:

- Standard Conditions: Installation of fencing, provision of drainage infrastructure, and compliance with bushfire management standards.
- Non-Standard Conditions: Mitigation measures for unique environmental impacts, such as specific protections for TECs or fauna habitat buffers.

All conditions, whether standard or non-standard, will be assessed by the WAPC for consistency and validity.

#### **Statutory Environment**

This item is related to the following legislation:

- *Planning and Development Act 2005*
- *Shire of Wickepin Local Planning Scheme No. 4:*
- *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act): Relevant to the TEC and fauna buffers.*
- *State Planning Policy 3.7 (Planning in Bushfire-Prone Areas)*

#### **Policy Implications**

There are no policies applicable to this item.

## Financial Implications

As this is a referral process from DPLH, there is no cost charge for assessing the application other than the officers time in preparing the report for Council.

## Strategic Implications

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

### Goal - Economy

Objective: 6 New Businesses are attracted and existing business grow

Strategy 6.2 Plan in a Local Planning Strategy and Town Planning Scheme for a diverse range of land, housing and development opportunities for facilitation of growth in residential and industrial land use – to meet current and future needs

## Voting Requirement

Simple Majority

## Officer Recommendation

*That Council supports the proposed amalgamation of Lots 76 & 77 Railway Parade, Toolibin, subject to:*

- 1. The landowner installing suitable rural fencing around the property boundary;*
- 2. All buildings and effluent disposal systems (delete as applicable) having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011 and National Construction Code Services/Building Code of Australia (as amended);*
- 3. Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works;*
- 4. A plan is to be provided to identify areas of the proposed lot(s) that have been assessed as BAL-40 or BAL-Flame Zone.*

## **15 Confidential Reports and Information**

## **16 Urgent Business**

## **17 Closure**

With no further business, the Presiding Member, (PM) declared the meeting closed at (Time)