



# Agenda

Ordinary Council Meeting  
Wednesday 18 September 2024

Date	Wednesday 18 September 2024
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 13 September 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 18 September 2024 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

Kellie Bartley  
Chief Executive Officer

13 September 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

<b>1</b>	<b>Declaration of Opening</b> .....	<b>5</b>
<b>2</b>	<b>Attendance</b> .....	<b>5</b>
2.1	Present .....	5
<b>3</b>	<b>Public Question Time</b> .....	<b>5</b>
3.1	Responses to Previous Public Questions Taken On Notice .....	5
3.2	Public Question Time .....	5
<b>4</b>	<b>Apologies and Leave of Absence</b> .....	<b>5</b>
4.1	Apologies .....	5
4.2	Previously Approved Leave of Absence .....	5
4.3	Requests for Leave of Absence .....	5
<b>5</b>	<b>Petitions, Memorials and Deputations</b> .....	<b>6</b>
5.1	Petitions .....	6
5.2	Memorials .....	6
5.3	Deputations.....	6
<b>6</b>	<b>Declarations of Councillors and Officers Interest</b> .....	<b>6</b>
<b>7</b>	<b>Confirmation of Minutes of Previous Meetings</b> .....	<b>6</b>
7.1	Minutes of the Ordinary Council Meeting held Wednesday 21 August 2024.....	6
<b>8</b>	<b>Status Report</b> .....	<b>7</b>
<b>9</b>	<b>Motions of Which Notice Has Been Given</b> .....	<b>14</b>
<b>10</b>	<b>Receipt of Committee Minutes or Reports and Consideration of Recommendations</b> .....	<b>14</b>
<b>11</b>	<b>President’s Report</b> .....	<b>14</b>
<b>12</b>	<b>Report by the Chief Executive Officer</b> .....	<b>15</b>
<b>13</b>	<b>Notices of Motions for the Following Meeting</b> .....	<b>17</b>
<b>14</b>	<b>Reports and Information</b> .....	<b>17</b>
14.1	Monthly Schedule of Accounts Paid – August 2024 .....	18
14.2	Statement of Financial Activity – August 2024 .....	20
14.3	Advertising of Tender – RFT-02-2024-2025 – Supply and Lay of Asphalt .....	22
14.4	Acceptance of Tender - RFT-01-2024-2025 Supply of Stabilization Works and Laying of Bituminous Products (Including Aggregate) .....	26
14.5	Facey Group Incorporated Agreement – Seeking Variation to MOU .....	30

14.6 Policy Review – Council Policy – 7.3.5 – Consumption of Alcohol In or On Shire  
Owned Facilities & Reserves .....32

14.7 Policy Review – Council Policy – 8.1.6 – Clearing Fence Lines – Road Reserves  
..... 34

14.8 Dual Fire Control Officer – Shire of Kulin.....37

14.9 Chief Executive Officer – 6 Month Probation Period.....39

**15 Confidential Reports and Information ..... 41**

**16 Urgent Business..... 41**

**17 Closure..... 41**

# 1 Declaration of Opening

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

## 2 Attendance

### 2.1 Present

#### Councillors

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

#### Employees

K Bartley	Chief Executive Officer
E Clement	Deputy Chief Executive Officer
G Hedditch	Manager Works & Services
L Marchei	Governance Officer
J Harvey	Executive Support Officer

#### Apologies/Leave

## 3 Public Question Time

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

### 3.2 Public Question Time

[Public Question Time]

## 4 Apologies and Leave of Absence

### 4.1 Apologies

### 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 21 August 2024**

#### **Officer Recommendation**

*That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 21 August 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.
OCM-210224-09	Consideration of Motion from 2024 Annual General Meeting of Electors – Annual Australia Day Event	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.	○	To be discussed at July Forum. 09.07.2024 – to be discussed at Forum for July 2024. 12.08.2024 – CEDO to reach out to community for response/interest or to arrange at SP for event. 11.09.2024 – reach out to community has occurred, nil responses to date.
OCM-200324-12	Club Nights Light Program Grant Application – Wickepin Tennis Club	1. That Council approve the submission of the Club Night Lights Program (CNLP) grant application by the Wickepin Tennis Club for upgrade of lighting at the tennis courts. 2. The Council advises the Department of Local Government, Sport and Cultural Industries that Council ranks this grant application as Priority 1 of 1 for the current CNLP funding round for this Shire.	○	Submitted, pending outcome. 09.07.2024 – CEO spoke to Northam DLGSC – Minister of Sport & Rec yet to release any details or announcements. 12.08.2024 – Approved for grants program – details of grant to be arranged and organised between Shire and Tennis Club.

Item	Subject	Council Decision	Status	Action
		3. That Council, in the event the application is successful, commits to funding its financial contribution (\$5,750 cash, \$4,016 in-kind) in the 2024/25 budget with the cash component being funded from the 2024/25 community grants allocation.		Sept 2024 – in progress.
OCM-170424-10	Local Emergency Management Committee Review – Combined Shires Wickepin, Cuballing and Narrogin	<p>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.</p> <p>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.</p>	○	<p>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.</p> <p>09.07.2024 – pending process with the LEMC processes and changes as required.</p> <p>Sept 24 – CEO has sent relevant information and letter to SEMC for approval. Awaiting response.</p> <p>Shire has been approved for AWARE Grant to proceed with new process.</p>
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</li> </ol>	○	In progress.



Item	Subject	Council Decision	Status	Action
		<p>advertising period required by the Local Government Act 1995 and the responses taken to the proposed Local Law.</p> <p>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.</p> <p>4. Instructs the Chief Executive Officer to:</p> <ul 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 website and that copies may be inspected at, or obtained from the Shire's administration officers; and</li> <li>d) Prepare and submit to the Joint Standing Committee on Delegated Legislation, a</li> </ul>		

Item	Subject	Council Decision	Status	Action
		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.		
OCM-190624-10	Facey Group Incorporated Agreement	That Council; 1. Formally enters into a three year agreement with the Facey Group Incorporated as contained in amended Confidential Attachment 14.5.2 effective from 1 July 2024 to 30 June 2027; 1. Authorises the Chief Executive Officer to dispose of the vehicle to the Facey Group that is currently supplied to Facey Group Incorporated, by the end of this agreement date 30 June 2027 and for the Shire to incur the associated costs with the transfer.	✓	July 2024 – MOU has been sent however letter of response to be addressed with Council. Sept 24 – further request considered for variation and to be presented to Council in Sept 24. No further action as new item will oversee this resolution.
OCM-170724-07	Stabilization and Bitumen Works 2024/2025	That Council, pursuant to section 3.57 of the Local Government Act 1995 and Regulation 11 of the <i>Local Government (Functions and General) Regulations 1996</i> , approves for the Chief Executive Officer to publicly invite tenders for the 2024/2025 Stabilization and Bitumen works as detailed below:	✓	Advertising commenced and in progress Sept 24 – Tender process closed, assessed and to be presented to Council for consideration at Sept 24 OCM.
OCM-170424-10	Local Emergency Management	“That Council may resolve to seek a	○	In progress.

Item	Subject	Council Decision	Status	Action
	Committee – Separation	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”		Sept 24 – Correspondence sent to SEMC for consideration. Pending approval.
OCM-210824-12	Dual Fire Control Officer – Shire of Pingelly	That Council appoints under Section 38 of the Bush Fires Act 1954, the following Dual Fire Control Officers for the Shire of Wickepin from adjoining Shire of Pingelly as the authorized officer in the capacity of Dual Fire Control Officer for the 2024/2025 Bush Fire Season: Rodney Leonard Shaddick, Brodie Cunningham, Robert John Lee, Brett Blechynden, Sam MacNamara	✓	Completed and letter of advice sent to Shire of Pingelly.
OCM-210824-13	Shire of Wickepin – Draft Local Planning Strategy	That with respect to the proposed Shire of Wickepin Draft Local Planning Strategy, Council:  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.  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	○	Sept 24 – Awaiting DLPH to then advertise as required.

Item	Subject	Council Decision	Status	Action
		<p>Planning Schemes) Regulations 2015.</p> <p>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.</p> <p>4. After the expiry of the period within which submissions may be made, review the Shire of 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>		

Item	Subject	Council Decision	Status	Action
OCM-210824-14	Shire of Wickepin – Draft Local Heritage Survey	<p>That with respect to the proposed Shire of Wickepin Draft Local Heritage Survey, Council:</p> <ol style="list-style-type: none"> <li>1. endorse the Draft Local Heritage Survey and Heritage List for public advertising in August/September 2024 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 to align with public advertising as contained in Attachment 14.6.1, 14.6.2 and 14.6.3.</li> <li>2. requests the Chief Executive Officer to publish the notice of the Draft Local Heritage Survey and Heritage List in accordance with the Planning and Development (Local Planning Scheme) Regulation 2015, Schedule 2, Regulation 87.</li> <li>3. after the expiry of the period within which submissions may be made, review the Shire of Wickepin Draft Local Heritage Survey, considering any submissions received.</li> </ol>	○	Sept 24 – Out for advertising at present, Shire officers also sent out to relevant historical stakeholders in the shire to seek further feedback through the submission period. Advertising period closes 24 <sup>th</sup> Sept 2024.
OCM-210824-15	Interim Audit Management Letter	That Council receives the 2023/2024 Interim Audit Management Letter and Management responses to the findings as contained in Attachment 14.7.1.	✓	Sept 24 – Actions completed. No further requirements until final audit.

Item	Subject	Council Decision	Status	Action
OCM-210824-16	Fraud & Corruption Plan & Policy	That Council with respect to fraud and corruption prevention;  1. That Council adopts the Fraud and Corruption Prevention Policy as contained in Attachment 14.8.2; and  2. That Council notes the Fraud and Corruption Prevention Plan as contained in Attachment 14.8.1	✓	Sept 24 – Internal processes completed, no further action required.
OCM-210824-17	Information & Communication Technology (ICT) Strategic Plan 2024-2029	That Council:  1. Endorses the ICT Strategy 2024-2029 as contained in Attachment 14.9.1, and  2. Request the Chief Executive Officer to report to the Committee on the progress towards the recommended actions from the ICT Strategic Plan 2024-2029.	✓	Sept 24 – Internal processes completed, no further action required.

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**

A summary of some of the actions undertaken by the Chief Executive Officer for August/September 2024 is below:

### RRG Lakes Sub Group Meeting

Online meeting held for the RRG Lakes Sub Group Meeting with the Shire President and Manager Works & Services. Review of current program and historical expenditure. Governance Framework discussed for WSN. Further meeting to be arranged for the MCA reviews for the forward program. Wickepin on track at present.

### Local Government Reform Webinar

Overview of the tranche 2 changes with CEO & DCEO. Details supplied to Elected Members at the August OCM.

### Wickepin District Sports Club & DLGSC

Meeting held with Senior Officers, Sam (DLGSC) and WDSC Committee members representing Tennis, Bowls and Golf. Discussions held with regards to the sinking fund and the future opportunities. Discussions to be held with Council at September 2024 forum.

### Wheatbelt Zone Forum – Northam

CEO, DCEO & MWS attended Wheatbelt Zone forum held in Northam. Forum discussed key issues facing our communities and local governments. Discussion topics included road safety and funding, emergency management, housing, cybersecurity and renewable energy.

### LGIS – Insurance overview

Meeting held with LGIS, CEO & DCEO on current insurance scheme with overview of the current year along with revision of BFB numbers. Renewal changes and discussion on outstanding insurance items at present.

### Hon. Hannah Beazley – Band 4 Local Governments

Attended online session with Shire President and CEO on matters currently facing band 4 local governments. Items to be further discussed at forum.

### Yealering Primary School

CEO met with Ms Linda Sparks (Principal) for the school with discussion on Water Grant and general discussion for the school.

### LG Professionals Wheatbelt South Branch Event

CEO & DCEO attended the LG Professionals meeting with topics of LGIS insurance for Workers Compensation & Risk Mitigation, the Department of Local Government in relation to new Tranche 2 changes, Moore Australia on discussion points of the possible reporting for Environmental, Social and Governance reporting. Presentation on the current status of software at the Shire of West Arthur, pros and cons of the changes.

### Townscape & Cultural Reference Group Meeting

Meeting held with the TC group with discussion points on the future of the main street and the layout for further discussion with both the group and elected members on the plan. Discussion on budget aspects and the opportunities to use this with grant funding to increase town enhancement.

Legislative Council – OAG review

CEO attended online Legislative Council undertaking the questions to the OAG on the matters and process for the current year's advice of audit fees and processes undertaken. CEO to discuss further at Council Forum.

UGS ROAC

CEO & Chief Bush Fire Control Officer attended ROAC at Narrogin. Discussion points on the predictions of weather from SOC MET, Comcen – overview of number of calls over the financial year, outline of the importance of communication with first responders on any emergency situation, update of the Ministerial Bushfire Liaison Committee – funding, vehicles, ppe, seasonal preparation. DBCA presented their future planning for burns, CBFCO presented their reports. Discussions held with LGIS and the importance for volunteers and local governments on their roles and responsibilities when dealing with incidents.

Great Southern Fuels

CEO, MWS to meet with GSF on Friday this week coming for discussions on Ad-blue. Outcome to be reported at next meeting.

I would personally like to acknowledge the works of our local Police Officers – Mark and Darryl for their efforts, support and helping our community over their period of time in Wickepin. Their efforts have not gone unnoticed and the Shire of Wickepin wishes them both the best for their respectively transfer and retirement. We wish them all the best and thank them for their support to Wickepin and surrounds.



**Delegations exercised –**

<b>No.</b>	<b>Delegation Name</b>	<b>Delegation To</b>	<b>Delegation Exercised</b>	<b>When Exercised</b>	<b>Persons Affected</b>
A1	<b>Cheque Signing and Account Authorisation</b>	<b>CEO</b>	Payment of Accounts Refer to FM report item. 14.1 List of Accounts		CEO, DCEO
A2	<b>Septic Tank Application Approvals</b>	<b>EHO</b>	Permit to use apparatus – 4 Plover Street Wickepin  Permit to use apparatus – 2 Plover Street Wickepin	19/8/2024  28/8/2024	CEO  CEO
A3	<b>Building Approvals</b>	<b>BO</b>			
A4	<b>Roadside Advertising</b>	<b>CEO</b>			
A5	<b>Application for Planning Consent</b>	<b>CEO</b>			
A6	<b>Appointment and Termination of Staff</b>	<b>CEO</b>			
A7	<b>Rates Recovery – Instalment Payments</b>	<b>CEO</b>			
A8	<b>Issue of Orders</b>	<b>CEO</b>			
A9	<b>Legal Advice</b>	<b>CEO</b>			
A10	<b>Permits to Use Explosives</b>	<b>CEO</b>			
A11	<b>Street Stalls</b>	<b>CEO</b>			
A12	<b>Liquor Consumption on Shire Owned Property</b>	<b>CEO</b>	Facey Group AGM Alcohol Consumption Permission	1/8/2024	CEO
A13	<b>Hire of Community Halls / Community Centre</b>	<b>CEO</b>	Wickepin Football Club – RSA Course at the Wickepin Community Centre. Fees waived.  Albert Facey Homestead tour group lunch fee waiver for the Railway Building.	2/8/2024  26/08/2024	CEO  CEO
A14	<b>The Food Act 2008 and the Food Regulations 2009</b>	<b>CEO</b>			
A15	<b>The Public Health Act 2016</b>	<b>CEO</b>			
A16	<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 – August 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 September 2024
<b>Attachment</b>	<b>14.1.1</b> - Monthly Schedule of Accounts Paid – August 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 August 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	14765-14806, 14809,14811-14835	\$325,077.35
Cheques	15950 - 15954	\$11,880.46
Direct Deductions	August 2024	\$1,333.05
Superannuation	August 2024	\$17,146.33
Credit Card	August 2024	\$228.79
BPay Payments	August 2024	\$0
Payroll	August 2024	\$99,912.68
Licensing	August 2024	\$12,878.70
<b>Municipal Fund Total</b>		<b>\$467,912.68</b>

<b>Trust Fund</b>		
Electronic Funds Transfer	14807,14808,14810	\$181.65
Cheques		
<b>Trust Fund Total</b>		<b>\$181.65</b>
<b>Total</b>	August 2024	<b>\$468,094.33</b>

## Statutory Environment

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

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

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

## Policy Implications

*Council Policy 3.1.7 – EFT Payment and Cheque Issue*

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

## Financial Implications

### Current Financial Year

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

### Future Financial Years

Nil

## Strategic Implications

Nil

## Voting Requirement

Simple majority

## Officer Recommendation

*That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$467,912.68 and Trust \$181.65 for August 2024, as included in **Attachment 14.1.1**.*

## 14.2 Statement of Financial Activity – August 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>	2024
<b>Attachment</b>	<b>14.2.1</b> - Statement of Financial Activity – August 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 August 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**

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

### 14.3 Advertising of Tender – RFT-02-2024-2025 – Supply and Lay of Asphalt

<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	Graeme Hedditch, Manager Works Services
<b>File Reference</b>	FM.TEN.1220/WM.TEN.2914
<b>Author</b>	Graeme Hedditch, Manager Works Services
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	10 September 2024
<b>Attachments</b>	Nil

#### Summary

This report is for Council to call for tenders in accordance with the requirements of the *Local Government Act 1995* and Regulations for the value of services over \$250,000 for the Capital Works Program for Supply and Lay of Asphalt 2024/2025.

#### Background

Each year tenders are called for the supply and services. Tenders for asphalt services and the tender for supply of road surface sealing have been requested for service where the shire works crew are unable to complete these works.

To assist with the tender process, the WALGA proforma tender document is used to simplify tenderers to understanding of Council requirements. To undertake Shire's road sealing and road works programme, it is necessary to call tenders for the supply and laying of asphalt services.

#### Comments

In summary, the proposed Capital Works Program will be called for the following quantities across the following roads:

Road	Asphalt
Stock Route Road Widening	12,000sqm

Supply of Asphalt, Council will require approximately 12,000sqm of asphalt widening services for the 2024/2025 road program. As the adopted Annual Budget for the 2024/2025 period has now been endorsed, the Shire Officers are seeking Council to support the advertising for the tender for the asphalt services.

#### Statutory Environment

##### ***Local Government Act 1995 – Section 3.57 – Tenders for providing goods and services***

##### ***3.57. Tenders for providing goods or services***

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

**Local Government (Functions and General) Regulations 1996, Regulation 11****11. When tenders have to be publicly invited**

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if—*
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (aa) the supply of the goods or services is associated with a state of emergency or a COVID-19 declaration; or*
  - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or*
  - [(ba) deleted]*
  - (c) within the last 6 months —*
    - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or*
    - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*
- or*
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*
  - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
  - (ea) the goods or services are to be supplied —*
    - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
    - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*
- or*
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
  - (g) the goods to be supplied under the contract are —*
    - (i) petrol or oil; or*
    - (ii) any other liquid, or any gas, used for internal combustion engines;*
- or*

- (h) *the following apply —*
- (i) *the goods or services are to be supplied by —*
    - (I) *a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or*
    - (II) *a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;*
  - and*
  - (ii) *the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and*
  - (iii) *the local government is satisfied that the contract represents value for money;*  
*or*
  - (i) *the goods or services are to be supplied by an Australian Disability Enterprise; or*
  - (ia) *the contract is formed by the novation of a contract to which subregulation (1) applies;*  
*or*
  - (j) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*
    - (i) *the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and*
    - (ii) *the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and*
    - (iii) *the original contract contains an option to renew or extend its term; and*
    - (iv) *the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;*
  - or*
  - (ja) *the contract is a renewal or extension of the term of a contract (the **original contract**) where —*
    - (i) *the original contract is to expire within 3 months; and*
    - (ii) *the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and*
    - (iii) *the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration or a COVID-19 declaration applying to the district, or part of the district, of the local government;*
  - or*
  - (jb) *the contract is a renewal or extension of the term of a contract (the **original contract**) for the supply of dental or medical services by a person registered under the Health Practitioner Regulation National Law (Western Australia) in the dental profession or medical profession; or*
  - (k) *the goods or services are to be supplied by a pre-qualified supplier under Division 3.*



**Policy Implications**

Council Policy 3.1.6 – Purchasing & Council Policy 3.1.6.3 – are associated with this item.

**Financial Implications**

The adopted annual budget for 2024/2025 provides for the current provisions, within the roadworks program which has been presented to Council for discussion through the budget workshop/forums. External grant funding financial allocations have been accepted through relevant stakeholders for the 2024/2025 works program.

**Strategic Implications****GOAL - Infrastructure**

- Objective: 1 Roads are a key economic driver across the Shire
- Strategy: 1.1 Improve road safety and connectivity
- 1.2 Develop and implement long-term (minimum 5 year) works construction programs
- 1.4 Identification of road maintenance and improvements in the Asset Management Plan

**Voting Requirement**

Simple Majority

**Officer Recommendation**

*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 RFT02- 2024-2025 for the 2024/2025 laying and supply of the asphalt program for the works for Stock Route Road widening program.*

## 14.4 Acceptance of Tender - RFT-01-2024-2025 Supply of Stabilization Works and Laying of Bituminous Products (Including Aggregate)

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	Graeme Hedditch, Manager Works & Services
<b>File Reference</b>	FM.TEN.1220/WM.TEN.2914
<b>Author</b>	Graeme Hedditch, Manager Works & Services
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	10 September 2024
<b>Attachments</b>	<b>Confidential Attachment 14.4.1</b> – RFT02-2024-2025 – Qualitative Criteria (under separate cover)

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### Summary

The purpose of this report is to advise Council of submissions received in relation to Tender RFT01-2024-2025 – Supply of Stabilization Works and Laying of Bituminous Products, including aggregate and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

### Background

The Request for Tender (RFT) RFT01-2024-2025 - Supply of Stabilization Works and Laying of Bituminous Products, including aggregate was advertised via E-Quotes on Thursday, 25 July 2024 and closed at 2pm on Friday, 30<sup>th</sup> August 2024 on the Western Australian Local Government Association's ("WALGA") Preferred Supplier E-Quotes System. E-Quotes suppliers were notified of the request for tender.

The RFT sought the services of the suitably qualified and experienced contractor to undertake the supply of Stabilization Works and Laying of Bituminous Products, including aggregate. The RFT is for the supply and lay of bitumen products for roadworks including, although not limited to, the following 2024/2025 Capital Works program:

- Rabbit Proof Fence Road (stabilization 45,000 sqm, bitumen 40,000 sqm);
- Wickepin-Pingelly Road (stabilization 18,000 sqm, bitumen 16,000 sqm);
- Yilliminning Road (stabilization 18,000 sqm, bitumen 16,000 sqm).

The tender documentation specifically sought –

- Wet mix stabilization works;
- Bitumen application designs;
- Supply and application of hot sprayed cutback bitumen;
- Supply, pre-coat and spreading of aggregate;
- Pre and post seal application sweeping;
- Rolling;
- Traffic control during spray seal works; and
- Installation of temporary raised pavement markers to Main Roads WA standards.

Additionally, tender submissions were required to include the following –

- Organisation profile;

- Agency details;
- Sub-contractor details;
- Quality assurance details;
- Selection criteria responses;
- Operational compliance details against set criteria;
- Demonstrated experience in similar works;
- Demonstrated commitment to customer service;
- Demonstrated assurance of occupational safety and health practices; and
- Price information.

### Submissions

The RFT was advertised through the WALGA E-Quotes with two (2) submissions received and the submissions are summarised in **CONFIDENTIAL Attachment 14.4.1**. Tender submissions failing to complete all information requirements contained within the tender documentation schedules will be rejected.

Tender submissions were received from the following companies:

#	Company Name
1	WCP Civil Pty Ltd
2	Fulton Hogan Industries Pty Ltd

The selection criteria, and associated weighting, for consideration in determining the successful complying tender submission are contained in **CONFIDENTIAL Attachment 14.4.1**.

### Evaluation Panel

An evaluation panel was convened and consisted of the following personnel:

- Manager Works & Services; and
- Chief Executive Officer.

All members of the evaluation panel have no relationship with any of the submissions received.

### Evaluation Criteria

The following evaluation criteria and weightings were used by the tender evaluation panel to assess tender submissions:

Evaluation Criteria	Weighting
Demonstrated experience to meet the requirements of the specification	40%
Demonstrated ability and practices to ensure public and employee safety	20%
Price	40%

### Comments

All tender submissions were assessed against the evaluation criteria and the qualitative and quantitative results for this assessment and prices are documented. At the close of the submission period two (2) complying submissions were received.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by WCP Civil Pty Ltd was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by WCP Civil Pty Ltd be accepted.

### **Statutory Environment**

#### *Local Government Act 1995 – Section 3.57*

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

#### *Local Government (Functions and General) Regulations 1996 – Division 2 Part 4*

Tenders shall be invited before the Shire enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$250,000.

#### *Local Government (Functions and General) Regulations 1996 – Regulation 18 Rejecting and accepting tenders*

A local government may reject, accept or decline to accept any or all tenders received through a request for tender process.

### **Policy Implications**

#### *Council Policy 3.1.6 Purchasing*

Purchases which may be in excess of \$250,000 ex GST must be tendered.

### **Financial Implications**

If only works included as per the estimated tender specifications occur, Council will commit to \$897,655.34 ex GST, which is included and within 2024-2025 budget allocations.

#### Future Financial Years

Maintenance costs associated with proposed works will occur. The substance of the proposed works is likely to have a minor impact on future maintenance costs.

### **Strategic Implications**

#### **GOAL - Infrastructure**

- Objective: 1 Roads are a key economic driver across the Shire
- Strategy: 1.1 Improve road safety and connectivity
- 1.2 Develop and implement long-term (minimum 5 year) works construction programs
- 1.4 Identification of road maintenance and improvements in the Asset Management Plan

### **Voting Requirement**

Simple majority

**Officer Recommendation**

*That Council, with respect to Tender RFT-01-2024-2025 Supply of Stabilization Works and Laying of Bituminous Products, including aggregate;*

- 1. Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 awards Tender RFT-01-2024-2025 to WCP Civil Pty Ltd for \$897,655.34 ex GST; and*
- 2. Authorises the Chief Executive Officer to sign a contract on behalf of the Shire of Wickepin for Tender RFT-01-2024-2025 - Supply of Stabilization Works and Laying of Bituminous Products, including aggregate.*

## 14.5 Facey Group Incorporated Agreement – Seeking Variation to MOU

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	40 Wogolin Road, Wickepin
<b>Name of Applicant</b>	Facey Group Incorporated
<b>File Reference</b>	LD.MM.7/CS.AGR.300
<b>Author</b>	Kellie Bartley – Chief Executive Officer
<b>Interest Disclosures</b>	The author/s have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	27 August 2024
<b>Attachments</b>	<b>Confidential Attachment 14.5.1</b> – Draft MOU – Shire of Wickepin and Facey Group Incorporated (Under separate cover)

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### Summary

This report is for Council to consider the renewal of the three year agreement from 1 July 2024 with the Facey Group Incorporated based on the previous three year agreement subject to a variation to the agreement as requested by the Facey Group Incorporated.

### Background

The Facey Group is a farmer run group that aims to improve on-farm practice to keep farms healthy and profitable into the future.

The group conducts trials, demonstrations and extension works in the local region in addition to tailoring training that enables farmers to adopt practices which they see as beneficial and with the potential to increase their production, resulting in increasing profits.

Based in Wickepin, the Facey Group is an innovative, highly motivated, organised and well-resourced grower group with a strong focus on the local region in addition to being involved with one of the best recognised and progressive grower groups in Australia.

The Facey Group works with its members, sponsors, partners, industry and government who are all integral facets of the success of the Facey Group.

### Comments

The Facey Group presented to the Council a letter of disappointment with regards to the loss of the cash sponsorship of \$10,000 held at the July 2024, Ordinary Meeting of Council.

The Council considered the request however did not change the current memorandum of understanding (MOU) documentation with any further changes. The Shire advised the Facey Group of the outcome and requested the MOU to be signed and returned.

A further request from the Facey Group on 27<sup>th</sup> August 2024, seeking for clause 2.2 to be removed, as the Facey Group do not believe that Council is no longer in the position to seek the financials as they are no longer supporting the Facey Group with regards to the financial sponsorship, once offered.

The revised draft Confidential Agreement is contained in **Confidential Attachment 14.5.1** with the changes requested in red and struck out.

## **Statutory Environment**

The report is aligned with the *Local Government Act 1995* (the Act). Under Section 3.58 of the *Local Government Act 1995*, a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an “exempt” disposition.

A disposition of property is exempt from section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the *Local Government (Functions and General) Regulations 1996*, if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As the Facey Group is seeking use of local government property for educational, the intended use of the land is exempt from section 3.58 of the Act. The Facey Group is an incorporated association.

## **Policy Implications**

There are no policy implications to this report.

## **Financial Implications**

There is no financial implications for this item.

## **Strategic Implications**

### **GOAL - Economy**

Objective: 5 We are an agricultural hub, that innovates and leverages opportunities.

Strategy: 5.1 Where appropriate support the Facey Group to continue its close links with local growers and key stakeholders.

5.3 Collaborate with the Facey Group on strategic projects.

## **Voting Requirement**

Simple Majority

## **Officer Recommendation**

*That Council authorises the Chief Executive Officer and Shire President to formally enter into a three year agreement with the Facey Group Incorporated as contained in revised **CONFIDENTIAL Attachment 14.5.1** effective from 1 July 2024 to 30 June 2027.*

## 14.6 Policy Review – Council Policy – 7.3.5 – Consumption of Alcohol In or On Shire Owned Facilities & Reserves

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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>	Policy Manual
<b>Author/s</b>	L Marchei – Governance Officer K Bartley – Chief Executive Officer
<b>Interest Disclosures</b>	The author/s have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	9 September 2024
<b>Attachments</b>	<b>Attachment 14.6.1</b> – Current Council Policy – 7.3.5 – Permission to Consume Alcohol on Council Reserves and Streets <b>Attachment 14.6.2</b> – Revised Council Policy – 7.3.5 – Consumption of Alcohol In or On Shire Owned Facilities & Reserves <b>Attachment 14.6.3</b> – Application for Permit to Consume Alcohol on Shire Property

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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 – Permission to Consume Alcohol on Council Reserves and Streets 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 – 7.3.5 – Permission to Consume Alcohol on Council Reserves and Streets has been endorsed since 2015 and has been reviewed over this period of time. The policy provides minimal requirements and conditions for the consumption of alcohol in or on Shire owned facilities and reserves. It has been further developed and now has a clear direction and parameters in relation to the objectives, and protocols for consuming alcohol in or on Shire owned facilities and reserves.

The current Council Policy – 7.3.5 – Permission to Consume Alcohol on Council Reserves and Streets is contained in **Attachment 14.6.1**.

### Comments

The review of the policy aims to ensure that Council encourages the responsible consumption of alcohol in/on Shire owned facilities and reserves as well as reflecting the processes of the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor requirements and guidelines.

The revised policy outlines the conditions for the provision of a Permit to Consume Alcohol in/on a Shire owned facility or reserve and the requirements to gain approval to sell alcohol in/on a Shire owned facility or reserve.

Shire Officers have reviewed and updated the changes to the Council Policy – 7.3.5 – Consumption of Alcohol In or On Shire Owned Facilities & Reserves contained in **Attachment 14.6.2**.



The policy gives more specific details for the hirer to supply the shire with the appropriate documentation, notes the Shire's expectation of patrons and relevant person/s in their capacity space to maintain a safe consumption of alcohol, responsible service of alcohol and minimise harm and alcohol related damage and violence on shire premises and reserves.

Furthermore, detailing further conditions and providing a new format for advice outside of the normal venue hire booking form that the Shire currently has. The new application form that would be recommended with a facility hire form is contained in **Attachment 14.6.3**.

## 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 on the consumption of alcohol in or on shire owned facilities and reserves.

## Financial Implications

There are no financial implications 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 adopts the revised Council Policy – 7.3.5 – Consumption of Alcohol In or On Shire Owned Facilities & Reserves with the relevant changes noted and contained in **Attachment 14.6.2**.*

## 14.7 Policy Review – Council Policy – 8.1.6 – Clearing Fence Lines – Road Reserves

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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>	Policy Manual
<b>Author/s</b>	K Bartley – Chief Executive Officer
<b>Interest Disclosures</b>	The author has no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	30 July 2024
<b>Attachments</b>	<p><b>Attachment 14.7.1</b> – Current Council Policy – 8.1.6 – Clearing Fence Lines</p> <p><b>Attachment 14.7.2</b> – Revised Council Policy – 8.1.6 – Clearing Fence Lines Road Reserves</p> <p><b>Attachment 14.7.3</b> – Shire of Wickepin – Guide for fenceline clearing brochure</p> <p><b>Attachment 14.7.4</b> – Native Vegetation Fact Sheet – Clearing limited to five hectares a year.</p>

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### Summary

The purpose of this report is to recommend to the Council to amend the current Council Policy – 8.1.6 – Clearing Fence Lines – Road Reserves 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 – 8.1.6 – Clearing Fence Lines – Road Reserves has been endorsed since 2015 and has been reviewed over this period of time. The policy provides minimal requirements and conditions for fence line clearing on road reserves. It has been further developed and now has a clear direction and parameters in relation to the objectives, and guidelines for fence line clearing on road reserves.

The current Council Policy – 8.1.6 – Clearing Fence Lines is contained in **Attachment 14.7.1**.

### Comments

The review of the policy aims to ensure that the Council encourages responsible fence line clearing within the requirements by law and enforced by the Department of Environment Protection. Along with the changes, the Shire has a brochure and the native vegetation fact sheet that will be placed on the Shire's website.

The revised policy outlines the guidelines for clearing fence lines along road reserves within the shire. The depth of the policy has added context to the requirements by the legislation of responsible landholders to be aware of when in the process of clearing fence lines.

It is the responsibility of the landowner to ascertain if they require a permit from the Department of Environment Protection when considering their obligations for undertaking or clearing. It is encouraged that all landholders seek this advice to avoid possible legal action for such actions.

Shire Officers have reviewed and updated the changes to the Council Policy – 8.1.6 – Clearing Fence Lines – Road Reserves as contained in **Attachment 14.7.2**.

Furthermore, the Shire has formatted a guidance note to assist its residents and is contained in **Attachment 14.7.3** and the Department of Environment Regulation native vegetation fact sheet is contained in **Attachment 14.7.4**.

Failure to comply with the legislation may result in significant penalties and fines, as well as damage to the environment. It is important for landholders to be aware of their responsibilities and to ensure that any clearing undertaken is done in a sustainable and responsible manner. Landholders should seek advice from the Shire or the Environmental Protection Agency to ensure they are complying with the legislation.

Officer's recommendation to support the changes in the policy and further information to inform landholders in the district.

### **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.*

Further legislation under the Environmental Protection Act 1986 and relevant regulations guides this policy.

### **Policy Implications**

The policy has been amended to suit the current requirements.

### **Financial Implications**

There are no financial implications 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 adopts the revised Council Policy – 8.1.6 – Clearing Fence Lines – Road Reserves with the relevant changes noted and contained in **Attachment 14.7.2**.*

## 14.8 Dual Fire Control Officer – Shire of Kulin

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	Whole Shire
<b>Name of Applicant</b>	Shire of Kulin
<b>File Reference</b>	ES.APN.901
<b>Author</b>	K Bartley - Chief Executive Officer
<b>Interest Disclosures</b>	The author/s have no financial, proximity or impartiality interests in this item.
<b>Report Written Date</b>	12 September 2024
<b>Attachments</b>	<b>14.8.1</b> - Shire of Kulin – Dual Fire Control Officers

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### Summary

In accordance with legislation requirements, the Council is required to formally appoint its Bushfire Control Officers. This is done to ensure compliance and lawfully legitimised their authorisations under the *Bush Fires Act 1954*, in fulfilling their duty.

### Background

The BFCO meeting was held on Wednesday 17 April 2024 prior to the adjoining Shire advising of their Dual Fire Control Officers for the Shire of Wickepin. The CEO has since received notification of Dual Fire Control Officers for the Shire of Wickepin from the following Shire:

Shire of Kulin	Clinton Mullan David Lewis
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### Comments

Council will need to appoint the following Dual Fire Control Officers for the Shire of Wickepin from adjoining Shire for the 2024/2025 Bush Fire Season:

Shire of Kulin	Clinton Mullan David Lewis
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A copy of the email from the Shire of Kulin is provided in **Attachment 14.8.1**.

### Statutory Environment

#### ***Bush Fires Act 1954***

#### **38. Local government may appoint bush fire control officer**

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

**40. Local governments may join in appointing and employing bush fire control officers**

- (1) *Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.*
- (2) *Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.*

**Policy Implications**

There are no policies applicable to this item.

**Financial Implications**

There is no impost on the Shire's finances in relation to this matter.

**Strategic Implications**

**GOAL - Community**

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

Strategy: 9.8 Emergency service planning is coordinated and articulated

9.14 Develop community readiness to cope with natural disasters and emergencies

**Voting Requirement**

Simple Majority

**Officer Recommendation**

*That Council appoints under Section 38 of the Bush Fires Act 1954, the following Dual Fire Control Officers for the Shire of Wickepin from adjoining Shire of Kulin as the authorized officer in the capacity of Dual Fire Control Officer for the 2024/2025 Bush Fire Season:*

*Shire of Kulin*

*Clinton Mullan  
David Lewis*

## 14.9 Chief Executive Officer – 6 Month Probation Period

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<b>Submission to</b>	Ordinary Council Meeting
<b>Location / Address</b>	-
<b>Name of Applicant</b>	-
<b>File Reference</b>	PF.S153
<b>Author</b>	Kellie Bartley – Chief Executive Officer
<b>Interest Disclosures</b>	The author has a financial interest in this item.
<b>Report Written Date</b>	4 September 2024
<b>Attachments</b>	<b>14.9.1</b> - Key Performance Indicators 2024

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### Summary

The purpose of this report is to review the probation period of the Chief Executive Officer.

### Background

Council resolved to appoint Mrs Kellie Bartley as the Shire's Chief Executive Officer (CEO) at the Ordinary Council Meeting on 13 December 2023. Mrs Bartley commenced with the Shire on 18<sup>th</sup> March 2024.

In accordance with clause 2.3 – Initial Probation Period of the employment contract, the Shire must review the employment of the CEO and determine if the Shire will employ the CEO at the end of the probationary period.

### Comments

The clause of the employment of the contract for the CEO that relates to the probationary period is as follows;

*2.3 Initial Probationary Period*

*The Chief Executive Officer's employment will be subject to an initial probationary period of six (6) months, as specified in item 7 of Schedule 2.'*

Schedule 2 – Contract Details, states that the Probation Period Initial is 6 (Six) Months.

The CEO has had discussions with the Shire President and has requested a total of twelve (12) Executive Days Off per year. The Shire President has in principal, agreed with this request.

As the CEO's Key Performance Indicators (KPI's) were adopted at the Ordinary Council Meeting on 17 July 2024, a summary of the current status of the KPI's are contained in **Attachment 14.9.1**.

### Statutory Environment

In accordance with the *Local Government Act 1995* (as amended) and the *Local Government (Administration) amendment regulations 2021*, Council is required to appoint a Chief Executive Officer.

### Policy Implications

Council Policy 2.1.26 CEO Recruitment, Performance and Termination applies to this item. Council adopted the Model Standards regarding the recruitment, performance and termination of the CEO which, amongst other matters, includes the need to determine the appropriate KPIs and contract matters.

## Financial Implications

There are no financial implications associated with this item.

## Strategic Implications

### GOAL - Governance

Objective: 12 Our communities are informed via multiple channels of regular intervals

Strategy: 12.1 Provide meaningful communication that delivers information regularly and succinctly.

## Voting Requirement

Absolute Majority

## Officer Recommendation

*That Council;*

1. *Pursuant to Clause 2.3 of the Chief Executive Officer's Employment contract, agree that the performance of the Chief Executive Officer during the initial probationary period is assessed as sufficiently satisfactory for the probationary period to be completed;*
2. *Accepts the variation to the contract of the addition of twelve (12) Executive Days Off per annum to apply to the Chief Executive Officer's current contract; and*
3. *Accepts the current status of the Chief Executive Officer Key Performance Indicators as contained in **Attachment 14.9.1**.*



**15 Confidential Reports and Information**

**16 Urgent Business**

**17 Closure**