



Ordinary Council Meeting

Minutes

13 August 2018

Ordinary Council Meeting of the Victoria Plains Shire Council held –
on Monday, 13 August 2018
in Council Chambers, Cavell Street Calingiri
commencing 2.03pm.

DISCLAIMER:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Please note that meetings are recorded for minute taking purposes.

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Council Chambers, Cavell Street, Calingiri
on Monday, 13 August 2018 commencing at 2.03 pm.

1. DECLARATION OF OPENING

1.1 Opening

The President declared the meeting open at 2.03 pm.

1.2 Announcements by presiding member

The President advised that the meeting is recorded for accuracy of the minutes.

1.3 Announcement of visitors and presentations

The President advised that presentations would be heard from –

1. Mr Alastair Webber, Manager, Goomalling Branch of Bendigo Bank
2. Mr Gary McGill, War Memorial Warden

2. RECORD OF ATTENDANCE

Members present

Cr D Lovelock, President
Cr P Bantock, Deputy President
Cr J Corless-Crowther
Cr A Broadhurst
Cr J King
Cr S Penn
Cr N Clarke

Staff attending

Ms G Teede, Chief Executive Office
Mr R Edwards, Manager Works & Services
Mr N Mitchell, Governance Officer

Apologies	Nil
Approved leave of absence	Nil
Visitors	Mr Alastair Webber, Bendigo Bank Goomalling Mr Gary McGill, Warden, Victoria Plains War Memorial
Members of the public	Ms Rebecca Kelly Mr Jim Kelly Mr Gary O'Brien Mr Malcolm Palmer

3. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

Type	Item	Person / Details
3.1	Financial	10.6 Cr Corless-Crowther Owner, Calingiri Traders
3.2	Proximity	10.4 Cr Bantock Owner of land adjoining Lot 100 Mogumber
3.3	Impartiality	None

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

Public Question Time opened at 2.06 pm.

4.1 Response to previous public questions taken on notice

Nil

4.2 Public questions without notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Ms Rebecca Kelly

Question Are all councillors aware of the legal access being the right of carriageway to the properties of the subdivision comprised in Plan 2960 along the full length of Butler St, Mogumber?

Response That information has been made available to all Councillors.

Question Are all Councillors aware of the conflict of interest with regards to Plan 2960, being the whole of Mogumber settlement, lots 1 to 45, of which Lots 3 and 4 are owned by

Cr Pauline Bantock, and how the seriousness is further exacerbated by her participation in the recent State Administrative Tribunal directions hearing?

Response Cr Bantock has declared an interest in that situation.

Question Did she declare an interest in regards to the resolution that she made?

Response It was not her resolution, but a Council resolution.

Question My question is not in regards to Lot 100 but to Lots 3 & 4. Has she also declared an interest in any associated profit or loss on sales?

Response We will take that on notice.

Mr Jim Kelly

Mr Kelly made a number of statements concerning financial and proximity interests in relation to the same questions.

The President outlined the responsibilities of elected members.

The Governance Officer advised the meeting that a person's declaration of interests is their responsibility and not a matter for Council to determine or public discussion.

Question It is a question for Council (in relation to financial and proximity interests), has this been looked at?

Response This is not an appropriate question. It is up to the individual to make that decision. It is not the Council's role.

Question Why were I and Rebecca denied access to the tape of last Council meeting last Thursday (2 Aug 2018) when it was in the office and could have been listened to and the CEO was contactable in Perth at Local Government Week?

Response I will take that on notice.

Question I sought a copy of the Agenda and Attachments last week at approximately midday (2 Aug 2018) and was denied access. They were not available until Monday, today. Why was I denied access to the Agenda and Attachments last Thursday?

CEO Response You then contacted me, and I said they would be at the front counter for you.

Question The public consultation regarding submissions for Lot 100, I never received a letter, and there were no submissions received. Were any sent out and how many?

Response We take on notice about how many were sent out.

Question An ex-councillor had a breach against him, and did not apologise to Council as he was recommended to do so by the Breaches Committee (sic), and he also had to apologise to me, and he is now employed by Council. Why has he been employed?

Response Having resigned as a Councillor, he is no longer under the Local Government breach requirements. Employment matters are a CEO decision and discussion will not be entered into.

CEO Confirmed that this was the advice received from the Department

Question In relation to Lot 100, when was the Shire advised that there was an easement over Lot 100 for the right of carriageway purposes? And why didn't the Shire go back on all existing titles to tell you that there was a right of carriageway on Lot 100?

Response That information is in the Agenda.

Question When was the Shire advised? Because this means that the Shire had the right to shift the yards and everything off Lot 100.

Response It is still not vested in the Shire, and therefore the Shire has no jurisdiction over the carriageway, apart from the constructed bitumen seal etc. The land is a private road currently controlled by the Public Transport Authority.

Public question time closed at 2.24 pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Mr Alastair Webber, Manger Bendigo Bank, Goomalling

Mr Webber and introduced himself having been appointed to the position just recently, and provided a brief background of his experience with ANZ Bank and Bank of Queensland.

Bendigo Bank has a Community Bank division which is able to offer the full range of banking services. The Community Bank is quite different in that it re-invests 80% of its profits back into local communities, through funding sponsorships, grants, assisting students with university studies, donations to sporting groups etc. Decisions on funding are made by the local board of directors who decide where and appropriate use of funds.

In WA, there has been a total of \$22 million distributed, and \$500,000 through the local branch. Projects can be large or small such as the Goomalling Sport Centre, a netball team and a childcare centre.

They are looking to get involved in this area, and intend coming out once a fortnight to meet people and get involved through a range of activities such as the re-introduction of school banking at the Calingiri Primary School, and other schools in the region.

He is available to help with tailored financial solutions for all customers, to suit their current and future requirements.

He would welcome a discussions with anyone with queries and thanked Council for the opportunity to speak to them.

Question What is the Goomalling Branch's area for community?

Response Currently the Shire of Goomalling, Dowerin and Victoria Plains, but looking to grow further.

Mr Gary McGill, War Memorial Warden

As part of his responsibilities, it is appropriate that he make report to Council from time to time. Mr McGill provided a brief background on the purposes and intentions of the War Memorial, and some of the activities for the Memorials improvements and maintenance over the years.

Currently, the Memorial is partially obscured, and he requested that this be attended to.

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

That the Minutes of the following meetings, as circulated, be confirmed as a true and correct record

- Ordinary Council Meeting held 18 July 2018,
- Special Council Meeting held 30 July 2018.

1808-01 Council Resolution

Moved Cr Corless-Crowther

Seconded Cr Broadhurst

That the Minutes of the following meetings, as circulated, be confirmed as a true and correct record

- Ordinary Council Meeting held 18 July 2018,

- Correction to voting record for Resolution 1807-08 to CARRIED 5 / 1
- Special Council Meeting held 30 July 2018.

CARRIED For 7 / Against 0

Reason for variation – to correct voting record for the resolution

Business arising from Minutes

1. Bolgart motocross track

Cr Penn queried status of the motorcross track near Bolgart

The Governance Officer advised that –

- Shire of Toodyay have been contacted, and have received a retrospective application for the track's increased size. Toodyay will also contact the Shire for comment during the public consultation period
- Shire of Toodyay have also been provided with a copy of the letter to Water Corporation expressing concern regarding the potential of the track being within the Bolgart drinking water catchment area.
- Water Corporation have been advised of Council's concerns, but there has been no response from them as yet.

8. MEMBERS QUESTIONS WITHOUT NOTICE

1. Website emails addresses

Cr Penn advised that the Councillors contact email addresses on the website are all being directed to the President.

CEO advised that this would be rectified as soon as possible.

2. Advertising of Policies

Cr Penn queried the advertising of the proposed regional price preference policy, but not other policies.

The Governance Officer advised that under the Local Government Act, generally policies do not have to be advertised, although there are several that have statutory requirements. The regional price preference policy is one that submissions have to be sought, and there are several other where local public notice is required to be given of their adoption.

3. Newsletter editing

Cr Penn is there a person who has overall editorial responsibility for the Shire Newsletter?

The CEO advised that 2 staff have editorial responsibilities.

4. Road Closures

Cr Broadhurst advised that he had been contacted by a number of people about the messages being sent out, but there is no indication of when the closure might be reviewed etc. Suggested that the message include a review date and time, as is done for harvest bans, rather than just roads are closed until further notice.

9. PRESIDENT AND COUNCILLORS REPORTS

Cr Lovelock

- a) WA Local Government Annual Convention
 - Local Government Act review – submissions are encouraged
 - Gifts and related interests
 - Meetings with various State Government Department heads
 - o Mogumber reserve and water issues
 - o Yerecoin water supply
 - Road safety – recommendation regarding clearing of road reserves at intersections was strongly supported

Cr Bantock

- a) AROC meeting in Toodyay
 - Looking at the possibility of a regional tender for waste collection/disposal services
 - LGIS regarding risk management
 - Inter-library loans – new restrictions now apply to items less than 12 months old

Cr Corless-Crowther

- a) Met with the Manager Works and Services to travel over a number of the roads

1808-02 Council Resolution

Moved Cr Clarke

Seconded Cr Penn

That the meeting adjourn, the time being 2.52 pm.

CARRIED For 7 / Against 0

Resumption

The meeting resumed at 3.23 pm with all members and staff present at the adjournment in attendance.

10. REPORTS REQUIRING DECISION

10.1 Monthly Financial Statements

To be presented at the September meeting with the adopted Budget comparative figures included

10.2 Accounts for Endorsement

File reference	F1.8.4		
Report date	6 August 2018		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Ina Edwardson – Finance Manager Bob Waddell – Consultant		
Authorised by	Glenda Teede, CEO		
Attachments			
Attachment 1	Page	3 n/a	Public schedule – in the Attachments. Restricted schedule – to elected members under separate cover

PURPOSE

To present the list of payments made for the month of July 2018.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month; the amount, payee, date and reason for payment.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
 - (3) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register 3.2 –

1. *The CEO is delegated authority to make payments from the Municipal Bank Account and Trust Bank Account subject to –*
 - a) *being in accordance with the adopted Budget;*
 - b) *being authorised by a resolution of Council;*

- c) *disbursement as authorised, of funds lodged to the Trust Account, or*
- d) *being authorised emergency expenditure.*

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
	No specific implications

FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-03 Officer Recommendation / Council Resolution
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Moved Cr Bantock

Seconded Cr King

That the payments made for July 2018 from the Municipal Bank Account as per the attached listing and summarised below, be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments **	EFT6608 to EFT6697	434,767.42
Creditor Cheque Payments	12183 to 12185	5,588.80
Direct Debit Payments **	DD10499.2 to DD10550	25,973.87
Net Fortnightly Salaries & Wages EFT	Week Ending 11.7.18, 25/7/18 & 30/7/18 (One-Off)	71,536.19
Trust Payments	Nil	0.00
	TOTAL	537,866.28

** includes salary & wages deductions, and SGC

CARRIED For 7 / Against 0

Commonly-used abbreviations	
CEO	Chief Executive Officer
SGC	Superannuation Guarantee Contribution

10.3 Budget 2018-2019 – Adoption

File reference				
Report date				8 August 2018
Applicant/proponent				None
Officer disclosure of interest				None
Previous meeting references				None
Prepared by				Bob Waddell, Financial Consultant
Authorised by				Glenda Teede, Chief Executive Officer
Attachments				
Budget Attachment	Page	1	2018/2019 Draft Statutory Budget	
	Page	26	2018/2019 Draft Budget Attachments	
	Page	31	2018/2019 Schedules 2 to 14	

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2018/2019 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2018/2019 Annual Statutory Budget and supporting schedules have been prepared on principles contained in the Strategic Community Plan, the Corporate Business Plan, the 2018/2019 Draft Annual Budget presentation and budget discussions at the Budget Workshops held on Monday 23 July 2018 and Monday 30 July 2018.

COMMENT

The draft 2018/2019 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

DETAILS

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

- The 2018/19 budget has been prepared with a 4.0% rate increase.
- Fees and Charges have been increased by approximately 4.0%.
- Domestic and commercial rubbish removal charges have been increased by 4.0% and are itemised in the 2018/2019 Fees & Charges.
- The recurrent operating budget has generally been based on prior actual figures, although individual line items may vary from this approach if it has been deemed necessary. The recurrent budget delivers similar service delivery to the community as it has in past years. There has been a reduction in staff numbers to accommodate

the contracting of Governance and Financial Consultants.

- A capital works program totalling \$3,506,090 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$3,318,075) in line with Council's strategy to increase the investment in road and associated assets.
- There are no new reserve accounts planned for the 2018/2019 financial year.
- An estimated surplus of \$335,505 is anticipated to be brought forward from 30 June 2018. However, this is unaudited and may change. Any change will be addressed as part of a future budget review.
- The budget has been composed with an estimated closing position being a small deficit of \$18,507. It is expected that this small deficit will be removed when the mid year budget review is carried out.
- Principal additional grant funding for the year is estimated from:
 - Main Roads CLGF Aglime Route - \$2,060,703
 - Roads to Recovery - \$649,412
 - Main Roads WA Direct Grant - \$75,809
 - Regional Road Group - \$424,936

CONSULTATION

While no specific consultation has occurred on the draft 2018/2019 budget, community consultation and engagement has previously occurred during development of the Community Strategic Plan and the Corporate Business Plan. Extensive internal consultation has occurred with all staff and through briefings and workshops with elected members.

STATUTORY CONTEXT

LGA S6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government {Financial Management} Regulations 1996* details the form and content of the budget. The draft 2018/2019 budget as presented is considered to meet statutory requirements.

CORPORATE CONTEXT

The budget is based on the principles contained in the Plan for the Future and the Corporate Business Plan.

STRATEGIC IMPLICATIONS

5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
5.4	Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the detail section of this report and as itemised in the draft 2018/2019 budget attached for adoption.

PART A - MUNICIPAL FUND BUDGET FOR 2018/2019

VOTING REQUIREMENTS

Absolute majority required: Yes

1808-04 Officer Recommendation / Council Resolution

Moved Cr Corless-Crowther

Seconded Cr Bantock

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the Council adopt the Municipal Fund Budget as contained in the attachment of this agenda, for the Shire of Victoria Plains for the 2018/2019 financial year which includes the following –

- a) Stateme
- b) nt of Comprehensive Income by Nature and Type showing a net result for that year of \$861,338
- c) Statement of Comprehensive Income by Program showing a net result for that year of \$861,338
- d) Statement of Cash Flows
- e) Rate Setting Statement showing an amount required to be raised from rates of \$2,421,800.
- f) Notes to and Forming Part of the Budget
- g) Details of Asset Disposals
- h) Details of Capital Expenditure by Program and Asset Class
- i) Capital Works & New Assets Source of Funding
- j) Statement of Reserve Movements
- k) Budget Program Schedules

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 1

Note – Cr Penn asked that she be recorded as having voted against the motion.

PART B - GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

VOTING REQUIREMENTS

Absolute Majority Required: Yes

1808-05 Officer Recommendation / Council Resolution

Moved Cr Bantock

Seconded Cr Clarke

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values –

- a) General Rates
 - Residential (GRV) 10.1086 cents in the dollar

- Rural (UV) 0.6883 cents in the dollar
- b) Minimum Payments
 - Residential (GRV) \$420
 - Rural (UV) \$550
- 2. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments –
 - Full payment and instalment due date 25 September 2018
 - 2nd quarterly instalment due date 20 November 2018
 - 3rd quarterly instalment due date 15 January 2019
 - 4th quarterly instalment due date 12 March 2019
- 3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$4.50 for each instalment after the initial instalment is paid.
- 4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
- 5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 1

Note – Cr Penn asked that she be recorded as having voted against the motion.

PART C- ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2018/2019

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-06 Officer Recommendation / Council Resolution

Moved Cr Corless-Crowther

Seconded Cr King

- 1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees –
 - President \$7,500

Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members –

Telecommunications Allowance	\$7,000
Telecommunications Reimbursements	\$5,000
Travelling Reimbursements	\$4,000

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance –

President	\$6,500
Deputy President	\$1,625

Amendment

Moved Cr Bantock

Seconded Cr Broadhurst

That in item 2, the Travel Reimbursements provision be amended to \$13,000 to reflect the actual provision made in the draft Budget documentation.

CARRIED For 7 / Against 0

Amended Motion

The amended motion was –

CARRIED For 7 / Against 0

PART D - MATERIAL VARIANCE REPORTING FOR 2018/2019

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-07 Officer Recommendation / Council Resolution
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Moved Cr Clarke

Seconded Cr Broadhurst

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2018/2019 for reporting material variances shall be 10% and a minimum of \$10,000.

CARRIED For 7 / Against 0

Commonly-used abbreviations

AASB	Australian Accounting Standards Board
CEO	Chief Executive Officer

Cr Bantock declared a proximity interest in the following item and left the meeting at 3.41 pm.

10.4 Lot 100 Mogumber, Future Road Reserve

File reference			
Report date			
7 August 2018			
Applicant/proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Niel Mitchell, Governance Officer			
Authorised by			
Glenda Teede, CEO			
Attachments			
Attachment 1	Page	13	Certificate of Title – March 2018
Attachment 2	Page	14	Dept of Lands response and Certificate of Title – amended 11 July 2018

PURPOSE

To authorise the reservation of Lot 100 Mogumber as a road reserve, under the *Land Administration Act 1997 s.52*.

BACKGROUND

In April 2018, Council resolved –

That application be made to the Minister for Lands under the Land Administration Act 1997 s.56 for the whole of Lot 100 to be vested as a road reserve.

COMMENT

This matter has proven to be more complex than the original documents indicated.

Prior to the report to the April 2018 meeting of Council a title search was undertaken, and as shown in the attachment, the registered responsible agency was the State. As such, it was considered unvested Crown land, and on the advice of Dept of Lands, authorisation under the Land Administration Act s.56 were commenced, together with the necessary public consultation and advice to service agencies as required by the Regulations.

Since the April 2018 Council meeting the following actions have been undertaken –

- 26/4/18 - Dept of Lands queried. Email submitted as requested.
- 30/4/18 - Lands advice as to process, including seeking submissions from adjoining/affected landowners and services providers.
- 1/5/18 - Letters sent to all
- 26/5/18 - Refer OCM May 2018
- 11/6/2018 - No public submissions received. One service authority response received. Will progress with Dept of Lands
- 24/6/2018 - Services replies from MRWA, Water Corp. Western Power response unhelpful, CSO contacted them, awaiting further advice.
- 6/7/2018 - Still no response from Western Power.

- 12/7/2018 - No response from Western Power. Contacted again. Advised to submit via the links that have no relevance to the enquiry. Then said to send to enquires. Resubmitted accordingly.
- 25/7/2018 - Dept of Lands phone advice that it is being progressed and should be a letter coming to the Shire in the near future. No indication given of likely content of the letter.
- 25/7/2018 - Dept Lands letter - review found that the title showing that the State was the owner was in error. Owner is Midland Railway Company, now incorporated into Public Transport Authority.
- 26/7/2018 - Discussion with PTA - documentation from DoL lodged together with a request for them to relinquish the land to State for reservation as a road, rather than going through the compulsory processes.
- 27/7/2018 - PTA email advising that they have reviewed the request, recommendation made to the PTA Executive, and expect to be able to advise in week commencing 6 Aug.
- 6/8/2018 - PTA advised that they have no interest in Lot 100 and will relinquish to the State for vesting or release for direct vesting as a road

As noted, on 25 July 2018, Dept of Lands advised that following detailed investigation, it was ascertained that Lot 100 is not unvested, but is private land in the name of the Midland Railway Company, now defunct, with the assets assumed by the Public Transport Authority. The Certificate of Title was accordingly amended, and a copy provided as attached.

On 6 August 2018, the PTA advised –

I confirm the PTA has reviewed your request to dedicate Lot 100 Butler and Lanigan Streets, Mogumber as road reserve and confirms it does not require this land. PTA is noted as the responsible agency, with the Midland Railway Company as the Registered Proprietor. I've been advised the assets of Midland Railway Company were acquired by the Government in 1963 by application of the Midland Railway Company of Western Australia Limited Acquisition Agreement Act 1963.

Therefore the PTA can either:

- *Transfer this land back to the State under the care of Dept Planning Lands & Heritage to then make arrangements to dedicate as a road; or*
- *The Shire may acquire this land under s52 of the Land Administration Act 1997 (LAA) as advised to you by Dept of Planning Lands & Heritage, copy attached.*

Please advise how the Shire would like to proceed with converting this land to dedicated road.

Following advice from the PTA on, Dept of Lands were again contacted on 7 August 2018, and advised by phone that –

- specific resolution of Council required under Land Administration Act s.52.
- the April 2018 resolution is inadequate, as it is legally and procedurally different
- LAA s.52 must be used as Lot 100 currently has other interests in it
- LAA s.56 is used where it is Crown land without other public or private interests in it
- as the purpose of Lot 100 as shown on the amended title has an easement over it, all adjoining owners have a right to use it
- it is this right that is set aside by use of s.52
- previous public consultation and comments from service authorities is inadequate as it is different rights etc that are affected –

- o under s.52 – an existing right to use is being set aside
- o under s.56 – there is a request for objection/no objection to be advised
- accordingly, public consultation and comment sought from service agencies will be required to be sought again, outlining the change of circumstances
- at this time, the responsible authority for Lot 100 remains the Public Transport Authority.

The LAA s.52 is more involved than s.56 processes, and specifically excludes payment of compensation to adjoining landholders for any loss suffered.

Dept of Lands advised that the resolution of Council must specify Land Administration Act s.52.

Adoption of the recommendation does not affect the subsequent resolutions made at the April 2018 Meeting.

It is reiterated once again, that once Lot 100 is a public road reserve, Council is not obligated to construct a road.

CONSULTATION

Neville Watson, Dept of Lands
Leoni Wedge, Public Transport Authority

STATUTORY CONTEXT

Land Administration Act 1997

- s.52 – Local Government may ask Minister to acquire land as Crown land, certain land (eg private roads) within the district.

Land Administration Regulations –

- r.6 – requirements for application under LAA s.52

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

2.	Economic – to improve and add to local economic development and activity
2.1	Examine opportunities to diversify the local economy through initiatives such as tourism

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-08 Officer Recommendation / Council Resolution
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Moved Cr Broadhurst

Seconded Cr Corless-Crowther

That in accordance with the requirements of the *Land Administration Act 1997* s.52 and *Land Administration Regulations 1998* r.6, all necessary actions be undertaken for –

- a) acquisition as Crown land of the private road being Lot 100 Mogumber, and
- b) subsequent vesting as a road reserve.

CARRIED For 6 / Against 0

Commonly-used abbreviations	
CEO	Chief Executive Officer
LAA	Land Administration Act 1997
PTA	Public Transport Authority

Cr Bantock returned to the meeting at 3.55 pm.

10.5 Lot 23, 44 Smith St – Proposed Bolgart Industrial Subdivision

File reference			
Report date			4 August 2018
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			18 April 2018, Item P03/2018
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede, CEO
Attachments			
Attachment 1	Page	20	Kevin Manuel, Landmark Harcourts WA
Attachment 2	Page	21	Western Power – Quote amount and expiry
Attachment 3	Page	22	Dept of Planning, Lands and Heritage – Lot 23 electricity

PURPOSE

To consider the proposal for development of Lot 23 Smith St Bolgart for industrial purposes.

BACKGROUND

This proposal has been around for quite some time with records indicating 2003-2004 as a likely commencement.

COMMENT

The Report to Council in April 2018 indicated that a full business plan had not been prepared. A business plan is required if the proposed development is likely to incur costs in excess of 10% of the Shire's Operating revenue, currently approx. \$500,000.

A detailed costing has not been prepared, although indications are that the minor works to upgrade the necessary road extensions, fencing, power etc would cost in the order of \$200,000.

Consideration would also need to be given to –

- upgrading the road extensions to bitumen seal
- drainage matters
- upgrading of Emmanuel Street to road train standard
- upgrading of Smith Street past the School to road train standard.

The proposal was published in the Shire Newsletter for May, with 1 response indicating that their interest was subject to costs and availability of power and water before a decision was made. A response from the School was also received indicating some concern with the proposal, and requesting involvement in any plans to proceed.

The notice was advised by householder, as well and in the Newsletter, with a request that the information also be circulated to those outside the district who may be interested.

Letters were sent to a number of real estate agents, with only one response, as attached. Mr Manuel makes a number of important points in his letter, including –

- the need for 3 phase power, sealed road access etc
- enquiries for industrial blocks are being received, but it may take time to sell them all
- costs of development likely to exceed potential sale prices
- the need for Council to consider not trying to recover all costs associated with development

Mr Manuel did not give an indication of the number of enquiries over the past few years.

Accordingly, the demand for the lots has not been satisfactorily established.

This places Council in a difficult situation of attempting to anticipate the future without adequate information at this time. It is a circular problem – because there is no demand, there is no need for the lots to be created, but if there's no lots, neither is there a demand.

The WA Planning Commission was also requested to reconsider the requirement for reticulated power, and a copy of the letter sent to local parliamentarians. The WAPC response was to the effect that if reticulated power is not wanted, an appeal is required to be lodged. It is considered that such an appeal would not be successful.

The proposed design is problematic, and for road trains, is very tight for all proposed blocks. Other than a single block at the end, road train usability is effectively non-existent.

Accordingly, it is suggested that the current design is suitable for light vehicle and rigid truck access only. Semi-trailer access is possible, but not easy.

If all that is currently being sought by people is parking of trucks, there is no obstacle to Council permitting use of the land, or leasing a portion of it to a transport operator. Council would need to bear in mind that this does not avoid –

- possibility of issues with the School
- complaints from residents about noise, dust etc as at the end of 2015 or 2016 when the area was used by CBH as temporary storage for grain
- potential for damage to roads not designed for road trains.

It is suggested that there are two alternatives would be far more suitable than this site and the current design –

1. use the area of the recreation ground which appears to now be disused, with –
 - construction of a road so that there is access to industrial land on both sides of the road, thereby avoiding the School and residential areas, and a single turn into the industrial area, rather than multiple
 - construction of power, water, drainage etc will still be required, as will a planning scheme amendment for the zoning
 - control of the land for development would also need to be resolved.
2. CBH have advised that Bolgart is not on the 100 grain receival sites for the future. Accordingly, this facility will become vacant at some stage.
 - water, power and the majority of roads to road train standard are also ready in place
 - hardstand areas, as well as possibility the silos, may remain
 - the possibilities of lease of the site from CBH or ARC Infrastructure could be investigated

Should Council decide to proceed with Lot 23, it is recommended that –

- compliance with the requirements of the Function & General Regulations relating to major land transactions, given the high probability that the total costs associated with the proposed development are likely to exceed \$500,000
- the business plan in compliance with the Regulations include addressing the substantial list of matters as noted in the April 2018 Report to Council

In particular, the business plan should address competition posed by development in near or reasonable close towns. Wongan Hills has an area under development that already has 2 road sealed access, and Muchea industrial area will be available in 12 months or so. Both of these present competitive advantages that will be very challenging for any development at Bolgart.

No provision is currently in the draft 2018-2019 Budget for either –

- a full and detailed Business Plan, or
- development of Lot 23 as an industrial area.

If the proposal is to proceed –

- Council to identify which project or work is to be reduced,
- an absolute majority of Council would be required,
- variation made at the Budget review.

Finally, if Council does proceed, advice to Western Power is required to be made by close of business 13 August 2018, as the quote from them for construction of power expires at that time.

CONSULTATION

Ms Glenda Teede, CEO

Mr Bob Edwards, Manager Works and Services

STATUTORY CONTEXT

Function and General Regulations 1996

- r.8A – amount prescribed for major land transaction
- r.9 – amount prescribed for major trading undertakings

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

2.	Economic – to improve and add to local economic development and activity
2.1	Examine opportunities to diversify the local economy through initiatives such as tourism

FINANCIAL IMPLICATIONS

Cost of –

- development of a compliant business plan
- Western Power quote extension
- costs of services construction
- costs of roads, drainage, fencing
- costs of redevelopment of Emmanuel and Smith Street

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

That the proposed subdivision of Lot 23 Smith St Bolgart for industrial purposes does not proceed.

1808-09 Council Resolution

Moved Cr Penn

Seconded Cr Clarke

That this matter be deferred to enable –

- further investigation of assistance of Landcorp to develop the land;
- possibility of grant funding to develop the land be sought; and
- Minister for Regional Development invited to discuss.

CARRIED For 7 / Against 0

Reason for Variation – To investigate additional options for development

Commonly-used abbreviations

CEO	Chief Executive Officer
Policy Manual 2017	Shire of Victoria Plains Policy Manual as amended to December 2017
Policy Manual 2018	Shire of Victoria Plains Policy Manual as adopted on 16 May 2018

Cr Corless-Crowther declared a financial interest in the following item and left the meeting at 3.59 pm.

10.6 Regional Price Preference Policy

File reference	A1.1.7		
Report date	4 August 2018		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	21 June 2018, item 10.5		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Glenda Teede, CEO		
Attachments			
Attachment 1	Page	23	Draft Policies for adoption – - 3.2 Purchasing – Regional Price Preference

PURPOSE

To continue review of the existing Policy Manual compiled as at December 2017, and adopt new or revised policies.

BACKGROUND

This proposed policy permits a local price to be discounted for the purpose of calculation of prices, within limits imposed by Legislation

COMMENT

The old Policy Manual 2017 is undergoing detailed progressive review, and those that Council resolves should continue or to create will be transferred to the Policy Manual 2018 initiated on 16 May 2018. The two documents both need to be referred to while the review is in progress.

As required by the Regulations, Statewide public notice was given of the proposed policy in the West Australian Newspaper on 30 June 2018. The required comment period closed 3 August 2018 and no submissions were received.

This type of policy is often mis-understood, and it should be noted that –

1. It does not require that the purchase be made locally
2. It does not give a right to the supplier to charge an extra 10%
3. Price is only one factor in the purchasing decision, and other considerations may outweigh price quoted and any preference applied in accordance with Policy 3.1 Purchasing Framework.

CONSULTATION

Ms Glenda Teede, CEO

STATUTORY CONTEXT

Function and General Regulations 1996

- Part 4A – Regional Price Preference

CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring Expenditure

Policy Manual 2018 –

- 3.1 – Purchasing Framework

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

2.	Economic – to improve and add to local economic development and activity
2.1	Examine opportunities to diversify the local economy through initiatives such as tourism

FINANCIAL IMPLICATIONS

Increased costs associate with

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-10 Officer Recommendation / Council Resolution
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Moved Cr Bantock

Seconded Cr King

That –

- a) the following policies in the Policy Manual 2017 be deleted –
 - 1.7 – Local Preference Policy
- b) the following policies be adopted as presented –
 - 3.2 – Purchasing – Regional Price Preference
- c) Statewide notice of adoption be given.

CARRIED For 6 / Against 0

Commonly-used abbreviations	
CEO	Chief Executive Officer
Policy Manual 2017	Shire of Victoria Plains Policy Manual as amended to December 2017
Policy Manual 2018	Shire of Victoria Plains Policy Manual as adopted on 16 May 2018

Cr Corless-Crowther returned to the meeting at 4.05 pm.

10.7 Calingiri Recreation Centre Squash Court Facility

File reference	
Report date	6 August 2018
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	None
Previous meeting references	Attached
Prepared by	Ben Macharia, Human Resources Advisor
Authorised by	Glenda Teede, CEO
Attachments	
Attachment 1	Page
	None

PURPOSE

The squash courts at the Calingiri Recreational Centre are in substantial disrepair and require replacement.

It is proposed to make the squash courts redundant and convert the courts and gym into one open facility. The proposal is not unique to Shire of Victoria Plains as similar Shire's have already implemented the same.

BACKGROUND

Following the floor damage (suspected water damage) in squash court 1, an assessor through LGIS assessed the floor work and deemed both squash courts "Not Fit for Purpose". The floors weren't built to the correct standard, compounded by the lack of a robust maintenance regime which was lacking at the time.

In relation to the report and options from Pattersons the following are pertinent –

- The water staining is isolated to 3 separate locations. It is the opinion of Pattersons the water has entered from the box gutter discharging onto the timber floor and settling under the stored items causing the staining and cupping to the timber floor on Court 1.
- Some maintenance issues have been identified being the need to clean leaf debris to or from a box gutter, engage a roof plumber to inspect the gutter system and upgrade as required particularly in the event of heavy rain, inspect and advise on the soakwells and drill holes at the base of the PVC stormwater fittings to allow water to discharge onto the ground during heavy rain if the soakwells are at capacity.
- The resulting damage is the timber floor to Court 1
- There is no obvious water damage to Court 2

COMMENT

Three options have been provided being –

Option 1:

- Remove and reinstate rear glass wall and door to facilitate flooring repairs
- Remove timber flooring from existing timber joists
- Supply and install comparable timber floor
- Paint new markings to timber floor

Total \$18,618.60 including GST and 20% builder's mark-up

Option 2:

- Remove and reinstate rear glass wall and door to facilitate flooring repairs
- Remove timber flooring from existing timber joists
- Supply and lay subfloor
- Supply and lay commercial grade vinyl

Total \$23,868.25 including GST and builder's mark up

Option 3:

- Remove and reinstate rear glass wall and door to facilitate flooring repair
- Supply and lay commercial grade vinyl

Total \$11,748.00 including GST and builder's mark up

The most economic is Option 1 which is to remove and replace the timber flooring to Court 1. A section repair is not possible. One possibility suggested is to take out the glass walls and perhaps the brick wall between the two courts to allow greater use of the gym area.

The Shire has been requested by LGIS to advise the intention in regards to the two squash courts. This would enable a cash settlement to be considered as a payment to the Shire net of GST, the 20 % builder's markup and \$1,000.00 policy excess.

The proposed cash settlement (on clarification of intention) would be:

Option 1 -	Total estimate	\$18,618.60
	<u>Less GST</u>	<u>\$ 1,692.60</u>
	Sub total	\$16,926.00
	<u>Less mark up</u>	<u>\$ 2,821.00</u>
	Sub total	\$14,105.00
	<u>Less Excess</u>	<u>\$ 1,000.00</u>
	TOTAL	\$13,105.00

CONSULTATION

Works and Service Committee, 16 May 2018
Local Government Insurance Services
Pattersons Insurerbuild
Cunningham Lindsey

STATUTORY CONTEXT

Legal obligation to keep things safe

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

4	Infrastructure – to maintain / add to infrastructure used by the community
4.3	Maintain / improve community facilities to an agreed standard
5	Civic leadership – to better allocate scarce resources and effectively interact with the community
5.4	5.4 Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Income – LGIS payout

Expenditure – subject to Budget allocation, cost of either –

- repairs or
- conversion of the squash courts to an alternative purpose,

VOTING REQUIREMENTS

Absolute majority required: No

1808-11 Officer Recommendation / Council Resolution
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Moved Cr Broadhurst

Seconded Cr Bantock

That –

- a) Option 1 offered by Local Government Insurance Services with a net payout of \$13,105.00 ex GST be accepted, and
- b) the squash courts be permanently closed, and
- c) proposals for alternative uses be developed for Council approval and decision.

CARRIED For 7 / Against 0

Commonly-used abbreviations	
CEO	Chief Executive Officer

10.8 Local Emergency Management

File reference			
Report date	6 August 2018		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	John Brennan, Acting Community Emergency Services Manager		
Authorised by	Glenda Teede, CEO		
Attachments			
LEMA Attachments	Page	1	Local Emergency Management Arrangements 2018
	Page	101	Local Emergency Management Recovery Plan 2018
	Page	148	Local Emergency Management Recovery Manual 2018

PURPOSE

To review and endorse the Local Emergency Management Arrangements and Local Recovery Plan.

BACKGROUND

The purpose of the LEMA is to structure how the Shire coordinates and operates during the response and recovery phases of an emergency.

The arrangements are designed to ensure that appropriate strategies are in place to minimise the adverse effects on the community and to restore normality as quickly as possible following an emergency event.

The LEMA undergoes a major review every five years. The existing arrangements were last comprehensively reviewed in 2013.

COMMENT

The LEMA which has been reviewed and updated by Vicki Booth in conjunction with John Brennan, has been checked by Yvette Grigg Wheatbelt District Emergency Management Committee and is compliant to the requirements of the Emergency Management Act 2005 and underpinning policies.

From time to time, the LEMA will be amended with changes noted in the amendment record. These changes will largely be updates to contact details and available resources. Minor changes such as these do not require endorsement by Council.

CONSULTATION

Yvette Grigg, Office of Emergency Management

STATUTORY CONTEXT

Emergency Management Act 2005

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

1.	Community – to enhance and improve a sense of community in the Shire
1.3	Promote community health and wellbeing
5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
5.1	Measures to improve relationship and communication between Council and community
5.4	Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1808-12 Officer Recommendation / Council Resolution

Moved Cr Bantock

Seconded Cr Corless-Crowther

That the following documents as presented be endorsed by Council for the Shire of Victoria Plains –

- a) Local Emergency Management Arrangements 2018,
- b) Local Emergency Management Recovery Plan 2018,
- c) Local Emergency Management Recovery Manual 2018.

CARRIED For 7 / Against 0

Commonly-used abbreviations

CEO	Chief Executive Officer
DEMA	District Emergency Management Committee
DFES	Dept of Fire and Emergency Services
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee

11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

13. MEETING CLOSED TO PUBLIC

Item Title

Nil

14. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 4.16 pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 19-9-18

Signed


(Presiding member at the meeting which confirmed the minutes)

Date

19-9-18

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

