



## Ordinary Council Meeting

# Minutes

19 September 2018

Ordinary Council Meeting of the Victoria Plains Shire Council held –  
in – Council Chambers, Cavell Street Calingiri  
commencing – 2.04 pm.

## 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.

## CONTENTS

1.	DECLARATION OF OPENING .....	4
1.1	Opening.....	4
1.2	Announcements by presiding member.....	4
1.3	Announcement of visitors and presentations.....	4
2.	RECORD OF ATTENDANCE .....	4
3.	DISCLOSURES OF INTEREST .....	5
4.	PUBLIC QUESTION TIME.....	5
4.1	Response to previous public questions taken on notice .....	5
4.2	Public questions without notice .....	5
5.	PRESENTATIONS AND DEPUTATIONS.....	8
5.1	Presentations.....	8
5.2	Deputations .....	8
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	8
7.	CONFIRMATION OF MINUTES .....	8
	Business arising from Minutes .....	8
8.	MEMBERS QUESTIONS WITHOUT NOTICE.....	9
9.	PRESIDENT AND COUNCILLORS REPORTS.....	9
10.	REPORTS REQUIRING DECISION.....	10
10.1	Monthly Financial Statements – July 2018.....	10
10.2	Monthly Financial Statements – August 2018 .....	12
10.3	Accounts for Endorsement.....	14
10.4	Local Laws Final Adoption – Amenity 2018 and Meeting Procedures 2018 .....	17
10.5	Mogumber Outback Club – 2017-2018 Community Funding approval .....	21
10.6	Policy Manual 2018 .....	25
10.7	Royalty for road making materials.....	27
10.8	Yued Working Party.....	29
11.	MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	32
12.	NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION.....	32
12.1	Housing .....	32
13.	MEETING CLOSED TO PUBLIC .....	33
13.1	Shire of Victoria Plains Enterprise Bargaining Agreement 2005.....	33
14.	CLOSURE OF MEETING .....	34



# Minutes

## Ordinary Meeting of the Victoria Plains Shire Council

Held in the Council Chambers, Cavell Street, Calingiri  
on 19 September 2018 commencing at 2.04 pm.

### 1. DECLARATION OF OPENING

#### 1.1 Opening

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The President declared the meeting open at 2.04 pm.

#### 1.2 Announcements by presiding member

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

#### 1.3 Announcement of visitors and presentations

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None

### 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 Officer Mr R Edwards, Manager Works & Services Mr N Mitchell, Governance Officer
Apologies	None

Approved leave of absence	None
Visitors	None
Members of the public	Ms Rebecca Kelly Mr Jim Kelly Ms Janine Varley Mr John Reid Mr Malcolm Palmer Ms Pamela Goudge-Evans

### 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	4.2	Cr Bantock Trustee of trust owning land being the subject of public question time
3.2	Proximity	_____	None
3.3	Impartiality	10.5	Cr Bantock Member of Mogumber Outback Club Inc.
		10.8	Cr Bantock Member of Mogumber Outback Club and Mogumber Progress Association

### 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

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None

#### 4.2 Public questions without notice

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*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 Pamela Goudge-Evans

Q1 Will Council consider replanting of trees in Mofflin St, to replace those that have been removed?

A1 Referred to the Works Manager for attention.

Ms Rebecca Kelly

Q1 *Has the Council received any plans or building applications, and given approval for various works and renovations on Lot 4 Old Mogumber Post Office?*

A1 Taken on notice as this is a matter that requires planning advice.

Q2 *Has it followed any heritage protocols?*

*Cr Bantock declared a financial interest in this matter and left the meeting at 2.11 pm.*

A2 The property is listed in the Shire's Municipal Heritage Inventory, and is not on the State or Federal heritage listing, and so has no restrictions.

Q3 *So it is not a heritage building under State or Federal?*

A3 That is my understanding.

Mr Jim Kelly

Q1 *That building is a Heritage 3 just like the Mogumber Hotel. And for my information from the Dept for Heritage there is to be no renovation or interference with land or buildings on a Heritage 3 site without Shire planning approval. Have you seen a planning approval?*

A1 Taken on notice, but information I have is that this building would not require such information.

Q2 *It is a Heritage 3, and redirected to CEO, have you seen planning approval?*

A2 (CEO) Taken on notice.

Q3 *Mr President, did you receive a letter from me seeking an apology from Cr Pauline Bantock for comments made to me?*

A2 I will not accept that question.

*Cr Bantock returned to the meeting at 2.15 pm.*

Mr John Reid

Q1 *I was wondering if there had been any development on the Mogumber water situation, and what is happening?*

A1 We spoke to the Water Corporation in August, who are proceeding, but slowly. Part of their undertaking was to look at drilling for water on what is effectively Shire land.

Q2 *Has consideration been given to tuning on the existing infrastructure to fill the tank up? There is existing infrastructure that just requires a flick of a switch.*

A2 (CEO) Recent email from the Water Corporation is that there has been a referral made, and the Shire is waiting to hear further from them.

(President) The Shire does not have access to the water.

Q3 *Has any consideration been given to relocation of the current ineffectual downpipe to the bottom of the hill?*

A3 (Works Manager) Has been discussed, and are considering putting in a 110mm pipe to alleviate the problem. Also looking at using the second tank with an electric pump, which would enable 2 vehicles can be filled at the same time.

#### Mr Malcolm Palmer

Q1 *Last November, the possibility of farmers purchasing rubbish bins for recycling was raised. Is there a way farmers can purchase these or get a rebate price?*

Q2 *There was also talk of solar panel lighting in town. Has anything been done about this?*

A2 There has been some enquiries made regarding solar lighting, but this will need to be investigated further.

A1 Are looking at options for rubbish services, so will have to take on notice.

#### Ms Rebecca Kelly

Q1 *Has Cr Bantock declared any interest about appearing at our State Administrative Tribunal hearing?*

A1 I will not answer this question as it is an individual situation.

Q2 *Have you received a declaration?*

A2 It is not a Council issue.

#### Mr Jim Kelly

Q1 *In respect to Mogumber Reserve, there are plants that are outside or inside the rodeo area, that are protected species. The fences or tape have fallen, and the plants need to be protected properly. Will the Shire protect all the protected species within the Mogumber Reserve by taping them off?*

A1 Where there is protected species it is a requirement to do so.

(Works Manager) There is a busy bee planned in the near future, and it is intended to erect pipe railing around the trees at the drip line to prevent parking under them and damage to roots. Other plants will be pegged as appropriate.

Public question time closed at 2.29 pm.

## 5. PRESENTATIONS AND DEPUTATIONS

### 5.1 Presentations

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None

### 5.2 Deputations

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None

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

None

## 7. CONFIRMATION OF MINUTES

### VOTING REQUIREMENTS

Absolute majority required: No

<b>Officer Recommendation</b>
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Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

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.

<b>1809-01 Council Resolution</b>
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Moved Cr Bantock

Seconded Cr Corless-Crowther

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

- Ordinary Council Meeting held 13 August 2018.

**CARRIED For 7 / Against 0**

*Reason for variation – to correct the date of the previous Council meeting*

### Business arising from Minutes

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None



## 8. MEMBERS QUESTIONS WITHOUT NOTICE

### Cr Bantock

Q1 *Is there any update regarding the rifle range?*

A2 (CEO) Nothing further at this stage. No land has been identified.

*Further report to be made to the Briefing Session.*

## 9. PRESIDENT AND COUNCILLORS REPORTS

### Cr Lovelock

1) Potential copper mine –

Visit from Caravel Minerals who are envisaging a copper mine in the area between Calingiri and Wongan Hills. Have done several test drills, but will be doing more in the coming months. By April or May 2019, should be progressing to the next stage. Some of the issues include water supply, noise and dust suppression, access to transport.

Looking to be a 30 year project with 500 staff in construction phase of 2-3 years, and an operational workforce of approx. 200. An estimated 200,000 tonnes of ore would be transported by road once in production.

Presentation is planned to be made at the November Council meeting.

2) Avon Midland Country Zone –

Matters discussed included -

- Harvest Mass Management Scheme
- Local Government Act review including
  - o universal training for councillors
  - o red tape reduction
  - o mandatory code of conduct
  - o declarations of gifts
- Motions put to WALGA AGM

### Cr Clarke

1) Rural Minds workshop

- Attended by 25 people, with many positive reports
- Leads into the Assist training, with events planned in Bolgart and Calingiri in near future

### Cr Bantock

1) Participated in a Public Health Act and health planning webinar through WALGA.

## 10. REPORTS REQUIRING DECISION

### 10.1 Monthly Financial Statements – July 2018

<b>File reference</b>			
<b>Report date</b>	12 September 2018		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Bob Waddell – Financial Consultant Ina Edwardson – Finance and Administration Manager		
<b>Authorised by</b>	Glenda Teede, CEO		
<b>Attachments</b>			
Attachment 1	Page	3	Monthly Financial Statements – 31 July 2018

#### PURPOSE

To receive the monthly financial statements for the period ending 31 July 2018.

#### BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

#### COMMENT

The 31 July 2018 Monthly Financial Statements are presented for review.

It should be noted that the 18/19 budget figures adopted by Council have been uploaded into the Shire's accounting software SynergySoft. Significant Variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing one month of financial activity.

Rate revenue was not been raised until August so the Net Current Assets figure as at 31 July 2018 is quite low compared to the same period last year where rates had been levied in July 2017 (Refer Note 3). The Net Current Asset Position as at 30 June 2018 has not been finalised as some year-end closing entries for the Shire's accounts are still pending.

#### CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

#### STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each month and details of what is to be

included

### **CORPORATE CONTEXT**

None

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan adopted 28 March 2018 –

<b>5.</b>	<b>Civic leadership – to better allocate scarce resources and effectively interact with the community</b>
	No specific implication

### **FINANCIAL IMPLICATIONS**

None

### **VOTING REQUIREMENTS**

Absolute Majority Required: No

### **1809-02 Officer Recommendation / Council Resolution**

Moved Cr Clarke

Seconded Cr Broadhurst

That Council receive the 31 July 2018 Monthly Financial Statements as presented:

**CARRIED For 7 / Against 0**

<b>Commonly-used abbreviations</b>	
CEO	Chief Executive Officer

## 10.2 Monthly Financial Statements – August 2018

<b>File reference</b>	
<b>Report date</b>	12 September 2018
<b>Applicant/proponent</b>	Shire of Victoria Plains
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	Nil
<b>Prepared by</b>	Bob Waddell – Financial Consultant Ina Edwardson – Finance and Administration Manager
<b>Authorised by</b>	Glenda Teede, CEO
<b>Attachments</b>	
Attachment 1	Page 27 Monthly Financial Statements – 31 August 2018

### PURPOSE

To receive the monthly financial statements for the period ending 31 August 2018.

### BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

### COMMENT

The 31 August 2018 Monthly Financial Statements are presented for review.

Significant Variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing two months of financial activity.

Rate revenue was levied in August so the Net Current Assets figure as at 31 August 2018 has jumped from the previous month end. On top of this the first quarter of Financial Assistance Grants have been received.

### CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

### STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each month and details of what is to be included

### CORPORATE CONTEXT

None

## STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

<b>5.</b>	<b>Civic leadership – to better allocate scarce resources and effectively interact with the community</b>
	No specific implication

## FINANCIAL IMPLICATIONS

None

## VOTING REQUIREMENTS

Absolute Majority Required: No

### 1809-03 Officer Recommendation / Council Resolution

Moved Cr Corless-Crowther

Seconded Cr Bantock

That Council receive the 31 August 2018 Monthly Financial Statements as presented:

**CARRIED For 7 / Against 0**

Commonly-used abbreviations	
CEO	Chief Executive Officer

*Mr Bob Waddell left the meeting at 2.53 pm*

### 10.3 Accounts for Endorsement

<b>File reference</b>	F1.8.4		
<b>Report date</b>	7 September 2018		
<b>Applicant/proponent</b>	Nil		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Glenn Deocampo – Finance Officer		
<b>Authorised by</b>	Glenda Teede, CEO		
<b>Attachments</b>			
Attachment 1	Page	51 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 August 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

Policy 6.5.1 –

*(b) The Chief Executive Officer and in their absence the Corporate Services Manager are authorised to allow all creditors to be paid according to their trading terms and for payments to be endorsed by Council after payment rather than approved by Council prior to payment.*

(c) All payments made prior to the meeting shall be presented to Council for endorsement or approval of payment.

### STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

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

### FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

### VOTING REQUIREMENTS

Absolute Majority Required: No

<b>1809-04 Officer Recommendation / Council Resolution</b>
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Moved Cr Bantock

Seconded Cr King

That the payments made for August 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**	6698 - 6794	411,160.55
Creditor Cheque Payments	12186 - 12192	23,051.68
Direct Debit Payments**	10575.1- 10590.3	18,413.32
Salaries & Wages EFT	PE 08/08/2018 PE 22/08/2018	71,811.78
Trust Payments		NIL
	<b>TOTAL</b>	<b>\$524,437.33</b>

\*\*includes salary and wages deductions, and SGC

**CARRIED For 7 Against 0**

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

<b>1809-05 Council Resolution</b>
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Moved Cr Clarke

Seconded Cr Penn

That the meeting adjourn, the time being 2.53 pm.

**CARRIED For 7 / Against 0**

Resumption

The meeting resumed at 3.21 pm with all members and staff present at the adjournment in attendance.



## 10.4 Local Laws Final Adoption – Amenity 2018 and Meeting Procedures 2018

<b>File reference</b>	A2.22.3		
<b>Report date</b>	11 September 2018		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	None		
<b>Previous meeting references</b>	16 May 2018		
<b>Prepared by</b>	Niel Mitchell, Governance		
<b>Authorised by</b>	Glenda Teede, CEO		
<b>Attachments</b>			
Attachment 1	Page	58	Summary of submissions - Amenity
Attachment 2	Page	60	Draft Amenity Local Law 2018
Attachment 3	Page	75	Summary of submission – Meeting Procedures
Attachment 4	Page	76	Draft Meeting Procedures Local Law 2018

### PURPOSE

To finalise the adoption of –

- Amenity Local Law 2018; and
- Meeting Procedures Local Law 2018.

### BACKGROUND

The purpose of this report is –

- 1) make the local laws, incorporating all amendments as approved by Council;
- 2) authorise the affixing of the Common Seal to the local laws;
- 3) authorise publication of the local laws in the *Government Gazette*; and
- 4) give local public notice, (after Gazettal), of the date the local laws will come into effect.

### COMMENT

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on any proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The draft local law was advertised, both locally and state-wide, for public comment on the proposed Local Law

An advertisement was placed in the West Australian on 6 June 2018 and the Victoria Plains Newsletter for June 2018, with the submission period for public comment closing on 27 July 2018.

At the close of the submission period, no public submissions had been received, although comment from DLG was received as per Attachment 1.

The DLG's comments covered multiple areas. No substantive matters were raised in relation to either local law, with the comments being of –

- minor editorial nature, and
- being of a contextual or technical nature, punctuation and grammar.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments agreed are not of a significant nature that requires re-advertising.

The attached drafts have been amended from the proposed local laws advertised for public submissions, in accordance with the DLGC comments as noted and agreed.

### Summary

Once formally adopted by Council, the local laws –

- are to be published in the Government Gazette
- local public notice given of adoption (separate to previous advertising of proposals),
- signed copies are to be sent to relevant Ministers or their delegate, and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of a local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

### **CONSULTATION**

Ms Glenda Teede, CEO

### **STATUTORY CONTEXT**

*Local Government Act 1995* –

- s.3.12 – Procedure for making local laws  
incl. subclause (4) – requirement for absolute majority

### **CORPORATE CONTEXT**

None

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan adopted 28 March 2018 –

<b>1.</b>	<b>Community – to enhance and improve a sense of community in the Shire</b>
1.4	Support sporting, volunteer and community groups
<b>5.</b>	<b>Civic leadership – to better allocate scarce resources and effectively interact with the community</b>
5.4	Measures to improve organisational efficiency

### **FINANCIAL IMPLICATIONS**

Cost of publication in Government Gazette and giving local public notice.

## VOTING REQUIREMENTS

Absolute Majority Required: Yes

### Officer Recommendation

That Council –

1. resolves to make the following local laws as per the attached drafts, incorporating amendments outlined by the Department of Local Government, Sporting & Cultural Industries –
  - Amenity Local Law 2018;
  - Meeting Procedures Local Law 2018
2. authorise the President and CEO to sign and affix the Common Seal to the Local Laws;
3. authorise the CEO to –
  - publish the Local Law in the Government Gazette and provide copies of the local laws to the Minister for Local Government; and
  - forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

### 1809-06 Council Resolution

Moved Cr Bantock

Seconded Cr Broadhurst

That consideration of the Amenity Local Law be deferred.

**CARRIED For 7 / Against 0**

### 1809-07 Council Resolution

Moved Cr Corless-Crowther

Seconded Cr Bantock

That Council –

1. resolves to make the following local law as per the attached drafts, incorporating amendments outlined by the Department of Local Government, Sporting & Cultural Industries –
  - Meeting Procedures Local Law 2018
2. authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. authorise the CEO to –
  - publish the Local Law in the Government Gazette and provide copies of the local laws to the Minister for Local Government; and
  - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0**

*Reason for variation – to withdraw the proposed Amenity Local Law for further revision*

**Commonly-used abbreviations**

CEO	Chief Executive Officer
DLG	Dept of Local Government, Sporting and Cultural Industries
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation

Cr Bantock declared an impartiality interest in the following item.

## 10.5 Mogumber Outback Club – 2017-2018 Community Funding approval

<b>File reference</b>			
<b>Report date</b>			
12 September 2018			
<b>Applicant/proponent</b>			
Mogumber Outback Club			
<b>Officer disclosure of interest</b>			
Nil			
<b>Previous meeting references</b>			
<b>Prepared by</b>			
Niel Mitchell, Governance Officer			
<b>Authorised by</b>			
Glenda Teede, CEO			
<b>Attachments</b>			
Attachment 1	Page	100	Shire letter of approval to Mogumber Outback Club of 20 June 2017

### PURPOSE

To consider the Club's request that the funding be held over for the 2018-2019 financial year.

### BACKGROUND

The Mogumber Outback Club application for assistance for fencing etc at the Mogumber Reserve was approved by Council for the 2017-2018 Budget.

The letter advising of approval clearly states that the assistance is subject to planning approvals, but these have not yet been finalised. From information provided, the approvals for clearing and heritage were obtained (State based legislation) and the native title implications (Commonwealth legislation) are currently being addressed.

Approvals under State legislation must not be considered or presumed as automatic satisfaction of Commonwealth legislation, which will over-ride State legislation if there is any inconsistency. Compliance with all levels is required.

The Club have requested that the approval remain valid for the current financial year, however, no Budget allocation has been made for 2018-2019.

### COMMENT

Under the Local Government Act s.6.2 a budget is to be adopted for the year ending 30 June of the following year. Accordingly, all approvals given in one budget lapse and do not automatically "carry over" to the following year. Each year's authorisations expire on 30 June and cannot be used to justify expenditure in the following financial year. It is very common that unexpended funds or incomplete projects do continue, but the Act requires that these be included in the Budget.

If not in the Budget, it is unbudgeted expenditure and section 6.8 of the Act applies. This section relates to expenditure prior to adoption of the Budget, and is intended for operational and unavoidable expenses such as utilities, salaries and wages etc, and not discretionary expenditure.

If the request is approved by Council, the funds should not be transferred and held in Trust, since until such time as all criteria of the approval of the assistance are met, the funds do not belong to the Club but to the Shire. The funds could continue in the Municipal Account or be transferred to an appropriate Reserve account to insulate the funds from general Shire expenses, as Reserve are funds under Council control.

Current Council Policy (2017) states –

**6.5.3 Financial Assistance – Community Bodies**

*The following procedure shall apply for all community bodies seeking Council funding support for projects in any financial year:*

- a) Application shall be made not later than 31st March in the year preceding the commencement of the following financial year i.e. 1st July to 30th June,*
- b) Applications must include full details of the proposal and include accurate assessments of cost and the anticipated outcomes,*
- c) Applications must include details of the organisations contribution in cash and in kind to the project and the amount sought from Council,*
- d) Applications must be accompanied by an up to date statement of the financial position of the organization and usage of any facility to be upgraded including the average annual amount of fees received in the preceding 3 years,*
- e) Works cannot be commenced in anticipation of a shire subsidy being provided without the approval of Council to commence prior to funding consideration,*
- f) Council will consider all applications received and allocate budget funding of up to a total of \$50,000 per annum on a priority basis,*
- g) Funding provided will in normal circumstances not exceed two-thirds (2/3) of the total cost of the project however projects to rectify items that are a safety hazard to users of the facility may be 100% funded. The (1/3) contribution, where required, from the community body may include in kind works allocated on the following basis; unskilled labour is calculated at \$25 per hour and skilled labour (qualified trades people) at \$40 per hour,*
- h) Council is under no obligation to fund or subsidise any project and each application will be considered on its merits,*
- i) Where a funded project is not commenced during the financial year that funding is allocated a new application must be made for the next year or funding will be deemed to have lapsed. Unspent Funding is not automatically rolled forward. Any groups that regularly have unspent funds may not be considered for future funding rounds,*
- j) The Shire's Community Development Officer must be consulted as a part of the application process.*

It is open to Council to make advance or progress payments. It is noted that the Club has paid for the materials required for the project, in anticipation of all clearances being obtained. However, this is their risk, as there is no certainty of all approvals being forthcoming. In this case, since external approvals are required that are not under the Shire's or Club's control, it is suggested that no payment be made until all approvals, planning etc is in place, and the work has formal approval to proceed.

Council should be aware of the potential for setting a precedent in making a decision either way in relation to this matter.

If the request is approved, an absolute majority decision is required being as it is unbudgeted expenditure and will require a consequential Budget variation.

## CONSULTATION

Glenda Teede, CEO  
Mogumber Outback Club

## STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.2 – local government to prepare annual budget
- s.6.8 – expenditure not in annual budget

## CORPORATE CONTEXT

Policy (2017) 6.5.3 – Financial Assistance – Community Bodies  
Community assistance program

## STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

<b>1.</b>	<b>Community – to enhance and improve a sense of community in the Shire</b>
1.4	Support sporting, volunteer and community groups
1.5	Increase community activities
1.6	Develop new / reuse existing community facilities
<b>2.</b>	<b>Economic – to improve and add to local economic development and activity</b>
2.1	Examine opportunities to diversify the local economy through initiatives such as tourism
2.3	Improve community connectivity
<b>4.</b>	<b>Infrastructure – to maintain / add to infrastructure used by the community</b>
4.3	Maintain / improve community facilities to an agreed standard

## FINANCIAL IMPLICATIONS

Unbudgeted expenditure of \$15,000 if approved  
To be included in statutory Budget review

## VOTING REQUIREMENTS

Absolute majority required: Yes

<b>Officer Recommendation</b>
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That –

- the unbudgeted expenditure of \$15,000 originally made in the 2017-2018 Budget for assistance to the Mogumber Outback Club be approved, subject to the same requirements for payment of the assistance; and
- no payment be made to the Mogumber Outback Club until all approvals, planning requirements etc are satisfactorily concluded.

**1809-08 Council Resolution**

Moved Cr Bantock

Seconded Cr Corless-Crowther

That –

- the unbudgeted expenditure of \$15,000 originally made in the 2017-2018 Budget for the community request submission of the Mogumber Outback Club permanent arena ring and yards located on Reserve 8588 be approved, subject to the same requirements for payment of the assistance; and
- no payment be made to the Mogumber Outback Club until all approvals, planning requirements etc are satisfactorily concluded.

**Procedural Motion**

Moved Cr Penn

Seconded Cr Clarke

That this matter be deferred to the October 2018 Council meeting for further information to be obtained.

**LOST**

**For 2 / Against 5**

**Substantive Motion**

The substantive motion was –

**CARRIED**

**For 5 / Against 2**

*Cr Penn and Cr Clarke asked to be recorded as having voted against the motion*

**Commonly-used abbreviations**

CEO                      Chief Executive Officer



## 10.6 Policy Manual 2018

<b>File reference</b>	A1.1.7		
<b>Report date</b>	12 September 2018		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>			
<b>Prepared by</b>	Niel Mitchell, Governance Officer		
<b>Authorised by</b>	Glenda Teede, CEO		
<b>Attachments</b>			
Attachment 1	Page	101	Draft Policies for adoption – - 8.20 – Employee Superannuation - 8.21 – Equal Employment Opportunity - 13.7 – Acquisition of road making materials – non Shire controlled land
		102	
		104	

### PURPOSE

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

### BACKGROUND

The current Policy Manual is a mix of delegations, policy, administrative matters that needs thorough review and integration across the framework of legislation, authority and instructions applying and given by Council.

A detailed review is one of the matters identified by the Audit Committee on 21 March 2018, and subsequently directed by Council on 28 March 2018.

### COMMENT

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

Specific policies presented for Council adoption are as follows –

- 8.20 – Employee Superannuation
  - o The current policy implies that no additional contribution will be made by Council unless the employee contributes 5%
  - o Similarly, there is no consideration given to the legislated increase in SGC over a number of years
  - o Current policy does not make any comment about choice of fund or default fund.
- 8.21 – Equal Employment Opportunity
  - o Statement as required by the Equal Opportunity Act
- 13.7 – Acquisition of road making materials – non Shire controlled land
  - o To require written agreement prior to taking of materials, covering compensation (royalty), rehabilitation and reinstatement

## CONSULTATION

None

## STATUTORY CONTEXT

*Superannuation Guarantee Contribution (Administration) Act 1992 (Commonwealth)*

*Equal Opportunity Act*

## CORPORATE CONTEXT

None

## STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

<b>5.</b>	<b>Civic leadership – to better allocate scarce resources and effectively interact with the community</b>
5.2	Improve elected member performance
5.4	Measures to improve organisational efficiency

## FINANCIAL IMPLICATIONS

None

## VOTING REQUIREMENTS

Absolute Majority Required: No

### 1809-09 Officer Recommendation / Council Resolution

Moved Cr Corless-Crowther

Seconded Cr Broadhurst

That –

- a) the following policies in the Policy Manual 2017 be deleted –
  - 8.1.11 – Superannuation
  - 8.1.14 – Equal Opportunity Policy Statement
- b) the following policies be adopted as presented –
  - 8.20 – Employee Superannuation
  - 8.21 – Equal Employment Opportunity
  - 13.7 – Acquisition of road making materials – non Shire controlled land

**CARRIED For 7 / 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

## 10.7 Royalty for road making materials

<b>File reference</b>	
<b>Report date</b>	13 September 2018
<b>Applicant/proponent</b>	Shire of Victoria Plains
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	
<b>Prepared by</b>	Niel Mitchell, Governance Officer
<b>Authorised by</b>	Glenda Teede, CEO
<b>Attachments</b>	
Attachment 1	Page
	Nil

### PURPOSE

To determine an appropriate amount for payment of royalty to landowners for road making materials.

### BACKGROUND

The Shire has been requested to advise the amount of royalty to be paid to landowners for gravel etc taken for roadworks.

### COMMENT

It is a common practice to do so, and has been usual for the Shire to do so. Information from a number of Shires indicates that the amount of payment does vary, but is generally in the region of \$0.90 to \$1.50 per tonne (Shire of Quairading, Westonia, Narembeen, Dalwallinu)

Main Roads WA may pay up to a maximum rate of \$3.10 per tonne, depending on circumstances.

The Shire of Goomalling pays a very high rate of \$3.00 per tonne, but makes no comment in their policy regarding rehabilitation or reinstatement.

Shire of Beverley pays \$2.00 per tonne, and their Policy does comment briefly on rehabilitation. Shire of Dandaragan pays \$2.50 per tonne.

A brief search of Shire records does not reveal the last time that this rate was resolved by Council. In recent times, payment to a number of landowners has been made using a rate of \$1.10 per tonne.

Costing of roadworks for the current Budget 2018-2019 is at the rate of \$1.10 per tonne.

### CONSULTATION

Road west Engineering Group  
Local governments as noted in the Comment

## STATUTORY CONTEXT

Local Government Act 1995

## CORPORATE CONTEXT

Delegation 13.4 – Road making materials – Non Shire controlled land

Proposed Policy – Acquisition of road making materials

## STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

4.	<b>Infrastructure – to maintain / add to infrastructure used by the community</b>
4.3	Maintain / improve community facilities to an agreed standard

## FINANCIAL IMPLICATIONS

Increased cost of roadworks if the rate per tonne is resolved at a higher rate.

## VOTING REQUIREMENTS

Absolute Majority Required: No

### Officer Recommendation

That the royalty paid by the Shire for road making materials be \$1.10 per tonne.

### 1809-10 Council Resolution

Moved Cr King

Seconded Cr Bantock

That the royalty paid by the Shire for road making materials be \$1.10 ex GST per tonne.

**CARRIED For 7 / Against 0**

*Reason for variation – to clarify GST*

### Commonly-used abbreviations

CEO	Chief Executive Officer
MRWA	Main Roads WA

Cr Bantock declared an impartiality interest in the following item.

## 10.8 Yued Working Party

<b>File reference</b>		
<b>Report date</b>	13 September 2018	
<b>Applicant/proponent</b>	Shire of Victoria Plains	
<b>Officer disclosure of interest</b>	Nil	
<b>Previous meeting references</b>		
<b>Prepared by</b>	Niel Mitchell, Governance Officer	
<b>Authorised by</b>	Glenda Teede, CEO	
<b>Attachments</b>		
Attachment 1	Page 106	National Native Title Tribunal – Native Title Claimant Applications and Determination Areas

### PURPOSE

To consider Shire representatives on the Yued People Working Group for Mogumber Reserve.

### BACKGROUND

Following a number of approaches from the Yued People representatives, a meeting was held with the South West Aboriginal Land and Sea Council on 15 August 2018.

The meeting focussed on developments and usage of the Mogumber Reserve, and as a part of the discussions a working group was proposed.

### COMMENT

Mr Peter Wittkuhn of McLeod's Barristers and Solicitors is acting for the Shire in this matter.

Mr Brad Goode has been engaged to conduct an Ethnographic Aboriginal Heritage Survey. As part of this Survey, a group of Yued Elders will be meeting with Mr Goode and with the Shire.

SWALSC have nominated 6 Elders to represent the Yued People. It is suggested that the Shire nominate not more than 6 persons to meet with the Elders and Mr Goode.

Advice has been received that the Elders would like one of the people to be the person who designed the rodeo facilities proposed for the reserve. Other suggestions are that the Shire representatives include –

- Shire President – being head of Council
- CEO

Dates, place and times of proposed meetings are to be agreed.

It is expected that this consultation may in time lead to a Memorandum of Understanding that would encompass the whole of the Shire area.

A map showing the Yued area is attached, taken from the NNTT website on 12 September 2018. It is likely that the whole of the Shire is within the Yued area.

### CONSULTATION

Peter Wittkuhn, McLeods

Ettienne van Tonder, South West Aboriginal Land and Sea Council

### STATUTORY CONTEXT

*Native Title Act 1993 (Commonwealth)*

*Aboriginal Heritage Act 1972 (State)*

*Environmental Protection Act 1986*

### CORPORATE CONTEXT

None

### STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

<b>1.</b>	<b>Community – to enhance and improve a sense of community in the Shire</b>
	No specific criteria
<b>2.</b>	<b>Economic – to improve and add to local economic development and activity</b>
2.3	Improve community connectivity
<b>3.</b>	<b>Environment – to protect or improve the natural environment</b>
3.2	Support environmental sustainability initiatives and community forums
<b>4.</b>	<b>Infrastructure – to maintain / add to infrastructure used by the community</b>
4.3	Maintain / improve community facilities to an agreed standard
<b>5.</b>	<b>Civic leadership – to better allocate scarce resources and effectively interact with the community</b>
5.1	Measures to improve relationship and communication between Council and community

### FINANCIAL IMPLICATIONS

None

### VOTING REQUIREMENTS

Absolute Majority Required: No

<b>1809-11 Council Resolution</b>
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Moved Cr Corless-Crowther

Seconded Cr Bantock

That the Shire representatives to the Yued Working Party be considered.

**CARRIED For 7 / Against 0**

**Officer Recommendation**

That the Shire representatives to the Yued Working Party be –

- Shire President
- CEO
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**1809-12 Council Resolution**

Moved Cr Lovelock

Seconded Cr Corless-Crowther

That the Shire representatives to the Yued Working Party be –

- All Councillors; and
- CEO

**CARRIED For 7/ Against 0**

*Reason for variation – to specify representative to meet with the Yued Working Party*

**Commonly-used abbreviations**

CEO	Chief Executive Officer
MOU	Memorandum of Understanding
NNTT	National Native Title Tribunal
SWALSC	South West Aboriginal Land and Sea Council

## **11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None

## **12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

*Admitted by resolution of Council*

### **12.1 Housing**

---

The CEO noted the need for housing and that the matter would be referred to the next Briefing Session. Quality housing is needed to attract staff, and so that they may be located in close proximity to work. Information requested –

- what houses the Shire has and who is in them
- are there grants available
- loans

The President noted that this was for information and not requiring a decision at this time.



## 13. MEETING CLOSED TO PUBLIC

### 13.1 Shire of Victoria Plains Enterprise Bargaining Agreement 2005

<b>File reference</b>			
<b>Report date</b>			12 September 2018
<b>Applicant/proponent</b>			Shire of Victoria Plains
<b>Officer disclosure of interest</b>			None
<b>Previous meeting references</b>			Attached
<b>Prepared by</b>			Ben Macharia – Human Resources Advisor Niel Mitchell, Governance Officer
<b>Authorised by</b>			
Attachment 1	Page		Shire of Victoria Plains (External Employees) Enterprise Bargaining Agreement 2005
Attachment 2	Page		Award vs Agreement Comparison Table (HWL)
Attachment 3	Page		Cost Agreement (WALGA)

#### Reason for confidentiality

This Report is **CONFIDENTIAL** in accordance with Section 5.23 of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following –

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (a) *a matter affecting an employee or employees*

#### **VOTING REQUIREMENT**

Absolute majority required: No

#### **1809-13 Officer Recommendation / Council Resolution**

Moved Cr Bantock

Seconded Cr Clarke

That the meeting be closed to the public to consider this matter, the time being 3.50 pm.

**CARRIED For 7 / Against 0**

*Remaining in the meeting – All Councillors  
CEO  
Works & Services Manager  
Governance Officer*

#### **VOTING REQUIREMENT**

Absolute majority required: No

**1809-14 Officer Recommendation / Council Resolution**

Moved Cr Bantock

Seconded Cr King

That application is made to the Fair Work Commission –

- a) for a declaration that the *Shire of Victoria Plains (External Employees) Enterprise Bargaining Agreement 2005* does not apply to the Shire; or
- b) should a declaration not be made or is considered not feasible, to terminate the *Shire of Victoria Plains (External Employees) Enterprise Bargaining Agreement 2005*

**CARRIED For 7 / Against 0**

**VOTING REQUIREMENT**

Absolute majority required: No

**1819-15 Officer Recommendation / Council Resolution**

Moved Cr Bantock

Seconded Cr King

That the meeting be opened to the public, the time being 4.18 pm.

**CARRIED For 7 / Against 0**

*Returning to the meeting – Ms Rebecca Kelly  
Mr Jim Kelly  
Ms Janine Varley*

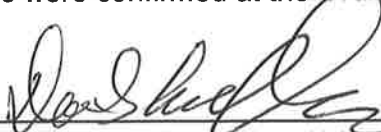
*Reading of Council resolution – The resolution of Council was read aloud.*

**14. CLOSURE OF MEETING**

There being no further business, the presiding member declared the meeting closed at 4.23 pm.

**CERTIFICATION**

These minutes were confirmed at the Ordinary Council Meeting held on 17 October 2018.

Signed  Date 3-12-2018  
(Presiding member at the meeting which confirmed the minutes)

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