



MINUTES

Ordinary Council Meeting

22 June 2022

Shire of Victoria Plains
Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2.00pm

DISCLAIMER:

The recommendations contained in this document 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.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

CONTENTS

1.	DECLARATION OF OPENING.....	5
1.1	Opening.....	5
1.2	Announcements by Shire President	5
2.	RECORD OF ATTENDANCE	5
3.	DISCLOSURES OF INTEREST	6
4.	PUBLIC QUESTION TIME.....	6
4.1	Public Questions With Notice	6
4.2	Public Questions Without Notice	9
5.	PRESENTATIONS AND DEPUTATIONS.....	9
5.1	Presentations	9
5.2	Deputations	9
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	10
7.	MINUTES OF MEETINGS.....	10
7.1	Confirmation of Council Meeting Minutes	10
11.1	Motion to Close Meeting to the Public	10
11.2	Matters Regarding the CEO's Employment – Negotiated Separation - Confidential	11
8.	REPORTS REQUIRING DECISION.....	12
8.1	Accounts for Endorsement – May 2022.....	12
8.2	Monthly Financial Statements – May 2022.....	14
8.3	Appointment of CEO Selection Panel (Committee)	16
8.4	Annual Electors Meeting 25 May 2022 (for 2020/2021).....	24
8.5	Review of Delegation Register(s) 2021-2022	26
8.6	Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site)	33
9.	MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	40
10.	NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION.....	40
11.	MEETING CLOSED TO PUBLIC.....	40
12.	CLOSURE OF MEETING	40



MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol on
22 June 2022 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.00pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's *Meeting Procedures Law 2018*.

2. RECORD OF ATTENDANCE

Members present

Cr P Bantock - Presiding Member
Cr J Kelly
Cr N Clarke
Cr S Penn
Cr O'Brien
Cr D Lovelock
Cr S Woods

Staff attending

Acting Chief Executive Officer – Mr S Fletcher
Acting Works and Services Manager – Mr S Brenzi
Minute Officer – Mrs J Klobas
Community Emergency Services Manager – Mr N Parry
Finance Coordinator - Mrs G Deocampo
Shire Planner – Mr J Douglas (via teleconference)
Shire Finance Consultant – Mr T Bates (via teleconference)

Approved leave of absence

N/A

Visitors

Mr D McAuliffe.

Members of the public

Mr L McInness
Mrs N McInness

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	.N/A
3.2	Proximity	N/A
3.3	Impartiality	Item 11.2 – The Acting Chief Executive Officer declared an impartiality interest as ‘ <i>he does and has done work for both parties</i> ’.

4. PUBLIC QUESTION TIME*Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.***4.1 Public Questions With Notice**

Public Question Time was opened to the floor at 2.03pm.

Public Question Time – Ordinary Council Meeting – 27 April 2022**Cr S Woods, Calingiri**

- Q1. Regarding Item 8.7 “AgLime – Calingiri New Norcia Road Realignment”, how many hectares are in question re the Shire’s negotiations with the Department of Biodiversity, Conservation and Attractions (DBCA) to identify an offset site?
- A1. The Question was Taken on Notice by the Works & Services Manager.
- A1. Offset calculation identified that the conservation of remnant native vegetation in a very good condition, as specified below, may be sufficient to adequately address the impacts of the proposed clearing (noting that these values can all be present within one larger remnant):
- Approximately 7.59ha of native vegetation that is a significant remnant within an extensively cleared landscape.

Public Question Time – Ordinary Council Meeting – 25 May 2022

- Q1. Cr J Kelly requested further details of the approximate expense of approx \$22,000 under “Housing Expenditure” (page 30).
- A1. The CEO took the Question on Notice.
- A1. The approximate \$22,000 variance is an operating revenue not expense, and the unfavourable result is noted in Explanation of variance column.

Reporting Program	Var	Var	Timing /	Explanation of Variance
Operating Revenues	\$	%	Var Permanent	
Governance	(769)	(15%)	Timing	Variance due to budget phasing
General Purpose Funding - Rates	501,162	20%	▲ Timing	Increase in Ex gratia rates, penalties and interest
General Purpose Funding - Other	967,010	212%	▲ Timing	Advance payment of Financial Assistance Grant 22/23
Law, order and public safety	(6,205)	(2%)	Timing	Variance due to budget phasing
Health	(1,428)	(43%)	Timing	Fees and charges over estimates
Education and Welfare	(520)	(100%)	Timing	Fees and charges over estimates
Housing	(21,891)	(29%)	▼ Permanent	Vacant units for months, and staff housing used as consultant accommodation
Community Amenities	19,319	19%	▲ Timing	Increase in planning and building applications and reimbursement - Drummuster
Recreation and Culture	(1,577)	(2%)	Timing	Variance due to budget phasing
Transport	30,671	20%	▲ Permanent	Funds received from Disaster Recovery
Economic Services	9,177	41%	Timing	Increase income from caravan parks
Other Property and Services	13,127	46%	▲ Timing	Increase in private works, and fuel rebates

- Q2. Cr J Kelly requested further details of the Law and Order and Public Safety expenditure of approximately \$9,000. Has the Shire overspent in this area ? (page 30).
- A2. The Shire President took the Question on Notice.
- A2. As advised by the Finance Co-Ordinator, if Cr Kelly is referring to 'Law, Public & Safety' – This is the project "Bolgart Access Track" which has not been included in the adopted budget. This is a DFES funded project. Also explained in the Explanation of Variance column.

Operating Expense

Governance	20,153	4%	Timing	Variance due to budget phasing
General Purpose Funding	31,000	8%	Timing	Variance due to budget phasing
Law, order and public safety	(109,216)	(24%)	▼ Timing	Bolgart Fire access track funded project- DFES
Health	8,658	7%	Timing	Variance due to budget phasing
Education and welfare	1,369	35%	Timing	Variance due to budget phasing
Housing	(17,620)	(9%)	Timing	Variance due to budget phasing
Community amenities	128,837	25%	▲ Timing	Variance due to budget phasing
Recreation and Culture	(142,821)	(26%)	▼ Timing	Variance due to budget phasing
Transport	(326,622)	(8%)	Timing	Variance due to budget phasing
Economic services	47,630	21%	▲ Timing	Variance due to budget phasing
Other property and services	(121,758)	449%	Timing	Vacant position-WM, and variance due to budget phasing

- Q3. Cr J Kelly – requested further details in relation to "Grants, Subsidies and Contributions" as there is a 64% Variance. When are we due to get that money?
- A1. Some road grants were already received in May. Other funds are expected to be received in June.

Public Question Time – Ordinary Council Meeting – 22 June 2022

Naomi Purser. Piawaning

I question the proposed/recommended course of action which sets out a series of planning steps, actions and costs.

Given the comment directly above that is as follows:

vi) Further consultation with the local community regarding the future use and management of Reserves 18203 and 18204 is essential and will need to be undertaken in accordance with all legislative and regulatory requirements to ensure the community's needs are considered and accommodated where possible. Council also needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the municipal district in a consistent and equitable manner for the benefit of the local community including administration of the Shire of Victoria Plains Public Places and Local Government Property Local Law 2018.

Does that not indicate the need to now postpone further action on this zone and planning proposal?

Why would Council agree to spend further money on this without 'allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person'?

You have a choice here to not proceed and not spend any more money on this...for the moment.

Secondly – did the Council not already engage a surveyor at some cost to do the work proposed in Step 1? Why does it need to be done again at a cost of \$4,500?

The amount of money to be spent should the recommendations be agreed to, is significant, especially at and after Step 4 (\$10-12,000.00).

My thought is Council should resolve to set aside the recommendations and not proceed further until Council can allocate sufficient resources, establish clear processes and appoint a suitably qualified and experienced person to manage all Crown reserves throughout the municipal district in a consistent and equitable manner for the benefit of the local community including administration of the Shire of Victoria Plains Public Places and Local Government Property Local Law 2018.

This should occur when you have a CEO appointed and when you have that suitably qualified person appointed.

Is there any reason why this recommendation could not be set aside for a period of time?

I am questioning the need to proceed with the planning recommendations when there is not a clear budget and guideline for Crown reserves within the Shire. Depending on other potential boundary issues on Crown or Shire property this could end up costing ratepayers significantly.

Preliminary Matters

- I appreciate that we have received Mrs Purser's questioning of the proposed/recommended course of action which sets out a series of planning steps, actions and costs;
- Her questions need to be treated as questions in writing to all of Council. Although she has submitted them to you, Mrs Purser needed to submit them under Policy 1.2 to the CEO by the appropriate cut-off time so that there is no perception of bias. This is critically important for elected members when it comes to planning matters;
- Given the nature of the matter, and in the public interest, I will allow the questions and answers to come forward for Council's, and the broader community's information, at today's Council meeting.

Response to Other Comments

- The matter of the feature and contour survey is very different to the boundary survey that was done. It is a site or feature survey – designed to pick up all relevant items and features on the two pieces of land regarding the boundary e.g. heights and location of objects, ground levels and so on. This information is needed by the Shire to ensure the planning process in this matter is not undermined;
- As I advised Council at the briefing session on Monday night, I have allocated the task of overseeing and managing the Shire's crown reserves to the Shire's building surveyor, who is suitably qualified to undertake such matters. He also has base level planning skills and knowledge. In essence, the Building Surveyor's role in this matter is to commence the process of establishing the relevant processes and procedures to assist the Shire regarding the management of the Crown Reserves. This is highly appropriate and fits the valid management of such matters regarding the use of continuous improvement. The relevant licensing requirements under the Shire's Public Local Law have already been researched by the consultant town planner and have been put forward for inclusion in the draft fees and charges for 2022-2023;
- Ultimately, it is for Council to decide whether it adjourns this matter or proceeds with it. Neither you nor I have the right to second guess Council in this matter;
- Mrs Purser is more than welcome to discuss with both Joe Douglas and myself any further issues she has in this matter. Although my title is Temporary CEO, I am, for all intents and purposes, under the Local Government Act the CEO of the Shire. My primary function is to advise in all matters statutory or otherwise, which I have done so by Mr Douglas preparing the report into this matter.

4.2 Public Questions Without Notice

Public question time closed at 2.11pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS**7.1 Confirmation of Council Meeting Minutes****2206-01 Officer Recommendation / Council Resolution****Moved: Cr G O'Brien****Seconded: Cr N Clarke**

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 25 May 2022,*

as circulated, be **CONFIRMED** as a true and correct record with amendment to edit Cr S Woods attendance which is noted twice, and to include Cr S Penn as attending.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**2206-02 Council Resolution****Moved: Cr O'Brien****Seconded: Cr D Lovelock**

That Items 11.1 and 11.2 be moved forward to the beginning of the meeting at 2.14pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**11.1 Motion to Close Meeting to the Public****2206-03 Officer Recommendation / Council Resolution****Moved: Cr G O'Brien****Seconded: Cr S Woods**

That Council close the meeting to the public as it is a matter regarding an employee, the time being 2.16pm

CARRIED BY UNANIMOUS DECISION OF COUNCIL

All staff, other than the Acting CEO, withdrew from the meeting at 2.16pm.

2206-03 Officer Recommendation / Council Resolution**Moved: Cr N Clarke****Seconded: Cr S Woods**

That Council adjourn for afternoon tea at 3.26pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Staff returned to Chambers at 3.30pm.

Following afternoon tea, Mr McAuliffe withdrew from Chambers, and the meeting resumed at 3.51pm, with the Shire Planner and Finance consultant re-joining via teleconference at this time.

11.2 Matters Regarding the CEO's Employment – Negotiated Separation -**Confidential**

File reference	
Report date	21 June 2022
Applicant/proponent	Mr Dean McAuliffe, Director - DKM Workplace Solutions
Officer disclosure of interest	Impartial. Mr Fletcher supports both Council and CEO re CEO matters
Previous meeting references	Special Council Meeting 1 June 2022
Prepared by	Sean Fletcher, Temporary CEO
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page
	To be provided by Mr McAuliffe at the meeting

VOTING REQUIREMENTS

Absolute majority required: Yes

2206-04 Officer Recommendation / Council Resolution**Moved: Cr S Woods****Seconded: Cr G O'Brien**

That Council:

- AUTHORISES** the Shire President to enter into further negotiations and finalise matters regarding the Deed of Separation proposed by Ms Glenda Teede as set out in Attachment 1.
- RE-OPENS** the meeting to the public.

CARRIED BY UNANIMOUS DECISION AND BY ABSOLUTE MAJORITY OF COUNCIL*The Shire President read aloud the motion that was Carried by Council behind closed doors at 3.51pm.***Note:**

The resolution as written is what was resolved in camera. However, due to a mixup when the President was reading the resolution out loud once back in public session, the amendment to the Officer's recommendation that formed the resolution was not stated in its entirety as required, nor the explanation. Council believed further negotiations were required and that the President was allocated the responsibility to close out the process.

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – May 2022**

File reference	F1.8.4		
Report date	10 May 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance		
Authorised by	Sean Fletcher		
Attachments			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda
		2	Restricted schedule – to councillors under separate cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for May 2022.

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
 - (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions

- compliance with legislation and procedures
- Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2206-05 Officer Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That the payments made for May 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliations/Statements be **ENDORSED**:

May 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	10978 – 11050	944,585.37
Creditor Cheque Payments	12560 -12563	1,586.27
Direct Debit Payments**	DD13370-DD13429	60,182.30
Salaries & Wages EFT	PE 11/05/22, PE 25/05/22	90,689.94
Fuel Card – Wright Express	DD13400.2	1,431.92
Credit Card–Bendigo Bank-	DD13400.1 CEO	320.67
	DD13425.1 CESM	63.44
Trust Payments		0.00
	TOTAL	\$1,098,859.91

Local Spending	\$	%
Local Supplier	68,870.97	6.27
Payroll	90,689.94	8.25
Total	159,560.91	14.52

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

Cr S Penn and Cr J Kelly voted against the motion.

Cr N Clarke, Cr Lovelock, Cr G O'Brien, Cr S Woods and Cr P Bantock voted for the motion.

8.2 Monthly Financial Statements – May 2022

File reference			
Report date			
15 June 2022			
Applicant/proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
RSM – Travis Bate			
Authorised by			
Sean Fletcher, Temporary CEO			
Attachments			
Attachment 1	Page	10	Monthly Financial Statements – 31 May 2022

PURPOSE

To receive the monthly financial statements for the period ending 31 May 2022.

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 May 2022 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2. Most variances for the month were classified as timing variances.

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2206-06 Officer Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr N Clarke

That Council **RECIEVE** the 31 May 2022 Monthly Financial Reports as presented:

CARRIED For 5 / Against 2

Cr S Penn and Cr J Kelly voted against the motion.

Cr N Clarke, Cr Lovelock, Cr G O'Brien, Cr S Woods and Cr P Bantock voted for the motion.

The Finance Consultant, Mr T Bates, withdrew from the meeting via teleconference at 4.03pm and did not return.

CONFIRMED PUBLIC

Cr P Bantock noted an impartiality interest in this item, due to her acquaintance with Caroline Robinson, Robert Dew and Amanda Walker

Cr S Woods noted an impartiality interest in this item, due to her acquaintance of Caroline Robinson, Robert Dew and Amanda Walker.

8.3 Appointment of CEO Selection Panel (Committee)

File reference		
Report date		14 June 2022
Applicant/proponent		Council
Officer disclosure of interest		Financial. Matter affects Mr Fletcher's employment
Previous meeting references		OCM - 27 April 2022: 2204-20; 2204-21
Prepared by		Sean Fletcher, Temporary CEO
Authorised by		Entered once authorised by CEO
Attachments		
Attachment 1	Page	Policy 2.6 – CEO Standards
Attachment 2	Page	Quote - Strategic Leadership Consulting

PURPOSE

For Council to appoint the CEO Selection Panel including a suitable terms of reference to assist it with the CEO recruitment process.

BACKGROUND

At the meeting on 27 April 2022 (Item 11.2), Council was formally advised on matters regarding the CEO.

Council considered the further requirements including:

- The requirement to follow Division 2 within the CEO Standards adopted by Council regarding the recruitment process:
 - This is a legislated requirement as per s.5.39B of the Local Government Act and through the further provisions of the Local Government (Administration) Regulations;
 - The key requirement is that a selection panel must be appointed when recruiting a CEO.
- Adopting the policy or terms of reference re the role of the Selection Panel;
- Appointment of the Selection Panel including the Independent Person;
- Appointment of the Facilitator (this cannot be the Independent Person or a person who currently provides human resources consulting services to the Shire);
- Timeline on the recruitment process, including meetings of the Selection Panel; and
- Who will provide administrative support.

As a result, Council in part, resolved the following:

2204-21 Councillor Motion / Council Resolution

2. Authorises the Shire President to seek quotes for a facilitator to guide Council through the process of CEO recruitment and present at the latest to the June 2022 Ordinary Council Meeting for consideration.
3. Authorises the Shire President to identify a suitable independent person/s to sit on the CEO selection panel as per *the Local Government Administration Amendment Regulations of 2021* and present to council for consideration.
4. Select Sean Fletcher as the Shire Officer to provide Administrative support during this process.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

In accordance with Resolution 2204-21, the Shire President has undertaken the following:

- Facilitator (Recruitment Consultant). There are two candidates for consideration:
 - John Phillips – Mr Phillips was not able to quote as he is not available until after early August;
 - Strategic Leadership Consulting – quote has been provided;
 - The President went to both WALGA and the Department of Local Government seeking suitable names for consideration, but had a very limited result.
- Independent Person. The President has identified three candidates for consideration:
 - Caroline Robinson (Consultant – Wheatbelt Specialist);
 - Amanda Walker (Community Member and business owner);
 - Robert Dew (former SoVP CEO and Zone Executive Officer)
- Discussed matters with Mr Fletcher as required. Since this resolution, Mr Fletcher has been appointed by Council as the Temporary CEO.

COMMENT**Requirements of the CEO Standards – Recruitment (Tasks)**

As per the CEO Standards, Council is now required to undertake the following tasks:

1. Determine the selection criteria for the position of CEO;
2. Approve by absolute majority, the job description form for the position of CEO, which sets out:
 - a. The duties and responsibilities of the CEO; and
 - b. The selection criteria as required in Point 1.
3. Advertise the CEO position in accordance with the Administration Regulations;
4. Appoint a CEO Selection Panel to conduct the recruitment and selection process for the employment of a person in the position of CEO:
 - a. The facilitator would assist the CEO Selection Panel;
 - b. Make recommendations on the job description form (Points 2a and 2b);
 - c. Review applications received, undertake interviews and make recommendations regarding: suitability of the recommended applicant, the offer of employment, the proposed terms of contract.
5. Approve by absolute majority:
 - a. The making of the offer of employment to the applicant; and

- b. The proposed terms of the contract of employment, including any variations proposed to the contract.

The greater detail regarding the requirements for items 1 – 5 are set out in Council Policy 2.6: Standards for CEO Recruitment, Performance and Termination.

Selection Panel Terms of Reference

It can be seen from the above, that the Selection Panel is able to assist Council re Points 1, 2, 3, 4b, 4c and 5.

Council is also required to determine the terms of reference of the Selection Panel, including its membership:

- The Independent Person (mandatory);
- The number of elected members on the Selection Panel (all of council or only select members);
- How the Committee will be supported.

The Panel is in effect, a committee of council. To this end, it is recommended that the Selection Panel is framed as a committee of council with the following terms of reference:

TERMS OF REFERENCE CEO Recruitment Committee	
Purpose	The purpose of the CEO Recruitment Committee is to conduct the recruitment and selection process for a new Chief Executive Officer in accordance with the principles of merit, equity and transparency and consistent with Council's adopted Model Standards for CEO Recruitment, Performance and Termination
Head of Power	<ul style="list-style-type: none"> • s.5.39A <i>Local Government Act 1995</i> • <i>Local Government (Administration Regulations) 1996</i> – Division 2 • Policy 2.6: Standards for CEO Recruitment, Performance and Termination
Membership	<p>Elected Members All of Council</p> <p>External Members One Independent Person</p> <p>Deputy Members Nil</p>
Quorum	5
Delegated Authority (Delegation)	<p>The CEO Recruitment Committee has been delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.</p> <p>Note: Council may wish to amend the Terms of Reference in future so that the CEO Recruitment Committee can appoint:</p> <ul style="list-style-type: none"> • The Independent Person; • The Recruitment Consultant
Duration	of The Committee is a standing committee of Council. It's term and

Committee	membership expires at each ordinary local government election
Meetings	Committee meetings are to be in accordance with the <i>Shire of Victoria Plains Meeting Procedures Local Law 2018</i>
Meeting Frequency	As required
Meeting Date and Time	When suitable
Remuneration	<p>Elected Members Nil</p> <p>Independent Person Mileage and meals</p>
Location	Shire of Victoria Plains Office Block
Liaison and Support	<ul style="list-style-type: none"> • Chief Executive Officer • Facilitator (Recruitment Consultant) • OCM Officer

Note: The Recruitment Tasks 1 – 5 are set out in the first part of the Comments section to this report.

Independent Person

Although the Independent Person is a committee member, it is an honorary role, which means they are not entitled to sitting fees. However, they are entitled for reimbursement regarding travel costs and meals, as applicable.

Presiding Member

The Committee will need to elect a presiding member at its first meeting.

CONSULTATION

Cr Pauline Bantock, Shire President re process and assigned responsibilities.
Mr Travis Bate, RSM Consulting re financial implications

STATUTORY CONTEXT

Council is required to establish a CEO Selection Panel in accordance with s 5.39A(1) of the Local Government Act 1995 which requires that the panel comprise of Council members (the number of which must be determined by the local government) and at least 1 independent person (cl 8, Division 2 of the Regulations).

Clause 8, Division 2 of the Regulations as well as Council's adopted Model Standards for CEO Recruitment, Performance and Termination provides that the independent member cannot be:

- A Council Member;
- An employee of the local government; or
- A human resources consultant engaged by the local government.

Since the introduction of the legislation, it is noted that independent members to recruitment panels have been previous CEOs, or senior employees with knowledge of the role of CEOs in local governments. Examples of potential independent members provided by the Department include:

- Former Elected Members or former staff members of the Local Government;
- Former or current Elected Members (such as the Mayor or Shire President) or staff members of another local government;
- A prominent or highly regard member of the community; or
- A person with experience in the recruitment of CEOs and senior executives.

It is recommended that the CEO Selection Panel be a standing committee of Council and is appointed under s.5.8 of the Local Government Act accordingly. This must be bay an absolute majority.

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> • <i>Implementation of initiatives to better connect Council with the community and associated matters.</i>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the Organisation

Delegations Register

Delegation to be created as follows:

The CEO Recruitment Committee has been delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.

Note: Committees with delegations must have meetings that are open to the public.

Policy Manual

Policy 2.6: Standards for CEO Recruitment, Performance and Termination

Risk Assessment

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Non - compliance Not conducting	Extreme (5) Non-compliance	Likely (4) Probably occur in most	Extreme (20)	CEO & Council Risk only acceptable with	Shire has relevant CEO Standards in place. Council, CEO and Governance ensures

the CEO Performance Recruitment process according to the Act, Regulations and Council's policy	results in litigation, criminal charges or significant damages or penalties to Shire/Officers	circumstances At least once every three years		excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring Effective: - There is little scope for improvement	that process is followed as required. The above will, over time, ensure that the risk is maintained as Low
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FINANCIAL IMPLICATIONS

Independent Person

As per the budget set aside for

Recruitment Consultant

The costs for engagement of a professional recruitment consultant to recruit a new CEO is expected to be \$5 000 - \$10 000. Under the Shire's purchasing policy, only one quote is required in this instance. The quotes received are as follows:

John Phillips: Did not quote
Strategic Leadership Consulting: \$6 830 (GST ex)

Although the appointment of the recruitment consultant is being recognised now, the cost will be carried forward in the 2022/2023 Budget. The recognition of the unbudgeted cost must be by an absolute majority (s.6.8).

VOTING REQUIREMENTS

Absolute majority required: Yes For the appointment of the recruitment consultant.

Finance Co-Ordinator withdrew from the meeting at 4.05pm and did not return.

2206-07 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr G O'Brien

That Council in accordance with sections 5.8 and 6.8 of the *Local Government Act 1995* and Division 2 of the *Local Government (Administration Regulations) 1996*:

BY ABSOLUTE MAJORITY

- APPOINTS** Strategic Leadership Consulting as the recruitment consultant to assist the CEO Recruitment Committee with the recruitment of a new CEO.

2. **NOTES** that Strategic Leadership Consulting will assist the Committee to identify a preferred candidate that will be recommended to Council for consideration.
3. **NOTES** that the costs of professional recruitment consultancy are currently unbudgeted for and **ARE** to be included as part of the 2022/2023 Budget.
4. **ESTABLISHES** the CEO Recruitment Committee in accordance with the following Terms of Reference:

TERMS OF REFERENCE CEO Recruitment Committee	
Purpose	The purpose of the CEO Recruitment Committee is to conduct the recruitment and selection process for a new Chief Executive Officer in accordance with the principles of merit, equity and transparency and consistent with Council's adopted Model Standards for CEO Recruitment, Performance and Termination
Head of Power	<ul style="list-style-type: none"> • s.5.39A <i>Local Government Act 1995</i> • <i>Local Government (Administration Regulations) 1996</i> – Division 2 • Policy 2.6: Standards for CEO Recruitment, Performance and Termination
Membership	<p>Elected Members All of Council</p> <p>External Members One Independent Person</p> <p>Deputy Members Nil</p>
Quorum	4
Delegated Authority (Delegation)	<p>The CEO Recruitment Committee has been delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.</p> <p>Note: Council may wish to amend the Terms of Reference in future so that the CEO Recruitment Committee can appoint:</p> <ul style="list-style-type: none"> • The Independent Person; • The Recruitment Consultant
Duration of Committee	The Committee is a standing committee of Council. It's term and membership expires at each ordinary local government election
Meetings	Committee meetings are to be in accordance with the <i>Shire of Victoria Plains Meeting Procedures Local Law 2018</i>
Meeting Frequency	As required
Meeting Date and Time	When suitable
Remuneration	<p>Elected Members Nil</p> <p>Independent Person Mileage and meals</p>
Location	Shire of Victoria Plains Office Block

Liaison and Support	<ul style="list-style-type: none"> • Chief Executive Officer • Facilitator • OCM Officer
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List of Recruitment Tasks

As per the CEO Standards, Council is now required to undertake the following tasks:

1. Determine the selection criteria for the position of CEO;
2. Approve by absolute majority, the job description form for the position of CEO, which sets out:
 - a. The duties and responsibilities of the CEO; and
 - b. The selection criteria as required in Point 1.
3. Advertise the CEO position in accordance with the Administration Regulations;
4. Appoint a CEO Selection Panel to conduct the recruitment and selection process for the employment of a person in the position of CEO:
 - a. The facilitator would assist the CEO Selection Panel;
 - b. Make recommendations on the job description form (Points 2a and 2b);
 - c. Review applications received, undertake interviews and make recommendations regarding: suitability of the recommended applicant, the offer of employment, the proposed terms of contract.
5. Approve by absolute majority:
 - a. The making of the offer of employment to the applicant; and
 - b. The proposed terms of the contract of employment, including any variations proposed to the contract.

The greater detail regarding the requirements for items 1 – 5 are set out in Council Policy 2.6: Standards for CEO Recruitment, Performance and Termination.

2006-08	Councillor Motion / Amendment
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Moved: Cr P Bantock

Seconded: Cr S Woods

1. **APPOINTS** Caroline Robinson as the Independent Person to the CEO Recruitment Committee.

THE MOTION / AMENDMENT IS LOST FOR 2 / AGAINST 5

2006-09	Return to the Substantive Motion / Council Resolution
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Moved Cr D Lovelock

Seconded Cr G O'Brien

BY SIMPLE MAJORITY

1. **APPOINTS** Mr Robert Dew as the Independent Person to the CEO Recruitment Committee.

CARRIED For 6 / Against 1

Cr Woods voted against the motion.

8.4 Annual Electors Meeting 25 May 2022 (for 2020/2021)

File reference	
Report date	15 June 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	23 June 2021 OCM 2106-05
Prepared by	Sean Fletcher, Temporary CEO
Authorised by	Entered once authorised by CEO
Attachments	
Attachment 1	Page 64 Minutes of the Annual Electors Meeting 25 May 2022

PURPOSE

To consider decisions made at the Annual Electors Meeting regarding the 2020/2021 financial year and other matters held on 25 May 2022.

BACKGROUND

Council resolved at its meeting on 27 April 2022 to hold the Annual meeting of Electors on 25 May 2022.

COMMENT

Although there were no decisions made at the meeting, it would be prudent for Council to familiarise itself with the content of the minutes including questions raised. These are provided in Attachment 1 to this report.

CONSULTATION

Nil

STATUTORY CONTEXT**Local Government Act 1995**

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable:
- at the first ordinary council meeting after that meeting; or
 - at a special meeting called for that purpose

CORPORATE CONTEXT**Strategic Community Plan**

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>
5.1	Implement measures to improve relationship and communication between Council and community
5.2	Improve elected member performance
5.3	Develop an advocacy and lobbying capacity
5.4	Measures to improve organisational efficiency
<ul style="list-style-type: none"> <i>Implementation of initiatives to better connect Council with the community and associated matters.</i> 	

Corporate Business Plan

Strategy 5.1: Implement measures to improve relationship and communication between Council and community

5.1.2 Continue to actively engage with the community

Strategy 5.4: Measures to improve organisational efficiency:

5.4.1: Review, update and maintain strategic and operational plans

5.4.2 Maintain accountability and financial responsibility in accordance with Long Term Financial Plan

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

Risk Management

There are no matters of risk regarding this item.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2206-10 Officer Recommendation / Council Resolution

Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council in accordance with section 5.33(1) of the *Local Government Act 1995* **NOTE** that there were no decisions made for its consideration at the Annual Electors Meeting held on 25 May 2022.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.5 Review of Delegation Register(s) 2021-2022

File reference			
Report date			
15 June 2022			
Applicant/proponent			
Council; CEO			
Officer disclosure of interest			
Nil			
Previous meeting references			
OCM June 2020			
Prepared by			
Sean Fletcher, Temporary CEO			
Authorised by			
Entered once authorised by CEO			
Attachments			
Attachment 1	Page	73	Explanatory Memorandum – Review of Delegations 2021
Attachment 2	Page	80	Delegations Register – Final Draft for Adoption

PURPOSE

The purpose of this report is to:

- Assist Council complete its 2021/2022 review of the delegations applicable to the CEO and the Committees of Council; and
- To confirm that the CEO has completed the review of the delegations to others.

BACKGROUND

Under Section 5.42(2) of the Local Government Act, at least once every financial year, delegations are to be reviewed by the delegator. Regarding the Shire of Victoria Plains, this means that once each financial year:

- Council must review its delegations to the CEO and to Committees of Council;
- The CEO must review their delegations to others. These delegations consist of two types:
 - On delegations from Council to the CEO and from the CEO to staff/others regarding the Local Government Act or other legislation; and
 - On delegations from the CEO regarding specific powers the CEO has under the Local Government Act or other legislation to staff/others.

The author has now completed the 2021/2022 review on behalf of Council the delegations from Council to CEO and delegations from the CEO to others. The author presents both matters for Council's information and consideration.

COMMENT

The purpose of a delegation is to provide for administrative efficiencies including passing on to the CEO and the Committees of Council the Council's authority allowing certain matters of administration to occur as it cannot carry out the administration function itself. Both the Local Government Act and the Model Codes of Conduct Regulations along with the Shire's Code of Conduct for Elected Members, Committee Members and Candidates provide for this requirement.

The Shire of Victoria Plains, like many local governments, has the one delegations register to cover both Council and the CEO. Each delegation is set out so that:

- The Primary Delegation is mentioned first. This confirms that the Council is delegating its authority to the CEO or a Committee;
- The Sub-Delegation. This action confirms that the CEO is delegating the authority to another officer. Council has no say regarding who the CEO can on delegate to;

- The rest of the delegation confirms how the delegated authority will be applied including any restrictions or limitations.

The author had planned, to use the WALGA model to put all delegations into the new format. However, this has not occurred due to time constraints and impacts by other key changes. Ideally, the plan is to convert to the new format as part of the next annual review. The new delegations to the Committees of Council are in the new format.

Explanatory Memorandum – Council to CEO

Included with the Explanatory Memorandum is a copy of the current delegations from Council to the CEO that are recommended to be changed, revoked or deleted. The review has identified that the changes required are generally cosmetic in nature.

Delegation	Action	Explanation
1.1.7.2 Designate Authorised Officers Health	Delete reference to Planning	The reference to planning is not applicable re health matters. This is an oversight and was not removed in previous reviews
3.2 Payments from Bank Accounts	Information only re how sub-delegations should work	This section is confusing regarding how it is set out in the delegation. The CEO and not Council is responsible for the implementation of financial management systems and procedures. This includes who is authorised to sign off and make payments, apart from the CEO. The expectation of the OAG is that there is more than one signatory. Two signatories are the standard practice in the public sector.
3.6 Write off of rate and sundry debts	Amend – Increase write-off amount from \$100 to \$200	The increase from \$100 to \$200 recognises the change in value of currency and rate increases over time
3.12 Ex-Gratia Payments	Information only	This delegation should be subject to further review as it would seem it is not a delegation. There is no statutory context. A delegation must have one. The CEO has the ability to assess insurance matters in their own right as it is a liability.

Council to Committees

The review has identified that there are a number of delegations to committees of council that require implementation:

Delegation	Action	Explanation
19.1 Behaviour Complaints Committee	Adopt	The Committee's Terms of Reference states that there are delegated matters that are applicable. The Act and the Regulations highlight that the Local Government (Council) conducts these matters in the first instance.

being able to deal with a complaint and to dismiss a complaint		However, as there is a Committee in place with the responsibility to undertake these matters on behalf of Council, these matters should be reflected in the appropriate delegation.
19.2 Audit Committee Meeting with the Auditor at least once per year	Adopt	Although it is implied through the Audit Committee's terms of reference that it meet with the Auditor each year on behalf of Council, DLGSC No. 9 advises that this should be by way of a delegation
19.3 CEO Recruitment Committee	Adopt	This is a new committee of council. Much of the work of this Committee is on a recommendation basis. However, it can through delegation: <ul style="list-style-type: none"> • Approve the issue of the advertisement seeking a CEO In future, the delegation could be amended so that the Committee can: <ul style="list-style-type: none"> • Appoint the Independent Person; • Appoint the Facilitator

CEO to Officers

By way of information, the CEO advises that he has revised his delegations to officers. These changes have been made through the Delegations Register provided in Attachment Two.

CONSULTATION

- CEO
- OCM Officer

Other key officers at the agenda settlement on 16 June 2021.

STATUTORY CONTEXT

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO – includes those matters that cannot be delegated to the CEO and hence other staff and committees of council e.g. any matter requires an absolute majority by council, appointing an auditor, borrowing money.

5.44. CEO may delegate powers and duties to other employees – CEO can undertake sub-delegations.

5.45. Other matters relevant to delegations under this Division – Confirmation of the Interpretation Act re time, amending or revoking delegations must be by absolute majority and the concept of acting through.

5.46. Register of, and records relevant to, delegations to CEO and employees - CEO is to keep a register of Council delegations to CEO and CEO delegations to employees. Delegator is to review the delegations made once every financial year.

CORPORATE CONTEXT

Corporate Business Plan

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Under 5.4, correct delegations in place lead to overall improved efficiency of the organisation.

Risk Management (Risk Governance Framework)

Consequence:	Likelihood:	Risk	Risk Acceptance	Outcome
Compliance	Likely			
Major (5) ie Imposed penalties to Shire/Officers Failure to delegate properly has been a key focus and finding in previous inquiries into councils and officers	At least once per year (4) A review of delegations must be completed once each financial year	E (20)	Council/CEO Controls are adequate at this point in time, although advising governance of new staff appointments requiring a delegation need to be improved (timing)	Council has successfully reviewed its delegations for the last three years and the CEO has implemented instruments of delegation, hence the risk is currently low.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: Yes

BY ABSOLUTE MAJORITY

Officer Recommendation

Moved:

Seconded:

That Council:

1. In accordance with s.5.46(2) of the *Local Government Act 1995* **CONFIRMS** it has completed the review for the 2020-2021 Financial Year regarding the delegations it has made under Division 4.
2. **CONFIRMS** by **absolute majority** the changes made to the delegations to the CEO as set out in Attachment 1 Explanatory Memorandum Review of Delegations June 2022 and Sections 1 – 18 in the Delegations Register 2021 – 2022 in Attachment Two. This includes:
 - a. Deleting, amending or revoking the following Delegations as follows:
 - i. amending Delegation 1.1.7.2 *Local Government Act 1995* – deleting the reference to planning;
 - ii. amending Delegation 3.6 – by increasing the amount approved for write-off from \$100 - \$200.
3. **CONFIRMS** by absolute majority the delegations to the Committees of Council listed in Attachment Two. This includes:
 - a. Delegation 19.1 - Behaviour Complaints Committee being able to deal with a complaint and to dismiss a complaint;
 - b. Delegation 19.2 – Audit Committee being able to meet the Shire’s auditor;
 - c. Delegation 19.3 – The CEO Recruitment Committee able to carry out certain administrative tasks.
4. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the CEO regarding Sections 1 – 18 of the Delegations Register. This includes the changes referred to in Point 2 of this resolution.
5. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the Committees of Council regarding Section 19 of the Delegations Register. This includes the changes referred to in Point 3 of this resolution.
6. Acknowledges the CEO’s advice that he has completed the review of her delegations to others:
 - a. In accordance with 5.46(2) of the *Local Government Act 1995* made under Division 4 for the 2020-2021 Financial Year.
 - b. In accordance with other legislation.

Officer Recommendation

Moved: Cr S Woods

Seconded: Cr N Clarke

That Council:

1. In accordance with s.5.46(2) of the *Local Government Act 1995* **CONFIRMS** it has completed the review for the 2020-2021 Financial Year regarding the delegations it has made under Division 4.
2. **CONFIRMS** by **absolute majority** the changes made to the delegations to the CEO as set out in Attachment 1 Explanatory Memorandum Review of Delegations June 2022 and Sections 1 – 18 in the Delegations Register 2021 – 2022 in Attachment Two. This includes:
 - a. Deleting, amending or revoking the following Delegations as follows:
 - i. amending Delegation 1.1.7.2 *Local Government Act 1995* – deleting the reference to planning;
 - ii. amending Delegation 3.6 – by increasing the amount approved for write-off from \$100 - \$200.
3. **CONFIRMS** by absolute majority the delegations to the Committees of Council listed in Attachment Two. This includes:
 - a. Delegation 19.1 - Behaviour Complaints Committee being able to deal with a complaint and to dismiss a complaint;
 - b. Delegation 19.2 – Audit Committee being able to meet the Shire’s auditor;
 - c. Delegation 19.3 – The CEO Recruitment Committee able to carry out certain administrative tasks.
4. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the CEO regarding Sections 1 – 18 of the Delegations Register. This includes the changes referred to in Point 2 of this resolution.
5. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the Committees of Council regarding Section 19 of the Delegations Register. This includes the changes referred to in Point 3 of this resolution.
6. Acknowledges the CEO’s advice that he has completed the review of her delegations to others:
 - a. In accordance with 5.46(2) of the *Local Government Act 1995* made under Division 4 for the 2020-2021 Financial Year.
 - b. In accordance with other legislation.

2206-11	Councillor Amendment
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Mover: Cr D Lovelock

Seconded:

- a. Deleting, amending or revoking the following Delegations as follows:
 - i. amending Delegation 1.1.7.2 *Local Government Act 1995* – deleting the reference to planning;

Motion lapsed for want of a seconder.

2206-12 Return to the Substantive Motion / Council Resolution

That Council:

7. In accordance with s.5.46(2) of the *Local Government Act 1995* **CONFIRMS** it has completed the review for the 2020-2021 Financial Year regarding the delegations it has made under Division 4.
8. **CONFIRMS** by **absolute majority** the changes made to the delegations to the CEO as set out in Attachment 1 Explanatory Memorandum Review of Delegations June 2022 and Sections 1 – 18 in the Delegations Register 2021 – 2022 in Attachment Two. This includes:
 - a. Deleting, amending or revoking the following Delegations as follows:
 - i. amending Delegation 1.1.7.2 *Local Government Act 1995* – deleting the reference to planning;
 - ii. amending Delegation 3.6 – by increasing the amount approved for write-off from \$100 - \$200.
9. **CONFIRMS** by absolute majority the delegations to the Committees of Council listed in Attachment Two. This includes:
 - a. Delegation 19.1 - Behaviour Complaints Committee being able to deal with a complaint and to dismiss a complaint;
 - b. Delegation 19.2 – Audit Committee being able to meet the Shire’s auditor;
 - c. Delegation 19.3 – The CEO Recruitment Committee able to carry out certain administrative tasks.
10. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the CEO regarding Sections 1 – 18 of the Delegations Register. This includes the changes referred to in Point 2 of this resolution.
11. **AUTHORISES** the Shire President to sign the Instrument of Delegation to the Committees of Council regarding Section 19 of the Delegations Register. This includes the changes referred to in Point 3 of this resolution.
12. Acknowledges the CEO’s advice that he has completed the review of her delegations to others:
 - a. In accordance with 5.46(2) of the *Local Government Act 1995* made under Division 4 for the 2020-2021 Financial Year.
 - b. In accordance with other legislation.

CARRIED BY ABSOLUTE MAJORITY AND UNANIMOUS DECISION OF COUNCIL

8.6 Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site)

File reference				
Report date	13 June 2022			
Applicant/Proponent	Shire of Victoria Plains			
Officer disclosure of interest	Nil			
Previous meeting references	<ol style="list-style-type: none"> 1. Motion No.123/09 on 21 April 2009 – New Management Order for Crown Reserve 18204; 2. Motion No.2106-11 on 23 June 2021 – Deferral of consideration of item 8.6 entitled 'Proposed Amalgamation & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site). 3. Motion No.2108-08 on 25 August 2021 – Public Advertising 			
Prepared by	Mr Joe Douglas – Town Planning Consultant			
Authorised by	Mr Sean Fletcher – Temporary CEO			
Attachments	<table border="0"> <tr> <td>Page 195</td> <td rowspan="2">Attachment 1 – Landgate Plans, Reserve Reports, Local Planning Scheme Extract and current Zoning Map. Attachment 2 – Schedule of Submissions</td> </tr> <tr> <td>Page 197</td> </tr> </table>	Page 195	Attachment 1 – Landgate Plans, Reserve Reports, Local Planning Scheme Extract and current Zoning Map. Attachment 2 – Schedule of Submissions	Page 197
Page 195	Attachment 1 – Landgate Plans, Reserve Reports, Local Planning Scheme Extract and current Zoning Map. Attachment 2 – Schedule of Submissions			
Page 197				

PURPOSE

To provide Council with the details of the outcomes from public advertising regarding the future possible configuration, use and management of Crown Reserves 18203 and 18204 in the Piawaning townsite including recommendations with respect to all submissions received and the proposed course of action from here to reflect the community's views/preferences and ensure compliance with all legislative and regulatory requirements.

BACKGROUND

At its Ordinary Meeting on 23 June 2021 Council resolved to defer consideration of a report regarding a proposal to request the Minister for Lands approval to amalgamate Reserves 18203 and 18204 in the Piawaning townsite into one (1) new combined reserve with a new management order issued in favour of the Shire of Victoria Plains for 'Recreation, Camping, Showground and Community Purposes' including powers to lease all or part of the land for a period not exceeding 21 years subject to the Minister's approval.

Council resolved to defer consideration of the report and recommendation therein pending the outcomes from a meeting in Piawaning with the local community due to various concerns and questions raised in deputations by community representatives Ms Naomi Purser and Mr Robert Buscumb.

In accordance with Council's resolution, a meeting was held with the local community at the Piawaning Hall on Monday 12 July which was attended by the Shire President, Councillors O'Brien and Kelly, the Shire's Chief Executive Officer and the reporting officer.

At that meeting the reporting officer provided various information regarding the two reserves, the issues of concern to the Shire, and why action is required to resolve the issues to improve and formalise their future management and use. The Shire President, Chief Executive Officer and the reporting officer also addressed numerous concerns and queries raised by various members of the local community to assist their understanding of the issues at hand and the options Council could consider to resolve them.

It was agreed by consensus at the meeting that the Shire would seek Council's approval to undertake a formal community consultation process to gauge the views of the entire community before any final decisions are made by Council regarding the future configuration, use and management of the reserves. It was acknowledged and accepted the issues regarding any future possible lease arrangements would be the subject of a separate process at a later date depending upon any final decisions by Council regarding future possible leasing powers.

At its Ordinary Meeting held on 25 August 2021 Council resolved to proceed with public advertising for a minimum period of twenty eight (28) days inviting community comment on the following five (5) key questions with a further report to be prepared and presented to Council for consideration as soon as possible thereafter prior to any final decisions being made regarding the future configuration, use and management of the reserves:

- 1. Would you prefer to see Crown Reserves 18203 and 18204 amalgamated into one (1) new reserve or the boundaries between the two reserves realigned to deal with the current building and land use encroachment issues?**
- 2. What types of land uses would you like to see accommodated on Crown Reserve 18203 in the future which is currently authorised to be used for 'Recreation' purposes?**
- 3. What types of land uses would you like to see accommodated on Crown Reserve 18204 in the future which is currently authorised to be used for 'Hall Site' purposes?**
- 4. Would you like the Shire to remain as the current approved management body for the two reserves or would you like the Management Order for one or both reserves to be changed to another entity or local incorporated community group and why?**
- 5. Do you have any other comments or suggestions you would like Council to consider in relation to the future configuration, use and management of these two reserves?**

COMMENT

At the completion of public advertising a total of four (4) submissions were received by the Shire from members of the local community. Details of all submissions received as well as comments and recommendations in respect of each are provided in Attachment 1.

Having regard for all the submissions received during public advertising, the following conclusions have been made by the reporting officer:

- i) There is a clear preference by the local community to realign the boundaries between Reserves 18203 and 18204 to deal with the current building and land use encroachment issues rather than amalgamating all the land comprising the two (2) reserves into one new reserve as originally recommended;
- ii) The local community would like the existing tennis courts and various associated improvements in the northern portion of Reserve 18203 to be included in the reserve comprising the existing community hall (i.e. Reserve 18204);
- iii) The local community would like Reserve 18203 to be developed and used for a wide range of recreational purposes, including a caravan park and camping facilities, all of which can be accommodated on the land now subject to the necessary approvals from Council, including the annual Piawaning Expo;
- iv) The local community would like Reserve 18204 to be developed and used for community, recreational and commercial purposes. In relation to any future possible commercial usage Council should note the following key points:
 - a) Reserve 18204, which contains the existing community hall building, is not permitted to be

- used for commercial purposes or benefit on an ongoing, permanent basis. Approval to do so would be required from the Minister for Lands. A formal amendment to Local Planning Scheme No.5 will also be required, a process that takes approximately 12 to 15 months to complete and will cost the Shire in the order of \$10,000 to \$12,000 excluding GST which will need to be budgeted for. Assuming all the necessary approvals are able to be secured, the Shire could then issue licenses pursuant to clause 2.1 of the *Shire of Victoria Plains Public Places and Local Government Property Local Law 2018* to allow traders to operate from the land and building thereon; and
- b) Whilst Reserve 18204 is not permitted to be used for a commercial purpose or benefit on an ongoing, permanent basis, incidental commercial activity associated with one-off annual community events like the Piawaning Expo is acceptable and has been supported by Council on a temporary, short-term basis given the benefits to the local community. Technically all traders/vendors are required to seek and obtain a license pursuant to clause 2.1 of the *Shire of Victoria Plains Public Places and Local Government Property Local Law 2018* however the Shire has not historically required licenses and has sought approval for the event and all associated activities on behalf of the Piawaning Expo Inc. from the Minister for Lands;
- v) Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning, Lands and Heritage, it is considered preferable that the Shire retain the current Management Orders for both reserves and not proceed with any lease agreement/s at this stage; and
- vi) Further consultation with the local community regarding the future use and management of Reserves 18203 and 18204 is essential and will need to be undertaken in accordance with all legislative and regulatory requirements to ensure the community's needs are considered and accommodated where possible. Council also needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the municipal district in a consistent and equitable manner for the benefit of the local community including administration of the *Shire of Victoria Plains Public Places and Local Government Property Local Law 2018*.

In light of the above conclusions, the following course of action is recommended:

Step No.	Action	Total Estimated Cost	Likely Timeframe
1.	Contour and feature survey of all land comprising Crown Reserves 18203 and 18204 by a licensed surveyor.	\$4,500 excluding GST	1 to 2 months
2.	Preparation of a boundary realignment plan to reflect the local community's preferred configuration for consideration and endorsement by local community representatives and Council.	\$900 excluding GST	2 months
3.	Preparation of a submission to the Department of Planning, Lands and Heritage requesting the Minister for	\$450 excluding GST	6 to 12 months

	Lands' approval to the proposed boundary realignment plan.		
4.	Following completion of the proposed boundary alignment by the Department of Planning, Lands and Heritage, initiation and progression of a standard amendment to the Shire of Victoria Plains Local Planning Scheme No.5, including public advertising for the minimum required period of 42 days, to change the current designated purpose of the new reserve comprising the hall site, tennis courts and all associated improvements from 'Public Open Space' reserve to 'Civic and Community' reserve with the additional uses 'Shop' and 'Recreation – Private' to allow the land and improvements thereon to be used for these purposes subject to conditions as may be required.	\$10,000 to \$12,000 excluding GST	12 to 15 months
5.	Following completion of the scheme amendment process, preparation, lodgement, monitoring and negotiation of a submission to the Minister for Lands requesting approval under the <i>Land Administration Act 1997</i> to change the current designated purpose of the new reserve comprising the hall site, tennis courts and all associated improvements from 'Hall Site & Recreation' to 'Civic, Community, Restricted Commercial and Public / Private Recreation'.	\$2,500 excluding GST	8 to 12 months
6.	Establishment of clear processes and appointment of a suitably qualified and experienced person to manage all Crown reserves throughout the Shire's municipal district in a consistent and equitable manner for the benefit of, and in consultation with, the local community including administration of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> .	To be determined and confirmed.	As soon as possible subject to the availability of and allocation of suitable funding.

CONSULTATION

Completed in accordance with Council Motion No.2108-08 on 25 August 2021 as described previously above.

STATUTORY CONTEXT

- *Land Administration Act 1997*
 - Part 4, Section 46 – 'Care, control and management of reserves'; and
 - Part 4, Section 51 – 'Cancelling, changing etc. reserves, Minister's powers as to'.

- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Part 2 – ‘Reserves’

CORPORATE CONTEXT

- *Policy Manual 2019*
 - Policy No.14.4 – Asset Management

STRATEGIC IMPLICATIONS

Planning for the future configuration, use and management for Crown Reserves 18203 and 18204 is generally consistent with the aims and objectives of the following strategic planning documents:

- *Shire of Victoria Plains Local Planning Strategy 2012;*
- *Shire of Victoria Plains Strategic Community Plan 2017/18 to 2027/28:*

1.	Community – to enhance and improve a sense of community in the Shire
1.3	Promote community health and wellbeing
1.4	Support sporting, volunteer and community groups
1.5	Increase community activities
1.6	Develop new / reuse existing community facilities
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
2.2	Improve tourist / caravan park accommodation
2.3	Improve community connectivity
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
5.1	Implement measures to improve relationship and communication between Council and community
5.4	Measures to improve organisational efficiency

- *Shire of Victoria Plains Corporate Business Plan 2019 – 2023:*
 - **Community Strategy 1.3:** *Promote community health and wellbeing;*
 - **Community Strategy 1.4:** *Support sporting, volunteer and community groups;*
 - **Community Strategy 1.5:** *Increase community activities;*
 - **Community Strategy 1.6:** *Develop new/ reuse existing community facilities;*
 - **Economic Strategy 2.1:** *Examine opportunities to diversify the local economy through initiatives such as tourism;*
 - **Economic Strategy 2.2:** *Improve tourist/ caravan park accommodation;*
 - **Environment Strategy 3.2:** *Support environmental sustainability initiatives and community forums;*
 - **Infrastructure Strategy 4.3:** *Maintain/ improve community facilities to an agreed standard;*
 - **Civic Leadership Strategy 5.1:** *Implement measures to improve relationship and communication between Council and community including development of a communications strategy/policy;*
 - **Civic Leadership Strategy 5.4:** *Measures to improve organisational efficiency including maintaining controls to promote a high level of legislative compliance throughout the organisation and maximising operational efficiencies whilst maintaining appropriate controls.*

FINANCIAL IMPLICATIONS

The total cost of proceeding with the work needed to obtain the necessary approvals from the Minister for Planning and Minister for Lands is estimated to be in the order of \$20,350 excluding GST.

The total cost of establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the Shire's municipal district in a consistent and equitable manner for the benefit of, and in consultation with, the local community including administration of the Shire of Victoria Plains Public Places and Local Government Property Local Law 2018 is likely to be significant and will need to be investigated and confirmed if Council resolves to support this recommendation.

Council should note no specific allowance has been made in its annual budget for the 2022/23 financial year to accommodate any of the recommendations provided. As such, if no funding can be made available in 2022/23 financial year, the project will need to be delayed until 2023/24 financial year when funding can be considered and potentially made available.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved: Cr S Woods

Seconded: Cr N Clarke

That Council **RESOLVE** to proceed with the following actions with respect to the future configuration, use and management of Crown Reserves 18203 and 18204 in the Piawaning townsite subject to the availability of suitable funding:

1. Arrangements for a contour and feature survey of all land comprising Crown Reserves 18203 and 18204 by a licensed surveyor;
2. Preparation of a boundary realignment plan to reflect the local community's preferred configuration for consideration and endorsement by local community representatives and Council;
3. Preparation of a submission to the Department of Planning, Lands and Heritage requesting the Minister for Lands' approval to the proposed boundary realignment plan;
4. Following completion of the proposed boundary alignment by the Department of Planning, Lands and Heritage, initiation and progression of a standard amendment to the Shire of Victoria Plains Local Planning Scheme No.5, including public advertising for the minimum required period of 42 days, to change the current designated purpose of the new reserve comprising the hall site, tennis courts and all associated improvements from 'Public Open Space' reserve to 'Civic and Community' reserve with the additional uses 'Shop' and 'Recreation – Private' to allow the land and improvements thereon to be used for these purposes subject to conditions as may be required;
5. Following completion of the scheme amendment process, preparation, lodgement, monitoring and negotiation of a submission to the Minister for Lands requesting approval under the *Land Administration Act 1997* to change the current designated purpose of the new reserve comprising the hall site, tennis courts and all associated improvements from 'Hall Site & Recreation' to 'Civic, Community, Restricted Commercial and Public / Private Recreation'; and

6. Establishment of clear processes and appointment of a suitably qualified and experienced person to manage all Crown reserves throughout the Shire's municipal district in a consistent and equitable manner for the benefit of, and in consultation with, the local community including administration of the *Shire of Victoria Plains Public Places and Local Government Property Local Law 2018*.

2206-12	Procedural Motion / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr D Lovelock

That the matter be adjourned until a later date.

CARRIED For 5 / Against 2

Cr S Woods and Cr P Bantock voted against the motion.

CONFIRMED PUBLIC

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

11. MEETING CLOSED TO PUBLIC

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.40pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2022.

Signed _____ Date _____
(Presiding member at the meeting which confirmed the minutes)

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