



MINUTES

Ordinary Council Meeting

23 August 2023

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.08pm

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 |

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 23 August 2023 commencing at 2.08pm

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.08pm.

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. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality

THAT:

Cr S Penn has been **APPROVED** to attend the 23 August 2023 Ordinary Council Meeting by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

| | |
|---------------------------|---|
| Members present | Cr P Bantock – Shire President Cr N Clarke - Deputy Shire President Cr D Lovelock Cr S Woods Cr G O'Brien Cr J Kelly Cr S Penn - via teleconference |
| Staff attending | CEO – Mr S Fletcher Acting Deputy CEO – Ms G Deocampo Works & Service Manager – Mr S Brenzi Principal Building Surveyor - Maurice Walsh Council Support Officer - Ms J Klobas |
| Apologies | N/A |
| Approved leave of absence | Nil |
| Visitors | Nil |
| Members of the public | Nil |

4. DISCLOSURES OF INTEREST

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

| Type | Item | Person / Details |
|------|--------------|--|
| 4.1 | Financial | Nil |
| 4.2 | Proximity | Cr P Bantock, Shire President, declared a proximity interest in item 9.6, “Mogumber – Yarawindah Road Contract Works 2023/24” due to ‘Trustee of a trust that owns property bounding onto Mogumber – Yarawindah Road’. |
| 4.3 | Impartiality | Cr P Bantock, Shire President, declared an Impartiality interest in item 9.3, “Phase Out of Live Sheep Exports by Sea - AROC” due to ‘Acquaintance of Mrs Robinson and Member of AROC’. Shire CEO, S Fletcher, declared an Impartiality interest in item 9.3, “Phase Out of Live Sheep Exports by Sea – AROC as he is a member of AROC and due to knowing Mr Alan Marshall” |

5. PUBLIC QUESTION TIME

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

5.1 Public Questions With Notice

Nil

5.2 Public Questions Without Notice

Nil

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

| | |
|----------------|--|
| 2308-01 | Officer Recommendation / Council Resolution |
|----------------|--|

Moved: Cr S Woods

Seconded: Cr D Lovelock

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 26 July 2023*

as circulated, be **CONFIRMED** as a true and correct record,

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – July 2023**

| | | | |
|---------------------------------------|---|---|--|
| File reference | F1.8.4 | | |
| Report date | 11 August 2023 | | |
| Applicant/proponent | Nil | | |
| Officer disclosure of interest | Nil | | |
| Previous meeting references | Nil | | |
| Prepared by | Glenn Deocampo – Coordinator Financial Services | | |
| Senior Officer | Colin Ashe – Deputy Chief Executive Officer | | |
| Authorised by | Sean Fletcher – Chief Executive Officer | | |
| Attachments | | | |
| Attachment 1 | Page | 2 | Public schedule – in the Attachments to Agenda |

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for July 2023.

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.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

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

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | WE KNOW WE ARE SUCCEEDING WHEN |
|---------------------------------------|--|
| 4. CIVIC LEADERSHIP | |
| 4.3 Proactive and well governed Shire | External audits and reviews confirm compliance |
| | We have sound financial management policies and attract external funding to help achieve our goals |
| | Councilors attend training and feel supported in their role |
| | Council is supported by a skilled team |

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance/ Controls | Mitigation and Outcome |
|-------------------|---|--|-------------|---|--|
| Compliance | Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers | Unlikely (2) The event could occur at some time | High (10) | Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring | Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate. |

FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2308-02 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr S Woods

That the payments made for July 2023 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be **ENDORSED**:

| Payment type | References from – to | \$ Amount |
|---------------------------|----------------------------|---------------------|
| Creditor EFT Payments** | 12232 – 12301 | 298,887.85 |
| Creditor Cheque Payments | | 0.00 |
| Direct Debit Payments** | DD14158-DD14166 | 54,311.35 |
| Salaries & Wages EFT | PE 05/07/23, PE 19/07/23 | 108,196.37 |
| Credit Card–Bendigo Bank- | DD14196.1 | 240.92 |
| | DD14196.1 | 3,842.76 |
| | DD14196.1 | 317.00 |
| | Fuel Card – Wright Express | DD14203.1 |
| Trust Payments | | 0.00 |
| TOTAL | | \$466,074.66 |

| Local Spending | \$ | % |
|----------------|-------------------|--------------|
| Local Supplier | 13,656.84 | 2.93 |
| Payroll | 108,196.37 | 23.21 |
| Total | 121,853.21 | 26.14 |

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

9.2 Monthly Financial Statements – July 2023

| | | | |
|---------------------------------------|--------------------------|----|--|
| File reference | 12.8.1 | | |
| Report date | 15 Aug 2023 | | |
| Applicant/proponent | Shire of Victoria Plains | | |
| Officer disclosure of interest | Nil | | |
| Previous meeting references | Nil | | |
| Prepared by | Colin Ashe, DCEO | | |
| Authorised by | Sean Fletcher, CEO | | |
| Attachments | | | |
| Attachment 1 | Page | 11 | Monthly Financial Statements – 31 Jul 2023 |

PURPOSE

To receive the monthly financial statements for the period ending 31 Jul 2023.

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 Jul 2023 Monthly Financial Statements is the first iteration without significant contractor (RSM) input and are presented for consideration.

The Monthly Financial Statements have been formulated utilising the format previously presented to council with some improvements which is anticipated to make it more user friendly. It is expected there will be further refinements and improvements through maturity and feedback as the FY progresses.

In accordance with DLSC some changes have been recommended to The Monthly Financial Statements, the major change being the inclusion of a Statement of Financial Position, traditionally referred to as the Balance Sheet. This indicates the total value of the shire is \$126,539,346 the majority of which is made up of Infrastructure (roads), valued at \$110,082,054.

The month of Jul 23 provided for the raising of rate revenue contributing to an actual surplus of \$4,347,040 as shown of page 4 but this is not necessarily cash as rate payments are not due until 05 Sep 23.

The difference against the budgeted surplus of \$3,136,118 is primarily due to balance day adjustments still to be finalised as part of the 22-23 Annual Financial Statements which has an effect on the opening balance position for 23-24. This is planned to be finalised for audit review by mid Sep 23.

Some further points to note with regard to material variances:

INCOME:

- Fees and Charges includes rubbish and sewerage charges and it makes up approximately 50% of the budgeted fees and charges amount as raised in Jul 23 as part of the budget 23-24 adoption.
- Other Revenue – reimbursements to be charged against the Shire of Moora and DFES for CESM costs.

EXPENSE:

- Interest expense is showing a positive amount due to interest accruals and will be remedied as part of the 22-23 Annual Financial Statements.

Other Points of Interest;

- Minimal capital expenditure has occurred in Jul 23 as expended though \$30,370 was expended on the Bolgart Ablution Block, making it near completion.
- Work commenced on Wongan, Calingiri- Carami East Road as part of blackspot funding, expending \$17,060.
- Carried forward works 22-23 where funding has been provided includes;

| Activity | Budget (\$) | Funding source |
|------------------------|--------------------|-----------------------|
| Old Telegraph Road | 164,467 | R2R |
| Boundary Road | 20,518 | R2R |
| Signage | 19,104 | LRCI Ph 3 |
| Culverts | 15,279 | LRCI Ph 3 |
| Bolgart Bridge | 11,148 | LRCI Ph 3 |
| Bolgart Ablution Block | 34,860 | LRCI Ph 3 |

- The Monthly Financial Statement suite of reporting now includes note 9 – details of Restricted Funding, providing a physical balance of \$759,882 and an owed balance \$694,944 meaning \$64,938 can be transferred into the Municipal Account as funds expended. However this will not occur until such time as the unders and overs are realigned which will require triggering of funding in due course.
- As expected, Rates for 23-24 have been raised in last Jul 23 and consequently a large balance is current (i.e. not overdue). Note 4 c provides further analysis of amounts outstanding which the majority is in the process of collection.
- Additional reports including detailed LRCI and the Grant funding register is planned for inclusion as part of the suite of financial reporting.
- Note 2 shows \$1,219,636 in the Municipal fund bank account mainly due to Grants Commission funding which was provided on the 30 Jun 23.

CONSULTATION

Coordinator Financial Services
RSM
CEO

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

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | WE KNOW WE ARE SUCCEEDING WHEN |
|---------------------------------------|--|
| 4. CIVIC LEADERSHIP | |
| 4.3 Proactive and well governed Shire | External audits and reviews confirm compliance |
| | We have sound financial management policies and attract external funding to help achieve our goals |
| | Councillors attend training and feel supported in their role |
| | Council is supported by a skilled team |

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –
- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance/ Controls | Mitigation and Outcome |
|-------------------|---|--|-------------|---|--|
| Compliance | Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers | Unlikely (2) The event could occur at some time | High (10) | Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring | Policies and processes including preparation by Finance staff ensure that the residual risk is moderate. |

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2303-03 Officer Recommendation / Council Resolution

Moved Cr D Lovelock

Seconded Cr G O'Brien

That Council **RECEIVE** the 31 Jul 2023 Monthly Financial Reports as presented:

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

CONFIRMED PUBLIC MINUTES

Cr P Bantock, Shire President, declared an Impartiality interest in item 9.3, "Phase Out of Live Sheep Exports by Sea - AROC" due to 'Acquaintance of Mrs Robinson and Member of AROC'.

Shire CEO, S Fletcher, declared an Impartiality interest in item 9.3, "Phase Out of Live Sheep Exports by Sea – AROC as "he is a member of AROC and due to knowing Mr Alan Marshall".

9.3 Phase Out of Live Sheep Exports by Sea - AROC

| | | | |
|---|------|-----|---|
| File reference | | | |
| Report date | | | |
| 10 August 2023 | | | |
| Applicant/proponent | | | |
| AROC – Request of Support by NEWROC | | | |
| Officer disclosure of interest | | | |
| Impartial – Sits on AROC Officers Group and attends AROC Governance Group. Mr Fletcher also knows Mr Marshall | | | |
| Previous meeting references | | | |
| N/A | | | |
| Prepared by | | | |
| Sean Fletcher, CEO | | | |
| Senior Officer | | | |
| N/A | | | |
| Authorised by | | | |
| Entered once authorised by CEO | | | |
| Attachments | | | |
| Attachment 1 | Page | 25 | NEWROC letter to Minister Watt |
| Attachment 2 | Page | 28 | Terms of Reference – Independent Panel |
| Attachment 3 | Page | 29 | Transcript Broadcast Session 1 – Independent Panel 12 May 2023 |
| Attachment 4 | Page | 41 | ALEC Submission to the Independent Panel |
| Attachment 5 | Page | 59 | RSPCA Australia Submission to Independent Panel |
| Attachment 6 | Page | 81 | Australian Veterinary Association Submission to Independent Panel |
| Attachment 7 | Page | 87 | World Animal Protection Submission to Independent Panel |
| Attachment 8 | Page | 96 | WA Farmers Submission to Independent Panel |
| Attachment 9 | Page | 102 | Vets Against Live Exports Submission to Independent Panel |

PURPOSE

For Council to consider the request that AROC makes a submission to the Federal Minister for Agriculture and the relevant Local Members(s) regarding the Independent Panel's review on the Australian Government's commitment to phasing out live sheep exports from Australia by sea.

BACKGROUND

AROC received a request from NEWROC on 13 July 2023 encouraging AROC to write to both the Federal Minister for Agriculture and the local member before the Independent Panel ceases its review of the phasing out of the live sheep exports by sea (Refer to Attachment 1):

From: caroline@newroc.com.au <caroline@newroc.com.au>
Sent: Thursday, 13 July 2023 4:13 PM
To: Kelly Anne Murray <AROC@toodyay.wa.gov.au>
Subject: [External]-Live Sheep by Sea

Hi Kelly Anne,

The North Eastern Wheatbelt Regional Organisation of Councils has recently written to the State and Federal Ministers for Agriculture regarding the proposed phased out of live sheep by sea.

We also made a submission to the independent panel.

The vision of the 7 member organisation is to enable and create progressive, healthy and prosperous communities.

Agricultural businesses across the NEWROC contributed \$408m to the Western Australian economy in 2020/21 of which \$37m was from the sheep industry. The NEWROC believes advocacy on the proposed phase out of live sheep by sea is necessary to ensure our communities remain prosperous. The flow on effect of the proposed phase out will be significant on our communities and businesses.

If you have not already done so, the NEWROC would like to encourage the AROC to write to the Federal Minister for Agriculture and your local member before the independent panel ceases its review of the policy (end of September 2023) to outline the impact the policy will have on your businesses and communities. Please find attached our correspondence to the Minister.

Further information can be found below:

- [Phase out of live sheep exports by sea - DAFF \(agriculture.gov.au\)](https://www.agriculture.gov.au/phase-out-live-sheep-exports-by-sea)

Kind regards,



North Eastern Wheatbelt Regional Organisation of Councils
Dowerin | Koorda | Mt Marshall | Mukinbudin | Nurgah | Toodyay | Wyalkatchem

Caroline Robinson
NEWROC Executive Officer

M 0403 225 900
www.newroc.com.au

Regional collaboration to champion opportunities for our communities

The Independent Panel commenced on 3 March 2023 (Terms of Reference is in Attachment 2) . The Panel undertook a consultation process to inform how and when the Albanese Government will fulfil its election commitment to phase out live exports by sea. The phase out will not happen in this term of Parliament, but will occur in the next term (Broadcast Session 1 Transcript – p2, Attachment 3).

The panel is chaired by former Chief Executive of the Murray Darling Basin Authority and senior public servant, Phillip Glyde. The panel also includes Western Australian agriculture expert Ms Sue Middleton, former Federal Minister the Hon Warren Snowdon, and former RSCPA CEO Ms Heather Neil.

The Federal Minister, Senator the Hon. Murray Watt commented in part in his media statement on 3 March 2023:

“Starting this consultation process is an important step towards developing a considered and orderly implementation plan that advances animal welfare, examines the needs of impacted individuals, businesses and local communities and identifies opportunities for future sheep industry growth.

“Phasing out live sheep exports by sea is a complex issue that will impact farmers, businesses, our trading partners, and the communities that participate in the trade.

“I am also conscious that the wider Australian community is interested in the phase out, including those that want to see animal welfare maintained and improved.

“Along with other measures, such as creating a new Inspector-General of Animal Welfare, the Albanese Government is delivering on our election commitment to strengthen animal welfare in Australia.

“My priority is to ensure the phase out occurs in an orderly way, with consultation and proper planning. Farmers and other industry participants need time to prepare, and that’s why the phase out won’t take effect during this term of Parliament.”

The Panel must provide its report to the Minister by 30 September 2023.

It should be noted that the Panel completed the public consultation process on 27 June 2023. The Panel received 4,100 submissions. The submissions can be accessed here: [Phase out of live sheep exports by sea | Have Your Say - Agriculture, Fisheries and Forestry](#)

NEWROC consists of the Shires of Dowerin, Wyalkatchem, Nungarin, Trayning, Mount Marshall, Munkinbudin and Koorda. The NEWROC area contributed \$408M (6.8% of the Wheatbelt’s total output) to the WA economy in 20/21, of which \$37 was from the sheep industry. Sheep producers in this area contributed 12.2% of sheep sold into the live sheep trade nationally.

COMMENT

DPIRD (on-line) reports that the majority of sheep exported from Australia originates in WA, with 100% of the sheep exported by sea is from Fremantle. WA’s sheep flock as at July 2022 was 12.4M sheep, with the total combined sheep turnoff being 4.4M consisting of slaughter (3.8M), live export and interstate transfers. In all there are 4,000 sheep producers in WA. The Sheep industry in 2021 accounted for 43% of the value of all livestock industries in the State. The sheep meat sector alone was worth \$692M.

DPIRD points out that in terms of overall sheep meat exports, China is the largest market, followed by USA and then Malaysia. The value of lamb exports has increased from \$128.2M in 2010 to \$430.5M in 2022. Regarding the live sheep market by sea, the Middle East maintains market dominance, with 271,000 sheep exported from WA to Kuwait (52% of all sheep exported). The price of lamb does fluctuate greatly – 474c/kg cwt in July 2023, down from a peak of 840c/kg cwt in January 2022 (There was a rise in summer prices in January 2023 – 636 ckg cwt).

The AROC local governments are the Shires of Goomalling, Toodyay, Victoria Plains, York and the Town of Northam. For 2020/21, there were 230 sheep and lamb business, catering for 520,413 animals with a gross value of \$48M (Online – ABARE Australian Agricultural Commodities by Local Government Area).

The Shire of Victoria Plains for 2020/21 had 42 sheep and lamb businesses (out of 57 livestock businesses) and a total of 101,769 sheep and lambs with a gross value of \$9M (Online – ABARE Australian Agricultural Commodities by Local Government Area).

The gross value of sheep and lambs nationally is \$6,977M, of which WA represents 16.88% or \$1,178M. AROC's contribution to the WA gross output is 4.1%. Victoria Plains itself, is 0.75%.

The Shire's agricultural output for 2021 was \$113.5M. Sheep and lambs represented 7.9% of this output. There is a total of 113 agriculture businesses in the district employing 241 people (ABS Census data captured by RDA Australia Wheatbelt data snapshot June 2023).

A Cross Section of Submissions to the Independent Panel

The author has included a precis of six submissions made by peak bodies to the Independent Panel.

Australian Livestock Exporters Council (ALEC)

In its submission to the Panel (Attachment 4), the Australian Livestock Exporters Council (ALEC), comments that the Federal Government's policy will cause significant and lasting damage to the agricultural sector, particularly in WA. Live sheep exports are a key component of the WA market. ALEC contends that if WA sheep farmers are denied access to live exports, they would likely run lower stocking densities, thus lowering farm productivity and profitability (p. 10).

ALEC goes on to say it recognises the live sheep industry has not been without its challenges, but acknowledges and commends the industry for its reform, which has been substantiated by evidence and has enhanced Australia's reputation internationally. The ALEC submission goes on to list the key changes made since 2018, including the industry imposed moratorium on shipments during the northern hemisphere summer months and to the Middle East, improved ventilation on transport ships, and phasing out of two tiered vessels. This has seen mortality rates drop to about one-sixth of what they were in 2010 (pp. 2-3).

ALEC comments "The simple fact is that our trading partners in the Middle East have consistently stated their desire to import livestock and that if they are unable to buy livestock from Australia, frozen, boxed or chilled meat is not considered a reasonable substitute at present. Frozen/boxed/chilled meat serves a different set of consumers in these markets (p.7). It would appear that the phasing out of the live sheep export by sea will see current trading partners go elsewhere, which has already started to happen. Packaged products will not fit the bill, as it were.

ALEC states the bottomline is the live export industry acknowledges the regrettable incidents of the past, however, it has taken responsibility for these failures and improved its performance. A key part of this is the recognition and use of the five internationally

recognised domains of animal welfare that underpin the animal welfare standards, both in Australia and globally (pp.6-7).

RSPCA Australia

RSPCA Australia (Attachment 5) in its submission states it opposes the export of live food animals for immediate slaughter or further fattening in favour of a chilled and frozen meat-only trade. The RSPCA advocates that:

- The welfare of animals used for food can be better protected by processing them as close to the farmgate as possible;
- Live sheep export causes extremely poor welfare. The animal welfare issues inherent to the live export supply chain are cumulative, with long journeys compromising sheep welfare at every stage, after leaving the farmgate to fully conscious slaughter at overseas destinations:
 - Exposes sheep to multiple periods of confinement, handling and a combination of road and sea transport, extreme temperatures, humidity, poor hygiene and health issues (respiratory disease), unfamiliar environments with varied ventilation (including mechanical breakdown) and high noise and constant movement onboard;
 - Not all sheep during a voyage can easily access food and water or lie down at the same time, and many experience starvation due to shy feeding, inability to access food or failure to adapt to the unfamiliar pellet feed onboard;
 - Veterinary care is limited;
 - The suffering does not end on arrival at overseas ports. Sheep can then be held in hot, humid and crowded feedlots for weeks before being slaughtered while fully conscious.
- In short, the extent of poor welfare cannot be overcome by supply chain adjustments, increased monitoring or legislation.

The Australian Veterinary Association

The Australian Veterinary Association (AVA) submission (Attachment 6) addresses issues regarding the phase out of the live sheep trade and the specific impact on the WA Sheep Industry. In particular, the AVA states: "The Australian Veterinary Association's position is that implementation of the phase out must be done in a manner and timeframe that allows for the role that live sheep export has played within the supply chain to be replaced (p.3)."

In terms of the impact of sheep farming in WA, the AVA comments that the modern Western Australian (WA) sheep industry is characterised by an adult flock comprising 12.4 million (predominantly merino ewes) turning off between 4.5 and 6 million sheep and lambs annually for meat and live export. In 2019, relevant veterinarians reported that 25 to 50 percent of their income was generated from activities pertaining to the live sheep trade. The live sheep trade to the Middle East evolved from providing an alternative value market for surplus stock (mainly aged merino wethers and rams) to having a role in the production chain of the WA, and to a lesser extent South Australian (SA), sheep and wool industries and individual enterprises to manage welfare risks and their land. Additionally, many sheep production enterprises produce sheep as part of an environmentally sustainable model for grain production systems (p.2)."

The AVA makes a specific point that the live sheep trade provides a mechanism to manage breeding flocks during drought and seasonal fluctuations in feed. It allows for a stock

reduction model whilst allowing for the retention of breeding females. The ability to reduce numbers during unfavourable seasons is a positive management tool (pp.2-3).

The AVA comments further: “The improved regulatory standards that have been achieved in the animal welfare of sheep during transport by sea must be maintained and reviewed during the phase out. The prohibition of exporting sheep into parts of the Northern Hemisphere during their Summer, in addition to other changes made, has shown improved voyage outcomes. Since 2018, the industry average sheep mortality rate during sea voyages has reduced from 0.8% to 0.2%³, well below the 1% threshold for voyages to be investigated by the regulator (p.3).”

World Animal Protection

World Animal Protection (Attachment 7) is responsible for producing the Animal Protection Index (API). This index assesses how countries around the world deliver on animal welfare and animal protection. In the latest version of the API from 2021, Australia received a ‘D’ rating, with the continued long distance, live transport of animals a contributing factor in this poor rating.

World Animal Protection notes the *2018 Future Eye Report* on Australia’s shifting mindset on farm animal welfare, commissioned by the Department of Agriculture, found that ‘[w]hen analysing the drivers of concern of farming in Australia in general, quantitative research results indicate that poor animal welfare standards of animals on export ships and poor animal welfare for Australian animals abroad rank as the highest drivers.

Furthermore, the report found that live export was the ‘issue raised most frequently without being prompted’ and further, that it was ‘top of mind for groups in Perth.’⁹ The findings from this Government commissioned report demonstrate that the live sheep export industry fundamentally does not align with the values or expectations of the Australian public.

The Australian public expects farmed animals to be treated well and, unfortunately, when sheep are loaded onto live export vessels and then slaughtered under low welfare systems overseas, these expectations simply cannot be met. Despite years of attempted reforms, the views of the public have remained clear: they do not support live sheep exports by sea.

World Animal Protection would like to see a phase-out that ensures no live sheep exports are allowed to continue beyond early 2026. As 75% of the trade has already declined over the past few years, leaving only 500,000 sheep departing annually, it is clear the industry is declining. The Department has acknowledged the decline of the live sheep export industry year-round, not just as a result of the northern summer prohibition period.

WA Farmers Federation

The WA Farmers Federation (Attachment 8) notes that “the live export trade of sheep by sea is one of the most highly regulated sectors of animal production, with the Federal Department of Agriculture, Fisheries and Forestry taking a lead role in overseeing the welfare of the sheep that Australia exports (Addendum 3).

WAFF also points out Latest Voconiq community sentiment data from the 2023 LiveCorp/MLA – Live Exports and the Australian Community Report demonstrates that the live export trade inclusive of sheep by sea is seen by Australians as an important part of the

agriculture sector. Further, 78% of Australians, an 11% increase over the past 4 years, agree that farming communities would suffer economic hardship should live exports be phased out. 42% of respondents disagreed with stopping of live export regardless of the impact to farmers (Addendum 3).

For a symbiotic system such as WA mixed farming systems, where supply chains are still reeling from the residual effects of COVID 19, the phasing out of live exports is an insurmountable hurdle to overcome. Impacted businesses within the community include but are not limited to livestock agents, feed and fodder suppliers, vets, shearing contractors, wool brokers, retail distributors, exporters and transporters. Examples of the domino effect on WAFarmers represented commodities (Grains, Livestock – Meat/Wool/Beef and Dairy) by the phase out of live sheep exports by sea from the WA agricultural community are:

- Grains - Mercado strongly suggests that farmers who move away from sheep farming due to it being unviable are likely to move into cropping, thus compromising their risk management, environmental impact and economic sustainability. WAFarmers confirms that a massive shift into cropping in WA could potentially add another 1 million hectares of crop or 3-4 million tonnes. This will significantly impede an already overloaded supply chain costing grain growers \$2-3 billion each year in discounted grain;
- Without live exports to set a stable price floor, the Western Australian price paid by processors could default to the eastern states (South Australian) price less the transport cost. WA produces about 20 per cent of the Australian wool clip. Mercado confirms that if the live export of sheep by sea is phased out it is reasonable to expect that we will see a 15 per cent reduction in the WA Wool Industry's contribution to the economy.

Vets Against Live Export (VALE)

VALE in its submission (Attachment 9) largely confined itself to the phase out process and the timeframe for the phaseout. It did not see it had a role to advise on social and economic impacts.

In particular, VALE comments (p.4):

“There is a significant risk that a slow phase out could result in a significant decline in infrastructure standards (investment in maintenance and upgrade not considered worthwhile) and personnel expertise (the more skilled stockpersons on ships and at feedlots and feedlot managers could exit the industry earlier for other positions, knowing the terminal nature of current positions). Both could impact adversely on animal welfare (p.4).”

“Given the welfare concerns of a phase out, and the limited regulatory capability and capacity of the Dept, the phase out should be as swift as possible. New Zealand ended their substantially more valuable live export cattle trade in two years. Two years should thus be feasible and should be the maximum time period for the phase out to occur. Therefore, no further sheep should be exported after 31 December 2025 (p.5).”

“This industry has essentially been in decline for the last 10 years (see Figure 1) so producers, exporters, veterinarians and all those servicing the industry should have been prepared. Very few veterinarians will be significantly affected by the phase out

and those few veterinarians will ultimately be impacted regardless of the speed of the phase out. There are very few sheep-only veterinarians and most if not all of these operate in eastern Australia. Servicing sheep farms is a very low income earner for most Australian production animal veterinarians (p.5).”

“Processing animals locally as opposed to exporting them live has the effect of value-adding to the Western Australian economy. The livestock industry has long resisted investigation of expanding opportunities for meat export as an alternative to the live export trade. This resistance has likely resulted in income loss to Australian producers (p.6).

The Independent Panel’s Assessment to Date and Other Observations

In its update on 27 July 2023, the Independent Panel (On-line) noted the common issues raised including (annotated accordingly):

Sheep producers – Live export is used in WA to mitigate risk and diversify farm operations. Removing live exports will require producers to use a different avenue for turning off stock and make alternative production decisions.

Wool industry – Consultations highlighted potential challenges that may affect the wool industry when live export ceases. Many were concerned that without live export, farmers would not run the same number of Merinos for wool and this may erode prices or services associated with wool production such as shearing.

Cattle producers – Cattle producers were concerned about the future absence of mixed-species (cattle and sheep) voyages to the Middle East from Fremantle. They were also anxious about whether the closure of live sheep exports would be a precursor to changes for live cattle exports, noting the government has committed that the phase out will only apply to live sheep exports by sea.

Other businesses in the supply chain – There are many businesses and industries with some reliance on the live sheep trade. These include shearers, feed millers, animal husbandry contractors, agency services and veterinarians, as well as non-agricultural businesses that depend on economically sound local communities.

Broadacre cropping industry – Some producers who use live export are suggesting they will change their enterprise mix, reduce their sheep operations and increase grain production. Other producers were worried about the phase out because of the potential flow-on impact to their businesses. For example, if grain production increases in WA, this may put downward pressure on grain prices and stretch the capacity of grain logistic supply chains which are reportedly already under pressure particularly in long-haul grain production areas of the state. Fewer sheep may decrease the demand for hay, straw and lupins, impacting other producers.

Processing industry – There is a current lack of capacity in the WA processing sector. There are concerns about the downward effect on prices paid by processors if live export is removed as a source of competition. The strong view was that exporters in the market put upward pressure on prices being paid by other buyers.

Community impact – Phasing out the live export industry may have consequences for the social and economic fabric of WA towns and regional services, continuing a trend of declining populations in some places.

Wellbeing – The uncertainty regarding the implementation and transition arrangements of the phase out is adding to concerns and the lack of control over these decisions and their impact on their businesses and their communities is affecting farmers well-being.

Infrastructure and logistics – Concern was expressed about the quality of existing infrastructure and its ability to accommodate a shift from sheep to more cropping. A growth in grain production may mean additional trucks on the road, impacting road conditions and safety.

Trade and exports – The growing demand from new and existing markets for sheep meat, particularly from older sheep and the lightweight wether Merino, will likely be crucial for supporting the WA sheep industry.

Animal welfare – There was strong support for an early end to live sheep exports by sea. There was recognition that producers need time to adjust, or adverse circumstances could be created for existing stock. Animal welfare groups noted the importance of sheep being slaughtered as close to their point of origin as possible. They also emphasised there will need to be greater monitoring of sheep welfare and enforcement of the [Australian Land Transport of Livestock standards](#) if stock are moved by truck from western to eastern Australia.

In May 2023, the ABC (Sophie Johnson and Belinda Varischetti on-line) reported that a boost to WA's live sheep export numbers were on the horizon as the Saudi Arabian market was set to re-open. This could see numbers to the Middle East double (1M sheep).

The RSPCA WA (on-line) reported a survey on 19 June 2023 that 71% of West Australians across the board support the Federal government's policy to phase out live exports.

Farm Weekly (on-line 4 June 2023) in its article *Is Live Sheep Export Really Dying* analyses the myth that the trade is dying. It notes that Australia lost access to its biggest sheep export market Saudi Arabia, after the Exporter Supply Change Assurance System (ESCAS) was introduced. Similar to the ABC report, the article sets out that Saudi Arabia as a market was on the verge of re-opening, after a revised health protocol was completed.

The ABC (Sophie Johnson on-line) in a report on 31 July 2023 commented that Merino wool supply expected to drop as phase-out of live sheep exports drives down flock numbers.

In the July 2023 edition of the Harvard Business Review, Steven A Altman and Caroline R Bastian in their paper *The State of Globalization in 2023* make the following point "As long as markets are not de-globalizing, firms that retreat from globalization may put their competitive positions at risk."

Allan Marshall (on-line 10 August 2023) in his Farm Weekly article *What is Social Licence?* makes an interesting observation re social licence i.e. it would seem the phase out of live

sheep exports by sea is largely due to losing the social licence to continue the trade. Mr Marshall goes onto comment that sheep farmers have met the requirements of a social licence and then some.

Concluding Comments

The question has to be asked: “Have sheep farmers in Western Australia lost their social licence to continue the live sheep trade by sea?”

Social licence in itself can be seen as an agreement between an entity (e.g. business) and its stakeholders and the wider public. The principles applied are based on the understanding that the entity is not just meeting its legal obligations but also taking into account the interests of its stakeholders, its impact on the community (local communities are engaged in decision making) and environment, and its role in the wider society. It is earned through responsible behaviour, transparency and accountability.

It would appear the welfare of sheep involved in the live sheep trade by sea has improved no end since 2018. The live sheep industry has been prepared to improve itself and back regulatory reforms. Despite the vast improvements, there would appear to be on the surface, an ongoing negative perception regarding the live sheep trade by sea. However, different surveys have produced different results regarding the numbers both for and against live sea exports.

It is clear the live sheep export market by sea is very important to the WA economy and in terms of the diversification that agriculture needs overall. The removal of the live sheep export by sea will have a multiplier effect not only in terms of job losses across a range of associated agricultural industries but also social impacts both in terms of farmers well-being and in the undermining of rural/remote communities generally.

It would be prudent for the Shire to ask AROC to write to Minister Watt and advise on the impact that the phasing out of the live sheep export by sea will have on business and communities not only in Victoria Plains, but the AROC local governments and the Wheatbelt as a whole (and of course the State).

CONSULTATION

- Raised at the July 2023 Council briefing session. Some elected members commented on attending the recent meeting in South Perth regarding this matter.
- An update was provided at the August 2023 Council briefing session.
- AROC Executive Officer – Mrs Kelly-Anne Murray

STATUTORY CONTEXT

N/A

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | WE KNOW WE ARE SUCCEEDING WHEN |
|--|---|
| 2. ECONOMY | |
| 2.1 We understand traditional and emerging industries across the Shire | Townsite amenities are welcoming and attractive |
| | Our population increases |
| | Reduction in the number of mobile black spots across the Shire |
| | Demonstrated progress with stakeholders for the permanent supply of water to the town of Mogumber |
| | We are business friendly and industrial land is utilised |
| | We can attract and retain staff because we maintain and increase our housing stock |
| | Communities and opportunities are promoted by the Shire |
| | We forward plan for emerging industries |

Sheep and lambs are a traditional industry for the Shire of Victoria Plains that continues to have a key impact on the economy in the Shire as well as social relevance.

Risk Analysis

Key reviews of industry practices have a bearing on the Shire of Victoria Plains and its local communities. Once made aware, it is appropriate to comment on proposed changes to practices that will have an impact on the sustainability of communities within the district.

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance/ Controls | Mitigation and Outcome |
|---|---|--|--------------|---|--|
| <p>Reputation</p> <p>The Shire is in a position where it can lobby for appropriate considerations that may attract regional news interest that has a statewide following</p> | <p>Moderate (3)</p> <p>Substantiated, public embarrassment, moderate impact, moderate news profile.</p> <p>Example State-wide paper, TV News story</p> | <p>Possible (3)</p> <p>The event should occur at some time(20% chance)</p> <p>At least once in 3 years</p> | Moderate (9) | <p>Operational Manager</p> <p>Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring</p> <p>Adequate – there is some scope for improvement re monitoring for issues</p> | <p>CEO has undertaken subscriptions to key news sources and industry publications to assist tracking events and issues. This will ensure being aware of matters that may need Shire input and reducing the risk from Moderate to Low</p> |

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2308-04 Officer Recommendation/Council Resolution

Moved: Cr G O'Brien

Seconded: Cr N Clarke

That the Shire of Victoria Plains **SUPPORTS** the request for AROC to make a submission to the Federal Minister for Agriculture and the relevant Local Member(s) regarding the Independent Panel Review on the Australian Government's commitment to phasing out live sheep exports from Australia by sea.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

CONFIRMED PUBLIC MINUTES

9.4 Invitation by WALGA to be a RoadWise Council

| | | | |
|---------------------------------------|--------------------|-----|----------------------------------|
| File reference | | | |
| Report date | 16 August 2023 | | |
| Applicant/proponent | WALGA | | |
| Officer disclosure of interest | Nil | | |
| Previous meeting references | Nil | | |
| Prepared by | Sean Fletcher, CEO | | |
| Senior Officer | N/A | | |
| Authorised by | CEO | | |
| Attachments | | | |
| Attachment 1 | Page | 109 | Letter from Nick Sloan WALGA CEO |

PURPOSE

For Council to resolve for the Shire of Victoria Plains to be a RoadWise Council.

BACKGROUND

The author was advised by Cliff Simpson Regional RoadWise Coordinator on 7 June 2023, that there is to be a change to the RoadWise Service arrangements and that he was seeking expressions of interest from ten local governments that he will have responsibility for.

In particular, WALGA is allocating only ten local governments to each Road Safety Advisor (there are eight Road Safety Advisors across the State, Mr Simpson is currently allocated 24 of 138 LGAs) and we will allocate a minimum of one full week of our time supporting your Council per quarter, or the equivalent of 20 days across the year.

A RoadWise Council going forward will receive significantly increased support regarding road safety goals. This could be anything from writing proposals, nominations and submissions, road safety management systems, providing advice on best practice road safety, media, policy development and accessing services etc.

As a result of this advice, the author responded with an expression of interest on the same day advising that the Shire of Victoria Plains would like to access the revised RoadWise program.

COMMENT

A letter was received from WALGA CEO Nick Sloan on 8 August 2023 formally inviting the Shire to become a RoadWise Council (Attachment 1).

Mr Sloan advised that by becoming a RoadWise Council, the Shire will:

- Demonstrate a commitment to improve road safety outcomes within your community using the resources available to you;
- Have access to the RoadWise Council logo for use on Shire of Victoria Plains promotional communications or infrastructure.
- Gain priority access to WALGA's road safety services and products;

- Be eligible for formal recognition for road safety management and actions, including support in benchmarking and monitoring progress of road safety outcomes through the RoadWise Recognised initiative.

The two primary point of contacts for the Shire will be the Manager Works and Services and the Community Development Officer.

CONSULTATION

- All councillors through weekly update 9 June 2023
- August 2023 Council Briefing Session

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | | WE KNOW WE ARE SUCCEEDING WHEN | |
|--|--|--|--|
| 2. ECONOMY | | | |
| 2.2 Safe and efficient transport network enables economic growth | | Local benefits are delivered through our active participation in the Wheatbelt Secondary Freight Network | |
| | | Safe and well maintained connection to Great Northern Hwy | |
| | | Road plant and equipment enables achievement of the 10yr Road Plan | |
| | | Less impact on our roads due to extreme weather events and increased vehicle tonnage (road engineering, stormwater management) | |

| STRATEGIC PRIORITIES | | WE KNOW WE ARE SUCCEEDING WHEN | |
|--|--|--|--|
| 4. CIVIC LEADERSHIP | | | |
| 4.1 Forward planning and implementation of plans to achieve community priorities | | We attend meetings of key local and regional organisations to jointly plan for our community | |

Substantiated, public embarrassment , moderate impact,, moderate news profile. Example State-wide paper, TV News story Strategic Priority 2.2 is relevant as the matter deals with supporting safer roads in the district. Also, as this matter is one of regional importance and cooperation, Strategy 4.1 is applicable.

Policy Implications

Policy 16.1 Restricted Access Vehicles on Shire Roads. In essence this policy and its schedules address on what basis RAV can access Shire roads and the requirements to operate in a safe manner.

Risk Analysis

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance/ Controls | Mitigation and Outcome |
|--|--|--|--------------|--|---|
| Reputation Failing to address and promote safety strategies through RoadWise will have a detrimental affect on not only the Shire and its operations but the communities | Moderate (3) Substantiated, public embarrassment , moderate impact,, moderate news profile. Example: State-wide paper, TV News story | Unlikely (2) The event could occur at some time(At least once in 10 years | Moderate (6) | Service Manager (e.g. MFA, MWS, PBU, CESH) Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Through the Shire's primary point of contacts working closely with the Regional RoadWise Coordinator on appropriate initiatives, this risk is reduced to low/rare |

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2308-05 Officer Recommendation / Council Resolution**Moved: Cr J Kelly****Seconded: Cr S Woods**

Council declares that it **SUPPORTS** the Shire of Victoria Plains as a WALGA RoadWise Council and recognises that this new initiative has been developed to encourage, motivate and support Local Governments to incorporate best practice road safety principles and policy across their business services to reduce the number of people killed and seriously injured on local roads.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

9.5 Caravel Copper Project – Assessment No. 2360 – Environmental Scoping Document

| | | | |
|---------------------------------------|--|-----|---|
| File reference | | | |
| Report date | 16 August 2023 | | |
| Applicant/proponent | Department of Water and Environmental Regulation | | |
| Officer disclosure of interest | Nil | | |
| Previous meeting references | Nil | | |
| Prepared by | Sean Fletcher, CEO | | |
| Senior Officer | N/A | | |
| Authorised by | Entered once authorised by CEO | | |
| Attachments | | | |
| Attachment 1 | Page | 110 | Letter from Richard Newman Manager EIA South EPA Services DWER |
| Attachment 2 | Page | 6 | Under Confidential Cover – Caravel Minerals Draft Environmental Scoping Document |

PURPOSE

For Council to resolve for the CEO to prepare a response to DWER's request for comments on the draft Environmental Scoping Document (ESD) prepared by Caravel Minerals Ltd regarding the Caravel Copper Project which also refers to the indicative "Gillingarra" bore field.

BACKGROUND

Mr Richard Newman, Manager EIA South, EPA Services at the Department of Water and Environmental Regulation (DWER) has written to the author seeking comments regarding the draft Environmental Scoping Document prepared by Caravel Minerals regarding the Caravel (Wongan) Copper Project.

Mr Newman requires a response to his request by 13 September 2023.

Reason for Request

The Caravel Copper Project is currently being assessed by the Environmental Protection Authority (EPA) under the Environmental Protection Act 1986. The EPA assess projects that are likely to have a significant impact on the environment.

The EPA has received and is currently reviewing the draft Environmental Scoping Document (ESD) submitted by the Proponent for the Project, which outlines the technical studies, investigations and management plans that the proponent will undertake.

COMMENT

The purpose of Mr Newman's request is for the Shire to inform the draft ESD. This includes whether the Shire is aware of any studies or investigations that are relevant to the draft ESD and whether there are specific formats in which the results of studies and investigations need to be presented in the environmental review.

Please note that the draft ESD (Attachment 2) is not the public version of this document which is expected to be issued in early 2024.

It is anticipated (subject to confirmation) that a representative of EPA Services will be available immediately prior to this month’s OCM, at 1.00pm, to present the EPA consideration and approval process and to answer any questions councillors may have about that process.

Please note that the attending EPA officer is unlikely be able to provide information about any corrective actions relating to recent water discharge from the bore-heads, as this investigation is being handled by officers within DWER.

The author (CEO) is coordinating the internal staff review of the draft ESD and preparation of a response which will be presented to Council prior to the close of submissions date (potentially at a Special Meeting).

A briefing note regarding this matter was circulated to all councillors on Friday 18 August 2023.

CONSULTATION

- August 2023 Council Briefing Session.
- Mr Gordon Houston, Contract Environmental Health Officer re development of draft response
- Mr Robert Newman, EPA Services. Mr Houston has arranged for Mr Newman to brief Council on this matter, subject to final confirmation of availability
- Ms Chantal Hartstone, Corporate Affairs Manager - Caravel Minerals regarding the Shire being advised of the draft ESD

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | WE KNOW WE ARE SUCCEEDING WHEN |
|---|--|
| 3. ENVIRONMENT | |
| 3.2 Conservation of our natural environment and resources | Nature reserves in our control are managed and protected |
| | Shire water resources are efficient, equitable and we advocate for improvements in the network |

Strategic Priority 3.2 is at the heart maintaining a balance between commercial/industrial activity and development and its impact on the stewardship that the Shire has regarding the natural environments and resources, which includes water sources.

Risk Analysis

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance/ Controls | Mitigation and Outcome |
|--|--|--|--------------|--|--|
| Environmental By not having input into the review of the draft Caravel ESD: <ul style="list-style-type: none"> The opportunity is lost to have input into the EPA's initial assessment of the ESD; This could be construed as Council having no concern regarding the environmental impacts of the project in the Shire | Catastrophic (5) Uncontained irreversible impact EPA has made it clear this is a significant impact, hence this agency's involvement in the assessment process | Likely (4) The event could occur at some time(At least once in 10 years | Extreme (20) | CEO & Council Risk generally not acceptable | Council/CEO using available opportunities to provide comment/feedback on proposals The overall environmental risk will still remain high. However, the Shire meets its expectations regarding stewardship in these matters. |

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

| |
|--|
| 2308-06 Officer Recommendation / Council Resolution |
|--|

Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council:

- REQUESTS** the CEO to prepare a response for its consideration regarding the draft Environmental Scoping Document (ESD) prepared by Caravel Minerals Ltd regarding the Caravel Copper Project.
- PRESENTS** the response regarding Point 1 for Council's consideration at a special council meeting before 7 September 2023.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

Cr P Bantock, having declared a proximity interest in this item due to "Trustee of a trust that owns property bounding onto Mogumber – Yarawindah Road", withdrew from Chambers at 2.21pm, with the Deputy President, Cr N Clarke assuming the Presiding Chair at 2.22 pm.

9.6 Mogumber – Yarawindah Road Contract Works 2023/24

| | | | |
|---------------------------------------|------|---|--|
| File reference | | | |
| Report date | | | |
| 16 August 2023 | | | |
| Applicant/proponent | | | |
| Shire of Victoria Plains | | | |
| Officer disclosure of interest | | | |
| Nil | | | |
| Previous meeting references | | | |
| Nil | | | |
| Prepared by | | | |
| Allister Butcher, Consultant | | | |
| Senior Officer | | | |
| Silvio Brenzi, MWS | | | |
| Authorised by | | | |
| Sean Fletcher, CEO | | | |
| Attachments | | | |
| Attachment 1 | Page | 2 | CONFIDENTIAL – Cement Stabilising Price Schedule Response Summary (Package 1) |
| Attachment 2 | Page | 3 | CONFIDENTIAL – Basecourse Price Schedule Response Summary (Package 2) |
| Attachment 3 | Page | 4 | CONFIDENTIAL – Seal and Asphalt Price Schedule Response Summary (Package 3) |

PURPOSE

To consider the submissions by Contractors for the different packages of roadworks on Mogumber-Yarawindah Road for 2023/24.

BACKGROUND

The Shire of Victoria Plains has two sections of Mogumber-Yarawindah Road to be upgraded in 2023/24. The two section of works are from Standard Longitudinal Kilometre (SLK) 5.96 to 9.80 (Section 1; 3.84km) and SLK 9.80 to 13.94 (Section 2; 4.14km). Essentially the works are from 5.96km east of Mogumber to 13.94km east of Mogumber for a total length of 7.98km. These works are funded through the Wheatbelt Secondary Freight Network (WSFN).

The WSFN budget for the two sections are:

- Section 1 \$1,578,438 (excluding GST)
- Section 2 \$1,744,545 (excluding GST)

In 2022/23 the works were proposed to be delivered in a full contract methodology but after testing the market place all tendered costs received were well over the budgeted amount. A review was undertaken of the project delivery method to see about reducing the project costs to come within budget. It is proposed that rather than have one contractor deliver the entire works and those works managed by the contractor that the works be split in to three separate packages and these packages be managed by the Shire (or their appointed person or company). Although there are two sections of road, they will be delivered at the same time to reduce mobilisation and demobilisation.

The three packages of roadworks are:

- Package 1 – cement stabilise the existing road to a width of 10m for the entire 7.98km length.
- Package 2 – Overlay the newly cement stabilised road (delivered as Package 1) with 150mm of compacted gravel from Bill Cocking's gravel pit on Mogumber-Yarawindah Road and prepare it for sealing.
- Package 3 – seal the Package 2 (gravel overlay) works with a prime and two coat rubber seal and asphalt the intersection of Cocking Road.

The gravel required for the gravel overlay works have already been pushed, crushed and screened and paid for.

The works for each Package include the contractor providing all personnel, plant and materials to complete the works, excluding the gravel overlay where the gravel has already been pushed up for the works by a Shire engaged contractor.

The upgrade works have been designed based on geotechnical testing of the existing road materials, considered the existing traffic volumes (and heavy vehicle volumes) with a growth factor for the traffic so that the pavement is able to have a useful life of 40 years.

The same Contractors were requested to provide quotes for Package 1 and 2 and these Contractors have demonstrated experience in being able to deliver both cement stabilising and gravel overlay works. While Package 1 and 2 works were set up to be delivered by separate Contractors they could potentially be delivered by the one Contractor to potentially receive economies of scale.

Quotes for Package 1 and 2 were advertised through Western Australia Local Government Association (WALGA) Vendor Panel commonly called EQuotes. The use of EQuotes meets the Shire's Council Policy 3.1 Purchasing requirements for the estimated cost of the works (exceeding \$250,000) for each Package.

The quoting period for the Package 1 and 2 works opened on 15 June 2023 and closed on 21 July 2023. Package 1 and 2 works were advertised separately.

The following contractors were contacted through EQuotes to provide a cost to complete the Package 1 and 2 works:

- Central Earthmoving Company Pty Ltd
- Downer Infrastructure
- Ringa Civil
- WA Stabilising
- Western Stabilisers Pty Ltd

The Package 1 works (cement stabilising) received three responses and these were from:

- Downer Infrastructure
- WA Stabilising
- Western Stabilisers Pty Ltd

A CONFIDENTIAL summary of the submissions for the Package 1 works are attached (Attachment 1).

The Package 2 works (base course overlay) received one response which was from Downer Infrastructure who also provided a quote for the Package 1 works.

A CONFIDENTIAL summary of the submissions for the Package 2 works are attached (Attachment 2).

The Package 3 (sealing) works were also advertised through EQuotes with the quoting period opening on 15 June 2023 and closing on 14 July 2023.

The following contractors were contacted through EQuotes to provide a cost to complete the Package 3 works:

- Bitutek Pty Ltd
- Colas Western Australia Pty Ltd
- Fulton Hogan Industries Pty Ltd

The Package 3 works received two responses and these were from:

- Colas Western Australia Pty Ltd
- Fulton Hogan Industries Pty Ltd

Colas only provided a price for the sealing works and Fulton Hogan provided a price for both the sealing and asphalt works.

An alternative sealing price was requested in case weather conditions become non-conductive (cool weather) to using the primary sealing option of a prime seal and a two coat rubber seal. The alternative sealing option is a prime seal and emulsion two coat seal which is able to be used when conditions are cooler.

A CONFIDENTIAL summary of the submissions for the Package 3 works are attached (Attachment 3).

COMMENT

All quoted works for Package 1, 2 and 3 were stipulated to be assessed on a 100% price based evaluation (best value for money, lowest price) as the contractors selected to provide a quote have a proven track record of completing similar works.

A summary of the received quotes for the three Packages of works is provided below.

Package 1

All three quotes provided were conforming and were without any real concerns.

The proposed time taken to complete the cement stabilising works are (as per the submitted quotes):

- Downer Infrastructure 47 days
- WA Stabilising 49 days
- Western Stabilisers Pty Ltd 26 days

The prices provided to complete the works are (in order of cheapest to most expensive):

1. Downer Infrastructure
2. Western Stabilisers Pty Ltd

3. WA Stabilising

The price submissions from Downer Infrastructure and Western Stabilisers were of a minor variance whereas the variance between these two submissions and WA Stabilising was substantial.

Package 2

The only submission for the Package 2 works was from Downer Infrastructure which was conforming and without any real concerns.

Although there was only one submission for the works, the Schedule of Rates has been checked against similar quotes received for other works and the rates are minor in variance.

Package 1 and 2 Works Submission Summary

Based on the prices received for Package 1 and 2 it is recommended that Downer Infrastructure be awarded the works for both Packages for the following reasons:

- Downer Infrastructure provided the cheapest price for the Package 1 works.
- Downer Infrastructure was the only contractor to supply a price submission for the Package 2 works and the rates provided are very similar to current market rate costs.
- Efficiencies will be realised by having the same contractor complete both Package 1 and 2 works. As there should be no delay between changing from Package 1 to Package 2 works when compared to changing one contractor to another between Package 1 and 2.

Package 3

From the two cost submissions provided by Fulton Hogan and Colas only Fulton Hogan provided a cost for both the primary and alternative sealing option. Fulton Hogan also provided a cost for the asphaltting works while Colas did not provide a works for these works.

To compare apples with apples, the cost provided by Fulton Hogan to undertake a prime seal and two coat rubber seal costs is cheaper than the cost provided by Colas.

The cost provided by Fulton Hogan to undertake the asphaltting works is similar to other costs provided (market value) to undertake the same type of asphalt works.

Summary

It is proposed that the Packages be awarded to the following contractors based on their Cost Submissions:

- Package 1 Downer Infrastructure (\$938,715.80 excluding GST)
- Package 2 Downer Infrastructure (\$1,050,488.27 excluding GST)
- Package 3 Fulton Hogan Industries Pty Ltd (\$615,906.72 excluding GST)

Based on the proposal above with prices submitted and the estimated costs to undertake the line marking (\$55,000 excluding GST) and project management works (\$45,000 excluding GST), there are sufficient funds available to cover the costs of all works within budget allocations. The gravel costs for the base course have been considered in the total budget costs.

CONSULTATION

Sean Fletcher, CEO

Silvio Brenzi, Manager Works & Services

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.37 – Tenders for providing goods or services

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

| STRATEGIC PRIORITIES | WE KNOW WE ARE SUCCEEDING WHEN |
|--|--|
| 2. ECONOMY | |
| 2.2 Safe and efficient transport network enables economic growth | Local benefits are delivered through our active participation in the Wheatbelt Secondary Freight Network |
| | Safe and well maintained connectivity to Great Northern Highway |

Strategic Policy 2.2 is relevant as these proposed works are for the Wheatbelt Secondary Freight Network and also provide a connection to Great Northern Highway.

Delegation

Nil

Policy Implications

Policy Manual –

- 3.1 Purchasing - Framework

Other Corporate Document

- Nil

Risk Analysis

| Consequence | Consequence Rating: | Likelihood Rating: | Risk Rating | Risk Acceptance Controls | Mitigation and Outcome |
|-------------------|--|---|--------------|---|---|
| Compliance | Major (4) Short term non-compliance but with no significant regulatory requirements imposed. Single moderate litigation or numerous minor litigations. | Unlikely (2) The event could occur at some time. | Moderate (8) | Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring | Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate |

FINANCIAL IMPLICATIONS

The estimated expenditure of \$938,715.80 (excluding GST) to undertake the Package 1 works (cement stabilising) for both Sections 1 and 2 (SLK 5.96 to 13.94) is in the 2023/24 budget.

The estimated expenditure of \$1,050,488. (excluding GST) to undertake the Package 2 works (gravel base course) for both Sections 1 and 2 (SLK 5.96 to 13.94) is in the 2023/24 budget.

The estimated expenditure of \$615,906.72 (excluding GST) to undertake the Package 3 works (sealing and asphalt) for both Sections 1 and 2 (SLK 5.96 to 13.94) is in the 2023/24 budget.

The income to be received for these works from Wheatbelt Secondary Freight Network is \$3,101,450.80 excluding GST (Section 1 income \$1,473,208.80; Section 2 income \$1,628,242) which is 93.33% of the total project cost with the Shire contributing 6.67%.

The total cost for Package 1, 2 and 3 works, gravel pushing and anticipated costs for line marking and project management works are predicted to have sufficient funds for the two sections.

VOTING REQUIREMENTS

Absolute majority required: No

2308-07 Officer Recommendation /Council Resolution

Moved: Cr G O'Brien

Seconded: Cr S Woods

That the Council **DELEGATE** to the CEO authority to sign the purchase orders for the works for the relevant Packages of Works on Mogumber – Yarawindah Road for 2023/24 as per their EQuote submissions:

- Package 1 (cement stabilising) to Downer Infrastructure at a cost of \$938,715.80 excluding GST
- Package 2 (base course) to Downer Infrastructure at a cost of \$1,050,488.27 excluding GST
- Package 3 (sealing and asphalt) to Fulton Hogan Industries Pty Ltd at a cost of \$615,906.72 excluding GST

For 6 / Against 0

| Vote For | Against |
|---------------|---------|
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

Cr J Kelly declared an interest in item 9.5 at 2.24pm. The CEO advised he will need to review this matter and advise on the requirements in this situation.

Cr Bantock returned to Chambers at 2.25pm, resuming the Presiding Chair.

2308-08 Officer Recommendation /Council Resolution**Moved: Cr N Clarke****Seconded: Cr G O'Brien**That Council **ADJOURN** for afternoon tea at 2.26pm.**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

Council Resumed at 2.48pm.

Shire CEO, Mr Fletcher, through the Presiding Officer, advised Cr Kelly that he will need to self-report to the Department of Local Government Sport And Cultural Industries tomorrow (24 August 2023) a breach of the *Local Government Act* 1995 through 'failing to declare a proximity interest regarding Item 9.5', which also included him voting on the matter, which advice was acknowledged by Cr J Kelly.

CONFIRMED PUBLIC MINUTES

9.7 Proposed Road Closure – Portions of Calingiri-New Norcia Road and Bin Road, Calingiri

| | |
|---------------------------------------|--|
| File reference | TBC |
| Report date | 15 August 2023 |
| Applicant/Proponent | Shire of Victoria Plains & Cooperative Bulk Handling Limited |
| Officer disclosure of interest | Nil |
| Previous meeting references | Nil |
| Prepared by | Mr Joe Douglas – Town Planning Consultant |
| Senior Officer | N/A |
| Authorised by | Mr Sean Fletcher – Acting CEO |
| Attachments | |
| Attachment 1 | Page 112 Proposed Road Closure Plan |

PURPOSE

This report recommends that Council resolve to request the Hon. Minister for Lands to grant final approval to permanently close portions of the Calingiri-New Norcia Road and Bin Road in the Calingiri townsite pursuant to section 58 of the *Land Administration Act 1997*.

BACKGROUND

In December 2018 the Shire of Victoria Plains entered into a formal legal agreement with Cooperative Bulk Handling Limited (CBH) to provide for the realignment of Calingiri-New Norcia Road in the vicinity of CBH's existing grain handling and storage facility in the Calingiri townsite to provide for the consolidation and future proposed expansion of the facility onto Crown and privately owned land.

Under the terms of the agreement the Shire is responsible for all land assembly tasks including subdivision, amalgamation and associated road closures. A licensed surveyor has been engaged to assist the Shire progress the project and is currently finalising preparation and lodgement of the required subdivision application with the Western Australian Planning Commission.

In relation to the proposed road closures, which is a completely separate process, it was agreed that:

- i) a 7,729m² portion of the Calingiri-New Norcia Road road reserve and a 6,488m² portion of the Bin Road road reserve will be formally closed in accordance with the procedural requirements of section 58 of the *Land Administration Act 1997*; and
- ii) the majority of Crown land comprising the closed road reserves will be amalgamated with immediately adjoining land currently owned, leased or to be acquired by CBH aside from that portion of the Calingiri-New Norcia Road road reserve that crosses the railway reserve which will be amalgamated with the railway reserve to prevent any further vehicle access in the future.

Details regarding the location and extent of the proposed road closures are provided in Attachment 1.

In April 2023 Council considered and resolved to initiate the process required to formally close the relevant portions of the Calingiri-New Norcia Road and Bin Road in the Calingiri townsite as shown in Attachment 1 to this report pursuant to section 58 of the *Land Administration Act 1997* and authorise the Shire Administration to commence public advertising for the minimum required period 35 days (Motion No. 2204-13).

COMMENT

The road closure proposal was advertised for public comment in excess of the minimum required period of thirty five (35) days commencing on 1 June 2023 and concluding on 7 July 2023. The advertising process included publication of notices in the West Australian Newspaper, the Shire's website and Facebook page, correspondence to all relevant government agencies and display of the relevant documentation and plans at the Shire's administration centre and on its website.

At the conclusion of public advertising a total of four (4) submissions were received by the Shire from the following agencies, none of which raised any objections to the proposal:

- Department of Water and Environmental Regulation;
- Main Roads WA;
- Water Corporation; and
- Western Power.

Given the outcomes from public advertising and the significant benefits the proposal will have in terms of the future operational efficiency of CBH's grain handling and storage facility in the Calingiri townsite, it is recommended Council now resolve pursuant to section 58 of the *Land Administration Act 1997* to request the Hon. Minister for Lands' approval to the proposed road closure in accordance with the details shown on the plan provided in Attachment 1 of this report and authorise the Shire Administration to prepare and lodge a submission to the Lands Division of the Department of Planning, Lands and Heritage requesting the Hon. Minister for Lands' final approval.

CONSULTATION

Undertaken by the Shire for the minimum required period 35 days as described previously above.

STATUTORY CONTEXT

- *Land Administration Act 1997*
 - *Part 5, section 58 – Closing Roads*
- *Land Administration Regulations 1998*
 - *Part 2, clause 99 – Requirements for local government request to close road permanently*

CORPORATE CONTEXT

Integrated Strategic Plan 2022-2032

The road closure proposals are consistent with the following elements of the *Shire of Victoria Plains Integrated Strategic Plan 2022 – 2032*:

2. Economy

Strategic Priority 2.1 - We understand traditional and emerging industries across the Shire;

Strategic Priority 2.2 - Safe and efficient transport network enables economic growth.

3. Environment

Strategic Priority 3.2 - Conservation of our natural environment and resources.

4. Civic Leadership

Strategic Priority 4.1 - Forward planning and implementation of plans to achieve community priorities.

Delegation

Not applicable

Policy Implications

- Works & Services Policy No.13.5 – Road Reserves – Closure

Other Corporate Document

Not applicable

Risk Analysis

The main key risk associated with progressing the proposed road closures is the ability to secure the necessary approvals required from the Department of Water and Environmental Regulation and the Western Australian Planning Commission for the proposed new alignment of Calingiri-New Norcia Road to allow for continued access to/from Bindi Bindi-Toodyay Road following completion of the road closure process.

It is significant to note the current owner of Lot 9001 on Deposited Plan 43363 (i.e. Martindale Pty Ltd) has now confirmed their agreement to the excision and sale of the relevant portion of Lot 9001 to accommodate the proposed new alignment of Calingiri-New Norcia Road which was another risk associated with the proposal's implementation.

The main risk identified above is considered to be low given the significant amount of work undertaken to-date to 'prove up' the proposal to ensure all regulatory requirements have been suitably addressed so the necessary approvals can be secured from the Department of Water and Environmental Regulation and the Western Australian Planning Commission.

FINANCIAL IMPLICATIONS

All costs associated with the proposed road closure the subject of this report will be shared jointly between the Shire and CBH as per the terms of the deed of agreement between the two parties dated 21 December 2018.

VOTING REQUIREMENTS

Absolute majority required: No

| | |
|----------------|--|
| 2308-09 | Officer Recommendation / Council Resolution |
|----------------|--|

Moved Cr O'Brien**Seconded: Cr S Woods**

That Council resolve to:

- i) Acknowledge the outcomes from public advertising of the proposal to permanently close portions of the Calingiri-New Norcia Road and Bin Road in the Calingiri townsite as shown in Attachment 1 to this report;
- ii) Request the Hon. Minister for Lands' approval to permanently close portions of the Calingiri-New Norcia Road and Bin Road in the Calingiri townsite as shown in Attachment 1 to this report pursuant to section 58 of the *Land Administration Act 1997*; and
- iii) Authorise the Shire Administration to prepare and submit the required documentation and plans to the Lands Division of the Department of Planning, Lands and Heritage requesting the Hon. Minister for Lands' formal consideration and final approval to the road closure proposal, including confirmation the Shire of Victoria Plains and Cooperative Bulk Handling Limited will be jointly responsible for indemnifying the State of Western Australia against all future possible costs and/or claims arising from the project's implementation.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

CONFIRMED PUBLIC MINUTES

12. MEETING CLOSED TO PUBLIC**12.1 Closure of Meeting**

| | |
|---------------------------------------|---------------------------------------|
| File reference | |
| Report date | 16 August 2023 |
| Applicant/proponent | Shire of Victoria Plains |
| Officer disclosure of interest | Nil |
| Previous meeting references | 13 February 2023; 26 July 2023 |
| Prepared by | Julie Klobas, Council Support Officer |
| Authorised by | Shire President |

PURPOSE

For Council to move “in camera” (behind closed doors) and consider matters regarding the Shire of Victoria Plains CEO’s Probation and Setting of KPIs under item 12.2.

BACKGROUND

Under section 5.23 (2)(a) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting an employee.

COMMENT

See background.

CONSULTATION

Shire President, Elected Members and CEO

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

| | |
|----------------|--|
| 2308-10 | Officer Recommendation / Council Resolution |
|----------------|--|

Moved: Cr G O’Brien

Seconded: Cr D Ivelock

That the meeting **CLOSE** at 2.51pm to allow for confidential **DISCUSSION** regarding the CEO’s Probation and Setting of KPIs.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

Staff departed Chambers at 2.52 pm, with the CEO and Council Support Officer remaining in Chambers.

CONFIRMED PUBLIC MINUTES

12.2 CEO's Probation and Setting of KPIs - Confidential

| | | | |
|--|------|----|---|
| File reference | | | |
| Report date | | | |
| 02 Feb 2023 | | | |
| Applicant/proponent | | | |
| Shire of Victoria Plains | | | |
| Officer disclosure of interest | | | |
| Financial – Impacts on Mr Fletcher's performance | | | |
| Previous meeting references | | | |
| OCM 14 Dec 2022 – Item 11.2 2212-15; SCM 13 February 2023 – 12.1 2302-05 | | | |
| Prepared by | | | |
| Sean Fletcher, CEO | | | |
| Authorised by | | | |
| Sean Fletcher, CEO | | | |
| Attachments | | | |
| Attachment 1 | Page | 7 | Confidential Report – CEO Review Shire of Victoria Plains |
| Attachment 2 | Page | 17 | Confidential Report - CEO KPI Report July 2023 |

VOTING REQUIREMENTS

Absolute majority required: Yes

| | |
|----------------|---------------------------|
| 2308-11 | Council Resolution |
|----------------|---------------------------|

Moved: Cr D Lovelock**Seconded: Cr N Clarke**

That Council:

- NOTES** the outcomes of the Elected Member Probationary Performance interview outcomes undertaken in July 2023 with the Chief Executive Officer being assessed at 'Exceeds Expectations' in this probationary period appraisal.
- NOTES** on accepting recommendation 1, that the CEO is no longer deemed on probation as he has successfully completed his probationary period.
- ADOPTS** the performance criteria metrics for the 2023-2024 performance period outlined in section 6 of the confidential report (Attachment 1) and as per table 1 below: CEO KRAs (Key Performance Indicators) 23/24.
- SCHEDULES** the next annual review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council no later than February 2024.
- COMPLY**, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notifying the Chief Executive Officer of the results of this performance review.

| Shire Victoria Plains CEO Performance Schedule For 2023-24 Period | | | |
|---|---|--|---|
| KRA # | Goal | KPIs | By When |
| 1 | Provide a high-quality governance and service level from the Shire to residents and the public. | <ul style="list-style-type: none"> Results of the annual Department of Local Government Compliance Returns submitted to Council. Oversee the 2023 Election process and induct and provide support any new Elected Members into the Shire. | <ul style="list-style-type: none"> Annually as reported to Council – March 2024. Assessed via briefing to Council in February 2024. |
| 2 | Ensure the sustainability of the Shire's finances. | <ul style="list-style-type: none"> Budget prepared by July 2024 for adoption and ongoing performance (<i>Actual vs Planned</i>). Unqualified Audit for the 2023-2024 period. | <ul style="list-style-type: none"> Monthly Reporting to Council – within budget parameters. Report to Council when completed. |
| 3 | Work towards infrastructure assets being managed and maintained at set service levels. | <ul style="list-style-type: none"> Implementation of asset maintenance as budgeted and as scheduled. Implement Capital Program as per budget and CBP. | <ul style="list-style-type: none"> Assessed at the end of the performance period. Report Monthly to Council. |
| 4 | Ensure the operational effectiveness, efficiency, and safety of the organisation. | <ul style="list-style-type: none"> Monitor the culture of the organisation annually and report results. Provide and maintain a working environment in which employees of the Shire are not exposed to hazards. | <ul style="list-style-type: none"> Assessed by Staff Turnover rate and Culture Survey results by June 2024. Quarterly reporting to Council on safety performance and LGIS Reports. |
| 5 | Ensure the Shire's Strategic Priorities are implemented (IPR Process) | <ul style="list-style-type: none"> Strategic Priority Area of: <ul style="list-style-type: none"> Community Economy Environment Civic Leadership Strategic Risks Found in the Corporate Business Plan (CBP) are implemented. | <ul style="list-style-type: none"> Priority for activity areas identified and a multi-year implementation schedule developed by November 2024 for Council adoption. Report quarterly progress to Council. |
| 6 | Ensure effective Communication with Council, staff, residents, and the public. | <ul style="list-style-type: none"> Quality of written and verbal communication. Ensure appropriate Social Media presence. | <ul style="list-style-type: none"> Assessed Annually July 2024. Assessed Annually July 2024. |

Table 1 - CEO KRAs (Key Performance Indicators) 23/24

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

2308-12 Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That Council **MOVE OUT** of camera at 2.55pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

| Vote For | Against |
|---------------|---------|
| Cr P Bantock | |
| Cr N Clarke | |
| Cr D Lovelock | |
| Cr S Woods | |
| Cr G O'Brien | |
| Cr J Kelly | |
| Cr S Penn | |

The Shire President read aloud, and allowed viewing on screen, of the Council resolution as determined behind closed doors.

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.56pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 27 September 2023.

Signed *P Bantock*
(Presiding member at the meeting which confirmed the minutes)

Date 27 September 2023

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