



Agenda

Ordinary Council Meeting

23 June 2021

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

Commencing – 2.00 pm

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

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Agenda

Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers and via E-meeting Protocol
on 23 June 2021 commencing at 2.00 pm

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by Shire President

2. RECORD OF ATTENDANCE

Members present

Staff attending

Apologies

Approved leave of absence

Visitors

Members of the public N/A

3. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
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3.1 Financial

3.2 Proximity

3.3 Impartiality

4. PUBLIC QUESTION TIME

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

4.1 Public Questions With Notice

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

4.2 Public Questions Without Notice

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

Public question time closed at _____ pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Council Resolution

Moved Cr _____

Seconded Cr _____

For ___ / Against ___

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

2106	Officer Recommendation
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Moved Cr _____

Seconded Cr _____

That the Minutes of the following meeting:

- Ordinary Council Meeting held 26 May 2021 as circulated, be **CONFIRMED** as a true and correct record.

For ___ / Against ___

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – May 2021**

File reference	F1.8.4		
Report date	14 June 2021		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	2 2	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for May 2021.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2106 Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for May 2021 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	9862 - 9932	352,638.00
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD12514 – DD12559	73,673.76
Salaries & Wages EFT	PE 12.05.21, PE 26.05.21	81,256.72
Credit Card Statements	DD12527.1	280.98
Fuel Card – Wright Express	DD12527.2	458.93
Trust Payments		0.00
	TOTAL	\$508,308.39

Local Spending	\$	%
Local Supplier	67,185.94	13.22
Payroll	81,256.72	15.99
Total	148,442.66	29.20

**includes salary and wages deductions, and SGC

For _____ / Against _____

8.2 Monthly Financial Statements – May 2021

File reference			
Report date	18 June 2021		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	RSM – Travis Bate		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	13	Monthly Financial Statements – 31 May 2021

PURPOSE

To receive the monthly financial statements for the period ending 31 May 2021.

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 30 April 2021 Monthly Financial Statements are presented for consideration.

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

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2106	Officer Recommendation / Council Resolution
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Moved Cr _____

Seconded Cr _____

That Council **RECIEVE** the 31 May 2021 Monthly Financial Reports as presented:

For _____ **/ Against** _____

8.3 Annual Electors Meeting 3 May 2021 (for 2019/2020)

File reference	
Report date	16 May 2021
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	23 March 2021 OCM 2003-06
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page 46 Minutes of the Annual Electors Meeting 3 May 2021

PURPOSE

To consider decisions made at the Annual Electors Meeting regarding the 2019/2020 financial year and other matters held on 3 May 2021.

BACKGROUND

Council resolved at its meeting on 24 March 2021 to hold the Annual meeting of Electors on 28 April 2021. However, the meeting was deferred to 3 May 2021 due to matters regarding the most recent Perth/Peel/Rottnest COVID lockdown and unavailability of officers to assist, accordingly.

COMMENT

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

CONSULTATION

Nil

STATUTORY CONTEXT***Local Government Act 1995***

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

CORPORATE CONTEXT**Strategic Community Plan**

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>
5.1	Implement measures to improve relationship and communication between Council and community
	<ul style="list-style-type: none"> <i>Implementation of initiatives to better connect</i>

5.2	Improve elected member performance	<i>Council with the community and associated matters.</i>
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

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

5.1.2 Continue to actively engage with the community

Strategy 5.4: Measures to improve organisational efficiency:

5.4.1: Review, update and maintain strategic and operational plans

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

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

5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

Risk Management

There are no matters of risk regarding this item.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2106 Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

That Council in accordance with section 5.33(1) of the *Local Government Act 1995* **NOTE** that there were no decisions made for its consideration at the Annual Electors Meeting held on 3 May 2021.

For _____ / Against _____

8.4 Review of Delegation Register(s) 2020-2021

File reference			
Report date	15 June 2021		
Applicant/proponent	Council; CEO		
Officer disclosure of interest	Nil		
Previous meeting references	OCM June 2020		
Prepared by	Sean Fletcher, Interim Governance Officer		
Authorised by	CEO		
Attachments			
Attachment 1	Page	58	Explanatory Memorandum – Review of Delegations 2021
Attachment 2	Page	163	Delegations Register – Final Draft for Adoption

PURPOSE

The purpose of this report is to:

- Assist Council complete its 2020/2021 review of the delegations applicable to the CEO; and
- To confirm that the CEO has completed her review of the delegations to others;
- And to correctly appoint those as authorised officers to issue permits to burn clover.

BACKGROUND

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

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

The author, at the request of the CEO, has now completed the 2020/2021 review on behalf of the CEO regarding delegations from Council to CEO and delegations from the CEO to others and presents both matters for Council's information and consideration.

COMMENT

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

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

- The Primary Delegation is mentioned first. This confirms that the Council is delegating its authority to the CEO;

- The Sub-Delegation. This action confirms that the CEO is delegating the authority to another officer. Council has no say regarding who the CEO can on delegate to;
- The rest of the delegation confirms how it will be applied including any restrictions or limitations.

The author had planned, with the current review, to use the WALGA model to put all delegations into the new format. However, this has not occurred due to time constraints, the need to implement new statutory requirements regarding changes to the Local Government Act and some resourcing restraints as well. Ideally, the plan is to convert to the new format as part of the next annual review.

Explanatory Memorandum – Council to CEO

The following is a summary of the changes proposed and of the explanations as set out in Attachment 1 – Explanatory Memorandum – Review of Delegations June 2021 and the Draft Delegations Register 2021-2022:

Delegation		Change to Delegation	Effect of proposed change
No.	Title		
1.1.1	Appointment of Authorised person	<p>Amendments</p> <p>Building Regulations – Power to Infringe – Revised Explanation</p> <p>CEO to Appoint Authorised Officers – Explanation Included</p>	<p>A more meaningful explanations has been included:</p> <p>This is for the purposes of issuing Building Act 2011 Infringement Notices (Building Reg.70(2) prescribes s.9.10(1) of the Local Government Act 1995 as the enabling power.)</p> <p>Explanation inserted that the CEO now has authority to appoint authorised persons in their own right as listed under section 9.10 (1) and section 9.1(2):</p> <p>(a) this Act (<i>Local Government Act 1995</i>); (b) the <i>Caravan Parks and Camping Grounds Act 1995</i>; (c) the <i>Cat Act 2011</i>; (d) the <i>Cemeteries Act 1986</i>; (e) the <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (f) the <i>Dog Act 1976</i>; (g) subsidiary legislation (local law) made under an Act referred to in any of paragraphs (a) to (f); (h) a written law prescribed for the purposes of this section.</p>
1.1.4	Cat Act 2011 Authorised Person	Deleted	<p>The authority for Council to delegate the function to appoint an authorised person under the Cat Act was removed when the power was given to the CEO to appoint authorised persons under s9.10(1) and (2) of the Local Government Act re the Cat Act</p>

Delegation		Change to Delegation	Effect of proposed change
No.	Title		
1.1.5	Dog Act 1976 Authorised Person	Deleted	The authority for Council to delegate the function to appoint an authorised person under the Dog Act was removed when the power was given to the CEO to appoint authorised persons under s9.10(1) and (2) of the Local Government Act re the Dog Act
1.2	Acting CEO – Appointments	Deleted	The appointment (employment) of an Acting CEO cannot be delegated as the LG Act says <u>the council</u> is not to employ a person in the position of CEO unless it is satisfied the person is suitably qualified and is satisfied with the provisions of the proposed employment contract by way of an <i>absolute majority</i> .
2.3	Confidential Records Inspection	Deleted	The CEO is directly responsible for managing all Shire records. This includes refusing the release of information that is not relevant to a person's role, that is an exclusion under the LG Act from public inspection, is not current and which would divert a substantial and unreasonable portion of the Shire's resources away from its other function.
Section 8	Personnel	Deleted	The matters regarding personnel are the responsibility of the CEO. This section was deleted 24 June 2020, but somehow the text was left in the Delegation Register

Delegation		Change to Delegation	Effect of proposed change
No.	Title		
16,1	Restricted Access Vehicles on Shire Roads	Deleted	<p>The delegation to the CEO to determine any application referred from Main Roads WA to use heavy haulage vehicles (Restricted Access Vehicles) on any local road in the District, is not a delegation.</p> <p>There is no head of power in any legislation that allows such a delegation.</p> <p>This matter is dealt with by way of policy in Policy 16.1 Restricted Access Vehicles on Shire Roads. However, the policy:</p> <ul style="list-style-type: none"> • Is out of date regarding Main Roads WA requirements regarding RAV; • Allows for the charging of user contributions through the issue of the CA07 letter: <ul style="list-style-type: none"> ○ In 2019 the State Solicitor ruled that local governments cannot charge for “access to the network”; ○ WALGA is still resolving this matter with Main Roads WA.
			<ul style="list-style-type: none"> • WALGA has developed a policy for use by local governments that meet Main Roads WA Heavy Haulage requirements <p>Under the heavy Haulage system, the CEO representing the Shire would assess any applications received administratively.</p>
17.1	Issuing of Burning Permits – Fire Control Officers	Deleted	<p>Delegation 17.1 is not a delegation as under s.18 (6) of the Bush Fires Act (BF Act) it is very clear that a burning permit is obtained from a Bush Fire Control Officer (BFCO) of the Local Government (or the CEO in the absence of the BFCO). In other words, this is a direct power by the BF Act to the BFCO.</p> <p>In terms of policy, the role and responsibilities of a BFCO, including the issue of permits, will be set out in the Shire’s forthcoming Volunteer Bush Fire Brigade Guidelines.</p>

Delegation		Change to Delegation	Effect of proposed change
No.	Title		
17.2	Issue of Clover Burning Permits – Clover Burning Permit Officers	Deleted	<p>Delegation 17.2 is not a delegation as under r.16 and r.18 of the Bush Fires (BF Act Regulations) it is very clear that a clover burning permit can only be obtained from an authorised person i.e.:</p> <ul style="list-style-type: none"> • The Shire CEO; or • An authorised officer duly appointed by the Shire. <p>The CEO has the power to issue a clover burning permit under Delegation 5.1. However, the CEO already has this power as a direct function under the BF Act Regulations.</p> <p>If Council wants to appoint authorised officers re the issue of permits for the burning of clover, other than the CEO, it is suggested that the practice continues re this being conducted by the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer.</p> <p>A policy is not required in this instance. A copy of Council's resolution can be incorporated into the Shire's forthcoming Volunteer Bush Fire Brigade Guidelines.</p>

Included with the Explanatory Memorandum is a copy of the current delegations from Council to the CEO that are recommended to be changed, revoked or deleted.

CEO to Officers

By way of information, the CEO advises that she has revised her delegation to officers to reflect the change in position title or role as follows:

Delegation		Change to Delegation	Effect of proposed change
No.	Title		
3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 3.9, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 7.1, 11.2, 11.3, 13.9, 15.1	Various	Role changed from Office Manager to Manager Finance	Recognises the correct position to enact the delegations
3.4, 3.5	Various	Includes Rates Officer	Rates Officer has direct responsibility for such matters
4.2, 4.3, 4.4, 4.5, 4.6, 7.1, 10.5, 11.3, 15.1	Various	Function changed from Ranger to Community Safety Officer	Recognises the correct position to enact the delegations

These changes have been made through the Delegations Register provided in Attachment Two.

CONSULTATION

- CEO
- OCM/Reception Officer

CEO and other key officers at the agenda settlement on 18 June 2021.

STATUTORY CONTEXT

5.42. Delegation of some powers and duties to CEO

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

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

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

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

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

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

CORPORATE CONTEXT

Corporate Business Plan

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

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

Risk Management (Risk Governance Framework)

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: Yes

BY ABSOLUTE MAJORITY

2106 Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

1. In accordance with s.5.46(2) of the *Local Government Act 1995* confirms it has completed the review for the 2019-2020 Financial Year regarding the delegations it has made under Division 4.
2. Confirms by **absolute majority** the changes made to the delegations to the CEO as set out in Attachment 1 Explanatory Memorandum Review of Delegations June 2021 and Sections 1 – 16 in the Delegations Register 2021 – 2022 in Attachment Two. This includes:
 - a. Deleting, amending or revoking the following Delegations as follows:
 - i. Inclusion of improved clarification regarding how Delegation 1.1.1 *Local Government Act 1995* – Authorisations applies:
 1. Building Regulations – Power to Infringe;
 2. CEO to Appoint Authorised Officers – LG Act.
 - ii. Deleting Delegations:
 1. 1.1.4 *Cat Act 2011*;

2. 1.1.5 *Dog Act 1976*;
 3. 1.2 Acting CEO – Appointment;
 4. 2.3 Confidential Records Inspection;
 5. Section 8 - the text from Deleted Delegations enacted 20 June 2020;
 6. 16.1 Restricted Access Vehicles on Shire Roads;
 7. 17.1 Issuing of Burning Permits – Fire Control Officers;
 8. 17.2 Issue of Clover Burning Permits – Clover Burning Permit Officers
3. Authorises the Shire President to sign the Instrument of Delegation to the CEO regarding Sections 1 – 16 of the Delegations Register. This includes the changes referred to in Point 2 of this resolution.
 4. Acknowledges the CEO’s advice that she has completed the review of her delegations to others:
 - a. In accordance with 5.46(2) of the *Local Government Act 1995* made under Division 4 for the 2019-2020 Financial Year.
 - b. In accordance with other legislation.

BY SIMPLE MAJORITY

2106 Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

5. In accordance with Regulation 16 of the *Bush Fires Regulations 1954* the following are duly appointed as authorised officers to grant permits to burn clover:
 - a. Chief Bush Fire Control Officer;
 - b. Deputy Chief Bush Fire Control Officer.

For _____ / Against _____

8.5 Expiry of Calingiri & Yerecoin Sewerage Scheme Licence WL34

File reference		CA 2.2	
Report date		18 June 2021	
Applicant/proponent		Economic Regulation Authority (ERA)	
Officer disclosure of interest		Nil	
Previous meeting references		Nil	
Prepared by		Allan Ramsay Environmental Health Officer/Building Officer	
Authorised by		Glenda Teede, Chief Executive Officer	
Attachments			
Attachment 1	Page	181	Letter form the ERA dated 11 February 2021 -Application to re-new Licence WL34
Attachment 2	To be provided	182	Letter from the ERA dated 20 May 2021

PURPOSE

For Council's endorsement to postpone renewing the Calingiri and Yerecoin Sewerage Scheme Licence until the expiry of the exemption period **6 July 2022**.

To provide Council information on the importance to ensure that the Calingiri and Yerecoin sewerage schemes are maintained, and the Asset Management System (AMP) is updated and used prior to the expiry of the exemption period.

BACKGROUND

In the year 2016 the Minister for Water; Sports and Recreation; Forestry the Hon Mia Davies MLA Minister for Water, granted a class exemption for five years to selected local governments for the provision of sewerage and/or non -potable water services. The exemption was to reduce the regulatory burden for these service providers and the administration costs to government.

The Shire of Victoria Plains was one of many local governments that received an exemption. There were several local governments that did not receive an exemption due to their sewerage systems not up to an acceptable standard.

Two important paragraphs in the 2016 letter from the Minister stated:

“The Department of water will undertake a review of the class exemption, five years from the date of commencement. The review will examine the effectiveness and efficiency of the local governments’ provision of the exempted water services, in line with the principals set out in the attached documents. The Department may contact the Shire of Victoria Plains for information/documentation on its water services system at any time prior to the review (for example, information will be sought if the Department receives a complaint about the Shire of Victoria Plains’ service.

I would encourage the Shire to undertake an assessment of its water services assets on a periodic basis. The way such an assessment is undertaken will be at the discretion of the Shire. However, it is recommended that the assessment is

conducted by an independent auditor/consultant, with suitable experience and qualifications in engineering/construction”.

During the exemption period, the Department of Water have requested an annual report on the condition of the sewerage system which has been provided each year, the last annual report included a condition report following a full assessment of the system by pressure cleaning the sewer pipes then CCTV work on all the pipes and access hatches.

In the meantime, the Shire of Victoria Plains' Water Services licence expired on the 28 April 2021. A licence is not technically required until the expiry of the exemption period. However, the Economic Regulation Authority (ERA) has asked the Shire to renew the licence now which will require a technical assessment based on previous operational audits and asset management systems review of the Shire and its licence history.

Various work has been carried out on the sewerage system over the past several years which has included pressure cleaning the sewer pipes, CCTV camera work and a condition report on the system. Other important items include:

- The Shire has raised the sewer rate at 10% per year to help build up the sewerage reserve fund.
- Some work has been carried out on the AMP which is still not completed.
- Council approved a budget amount through municipal funds of some \$27,000.00 to pay for maintenance work which was very important to enable the condition report;
- The Shire has recently received a grant from the Local Roads and Community Infrastructure Programme, of which Council allocated \$50,000.00 to the sewerage account to pay for much needed work on the system. This work will need to be undertaken soon, then the Asset Management Plan (AMP) can then be completed.

COMMENT

The Shire has the option to renew the licence now and spend money on an independent technical assessment or wait till the expiry of the exemption period. By leaving the decision to renew the licence till the expiry of the exemption period will give the Shire time to have all the maintenance issues carried out plus have a workable AMP. It would also mean more chance of passing an independent technical assessment of the sewerage system.

The Shire was given a five-year exemption already so there could be a possibility that the Minister approves another five-year exemption. In this case, a valid licence would not be required.

Section 7 of the Water Services Act allows the minister to exempt a class of person from the requirement of a licence in a specified area if the Minister is satisfied that it would not be contrary to the public interest. The exemption must be in writing.

Another option would be for the Shire to request the Water Corporation take over the management and running of the sewerage system. The Water Corporation have the experience and equipment to carry out maintenance. It would take a lot of political pressure off Council if the sewer rate was increased to cover costs. It could easily double just to break even.

CONSULTATION

Economic Regulation Authority

STATUTORY CONTEXT

Section 13 of the Water Services Act 2012 – a licensee must apply to the ERA if it wants to renew its licence before it expires

Health (Miscellaneous Provisions) Act 1911 Part 1V – Sanitary provisions

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

Extra cost for an independent technical assessment of approximately \$10,000.00

Extra consultant fees in making the systems comply – extra assessment required after rectification work approximately \$5,000.00.

Please note that maintenance cost which must be done, in any case, is not factored into the financial implications as they must be done irrespectively.

VOTING REQUIREMENTS

Absolute majority required: No

2106	Officer Recommendation
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Moved Cr _____

Seconded Cr _____

- That Council endorse the deferral to licence the Water Licence for the Calingiri and Yerecoin Sewerage Systems
- That Council endorse the Chief Executive Officer to write a letter to the Economic Regulation Authority advising not to renew the Water Licence until the expiry of the exemption period 6 July 2022
- That Council endorse the expenditure of the amount of \$50,000.00 grant from the Local Roads Infrastructure Programme on maintenance of the Calingiri and Yerecoin Sewerage Scheme.
- That Council endorse the completion of the Sewerage Scheme Asset Management Plan after the expenditure of the \$50,000.00 grant from the Local Roads and Infrastructure Programme on maintenance of the Calingiri and Yerecoin Sewerage Scheme:
- That Council consider increasing the sewerage rate 10% in the 2021-22 financial year; and
- That Council make enquires, as a group, with other local government water licence operators and consider the option of handing over the sewerage operation and ownership of the sewerage schemes to the Water Corporation.

For _____ / Against _____

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

File reference	TBC
Report date	16 June 2021
Applicant/Proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Motion No.123/09 on 21 April 2009 – New Management Order for Crown Reserve 18204
Prepared by	Mr Joe Douglas – Town Planning Consultant
Authorised by	Ms Glenda Teede - CEO
Attachments	
Page	184
	Attachment 1 – Survey Diagram by FM Surveys

PURPOSE

To assist Council's consideration and determination of a proposal to request the Minister for Lands approval to amalgamate Reserves 18203 and 18204 in the Piawaning townsite into one (1) new combined reserve with a new management order issued in favour of the Shire of Victoria Plains for 'Recreation, Camping, Showground and Community Purposes' with power to lease all or part of the land for a period not exceeding 21 years subject to the Minister's approval.

BACKGROUND

In February 2021, the Shire engaged FM Surveys to repeg the boundaries of Crown Reserves 18203 and 18204 located on the corner of Denton Street and Waddington-Wongan Hills Road, Piawaning to assist the local community's efforts to install some new boundary fencing and help plan for the future development and use of the subject land. The Shire's action in this matter was required and authorised given both reserves are the subject of a management order issued in favour of the Shire by the Minister for Lands pursuant to section 46(1) of the Land Administration Act 1997.

Reserve 18203 is a 'C' class reserve comprising five (5) separate lots owned by the State of Western Australia that has been under the care, control and management of the Shire since August 1954 for the designated purpose 'Recreation'. This reserve comprises a total area of 12.3202 hectares, is classified 'Parks and Recreation' reserve in the Shire of Victoria Plains Local Planning Scheme No.5 and has been developed by the Shire over many years for active recreational purposes (i.e. sporting ovals and tennis courts including various associated improvements).

Reserve 18204 is also a 'C' class reserve comprising one (1) lot with a total area of 1,661m² that is owned by the State of Western Australia and has been under the care, control and management of the Shire since May 2009 for the designated purpose 'Hall'. This reserve is also classified 'Parks and Recreation' reserve in the Shire of Victoria Plains Local Planning Scheme No.5 and has been developed by the Shire and local community over many years for the purposes of a community hall.

In April 2009 Council resolved to accept a request from the Piawaning Progress Association for the Shire to take over the management of Reserve 18204 to enable the Shire to be eligible for, and take advantage of, State and Commonwealth government funding programs to make the Piawaning Hall's future more sustainable and improve social opportunities in the town. That request was approved by the Minister for Lands in May 2009 with a new management order subsequently issued in favour of the Shire.



*Reserve Location & Configuration Plans (Source: Landgate 2021)***COMMENT**

The recent boundary identification and repegging work undertaken by FM Surveys confirmed some of the existing fencing along the western, southern and eastern boundaries of Lot 29, which comprises the northern half of Reserve 18203, has not been constructed on the land's designated boundaries (see Attachment 1). It is understood the Piawaning Expo Incorporated has been advised of this issue and are now considering removing some of this existing fencing and constructing new fencing on the land's designated boundaries subject to the Shire CEO's final approval regarding the location and type of fencing proposed to be used.

The boundary identification and repegging work also confirmed previous building extension works to the community hall on Reserve 18204 have resulted in this building now physically encroaching upon a small portion of Reserve 18203 located immediately south. This encroachment is highly problematic in terms of ongoing management of both reserves as well as any future possible extensions to the existing hall building on Reserve 18204 which cannot be approved until the encroachment issue is resolved.

In order to resolve the building encroachment issue and provide for the coordinated management and use of both reserves for recreation and other community related purposes, including the annual Piawaning Expo which is organised and managed by the Piawaning Expo Incorporated, it is recommended that Council consider requesting the Minister for Lands approval, pursuant to section 51 of the Land Administration Act 1997, to amalgamate Reserves 18203 and 18204 into one (1) new combined reserve with a new management order issued in favour of the Shire for 'Recreation, Camping, Showground and Community Purposes' with power to lease all or part of the land for a period not exceeding 21 years. Advice received from the Lands Division of the Department for Planning Lands and Heritage has confirmed that Reserve 18204 will need to be cancelled along with the respective management orders for both reserves with the land comprising Reserve 18204 to then be amalgamated with Reserve 18203 with a new management order for all the intended purposes issued thereafter including powers to lease all or part of the land.

In relation to the proposed leasing powers, it is understood the Piawaning Expo Incorporated have expressed interest in leasing part of the land comprising the proposed new amalgamated reserve to develop a number of proposed new improvements to accommodate the Piawaning Expo, other community based activities and overnight camping. By requesting the Minister for Lands approval for the list of uses outlined above, as well as powers to lease all or part of the land, the Piawaning Expo Incorporated's proposals may then be formally considered by Council and referred to the Department for Planning, Lands and Heritage for final approval by the Minister if they are deemed suitable and appropriate.

CONSULTATION

Not required or deemed necessary. The reporting officer has however had discussions with the Shire's Chief Executive Officer and Mr Malcolm Palmer who is understood to be an authorised representative of the Piawaning Expo Incorporated. Advice was also sought and obtained from the Lands Division of the Department for Planning, Lands and Heritage.

STATUTORY CONTEXT

- *Land Administration Act 1997*

- Part 4, Section 46 – ‘Care, control and management of reserves’; and
- Part 4, Section 51 – ‘Cancelling, changing etc. reserves, Minister’s powers as to’.
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Part 2 – ‘Reserves’

CORPORATE CONTEXT

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

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with preparing this report and the subsequent submission to the Department for Planning, Lands and Heritage requesting the Minister for Lands approval which has been provided for in Council’s annual budget for the 2021/22 financial year.

It is significant to note the Department for Planning, Lands and Heritage has confirmed there will be no survey costs, no document preparation costs and no Landgate registration fees to give effect to Council’s request in this matter if it is ultimately approved by the Minister for Lands.

VOTING REQUIREMENTS

Absolute majority required: No

2106 Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

That Council resolve to request the Minister for Lands approval, pursuant to section 51 of the Land Administration Act 1997, to:

- i) **cancel** Crown Reserve 18204 on the corner of Denton Street and Waddington-Wongan Hills Road, Piawaning including its current management order;
- ii) **amend** Reserve 18203 on the corner of Denton Street and Waddington-Wongan Hills Road, Piawaning by including all land comprising Reserve 18204 by way of a Crown land amalgamation;
- iii) **change** the current designated purpose of Crown Reserve 18203 from ‘Recreation’ to ‘Recreation, Camping, Showground and Community Purposes’; and
- iv) **cancel** the current management order for Crown Reserve 18203 and issue a new management order to the Shire of Victoria Plains with power to lease all or part of the land for a period not exceeding 21 years subject to the Minister’s approval.

For _____ / Against _____

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS

11.1 Matters for Which the Meeting May Be Closed

Remaining in the meeting –

12. CLOSURE OF MEETING

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

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2021.

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

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