



MINUTES

Ordinary Council Meeting

23 March 2022

Shire of Victoria Plains
Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2.06pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

CONTENTS

1.	DECLARATION OF OPENING	5
1.1	Opening.....	5
	The Meeting was declared open by the Presiding Member at 2.06pm.....	5
1.2	Announcements by Shire President	5
2.	RECORD OF ATTENDANCE	5
3.	DISCLOSURES OF INTEREST	6
4.	PUBLIC QUESTION TIME.....	6
4.1	Public Questions With Notice	6
4.2	Public Questions Without Notice	6
5.	PRESENTATIONS AND DEPUTATIONS.....	7
5.1	Presentations	7
5.2	Deputations	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	7
7.	MINUTES OF MEETINGS.....	8
7.1	Confirmation of Council Meeting Minutes.....	8
8.	REPORTS REQUIRING DECISION.....	9
8.1	Accounts for Endorsement – February 2022	9
8.2	Monthly Financial Statements – February 2022	12
8.3	Major Review of Council Policies – Part 1	14
8.4	National Water Grid Connections Fund	19
8.5	Proposed Road Closure – Unnamed, Unconstructed Local Road Reserve between Great Northern Highway & Old Plains Road, Yarawindah (Land ID Number 3536294)	20
9.	MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	24
10.	NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION.....	24
11.	MEETING CLOSED TO PUBLIC.....	24
11.1	Matters for Which the Meeting May Be Closed.....	24
11.3	Budget Amendment – Private Works Write Off.....	26
11.2	CEO’s Contract Update to Council - Confidential	27
12.	CLOSURE OF MEETING	28



Minutes

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 23 March 2022 commencing at 2.06pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.06pm.

1.2 Announcements by Shire President

The meeting shall be run in accordance with the Shire's *Meeting Procedures Local Law 2018*, with 7 members present, two of whom are attending via teleconference, and therefore E-Meeting procedures will be required.

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.

2. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr S Woods Cr J Kelly Cr G O'Brien Cr S Penn - via teleconference Cr D Lovelock – via teleconference
Staff attending	Chief Executive Officer – Ms G Teede Governance Officer – Mr S Fletcher Works and Services Manager – Mr K Boase Minute Taker – Mrs J Klobas RSM – Mr T Bates - via teleconference Exurban Rural and Regional Planning – Mr J Douglas (2.45pm – 2.59pm) via Teleconference.
Approved leave of absence	Nil
Visitor(s)	Dr Shayne Silcox

Members of the public
Mr M Palmer
Mrs A Byrne O'Neil
Mrs H Smith

3. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
3.1	Financial	Cr S Penn declared a financial interest in “ <i>Item 8.1, Accounts for Endorsement</i> ”, due to ‘ <i>Legal – Candidate Eligibility – Penn vs. Teede. Penn seeking costs</i> ’.
3.2	Proximity	Nil
3.3	Impartiality	Mr Fletcher declared an impartial interest in “ <i>Item 11.2, CEO’s Contract Update to Council – Confidential</i> ” due to ‘ <i>Mr Fletcher is engaged by the CEO to provide support services that includes advice to Council.</i> ’

4. PUBLIC QUESTION TIME

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

4.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.09pm.

4.2 Public Questions Without Notice

Cr S Woods - re Item 8.1 – Accounts for Endorsement (February 2022)

- Q1. EFT – 10584 – Fire Access Tracks. Question taken on Notice.
A1. This is DFES MAF (Mitigation Activity Funding) in Bolgart, which Dave Wilson, Bushfire Risk Mitigation Coordinator, manages on the Shire’s behalf.
- Q2. EFT 10672 is RSM’s monthly payment. Question taken on Notice.
A2. The Shire has two joint arrangements which are disclosed in Note 22 of the 2021 Annual Financial Statements which relate to:
- Calingiri – Lot 23 and 24 Harrington Street. The Shire entered into a Joint Arrangement with HomesWest on 17 December 1999. The purpose of the arrangement was for the construction of four aged persons units in Calingiri; and
 - Bolgart – Lot 184 and 191 George Street. The Shire entered into a Joint Arrangement with HomesWest on 21 February 2006. The purpose of the arrangement was for the construction of two aged persons units in Bolgart.
- Q3. EFT – 10584 – Fire Access Tracks? - what is this. Question taken on Notice.
A3 Fire and Mitigation Services Grant, Gillingarra and Bolgart.

- Q4. EFT – 10589 – Legal Costs? Question taken on Notice.
A3. This forms part of 3 invoices for legal advice regarding part of the GSRC reserve, Licence Agreement (Church lease), Letter to Minister of Water re Gillingarra and Sub lease licence with Calingiri Tower.

Mr Malcolm Palmer, Wyening

- Q1. Querying Management of Natural Resources expenditure.
Q1. The Shire President noted this matter is of a legal nature.

Q1. Querying legal expenditure generally.
Q2. The Shire President noted this matter would be addressed at Budget Review, and the matter could therefore not be debated.

Cr S Woods - re Item 8.1 – Accounts for Endorsement (March 2022)

- Q5. Regarding Item 8.1 - EFT10734 – What is the date of the invoice for this payment.
A5. 31 May 2021. Question Taken on Notice.

Cr J Kelly - re Item 8.1 – Accounts for Endorsement (March 2022)

- Q1 Regarding Item 8.1 - EFT10734 – Why is this account being paid 8 months later?
A1. Question Taken on Notice.

Public question time closed at 2.13pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting Minutes

2203-01 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr G O'Brien

That the Minutes of the following meeting:

- *Ordinary Council Meeting held 23 February 2022* as circulated, be **CONFIRMED** as a true and correct record with amendment on pages 25 and 26, albeit its only referred to on page 26 to reflect compensation payments of \$2/per metre cubic.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Reason for Variation

Clarification of description of payment.

UNCONFIRMED PUBLIC

Cr S Penn declared a financial interest in “*Item 8.1, Accounts for Endorsement*”, due to ‘*Legal – Candidate Eligibility – Penn vs. Teede. Penn seeking costs*’, withdrawing from the meeting via teleconference at 2.17pm.

With this item having been adjourned for further information to be sought, the Shire President returned to the item at 3.17pm, with Cr S Penn, having declared a financial interest in “*Item 8.1, Accounts for Endorsement*”, due to ‘*Legal – Candidate Eligibility – Penn vs. Teede. Penn seeking costs*’, withdrawing from the meeting via teleconference at 3.17pm.

8. REPORTS REQUIRING DECISION

8.1 Accounts for Endorsement – February 2022

File reference	F1.8.4		
Report date	15 March 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance		
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 February 2022.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee’s name

- b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
- (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

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

2203-02	Procedural Motion / Council Resolution
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Moved: Cr S Woods

Seconded: Cr G O'Brien

That this item be adjourned until further information can be sought for Council's consideration.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr S Penn re-joined the meeting via teleconference at 2.22pm.

The WSM withdrew from the meeting at 2.21pm, re-joining the meeting at 2.22pm.

Officer Recommendation

That the payments made for February 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be endorsed:

February 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	10688 – 10759	576,442.15
Creditor Cheque Payments	12559	488.65
Direct Debit Payments**	DD13139-DD13217	52,785.68
Salaries & Wages EFT	PE 08/12/21, PE 22/12/21	99,722.30
Fuel Card – Wright Express	DD13191.2	1,877.15
Credit Card – Bendigo Bank	DD13191.1	1,939.11
Trust Payments		0.00
	TOTAL	\$733,255.04

Local Spending	\$	%
Local Supplier	60,430.47	8.24
Payroll	152,753.59	20.83
Total	213,184.06	29.07

**includes salary and wages deductions, and SGC.

2203-03 Council Resolution

Moved: Cr N Clarke

Seconded: Cr S Woods

That the payments made for February 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be endorsed:

February 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	10688 – 10759	576,442.15
Creditor Cheque Payments	12559	488.65
Direct Debit Payments**	DD13139-DD13217	52,785.68
Salaries & Wages EFT	PE 02/02/2022, PE 16/2/2022	99,722.30
Fuel Card – Wright Express	DD13191.2	1,877.15
Credit Card – Bendigo Bank	DD13191.1	1,939.11
Trust Payments		0.00
	TOTAL	\$733,255.04

Local Spending	\$	%
Local Supplier	60,430.47	8.24
Payroll	152,753.59	20.83
Total	213,184.06	29.07

**includes salary and wages deductions, and SGC

Reason for Variation

Change of dates to reflect correct pay period for Salaries & Wages EFT.

CARRIED For 5 / Against 1

Cr J Kelly voted against the motion.

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

Cr S Penn re-joined the meeting via teleconference at 3.22pm.

8.2 Monthly Financial Statements – February 2022

File reference			
Report date	17 March 2022		
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	11	Monthly Financial Statements – 28 February 2022

PURPOSE

To receive the monthly financial statements for the period ending 28 February 2022.

BACKGROUND

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

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

COMMENT

The February 2022 Monthly Financial Statements are presented for consideration.

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

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

That Council **RECIEVE** the 28 February 2022 Monthly Financial Reports as presented.

2203-04 Council Resolution

Moved: Cr N Clarke

Seconded: Cr G Woods

That Council **RECIEVE** the 28 February 2022 Monthly Financial Reports as presented with an amendment to the Loan Status on page 38 to the correct category as follows: from Recreation and Culture to Transport.

CARRIED For 5 / Against 2

*Cr S Penn and Cr J Kelly requested to have their names recorded as voting against the motion.
Cr P Bantock, Cr D Lovelock, Cr S Wood, Cr G O'Brien and Cr N Clarke voted for the motion.*

UNCONFIRMED PUBLIC

8.3 Major Review of Council Policies – Part 1

File reference	13.5.2		
Report date	15 March 2022		
Applicant/proponent	Council		
Officer disclosure of interest	N/A		
Previous meeting references	26 June 2019		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	Entered once authorised by CEO		
Attachments			
Attachment 1	Page	42	Major Policy Review - Part 1 (Section 1) Council/Governance
Attachment 2	Page	51	Council Policy Manual 2018 – Section 1
Attachment 3	Page	107	Council Policy Manual 2017 – Divisions 7 and 9

PURPOSE

For Council to adopt Part of the Major Policy Review.

BACKGROUND

Overview

A key responsibility of council is to have appropriate policies in place. There is no legislated requirement regarding the regular review of policies. However, the Department of Local Government has suggested previously that policies should be reviewed once every five years. The author's advice is that policies are reviewed on a risk management basis i.e.

High Risk: Annually e.g. Procurement Policy

Medium Risk: Every two to three years e.g. Continuing Professional Development Policy

Low Risk: Five yearly e.g. Building Development.

As advised at the November 2021 briefing session, a general review of all policies is underway. The intention is to consolidate policies adopted since the last major review (those on the Shire's website) into the 2018 Policy Manual (Which will become the Council Policy Manual - Edition 1) and to phase out the residual policies in the 2017 Policy Manual.

The author had planned a completion date of October 2021 OCM. However, as advised at the November 2021 and February 2022 briefing sessions, this project has proved more onerous than anticipated. It is now the intent to provide a report on the relevance of existing policies including policy gaps, those requiring updating and those that should be revoked during March 2022 – June 2022.

Previous Reviews

The last review of the Council Policy Manual accepted by Council was in June 2019. This led to the implementation of Council Policy Manual 2018. However, the review process was not completed as there were a range of policies still encapsulated within Council Policy Manual 2017, which also need to be closed out.

In addition to the above, there are also more recently adopted policies that are listed separately to the policy manuals on the Shire's website.

As it currently stands, having policies in three separate places is confusing for those accessing these policies and staff (and therefore Council) are often not aware of the more current policies and updates outside of Council Policy Manual 2018.

In an ideal world, all policies should be hyperlinked on the Shire's website for easy downloading. However, this will take some time to do and so an updated policy manual that includes all relevant policies that can be accessed on the Shire's website is an appropriate solution. The new Policy Manual will be set out, and listed, in its separate parts.

It would also be appropriate to refer to the new policy manual as the Shire of Victoria Plains Council Policy Manual with the appropriate edition date included. This will also ensure that there is no confusion with the CEO's executive policies which are instructions to staff regarding the implementation of Council policies and other requirements.

Current Policy Designations

Council's policies are divided into the following sections:

Section 1 - Council / Governance
Section 2 - Administration / Organisation
Section 3 - Financial Management
Section 4 - Order / Public Safety
Section 5 - Fire Control
Section 6 - Environmental Health / Food
Section 7 - Community Services
Section 8 - Personnel
Section 9 - Occupational Safety & Health
Section 10 - Building / Development
Section 11 - Public Facilities
Section 12 - Tourism
Section 13 - Works & Services Section 14 - Plant / Equipment
Section 15 - Natural Resource Management Section 16 - Unclassified
HISTORY Summary

The review of the Council policies encapsulates the following documents:

Council Policy Manual 2018:

- Corrections, amendments, and deletions (revocations) regarding the Council Policy Manual 2018 and then insertion these changes into the new Policy Manual;
- Insertion of amended policies from Council Policy Manual 2017 into the new Policy Manual;
- Simplification of the administrative arrangements including when policies should be reviewed and resolving conflicts between council policy and delegations to the CEO.

Council Policy Manual 2017

- Corrections and amendments to policies in this manual for inclusion in the new Council Policy Manual;
- Deletions (revocations) of policies that are no longer relevant, or are the direct function of the CEO as defined by the Local Government Act or other legislation.

Shire Website – Delegations and Policies

The policies that are listed separately to the policy manuals on the Shire's website are to be numbered and included in the new Policy Manual.

Production of New Policy Manual

The new Policy Manual will consist of separate sections listed on the Shire's website. Once each part of the Policy Review is adopted, the policies will then be updated accordingly.

Proposed Timeline

The proposed timeline regarding the major policy review is as follows:

Part 1 of the Policy Review (Section 1) – March 2022 (Attachment 1)

- Present Part 1 To the March 2022 Briefing Session for information/questions/changes - completed;
- Part 1 will then go to the March Council Meeting

Part 2 of the Policy Review (Sections 2 and 7) – April 2022

- Present Parts 2 and 7 to the April 2022 Briefing Session for information/questions/changes;
- Part 2 and 7 will then go to the April Council Meeting.

Part 3 of the Policy Review (Section 8)– May 2022

- Present Part 8 to the May 2022 Briefing Session for information/questions/changes;
- Part 8 will then go to the May Council Meeting;

Part 4 of the Policy Review (Remaining Sections) –June 2022

- The remaining sections to be presented at the June 2022 Briefing Sessions;
- These sections will then go to the June council meeting.

At the February 2022 Briefing Session, Council advised it needed more time to review Part 1 of the Major Policy Review. This is now re-presented for adoption at today's meeting.

COMMENT

Part 1 of the Review is attached for Council's consideration at today's meeting. In summary the policies in Section 1 are designed to improve governance within the Shire, according to the responsibilities applicable to Council, Committees of Council, the Shire President, the Deputy Shire President, the Elected Members, the CEO and Officers. The comments in this part of the review reflects the changes required:

- **Council Policy Manual 2018 (Attachment 2)** – No further action is required for Policy 1.1. Policies 1.2 – 1.10 require some level of amendment, Policy 1.11 requires to be revoked and Policies 1.12 – 1.14 listed on the Shire's website need to be included in the Policy Manual;
- **Council Policy Manual 2017 (Attachment 3)** – There are two divisions applicable:
 - Division 9 – Policies 9.1.4, 9.3.4, 9.3.9 are required to be revoked. Policy 9.3.10 is to be renumbered as Policy 9.2 and included in Council Policy Manual 2018.

- Division 7 – Policy 7.2 is required to be withdrawn and repackaged as Policy 1.15 and included in Council Policy Manual 2018.

CONSULTATION

Council Briefing Sessions November 2021 and February 2022.

STATUTORY CONTEXT

Local Government Act

2.7. Role of council

(1) The council —

- (a) governs the local government’s affairs; and
- (b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and
- (b) determine the local government’s policies.

CORPORATE CONTEXT

Policy Manual(s)

All policies of Council

Strategic Plan and Corporate Business Plan

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<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	

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

Appropriate policies are a guideline that the CEO and the administration must follow.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance Failing to review the policies of Council will undermine the level of compliance and performance the Shire is required to maintain through its policies	Major (3) Non-compliance results in termination of services or imposed penalties to Shire/Officers	Possible (3) At least once in 3 years	Medium (9)	Operational Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	CEO and Key Staff to assist Council develop, implement, review and maintain appropriate policies on a risk management basis. This will reduce the level of risk to Low

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2203-05 Officer Recommendation / Council Resolution**Moved Cr S Woods****Seconded Cr G O'Brien**

That Council:

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, **ADOPTS** Part 1 of the Shire of Victoria Plains Major Policy Review 2022 as set out in Attachment 1 including:

- Council Policy Manual 2018:
 - No further action is required for Policy 1.1;
 - Policies 1.2 – 1.10 require some level of amendment;
 - Policy 1.11 is revoked;
 - Policies 1.12 – 1.14 listed on the Shire's website need to be included in the new Policy Manual.
- Council Policy Manual 2017 – There are two divisions applicable:
 - Division 9:
 - Policies 9.1.4, 9.3.4, 9.3.9 are revoked.
 - Policy 9.3.10 is to be renumbered as Policy 9.2 and included in the new Policy Manual.
 - Division 7:
 - Policy 7.2 is withdrawn and repackaged as Policy 1.15 and included in the new Policy Manual.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.4 National Water Grid Connections Fund

File reference	
Report date	17 March 2022
Applicant/proponent	
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Keith Boase, Manager Works and Services
Authorised by	
Attachments	

PURPOSE

This item is to inform Elected Members of the opportunity to utilise the National Water Grid Connections Fund to upgrade the Parker Rd Bore, Goudge Rd standpipe and other potential projects.

BACKGROUND

The National Water Grid Connections Fund is administered by the Department of Water and Environmental Regulations (DWER) in Western Australia. DWER approached the Shire of Victoria Plains to identify projects within the Shire that would meet their funding requirements.

COMMENT

Shire Officers have identified a number of projects that will suit the funding application and with 100% funding the projects will go ahead if all criteria are met. These projects include:

- Upgrade of Parker Rd bore
- Installation of Swipe Card access to Goudge Rd standpipe
- Mogumber non potable emergency water Bore

Funding will only be available on sites that are vested with the Shire or where the Shire has an easement/agreement to the benefit of the Shire.

CONSULTATION

Glenda Teede, Chief Executive Officer

VOTING REQUIREMENTS

Absolute majority required: No

2203-06 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr S Woods

That Council **RECIEVE** this information.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Shire Planner joined the meeting via teleconference at 2.45pm to provide information to Council on the item, departing the meeting at 2.59pm and did not return.

8.5 Proposed Road Closure – Unnamed, Unconstructed Local Road Reserve between Great Northern Highway & Old Plains Road, Yarawindah (Land ID Number 3536294)

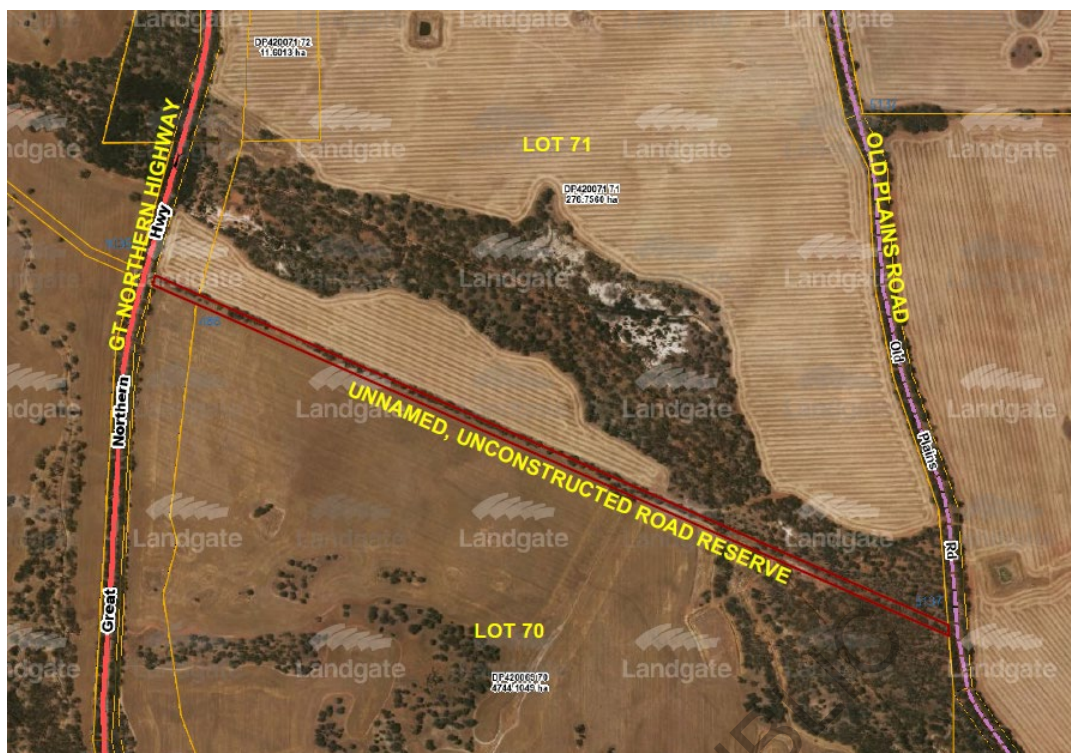
File reference		
Report date		15 March 2022
Applicant/Proponent		Main Roads WA
Officer disclosure of interest		Nil
Previous meeting references		Resolution No.2111-12 on 24 November 2022
Prepared by		Mr Joe Douglas – Town Planning Consultant
Authorised by		Ms Glenda Teede - CEO
Attachments	Page 114	Attachment 1 – Correspondence & Plans from Main Roads WA
	Page 118	Attachment 2 – Public Advertising Notices & Referral Correspondence.

PURPOSE

This report recommends that Council resolve to request the Hon. Minister for Lands to grant final approval to permanently close a 3.4639 hectare portion of an unnamed, unconstructed local road reserve between Great Northern Highway and Old Plains Road, Yarawindah pursuant to a previous request from Main Roads WA to help progress the Great Northern Highway Bindoon Bypass project.

BACKGROUND & COMMENT

Main Roads WA has previously written to the Shire seeking Council's assistance to permanently close a 3.4639 hectare portion of an unnamed, unconstructed local road reserve between Great Northern Highway and Old Plains Road, Yarawindah (Landgate Land ID Number 3536294) to help progress the Great Northern Highway Bindoon Bypass project.



Location & Lot Configuration Plan (Source: Landgate 2021)

A full copy of the original submission received from Main Roads WA is provided in Attachment 1.

In November 2021 Council resolved, pursuant to section 58 of the *Land Administration Act 1997*, to initiate the process required to formally close the relevant road reserve to enable the land comprising the closed road reserve to be transferred to the owners of Lots 70 and 71 located immediately north and south in approximately equal shares to compensate them for land taken by Main Roads WA to accommodate the new alignment of Great Northern Highway through other portions of their properties in the immediate locality.

The proposal is now in the final stages of public advertising in accordance with the specific requirements of the *Land Administration Act* and Regulations for the minimum required period of thirty five (35) days with submissions due to close on Friday 18 March 2022. The advertising process has included a notice in the Local Government Notices section of the West Australian newspaper, correspondence to all relevant government agencies and display of the relevant report and plans at the Shire administration centre and on the Shire's website (see Attachment 2). At this stage no submissions have been received.

In order to help progress the project as quickly as possible, it is recommended that Council resolve to proceed to request the Hon. Minister for Lands to grant final approval to permanently close the road reserve in accordance with the details provided in Attachment 1 pursuant to section 58 of the *Land Administration Act 1997* subject to no valid objections having been received by the submission closing date (i.e. 18 March 2022). Confirmation of the final outcomes from the public advertising will be provided to Council at its March meeting.

In considering Main Roads WA request in this matter Council should again note the following key points:

- i) Main Roads WA has agreed to pay all costs incurred by the Shire to progress the proposed

road closure in accordance with the procedural requirements of the Land Administration Act 1997 and associated regulations which are estimated to be in the order of \$3,500 including GST. An initial deposit of \$1,750 including GST was paid by Main Roads WA on 2 November 2021;

- ii) It is understood Main Roads WA will be responsible for any compensation liability arising from the proposed road closure. As such, the Shire will not be obliged or required to indemnify the Minister for Lands against any costs or claims for compensation arising from the road closure proposal;
- iii) That portion of the unnamed, unconstructed road reserve proposed to be permanently closed comprises a total area of approximately 3.4639 hectares, of which 1.7362 hectares will be amalgamated with Lot 71 Old Plains Road located immediately north which is currently owned by Mr David John Maher. The remaining 1.7277 hectare portion of the closed road reserve will be amalgamated with Lot 70 (No.486) Yenart Road located immediately south which is currently owned by Martindale Pty Ltd;
- iv) That portion of the unnamed, unconstructed road reserve proposed to be permanently closed has been extensively cleared and appears to have been developed and used for broadacre agricultural purposes (i.e. cropping and grazing). It is unlikely approval for this current and historical use of the road reserve area was previously sought and obtained from the Shire or the Minister for Lands with such activity most likely pre-dating the introduction of contemporary development controls (i.e. formal approvals were not required);
- v) The Shire has no short, medium or long term plans to construct all or part of the road reserve area for public access purposes (i.e. the road reserve is not required and will be costly to construct due to the need to secure a clearing permit approval from the Department of Water and Environmental Regulation to remove a number of existing mature trees and shrubs to accommodate the required road construction works); and
- vi) That portion of the unnamed, unconstructed road reserve proposed to be permanently closed is classified 'No Zone' in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5) which reflects its current status as a local road. Lots 70 and 71 abutting the road reserve's northern and southern boundaries are classified 'Rural' zone in LPS5. Should the road closure proposal be supported by the Minister for Lands and the relevant portions of the closed road reserve amalgamated with Lots 70 and 71, there will be a need to amend the zoning of both newly created lots so those portions classified 'No Zone' are reclassified 'Rural' zone. This zoning anomaly is not considered to be a major impediment to the continued use of both lots for broadacre agricultural purposes and is a matter that will be addressed as part of any future review of LPS5.

CONSULTATION

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

STATUTORY CONTEXT

- Land Administration Act 1997
- Land Administration Regulations 1998

CORPORATE CONTEXT

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. Main Roads WA has agreed to meet all costs incurred by the Shire to help progress the project which are estimated to be in the order of \$3,500 including GST. As mentioned previously above, an initial deposit of \$1,750 including GST was paid by Main Roads WA on 2 November 2021.

VOTING REQUIREMENTS

Absolute majority required: No

2203-07 Officer Recommendation / Council Resolution**Moved Cr G O'Brien****Seconded Cr N Clarke**That Council **RESOLVE** to:

1. Request the Hon. Minister for Lands to grant final approval to permanently close the 3.4639 hectare portion of the unnamed, unconstructed local road reserve between Great Northern Highway and Old Plains Road, Yarawindah (Land ID Number 3536294) pursuant to section 58 of the *Land Administration Act 1997* and amalgamate the closed road reserve with Lot 71 on DP420071 located immediately north and Lot 70 on DP420069 located immediately south as shown on the plan submitted by Main Roads WA in support of the proposal, subject to no valid objections having been received by the close of public advertising on Friday 18 March 2022;
2. Authorise the Shire Administration to prepare and submit the required documentation and plans to the Department of Lands requesting the Hon. Minister for Lands' formal consideration and final approval to the road closure proposal, including confirmation Main Roads WA is responsible for indemnifying the State of Western Australia against any possible costs and/or claims arising from the project's implementation, subject to no valid objections having been received by the close of public advertising on Friday 18 March 2022; and
3. If one or more valid objections have been received by the close of public advertising on Friday 18 March 2022, refer the road closure proposal back to Council for further consideration and final determination at its April 2022 Ordinary Meeting.

CARRIED FOR 6 / Against 1

Cr J Kelly requested to have his name recorded as voting against the motion.

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

The Shire Planner withdrew from the meeting via teleconference at 2.59pm and did not return.

2203-08 Councillor Motion / Council Resolution**Moved: Cr N Clarke****Seconded: Cr G O'Brien**

That Council adjourn for afternoon tea at 3pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL*The Presiding Member reconvened the meeting at 3.16pm.***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*

Nil

11. MEETING CLOSED TO PUBLIC**11.1 Matters for Which the Meeting May Be Closed**

File reference	
Report date	16 March 2022
Applicant/proponent	Council and CEO
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to move "in camera" (behind closed doors) and consider a matter regarding the CEO's Contract and to Review Budget Amendment – Private Works Write Off.

BACKGROUND

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

COMMENT

Council to consider a matter regarding the CEO's contract and to Review Budget Amendment – Private Works Write Off.

CONSULTATION

CEO

OCM Officer

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

\$1,772.27

VOTING REQUIREMENTS

Absolute majority required: No

2203-09 Officer's Recommendation / Council Resolution**Moved Cr N Clarke****Seconded Cr G O'Brien**

That Council **CLOSE** the meeting under section 5.23 (2)(a) and (2) (c) of the Local Government Act 1995 to consider a matter regarding the CEO's contract and to Review Budget Amendment – Private Works Write Off.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Visitors of the Gallery and Dr Shayne Silcox withdrew from the meeting, with the CEO, Works and Services Manager, Governance Officer and Minute Taker remaining in the meeting.

2203-10 Councillor Motion / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr S Woods**

That Council suspend point 8.9 of the Shire's Standing Orders at 3.30pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**2203-11 Councillor Motion / Council Resolution****Moved: Cr Bantock****Seconded: Cr S Woods**

That item 11.3 be brought forward prior to Item 11.2.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

11.3 Budget Amendment – Private Works Write Off.

File reference	
Report date	4 March 2022
Applicant/proponent	Nil
Officer disclosure of interest	Nil
Previous meeting references	February 2022
Prepared by	Keith Boase, Manager Works and Services
Authorised by	CEO
Attachments	

VOTING REQUIREMENTS

Absolute majority required: No

2203-12 Officer Recommendation / Council Resolution**Moved: Cr G O'Brien****Seconded: Cr S Woods**

That Council **AUTHORISE** the write off of the Private Works debt to Mr Michael Stock of Bolgart, being invoice number 2803 for an amount of \$1,772.73.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

11.2 CEO's Contract Update to Council - Confidential

File reference	
Report date	16 March 2022
Applicant/proponent	Council and CEO
Officer disclosure of interest	Impartial – Mr Fletcher is engaged by the CEO to provide support services that includes advice to Council
Previous meeting references	19 Mar 2019: 1904-17; 29 May 2019: 1905-33
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page Letter 31 May 2019 confirming current contract extension

2203-13 Council Resolution**Moved: Cr D Lovelock****Seconded: Cr N Clarke**

That Council:

- RECIEVES** the CEO's written advice seeking a further contract and will enter into discussions with the CEO after Council completes the 21-22 review of the CEO's performance appraisal. Discussions are to be completed by 18 June 2022 (as per Clause 3.4 of the CEO's contract).
Note: It is understood that there is no obligation on either party to enter into a new contract other than to undertake discussions on the matter.

CARRIED For 6 / Against 1*Cr J Kelly requested to have his name recorded as voting against the item.**Cr P Bantock, Cr Penn, Cr N Clarke, Cr S Woods, Cr G O'Brien and Cr D Lovelock voted for the motion.*

2203-14 Councillor Motion / Council Resolution

Moved: Cr S Woods

Seconder: Cr G O'Brien

That Council **MOVE INTO** Standing Orders at 3.56pm.

Cr J Kelly withdrew from the meeting at 3.56pm and did not return.

2203-15 Councillor Motion / Council Resolution

Mover: Cr S Woods

Seconder: Cr G O'Brien

That Council **MOVE OUT** of confidential session at 3.56pm

The Shire President read aloud the Resolutions as resolved behind closed doors.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.00pm

CERTIFICATION

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

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

Date _____

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