



MINUTES

Ordinary Council Meeting

25 August 2021

Shire of Victoria Plains
Council Chambers, Calingiri

AND
via E-Meeting Protocol

Commencing – 2.04pm

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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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 25 August 2021 commencing at 2.04pm

1. DECLARATION OF OPENING

1.1 Opening

The Presiding Member stated the declaration of the State Emergency and State Health Emergency and the means of conducting meetings under the E-meeting platform, advising 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.

The Meeting was declared open by the Shire President at 2.04pm.

1.2 Announcements by Shire President

Nil

2. RECORD OF ATTENDANCE

Members present

Cr P Bantock – Shire President
Cr D Lovelock – Deputy Shire President
Cr N Clarke
Cr J King
Cr G O'Brien
Cr J Kelly

Staff attending

CEO – Ms G Teede
WSM – Mr A Butcher
CESM – Mr M Parry
Finance Manager -Mrs G Deocampo
Minute Taker – Mrs J Klobas

Apologies

Cr S Penn
Governance Officer – Mr S Fletcher

Approved leave of absence

Nil

Visitors Nil

Members of the public Nil

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	Nil
3.2	Proximity	Nil
3.3	Impartiality	Nil

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 2.05pm.

Nil Public Questions.

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).

Nil Public Questions.

Public question time closed at 2.05pm.

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

VOTING REQUIREMENTS

Absolute majority required: No

2108-01 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr D Lovelock

That the Minutes of the following meetings:

- Ordinary Council Meeting held 28 July 2021 as circulated, be **CONFIRMED** as a true and correct record.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

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

File reference			F1.8.4
Report date			19 August 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 n/a	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 July 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

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Cr J Kelly

EFT – Re Civic legal invoices. – QToN by the CEO.

Is there a duplicate EFT 10126 for \$280.00?

2108-02 Officer Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That the payments made for July 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**	9933 - 10075	612,033.14
Creditor Cheque Payments	12660 - 12754	0
Direct Debit Payments**	DD12669 - DD12701	39,852.81
Salaries & Wages EFT	PE 07.07.21, PE 21.07.21	77,299.75
Credit Card Statements	DD12700.1	1,659.34
Fuel Card – Wright Express	DD12700.2	600.80
Trust Payments		0.00
TOTAL		\$731,445.84

Local Spending	\$	%
Local Supplier	48,693.50	6.66
Payroll	77,299.75	10.57
Total	125,993.25	17.23

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 1

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

8.2 Monthly Financial Statements – July 2021

This item is to be presented at the September OCM, following budget consideration.

CONFIRMED

8.3 2021/2022 ANNUAL BUDGET ADOPTION

File reference			
Report date			20 August 2021
Applicant/proponent			None
Officer disclosure of interest			None
Previous meeting references			None
Prepared by			Travis Bate, Financial Consultant
Authorised by			Glenda Teede, Chief Executive Officer
Attachments			
Attachment 1	Page	13	2021/2022 Draft Statutory Budget

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2021/2022 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2021/2022 Annual Statutory Budget and supporting schedules have been prepared on principles contained in the Strategic Resource Plan, the Corporate Business Plan, the 2021/2022 Draft Annual Budget presentation and budget discussions at the Budget Workshops held on Wednesday 23 June 2021, Monday 19 July 2021 and Monday 2 August 2021.

COMMENT

The draft 2021/2022 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The Main features of the budget include:

- The 2021/22 budget has been prepared with a 7.0% rate increase.
- Fees and Charges have been increased by approximately 4.0% with exception of the following:
 - Sewerage Scheme charges have been increased by 10% and are itemised in the 2021/22 Fees & Charges.
- Domestic and commercial rubbish removal charges have been increased by 4.0% and are itemised in the 2021/22 Fees & Charges.
- The recurrent operating budget has generally been based on prior actual figures,

although individual line items may vary from this approach if it has been deemed necessary. The recurrent budget delivers similar service delivery to the community as it has in past years.

- A capital works program totalling \$5,561,938 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$5,078,325) in line with Council's strategy to increase the investment in road and associated assets.
- An estimated surplus of \$940,474 is anticipated to be brought forward from 30 June 2021. However, this is unaudited and may change. Any change will be addressed as part of a future budget review.
- The budget has been composed with a balanced (Nil) estimated closing position.
- Principal additional grant and contribution funding for the year is estimated from:
 - Wheatbelt Secondary Freight Network \$1,839,035
 - Main Roads CLGF Aglime Route - \$359,974
 - CBH Aglime Route - \$560,740
 - Local Roads and Community Infrastructure Program - \$918,580
 - Roads to Recovery - \$344,595
 - Main Roads WA Direct Grant - \$137,066
 - Regional Road Group - \$466,332

CONSULTATION

While no specific consultation has occurred on the draft 2021/2022 budget, community consultation and engagement has previously occurred during development of the Community Strategic Plan and the Corporate Business Plan. Extensive internal consultation has occurred with all staff and through briefings and workshops with elected members.

STATUTORY CONTEXT

LGA S6.2 requires that not later than 21 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2021/2022 budget as presented is considered to meet statutory requirements.

CORPORATE CONTEXT

The budget is based on the principles contained in the Strategic Resource Plan and the Corporate Business Plan.

STRATEGIC IMPLICATIONS

5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
5.4	Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the detail section of this report and as itemised in the draft 2021/2022 budget attached for adoption.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The draft 2021/2022 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.

Social Implications

The draft 2021/2022 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The draft 2021/2022 budget supports key environmental strategies and initiatives adopted by the council.

VOTING REQUIREMENTS

Absolute majority required: Yes for some of the parts of the recommendations.

2108-03 Officer Recommendation / Council Resolution

ABSOLUTE MAJORITY REQUIRED

Council returned to the Substantive Motion at 2.36pm.

PART A- Municipal Fund Budget For 2021/2022

Moved: Cr D Lovelock

Seconded: Cr J King

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.3a of this agenda and the minutes, for the Shire of Victoria Plains for the 2021/2022 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a surplus net result for that year of \$633,759 [TB1].
- Statement of Comprehensive Income by Program showing a surplus net result for that year of \$633,759.
- Statement of Cash Flows showing closing projected closing position of \$1,402,038.
- Rate Setting Statement showing an amount required to be raised from rates of \$2,983,537.
- Notes to and Forming Part of the Budget
-

CARRIED BY ABSOLUTE MAJORITY For 5 / Against 1

Cr Kelly requested his name be recorded as voting against the motion.

Councillor Amendment

Moved: Cr J Kelly

Seconded:

That the rate increase be put at 4% with updated figures as noted below:

Mr T Bates (RSM) requested a short pause at 2.24pm to calculate updated figures with a 4% increase as proposed by Cr J Kelly which the Presiding Member agreed to. The meeting resumed at 2.33pm

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.3a of this agenda and the minutes, for the Shire of Victoria Plains for the 2021/2022 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a surplus net result for that year of ~~\$637,259.~~ \$556,526.00
- Statement of Comprehensive Income by Program showing a surplus net result for that year of ~~\$637,259.~~ \$556,526.00
- Statement of Cash Flows showing closing projected closing position of ~~\$1,405,538.~~ \$1,324,805
- Rate Setting Statement showing an amount required to be raised from rates of ~~\$2,983,537.~~ \$2,804,703
- Notes to and Forming Part of the Budget
- Deficit budget position of \$80,733.00

MOTION LAPSED FOR WANT OF A SECONDER.

ABSOLUTE MAJORITY REQUIRED

The Mover and Secunder agreed to update part 3 of the Resolution to reflect instalment option of \$7.50, as opposed to \$6.00 with the updated Fees as provided to Elected members prior to the Ordinary Council Meeting.

2108-04 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

PART B - General And Minimum Rates, Instalment Payment Arrangements

Moved: Cr D Lovelock

Seconded: Cr N Clarke

1. For the purpose of remedying the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.
 - 1.1. General Rates*
 - Residential (GRV) 11.7898 cents in the dollar
 - Rural (UV) 0.7169 cents in the dollar
 - 1.2. Minimum Payments
 - Residential (GRV) \$485.00
 - Rural (UV) \$585.00
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date 06 October 2021

2nd quarterly instalment due date	08 December 2021
3rd quarterly instalment due date	09 February 2022
4th quarterly instalment due date	13 April 2022

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$7.50 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7.0% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 0

ABSOLUTE MAJORITY REQUIRED

2108-05	Councillor Amendment / Council Resolution
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PART C-	Elected Members' Fees And Allowances For 2021/2022
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Moved: Cr D Lovelock

Seconded: Cr N Clarke

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$7,000
Travelling Reimbursements	\$5,479

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$10,000
Deputy President	\$1,625

CARRIED BY ABSOLUTE MAJORITY For 4 / Against 2

Reason for Variation

The role requires a lot more time and attention, and the variation is a minor amount.

Cr Kelly and Cr O'Brien voted against the motion.

PART C - Elected Members' Fees And Allowances For 2021/2022

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$7,500
Travelling Reimbursements	\$5,479

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$6,500
Deputy President	\$1,625

SIMPLE MAJORITY

2108-06 Officer Recommendation /Council Resolution

PART D - Material Variance Reporting For 2021/2021

Moved: Cr J King

Seconded: Cr N Clarke

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2021/2022 for reporting material variances shall be 10% and a minimum of \$10,000.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.4 SCHEDULE OF FEES AND CHARGES- Late Item

File reference	
Report date	20 August 2021
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Travis Bate – Consultant (RSM)
Authorised by	Glenda Teede
Attachments	
Attachment 1 Public Att: Page 45	Schedule of Fees and Charges – Draft Budget 2021-22

PURPOSE

As part of the 2021/2022 Budget preparation process, Council is requested to adopt its Schedule of Fees and Charges for 2021/2022.

BACKGROUND

Each year, Council is required to adopt its Schedule of Fees and Charges. Council is only able to charge those items that appear in the Schedule. It is, therefore, crucial that increases to discretionary items determined by Council are considered as part of the Budget process. Likewise, items that are charged by Council under other relevant legislation need to be checked to ensure that the legislated figures have not changed.

COMMENT

Councillors are requested to adopt the proposed Fees and Charges for 2021/2022. A Summary of the changes proposed is provided below:

- Fees and Charges that are at Council discretion have been increased by 3.8% (rounded)
- Fees and Charges that are governed by legislation have been updated for the 2021/2022 Financial Year

The minor increases proposed are based on Consumer Price Index, Australia (CPI) increase of 3.8%.

The Private Works rates have some fluctuations as the rates are based on the actual average wage of the Works staff (including overheads), actual plant operating costs and added a 25% administration charge (includes internal costs for processing the paperwork, invoicing, works management, etc). The Tree Pruning has been removed as the Shire no longer has that item of plant. It is also proposed that all the materials be at cost + 25% administration charge to ensure that the internal administration costs are covered. There is also an additional item which acts as a 'catch all' for all other private works so that if someone would like to purchase some materials that are not covered under this Fee and Charge it can be at cost + 25%. Likewise if the Shire is approached to undertake a large scale private works project with items not covered under the individual line items then it can be charged out at a total project cost + 25% administration charge.

CONSULTATION

Travis Bate, RSM

Allister Butcher, Rural Infrastructure Services

STATUTORY CONTEXT

Local Government Act 1995

- 6.2 Local government to prepare annual budget
- 6.16 Local government may impose and recover a fee or charge

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Increased discretionary revenue.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2018-07 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr N Clarke

The fees and charges as set out in the attached Schedule of Fees and Charges for 2021-22 be **ADOPTED**.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY OF COUNCIL For 6 / Against 0.

CONFIRMED

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

File reference	TBC
Report date	19 July 2021
Applicant/Proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	<ol style="list-style-type: none"> 1. Motion No.123/09 on 21 April 2009 – New Management Order for Crown Reserve 18204; 2. Motion No.2106-11 on 23 June 2021 – Deferral of consideration of item 8.6 entitled 'Proposed Amalgamation & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site)'.
Prepared by	Mr Joe Douglas – Town Planning Consultant
Authorised by	Ms Glenda Teede - CEO
Attachments	Nil

PURPOSE

To provide Council with an update on the outcomes from a meeting held with the local community at the Piawaning Hall on Monday 12 July regarding the future possible configuration, use and management of Crown Reserves 18203 and 18204 in the Piawaning townsite and request Council's approval to proceed with a formal public advertising process for a period of twenty eight (28) days inviting the local community to provide comment for further consideration by Council in due course before any final decisions are made.

BACKGROUND & COMMENT

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

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

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

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

options Council could consider to resolve them.

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

It is therefore recommended that Council authorise the Shire Administration to proceed with public advertising for a minimum period of twenty eight (28) days inviting community comment with a further report to be prepared and presented to Council for consideration as soon as possible thereafter prior to any final decisions being made in relation to the future configuration, use and management of the reserves.

To help simplify the community consultation process it is recommended that the following list of specific questions be posed, including a 'general comments / suggestions' question at the end to give people the opportunity to provide any additional information they consider relevant to assist Council's consideration of the matter:

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

CONSULTATION

As described and recommended above.

STATUTORY CONTEXT

- *Land Administration Act 1997*
 - Part 4, Section 46 – 'Care, control and management of reserves'; and
 - Part 4, Section 51 – 'Cancelling, changing etc. reserves, Minister's powers as to'.
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Part 2 – 'Reserves'

CORPORATE CONTEXT

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

STRATEGIC IMPLICATIONS

The proposals for Crown Reserves 18203 and 18204 are considered to be generally consistent with the aims and objectives of the following strategic planning documents:

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

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

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with preparing this and any subsequent reports, undertaking community consultation, and preparing the proposed 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.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved: Cr D Lovelock

Seconded: Cr N Clarke

That Council authorise the Shire Administration to proceed with public advertising for a minimum period of twenty eight (28) days inviting the local community to respond to the following questions in relation to Crown Reserves 18203 and 18204 in the Piawaning townsite:

1. Would you prefer to see Crown Reserves 18203 and 18204 amalgamated into one (1) new reserve or the boundaries between the two reserves realigned to deal with the current building and land use encroachment issues?
2. What types of land uses would you like to see accommodated on Crown Reserve 18203 in the future which is currently authorised to be used for 'Recreation' purposes?
3. What types of land uses would you like to see accommodated on Crown Reserve 18204 in the future which is currently authorised to be used for 'Hall Site' purposes?

4. Would you like the Shire to remain as the current approved management body for the two reserves or would you like the Management Order for one or both reserves to be changed to benefit a local incorporated community group and why?
5. Do you have any other comments or suggestions you would like Council to consider in relation to the future configuration, use and management of these two reserves?

The Mover and Seconder agreeable to proposed amendment of removing the word benefit from point 4 of the Resolution.

2108-08	Councillor Amendment / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr N Clarke

That Council authorise the Shire Administration to proceed with public advertising for a minimum period of twenty eight (28) days inviting the local community to respond to the following questions in relation to Crown Reserves 18203 and 18204 in the Piawaning townsite:

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

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Reason for Variation

Remove the word benefit in point 4 to take the opportunity to allow for community consultation as opposed to just those who attended the Shire Presentation. The key benefit relates to the Management Order and who is responsible

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 – CONFIDENTIAL ITEMS**11. Matters for Which the Meeting May Be Closed**

2108-09	Council Resolution
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Moved: Cr N Clarke**Seconded: Cr J King**

That Council move into camera at 3.00pm with all Elected Members however the Finance Consultant and Finance Manager departed Chambers and did not return

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Those remaining in Chambers during discussion were the CEO, WSM, CESM and Minute Taker.

CONFIRMED

11.1 Expression of Interest - Future Usage of the Old Road Board Building, Calingiri

File reference	
Report date	20 August 2021
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	May 2021
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page 13 Confidential Attachment

2108-10 Procedural Motion**Moved: Cr N Clarke****Seconded: Cr G O'Brien**

That Council move out of standing orders at 3.04pm to allow open debate

CARRIED BY UNANIMOUS DECISION OF COUNCIL**2108-11 Procedural Motion****Moved: Cr D Lovelock****Seconded: Cr G O'Brien**

That Council adjourn the meeting at 3.22pm to allow expert advice to be obtained pertaining to the matter.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Shire EHO, Gordon Houston, joined the meeting at 3.25pm.

The Shire EHO, Gordon Houston, withdrew from the meeting at 4.18pm and the meeting resumed at that time.

2108-12 Procedural Motion / Council Resolution**Moved: Cr N Clarke****Seconded: Cr D Lovelock**

That Council resume Standing Orders at 4.19 pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**VOTING REQUIREMENTS**

Absolute majority required: No

Officer Recommendation

That Council awards the lease of Reserve 21472, (Lot 18 on DP88424 - the Old Road Board Building, together with all buildings and improvements situated on it), 19 Cavell Street, Calingiri, to Nicole McInnes trading as The Junction on the following basis:

1. Approval by the Minister for Planning, Lands and Heritage.
2. The lease is to be based on the requirements under the [Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#).
3. The tenant must be given the Disclosure Statement – Form 1 at least 7 days before entering into a lease.
4. The lease period is for two years (24 months) with a further three 12 month extensions to be negotiated with the CEO on each renewal period.
5. The tenant is responsible for the fitout as proposed in the Response to Criteria - Part B(e) in the applicant's submission.
6. The tenant (generally internal items) and the Shire (building and major capital items) are jointly responsible for the ongoing maintenance of the property. The conditions of this arrangement are to be negotiated by the CEO in accordance with Consumer Protection Tenant Guide – Form 4 For Renewal of New Retail Shop Leases From 1 January 2013.
7. The Tenant Guide mentioned on Point 6 must be attached to the front of the lease.
8. Rent increases will be subject to CPI each year of the lease.
9. Further terms and conditions of a minor nature can be negotiated by the CEO, including, but not limited to the access to the disabled/accessible toilet facilities.

2108-12 Councillor Amendment / Council Resolution**Moved: Cr G O'Brien****Seconded Cr J King**

That Council awards the lease of Reserve 21472, (Lot 18 on DP88424 - the Old Road Board Building, together with all buildings and improvements situated on it), 19 Cavell Street, Calingiri, to Nicole McInnes trading as The Junction on the following basis:

1. Approval by the Minister for Planning, Lands and Heritage.
2. The lease is to be based on the requirements under the [Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#).
3. The tenant must be given the Disclosure Statement – Form 1 at least 7 days before entering into a lease.
4. The lease period is for two years (24 months) with a further three 12 month extensions to be negotiated with the CEO on each renewal period.
5. The tenant is responsible for the fitout.
6. The conditions of the lease are to be negotiated by the CEO in accordance with Consumer Protection Tenant Guide – Form 4 For Renewal of New Retail Shop Leases From 1 January 2013.
7. The Tenant Guide mentioned on Point 6 must be attached to the front of the lease.
8. Rent increases will be subject to CPI each year of the lease, with the first year rental fees being waived.
9. Further terms and conditions of a minor nature can be negotiated by the CEO, including, but not limited to the access to the disabled/accessible toilet facilities.
10. The tenant shall comply with the Food Act 2008 and Associated Regulations.

CARRIED For 4 / Against 1

Cr Kelly withdrew from the meeting at 4.14pm and did not return.

Reason for Variation

Amendments viewed as a fair compromise to assist the business community in the District.

2108-13 Council Resolution

Moved: Cr G O'Brien

Seconded: Cr N Clarke

That Council move out of confidential session at 4.27 pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.29pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 29 September 2021 2021.

Signed [Signature]
(Presiding member at the meeting which confirmed the minutes)

Date 29 September 2021

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