



# Minutes

## Ordinary Council Meeting

25 March 2020

Shire of Victoria Plains  
Council Chambers, Calingiri

Commencing – 2.07 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.

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**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,  
on 25 March 2020 commencing at 2.07 pm

### 1. DECLARATION OF OPENING

#### 1.1 Opening

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The President declared the meeting open at 2.07pm, welcoming Councillors and staff to the Meeting.

#### 1.2 Announcements by Shire President

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The Presiding Member read aloud the formal Disclaimer Announcement and then updated Councillors regarding the COVID-19 situation.

The Shire's most important priority is the health and safety of our community, customers and staff.

The situation is constantly evolving with the latest directive from the Minister for Emergency Services declaring a state of emergency and given the power to the Commissioner of Police and State Emergency under the Emergency Management Act 2005 (WA) to close certain places of business, worship and entertainment.

The Shire has therefore closed the Calingiri Gymnasium and library. The hotels within the shire have also closed including the Calingiri Sportsman's bar.

Affected places means any one of the following, whether operated on a profit or not for profit basis:

- A business characterized as a pub or club that supplies alcohol under a license granted under the Liquor Control Act 1988 (WA), but not including any part of a business constituted by a bottle shop; a hotel, whether licensed or unlicensed, but not:
  - ◆ To the extent that it provides accommodation, takeaway meals or drinks or a meal delivery service; or
  - ◆ Any part of a hotel constituted by a bottle shop;
- A gym;
- An indoor sporting centre;

- A casino;
- A cinema or nightclub;
- An entertainment venue of any kind;
- A restaurant or café, other than to the extent that it provides take way meals or drinks or a meal delivery service;
- A place of worship, other than the purposes of a wedding or funeral.

Waste collection and the Shire Caravan Parks will operate as normal. The caravan parks will operate as normal provided they comply with the current COVID-19 state of emergency directions

Currently, the majority of the roles associated with the COVID-19 response will be managed by the Department of Health and Aboriginal Health Division. However, there is the potential for Environmental Health Officers (EHO) within local government to be authorized certain powers under Part 12 of the Public Health Act 2016. The Chief Health Officer, Department of Health Western Australia has therefore sent a letter to all local government agencies in Western Australia requesting a list of each local governments EHO'S including their qualifications.

The Shire strongly recommends that all residents remain diligent and follow health advice by the Department of Health ([https://healthwa.wa.gov.au/Articles/A\\_E/Coronavirus](https://healthwa.wa.gov.au/Articles/A_E/Coronavirus)) or call the Coronavirus health information line on 1800020080.

- If you experience flu-like symptoms such as fever, cough, sore throat or shortness of breath, seek immediate medical advice and stay at home.
- Frequently wash your hands with soap and water, front, back and between the fingers, for at least 20 seconds.
- Practice good respiratory and hand hygiene (cover coughs and sneezes, dispose of tissues in the bin) and use alcohol-based sanitizer or wash hands immediately afterwards.
- Maintain 1500mm distance apart from people.
- As of 20<sup>th</sup> MARCH 2020, whilst it is not yet a formal directive in Western Australia, the WA Department of Health are encouraging implementation of a 4 square meter per one-person space at non – essential indoor gatherings of under 100 persons. This would include home gathering or the like because now all public buildings have been closed.
- Public to defer to State Government Directives in regard to Health issues related to the COVID-19.
- Decision has been made to have the Administration Office available by appointment only for customers and residents to attend.
- Local Government Act currently being updated regarding Council meeting requirements.

## 2. RECORD OF ATTENDANCE

Members present

Shire President - Cr P Bantock  
Deputy Shire President - Cr D Lovelock  
Cr J King  
Cr J Corless-Crowther

Staff attending	CEO – Ms G Teede Finance & Administration Manager – Mrs I Edwardson Works & Services Manager - Mr R Edwards Community & Services Manager – Mr N Parry Environmental Health Officer – Mr A Ramsay Interim Governance Officer – Mr S Fletcher OCM Officer – Mrs J Klobas
Apologies	Cr N Clarke Cr S Penn Cr J Kelly
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	Cr P Bantock declared an impartiality interest in Item 11.1 'Application for new cross-overs to Lots 10, 11 and 12. Bindoon-Moora Road, Mogumber, due to "item makes mention of related approvals, Lot 100 Mogumber, to which I have a proximity interest."
3.3	Impartiality	Nil

### 4. PUBLIC QUESTION TIME

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

The following questions were asked at the 26 February 2020 OCM.

#### Mr Malcolm Palmer

- Q1. EFT 8585 - Was this money used to make an excuse to get rid of Governance Officer when he only had a matter of weeks remaining on his contract?
- A1. Matters relating to staff contracts are the responsibility of the CEO and details are not available to the Public.

- Q2. EDR 8616 - Why are the rate payers being charged for traffic management at Mogumber New Year's Event? Shouldn't the Mogumber Club be paying this account?
- A2. Question Taken on Notice. The Shire to provide an answer by the March 2020 Ordinary Council Meeting.
- A2. Shire staff advised in the past that as the Shire needs to deal with the Application with Main Roads, the Shire should then pay for the fee. Under the Traffic Code and guidelines around events, according to the criteria, the Mogumber Club should however make the application to Main Roads and be responsible for the cost in future.

Mr Jovan Rudujko

- Q1 Is the Shire willing to extend the time frame for removal of asbestos and renovate his property in Yerecoin?
- A1 The CEO to meet with Mr and Mrs Rudujko to discuss the matter.

Mr Gary O'Brien

- Q3. Queried the 3 year overall figure for staff turnover costs? Requested a dollar figure to be provided.
- A3. Question Taken on Notice.
- A3. The Shire cannot provide this figure as it contains information that is confidential in nature. Termination payments are sealed i.e. they are confidential between the employer and the employee. To comment further is inappropriate. Such matters must be treated by the CEO with sensitivity and care for all concerned. This is also in line with what is referred to as procedural fairness.

Mr Malcolm Palmer

- Q3. EFT – 12257 - Why was \$9,727.14 returned to Suicide Prevention Training. Don't we need more training?
- A3 A grant of \$22,000 was received in early 2018 for Suicide Prevention Training. While the suicide prevention advisory group organised useful training sessions & workshops, the full amount of funding was unable to be acquitted by the original deadline. The Shire applied for an extension to use the funding. 2 years has now gone by and there has not been enough information presented to the Shire, highlighting a method of using the funding. Therefore, the funding could not be acquitted by the final extended deadline and the Shire returned the funding as per their requirements. While Council understands the importance of Suicide Prevention, they can only encourage the community to be actively involved, through their advisory group. At the Nov 2019 meeting, Council resolved to disband the Suicide Prevention advisory Group and instead encourage interested community members to liaise with service providers for further training.



- Q4. EFT – 8551 - Re Town Planning Consultancy Service- \$6.782.88. Have we got a development happening that nobody knows about?
- A4. The Shire engages the services of a professional town planner, who is available to help with planning or development enquiries, both from the community and from Shire Staff & Council. The community will be made aware of any development applications which require community input, as per the Shire's Local Planning Scheme.

Mrs Rudujko

- A1. Why the Yerecoin South East Road seal has been dug up and not replaced?
- A1. WSM responded that, weather permitting, the job will be starting up on 27 February 2020. WSM has provided an updated timeline of commencement of sealing anticipated to begin May 2020.

**4.1 Public Questions With Notice**

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*Public Question Time was opened to the floor at 2.14 pm.*

There are Nil members of the public in the gallery.

**4.2 Public Questions Without Notice**

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*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 question time closed at 2.14 pm*

**5. PRESENTATIONS AND DEPUTATIONS**

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**5.1 Presentations**

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Nil

**5.2 Deputations**

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Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

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Nil

## 7. MINUTES OF MEETINGS

### 7.1 Confirmation of Council Meeting minutes

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#### VOTING REQUIREMENTS

Absolute majority required: No

<b>2003-01 Officer Recommendation / Council Resolution</b>
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**Moved: Cr D Lovelock**

**Seconded: Cr J Corless-Crowther**

That the Minutes of the following meeting:

1. Ordinary Council Meeting held 26 February 2020;

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

**CARRIED For 4 / Against 0**

**8. REPORTS REQUIRING DECISION****8.1 Accounts for Endorsement**

<b>File reference</b>	F1.8.4		
<b>Report date</b>	09 March 2020		
<b>Applicant/proponent</b>	Nil		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Glenn Deocampo – Finance Officer/Ina Edwardson – Finance Manager		
<b>Authorised by</b>	Glenda Teede – CEO		
<b>Attachments</b>			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda
	Page	2	Restricted schedule – to councillors under separate cover

**PURPOSE**

This Item presents the attached List of Accounts Paid, paid under delegated authority, for February 2020.

**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**

RSM  
CEO  
WSM

**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

**2003-02 Officer Recommendation / Council Resolution****Moved: Cr J Corless-Crowther****Seconded:****Cr J King**

That the payments made for February 2020 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be endorsed:

<b>Payment type</b>	<b>References from – to</b>	<b>\$ Amount</b>
Creditor EFT Payments**	8642 - 8713	157,823.34
Creditor Cheque Payments	12258 - 12261	934.04
Direct Debit Payments**	DD11605 – DD11652	41,321.51
Salaries & Wages EFT	PE 04/02/20- PE 18/02/20	89,908.72
Credit Card Statements	D11644.1	1,675.89
Fuel Card – Wright Express	D11644	654.05
Trust Payments	246 - 247	154.00
	<b>TOTAL</b>	<b>\$292,471.55</b>

\*\*includes salary and wages deductions, and SGC

**CARRIED For 4 / Against 0**

**8.2 Monthly Financial Statements – February 2020**

<b>File reference</b>			
<b>Report date</b>			17 March 2020
<b>Applicant/proponent</b>			Shire of Victoria Plains
<b>Officer disclosure of interest</b>			Nil
<b>Previous meeting references</b>			Nil
<b>Prepared by</b>			RSM – Glenn Boyes/Ina Edwardson – Finance & Administration Manager
<b>Authorised by</b>			Glenda Teede
<b>Attachments</b>			
Attachment 1	Page	9	Monthly Financial Statements – 29 February 2020

**PURPOSE**

To receive the monthly financial statements for the period ending 29 February 2020.

**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 29 February 2020 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. Most variances reported on, are timing variances.

**CONSULTATION**

RSM  
CEO  
WSM

**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

<b>2003-03 Officer Recommendation / Council Resolution</b>
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**Moved: Cr J King**

**Seconded: Cr J Corless-Crowther**

That Council **RECEIVE** the 29 February 2020 Monthly Financial Reports as presented.

**CARRIED For 4 / Against 0**

CONFIRMED

**8.3 Annual Budget Review 2019-20**

<b>File reference</b>			
<b>Report date</b>	17 March 2019		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Travis Bate – RSM/Ina Edwardson – Finance & Administration Manager		
<b>Authorised by</b>			
<b>Attachments</b>			
Attachment 1	Page	31	Shire of Victoria Plains Annual Budget Review for the Year Ended 30 June 2020

**PURPOSE**

Council is requested to consider the adoption of the Shire's 2019/20 Annual Budget Review.

**BACKGROUND**

The Budget review has been based on the Shire's 31 January 2020 actual financial balances and was completed 13 March 2020.

**COMMENT**

In preparing the attached forecast statements, the budget review examined all aspects of the Shire's income and expenditure.

The review includes all of Council's Operations, Capital Programs, Grant Funding and Other Revenue anticipated to be received prior to the 30<sup>th</sup> June 2020. Also considered is the change in opening funds available for 2019/20 following the audit of the Shire's annual financial statements. The variance between the opening funds contained in the adopted 2019/20 annual budget and the 2018/19 annual financial statements was a reduction in available cash for 2019/20 of \$155,123.

The outcome of the review is a forecast deficit of \$541,790 as at 30 June 2020, after the completion of the final annual audit in November/December 2019. Various factors, such as The Aglime Project Route 2 CBH included a surplus of \$250,000.00, Mogumber - Yarawindah Rd contribution \$66,667.00 and Legal Fees \$70,000.00 including the opening position deficit of \$155,123.00 have resulted in the budget review statements prepared for Council finishing up with a forecast closing position of <\$541,790.00>.

Details of the significant activity identified during the budget review process was prepared and supplied to Council at the workshop held 16 March 2020. Council worked through and agreed to the following solutions to reduce the deficit to \$0 as follows;

- Plant Reserves of \$100,000.00 not be transferred at 30/6/020
- Landfill \$100,000.00 - be deferred to next financial year
- Calingiri and Bolgart Tips \$100,000.00 – be deferred to next financial year

- Duggan Rd Gravel Sheeting - \$50,000.00 - be deferred to next financial year
- Bitumen Maintenance \$50,000.00 - be deferred to next financial year
- Tree Lopping \$45,000.00 - reduction of current budget
- Depot Maintenance \$8,000.00 - reduction of current budget
- Staff Housing Maintenance \$25,000.00- reduction of current budget
- Aged Care Units Maintenance \$8,000.00 - reduction of current budget
- Loan \$70,000.00 to fund the Shire contribution for the Mogumber – Yarawindah project
- Reduction from Other Programs - \$32,567.00

## CONSULTATION

Glenda Teede - CEO

Travis Bate – RSM Australia Pty Australia

Ina Edwardson - Finance and Administration Manager

Bob Edwards - Works Supervisor

## STATUTORY CONTEXT

Regulation 33A of the Local Government (Financial Management) Regulation 1996 – Review of budget requires;

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2) The review of an annual budget for a financial year must
  - a. consider the local government's financial performance in the period beginning 1 July and ending no earlier than 31 December in that financial years; and
  - b. consider the local government's financial position as at the date of the review; and
  - c. review the outcomes for the end of that financial year that are forecast in the budget.
- (3) A council is to consider a review submitted to it and is to determine \*whether or not to adopt the review, any parts of the review or any recommendations are made in the review. \*Absolute majority required.
- (4) Within 30 Days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

## CORPORATE CONTEXT

None

## FINANCIAL IMPLICATIONS

The financial implications are detailed in the budget review documents. At the time of the review the forecast 2019-20 budget deficit is \$0.

## VOTING REQUIREMENTS

Absolute Majority Required: Yes



<b>2003-04 Officer Recommendation / Council Resolution</b>
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**Moved: Cr D Lovelock**

**Seconded: Cr J King**

That Council

1. **RECEIVE** the 2019-20 Annual Budget Review; and
2. **APPROVE** the 30 June 2020 Forecast as the amended Budget for the 2019-20 as per attachment "Shire of Victoria Plains Budget Review for the Year Ended 30 June 2020.

**CARRIED BY ABSOLUTE MAJORITY  
For 4 / Against 0**

CONFIRMED

## 8.4 Consideration of the Auditor's Report and the Annual Financial Report (Statements) 2018-2019

<b>File reference</b>				
<b>Report date</b>				17 March 2020
<b>Applicant/proponent</b>				Audit Committee
<b>Officer disclosure of interest</b>				Nil
<b>Previous meeting references</b>				Audit Committee Meeting 13 January 2020
<b>Prepared by</b>				Sean Fletcher, Governance Officer
<b>Authorised by</b>				CEO
<b>Attachments</b>				
Attachment 1	Page	54	Auditor's Report	
Attachment 2	Page	55	OAG Transmittal Letter (Management Control Issues – Attachment A & B)	
Attachment 3	Page	65	Butler Settineri Annual Audit Completion Report	
Attachment 4	Page	78	Annual Financial Report (Statements) 2018-2019	

### PURPOSE

That Council as per the recommendation of the Audit Committee considers the Auditor's Report regarding its key findings and Adopts the 2018-2019 Annual Financial Report (Statements).

### BACKGROUND

The Auditor's Report (Attachment 1) and the OAG Transmittal Letter (Attachment 2) addressed to the Shire President and the CEO were received by the Shire on 18 December 2020. These documents were made available through the OAG Portal. The Annual Audit Completion Report by Butler Settineri (Attachment 3) which refers to the Auditor's Report and the Annual Financial Statements were presented to the Audit Committee on 13 January 2020.

The Audit Committee noted in the Annual Audit Completion Report by the auditors, the following:

### Annual Audit Completion Report (Attachment 3)

#### Audit Misstatements

The Shire's share of the joint operation assets is incorrectly accounted for at 25% instead of 18.98%. As a result land and buildings assets and the revaluation surplus are overstated by \$55,276. It was not deemed to be material;

#### Audit Findings

*Per the Interim Management Letter (OAG Transmittal Letter – Attachment B):*

1. No quotations for 12 purchases between \$1,500 and \$5,000 – employees instructed to adhere to the Purchasing Policy.
2. No purchase order for 1 sample and 5 purchase orders not signed out of 95 audit samples - employees instructed to adhere to the Purchasing Policy with no payment unless accompanied by required supporting documentation.

3. Only two authorised signatories for online payments - The Finance and Administration Manager has applied to be an authorised bank signatory.
4. No independent review of new employee details entered into Synergy Soft – the review process has been updated so that the Finance & Administration Manager (FAM) reviews new employee contract and ensures that new employment detail form is signed by the respective manager and approved by the CEO.
5. We noted 2 instances where leave forms were not authorized – process updated so that the Payroll Officer returns all processed and signed forms to the Finance and Administration Manager for filing.
6. Works & Services Manager approves credit card purchases for the CEO's Credit Card - the credit card statement is now presented to Council for approval each month

*Per the Final Management Letter (OAG Transmittal Letter – Attachment A):*

2 Instances where the spend to a particular qualifying supplier cumulatively for the 2018-19 year exceeded \$150K and the Shire has failed to adhere to the tender process contained within the procurement policy and Local Government (*Financial Management Regulations 1996*).

#### **Report on Other Legal and Regulatory Requirements in the Auditor's Report:**

*Matter indicating significant adverse trends in the financial position*

The Shire's Operating Surplus Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) basic standard for the past three years (2017 to 2019) and the current year is below last year. This indicates a significant adverse trend in the financial position of the Shire. This significant adverse trend was reported in the Auditor's report.

#### **Matter indicating non-compliance with Part 6 of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls of any other written law**

The tender process was not followed in 2 instances where the total spend to supplier during the year exceeded \$150,000

#### **Non Compliance with Laws & Regulations and Fraud**

- There were no issues found in relation to the Laws and Regulations other than those reported;
- There were no findings or indications of suspected fraud.

#### **Addressing of Risk Issues**

As such, the CEO in her report to the Audit Committee proposed proactive implementation strategy measures into the future that are reflected in the management responses to include Attachment 2 – Attachment A):

- Council Policy – Debt Management;
- Council Policy – Procurement Framework;
- Council Policy – Strategic Policy Framework;
- Purchasing Exception Memorandums Accounts Payable Executive Policy;
- Debtor Management Executive Policy;
- Credit Card Use Executive Policy;
- Executive Policy Purchasing Goods & Services;
- Rates Debt Management Executive Policy;

- Procurement Training.

As a result of this meeting, the Audit Committee resolved the following:

That the Audit Committee:

**Moved G McGill**

**Seconded Cr P Bantock**

1. **RECEIVE** the Completion Letter as prepared by Butler Settineri for the 2018 / 2019 year; and
2. **RECOMMEND** that Council consider the Auditor's report on risk issues, and also take note and consider the significant adverse trends in relation to the Shire of Victoria Plains operating surplus ratio.

To date, the CEO has obtained appropriate copies of relevant policies for review and implementation. These include, as per Attachment 2 (Management Response A):

- Council Policy – Debt Management;
- Council Policy – Procurement Framework;
- Council Policy – Strategic Policy Framework;
- Purchasing Exception Memorandums Accounts Payable Executive Policy;
- Credit Card Use Executive Policy.

On 26 February 2020:

- The author on 26 February 2020 took Council through the proposed procurement training for staff;
- Council adopted the policy regarding implementing Panels of Pre-Qualified Suppliers.

**Other Matters**

Although the Auditor's Report, the OAG Transmittal Letter and the audited annual financial statements for 2018-2019 were received by 18 December 2020, the 2018-2019 Annual Report was not ready. The CEO has responded to the Office of the Auditor General as to why the annual report has not yet appeared on the Shire's website in reference to the above. The Annual Report has now been prepared and will be presented to Council today in a separate report for adoption.

**COMMENT**

**Auditor's Report (Attachment 1)**

The Auditor's Report reflects the need to address matters regarding the Shire's Operating Surplus Ratio. This has been reported to the Minister for Local Government.

**Operating Surplus Ratio**

As per *Local Government Operational Guidelines No18 – Financial Ratios* published by the Department in 2015, The Operating Surplus Ratio measure is described as follows:

*A key indicator of a local government's financial performance is measured by the 'Operating Surplus Ratio'. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community's service level*

needs, then it is considered financially sustainable.

*A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. A negative ratio indicates the percentage increase in total own source revenue (principally rates) that would have been required to achieve a break-even operating result.*

So, this ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes. A key solution to this problem would be for the Shire to adhere to key parts of the Integrated Planning and Reporting Framework as outlined in the Strategic Resource Plan (Long Term Financial Plan and Asset Management Plan) as well as perhaps some other things such as improved financial work practices.

Under the *Local Government (Audit) Regulations 1996*, the Audit Committee is required to oversee the implementation of the action the CEO will take regarding the improvements required. In line with Departmental *Circular 16-2017* it is suggested that the CEO prepare a report to the Minister. This report will need to go to the Audit Committee first and then to Council for its consideration.

### **OAG Transmittal Letter – Management Control Issues**

The transmittal letter from the Office of the Auditor General advises that although generally the audit was satisfactory, there were a number of internal control deficiencies. These are addressed as follows:

#### **Attachment A – Final Audit (Annual Audit)**

All matters were resolved during the final audit except the matter regarding tenders (significant) and quotations. As stated in the background to this agenda report, the CEO has already commenced improvements regarding this matter including the implementation of appropriate:

- Practices e.g. not to incur expenditure without an adopted by budget unless by resolution, proper authorisation when incurring liabilities and making payments; and
- Revised and expanded procurement policies.

#### **Attachment B – Interim Audit**

All matters were resolved and have been implemented.

### **Annual Financial Report (Statements) 2018-2019 (Attachment 4)**

In summary, the Annual Financial Statements include information confirming the following:

#### **NET SURPLUS / DEFICIT CARRIED FORWARD**

The 2019 financial year has resulted in a net surplus carried forward of \$29,876 against a budget of (\$18,507).

#### **OPERATING SURPLUS / DEFECIT**

The 2019 actual operating deficit was (\$1,105,676) before fair value adjustments of (\$410,783) against an operating budget of \$861,338. This was due to depreciation being \$2,096,149 higher than budgeted, associated with fair value adjustments. Total Comprehensive Income was (\$1,582,784) after allowing for an impairment of motor vehicles of (\$463,334) and a net fair value adjustment of (\$66,325) for Furniture & Equipment, Plant & Equipment, Motor Vehicles and Investment in Local Government House Trust,

**FAIR VALUE**

Fair Value valuations were applied to the following classes of assets at 30 June 2019 as follows:

Asset Class	Book Value at 30 June 2019 (\$)	Fair Value at 30 June 2019 (\$)	Revaluation Increment (Decrement) (\$)
Furniture & Equipment	64,233	114,309	50,076
Plant & Equipment	1,173,657	1,226,212	52,555
Motor Vehicles	1,661,690	1,081,951	(579,739)
<b>Total</b>	<b>2,899,580</b>	<b>2,422,472</b>	<b>(477,108)</b>

**BORROWINGS**

As at 30 June 2019, the total principal owing was \$416,410. There were no new borrowings during the 2019 financial year. Debt principal repaid during the year was \$61,623.

**INTEREST**

Interest revenue for the 2019 financial year amounted to 45,152 against a budget of \$52,036. This was due to lower interest on reserve accounts (\$7,717) and lower rates instalment and penalty interest (\$4,550), offset by higher other interest earnings of \$5,963.

Interest expense on borrowings for the year amounted to \$19,140 (Budget \$23,121).

**RATES**

Income from rates amounted to \$2,489,921 (Budget \$2,517,266, 2018 \$2,387,518), including ex-gratia rates of \$73,321 (Budget \$95,466, 2018 \$70,044).

No rates discounts, waivers or concessions were offered by the Shire during the 2019 financial year.

**ROADS**

Total road grants income received for the financial year amounted to \$3,829,847 as follows:

- Grants Commission – Local Roads \$548,606
- Grant – Direct Road \$123,211
- Grant – Regional Road Group – Road Projects \$339,948
- Grant – Roads to Recovery \$649,412
- Grant – Ag-Lime Project \$2,168,670

Total road expenditure was \$8,346,176 (2018 \$6,233,487) as follows:

- Road Construction \$3,389,580 (Budget \$3,318,075)
- Road Maintenance \$4,956,596 (Budget \$2,915,412)

**MAJOR PLANT**

There were no items of major plant purchased during the 2019 financial year.

**CASH BACKED RESERVES**

As at 30 June 2019, the Cash-Backed Reserves balance was \$470,117 (2018 \$624,847), against a budgeted closing balance of \$418,889.

Reserves				
	2019 Actual		2019 Budget	2018 Actual
Opening Balance	624,847		623,769	720,678
Net Transfers	(154,730)		(204,880)	(95,831)
<b>Closing Balance</b>	<b>470,117</b>		<b>418,889</b>	<b>624,847</b>

### FINANCIAL RATIOS

Financial Ratios are required to be reported in accordance with the Local Government (Financial Management) Regulations. The Shires ratios for 2019 are:

	2019 Actual	DLGSCI Benchmark*
Current Ratio	0.99	≥ 1.00
Asset Consumption Ratio	0.72	≥ 0.50
Asset Renewal Funding Ratio	1.12	≥ 0.75
Asset Sustainability Ratio	0.86	≥ 0.90
Debt Service Cover Ratio	(8.54)	≥ 2.00
Operating Surplus Ratio	(1.60)	≥ 0.01
Own Source Revenue Coverage Ratio	0.34	≥ 0.40

With the consideration of the Annual Financial Statements, these and the Auditor's report can now proceed as part of the Shire's 2018-2019 Annual Report. This means that once the Annual Report is accepted by Council, the Annual General Meeting of Electors can be set and the Annual Report presented to that meeting.

### CONSULTATION

CEO

Officer OCM

Mr Robert Hall, Butler Settineri. The author discussed the matters regarding the management responses A & B on 17 March 2020.

### STATUTORY CONTEXT

#### Local Government Act

#### 5.53. Annual reports (in part)

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (f) the financial report for the financial year; and
  - (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year.

**6.4. Financial report**

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

**5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.  
\* *Absolute majority required.*
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**7.2. Audit**

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

**7.12A. Duties of local government with respect to audits**

- (4) A local government must —
  - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

**Audit Regulations****16 Functions of Audit Committee (in part)**

- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and



- (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
- (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c)

### CORPORATE CONTEXT

**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"> <li>• <i>Implementation of initiatives to better connect Council with the community and associated matters.</i></li> </ul>
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

### FINANCIAL IMPLICATIONS

Ongoing strategies to address the Shire's Operating Surplus Ratio as set out in the body of this agenda item and as per the Auditor's Report.

### VOTING REQUIREMENTS

Absolute majority required: No

**2003-05 Audit Committee Recommendation Point 1 / Officer's Recommendation Points 2 - 4 / Council Resolution**

**Moved Cr J Corless Crowther**

**Seconded Cr D Lovelock**

1. That Council consider the Auditor's Report on risk issues, and also take note and consider the significant adverse trends in relation to the Shire of Victoria Plains operating surplus ratio; and

That Council:

2. In accordance with Section 7.2 of the *Local Government Act 1995* **ADOPT** the 2018/2019 Annual Financial Report including Auditor's Report from the Office of the Auditor General as per attachments 1 and 3.
3. Authorises the CEO, in accordance with *Section 7.12A of the Local Government Act 1995*, to prepare an Action Plan to the Minister for Local Government regarding improvements to the Shire's tender process and the Operating Surplus Ratio. Once prepared, the CEO is to present the Action Plan to the Audit Committee and then to Council for its consideration.
4. Requires the matters in Point 3 (the preparation of the Action Plan and presentation of that plan to the Audit Committee and then Council) to be completed by 30 April 2020.

**CARRIED For 4 / Against 0**

## 8.5 Adoption of the 2018-2019 Annual Report and Setting of the Annual Meeting of Electors

<b>File reference</b>			
<b>Report date</b>	17 March 2020		
<b>Applicant/proponent</b>	CEO		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	16 March 2020		
<b>Prepared by</b>	Sean Fletcher, Governance Officer		
<b>Authorised by</b>	Entered once authorised by CEO		
<b>Attachments</b>			
Attachment 1	Page	135	Draft 2018 2019 Annual Report.

### PURPOSE

That Council as per the recommendation of the Audit Committee considers the Auditor's Report regarding its key findings and Adopts the 2018-2019 Annual Financial Report (Statements).

### BACKGROUND

An annual report for the previous financial year is required to be prepared and adopted by Council. Key components of the annual report include a report from the Shire President and the CEO, matters regarding the Strategic Community Plan and the Annual Financial Statements.

Although the Auditor's Report and the audited annual financial statements for 2018-2019 were received by 18 December 2020, the 2018-2019 the other parts of the Annual Report were not ready. The CEO has responded to the Office of the Auditor General as to why the annual report has not yet appeared on the Shire's website in reference to the above. The Annual Report has now been prepared and is presented to Council today for its acceptance.

Once accepted by Council, the date to hold the general meeting of electors (often referred to as the Annual Meeting of Electors) can then be set.

### COMMENT

The 2018/2019 Annual Report has had a makeover and is different to versions presented in recent times. Much more detailed information has been provided and a number of photographs have been included regarding activities carried out in 2018/2019. A summary regarding the contents of the annual report is provided in the following table:

Section	Description
President's Address	The report is provided by the then Shire President regarding 2018/2019
Matters Regarding Council	This includes who was on Council during 2018/2019, matters regarding meetings, the previous elections, membership of committees and complaints. It is proposed that in the next report that meeting attendance will also be reported.

CEO's Message	The CEO's message details information regarding the financial position of the Shire, major capital works undertaken, what has happened regarding community development and matters regarding governance
Financial Management Report	The Financial Managers report provides a summary of the key financial activity for 2018-2019. This is, in effect, an overview of the annual financial statements.
Works and Services	This section sets out the key road funding sources, the major capital works undertaken, and the day to day operations undertaken.
Environmental Health and Building Services Report	This report includes: <ul style="list-style-type: none"> <li>• What has happened with building matters through the year. There were 38 applications approved worth over \$4m;</li> <li>• The status of the Shire's waste systems. The condition report highlighted the need to provide more funds in the 2020 financial year to undertake minor maintenance work and more CCTV camera work as well as pressure clean all sewerage pipes;</li> <li>• 18 Food inspections were conducted; and</li> <li>• A total of 15 swimming pool inspections carried out.</li> </ul>
Other Staff Matters	An organisational chart has been included and matters regarding remuneration (number of officers that receive more than \$100,000 per year)
Other Matters of Governance	The Shire is required to be compliant regarding the following: <ul style="list-style-type: none"> <li>• Public Interest Disclosures – there were none;</li> <li>• National Competition Policy – the Shire did not privatise any activities in 2018/2019 and so consequently there were no obligations to report in this area impact of local laws;</li> <li>• Record Keeping Plan – work has commenced on meeting the requirements of the Shire's Plan;</li> <li>• Disabilities Access and Inclusion Plan – the required survey appears not to have been completed</li> </ul>
Shire Facilities	Lists the main shire provided facilities in each community and who best to contact in order to use them
Status of the Strategic Plan	In terms of the measures for success, the status of each one is: <ul style="list-style-type: none"> <li>• Shire Recreation Plan: Discussed, however it is yet to be developed.</li> <li>• Economic Plan: The Shire recognised it needs to work more in this area.</li> <li>• Small Scale Grants: Currently consists of annual community grants.</li> <li>• Asset Management Plan: This plan was adopted 17 October 2018.</li> <li>• Minor Works Requests: The minor works requests was put in place.</li> <li>• Better Connect Council: A new social media policy was adopted 18 July 2018</li> </ul>
Status of the Corporate Plan	The status of the Corporate Plan is shown for 17/18 and 18/19
Matters for Next 12 Months	The matters for the next 12 months include: <p><b>Community</b></p> <p>The Shire will develop a communications strategy/policy.</p> <p><b>Economic</b></p> <p>The Shire will continue the Omnibus Review to its Local Planning Scheme.</p>

	<p><b>Environment</b></p> <p>Council to consider the Community Deposit Scheme as a key recycling strategy by 30 June 2020</p> <p><b>Infrastructure</b></p> <p>The Shire has received Commonwealth funding of \$933,333 to undertake the Wheatbelt Secondary Freight Network Pilot Project:</p> <ul style="list-style-type: none"> <li>• Mogumber-Yarawindah Road Reconstruction Project;</li> <li>• Calingiri-New Norcia Road and Toodyay-Bindi Bindi Road Intersection Project.</li> </ul> <p><b>Civic Leadership</b></p> <p>There are a number of key outcomes to be achieved including the Shire to:</p> <ul style="list-style-type: none"> <li>• Implement training and development of staff according to its workforce plan;</li> <li>• Commence quarterly reporting on priorities in the CBP;</li> <li>• Increase community awareness through promoting the Shire brand.</li> </ul> <p><b>Omnibus Amendments to the Local (Town) Planning Scheme</b></p> <p>Confirmation that the Shire will be updating its Local Planning Scheme.</p> <p><b>The Capital Works program</b></p> <p>Those matters that should be budgeted according to the Shire's Long Term Financial Plan (LTFP)</p>
Auditor's Report and Annual Financial Statements	Contains a copy of the letter from the Office of the Auditor General and the Audited and Signed annual financial statements

### COVID-19 (Coronavirus)

At the Briefing Session on 26 March 2020, discussion was had regarding the impact of COVID-19 on the functions of local government. This was immediately after a WALGA webinar to Mayors/Presidents (and CEOs) by the Deputy Premier (Minister for Health) and the Minister for Local Government.

One of the matters discussed was the holding of meetings by the local government. At this point in time, the Minister for Local Government is seeking to have the Local Government (Administration) Regulations amended so that council meetings can continue to function effectively in future. One of the other matters he is investigating is the implications regarding the holding of elector's meetings.

Both the Deputy Premier and the Minister stressed that common sense should be applied regarding the conducting of meetings:

1. Social distancing and personal hygiene (washing of hands) needs to be observed;
2. Meetings held in an enclosed space need to observe Point 1;
3. Look at how meetings can be accessed with respect to Points 1 and 2.

Further to the above, the Shire will need to observe the requirements of the Occupational, Safety and Health Act and Industrial Relations legislation i.e. employers are required to provide and maintain, as far as is practicable, a working environment in which their workers are not exposed to health risks. This includes situations where employees and contractors may be at risk of contracting viruses such as COVID-19.

In addition, the Minister for Emergency Services has declared a State of Emergency under Section 56 of the Emergency Management Act regarding COVID-19 that is binding on the whole State. Section 8 of the same Act provides that where the provisions of this Act are inconsistent with the provisions of any other Act, then the Emergency Services Act prevails (i.e. dominates). As the Emergency Declaration encompasses the Commonwealth and State's requirements regarding events (maximum of 500 people at this point), non-essential meetings, social distancing and hygiene. The Shire needs to consider how it will continue meetings and events into the future.

Many organisations have started to cancel in person meetings for the foreseeable future. The requirements regarding public meetings and events are literally being examined hour by hour.

At the writing of this report, the author considers that in holding the Annual General Meeting of Electors, it does so in a way to observe the criteria regarding social distancing and hygiene. This may be subject to change during the next one to two weeks.

### **Conclusion**

Should Council accept the 2018 - 2019 Annual Report, it will be in a position to set the date for the Annual General Meeting of Electors (general meeting of electors). The Annual Report is presented to that meeting and it is also held open for general business raised by the community. The date of the meeting needs to allow enough time for the CEO to advertise the meeting and to also make copies of the annual report available.

The Shire will need to observe when holding the Annual General Meeting, whether inside or not, the implications regarding COVID-19 practices. It is suggested that the CEO updates Council at today's meeting on the requirements.

Note: As at 18 March 2020:

- Inside gatherings are now banned to a maximum of 100 people;
- President Trump (USA) has put a ban in place for a maximum of 10 people.

### **CONSULTATION**

- CEO
- Officer OCM
- Executive Assistant
- Advice to Council on the status of the compilation of the annual report – Briefing Session 16 March 2020.

## **STATUTORY CONTEXT**

### **Local Government Act**

#### **5.53. Annual reports**

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
  - (a) a report from the mayor or president; and
  - (b) a report from the CEO; and
  - [(c), (d) deleted]*

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
- (f) the financial report for the financial year; and
- (g) such information as may be prescribed in relation to the payments made to employees; and
- (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
- (ha) a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
  - (i) the number of complaints recorded in the register of complaints; and
  - (ii) how the recorded complaints were dealt with; and
  - (iii) any other details that the regulations may require; and
  - (i) such other information as may be prescribed.

#### **6.4. Financial report**

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.  
\* *Absolute majority required.*
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

**5.55A. Publication of annual reports**

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

**5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

**CORPORATE CONTEXT**

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

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority required: Yes

**2003-06 Officer's Recommendation / Council Resolution**

**Moved: Cr J King**

**Seconded: Cr J Corless-Crowther**

That Council:

1. In accordance with Sections 5.53 and 5.54 of the *Local Government Act 1995* **ACCEPT** the Shire of Victoria Plains 2018-2019 Annual Report as set out in Attachment 1.
2. In accordance with Section 5.27(2) of the *Local Government Act 1995* selects 22 April 2020 for the holding of the general meeting of electors (Annual Electors Meeting), commencing at 5.30 PM at the Shire Administration Office, Council Chambers.

3. Observe the requirements regarding the impact of COVID-19 concerning Point 2 and asks the CEO to develop an appropriate plan for holding the general meeting of electors, should it proceed.

**CARRIED BY ABSOLUTE MAJORITY For 4 / Against 0**

CONFIRMED



**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****2003-07 Council Resolution****Moved: Cr J Corless-Crowther****Seconded: Cr J King**

That the meeting be closed to the public to consider the following matter, the time being 2.38 pm –

1. Applications for New Crossovers to Lots 10, 11 & 12 Bindoon-Moora Road, Mogumber,

Reason for confidentiality

*Local Government Act 1995* section 5.23 permits the meeting to be closed to the public for business relating to the following –

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

**CARRIED For 4 / Against 0**

*Remaining in the meeting –*

All Councillors and staff present at the beginning of the meeting.

Cr P Bantock declared a proximity interest in Item 11.1 'Application for new cross-overs to Lots 10, 11 and 12 Bindoon-Moora Road, Mogumber, due to "item makes mention of related approvals, Lot 100 Mogumber, to which I have a proximity interest". Cr P Bantock departed Chambers at 2.38 pm with Cr D Lovelock taking over the Presiding Chair at 2.39pm.

At this point the meeting had lost its quorum. Item 11.1 was adjourned and will be considered at a later meeting.

In accordance with the Shire's Meeting Procedure Local Law 4.13, the following elected members were in the Chamber at the time the quorum was lost at 2:39PM: Cr D Lovelock, Cr J King and Cr J Corless-Crowther.

## 11.1 Applications for New Crossovers to Lots 10, 11 & 12 Bindoon-Moora Road, Mogumber – Matter Adjourned Until A Later Meeting

<b>File reference</b>			
<b>Report date</b>			18 March 2020
<b>Applicant / Proponent</b>			Cardno (WA) Pty Ltd on behalf of Botvarkel Pty Ltd (Landowner)
<b>Officer disclosure of interest</b>			Nil
<b>Previous meeting references</b>			Nil
<b>Prepared by</b>			Ms Merinda Logie – Castledine Gregory Law & Mediation
<b>Authorised by</b>			Ms Glenda Teede - CEO
<b>Attachments</b>			
Attachment 1	Page	7	<b>Confidential Attachment</b> - Crossover Applications for Lots 10, 11 and 12 Bindoon-Moora Road, Mogumber

### Reason for confidentiality

Local Government Act 1995 section 5.23 permits the meeting to be closed to the public for business relating to the following –

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

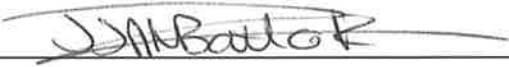
The Shire President returned to Chambers at 2.44pm, resuming the Presiding Chair.

## 12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.45 pm.

## CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 21<sup>st</sup> April 2020 2020.

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

Date 21<sup>st</sup> April 2020

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

CONFIRMED