



# Minutes

## Ordinary Council Meeting

26 August 2020

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

Commencing – 2.12pm

## **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 26 August 2020 commencing at 2.12 pm

### 1. DECLARATION OF OPENING

#### 1.1 Opening

#### 1.2 Announcements by Shire President

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.

### 2. RECORD OF ATTENDANCE

#### Members present

Shire President - Cr P Bantock  
Deputy Shire President - Cr D Lovelock  
Cr J King  
Cr N Clarke  
Cr J Kelly - via teleconference  
Cr S Penn – via teleconference

#### Staff attending

CEO – Ms Glenda Teede  
Governance Officer – Mr Sean Fletcher  
Environmental Health Officer – Mr Allan Ramsay  
Shire Town Planner – Mr Joe Douglas  
Ordinary Council Meeting Officer – Mrs Julie Klobas  
Interim Works and Services Manager – Bret Howson

#### Apologies

Nil

#### Approved leave of absence

Cr J Corless-Crowther has approved leave of absence  
from 31 July 2020 until 30 October 2020 inclusive.

#### Visitors

Nil

#### Members of the public

N/A

**3. DISCLOSURES OF INTEREST**

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

	Type	Item	Person / Details
3.1	Financial		Nil
3.2	Proximity		Nil
3.3	Impartiality		<p>Sean Fletcher – Item 8.3 (Shire of Victoria Plains Update on Response to the COVID-19 Pandemic) as “Member of LRCG – wrote item 8.3”.</p> <p>Glenda Teede - Item 8.3 (Shire of Victoria Plains Update on Response to the COVID-19 Pandemic) as “Member of Local Recovery Coordination Group”.</p> <p>Shire President, Cr P Bantock, Item 8.3 (Shire of Victoria Plains Update on Response to the COVID-19 Pandemic) as “Member of Local Recovery Coordination Group”.</p> <p>Sean Fletcher – Item 8.5 (Local Government Review Panel Final Report – Review of the Local Government Act) as “I hold a training contract with WALGA”.</p>

**4. PUBLIC QUESTION TIME**

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

There will Nil public questions asked at the 22 July 2020 OCM.

**4.1 Public Questions With Notice**

Nil

**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

**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

Councillor Resolution

**Moved: Cr S Penn****Seconder:**

What payment EFT 9024 is and what advice did the Shire receive in relation to the Mogumber Town Reserve?" be included in the July Minutes as an amendment, **WHICH MOTION LAPSED FOR WANT OF A SECONDER**

**2008-01 Officer Recommendation / Council Resolution****Moved Cr N Clarke****Seconded Cr J King**

That the Minutes of the following meeting:

- Ordinary Council Meeting held 22 July 2020 as circulated, with amendments as below:
  - (a) Explanation of Resolution 2007-08 be amended to read "0.7333 cents in the dollar is correct. During debate, the question was raised regarding the correct representation of this figure. The Shire's Financial Management System shows this as \$0.007333 which is the same as 0.7333 cents in the dollar.
  - (b) Cr N Clarke is noted as having moved resolution 2007-07 (for an adjournment of meeting) wherein this should read Cr D Lovelock.

be **CONFIRMED** as a true and correct record.**CARRIED For 4 / Against 2**

*Cr S Penn and Cr J Kelly requested to have their names recorded as voting against the motion.*

**8. REPORTS REQUIRING DECISION****8.1 Accounts for Endorsement – July 2020**

<b>File reference</b>	F1.8.4		
<b>Report date</b>	14 August 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 – Senior Finance Officer		
<b>Authorised by</b>	Glenda Teede – CEO		
<b>Attachments</b>			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda
		2	Restricted schedule – to councillors under separate cover

**PURPOSE**

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

None

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

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

*Local Government (Finance) Regulations 1996 –*

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

**CORPORATE CONTEXT**

Delegations Register –



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

**FINANCIAL IMPLICATIONS**

All payments are in accordance Council's adopted budget.

**VOTING REQUIREMENTS**

Absolute Majority Required: No

Note:

Cr S Penn

- EFT 9082 – page 1 – what does Management of Natural Resources mean?  
CEO took the Question on Notice.

Cr S Penn

- EFT 9115 – page 3 – what advice was sought regarding the Mogumber Reserve?  
Shire President noted the CEO took the Question on Notice.

**2008-02 Officer Recommendation/Council Resolution**

**Moved: Cr N Clarke**

**Seconded: Cr D Lovelock**

That the payments made for July 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:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	9074 - 9175	548,060.34
Creditor Cheque Payments	12266-12268	2,227.80
Direct Debit Payments**	DD11845 – DD11882, DD11909	45,895.46
Salaries & Wages EFT	PE 08/07/20, PE 22/08/20	102,579.98
Credit Card Statements	DD11874.2	1,011.05
Fuel Card – Wright Express	DD11874.1	771.17
Trust Payments		0.00
	<b>TOTAL</b>	<b>\$700,545.80</b>

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

**CARRIED For 4 / Against 2**

Cr Penn and Cr Kelly requested to have their names recorded as voting against the motion.

**8.2 Monthly Financial Statements – July 2020**

<b>File reference</b>	
<b>Report date</b>	31 July 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 – Travis Bate
<b>Authorised by</b>	Glenda Teede
<b>Attachments</b>	
Attachment 1	Page 10 Monthly Financial Statements – 31 July 2020

**PURPOSE**

To receive the monthly financial statements for the period ending 31 July 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 31 July 2020 Monthly Financial Statements are presented for consideration.

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

**CONSULTATION**

RSM  
CEO

**STATUTORY CONTEXT**

Local Government (Financial Management) Regulations 1996 –

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

**CORPORATE CONTEXT**

None

**FINANCIAL IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority Required: No

Note:

- *Cr Penn queried page 15 of the Finance Report.  
Explanation of Variances – ‘Works wages over budget’.  
CEO took Question on Notice.*

<b>2008-03    Officer Recommendation / Council Resolution</b>
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**Moved: Cr J King**

**Seconded: Cr D Lovelock**

That Council **RECEIVE** the 30 July 2020 Monthly Financial Reports as presented.

**CARRIED For 4 / Against 2**

*Cr Penn and Cr Kelly requested to have their names recorded as voting against the motion.*

CONFIRMED

Cr Bantock, CEO, Governance Officer and the Minute Taker are all members of the Local Recovery Co-Ordination Group and declared an impartiality interest in this item at 2.43pm.

### 8.3 Shire of Victoria Plains Update on Response to the COVID-19 Pandemic

<b>File reference</b>	
<b>Report date</b>	18 August 2020
<b>Applicant/proponent</b>	Local Recovery Coordination Group
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	
<b>Prepared by</b>	Sean Fletcher, Governance Officer
<b>Authorised by</b>	CEO
<b>Attachments</b>	
Attachment 1	Page 38 Update Shire Response Framework

#### PURPOSE

The purpose of this item is to provide an update from the Local Recovery Coordination Group Council on the Shire's COVID-19 Pandemic Framework for the Shire of Victoria Plains and the key actions going forward

#### BACKGROUND

Council adopted the Framework at its meeting on 21 May 2020 as follows:

#### 2005-14 Officer's Recommendation / Council Resolution

**Moved: Cr J Corless-Crowther Seconded: Cr N Clarke**

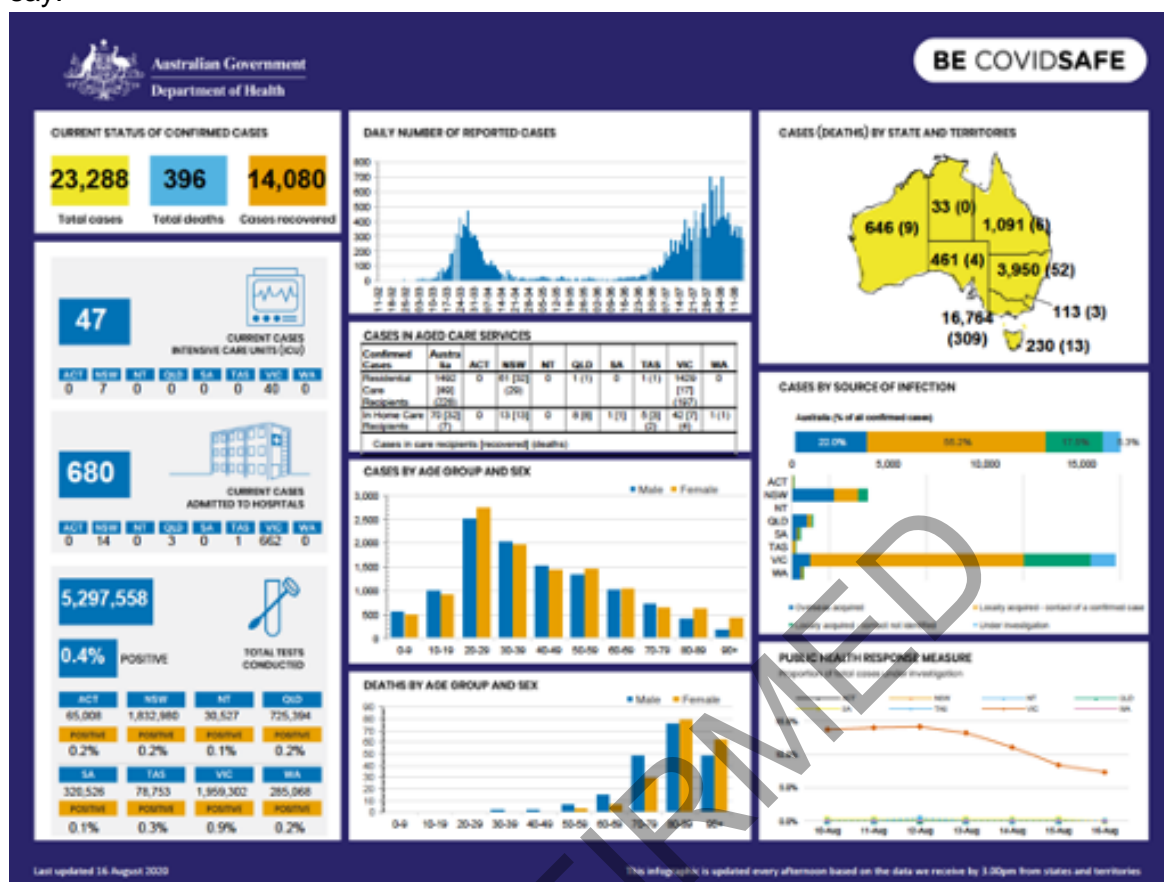
That Council **ADOPT** the Shire of Victoria Plains COVID-19 PANDEMIC Framework as provided for in Attachment 1 as a key informing strategy regarding the Shire's Strategic Community Plan and Corporate Business Plan that will also be used to inform the 2020/2021 Annual Budget.

**CARRIED BY UNANIMOUS DECISION OF THE COUNCIL**

Since this resolution of Council, the Shire of Victoria Plains has continued to provide services and facilities against the backdrop of the COVID-19 (coronavirus) pandemic. The COVID-19 Framework Update provides an insight into the impacts on the Shire since the development of the Framework and where the Shire needs to go next.

Currently, Latin America is the [epicentre of the COVID-19 pandemic](#). The fastest spread of the disease in the region's cities follows a pattern of contagion that is anything but arbitrary. By this week, [about 30 per cent](#) of the [world's reported cases](#) were in the region. But some centres have been much worse hit than others. Sadly, images in international media depict the unfolding crisis, from disinfection campaigns in the favelas of Rio de Janeiro, Brazil, to stockpiles of cardboard coffins in Guayaquil, Ecuador. Two factors underpin these variations: levels of inequality (surge into poor neighbourhoods), and the ways governments

and communities are handling the crisis. We can be thankful that overall our governments are handling the pandemic in a thoughtful and very caring way, despite what some may say.



### Current Situation in Australia 16 August 2020

As at **3pm on 16 August 2020**, a total of 23,228 cases of COVID-19 have been reported in Australia, including 396 deaths, and 14,080 have been reported as recovered from COVID-19 (Department of Health, 2020):

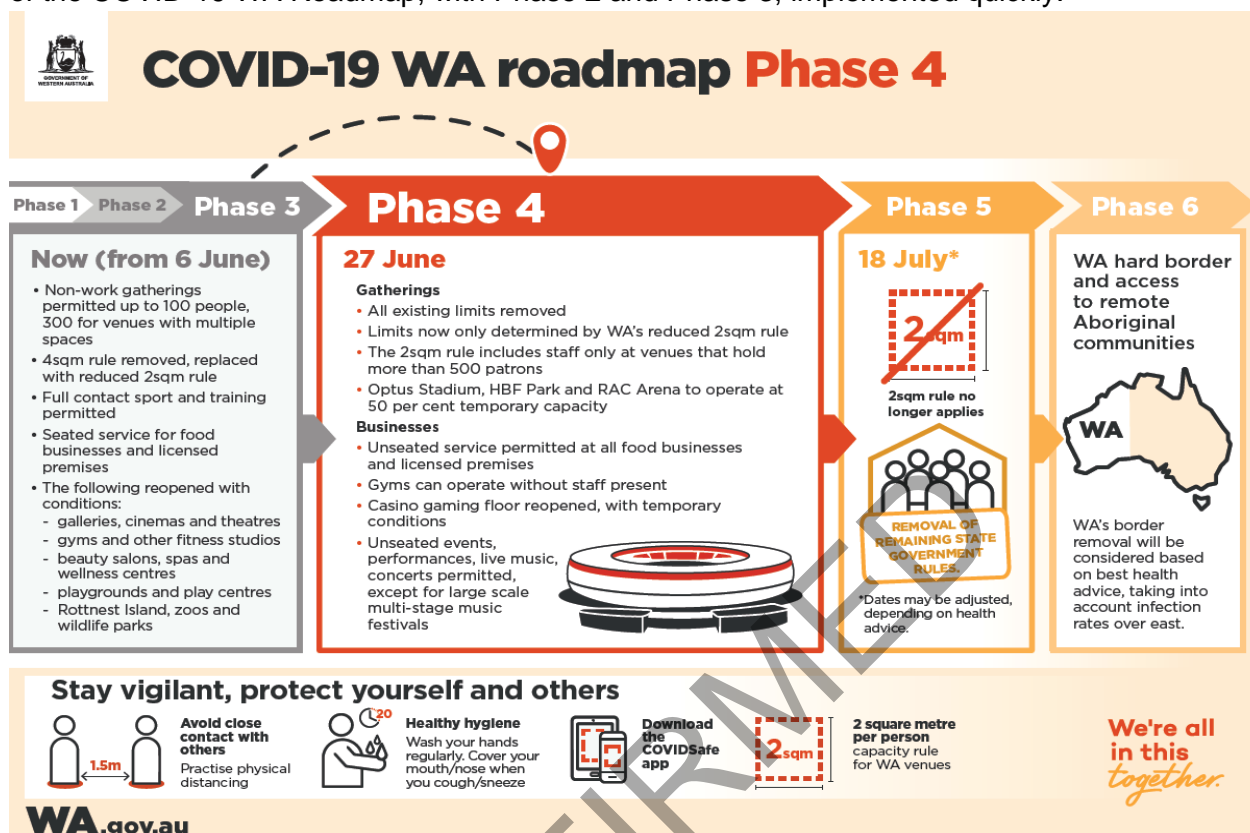
- Over the past week, there has been an average of 318 new cases reported each day. Of the newly reported cases, the majority have been from Victoria.
- COVID-19 cases were reported across all ages.
  - The median age of all cases is 37 years (range: 0 to 106 years).
  - The median age of deaths is 85 years (range: 30 to 103 years).
- There is a relatively equal ratio of male-to-female cases across most age groups.
- Of cases with a reported place of acquisition, 22% have recent international travel history, including over 1,300 cases associated with cruise ships.
- The overall proportion of cases under investigation in each state and territory is relatively low, indicating that public health actions, is occurring in a timely manner.
- To date, over 5,297,500 tests have been conducted nationally. Of those tests conducted 0.4% have been positive.

### COMMENT

The update to the Shire of Victoria Plains COVID-19 Pandemic Framework confirms what has occurred since 21 May 2020 and considers key actions required going forward.

## The Response Steps – COVID-19 WA RoadMap

The reality is that Western Australia was several weeks ahead of the rest of the nation regarding the “Road Out” as required by the National Cabinet. This saw the development of the COVID-19 WA Roadmap, with Phase 2 and Phase 3, implemented quickly:



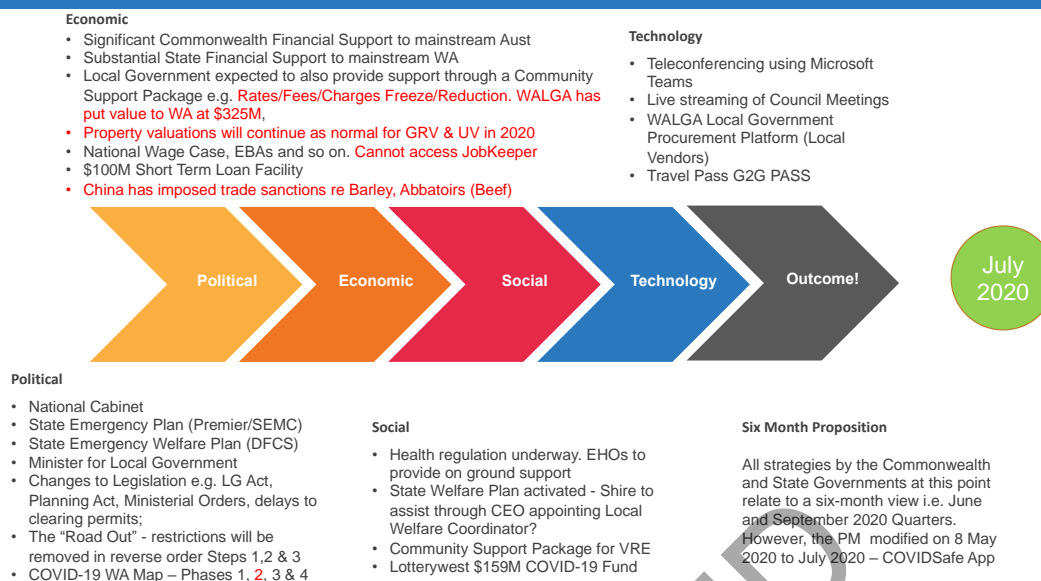
However, with the advent of the second wave in Victoria, NSW and New Zealand, Phase 4 has, after three fortnightly extensions, been extended by the Premier to Friday 23 October 2020. Phase 5, if appropriate, would commence from Saturday 24 October 2020.

## The PEST Factors

The impacts that the Shire needs to be cognisant off regarding the pandemic were summarised at the workshop in terms of the political, economic, social and technological factors:

# PEST Factors

COVID-19



## Political

The Shire President has continued to attend the Zone and AROC meetings. AROC in particular has started the discussion regarding complacency. A total of 8,400 people enter WA each week and of these 6,400 are in relation to truck transport. Latest survey results show that only 38% of Western Australians are practicing social distancing. The President has also attended Ministerial webinars.

Clive Palmer – Border integrity. In some ways, the WA community getting in behind the State Government to object to Clive Palmer's opening of the state border is interesting. WA residents are enjoying moving about freely intrastate and do not want to see this compromised.

In other developments, the Northern Territory will have restrictions in place for the next 18 months. Queensland is keeping its border closed to transmission states (Swanston, 2020)

## Economic

The Premier and key Cabinet ministers are rolling out the State's recovery plan, which is an investment worth \$5.5B.

The Shire is limited in the economic support it can provide to the Shire. It neither has a community development officer or an economic development office that can assist with such initiatives. However, it is exploring how it can re-engage with the business community through:

- Recognised key engagement strategies;
- Discussing with the Wheatbelt Business Network how it can help facilitate connections with the business sector across the District.

The District is predominantly a "Road Economy." In particular, it provides access for farmers to move their product to and from their respective properties and is also a throughput for

neighbouring districts and is a key throughput for the Aglime Route. A major focus is therefore on road infrastructure and the Shire has secured key funding to assist with the Mogumber Yarrowindah Road and others as set out later in this report. However, despite the urging of both the Commonwealth and the State to get on with key infrastructure projects, a major hold up is the State agency responsible for issuing vegetation clearing permits. It would seem that resistance from key advocacy groups in relation to the issuing of these permits has occurred. The Shire is now in the process of seeking to meet with the relevant minister(s) to discuss this matter.

In terms of the local economy and relevant insights, the Shire received from WALGA on 14 August 2020 a tailored information pack that has identified the key economic impacts on the Victoria Plains local economy. This includes a comparison with Australia, WA and other local governments regarding key criteria. Some of the specific local data examined includes:

### Breakdown of employment by industry

## Industry composition in employment terms Victoria Plains (S)



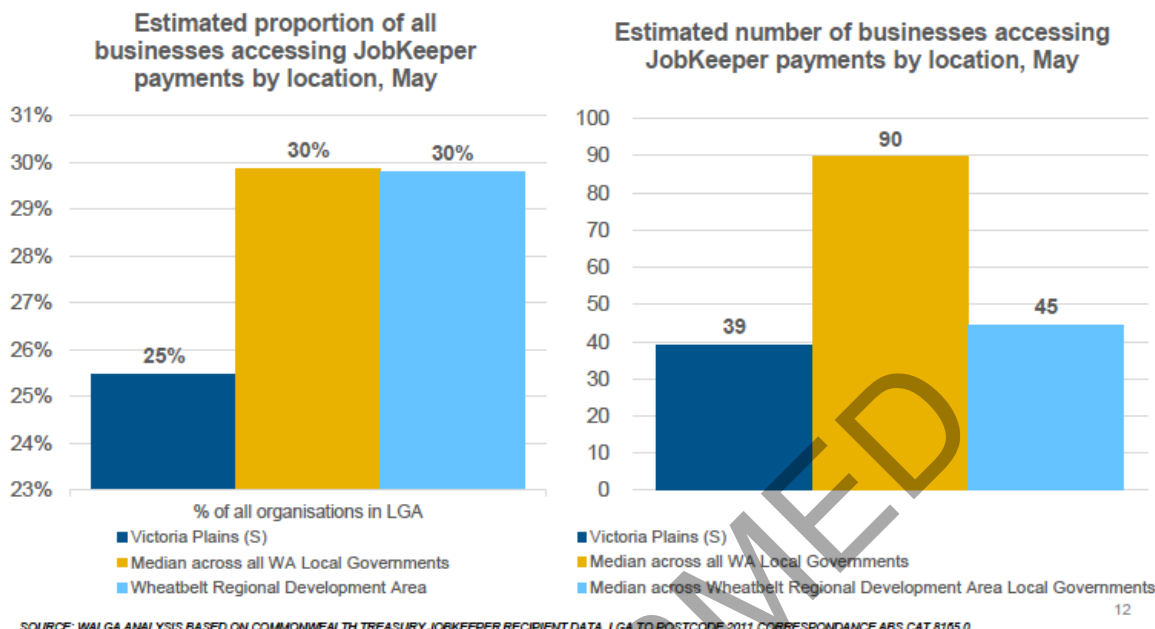
- Agriculture, forestry and fishing
- Wholesale
- Retail trade
- Accommodation and food services
- Transport, postal and warehousing
- Public administration and safety
- Education and training
- Other services
- Other Industries



SOURCE: ABS 2010 CENSUS

9



**Businesses accessing JobKeeper.****Businesses accessing JobKeeper in Victoria Plains (S)****Social**

The Shire with its limited resources in this space has managed to keep the community informed through the issue of community updates, Facebook posts and on the Shire's website COVID-19 Landing Page. Eight of these have been issued so far.

**Community Resilience Survey**

The implications of the Community Resilience Survey are explored later in this report.

**State Recovery Controller Survey**

This survey was completed by the Governance Officer on behalf of the Shire and the LRCG on 17 June 2020. The data collected contributed to a District Impact Statement that informed the development of the State Impact Statement and State Recovery Plan (to guide WA through the recovery process).

**Key services – Calingiri Gym**

At this point in time, the Shire can only effectively support the Gym 5:30pm – 7:30Pm daily. Access can only be gained once the new terms and conditions have been signed by users that includes the need to clean touch points after each use.


**Community Engagement**

The pandemic has made it difficult to undertake the development of the Community Engagement Policy. The key principles based on the International Spectrum of Public Participation or IAP2 (IAP2, 2020) are:

## IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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### The IAP2 Engagement Spectrum

The IAP2 spectrum is a very powerful framework that underpins many local government's engagement policies. Examples of its use include:

- Statutory Feedback:** The Inform and Consult levels are applicable.
- Development of SCP:** The Involve level, and ideally the Collaborative level is applicable.
- Managing Facilities:** The empowerment level is applicable. This is the end game for local government, ideally. However, in Western Australia, local governments in general are a long way from this. Good examples where this happens is in New Zealand where there are community groups that manage parks, beaches and the like.

### Second Wave Transmission

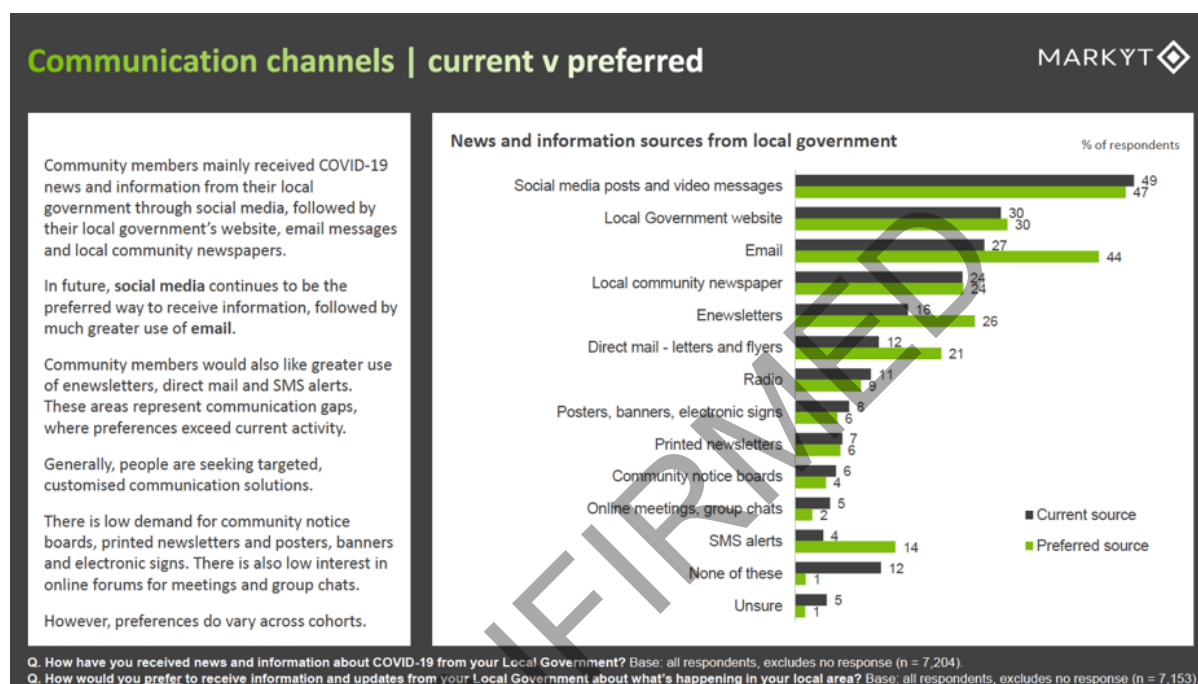
Epidemiologists and the results of infection in Victoria and NSW confirm that the virus is circulating in their respective communities. The outbreaks in Victoria and NSW also confirm how quickly COVID-19 can spread and so WA is ensuring that its border remains impervious to this threat as best it can. The Premier has warned West Australians against complacency re hygiene and social distancing. Monash University research shows that 38% of West Australians still practice social distancing, while only 37% wash their hands appropriately. The National President of the AMA Dr Omar Khorsid has commented that WA remains at risk, and current restrictions should remain in place. "If one case slips out of hotel quarantine, if one truckie coming over the border does the wrong thing, very quickly we can

see an enormous outbreak and by the time you actually measure your first case, you would already have tens or hundreds of people infected, and it would be an incredibly difficult task for the West Australian government to catch up."

The Premier further announced live on 18 August 2020 that we need to keep monitoring the situation in Victoria and New Zealand. We have to prepare as we have seen how quickly the virus can spread. The hard border has worked.

## Technology

### Communication



The Community Resilience survey revealed that the preferred way to receive information is via social media, the local government's website and email. Printed newsletters are low on the list. However, the Shire does have a reasonable number of people without access to the internet.

The Shire now provides video recordings of Council meetings. The aim is to provide these recordings the day after the meeting. However, technical issues were experienced in uploading the first such recording after the July 2020 OCM. These have now been rectified.

### COVID-19 Vaccine

The world is hoping a safe and effective COVID-19 vaccine will soon become available. So far, [more than 160 candidate vaccines](#) are in development. Some 31 of these have entered human clinical trials. One of them is Russia's "[Sputnik V](#)", which was granted approval by the country's health ministry last week. But the World Health Organisation (WHO) and a [large number of international experts](#) have urged Russia to conduct more testing to ensure the vaccine's safety before using it. The challenges are:

- Manufacture of the vaccine. The amount required would be 6.4B doses per year;
- Transportation of the vaccine will be an issue. 50% are destroyed each year through inadequate transportation;
- Despite Australia being part of the distribution network, the vaccine, even if one is

developed successfully, Australia will be in for a very long wait.

## Community Resilience

On 6 August 2020, the author attended the ministerial webinar on the release of the Community Resilience Report by Catalyse on behalf of the State Government and the Department of Local Government. The webinar discussed three items:

- Local Government Resilience Survey;
- Community Resilience Survey;
- The WA Recovery Plan.

## Community Resilience Survey



Overall, there were 7,666 participants from communities across 128 local governments, a very compelling statistic. Key insights included:

- 1 in 3 had high concerns re COVID:
  - Kimberley had the highest level of concerns;
  - The Wheatbelt was on a par with the median;
- 1 in 5 said it had a very high personal impact;
- 7 in 10 are feeling hopeful about the future;
- On the matter of rate increases, only 1% of respondents said this was a concern;
- On 7 August 2020, 139 confidential reports will be sent to each CEO re their district regarding specific responses and data;
- The Minister would like local government to let their communities know the community resilience report can be downloaded from the Department's website. A summary is already on the Shire's COVID-19 landing page.

## WA Recovery Plan

The State Government's WA Recovery Plan is worth \$5.5B (WA State Government, 2020). The Minister made it very clear that the government will be relying on the outcomes of the community resilience survey and that local government has a key role to play in the State's recovery during the **next six months**. He said, that although the priorities will vary across the State, there are key things that local government can assist with are:

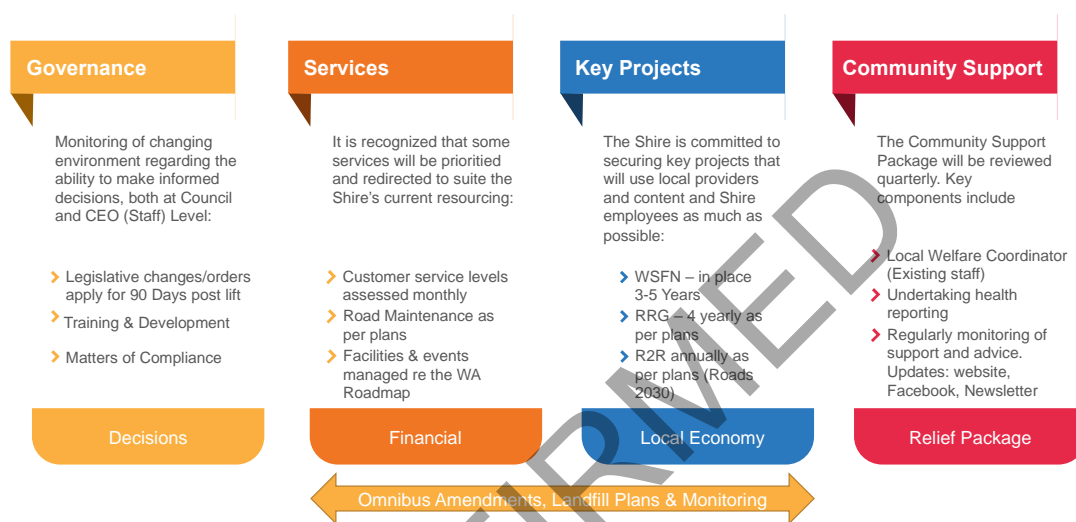
- Economic considerations;

- Local Employment;
- Community Well-being;
- Local Infrastructure.

### Wave 3 - Strategize

How is the Shire situated in moving forward?

## Plan B – Ongoing Impacts? COVID-19



### Governance

The Shire implemented the range of ministerial orders and legislative changes. Council has committed to the training and development of its elected members for the intermediate term. The CEO has also implemented the annual training report effective 1 August 2020, and this is available on the Shire's website. A Compliance Calendar was implemented at the start of August 2020 to assist in matters of compliance going forward.

### Service Levels

The Shire has had to adjust its services levels or start to adjust them for reasons both related to managing the impact of the pandemic and in terms of effective resourcing:

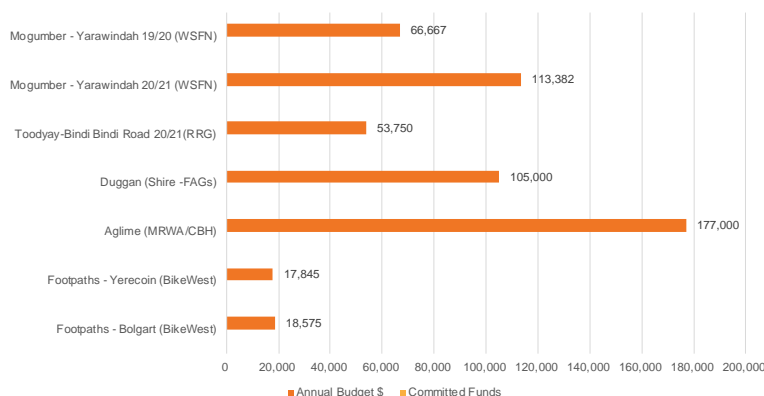
- Bendigo banking hours were adjusted to 9:30am – 12:30pm M-F. This has now happened with transport licensing too after further consideration of the risk factors and the Shire's ability to resource this service;
- The outside crews have been restructured and the EBA cancelled, although it must now go through a mandatory six month phasing out process;
- Office Manager has been appointed to help address the imbalance created through the Manager Finance and Administration role.

## Key Projects

## Projects (How Funded)

COVID-19

Committed Funds by SoVP (Contribution) \$522,219



## Possible Strategies

Shire's 1/3  
Contribution  
RRG  
Deferred?



Part fund using  
\$100M Local  
Government  
Short Term Loan  
Fund



Maintain Reserves



Consideration: What can be brought forward May/June 2020?  
Answer = WSFN vegetation clearing Mogumber-Yarawindah Rd.

The key projects have been appropriately planned and budgeted for, commencing 2020/21.

## Community Support

The LRCG and Shire staff have maintained a constant flow of information to the community. Eight updates have been issued so far. The Welfare Coordination Plan has as yet to materialize in an effective capacity. The new Office Manager should be able to accommodate some of the Local Welfare Coordinator functions should they be implemented. Health reporting is yet to be a featured requirement, however, the Shire has identified that it does need to have a Local Health Plan in Place. Funds were allocated in the budget to undertake the monitoring bore project re the Shire's landfills.

## The Future

However, going forward, much of what faces the Shire in terms of its ability to support the wider district will be predicated on:

- *WA Recovery Plan.*
- *Community Resilience Survey.*

## Conclusion

It can be seen that the Shire of Victoria Plains COVID-19 Pandemic Framework continues to provide a point of reference that has been developed as a key informing strategy for the Strategic Community Plan and the Corporate Business Plan, with its key considerations taken into account with the adoption of the 2020/21 Budget.

The Local Recovery Coordination Group continues to monitor and roll out the recovery process.

## CONSULTATION

President. Provides regular updates from AROC, the Zone and Ministerial webinars.



CEO. Participates in key meetings when she can. Discusses key issues with the management team.

LRGC. Continues to meet regularly and look at and make decisions on key initiatives to be monitored, improved and rolled out.

## STATUTORY CONTEXT

Local Government Act

The State Emergency Act

## CORPORATE CONTEXT

### Strategic Community Plan

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

### LRGC Action Plan

Action	CBP Link	Who	\$	Med Long Term	Due
1. Implement and Monitor Key Actions (This Plan)		CEO		Long Term	Ongoing
2. Regularly Review the Five Recovery Areas (WA Recovery Plan)					Ongoing
3. Review CBP		GO		Immediate	31/07/20
4. Inform the CBP Quarterly Update		GO		Long Term	31/12/21
5. Inform the Budget Review		CEO		Med Term	31/03/21
6. Develop Community Engagement Policy		GO		Med Term	31/12/20
7. Determine Community Resilience Survey Actions		LRGC		Long Term	

8. Update Business Continuity Plan		GO/CESM		Med Term	31/10/20
9. Monitor and Prepare for Second Wave Impacts		LRCG		Long Term	Ongoing
10. Explore how community development and economic development can be implemented		LRCG		Med Term	31/12/20
11. Maintain Attendance, Interaction, Support Zone, AROC, RRG, Other		SP DSP CEO CESM GO		Long Term	Ongoing

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority required: No

**2008-04 Officer's Recommendation/Council Resolution****Moved: Cr D Lovelock****Seconded: Cr N Clarke**

That Council **ACCEPT** from the Local Recovery Coordination Group the update the Shire of Victoria Plains COVID-19 PANDEMIC Framework as provided for in Attachment 1.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**



## 8.4 Proposed Amendment No.2 - Shire of Victoria Plains Local Planning Scheme No.5 (Omnibus)

<b>File reference</b>	Omnibus Project	
<b>Report date</b>	20 August 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>	Mr Joe Douglas – Town Planning Consultant	
<b>Authorised by</b>	Ms Glenda Teede - CEO	
<b>Attachments</b>		
Attachment 1	Page 70	Scheme amendment document as advertised. Additional information prepared & published during public advertising. Schedule of Submissions
Attachment 2	Page 88	
Attachment 3	Page 96	

### PURPOSE

Consideration of all submissions received during public advertising of a proposed omnibus amendment (i.e. Amendment No.2) to the Shire of Victoria Plains Local Planning Scheme No.5 including recommendations in respect of each and the scheme amendment proposal as a whole.

### BACKGROUND

At its Ordinary Meeting held on 25 September 2019 Council considered and resolved to initiate a standard amendment to the Shire of Victoria Plains Local Planning Scheme No.5 to deal with a number of issues that have arisen and changes that have occurred since the Scheme was first approved and gazetted in March 2012 and subsequently amended in September 2017 (i.e. Amendment No.1) to align it with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

As previously advised, an omnibus amendment covers a number of diverse or unrelated town planning matters that packages together several proposed changes to a local planning scheme. Given Council's decision at its June 2019 Ordinary Meeting to defer formal review of the Shire's Local Planning Strategy and Local Planning Scheme No.5 due to funding constraints, an omnibus amendment was instead proposed to deal with and address a number of issues of immediate concern.

Following Council's initiation of the scheme amendment in September 2019, the proposal was referred to the Environmental Protection Authority (EPA) for review in accordance with the specific requirements of section 81 of the *Planning and Development Act 2005*.

On 10 December 2019 the EPA determined and subsequently advised the scheme amendment proposal is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the *Environmental Protection Act 1986*.

Pursuant to the specific requirements of section 84 of the *Planning and Development Act 2005* and regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the scheme amendment proposal was then advertised for public

comment which included:

- i) publication of notices in a newspaper circulating in the scheme area (i.e. the West Australian) as well as the Shire's Facebook page;
- ii) public display of the advertising notice and scheme amendment documentation at the Shire administration centre;
- iii) correspondence to a number of public authorities considered likely to be affected by the proposed amendment; and
- iv) publication of the advertising notice and scheme amendment documentation on the Shire's website.

Advertising was undertaken for 63 days which was in excess of the minimum period of 42 days for standard amendments as required by regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Additional information was also published on the Shire's website during public advertising to assist the local community's understanding of the proposed modifications to Local Planning Scheme No.5, the basis for them and their likely implications (see Attachments 1 & 2).

At the conclusion of public advertising on Friday 15 May 2020 a total of nineteen (19) submissions had been received by the Shire, seven (7) of which were from public authorities with the remaining twelve (12) submissions being from members of the local community. Details of all submissions received and a recommendation in respect of each is provided in Attachment 3.

Under the terms of regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is now required to consider all submissions received and determine whether to:

- a) support the amendment without modification; or
- b) support the amendment with proposed modifications to address any issues raised in the submissions; or
- c) not support the amendment.

#### **COMMENT**

The submissions received from public authorities during public advertising were all supportive. The Department of Mines, Industry Regulation and Safety and Department of Primary Industries and Regional Development provided details of a few minor suggested amendments however these were considered inappropriate, the specific reasons for which are provided in Attachment 3 (see the recommendations in respect of each submission received from these two public authorities).

The Water Corporation also recommended a minor change to the wording of the heading for proposed clause 4.19 as it applies to effluent disposal. It is recommended that the scheme amendment proposal be modified in response to the Water Corporation's submission.

Of the twelve (12) submissions received from the local community, eleven (11) raised objections for various reasons. Following a detailed review and assessment of all the submissions received from the local community, the reporting officer has concluded many of the concerns raised are based on a lack of understanding of the Shire's town planning

framework and how it works and is applied. There also appears to be some misconception and concern that the proposed amendments to Local Planning Scheme No.5 will, amongst other things, hinder all future development and growth within the Shire, exacerbate population decline and either duplicate or be contrary to existing legislative requirements. Recommendations in respect of each submission received from local community members, including the basis for those recommendations, is provided in Attachment 3.

Despite the numerous objections raised by the local community, it is recommended that only three (3) modifications be made to the scheme amendment proposal in response, the specific details of which are as follows:

- i) Inclusion of the following definition for the use class 'repurposed dwelling' in Schedule 1 of the Scheme Text of Local Planning Scheme No.5 entitled 'Dictionary of Defined Words and Expressions':

*'repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.'*;

- ii) That proposed sub-clause 4.7.5.9 in Amendment No.10 as it applies to over-grazing by livestock on any land classified 'Rural' zone be amended to include the following additional sentence:

*'Prior to forming an opinion and issuing an order pursuant to this clause the local government shall seek and obtain advice from the Department of Primary Industries & Regional Development and any other government agency with a potential interest in the matter.'*; and

- iii) Removal of proposed clause 4.23 entitled 'Home Occupation, Home Business, Home Store and Rural Home Business' and all associated sub-clauses.

In relation to proposed modification i) above, it is recommended that a suitable definition be included in the Scheme Text of Local Planning Scheme No.5 for the use class 'repurposed dwelling'. The proposed definition above, which was provided by the Department of Planning, Lands and Heritage, will address the concerns raised in some of the submissions received and ensure there is a clear understanding of what this use class means.

In relation to proposed modification ii), it is considered appropriate to include some additional wording for proposed sub-clause 4.7.5.9 in Amendment No.10 as it applies to over-grazing by livestock on any land classified 'Rural' zone to ensure any opinion formed and action taken by the Shire pursuant to this clause is done so based on mandatory advice to be sourced and received from the Department of Primary Industries and Regional Development and any other government agency with a potential interest in such matters. By amending sub-clause 4.7.5.9 as proposed the concerns raised in some of the submissions will be suitably addressed.

Lastly, in relation to proposed modification iii), the various concerns raised by the local community regarding unnecessary and overburdensome restrictions on the establishment and operation of home occupations, home businesses, home stores and rural home businesses are acknowledged and accepted. As such, it is recommended that Council modify the scheme amendment proposal by removing clause 4.23 and all associated sub-clauses in their entirety. In considering this proposed amendment Council should note such uses still require development approval under the Shire's local planning framework with each application received to be considered on its individual merits having regard for the

relevant standards and requirements (i.e. all these uses are currently listed in the Zoning Table of Local Planning Scheme No.5 as discretionary uses which means they are not permitted without Council's formal development approval).

Despite the various other concerns raised by the local community, no other modifications to the proposed scheme amendment are recommended for the following reasons:

- i) The submissions received from public authorities with expertise in various key elements of the proposed amendments to Local Planning Scheme No.5 were all supportive;
- ii) The new provisions proposed to be incorporated in Local Planning Scheme No.5 are considered necessary to improve the administration and effectiveness of the Shire's current local planning framework, avoid procedural errors when administering the scheme and provide greater clarity and certainty in terms of development requirements and standards to allow for the speedier processing of development applications under delegated authority when permitted;
- iii) The new provisions proposed to be incorporated in Local Planning Scheme No.5 are not considered unreasonable or onerous with very similar provisions having been approved by the Hon. Minister for Planning for inclusion in local planning schemes for other regionally based local government authorities (i.e. they are not unique and untested);
- iv) The new provisions proposed to be incorporated in Local Planning Scheme No.5 suit local circumstances, address key issues of concern locally and expand upon and complement the general guidance provided by the mandatory provisions (i.e. Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* which apply statewide. The new provisions do not seek and are not legally able to override, contravene or repeat any provisions contained in the Deemed Provisions or diminish any landowner rights as asserted by many who lodged a submission;
- v) The new provisions proposed to be incorporated in Local Planning Scheme No.5 are consistent with the objectives and guidance provided in the relevant Regional and Sub-regional Strategies, Operational Policies, Position Statements and Guidelines as well as the Shire's Local Planning Strategy and will help to ensure due consideration is given to these documents when dealing with development applications;
- vi) The various assertions made by some who lodged a submission regarding the validity of many of the new provisions proposed to be incorporated in Local Planning Scheme No.5 are technically incorrect and demonstrate a lack of understanding of how the Shire's planning framework is structured and operates;
- vii) If the proposed amended version of Local Planning Scheme No.5 is administered correctly, pragmatically, and equitably as required, there is no real basis to any suggestion it will stifle opportunities for future development and growth;
- viii) There is sufficient flexibility inherent in many of the new provisions, as well as Clause 4.5 of Local Planning Scheme No.5, to enable Council to vary any standard or requirement where such variation is permitted and deemed appropriate;
- ix) In administering the amended version of Local Planning Scheme No.5 the Shire Administration and Council will continue to have due regard for the range of temporary exemptions for certain approvals and requirements within the Shire's local planning framework as provided for in the Notice of Exemption issued by the Minister for Planning in response to the State of Emergency for the Coronavirus (COVID-19)

pandemic (i.e. the proposed amendments to Local Planning Scheme No.5 will not hinder any response and recovery efforts);

- x) The proposed amendments are considered entirely reasonable in the context of recent costly and protracted legal proceedings the Shire has been involved which could potentially have been avoided if many of the proposed provisions were already included in Local Planning Scheme No.5;
- xi) The proposed amendments to and ongoing administration of Local Planning Scheme No.5 have been fully budgeted for by the Shire and will not therefore prove to be a major financial burden. It is contended that a failure to address the various issues the proposed omnibus amendment is seeking to resolve could prove more costly to deal with in the future due to the lack of clear planning controls, the associated uncertainty and increased risk of procedural errors, disputes and appeals when dealing with development applications; and
- xii) The number of submissions received objecting to the proposed amendment represents a very small percentage of the Shire's total population. As such it is contended the vast majority of the Shire's population have no major issues or concerns with the proposal and are generally supportive.

In light of the outcomes from public advertising and the various points raised above, it is recommended that Council support the proposed amendment to Local Planning Scheme No.5 subject to it being modified in accordance with the three (3) modifications referred to previously above.

Finally, Council should note the proposed scheme amendment will be subject to further detailed assessment at State government level. It is anticipated the Hon. Minister for Planning may request further modifications based on recommendations to be provided by the Western Australian Planning Commission and a number of submissions made directly to the Minister in recent times by a few disgruntled members of the local community. For now however Council is required to follow due process and make a determination regarding final adoption of the proposed amendment to enable it to be formally referred to the Western Australian Planning Commission for further consideration and final determination by the Hon. Minister for Planning thereafter. The recommendation provided in this report enables the proposal to proceed to the final stage of the statutory planning process without delay.

## CONSULTATION

Completed in accordance with the specific requirements of regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* following the issuance of environmental clearance by the Environmental Protection Authority, the outcomes from which have been documented above and in the Schedule of Submissions provided in Attachment 3 to this report.

## STATUTORY CONTEXT

- *Planning and Development Act 2005*
  - Part 5, Division 3 – 'Relevant considerations in preparation or amendment of local planning scheme'.
  - Part 5, Division 4 – 'Advertisement and approval'.
- *Planning and Development (Local Planning Schemes) Regulations 2015*
  - Part 5, Division 3 – 'Process for standard amendments to local planning scheme'

**CORPORATE CONTEXT**

Nil

**FINANCIAL IMPLICATIONS**

The total cost to progress the proposed amendment to Local Planning Scheme No.5 is estimated to be in the order of \$20,000 excluding GST. Suitable allowances were and have been made in Council's budgets for the 2019/2020 and 2020/2021 financial years to fund the project.

**VOTING REQUIREMENTS**

Absolute majority required: No

**2008-05 Councillor Resolution****Moved: Cr J Kelly****Seconded: Cr S Penn**

That this item be held over to allow for a public meeting in Calingiri for residents to be addressed about the Shire Planning Omnibus No. 5.

DUE TO THE MOTION BEING DECLARED A TIE, THE MOTION IS  
**LOST For 3 / Against 4 - ON THE CASTING VOTE OF THE PRESIDING OFFICER**

*Cr Kelly, Cr Penn and Cr Lovelock requested to have their names recorded as voting for the motion.*

The Shire President returned to the substantive motion at 3.06pm

**2008-06 Officer Recommendation / Council Resolution****Moved: Cr N Clarke****Seconded: Cr D Lovelock**That Council **RESOLVE** to:

1. Acknowledge receipt of and determine each submission received in respect of Amendment No.2 to the Shire of Victoria Plains Local Planning Scheme No.5 during public advertising in accordance with the recommendations contained in the Schedule of Submissions provided in Attachment 3 to this report;
2. Support Amendment No.2 to the Shire of Victoria Plains Local Planning Scheme No.5 subject to the following proposed modifications:
  - a) Inclusion of the following definition for the use class 'repurposed dwelling' in Schedule 1 of the Scheme Text of Local Planning Scheme No.5 entitled 'Dictionary of Defined Words and Expressions':  
*'repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling.'*;
  - b) That proposed sub-clause 4.7.5.9 in Amendment No.10 as it applies to over-grazing by livestock on any land classified 'Rural' zone be amended to include the following additional sentence:

*'Prior to forming an opinion and issuing an order pursuant to this clause the local government shall seek and obtain advice from the Department of Primary Industries & Regional Development and any other government agency with a potential interest in the matter.'; and*

- c) Removal of proposed clause 4.23 entitled 'Home Occupation, Home Business, Home Store and Rural Home Business' and all associated sub-clauses.
3. Authorise the Shire Administration to refer the scheme amendment proposal to the Western Australian Planning Commission confirming Council's resolution and requesting the Honourable Minister for Planning's favourable consideration and final approval, including endorsement of all revised documentation required to be prepared in due course by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the documentation accordingly.

**CARRIED For 4 / Against 2**

*Cr Penn and Cr Kelly requested to have their names recorded as voting against the motion.*

<b>2008-07</b>	<b>Council Resolution</b>
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**Moved: Cr N Clarke**

**Seconded: Cr D Lovelock**

That Council adjourn the meeting at 3.09pm, to be resumed at 3.25pm.

**CARRIED BY UNANIMOUS DECISION OF THE COUNCIL**

Council resumed at 3.31pm with the Shire President confirming those Councillors attending via teleconference could hear all attendees within Chambers, which connection was confirmed.

## 8.5 Local Government Review Panel Final Report – Review of the Local Government Act

File reference			
Report date			23 August 2020
Applicant/proponent			WALGA, Avon-Midland Country Zone, Minister for Local Government
Officer disclosure of interest			Impartial Interest, Mr Fletcher has a training Contract With WALGA
Previous meeting references			
Prepared by			Sean Fletcher, Governance Officer
Authorised by			CEO
Attachments			
Attachment 1	Page	15	Local Government Review Panel final report
Attachment 2	Page	68	WALGA - Local Government Review Panel Final Report (05-034-01-0001 TB)

### PURPOSE

Council is asked to consider supporting WALGA's recommendations to State Council regarding the Local Government Review Panel's Final Report into the Local Government Act.

### BACKGROUND

#### Local Government Review Panel

In November 2019 a panel of experts was formed to progress the development of a new Local Government Act for Western Australia.

The Local Government Review Panel was established to consider and recommend high-level direction and guiding principles for the new Act.

The panel met from November 2019 to May 2020 and looked at best practice models in Australia and overseas as well as the recent consultation on WA's Local Government Act 1995.

On 4 August 2020, the final report of the Local Government Review Panel was released by the Hon. Minister for Local Government, David Templeman:

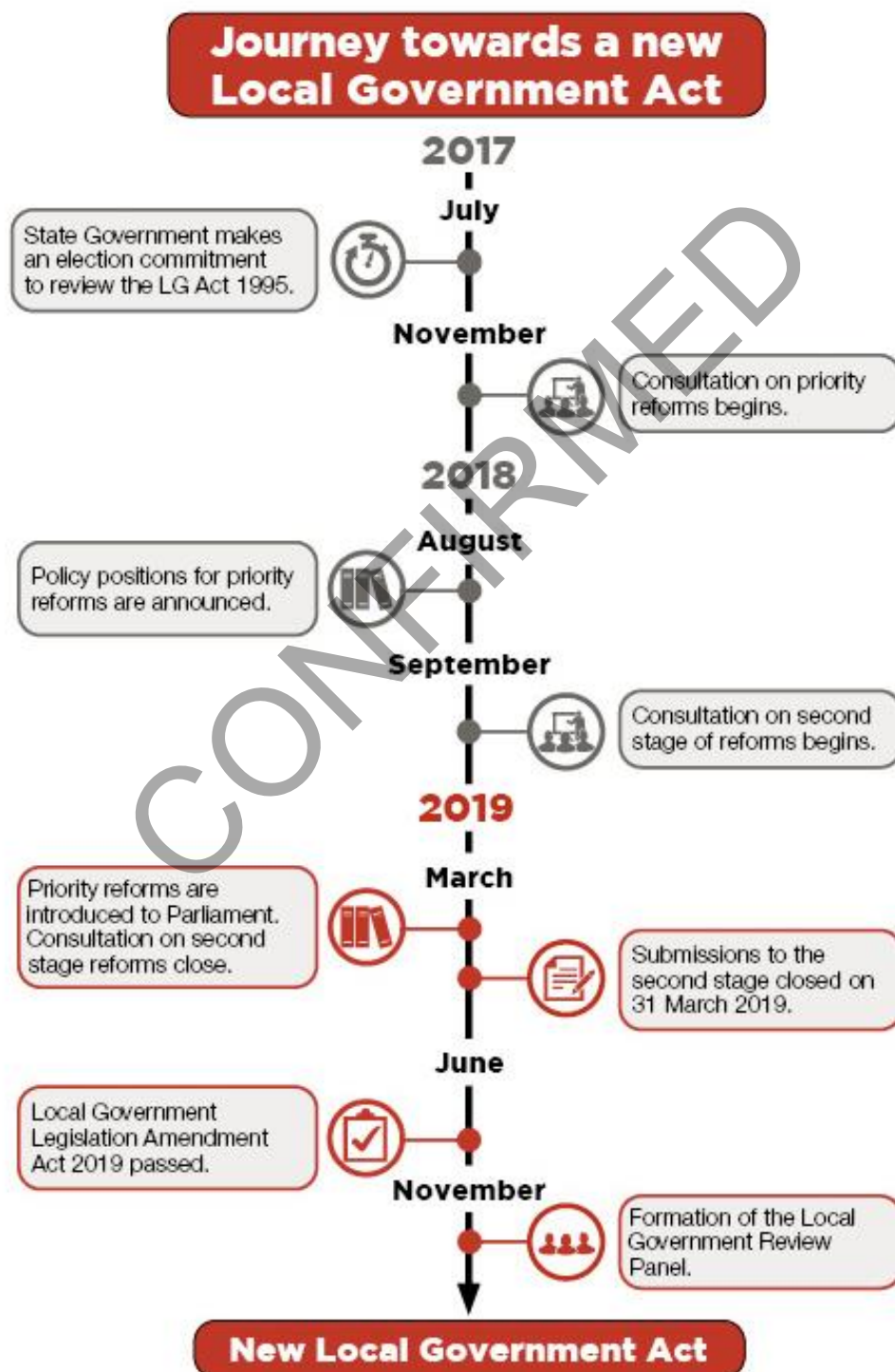
- The report will now be considered by the McGowan Government
- In preparing the report the panel considered extensive consultation and international best practice models

The report, by the Local Government Review Panel, follows on from significant legislative reforms passed by Parliament last year including mandatory training and a new gift declaration framework for all elected members.



The panel made 65 recommendations for the proposed legislation that focus on future-proofing local governments in Western Australia and promoting healthy, connected and engaged local communities.

The panel closely considered national and international best practice models as well as drew on the extensive feedback from the recent consultation conducted by the Department of Local Government, Sport and Cultural Industries. The timeline for the review of the Act is as follows:



## **Recent Consultation**

### **Consultation on proposed Code of Conduct and CEO Standards**

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament. The Act includes a requirement for the introduction of:

- a mandatory code of conduct for council members, committee members and candidates (Code of Conduct); and
- mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The department sought feedback on a draft Code of Conduct and draft CEO Standards and accompanying guidelines. Submissions closed on 6 December 2019. Over 400 responses were received during the consultation period. The Code and Standards are currently being drafted, taking into account that feedback.

### **Current consultation**

Local Government Regulations Amendment (Consequential) Regulations 2020 will bring into effect measures relating to:

- The harmonisation of the appointment of authorised persons across multiple pieces of legislation in the local government portfolio;
- Local and state-wide public notices; and
- Improved access to information, including through publication on the local government's website.

A consultation draft and explanatory notes have been prepared. We seek your comment on these regulations. Feedback was expected by Monday 13 July 2020.

### **The Local Government Industry's Response to the Review Panel's Final Report**

On Thursday, 20 August 2020, the Shire President advised the CEO (and the Governance Officer) of a late item going to the Zone meeting the next day regarding the Local Government Act Review Panel Report and may like to provide input.

The Governance Officer responded later that day to the President and CEO with comments in general regarding the final part of the Local Government Act Review and WALGA's submission to the Zone's for the Minister's consideration.

During the Zone meeting on Friday 21 August 2020, the Shire President advised the CEO (and the Governance Officer) that individual Councils have been asked to consider WALGA's position on the Local Government Act Review Panel Report as soon as possible. The President also asked if it was possible to submit a late item to Council for consideration at today's meeting. The notes taken by the President at the Zone meeting consist, in part, the following:

- WALGA hasn't been asked to provide feedback to the Minister but they are going to;
- State council meeting beginning of Sep. WALGA would like to put a position to the Minister through state council;
- The document prepared for today's Zone meeting is a working document;

- Unlikely State Gov will draft new legislation prior to the election in 6th months. WALGA believes State Gov will formulate some policies that they take into the election to draft into legislation should they get back in;
- Wanted to get the document in front of the Zones as quick as possible & before the upcoming State Council Meeting;
- WALGA has been working on this as late as this morning;
- Understand we can't get Councils to consider this prior to today's Zone meeting. However our Zone's State Council Representative will have to make a decision on this position at the upcoming state council meeting. The Zone is therefore given an opportunity to provide a position today;
- A second motion was made that delegates take WALGA's position back to their Councils & provide individual responses from each shire to WALGA. Do they support WALGA position? Is there any positions Shires are at odds with?
- Most positions around the state so far are supporting WALGA's position.

Mr Robert Dew, Executive Officer to the Avon-Midland Country Zone, subsequently advised the Shire President by email later that day:

To All Zone Members & Delegates I attach an updated version of the State Council Agenda Item 5.5 - Local Government Review Panel Final Report. WALGA has advised that some discrepancies have been noticed in the report distributed yesterday. The updated changes are highlighted on yellow.

At today's Zone meeting the Zone resolved to -

1. Support WALGA recommendations to State Council; and.
2. Request all Zone members review the agenda item to State Council and the Local Government Review Panel's Final report and to provide comment and feedback to the Zone and WALGA in time for consideration by State Council at its meeting to be held 2 September 2020.

Mayor Tracey Roberts, who was in attendance at today's meeting, stressed the importance of feedback on the recommendations in the Panel Final Report to guide WALGA in this matter. Input will be consolidated into a recommendation to State Council. Mayor Roberts also commented that due to the tight time-frame, WALGA would be happy to receive comment from local governments who have not been able to formally consider and adopt a resolution in regards to this matter.

It was suggested that if possible comment and feedback be provided by Friday 28 August 2020.

The Minister for Local Government has accepted an invitation to attend the State Council Meeting on 2 September 2020 to discuss the Panel's Final Report and recommendations.

To this end, WALGA's Tony Brown, *Executive Manager Governance and Organisational Service* and James McGovern, *Manager Governance* have advised in their report to State Council:

*WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by State Council in*

*March 2019. This agenda item considers the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.*

*The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report. WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.*

*The Recommendations below are subject to Zone input and all Zone recommendations will be collated into a consolidated recommendation that will be provided for State Council consideration at its meeting on 2 September 2020.*

## **COMMENT**

It is, perhaps, unusual that the Minister for Local Government did not ask for WALGA's feedback regarding the Review Panel's Final Report. As requested by the Zone, presented for Council's consideration is the WALGA agenda item and recommendations to State Council. The author's comments are as follows:

### **Some Preliminary Thoughts**

Local Government Professionals has also gone out to its membership at the same time. One issue that LG Pro has raised is that the City of Perth Inquiry Report does not overshadow the current review of the LG Act. In particular, Jamie Parry (LG Pro President) stresses:

The City of Perth Inquiry Report contains a total of 341 recommendations, 215 which relate to the City and a further 126 that relate to sector-wide action.

He has written to the Minister stressing that we cannot allow the findings and recommendations of Inquiries such as that from the City of Perth as a mechanism to continue to overregulate, over control, and impose yet more bureaucracy, and the focus on undertaking the review of the Local Government Act with the objectives to modernise, empower and enable local government, to better meet community expectations for accountability and transparency, not be lost.

### **Specific Comments on Each Recommendation and WALGA's Position**

The Chair of the Review Panel has addressed in the foreward of the report that the:

*Recommendations in this review are a road-map to more agile and inclusive local governments, with a clear purpose to deliver for the enhanced wellbeing of their communities. A new legislative framework that ensures community consultation and integrated planning is a centrepiece of a local government's operations, as well as an emphasis on regional and intergovernmental collaboration.*

*The recommended renewed focus on integrity, self-regulation and accountability will give local governments the tools to ensure good governance and continuous improvement.*

*An Act based on this report would prepare local governments in Western Australia not just for the challenges of today, or the next few years, but for the long-term, and would put them in good stead to continue to foster healthy, connected and engaged local communities.*

The Final Report contains 65 recommendations for consideration. WALGA's comments and those of the author regarding each recommendation and comment are as follows:

#### **Recommendations 1, 2, 3, 4, 6, & 7 Introduction and Role of Local Government**

Agree with comments here. They provide for a more focused level of government and principle based approach rather than to keep prescribing matters in the Act and its Regulations.

Recommendation 5 – Introduction and Role of Local Government

Agree with WALGA that the promise was for a size and scale compliance regime and not the minimum standards to all local governments now proposed.

Recommendation 8 – Structural Reform

Makes sense to have the Grants Commission and Advisory Board be one body: Local Government Commission. They are currently supported by the same staff.

Recommendation 9 – Structural Reform

Support

Recommendation 10

Support. However, matters re the removal of the Dadour Provisions are tricky.

Recommendation 11

Support the concept of community boards. Need to settle on an effective criteria. New Zealand does this extremely well (refer to the empowerment column in the IAP2 Engagement model).

Recommendations 12, 13 & 14 – Expanded Regional Cooperation

Support the concept of regional cooperation models instead of formal regional local governments (which currently must operate the same as a normal local government).

Recommendation 15 – State Local Government Partnership Agreement

This will make it clear regarding local government's position in the role of government.

Recommendations 16, 17 & 18 – Aboriginal Matters

Makes sense that local governments are adequately supported and resourced regarding aboriginal communities.

Recommendation 19 - Optional Preferential Voting

Yes, agree with WALGA to oppose. Elections must be first past the post. The author can confirm that the previous experiment with preferential proportional voting was a complete disaster. It was confusing and on election night the community could not follow the count.

Recommendations 20 & 21 & 27 Review of Property Franchise

WALGA wants to undertake consultation rather than implement one vote only at this point in time for local government elections.

My view is that it is time for one vote instead of a person having a vote as a resident, owner occupier and even as a director of a business in the district. So, a person at the moment can end up having two votes in their home district and a vote in another district.

Recommendation 22 – 4 Year Election Cycle

WALGA wants to engage with the LG Sector re moving to a four yearly election cycle. The issue is, perhaps loss of "corporate knowledge." The author's view is it will bring a level of stability.

Recommendations 23, 24 & 25 – Conduct of Elections

WALGA has advocated for more than one electoral provider. The author's view is that it is just fine to continue with the WA Electoral Commission.

Caretaker policy provisions – fair enough. Will be more relevant should LG go to a four year election cycle.

Crowdfunding could be tricky to monitor.

### Recommendation 26 Elected Member Numbers Based on Population

The author believes this is fair enough re representation numbers:

**WALGA Recommendation:** Oppose Recommendation 26(a) and propose that a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:

(iv) Populations up to 5,000 – 5 to 7 Councillors (incl. President)

(v) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)

(vi) Populations above 75,000 – up to 15 Councillors (incl. Mayor)

President/Mayor either elected by Council or the Community to continue – support.

WALGA opposes abolition of wards for Band 3 and 4 LGs. Common-sense is required here. The trend is for more local governments to abolish wards.

### Recommendations 28 – 32 – Redefinition of Roles & Responsibilities

Agree that explaining better what the role of an elected member is long overdue. It will remove ambiguity.

Agree that the reference to senior employees needs to be removed. This is the role of the CEO and the outcome of the Canning Inquiry saw the Rules of Conduct Regulations amended to ensure elected members did not become involved in these issues (the Administration).

### Recommendations 33, 34 – Community Engagement & Governance

Yes to community engagement principles and an adoption of a community charter. This has been promoted in WALGA elected member community development training for quite some time now.

### Recommendation 35 – Annual Engagement with Electors

WALGA wants non-compulsory annual elector's meetings as the community can participate in a whole range of other ways eg public question time.

The Review has proposed an Annual Community Meeting that is more modern and forward thinking. I actually think this is a good idea.

### Recommendation 36 and 37 – Enhanced Integrated Planning and Reporting

Support enhancements to IPR. It makes sense to improve the current system along the lines that the Review proposes. WALGA supports this.

### Recommendation 38 – Service Levels & IPR

Yes, local government needs to be better re levels of service: what they are and what is realistic to achieve.

### Recommendations 39 – 42 – Local & Joint Subsidiaries

Support WALGA's position re these recommendations. Joint beneficial enterprises need to be explored. Local Government has limited income streams. This was a key finding of the Systemic Sustainability Study (WALGA SSS Report).

41(h) is a real issue re industrial relations jurisdiction in this matter (State vs Commonwealth).

### Recommendations 43 and 44 – Modern Financial Management

Support.

WALGA notes that the Report of the Inquiry into the City of Perth makes a number of recommendations relating to financial management of all Local Governments including:

- Recommendation 188 : Establishment of Financial Management Instructions;

- Recommendation 189 : The 'WA Accounting Manual' dated September 2012 be reviewed and updated. (It is a little dated and sections are incomplete);
- Recommendation 190 : The format of format of the annual budget and financial report be prescribed for consistency across local government' (Most are using the Moore Stephens template such as SoVP (So, this makes sense).

#### Recommendations 45 – 49 - Procurement

Support.

It is time local government procurement aligned with the State. It makes sense that there is model policy applied to all local governments and breaches are referred to an independent investigator.

#### Recommendations 50 – 52 Rating Revenue

Support. So, this says no to rate capping. Fees and charges based on actual cost to provide. LG's to prepare rating strategy. The Valuer General to advise on rating strategies

#### Recommendations 53,54 – Accountability and Self Regulations

Agree with WALGA to oppose – 53 a and b will be difficult to achieve re majority members are independent members with suitable skills.

Agree re 54 to expanding the role of the Audit Committee.

#### Recommendation 55 Integrity & Governance

Refers to Mandatory CEO Standards. Support WALGA re comments to support except for 55 (c ) – councillors can withdraw re matters of conflict and (g) CEO position must be advertised after two terms that is 10 years.

#### Recommendation 56 – Training and Developments

Confirms and updates T & D for elected members

Compulsory training for new CEO's as agreed during the CEO appointment process.

#### Recommendation 57,58 – Early Intervention Framework

WALGA supports 57 – early intervention re helping local governments improve performance.

WALGA opposes 58 – Minister to direct LGs in an emergency. Agree this should stay as is currently required re the emergency provisions.

#### Recommendation 59 & 60 – Office of Independent Assessor

WALGA supports 59 – Take over the functions of the Standards Panel. It has been quite ineffectual.

WALGA opposes 60 – Agree. Minefield as set out re investigating the performance of the CEO.

#### Recommendation 61 – Classification Bands

WALGA opposed. Yes, creating the bands in the Act will cause a conflict with Recommendation 26 (c ) re removing wards for Bands 3 & 4.

#### Recommendation 62, 63 – Harmonisation of Local Laws

Yes, model local laws with deemed provisions are essential.

#### Recommendation 64 - WALGA

Agreed – WALGA should stay referenced in the Act.

**Recommendation 65 – Operational Provisions**

Agreed - the new Local Government Act be based on a flexible, principles-based legislative framework that avoids red tape and 'de-clutters' the current extensive regulatory regime.

**Final Comments**

WALGA's comments and recommendations to State Council, in general make sense and are reflective of the Local Government Sector's position on most issues. The key issues to note therefore are:

- The new Act should be principles based, rather than extensive sections on what a local government can and can't do. This has seen the Act and its regulations expand extensively since their introduction and which has led to an increased compliance burden;
- Minimum compliance standards for all local governments is an issue, this is not what the Minister indicated early in the review. A one size fits all approach has been a key issue and seen small and medium local government struggle in this space;
- The development of community boards is worth exploring;
- Voting in local government elections must remain first past the post. It is the most simple and effective to understand and administer;
- The WALGA proposal re the capping of elected member numbers for each community makes sense;
- A much more clear definition of the roles and responsibilities of elected members is welcomed. The community in particular still struggles widely on what the role of a councillor is;
- Improvements to the Integrated Planning and Reporting Framework will make it easier to implement, review and use;
- More effective ways to engage with the community makes sense;
- WALGA's comments on improvements to the financial management framework and criteria for local government make perfect sense and are welcomed;
- Rate capping must be opposed. NSW has constantly shown the struggle it has due to this mechanism. Local and Joint subsidiaries will provide local governments the opportunity to explore other income streams;
- The establishment of the Office of an Independent Assessor to deal with complaints against elected members is worth exploring further;
- It is important the red tape is reduced as much as possible.

**CONSULTATION**

Shire President

**STATUTORY CONTEXT**

The Review of the Local Government Act by the McGowan Government is considered a once in lifetime of generational review.

**CORPORATE CONTEXT****Strategic Community Plan**

<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</i></li> </ul>
5.2	Improve elected member performance	



5.3	Develop an advocacy and lobbying capacity	<i>community and associated matters.</i>
5.4	Measures to improve organisational efficiency	

The review of the local government act is a key reform to assist with strategies 5.1, 5.3 and 5.4.

### Risk Governance Framework

The Shire of Victoria Plains has a responsibility and substantial interest in participating in the review of the local government act. Although risks cannot be attributable to the Shire for not participating in the review in the short term, longer term there are a couple of matters to note:

- This is a once in a generational opportunity to participate in a review of legislation that is designed to assist local government operate more effectively, both in terms of its statutory obligations and in terms of the services and facilities it provides to its communities;
- If the Shire did not make a comment into the final review, the Shire's reputation could be impacted through both the community, the Zone and the broader industry as failing to participate in a process that is designed to improve the role of local government and assist with empowering its communities;
- Although the matter is not one of compliance, it has the potential to lessen the burden (red tape) on local governments at all levels.

### FINANCIAL IMPLICATIONS

Nil

### VOTING REQUIREMENTS

Absolute majority required: No

### Officer Recommendation

1. The Shire of Victoria Plains **SUPPORTS** the recommendations by WALGA to State Council regarding the Local Government Review Panel final report as follows:

#### 1. That **WALGA SUPPORT** the following Recommendations from the Local Government Review Panel Final Report:

- Recommendations 1, 2, 3, 4, 6 and 7;
- Recommendation 8;
- Recommendation 11;
- Recommendations 12, 13 and 14;
- Recommendation 15;
- Recommendations 16 and 17;
- Recommendation 24;
- Recommendations 25(b) to (f);
- Recommendations 26(b), (d), (e) and (f);
- Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(2)(a);
- Recommendations 33 and 34;

- Recommendations 36 and 37;
- Recommendations 38(c), (d) and (e);
- Recommendations 39, 40, 41(a) to (g) and (i);
- Recommendation 42;
- Recommendations 43 and 44;
- Recommendations 45, 46, 47, 48 and 49;
- Recommendations 50, 51 and 52;
- Recommendation 54;
- Recommendations 55(a), (b), (d), (e), (f), (h) and (i);
- Recommendation 56;
- Recommendation 57;
- Recommendation 59;
- Recommendations 62 and 63;
- Recommendation 64(c);
- Recommendations 65(a) to (e).

2. That WALGA OPPOSE the following Recommendations from the Local Government Review Panel Final Report:

- Oppose Recommendation 5;
- Oppose Recommendation 19;
- Oppose Recommendations 23 and 25(a);
- Oppose Recommendation 26(c);
- Oppose Recommendations 32(2)(b) and (c);
- Oppose Recommendation 35;
- Oppose Recommendations 38(a) and (b);
- Oppose Recommendation 41(h);
- Oppose Recommendations 53(a) and (b);
- Oppose Recommendations 55(c) and (g);
- Oppose Recommendation 58;
- Oppose Recommendation 60;
- Oppose Recommendation 61;

3. That WALGA CONDITIONALLY SUPPORT the following Recommendations from the Local Government Review Panel Final Report as described:

- Recommendations 9 and 10 and but oppose any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act;
- Recommendation 18 and reiterate WALGA's current advocacy position that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities;
- Recommendations 20, 21 and 27 in support of a broad review of the property franchise including a community consultative process;
- Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:

- Populations up to 5,000 – 5 to 7 Councillors (incl. President)
  - Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
  - Populations above 75,000 – up to 15 Councillors (incl. Mayor);
4. That WALGA carry out further consultation on the following Recommendations from the Local Government Review Panel Final Report:
- Recommendation 22 – All In/All Out Elections;
  - Recommendations 64(a) and (b) - WALGA
  - Recommendation 65(f) – Transfer of Employee Entitlements
2. That the CEO **SUBMIT** to the Avon-Midland Country Zone and WALGA the decision of Council regarding Point 1 by Friday 28 August 2020.

<b>2008-08 Councillor Resolution / Council Resolution</b>
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**Moved: Cr D Lovelock****Seconded: Cr N Clarke**

1. The Shire of Victoria Plains **SUPPORTS** the recommendations by WALGA to State Council regarding the Local Government Review Panel final report as follows:
1. That WALGA **SUPPORT** the following Recommendations from the Local Government Review Panel Final Report:
- Recommendations 1, 2, 3, 4, 6 and 7;
  - Recommendation 8;
  - Recommendation 11;
  - Recommendations 12, 13 and 14;
  - Recommendation 15;
  - Recommendations 16 and 17;
  - Recommendation 24;
  - Recommendations 25(b) to (f);
  - Recommendations 26(b), (d), (e) and (f);
  - Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(2)(a);
  - Recommendations 33 and 34;
  - Recommendations 36 and 37;
  - Recommendations 38(c), (d) and (e);
  - Recommendations 39, 40, 41(a) to (g) and (i);
  - Recommendation 42;
  - Recommendations 43 and 44;
  - Recommendations 45, 46, 47, 48 and 49;
  - Recommendations 50, 51 and 52;
  - Recommendation 54;
  - Recommendations 55(a), (b), (d), (e), (f), (h) and (i);
  - Recommendation 56;
  - Recommendation 57;

- Recommendation 59;
  - Recommendations 62 and 63;
  - Recommendation 64(c);
  - Recommendations 65(a) to (e).
2. That WALGA OPPOSE the following Recommendations from the Local Government Review Panel Final Report:
- Oppose Recommendation 5;
  - Oppose Recommendation 19;
  - Oppose Recommendation 22 – All In/All Out Elections;
  - Oppose Recommendations 23 and 25(a);
  - Oppose Recommendation 26(c);
  - Oppose Recommendations 32(2)(b) and (c);
  - Oppose Recommendation 35;
  - Oppose Recommendations 38(a) and (b);
  - Oppose Recommendation 41(h);
  - Oppose Recommendations 53(a) and (b);
  - Oppose Recommendations 55(c) and (g);
  - Oppose Recommendation 58;
  - Oppose Recommendation 60;
  - Oppose Recommendation 61;
3. That WALGA CONDITIONALLY SUPPORT the following Recommendations from the Local Government Review Panel Final Report as described:
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    - Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
    - Populations above 75,000 – up to 15 Councillors (incl. Mayor);
4. That WALGA carry out further consultation on the following Recommendations from the Local Government Review Panel Final Report:
- Recommendations 64(a) and (b) – WALGA
  - Recommendation 65(f) – Transfer of Employee Entitlements

2. That the CEO **SUBMIT** to the Avon-Midland Country Zone and WALGA the decision of Council regarding Point 1 by Friday 28 August 2020.

**CARRIED For 4 / Against 2**

**Reason for decision that is different to the officer's recommendation in accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996***  
Council agreed with the recommendations as proposed by WALGA **except for point 22** which was **removed from Section 4 and included in Section 2**, forming part of WALGA's oppose points. Council is of the view that retaining the current two-yearly election cycle will contribute to the retaining of corporate knowledge of Council and the Shire and so no further consultation with the local government sector is necessary.

*Cr S Penn and Cr N Kelly requested to have their names recorded as voting against the motion.*

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****11.1 Matters for Which the Meeting May Be Closed**

File reference				
Report date				3 July 2020
Applicant/proponent				CEO
Officer disclosure of interest				Nil
Previous meeting references				22 January 2020 2001-16, 17, 18
Prepared by				Sean Fletcher, Governance Officer
Authorised by				CEO
Attachments				
Attachment 1	Page		Nil	

**PURPOSE**

For Council to move “in camera” (behind closed doors) and consider a matter regarding the CEO’s July 2020 performance review under item 11.2.

**BACKGROUND**

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

**COMMENT**

Council conducted the CEO’s performance review on 22 January and resolved to hold the next review by 31 July 2020.

**CONSULTATION**

CEO and Council by way of the June 2020 Briefing Session.

**STATUTORY CONTEXT**

As per the background to this item.

**CORPORATE CONTEXT**

N/A

**FINANCIAL IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Absolute majority required: No

**2008-09 Officer's Recommendation / Council Resolution****Moved: Cr J King****Seconded: Cr N Clarke**

That Council close the meeting under section 5.23 (2)(a) of the Local Government Act to consider a matter under item 11.2 regarding the CEO's performance review at 3.44pm.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL****2008-10 Officer's Recommendation / Council Resolution****Moved: Cr J Lovelock****Seconded: Cr N Clarke**

That the CEO, Governance Officer and the Minute Taker remain in Chambers.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

*The Interim Works Manager and Environmental Health Officer withdrew from the meeting at 3.44pm and did not return.*

**11.2 CEO Performance Appraisal Review**

<b>File reference</b>	
<b>Report date</b>	18 August 2020
<b>Applicant/proponent</b>	
<b>Officer disclosure of interest</b>	
<b>Previous meeting references</b>	
<b>Prepared by</b>	Gary Clark, Boab Community Consulting
<b>Authorised by</b>	
<b>Attachments</b>	

**2008-11 Committee Recommendation / Council Resolution****Moved: Cr D Lovelock****Seconded: Cr J King**

That Council:

1. **NOTE** that the annual review of the CEO's performance has been conducted in compliance with s5.38 of the *Local Government Act 1995*;
2. **CONFIRM** the satisfactory performance of the CEO as detailed in the attached confidential report titled Chief Executive Officer Performance Report, and;
3. **ADOPT** the Performance Objectives for 2020/21 in the attached document titled Chief Executive Officer Performance Objectives.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL****2008-12 Council Resolution****Moved: Cr N Clarke****Seconded: Cr J King**

That Council move out of confidential session at 3.47pm.


**CARRIED BY UNANIMOUS DECISION OF THE COUNCIL****12. CLOSURE OF MEETING**

There being no further business, the Presiding Member declared the meeting closed at 3.48 pm.



## CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 23.9.2020  
2020.

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

Date 23.9.2020

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

CONFIRMED