



# Agenda

## Ordinary Council Meeting

26 May 2021

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

Commencing – 2.00 pm

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## **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.

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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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# Agenda

## Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers and via E-meeting Protocol  
on 26 May 2021 commencing at 2.00 pm

### **1. DECLARATION OF OPENING**

#### **1.1 Opening**

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#### **1.2 Announcements by Shire President**

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### **2. RECORD OF ATTENDANCE**

Members present

Staff attending

Apologies

Approved leave of absence

Visitors

Members of the public                      N/A

**3. DISCLOSURES OF INTEREST**

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

Type	Item	Person / Details
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3.1 Financial

3.2 Proximity

3.3 Impartiality

**4. PUBLIC QUESTION TIME**

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

**4.1 Public Questions With Notice**

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

**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).*

*Public question time closed at \_\_\_\_\_ pm*

**5. PRESENTATIONS AND DEPUTATIONS**

**5.1 Presentations**

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Nil

**5.2 Deputations**

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Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**Council Resolution**

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Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

## 7. MINUTES OF MEETINGS

### 7.1 Confirmation of Council Meeting minutes

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#### VOTING REQUIREMENTS

Absolute majority required: No

<b>2105</b>	<b>Officer Recommendation</b>
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Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

That the Minutes of the following meeting:

- Ordinary Council Meeting held 3 May 2021 as circulated, be **CONFIRMED** as a true and correct record.

For \_\_\_ / Against \_\_\_

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

<b>File reference</b>	F1.8.4		
<b>Report date</b>	17 May 2021		
<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 Manager		
<b>Authorised by</b>	Glenda Teede – CEO		
<b>Attachments</b>			
Attachment 1	Page	2 2	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

**PURPOSE**

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

**BACKGROUND**

As per Local Government Act and Financial Management Regulations.

**COMMENT**

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

**CONSULTATION**

None

**STATUTORY CONTEXT**

*Local Government Act 1995* –

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

*Local Government (Finance) Regulations 1996* –

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

**CORPORATE CONTEXT**

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts



- CEO authorised, subject to conditions
- compliance with legislation and procedures
- Minimum of 2 signatories with varying level of authorisation

**FINANCIAL IMPLICATIONS**

All payments are in accordance Council’s adopted budget.

**VOTING REQUIREMENTS**

Absolute Majority Required: No

**2105- Officer Recommendation**

Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

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

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	9810 - 9861	297,658.89
Creditor Cheque Payments	12545-12549	10,590.72
Direct Debit Payments**	DD12449 – DD12506	30,761.83
Salaries & Wages EFT	PE 14.04.21, PE 28.04.21	88,705.83
Credit Card Statements	DD12441.1	641.46
Fuel Card – Wright Express	DD12441.2	175.70
Trust Payments		0.00
<b>TOTAL</b>		<b>\$428,534.43</b>

Local Spending	\$	%
Local Supplier	49,433.65	11.54
Payroll	88,705.83	20.70
<b>Total</b>	<b>138,139.48</b>	<b>32.24</b>

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

For \_\_\_\_\_ / Against \_\_\_\_\_

**8.2 Monthly Financial Statements – April 2021**

<b>File reference</b>			
<b>Report date</b>	18 May 2021		
<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 – 30 April 2021

**PURPOSE**

To receive the monthly financial statements for the period ending 30 April 2021.

**BACKGROUND**

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

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

**COMMENT**

The 30 April 2021 Monthly Financial Statements are presented for consideration.

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

**CONSULTATION**

RSM  
CEO

**STATUTORY CONTEXT**

Local Government (Financial Management) Regulations 1996 –

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

**CORPORATE CONTEXT**

None

**FINANCIAL IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority Required: No

<b>2105</b>	<b>Officer Recommendation</b>
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Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

That Council **RECIEVE** the 30 April 2021 Monthly Financial Reports as presented:

**For** \_\_\_\_\_ / **Against** \_\_\_\_\_

**8.3 Budget Amendments – Bolgart & Yerecoin Footpaths**

<b>File reference</b>	
<b>Report date</b>	19 May 2021
<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>	
N/A	Page

**PURPOSE**

Budget amendments for Bolgart & Yerecoin Footpaths.

**BACKGROUND**

In March, the Shire sought Requests for Quote (RFQ) for the Bolgart and Yerecoin Footpath works. Quotes were sought from 10 contractors via the WALGA preferred supplier panel and only one quote was received.

The quote received came in at \$85,953.80 (ex GST) against a budget of \$72,900.00.

It is proposed to fund the difference between the approved budget and the quote of \$13,053.80 from the Infrastructure Reserve Fund.

**CONSULTATION**

RSM  
CEO  
Works & Services Manager

**STATUTORY CONTEXT**

Local Government Act 1995 section 6.8.

**CORPORATE CONTEXT**

None

**FINANCIAL IMPLICATIONS**

Nil – the increased expenditure on the footpaths will be funded from the Infrastructure Reserve Fund.

**VOTING REQUIREMENTS**

Absolute Majority Required: No

**2105 Officer Recommendation**

Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

That Council **MAKES** the following budget amendments:

<b>Job Number</b>	<b>Description</b>	<b>Current Budget</b>	<b>Variation</b>	<b>Revised Budget</b>
C9104	Footpaths – Yerecoin	37,200.00	12,253.15	49,453.15
C9102	Footpaths – Bolgart	35,700.00	800.65	36,500.65
Total		72,900.00	13,053.80	85,953.80

The increased budgets be funded by transfer of \$13,053.80 transfer from the Infrastructure Reserve Fund.

For \_\_\_\_\_ / Against \_\_\_\_\_

## 8.4 Conducting of Local Government Ordinary Election

<b>File reference</b>			
<b>Report date</b>		14 May 2021	
<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>		Sean Fletcher, Governance Officer	
<b>Authorised by</b>		CEO	
<b>Attachments</b>			
Attachment 1	Page	43	16 October 2021 Election Timetable
Attachment 2	Page	44	Letter of Agreement from WA Electoral Commissioner

### PURPOSE

Council is being asked to resolve the method for conducting the 16 October Local Government Ordinary Election. The recommended method is to conduct the election by postal vote.

### BACKGROUND

Local government elections are required to be conducted every two years, on the third Saturday in October. A local government election cannot be held at the same time as a State election or a Federal election. The election is conducted over an 80 day cycle that commences on Wednesday, 28 July 2021. However, there is preliminary planning required included appointing who will conduct the election.

The Shire conducted a postal election for the 2019 Election and an in-person election for the March 2021 Extraordinary election.

A copy of the election timetable is provided in Attachment 1.

### COMMENT

#### Method of Conducting the Election

There are two options available for Council to make a decision regarding conducting an election:

#### Option 1 – In Person

There are two components:

- The CEO is the returning officer in this instance.
- However, Council may select another person to be the returning officer providing:
  - That person agrees; and
  - That the Electoral Commissioner agrees to the appointment of this person.

## Option 2 – Postal Election

The Electoral Commissioner of Western Australia is required to conduct the election in this situation. The Electoral Commissioner appoints the returning officer. However, the CEO provides regarding the election. This includes officers appointed by the CEO to assist the returning officer with the conducting of the election.

The returning officer is on site during the election cycle to ensure nominations are managed correctly, to provide staff training and to undertake the count. This also includes providing a candidate information evening, dealing with disputes or claims of inappropriate conduct.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an in-person election.

The motion required for a postal election is as follows:

1. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election in Point 1 will be as a postal election.

### Key Considerations

It is the author's considered opinion that the CEO does not have the time nor the resources to effectively manage the requirements regarding the election for 2021. Resources also includes the appointment of a Deputy Returning Officer to assist the CEO conduct the election. The requirements are time consuming and can see the CEO sidelined for up to three or more days a week on election matters, at key times. The Shire has key projects it must undertake as well as implement the 2020/2021 Budget. The CEO needs to provide key focus, time and resources towards meeting these requirements.

### Advertising

The new requirements for advertising were introduced in November 2020. This is applicable to both local and statewide advertising. The requirements under Part 1A – Public Notices of the Local Government (Administration) Regulations are:

1. An advert must be placed on the Shire's website (mandatory); and
2. Three other media must be used. This includes
  - a. Newspapers with generally a statewide distribution;
  - b. Newspapers with general local distribution;
  - c. Newsletters available to the majority of the residents in the district.
  - d. State Government websites;
  - e. Electronic mail distribution lists (email or texts);
  - f. Shire notice board and Shire library noticeboards;
  - g. Social media e.g. the Shire's Facebook page;

The election must be advertised using statewide advertising.

**Note:**

For statewide notice, a choice of either points 2a or 2d is mandatory. Point 2d is used by the WA Electoral Commissioner for this purpose.

The Electoral Commissioner regarding an election can also use points 2e and 2g above.

In short, the advertising combination would probably be:

- Shire website (Mandatory);
- The Western Australian Electoral Commission website (mandatory);
- Shire Facebook page;
- Shire newsletter.

**CONSULTATION**

CEO

OCM Officer

Update to Council at May Briefing Session

**STATUTORY CONTEXT**

***Local Government Act 1995***

Sections 4.20(4) and 4.61(2) of the Act apply in appointing the Electoral Commissioner to conduct the election on behalf of the Shire of Victoria Plains.

Under s.4.61(7) of the Local Government Act, unless Council resolves by an absolute majority to conduct a postal election, the election must be an in-person election.

Under s.4.48(1) a candidate for an election must complete the *Local Government Candidate Induction*.

**Local Government (Administration) Regulations**

The requirements for advertising an election are found under Part 1A – Public Notices. Information regarding the requirements is found in the comments section of this report.

The election must be advertised using statewide advertising.

**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 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
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### Corporate Business Plan

The ordinary election is more of a tactical matter, but must be conducted according to statutory requirements and as effectively as possible.

### Risk Management

Applying the election process incorrectly and without appropriate advice creates a high risk.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
<b>Compliance</b>  Failure to meet the statutory requirements to conduct an election	Extreme (5)  Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Possible (3)  The event will occur at least once per year	High (15)	Senior Management Team/CEO  Urgent Attention Required  Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring  CEO and senior staff have key activities that must be achieved during the election cycle	Under the postal election process, the election is managed correctly and in accordance with the WA Electoral Commission, the state expert in conducting elections. This would reduce the risk to low/insignificant.

### FINANCIAL IMPLICATIONS

The cost of the ordinary election will need to be put forward for inclusion in the 2020/2021 Budget.

#### In Person Election

The CEO as returning officer and other staff as electoral officers will require payment outside of office hours to conduct information sessions and running the election on the Saturday. There is the advertising expense and other miscellaneous costs. This expected cost would be approximately \$2,000 - \$4,000 as advertising in the West Australian is mandatory if using the CEO as the returning officer.

The time that the CEO and other officers will need to set aside to conduct the process over the election cycle of 80 days will certainly impact on their workload and achieving key objectives.

#### Postal Election

The cost for the Electoral Commissioner to conduct the 2021 election for three vacancies is \$11,364 (\$12,500 GST inc).

This includes re payment for the returning officer, the required advertising and other requirements.

### VOTING REQUIREMENTS

Absolute majority required:            Yes            If setting the election by postal vote

<b>2105            Officer Recommendation</b>
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Moved

Seconded Cr \_\_\_\_\_

That Council:

1. **DECLARES**, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required.
2. **DECIDES**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election in Point 1 will be as a postal election.

For \_\_\_\_\_ / Against \_\_\_\_\_

## 8.5 Future Usage of the Old Road Board Building, Calingiri

<b>File reference</b>	
<b>Report date</b>	17 May 2021
<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>	Sean Fletcher, Governance Officer
<b>Authorised by</b>	CEO
<b>Attachments</b>	
Attachment 1	Page
	Nil

### PURPOSE

Council is requested to consider the issue of an Expression of Interest for the leasing of the Old Road Board Building, 19 Cavell Street, Calingiri.

### BACKGROUND

The 5 Roads Café terminated its lease with the Shire regarding the Old Road Board Building at 19 Cavell Street, Calingiri on 9 February 2021.

Since this time, the Shire has had to review the condition of the Old Road Board Building. This has resulted in a number of maintenance repairs undertaken.

In order to determine a suitable use for the Old Road Board Building going forward, the Shire will need to ascertain the level of interest regarding the use of this facility.

Any use of this facility must be in keeping with the management order issued by The Crown (The State). This means the building cannot be sold, and thus it can only be leased or offered to someone to manage as a community facility.

If the Shire decides to lease this building, then the lease will need to be approved by the Minister for Planning, Lands and Heritage to ensure it is in keeping with the management order. This process was undertaken with the previous tenants.

To meet the requirements regarding the “disposal” (use by others, including a lease) of the Old Road Board Building, the Shire must comply with the Local Government (Function and General) Regulations. These regulations require that the disposal of land (buildings and the general ground, the building sits on) must be by tender. An expression of interest (EOI) phase, or preliminary selection from prospective tenderers, can be conducted first with suitable candidates then offered the right to tender.

### COMMENT

#### **The Site including Landgate Images and Management Order**

The Old Road Board Building is located at Lot 28 (No. 19) Cavell Street, Calingiri. The site is

shown in the following Landgate image:



**The boundary to Reserve 21472 is shown in red. This land is more particularly known as Lot 28 Cavell Street (No 19), Calingiri on Deposited Plan 88424**

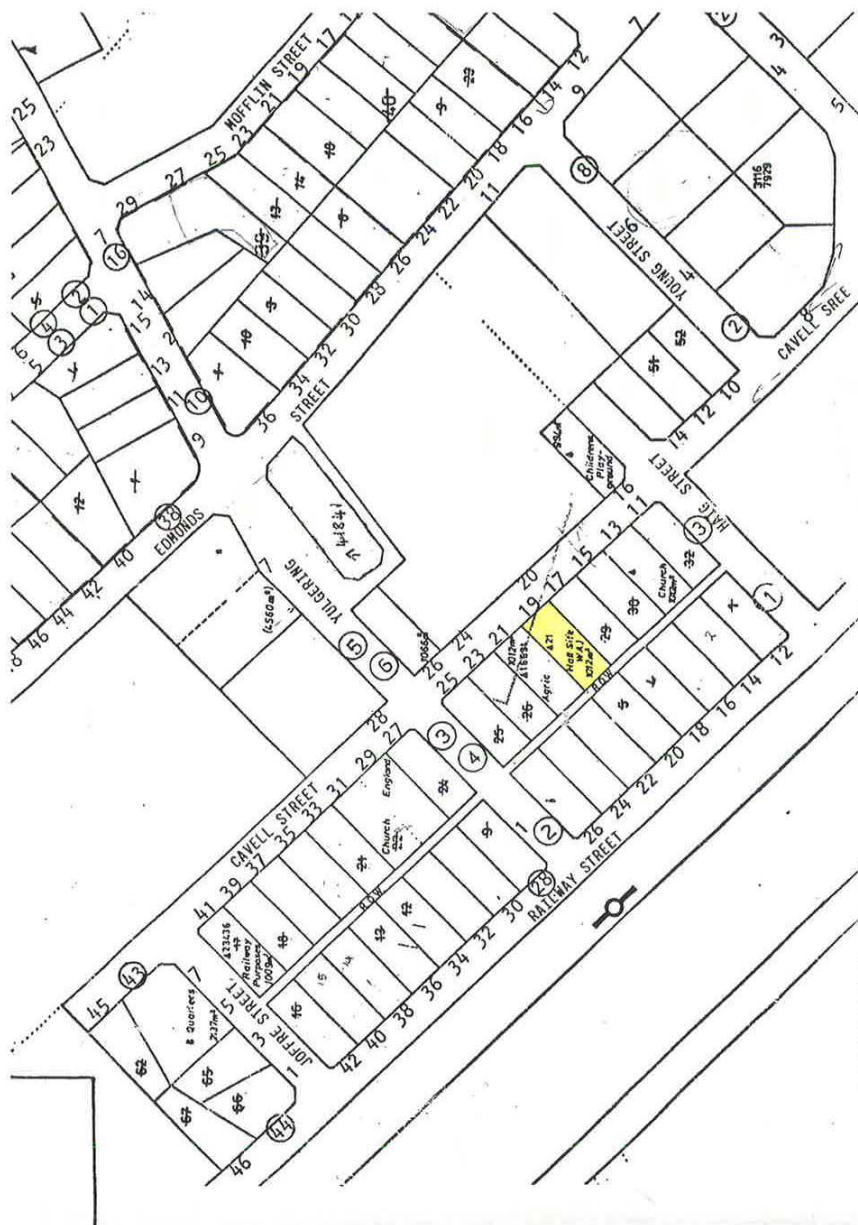
Under the Shire’s local planning scheme, the land in questions is zoned for Public Purposes (Hall Site).

The Management Order states that the Shire of Victoria Plains is the management body for Reserve 21472 and the conditions regarding the site’s use are:

1. To be used for the designated purpose of “Hall site.”
2. The power to lease is granted for the whole or any portion thereof for any term not exceeding 21 years and the approval to enter into a lease is obtained from the Minister.

The previous lease outlined that it was for Reserve 21472, together with all buildings and improvements situated on it. This was further confirmed in Annexure 1 to that lease, as highlighted in yellow. A copy of Annexure 1 is shown as follows:

P



The Minister gave consent to the previous lease of the land in question for the purpose of “Coffee Shop/Café” on 8 July 2016. Any new lease entered into, regardless of what it is for, will require the Minister’s consent.

**Determining Suitable Use**

To meet the requirements of the Tender/EOI Regulations, the EOI will need to be structured as follows:

Part	Section
Title Page	<ul style="list-style-type: none"> <li>• Property Available</li> <li>• Submission Deadline</li> </ul>
General Conditions	<ul style="list-style-type: none"> <li>• Purpose of the Expression of Interest:                             <ul style="list-style-type: none"> <li>○ Council Resolution</li> <li>○ Seeking submissions re future use</li> </ul> </li> <li>• Expression of Interest Documents</li> <li>• How to Prepare Your Submission</li> <li>• Contact Person</li> </ul>

	<ul style="list-style-type: none"> <li>• Process for Considering Submissions</li> <li>• Factors Considered in the Review of Submissions</li> <li>• Legislative Requirements for Leasing Property</li> <li>• Lodgement of Submissions and Delivery Method</li> <li>• Rejection of Submissions</li> <li>• Acceptance of Submissions</li> <li>• Disclosure of Information</li> <li>• Submission Validity Period</li> <li>• Ownership of Submissions</li> <li>• Canvassing of Officials. Canvassing of councillors, CEO and staff is prohibited. Such activity will see the applicant disqualified</li> <li>• Identity of the Applicant</li> </ul>
Property Details	<ul style="list-style-type: none"> <li>• Introduction</li> <li>• Property Details <ul style="list-style-type: none"> <li>○ Address</li> <li>○ Certificate of Title (Management Order)</li> <li>○ Status</li> <li>○ Zoning/Land Use</li> <li>○ Heritage</li> <li>○ Area/Building including relevant Landgate diagrams</li> </ul> </li> <li>• Site Restrictions i.e. how the land can be used;</li> <li>• Property Condition</li> <li>• Property Inspection including relevant photographs</li> <li>• Property Use</li> <li>• Timeframe for Considering Applications</li> <li>• Shire's Considerations: <ul style="list-style-type: none"> <li>○ Lease proposal. Consider the overall merit (fit out, rent, term, maintenance, outgoings)</li> </ul> </li> </ul>
Applicants Submission	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Information Required to be Provided including a Checklist</li> </ul>

Prospective users of the site are responsible for undertaking their own research and ensuring that the proposed future use is in accordance with the Shire's zoning and planning requirements. Any changes planned for the building by the new tenant (lessee) must be by way of a development/building/health application and they will need to satisfy health conditions regarding toilets, including whether there are suitable toilets that can be provided/accessed.

## CONSULTATION

CEO

Shire Planner

OCM Officer

Briefings by CEO to Council on a regular basis

## STATUTORY CONTEXT

### Local Government Act

#### Section 3.58 – Disposing of Property.

This section sets out the method of disposal allowed: sale, lease, tender, auction, private treaty. It also clarifies that the valuation of said property must be carried out no more than 6 months before the proposed disposition.

### Functions and General Regulations

Provides further information on the disposition of property through EOI and Tender, other property (except land, unless the value is less than \$5,000) through alternate means up to certain values that the CEO can undertake. The regulations also list exemptions to the EOI/Tender process. If a commercial proposition is accepted, the property does not meet the exemption requirements.

Regulation 22, the minimum timeframe for seeking EOIs is 14 days after the notice was first published in the newspaper as part of Statewide public notice.

### Local Planning Scheme

Sets out the applicable land use for Reserve 21472 i.e. Public Use – Hall Site.

## CORPORATE CONTEXT

### Strategic Community Plan

**Economic:** to improve and add to local economic development and activity

**Infrastructure:** to maintain or add to the stock of infrastructure used by the community to go about daily life

### Corporate Business Plan

Strategy 2.8: Develop a business and industry attraction strategy

2.8.1: Develop a business and industry attraction strategy

Strategy 4.3: Maintain/ improve community facilities to an agreed standard

4.3.1: Enhance and maintain Shire controlled facilities in line with asset management plans

### CEO – Delegation 3.7

The CEO's delegation to commence the tender process (and hence the EOI process) is subject to the matter being within the budget. As this matter is outside the budget process, Council is required to make a determination to get this process underway.

### Risk Management

There are two key risks. The first is to with compliance regarding the proposed use of Road Board Building, the second is to do with suitable use of the building, including that it is utilised on a regular basis:

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
<b>Compliance</b>	Major (4)	Possible (3)	High (12)	Senior Management Team/CEO	By the CEO following the process in this agenda item, the risk becomes low/insignificant
Failure to meet the statutory requirements to	Non-compliance results in termination of services or	The event should occur at sometime (at		Risk acceptable with excellent controls,	

undertake a correct "disposal" process	imposed penalties to Shire/Officers	least once in 3 years)		managed by senior management / executive and subject to monthly monitoring  Going forward, the CEO and senior staff have identified the key requirements in today's agenda item	
<b>Property</b>  Failing to provide a suitable use for this property means it is exposed to potential localised damage if preventative maintenance and monitoring is not in place	Moderate (3)  Localised damage requiring external resources to rectify	Almost Certain (5)  More than once a year	High (15)	Senior Management Team/CEO  Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	By Council determining a suitable use in conjunction with the CEO, should see this risk reduced to low

## FINANCIAL IMPLICATIONS

### Market Appraisal

A market evaluation must be undertaken within 6 months. Professionals Avon Valley issued a current market evaluation on 19 March 2021:

Sale Value: \$80,000 - \$125,000

Rental Value: \$80 - \$130 per week.

The Shire previously leased the Shire Roads Board Building at \$30 per week or expected an annual return (income) of \$1,680.

### Maintenance Costs

The maintenance costs are approximately \$5,000 per annum. However, the extent of the maintenance by the Shire is subject to the terms of the lease. In other words, some key repair costs will not be the responsibility of the Shire, but the tenant. However, in 2011 Council did consider the installation of air conditioning to the Hall at the request of the tenant.

## VOTING REQUIREMENTS

Absolute majority required: No

<b>2105 Officer Recommendation</b>
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Moved

Seconded Cr \_\_\_\_\_

That Council **APPROVES** the CEO to undertake the advertising of an Expression of Interest for the lease of Reserve 21472, (Lot 18 on DP88424 - the Old Road Board Building, together with all buildings and improvements situated on it), 19 Cavell Street, Calingiri in order to inform decisions regarding the future use of the property.

For \_\_\_\_\_ / Against \_\_\_\_\_



## 8.6 Shire of Victoria Plains 150 Anniversary Celebrations (Sesquicentennial)

<b>File reference</b>			
<b>Report date</b>	20 May 2021		
<b>Applicant/proponent</b>	Council		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Sean Fletcher, Governance Officer		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	46	Letter: Piawaning Progress Association

### PURPOSE

Council has requested that a report is prepared on possible 150 anniversary celebrations for the Shire of Victoria Plains.

### BACKGROUND

Council during March and April this year has discussed the merits of holding a 150 anniversary celebration (sesquicentennial) for the Shire of Victoria Plains.

### Context

The establishment of Local Government in WA dates back to 1838 with the enactment of the *Towns Improvement Act 1838* that authorised the establishment of Town and Country Trusts for the purpose of undertake local public works, and particularly the construction of local roads and bridges.

In 1871, the *Municipalities Act 1871* transformed the Town and Country Trusts into authorities responsible for services touching the daily lives of people in country towns. New functions conferred included the licensing and regulation of slaughter-houses, markets, carts and carriages, straying and grazing of livestock in towns, and dogs. Councils could also draft by-laws (local laws) to carry out these functions; they could condemn food considered unfit for human consumption, plant and preserve trees and shrubs and regulate weights and measures. Councils were also given the power to establish and maintain public libraries, museums, botanical gardens and places of public recreation – although the Governor's approval was required in order to spend municipal funds on these establishments.

In hand with the Municipalities Act, The *Road District Act 1871* made locally elected Road Boards responsible for communications in the country. Road Board powers, as distinct from those granted to municipalities, were restricted to the construction and repair of roads, bridges and drainage works.

By the end of 1871 there were eight municipalities and 21 road boards. Of these, the Shire of Victoria Plains was established as a road board. The State Records Office of Western Australia minutes (AU WA S621) shows:

*Victoria Plains was gazetted as a Road District on 25 January 1871. The first election was held at noon on Wednesday, 22 February 1871 at the Police Station, New Norcia with W.J. Clifton, Resident Magistrate, Newcastle as the returning officer.*

*Under the provisions of the Local Government Act 1960, all Road Boards became Shires as from 1 July 1961.*

*Minutes of the Victoria Plains Road Board and the Victoria Plains Shire Council meetings. From 14 March 1931 - 12 February 1944 the minutes have as their heading the Victoria Plains Road Board and Vermin Board.*

The Shire of Victoria Plains commissioned a local history (*The Victoria Plains*) by noted naturalist, historian, teacher and Bolgart community member, Rica Erickson to celebrate the centenary of the Shire. *The Victoria Plains* traces the early exploration of the area in 1836 and its development into a prosperous farming and pastoral region. In 1871, the boundaries of the district extended from the Indian Ocean in the west to the South Australian border in the east, and from Carnamah in the north to Bolgart in the south.

In 1996, the Shire celebrated 125 years as a local government.

## **COMMENT**

Council has discussed a number of options regarding the conducting of the 150 Celebration, including:

- Co-holding an event with the Piawaning Expo re 101 Anniversary of Piawaning. The Piawaning Expo has written to the Shire regarding such a possibility and whether it can support such an initiative in some way. This could include each community holding a stall at the Piawaning Expo in a coordinated and unified area. The Expo will be held in September 2021;
- Holding a mobile display in each of the Shire's communities;
- Engaging with the Community by way of survey regarding its thoughts on the holding of an event with the Piawaning Association at the Piawaning Expo and other celebratory paraphernalia it would like to see made available regarding the 150 Anniversary;
- Making celebratory paraphernalia available including licence plates, coins and the like.

Being involved in undertaking an event, even with volunteers available, requires someone to coordinate and support such valuable resources from the community. Further to this is the added pressure regarding the COVID-19 event requirements, event planning and approvals and the like. Even a simple event, takes no less than three months to plan and implement. The basic steps to planning an event are:

1. Establish your event goals and objectives.
2. Select your event's date.
3. Develop an event master plan. This will need to take into account local government requirements and COVID matters.
4. Create an event budget.
5. Brand your event and begin publicity.
6. Arrange sponsorships and speakers for your event.
7. Launch ticket sales.
8. Coordinate with event suppliers (catering, equipment, etc).
9. Manage event day set up and execution.

10. Conduct a thorough evaluation of your event.

11.

In many ways, combining the Shire Celebration with the Piawaning makes sense on a number of levels including that there is a venue available to hold some celebratory event/display/content. However, even for the Shire to undertake the joint celebration, will take additional resources that the Shire does not currently have. One of the key resources lacking is the community/economic development role that can assist with the planning and coordinating of events.

Even with regard to holding a mobile display that moves to each community will require the use of the community/economic development role to develop the relevant materials and coordinate the setting up of the displays. Similarly, even to the extent of organising community paraphernalia, a similar resourcing issue exists. However, with the latter, some existing Shire staff could undertake arranging some of the paraphernalia, but not all items that one would normally expect for such a celebration.

There is no doubt the Shire needs to undertake a 150 Celebration of some kind, it is just to what extent. This could involve the following:

#### **May**

- Decision to hold a joint celebration with the Piawaning Expo;
- The CEO appointing an event organiser/planner;

#### **June**

- Seeking community feedback regarding the joint celebration and celebratory paraphernalia the community would like to see available. This could be by way of SurveyMonkey or equivalent;

#### **July**

- Final tweaking on way forward with 150 Celebrations;
- Ongoing preparations and arrangement of paraphernalia

#### **August**

- Ongoing preparations

#### **September**

- Hold event

### **CONSULTATION**

CEO has discussed the 150 Celebration with Council at the April and May briefing sessions.

### **STATUTORY CONTEXT**

Nil

### **CORPORATE CONTEXT**

**Strategic Community Plan****Priority Areas****Measuring our Success****Community to enhance and improve a sense of community in the Shire**

1.1	Better publicise upcoming events and activities in the Shire	<i>Development and implementation of a Shire recreation plan</i>
1.2	Improve aged care and support	
1.3	Promote community health and wellbeing	
1.4	Support sporting, volunteer and community groups	
1.5	Increase community activities	
1.6	Develop new/ reuse existing community facilities	

**Corporate Business Plan**

Strategy 1.4: Support sporting, volunteer and community groups

1.4.2: Support community groups in facilitating community events

Strategy 1.5: Increase community activities

1.5.1: Celebrate community achievements and host community events and functions

1.5.2: Promote community based activities

The joint celebration with the Piawaning Expo meets the strategies under the Corporate Business Plan.

**Risk Analysis**

Holding the 150 Celebration is an opportunity for the Shire and the communities to celebrate a key event with little risk, providing it is suitably supported.

**Community Engagement**

The engagement required is two fold:

- Holding a joint event with the Piawaning Expo is at the collaborate level, so partnering for the event;
- Feedback by way of survey is at the consult level where the Shire is seeking contributions from the community.

**FINANCIAL IMPLICATIONS**

The estimated expense to appoint an event organiser/coordinator for the 150 Celebration across the seven communities would be in the order of \$10,000 - \$20,000. The cost would be determined by the level of duties that person or service would be required to perform.

In terms of financially supporting the Piawaning Expo, this may be a further \$10,000.

Regarding Celebratory paraphernalia, this could be \$10,000 - \$20,000.

Of the above costs, most of these could be put into the 2021/2022 Budget. However, the CEO will need at least \$5,000 - \$10,000 to from the 2020/2021 to get this process underway. The cost to do this can be met by the \$15,000 grants allocation line item.

The income from celebratory paraphernalia is unknown at this stage.

**VOTING REQUIREMENTS**

Absolute majority required: Yes

<b>2105</b>	<b>Officer Recommendation</b>
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Moved \_\_\_\_\_ Seconded Cr \_\_\_\_\_

That Council:

1. Agrees that the Shire of Victoria Plains will hold its 150 Celebration jointly with the Piawaning Expo 101 Celebrations.
2. Authorises the CEO to:
  - a. Make the necessary preparations to undertake the 150 Celebration including the appointment of an event organiser/planner.
  - b. Engage with the community by way of a survey regarding:
    - i. The holding of the joint celebration in Point 1; and
    - ii. What celebratory paraphernalia it would like to see as part of the 150 Celebration;
    - iii. Determine the list of items in Point 2(b)(ii).
3. The 150 Celebration costs are capped at \$25,000.

**For \_\_\_\_\_ / Against \_\_\_\_\_**

## 8.7 Occupational Safety and Health Policy

<b>File reference</b>				
<b>Report date</b>	20 May 2021			
<b>Applicant/proponent</b>	Shire of Victoria Plains			
<b>Officer disclosure of interest</b>	Refer Local Govt Act 1995, OS&H Act 1984, OS&H Regs 1996, Code of Conduct Regs 2021.			
<b>Previous meeting references</b>	Nil			
<b>Prepared by</b>	Nora Mc Gee (OSH Representative)			
<b>Authorised by</b>	Glenda Teede, CEO			
<b>Attachments</b>				
Attachment 1	<table border="1"> <tr> <td>Page</td> <td>47</td> <td>Occupational Safety and Health Policy/ A statement of commitment by Management and the Councillors of the Shire, to workplace health and safety and to managing the various activities that will occur in the workplace, such as inspections, training, safety programs &amp; risk assessments.</td> </tr> </table>	Page	47	Occupational Safety and Health Policy/ A statement of commitment by Management and the Councillors of the Shire, to workplace health and safety and to managing the various activities that will occur in the workplace, such as inspections, training, safety programs & risk assessments.
Page	47	Occupational Safety and Health Policy/ A statement of commitment by Management and the Councillors of the Shire, to workplace health and safety and to managing the various activities that will occur in the workplace, such as inspections, training, safety programs & risk assessments.		

### PURPOSE

The purpose of presenting this Policy to Council, is to have it adopted by Council so that the Shire is meeting its Occupational Safety & Health obligations.

### BACKGROUND

The Occupational Safety and Health Act 1984 provides for the promotion, co-ordination, administration and enforcement of occupational safety and health in Western Australia.

The OSH Act places certain duties of care for safety and health at the workplace on employers, principal/main contractors, sub-contractors, people involved in labour hire, employees, self-employed people, manufacturers, designers, importers and suppliers. It also places emphasis in the duties of care on the prevention of accidents and injury or harm.

The main objective of OSHA 1994 is to secure the safety, health & welfare of employees at work against any workplace hazard & risk-activities involved. It is the requirement of the employer to ensure that there is an effective system in-place, employee's participation & continual improvement in the management of OSH.

The OH&S Policy emphasizes the overall intentions and direction of how the Shire will relate to occupational health and safety. This is where management and Council can demonstrate what commitments the Shire will make to controlling and improving the occupational health and safety for all.

### COMMENT

This Policy is a requirement under WA Legislation. Failure to comply to WA's stringent Occupational Safety & Health Act 1984 (OSH Act) can result in immense fines for non-compliance. Please see below excerpt from the Government of Western Australia Department of Mines, Industry Regulation and Safety;

*“In 2018, the Western Australian Government passed legislation to increase workplace safety and health offence penalties, under the Occupational Safety and Health Act 1984 (OSH Act) and the Mines Safety and Inspection Act 1994 (MSI Act). Level 4 penalties increase from \$500,000 to a maximum \$2.7 million and level 1 penalties increase from \$50,000 to a \$450,000 maximum. The changes include increasing the maximum term of imprisonment from two years to five years.”*

Table 1 Summary of penalties under the OSH Act and MSI Act

OSH provision [s. 3A Penalty levels defined]	MSI provision [s. 4A Penalty levels defined]	OSH / MSI Act penalty level	Duty holder	New OSH / MSI Act penalties
3A(1)(a)(i)	4A(1)(a)(i)	1	First offence – Employee	\$50,000
3A(1)(a)(ii)	4A(1)(a)(ii)	1	Subsequent offence – Employee	\$60,000
3A(1)(b)(i)(I)	4A(1)(b)(i)(I)	1	First offence – Individual	\$100,000
3A(1)(b)(i)(II)	4A(1)(b)(i)(II)	1	Subsequent offence – Individual	\$120,000
3A(1)(b)(ii)(I)	4A(1)(b)(ii)(I)	1	First offence – Body corporate	\$450,000
3A(1)(b)(ii)(II)	4A(1)(b)(ii)(II)	1	Subsequent offence – Body corporate	\$570,000
3A(2)(a)(i)	4A(2)(a)(i)	2	First offence – Individual	\$250,000
3A(2)(a)(ii)	4A(2)(a)(ii)	2	Subsequent offence – Individual	\$350,000
3A(2)(b)(i)	4A(2)(b)(i)	2	First offence – Body corporate	\$1,500,000
3A(2)(b)(ii)	4A(2)(b)(ii)	2	Subsequent offence – Body corporate	\$1,800,000
3A(3)(a)(i)	4A(3)(a)(i)	3	First offence – Individual	\$400,000
3A(3)(a)(ii)	4A(3)(a)(ii)	3	Subsequent offence – Individual	\$500,000
3A(3)(b)(i)	4A(3)(b)(i)	3	First offence – Body corporate	\$2,000,000
3A(3)(b)(ii)	4A(3)(b)(ii)	3	Subsequent offence – Body corporate	\$2,500,000
3A(4)(a)(i)	4A(4)(a)(i)	4	First offence – Individual	\$550,000 and imprisonment for 5 years
3A(4)(a)(ii)	4A(4)(a)(ii)	4	Subsequent offence – Individual	\$680,000 and imprisonment for 5 years
3A(4)(b)(i)	4A(4)(b)(i)	4	First offence – Individual	\$2,700,000
3A(4)(b)(ii)	4A(4)(b)(ii)	4	Subsequent offence – Body corporate	\$3,500,000

## CONSULTATION

Glenda Teede, Chief Executive Officer  
Chiara Acciano, LGIS Consultant

## STATUTORY CONTEXT

*Local Government Act 1995 –*

S5.40. Principles affecting employment by Local Government

*(e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984*

*Occupational Safety and Health Act 1984 –*

S.5. The objects of this Act are —

*(e) to foster cooperation and consultation between and to provide for the participation of employers and employees and associations representing employers and employees in the formulation and implementation of safety and health standards to current levels of technical knowledge and development;*

(f) to provide for formulation of policies and for the coordination of the administration of laws relating to occupational safety and health;

S.19. Duties of employers –

(b) provide such information, instruction, and training to, and supervision of, the employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;

Occupational Safety and Health Regulations 1996 (WA) –

S 1.4. Employer, extent of duty of

Unless the contrary intention appears, where an employer has a duty under a provision of these regulations to do or not do something in relation to a workplace, the employer’s duty —

(a) relates only to a matter over which, and the extent to which, the employer has control or can reasonably be expected to have control having regard to the workplace and the work done or caused to be done by the employer or his or her employee; and

(b) is limited to himself or herself and to any other person who is —

(i) his or her employee; or

(ii) any other person who may be affected wholly or in part as a result of the work done or caused to be done by the employer or his or her employee.

**CORPORATE CONTEXT**

Nil

**FINANCIAL IMPLICATIONS**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

**VOTING REQUIREMENTS**

Absolute majority required: No

**Officer Recommendation**

Moved Cr \_\_\_\_\_

Seconded Cr \_\_\_\_\_

That Council will **ACCEPT** the Occupational Safety & Health Policy as presented.

**For \_\_\_\_\_ / Against \_\_\_\_\_**



**9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

*Admitted by resolution of Council*

**11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS**

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

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*Remaining in the meeting –*

## 12. CLOSURE OF MEETING

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

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## CERTIFICATION

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

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

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