



# Agenda

## Ordinary Council Meeting

27 May 2020

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

Commencing – 2.00 pm

## **DISCLAIMER:**

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

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

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

### Recording of Meeting

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

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

### 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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# Agenda

## Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers and via E-meeting Protocol  
on 27 May 2020 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 Nil

Approved leave of absence Nil

Visitors Nil

Members of the public

### 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.*

There will Nil public questions at the 21 April 2020 Ordinary Council Meeting.

##### **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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1. Stacey Harley, Director of Coterra Environment, DWER - CPS 8357-1.

#### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

## 7. MINUTES OF MEETINGS

### 7.1 Confirmation of Council Meeting minutes

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#### VOTING REQUIREMENTS

Absolute majority required: No

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

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

That the Minutes of the following meeting:

1. Ordinary Council Meeting held 21 April 2020;

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

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

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

<b>File reference</b>	F1.8.4		
<b>Report date</b>	5 May 2020		
<b>Applicant/proponent</b>	Nil		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Glenn Deocampo – Finance Officer		
<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 April 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

**Officer Recommendation**

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

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

That the payments made for April 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**	8716 - 8911	337,352.70
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD11704 – DD11750	42,611.50
Salaries & Wages EFT	PE 01/04/20- PE 29/04/20	133,427.17
Credit Card Statements	D11734.1	2,974.75
Fuel Card – Wright Express	D11734.2	628.48
Trust Payments	249	110.00
	<b>TOTAL</b>	<b>\$517,104.60</b>

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

**8.2 Monthly Financial Statements – April 2020**

<b>File reference</b>			
<b>Report date</b>	30 April 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	11	Monthly Financial Statements – 30 April 2020

**PURPOSE**

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

<b>Officer Recommendation / Council Resolution</b>
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Moved Cr \_\_\_\_\_

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

That Council **RECIEVE** the 30 April 2020 Monthly Financial Reports as presented:

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

### 8.3 Proposed Changes to Purchasing Policy 3.1 – \$250,000 Tender Threshold

<b>File reference</b>	
<b>Report date</b>	19 May 2020
<b>Applicant/proponent</b>	Council
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	
<b>Prepared by</b>	Sean Fletcher, Interim Governance Officer
<b>Authorised by</b>	CEO
<b>Attachments</b>	
Attachment 1	Page 38 Amended Policy 3.1 – Procurement Framework

#### PURPOSE

Council is required to amend the Shire's purchasing policy tender threshold from \$150,000 to \$250,000 which is designed to assist local governments during the COVID-19 Pandemic.

#### BACKGROUND

At its meeting on 21 April 2020, Council reviewed the Shire's purchasing policy 3.1 and in particular the purchasing thresholds as part of a review regarding improving the Shire's procurement practices and management. Council adopted the changes to Purchasing Schedule 3.1(b) as follows:

Anticipated Value of Purchase Excl. GST	Requirement	Documentation	Evaluation Panel
Less than \$1,500	Quotations not required for items of minor recurrent nature, such as groceries, stationery, hardware, mechanical, reticulation consumables etc  Employee must be satisfied that the price is competitive	None	One Employee
\$1,500 to less than \$5,000	Seek two verbal quotations  Written quotations recommended but not required	<b>Required</b>  Note of verbal quotations received  <b>Recommended</b>  Written quotations received	One Employee
\$5,000 to less than \$25,000	Seek two written quotations	<b>Required</b>  Written quotations	One Employee
\$25,000 to less than \$50,000	Seek three written quotations	<b>Required</b>  Written quotations received  <b>Recommended</b>	Two Employees

		<ul style="list-style-type: none"> <li>• Written specifications</li> <li>• Assessment criteria</li> <li>• Evaluation panel</li> </ul>	
\$50,000 to less than \$150,000	Seek three written quotations containing price and specification of goods and services	<b>Required</b> <ul style="list-style-type: none"> <li>• Written specification</li> <li>• Written assessment criteria</li> <li>• Written quotations received</li> <li>• Evaluation panel</li> </ul>	Two Employees
\$150,000 and above	Conduct a public tender process or WALGA Preferred Supplier / State Government Common Use Agreement  Refer to Council for decision unless prior delegation to CEO	<b>Required</b> <ul style="list-style-type: none"> <li>• Written specification</li> <li>• Written assessment criteria</li> <li>• Written quotations received</li> <li>• Evaluation panel</li> </ul>	Two Employees or One Employee and One external person

#### WALGA Preferred Supplier or State Government Common Use Agreement Thresholds

Less than \$150,000	As per General threshold	As per General Thresholds	As per General Thresholds
\$150,000 and above	Seek three written quotations containing price and specification of goods and services.  Refer to Council for decision unless prior delegation to CEO	As per General Thresholds	As per General Thresholds

As advised at the Council Briefing Session on Monday 18 May 2020, the Function and General Regulations were amended so that the tender threshold was increased from \$150,000 to \$250,000 during the Covid-19 Emergency. Each local government must adjust their purchasing policies accordingly.

#### COMMENT

Policy Schedule 3.1(b) has been updated to include the new tender threshold of \$250,000 and a definition regarding what is an emergency purchase and how it is applied during the State of Emergency. The changes to the thresholds and inclusion of a definition of emergency purchase (both set out in red) are as follows:

Anticipated Value of Purchase Excl. GST	Requirement	Documentation	Evaluation Panel
Less than \$1,500	Quotations not required for items of minor recurrent nature, such as groceries, stationery, hardware, mechanical, reticulation consumables etc  Employee must be satisfied that the price is competitive	None	One Employee
\$1,500 to less than \$5,000	Seek two verbal quotations  Written quotations recommended but not required	<b>Required</b> Note of verbal quotations received  <b>Recommended</b> Written quotations received	One Employee
\$5,000 to less than \$25,000	Seek two written quotations	<b>Required</b> Written quotations	One Employee
\$25,000 to less than \$50,000	Seek three written quotations	<b>Required</b> Written quotations received  <b>Recommended</b> <ul style="list-style-type: none"> <li>• Written specifications</li> <li>• Assessment criteria</li> <li>• Evaluation panel</li> </ul>	Two Employees
\$50,000 to less than <b>\$250,000</b>	Seek three written quotations containing price and specification of goods and services	<b>Required</b> <ul style="list-style-type: none"> <li>• Written specification</li> <li>• Written assessment criteria</li> <li>• Written quotations received</li> <li>• Evaluation panel</li> </ul>	Two Employees
<b>\$250,000 and above</b>	Conduct a public tender process or  WALGA Preferred Supplier / State Government Common Use Agreement  Refer to Council for decision unless prior delegation to CEO	<b>Required</b> <ul style="list-style-type: none"> <li>• Written specification</li> <li>• Written assessment criteria</li> <li>• Written quotations received</li> <li>• Evaluation panel</li> </ul>	Two Employees  or  One Employee and One external person

#### WALGA Preferred Supplier or State Government Common Use Agreement Thresholds

Less than <b>\$250,000</b>	As per General threshold	As per General Thresholds	As per General Thresholds
<b>\$250,000</b> and above	Seek three written quotations containing price and specification of goods and services.	As per General Thresholds	As per General Thresholds

	Refer to Council for decision unless prior delegation to CEO		
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**Definition of Emergency Purchases**

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and Functions and General Regulation 11(2)(a); OR
- (c) A State of Emergency declared under the *Emergency Management Act 2005* and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

How the Emergency Purchase is Applied – Within Budget

Emergency Purchases  <i>(Within Budget)</i>	Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.  However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.  The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire/Town/City’s Record Keeping Plan.
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How the Emergency Purchase is Applied – No Budget Allocation

Emergency Purchases  <i>(No budget allocation available)</i>  Refer for	Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i> , the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.  The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.  The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then
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Clause 1.4.3	apply.
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The definition of an emergency purchase and how it is applied is based on the WALGA Purchasing Policy Framework.

## **CONSULTATION**

CEO

Mr Travis Bate, RSM

LRCG

Council Briefing Session 18 May 2020

## **STATUTORY CONTEXT**

### **Local Government Act**

#### **2.7. Role of council**

- (1) The council —
- (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
- (a) oversee the allocation of the local government's finances and resources;
- and
- (b) determine the local government's policies.

It can be seen of Council's four key functions, it has a direct responsibility to determine the Shire's policies at Council level.

### **Changes to the *Local Government (Functions and General) Regulations 1996***

As per the Department of local Government's advice, the primary purpose of these amendments is to increase the flexibility of the local government sector to contract with local suppliers during, and in the aftermath of, the State of Emergency Declaration under the *Emergency Management Act 2005*.

An amendment has been made to regulation 11(1) to increase the threshold from \$150,000 to \$250,000 to align with State Government tendering thresholds. This will permit local governments to extend the use of their own purchasing policy and apply local content provisions more readily to goods and services acquired via written quotations.

In accordance with Regulation 11A(1), local governments must prepare, adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services under \$250,000. For purchases over \$150,000, local governments should ensure that quotations are requested in writing and offers are received in writing.

Regulation 11(2) contains two further exemptions when tenders do not have to be publicly invited:

- The first exemption, in new regulation 11(2)(aa), ensures the formal tender process does not need to be undertaken when sourcing and securing essential goods and



services to respond to a state of emergency. As outlined in regulation 11(3), there must be a state of emergency declaration in force for the local government district or part of the district and the goods or services must be required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates.

- The other exemption in regulation 11(2)(ja) gives a local government the discretion to renew or extend a contract that expires when a state of emergency declaration is in force, even though this option is not included in the original contract. This will overcome the practical difficulty of businesses responding to a formal tender process while they are shut down or in the transition period when normal business resumes. Limits on this apply: the original contract must have less than three months left to run, the renewal or extension cannot be for more than twelve months, and there must be a state of emergency declaration applying to the district or part of the district when the renewal or extension is entered into.

A further exemption in regulation 11(2)(h) is to encourage local governments to purchase goods or services supplied by Aboriginal businesses. The exemption will now reflect the fact that the Chamber of Commerce and Industry administers the Aboriginal Business Directory. A new exemption has been added recognising goods or services may also be supplied by Supply Nation.

**CORPORATE CONTEXT**

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

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority required: No

**Officer’s Recommendation**

Moved

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

That Council in accordance with Regulation 11(A)(1) of the *Local Government (Function and General) Regulations 1996* amends Policy 3.1 Purchasing Framework Schedule 3.1(b) as set out in Attachment 1 regarding:

1. Increasing the tender threshold from \$150,000 to \$250,000.
2. Inclusion of the definition of emergency purchase and how such purchase is to be applied during the COVID-19 Emergency.

**8.4 Proposed Implementation of Financial Hardship Policy - COVID-19**

<b>File reference</b>			
<b>Report date</b>			
19 May 2020			
<b>Applicant/proponent</b>			
Council			
<b>Officer disclosure of interest</b>			
Nil			
<b>Previous meeting references</b>			
21 April 2020			
<b>Prepared by</b>			
Sean Fletcher, Interim Governance Officer			
<b>Authorised by</b>			
CEO			
<b>Attachments</b>			
Attachment 1	Page	43	<i>Local Government (COVID-19 Response) Order 2020</i>
Attachment 2	Page	50	WALGA State President Editorial – West Australian 9 May 2020
Attachment 3	Page	51	Financial Hardship Policy

**PURPOSE**

Council is asked to consider the implementation of a Financial Hardship Policy as per the Minister for Local Government COVID-19 Order dated 8 May 2020.

**BACKGROUND**

On the 8 May 2020, the Minister for Local Government signed an Order (Attachment 1) under the Local Government Act that deals with issues relating to the requirements to hold public meetings, for access to information when local government offices are closed due to the COVID-19 pandemic, and budgetary matters (including financial hardship).

The Minister states that some of the budgetary measures regarding the consideration of assisting ratepayers who have been adversely impacted by this COVID-19 pandemic include assessing rate relief and fees and charges relief. He considers these measures are vital in maximising assistance to get the State's economy back on track.

The Order recognises that local government is in the best position to assess whether a person in their district is in hardship but does provide that those residential and small business ratepayers that are suffering financial hardship because of the consequences of the COVID-19 pandemic will not be charged interest in the 2020/21 financial year. Local governments will be able to assess whether any other ratepayers are in hardship and should be provided with assistance.

Accordingly, local governments are encouraged by the Minister to adopt a financial hardship policy. This will address the manner in which the local government will deal with financial hardship that may be suffered by ratepayers and other persons who are required to make payments to the local government.

At its meeting on 21 April 2020, and the subsequent COVID-19 Framework workshop on 30 April 2020, the author in his report on the review and improvement to the Shire's procurement practices and management flagged that there was scope for the implementation of a Financial Hardship Policy that takes into account the impact of the

COVID-19 Pandemic. In summary, at the Council meeting and the workshop, the following regarding the WALGA hardship policy template was provided (Attachment 3):

Management Letter A	New Amend Delete	Changes Required	Status and Other Course of Action Required
Financial Hardship Policy	New	Implement initially as part of COVID-19 measures.	<p><b>To be Subsequently Implemented as part of the Shire's COVID-19 Response</b></p> <p>Not included in the original list of measures for improvement. Based on WALGA Template and supplements the proposed new Debt Management Policy.</p> <p>Key elements include:</p> <ul style="list-style-type: none"> <li>• Focus is on all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc;</li> <li>• Anticipated financial hardship (COVID-19) statement;</li> <li>• Financial hardship criteria i.e: <ul style="list-style-type: none"> <li>○ Recent unemployment or under-employment</li> <li>○ Sickness or recovery from sickness</li> <li>○ Low income or loss of income</li> <li>○ Unanticipated circumstances such as caring for and supporting extended family</li> </ul> </li> <li>• Payment arrangements, waiving of interest charges, deferment of rates (senior card holders), suspension of debt recovery</li> </ul>

**Table One: Required Policy Changes and Current Policy Positions**

In her editorial in the West Australian on 9 May 2020, the WALGA State President, Cr Tracy Roberts has put the value of budgetary measures by local government across Western Australia in excess of \$325M (Attachment 2).

#### **COMMENT**

The CEO currently has under Delegation 3.5, the power to make arrangements for the recovery of rates, service charges and sundry debts as follows:

#### **3.5 FUNCTION DELEGATED**

1. The CEO is delegated authority to negotiate an agreement for the payment of rates, service charge and sundry debts, together with the costs of proceedings, if any, for that recovery, subject to any administrative or instalment charges, penalty interest etc being incorporated into the agreement.

The proposed policy based on the WALGA Template is designed to assist local governments deal with the financial impacts of COVID-19 and sets out the guidelines regarding the financial hardship criteria that the CEO (and officers) uses when assessing

and applying the financial hardship criteria. The policy is written in a way that compliments the CEO's delegation and allows the CEO to take into account other relevant financial hardship criteria if need be. This includes the ability to:

- Make payment arrangements that are in excess of the rate instalments that usually apply. Note this does not apply to the payment of the Emergency Services Levy;
- Suspend or waive interest charges;
- Defer rates for those who hold a concession card;
- Suspension of any det recovery action;
- Put in place a mechanism of review for decisions made under the policy; and
- Maintain confidentiality regarding any applications for hardship relief and provide additional time in responding to such a case.

### **Conclusion**

The policy is designed to deal with the impact of COVID-19 now and over the next 12 months or so. It is proposed for the policy to come into effect from its adoption, through the 2020/21 financial year and with consideration of the 2021/22 financial year.

Through the adoption of the policy and in conjunction with the Order, the Shire will be in a position to do the following:

1. Charge a maximum of 8% for overdue monies (i.e. accounts owing other than rates or service charges) instead of 11%. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship;
2. Charge the existing 5.5% on payment of rates by instalments. If the policy is not in place, the maximum allowed is 3%. With the financial hardship policy in place, the Shire will also be able to waive the charging of the rate of interest for those considered under financial hardship;
3. Charge a maximum of 8% instead of 11% for overdue rates and services charges. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship.

### **CONSULTATION**

CEO

Rates Officer

Audit Committee

Council – 21 April 2020 OCM Report; COVID-19 Framework Workshop – 30 April 2020.

### **STATUTORY CONTEXT**

#### **Local Government Act**

#### **2.7. Role of council**

- (1) The council —
  - (a) governs the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —

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

It can be seen of Council's four key functions, it has a direct responsibility to determine the Shire's policies at Council level.

#### **6.49. Agreement as to payment of rates and service charges**

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

#### **Local Government (COVID-19 Response) Order 2020**

#### **Clause 8: Section 6.13 modified - Interest on money owing to local governments (Overdue Amounts)**

Section 6.13 allows local governments to charge interest on overdue amounts, with the rate set by the local government in its budget. The rate is capped in the *Local Government (Financial Management) Regulations 1996* at 11%.

Recognising the substantial hardship likely to be caused because of consequences of the pandemic, local governments will be unable to charge interest on money owing by any person they consider to be in financial hardship in these circumstances for the 2020/21 financial year.

Local governments will need to resolve (when setting their interest rate on overdue amounts) that this will not apply to a person who is considered by the local government to be suffering hardship as a consequence of the COVID-19 pandemic.

The interest that can be charged on amounts owing by others will be capped at 8% - the interest rate used by the Australian Taxation Office on overdue amounts.

#### **Clause 13: Section 6.45 modified - Options for payment of rates or service charges (Payment of Rates by Instalments)**

Section 6.45(3) allows a local government to charge an additional amount if a payment of rates or service charge is made in instalments. This is capped at 5.5% in the *Local Government (Financial Management) Regulations 1996*.

Recognising the substantial hardship likely to be caused to many ratepayers because of consequences of the pandemic, local governments will be unable to charge excluded persons interest for payment by instalments for the 2020/21 financial year.

If a local government does not have in place a financial hardship policy, the interest rate that they can charge other ratepayers for payment by instalments will be capped at 3%.

Local governments that have a policy in place that addresses the manner in which the local government will deal with financial hardship that may be suffered by ratepayers and other persons who are required to make payments to the local government will be able to charge a maximum of 5.5%. This recognises that the local government will be able to

distinguish those that are in hardship and make appropriate provisions regarding their payments.

#### **Clause 14: Section 6.51 modified - Accrual of interest on overdue rates or service charges**

Section 6.51 allows local governments to charge interest on overdue amounts of rates and service charges. The rate is set by the local government by resolution when it imposes the rate or service charge. The rate is capped in the *Local Government (Financial Management) Regulations 1996* at 11%.

Recognising the substantial hardship likely to be caused to many ratepayers because of consequences of the pandemic, local governments will be unable to charge excluded persons interest on overdue rates or service charges for the 2020/21 financial year. This will be reflected in a resolution of council when they set the interest rate.

This provides relief for those residential and small business ratepayers who are experiencing financial hardship because of the COVID-19 pandemic. Local governments will determine the applications for hardship.

The interest that can be charged on amounts owing by others will be capped at 8% - the interest rate used by the Australian Taxation Office on overdue amounts.

This section also allows for the deferment of rates for concession card holders.

## **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	

Although there is not a specific strategy that relates to the matter of financial hardship, the matter of the Shire's scarce resources and what to do them is a part of the outcome for this part of the SCP. This is in accordance with Section 1.3 of the Local Government Act that requires local governments to give consideration of the current and future needs of those in its district.

### **Delegations**

#### **3.4 Rates record, extensions and objections**

3.5 Sundry and rate debtors – Recovery and agreements

3.6 Write off of sundry debts

**Policy**

New Policy

**FINANCIAL IMPLICATIONS**

The Shire has 618 ratepayers. Currently, there is one to finalise their rate instalments for 2019/2020 and six who have outstanding rates not on an arrangement.

The total rates outstanding is in the vicinity of \$40,000. Some of this will be due to persons being able to defer their rate payments as they hold a concession card.

In short, the Shire has been extremely efficient in recovering outstanding rates.

**2019/2020**

For the remainder of 2019/20, perhaps in the order of \$1,200, if those on outstanding rates are put on an instalment plan.

**2020/21**

As per the Shire’s adopted budget. This may be to a maximum of \$5,000 - \$13,000, although this may change dependent on the number of rate payers who are assessed as meeting financial hardship.

**VOTING REQUIREMENTS**

Absolute majority required: No

**Officer’s Recommendation**

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

That the Council in accordance with section 2.7(b) of the *Local Government Act 1995*, and the *Local Government (COVID-19 Response) Order 2020* **ADOPT** the Financial Hardship Policy COVID-19 as set out in Attachment 3.



**8.5 National Redress Scheme (Participation of WA Local Governments)**

<b>File reference</b>			
<b>Report date</b>			
20 May 2020			
<b>Applicant/proponent</b>			
WA Government/Department of Local Government, Sport and Cultural Industries			
<b>Officer disclosure of interest</b>			
Nil			
<b>Previous meeting references</b>			
Council Briefing Session 18 May 2020			
<b>Prepared by</b>			
Sean Fletcher, Interim Governance Officer/WALGA			
<b>Authorised by</b>			
CEO			
<b>Attachments</b>			
Attachment 1	Page	54	Email Extract – Department of Local Government, Sport & Cultural Industries
Attachment 2	Page	57	Information Paper - National Redress Scheme for Institutional Child Sexual Abuse

**PURPOSE**

This item is for the Shire of Victoria Plains to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Victoria Plains to participate in the National Redress Scheme;
- Formally endorse the Shire's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority for the CEO to execute a service agreement with the State if a Redress application is received.

**BACKGROUND**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Victoria Plains) will be required to consider leading practice approaches to child safeguarding separately in the future.

### National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.<sup>1</sup>

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

### **COMMENT**

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and

<sup>1</sup> Section 111(1)(b).

- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Victoria Plain's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Victoria Plains will not be included in the State's amended declaration unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

### **Considerations for the Shire of Victoria Plains – Opt In**

Detailed below is a list of considerations for the Shire of Victoria Plains to participate in the Scheme:

#### **1. Executing a Service Agreement**

All Royal Commission information is confidential, and it is not known if the Shire of Victoria Plains will receive a Redress application. A Service Agreement will only be executed if the Shire receives a Redress application.

The Shire needs to give authority to an appropriate position / officer to execute a service agreement with the State if a Redress application is received. Timeframes for responding to a Request for Information are three (3) weeks for priority applications and seven (7) weeks for non-priority applications. A priority application timeframe (three weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

#### **2. Reporting to Council if / when an application is received**

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

#### **3. Application Processing / Staffing and Confidentiality**

Administratively the Shire will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

#### **4. Record Keeping**

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

#### **5. Redress Decisions**

The Shire should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire do not have any influence on the decision made and there is no right of appeal.

#### **Considerations for the Shire of Victoria Plains – Opt Out**

Should the Shire formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations);
- Potential reputational damage at a State, sector and community level;
- Complete removal of the State's coverage of costs and administrative support, with the Shire having full responsibility and liability for any potential claim;
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire.

#### **Conclusion**

It is not known if the Shire has had facilities, or been responsible for facilities, in the past where abusive behaviour may have occurred to a child using such a facility.

Despite the author at the April Briefing Session commenting that the State Government and the Shire would share costs on a proportionate basis, it is clear from the criteria that, should the Shire ever receive such an application, the State would bear the majority of the cost i.e. the claim for compensation capped at \$150,000. The Shire's costs would be a service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances.

On this basis the author recommends that the Shire participates in the Scheme as a safety net measure.

## **CONSULTATION**

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State’s decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

**STATUTORY CONTEXT**

The Shire of Victoria Plains in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

**CORPORATE CONTEXT**

**Strategic Community Plan**

**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	

**Risk Management (Risk Governance Framework)**

**Opting In**

Consequence: Financial Impact	Likelihood: Possible	Risk	Risk Acceptance	Outcome
<b>Insignificant (1) ie</b> <b>&lt; \$10,000</b> <ul style="list-style-type: none"> <li>The State pays for the claim to a maximum of \$150,000;</li> <li>The Shire meets service fee cost of</li> </ul>	(3)	L (3)	Operational Manager (in this case it would be the CEO)	The CEO would manage as per Council’s resolution: <ul style="list-style-type: none"> <li>Sign a Redress service agreement should application be received;</li> <li>It is unlikely that LGIS would cover the costs in this instance</li> </ul>

\$3,000 and travel & accommodation costs				
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The State’s decision mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

**Opting Out**

In this instance the matter of a Redress Claim as a risk is a known unknown. The organisation prepares a response based on anticipating what the challenge may be. Given the consequence of the risks concerned, these are matters beyond what the CEO would handle or is even resourced for at the Risk Acceptance Level.

Consequence: Financial Impact	Likelihood: Possible	Risk	Risk Acceptance	Outcome
Extreme (5) ie > \$500,000	(3)	H (15)	Senior Management Team / CEO	The CEO advises Council on the matter and a recommended course of action due to the potential size of the claim due to its extreme nature: <ul style="list-style-type: none"> <li>• Reallocation of Reserves;</li> <li>• Undertaking of a loan;</li> <li>• LGIS may cover this as a civil claim.</li> </ul> <p><b>Note:</b> Opting In helps keep insurance premiums down through the majority of costs being met by the State.</p>

Consequence: Reputation	Likelihood: Possible	Risk	Risk Acceptance	Outcome
Extreme (5) ie Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third	(3)	H (15)	Senior Management Team / CEO	The CEO advises Council on the matter and a recommended course of action that would involve: <ul style="list-style-type: none"> <li>• A communication strategy involving both the President and the CEO;</li> <li>• Using external</li> </ul>



party actions				agencies to assist e.g. WALGA, DLGSC
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**FINANCIAL IMPLICATIONS**

**Being Part of the State Decision**

The State’s decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR’s, which is on an ‘as requested’ basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor’s circumstances. All requested DPR’s will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

**Not Being Part of the State Decision**

The State’s decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Therefore, it can be seen that not being part of the State Decision exposes the Shire to a significant financial risk.

**VOTING REQUIREMENTS**

Absolute majority required: No

<b>Officer’s Recommendation</b>
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Moved: Cr \_\_\_\_\_

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

That Council:

- 1) **NOTES** the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;

- 2) **ENDORSES** the participation of the Shire of Victoria Plains in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- 3) **GRANTS** authority to the CEO to execute a service agreement with the State, if a Redress application is received;
- 4) **NOTES** that a confidential report will be provided if a Redress application is received by the Shire of Victoria Plains.

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

## 8.6 Applications for Development Approval & Extractive Industry License – Proposed Extractive Industry (Gravel Quarry) on Lots M1806 & 6 (No.190) Cocking Road, Mogumber

<b>File reference</b>	
<b>Report date</b>	20 May 2020
<b>Applicant/Proponent</b>	B&J Catalano Pty Ltd on behalf of Jindabyne Mogumber Pty Ltd (Landowner)
<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 78	Extractive Industries Application & Environmental Management Plan (EMP) - Lundstrom Environmental Consultants Pty Ltd, January 2020 (Version No.0.3 - Final)
Attachment 2 Page 171	Road Access Deficiency Report – SMEC Australia Pty Ltd, 28 April 2020 (Ref: 3006396) (Revision No.1)
Attachment 3 Page 215	Road Maintenance Cost Contribution Report – SMEC Australia Pty Ltd, 18 April 2020 (Ref: 3006396) (Revision 1 – Final Report)

### PURPOSE

Consideration and final determination of development and extractive industry licence applications for a proposed new extractive industry (i.e. gravel quarry) on Lots M1806 & 6 (No.190) Cocking Road, Mogumber.

### BACKGROUND

The applicant has submitted comprehensive development and extractive industry licence applications seeking Council's approval to establish and operate an extractive industry (i.e. gravel quarry) on the aforementioned landholdings. Full details of the application, including supporting documentation and plans, are provided in Attachment 1.

The application proposes the establishment and operation of a gravel quarry on a previously cleared 26.1 hectare portion of Lot 1806 with all access to/from the local road network via the adjoining Lot 6 located immediately south. The proposed gravel quarry will operate Monday to Friday from 6.30am to 6.00pm and on Saturday from 6.00am to 12.00pm midday.

A total of 3,000 to 5,000 tonnes of gravel is proposed to be extracted, crushed, screened and transported from the subject land on a monthly basis depending upon demand. The applicant estimates a total of 240,000 tonnes of gravel will be extracted from the land to a depth of approximately one (1) metre over the next eight (8) year period with the quarry to be decommissioned and rehabilitated in its entirety by 31 December 2029 to allow for its continued use for broadacre agricultural purposes with the majority balance portion of the

land thereafter.

Lots M1806 & 6 are located approximately 5.6 kilometres east of the Mogumber settlement in the locality of Mogumber. The subject land comprises a total combined area of approximately 1,032.71 hectares and has direct frontage and access to Cocking Road along its western boundary which is an unsealed local road under the care, control and management of the Shire of Victoria Plains. Access to the land via Cocking Road is facilitated in part via Mogumber-Yarawindah Road located approximately 700 metres north of Lot M1806 which is a sealed and drained regional distributor road also under the care, control and management of the Shire.

The subject land is gently-to-moderately sloping in the most part, with steeper slopes to the north. It is predominantly cleared throughout with numerous small-to-medium sized stands of native vegetation on the fringes of intermittent creek lines and steeper slopes that have been retained for environmental management and conservation purposes.

Both lots has been extensively developed and used for broadacre agricultural purposes (i.e. cropping and grazing) for many years and contain a number of associated improvements including large open paddocks, numerous dams, vehicle access tracks as well as boundary fencing and firebreaks. Lot 6 also contains a number of sheds, water storage tanks, grain storage silos and an existing single storey dwelling in good habitable condition in its south-western corner.

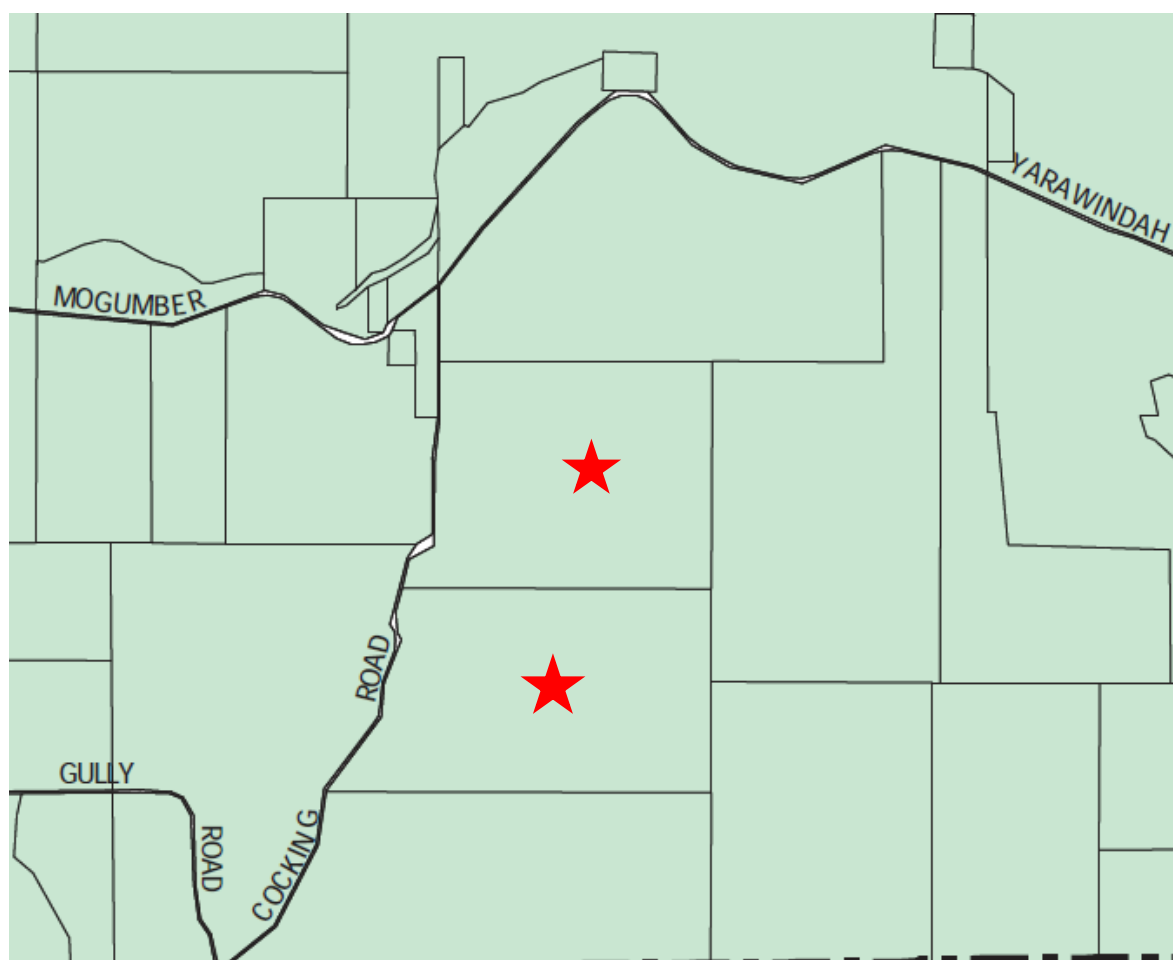


Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining and other nearby land uses are predominantly rural in nature and comprise broadacre agricultural activities (i.e. cropping & grazing) on lots of varying size. It is significant to note there is an existing approved extractive industry (i.e. gravel quarry) located immediately north on the adjoining Lot 127 (No.668) Mogumber-Yarawindah Road that is currently operated by Menzies Quarries Pty Ltd.

**COMMENT**

Lots M1806 & 6 are both classified 'Rural' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).



Current Zoning Plan (Source: Local Planning Scheme No.5)

Council's stated objectives for the development and use of any land classified 'Rural' zone are as follows:

- i) To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- ii) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning;
- iii) To protect the land from closer development which would detract from the rural character and amenity of the area; and
- iv) To prevent any development which may affect the viability of a holding.

The development and/or use of any land classified 'Rural' zone for the purposes of an 'extractive industry', which by definition includes the extraction of basic raw materials such as gravel, is listed in the Zoning Table of LPS5 as being a discretionary use meaning it is not permitted without Council's development approval.

An extractive industry licence pursuant to the specific requirements of the Shire's *Extractive Industries Local Law 2018* is also required prior to the commencement of development, with renewals required on a yearly basis for the life of any proposed extractive industry use.

The applications have been assessed with due regard for all relevant elements of the

Shire's local planning framework including Local Planning Strategy, LPS5, local planning policies and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as the Shire's *Extractive Industries Local Law 2018*. This assessment has confirmed the proposal is generally consistent with the Shire's strategic aims as well as the objectives of the land's current 'Rural' zoning classification in LPS5 and is compliant or capable of compliance with the following planning and local law requirements:

- Location and siting including access to the local and regional road network, setbacks to intermittent water courses and natural drainage lines, protection of visual landscape character and amenity, and minimum buffer separation distance requirements to existing sensitive land uses (i.e. single houses);
- Land capability and suitability;
- Land use compatibility including the preservation of productive agricultural land and continuation of broadacre farming;
- Environmental protection, conservation and rehabilitation including native flora and fauna, surface and sub-surface water resources, noise, dust, odour, dieback and weed management; and
- Bushfire risk management.

Notwithstanding the above conclusion, Council should note the following issues have been identified and require consideration when finally determining the applications:

#### Heavy Vehicle Access (Local Road Network)

Cocking Road is a local access road designated by Main Roads WA as a RAV4 network road capable of accommodating Restricted Access Vehicles (i.e. RAVs) comprising prime mover and trailer combinations up to a maximum length of 27.5 metres and maximum gross mass of 87.5 tonnes.

Mogumber-Yarawindah Road is a regional distributor road designated by Main Roads WA as a RAV5 network road capable of accommodating Restricted Access Vehicles (i.e. RAVs) comprising prime mover and trailer combinations up to a maximum length of 36.5 metres and maximum gross mass of 84 tonnes.

The applicant proposes to use RAV4 rated pocket road trains with a 55 tonne load capacity approximately 80% of the time and RAV2 rated single semi-trailers with a 26 tonne load capacity approximately 20% of the time for the life of the proposed quarry. This equates to approximately 4 to 6 heavy vehicle movements on a daily basis depending upon market demand.

SMEC Australia Pty Ltd, a specialist engineering firm formerly known as Roadswest Engineering Group Pty Ltd, was engaged by the Shire to undertake an assessment of that portion of Cocking Road proposed to be used by the applicant for heavy vehicle haulage purposes. This assessment and associated report, a copy of which is provided in Attachment 2, also considered the suitability of Cocking Road's intersection with the Mogumber-Yarawindah Road to the north which forms an integral part of the route proposed to be used to transport gravel from the proposed quarry.

After consideration of all the background information provided, traffic data and



observations from a site inspection, SMEC has confirmed there are a number of pre-existing deficiencies along the relevant portion of Cocking Road, including its intersection with the Mogumber-Yarawindah Road, and therefore recommends the following:

- i) *All RAV rated vehicles associated with the proposed development that will use Cocking Road be limited to 60km/hr. This can be made as a condition of the required RAV permit from Main Roads WA and would help mitigate some existing deficiencies in the road such as vertical and horizontal geometry and sight distance issues;*
- ii) *Catalano's haulage operations be limited to predominately daytime only for safety reasons;*
- iii) *Catalano's haulage operations be limited to only when Cocking Road is dry. During rainfall events, or shortly thereafter, carting on saturated gravels may cause failures and possible accidents;*
- iv) *A holding line with a 25 metre centreline double barrier tail be considered at the intersection of Mogumber-Yarawindah Road and Cocking Road. The tail is required to guide vehicles to approach the holding line at an angle that allows the driver to adequately check for oncoming vehicles on the Mogumber-Yarawindah Road;*
- v) *"ROAD TRAINS ENTERING" signs be installed in appropriate locations on the Mogumber-Yarawindah Road;*
- vi) *Crest warning signs should be installed on Cocking Road where required and deemed necessary;*
- vii) *Existing guideposts are in poor condition and should be replaced with additional guideposts installed at locations in accordance with Main Roads WA guidelines. Additional guideposts should be installed where there are steep embankments;*
- viii) *Clearing and pruning should be undertaken on Cocking Road to re-establish the clearance envelope. Clearing/pruning shall also be undertaken to improve sight distances at the intersection of Cocking Road and Mogumber-Yarawindah Road;*
- ix) *A pavement repair comprising minimum dimensions of 7 metres x 50 metres should be undertaken at the intersection of Cocking Road and Mogumber-Yarawindah Road. The repair should include a high strength seal;*
- x) *The existing drainage culvert at SLK 1.22 Cocking Road should be replaced. Width markers should be fitted to the culvert at SLK 2.44 Cocking Road. The culvert at 6.17 SLK Mogumber-Yarawindah Road should be widened;*
- xi) *Various drainage improvements along the relevant portions of Cocking Road and Mogumber-Yarawindah Road are recommended in order to reduce maintenance costs and improve traffic safety;*
- xii) *Upgrades to the intersection of Cocking Road and Mogumber-Yarawindah Road to ensure safe access for RAV4 rated heavy vehicles including widening the northern side to accommodate vehicles turning right out of Cocking Road and widening of both fishtails on the south-east and south-west corner of the intersection to also accommodate turning vehicles; and*
- xiii) *Construction of a suitable width driveway crossover from Cocking Road to the proposed vehicle entry point to Lot 6 including a new drainage culvert below, modifications to existing boundary fences and gates if the entry point is required to be gated to minimise the risk of heavy vehicles overhanging on Cocking Road, and*



*modifications to drains along Cocking Road as well as the Cocking Road carriageway width as may be required to suit the new driveway culvert invert level.*

SMEC's report and recommendations were referred to Main Roads WA Heavy Vehicle Services Division for review and comment. The Division's Heavy Vehicle Route Assessment Team Leader confirmed Cocking Road and Mogumber-Yarawindah Road were previously assessed and deemed suitable for RAV4 and RAV5 rated heavy vehicles respectively without any restriction conditions. In light of this advice, it is considered reasonable for the applicant to seek to use these roads to accommodate all heavy vehicle movements associated with the proposed development (i.e. their heavy vehicles are of a type deemed suitable for use on these roads).

When determining the applications it is considered unreasonable for Council to impose conditions on any approvals that may ultimately be granted requiring the applicant to upgrade Cocking Road and/or and Mogumber-Yarawindah Road to rectify the pre-existing deficiencies identified by SMEC given these roads current RAV ratings and the previous assessments undertaken by Main Roads WA in consultation with the Shire to determine those ratings. Should Council seek to do so there is a significant risk the applicant will seek a review of those conditions by the State Administrative Tribunal on the grounds they are unreasonable and should not therefore have been imposed (i.e. it is the Shire's responsibility to construct and maintain these roads to the standards required to reflect and retain their current RAV ratings).

Notwithstanding the above conclusion, it is considered fair and reasonable to impose a condition requiring the applicant to:

- a) design and construct a suitable width driveway crossover from Cocking Road to the proposed vehicle entry point to Lot 6, including a new drainage culvert below;
- b) modify the existing boundary fences and gates if the entry point is required to be gated to minimise the risk of heavy vehicles overhanging on Cocking Road; and
- c) modify existing drains along Cocking Road as well as the Cocking Road carriageway width as may be required to suit the new driveway culvert invert level.

It is contended the proposed development generates the need for the improvements listed in points a) to c) above, as identified by SMEC in its recent assessment, and are therefore purposeful, relevant, reasonable and defensible.

In relation to the pre-existing road network deficiencies, Main Roads WA also advised as follows:

- i) Vegetation pruning / clearing works are required along Cocking Road and Mogumber-Yarawindah Road to improve sight distances given these roads are currently approved for RAV network access with sufficient sight distances required to be maintained by the road owner (i.e. the Shire of Victoria Plains) at all times; and
- ii) If the Shire of Victoria Plains would like to request that Main Roads WA Heavy Vehicle Services Division impose a 60km/h speed restriction on all RAV Network 2 to 4 vehicle combinations on Cocking Road (i.e. not just the applicant B&J Catalano Pty Ltd) it will need to submit a formal request for investigation and approval. With the road being a local access road with less than 50 vehicles movements per day, Main Roads WA would be receptive to the Shire's request to impose this restriction.

### Heavy Vehicle Access (On-Site)

The applicant is proposing to construct a new internal access road from the main entry to Lot 6 along its Cocking Road frontage through this lot to the proposed gravel quarry on Lot M1806 to the north. This new road is required to accommodate all heavy vehicle movements associated with the proposed extractive industry use and has been aligned to minimise the need for any vegetation clearing works. Specific design details regarding this proposed new internal roadway were not however provided in support of the application.

The investigation and subsequent report by SMEC identified the proposed alignment of this new internal access road crosses a number of intermittent creek lines and is in relatively steep, undulating terrain. In the interests of safety, SMEC has recommended Council impose a condition on any approvals that may ultimately be granted requiring this new internal access road to be designed and constructed in accordance with the appropriate Mines Department Regulations, Worksafe Regulations and Australian Standards to provide for the safe and convenient movement of heavy vehicles.

### Road Maintenance Contributions (Local Road Network)

Given the proposed development will generate approximately 4 to 6 additional heavy vehicle movements on a daily basis, and possibly more depending upon market demand, it is considered reasonable to require the applicant to contribute towards the cost of maintaining Cocking Road and Mogumber-Yarawindah Road for the life of the proposed gravel quarry. It is contended the proposed development generates the need for additional road maintenance works and that the imposition of a condition requiring the applicant to pay a monetary contribution towards the cost of these works is consistent with the principles that have been adopted, legally tested and applied by local and State government authorities to approvals granted under relevant legislation throughout Western Australia.

In order to assist the Shire's consideration of this issue, SMEC Australia Pty Ltd were also instructed to investigate, calculate and provide a recommendation as to what they consider to be a fair and equitable contribution to the ongoing maintenance of Cocking Road and Mogumber-Yarawindah Road following establishment of the proposed gravel quarry on the subject land. SMEC's findings and recommendations are provided in Attachment 2 to this report.

Having regard for established principles and guidelines, SMEC has recommended that the applicant be required to pay the Shire a road maintenance contribution \$0.186 per tonne of gravel extracted from the land with yearly increments to account for inflation. Given this contribution amount is mostly based upon unit rates established in 2015 when the relevant guidelines were released, it is recommended the proposed road maintenance contribution be increased to \$0.20 per tonne of gravel as a starting point to account for inflation since 2015 with yearly adjustments thereafter to account for any further inflation in future years. It should be noted these proposed increases to SMEC's original proposed contribution amount are based on the Australian Bureau of Statistics Producer Price Index Catalogue No.6427.0 as it applies to road and bridge construction works (i.e. they are well founded and considered reasonable in the context of the relevant inflationary pressures as determined by the Australian Bureau of Statistics).

### Security for Restoration & Reinstatement

Clause 3.7 of the Shire's *Extractive Industries Local Law 2018* enables Council to require that the licensee of any extractive industry operation provide the Shire with a bond, bank guarantee or other security, of a kind and in a form acceptable to the Shire, in or for a sum determined by Council, for the purposes of ensuring that an excavation site is properly restored and/or reinstated.

Having regard for the location of the proposed gravel quarry on the subject land, the expansive area and shallow depth of the proposed extraction works (i.e. up to 1 metre over 26.1 hectares), the fact the proposed excavation area is already cleared of native vegetation and is proposed to continue to be used for broadacre agricultural purposes following completion of all gravel extraction works, it is considered unnecessary for Council to impose a condition on any extractive industry licence that may ultimately be granted requiring the applicant to provide the Shire with a bond, bank guarantee or other security in accordance with the abovementioned clause. The imposition of a condition along these lines is unlikely to have any real purpose or benefit and is therefore considered to be an unnecessary financial impost on the applicant.

### **CONCLUSION**

In light of the above findings it is concluded the proposal for Lots M1806 & 6 is consistent with the aims and objectives of the Shire's local planning framework and therefore unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the applications to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal, the relevant standards and requirements of the Shire's local planning framework and the various recommendations received during the assessment process.

### **CONSULTATION**

The development and extractive industry licence applications were advertised concurrently for public comment for the minimum required period of 21 days. The advertising process included:

- i) publication of an advertisement in the West Australian Newspaper;
- ii) display of a public advertisement and all application documentation and plans at the Shire's Administration Centre in Calingiri and on the Shire's website; and
- iii) written correspondence to the owners and occupiers of all land within a one (1) kilometre radius of the subject land as well as email correspondence to Main Roads WA and the Department of Water and Environmental Regulation inviting feedback and comment.

At the close of public advertising in April 2020 no submissions had been received by the Shire either supporting or objecting to the proposal. A late submission was however received from the Department of Water and Environmental Regulation in May 2020 advising the proposal is likely to be categorised as a prescribed premises under Schedule 1 of the Environmental Protection Regulations 1987 and may therefore require a works approval from the Department to construct / install any crushing, screening and other

equipment, mobile or otherwise, and a licence or registration to operate. In light of this advice and the fact it references the need for approval from another government agency under separate legislation, it is recommended a suitable advice note being included on any approvals ultimately granted by Council alerting the applicant to their obligations in this regard.

### **STATUTORY CONTEXT**

- *Planning and Development (Local Planning Schemes) Regulations 2015*
  - Schedule 2, Part 9, Clause 67 – ‘Matters to be considered by local government’
- *Shire of Victoria Plains Local Planning Scheme No.5*
  - Clause 3.2 – ‘Objectives of the zones’
  - Clause 3.3 – ‘Zoning Table’
  - Clause 4.7 – ‘Site and Development Requirements’
- *State Planning Policy 2.5 - ‘Rural Planning’*
  - Clause 5.9 – ‘Basic raw materials outside the Perth and Peel planning regions’
  - Clause 5.12 – ‘Preventing and managing impacts in land use planning’
- *Shire of Victoria Plains Extractive Industries Local Law 2018*

### **CORPORATE CONTEXT**

- Works & Services Policy No.13.1 – *Road Reserves – Crossovers*
- Unclassified Policy No.16.1 – *Restricted Access Vehicles on Shire Roads*

### **STRATEGIC IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no known meaningful financial implications associated with the proposal in excess of officer time and associated administrative costs provided the applicant complies with the conditions of approval recommended below. All costs associated with the proposed development, including the initial and ongoing application fees and compliance with all conditions of approval, are the responsibility of and must be met by the applicant.

Notwithstanding the above conclusion, Council should note the Shire has an obligation to fund the vegetation pruning / clearing works immediately required along Cocking Road and Mogumber-Yarawindah Road to improve sight distances as identified by SMEC Australia Pty Ltd and recommended by Main Roads WA given these roads are currently approved for RAV network access. Council may also wish to consider allocating sufficient funding in future budgets to undertake the various upgrade works recommended by SMEC Australia Pty Ltd to rectify the pre-existing deficiencies on these roads that were identified and documented during assessment of the applications.

### **VOTING REQUIREMENTS**

Absolute majority required: No

<b>Officer Recommendation / Council Resolution</b>
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Moved Cr \_\_\_\_\_

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

That Council **RESOLVE** to:

1. **APPROVE** the **development application** submitted by B&J Catalano Pty Ltd on behalf of Jindabyne Mogumber Pty Ltd (Landowner) to establish and operate an extractive industry (i.e. gravel quarry) on Lots M1806 & 6 (No.190) Cocking Road, Mogumber subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the proposed development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. If the proposed development is substantially commenced within a period of two (2) years from the date of this approval, this approval shall remain valid until 31 December 2029, being the proposed date of completion of all decommissioning and rehabilitation works, unless otherwise approved by Council.
5. All access to and egress from Lot 6 for heavy vehicles associated with the extractive industry development and use of the subject land shall be designed and constructed at the applicant's expense to the satisfaction of the Shire of Victoria Plains prior to commencement of the use having regard for Main Roads WA design standards for rural driveway crossovers, the safety of all vehicles travelling on Cocking Road and the recommendations contained in SMEC Australia Pty Ltd's Road Access Deficiency Report dated 28 April 2020 as they apply to:
  - i) the dimensions of the new driveway crossover required from Cocking Road to the proposed vehicle entry point to Lot 6 to accommodate all heavy vehicle movements, including a new drainage culvert below;
  - ii) modifications to the existing boundary fences and gates if the entry point to Lot 6 is required to be gated to help minimise the risk of heavy vehicles overhanging on Cocking Road; and
  - iii) modifications to existing drains along Cocking Road as well as the Cocking Road carriageway width as may be required to suit the new driveway culvert invert level.

6. The applicant shall be responsible for the design, construction and maintenance of the proposed new internal access road in accordance with the specific requirements of the *Mines Safety and Inspection Regulations 1995* and any relevant Australian Standards to ensure the safe and convenient access of all heavy vehicles to be used as part of the proposed extractive industry operations on the subject land.
7. A levy of \$0.20 per tonne of material extracted from the land shall be paid by the applicant to the Shire of Victoria Plains for the ongoing maintenance of Cocking Road and Mogumber-Yarawindah Road. This levy is payable to the Shire on 31 January each year up until January 2030 being one month after the expiry date of this development approval for the extractive industry use. The levy payable on 31 January 2022 and each year thereafter shall be adjusted to account for inflation in the preceding twelve (12) month period based on the Australian Bureau of Statistics Producer Price Index Catalogue No.6427.0 as it applies to road and bridge construction works.
8. When remitting the road maintenance contribution levy required by Condition 8 of this approval, the applicant shall provide the Shire with documentary evidence of the total amount of gravel extracted and transported from the land during the preceding twelve (12) month period, or any lesser period having regard for the date of commencement of the extractive industry use. Documentary evidence shall include any relevant company records as well as a certificate from a licensed surveyor certifying the quantity of material extracted.
9. In the event of any unforeseen or extraordinary damage to the local road network that may arise as a direct consequence of the transportation of gravel from the applicant's extractive industry operations on the subject land, including any failure to comply with the conditions of this approval, the Shire of Victoria Plains reserves it right to serve notice requiring the applicant to arrange and pay for the required repair works within a designated period, or to undertake the repair works itself at its own cost where the Shire's Chief Executive Officer, in consultation with the Shire's Works & Services Manager, deems them to be urgent due to safety concerns and thereafter recover all costs incurred from the applicant. Any money payable to the Shire by the applicant pursuant to the requirements of this condition shall be paid within thirty (30) days of issuance of a valid tax invoice.

#### Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

3. The applicant / landowner is reminded of their obligation to ensure compliance with the *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all rural land with an area greater than 10 hectares to help guard against potential bushfire risk.
  4. The Department of Water and Environmental Regulation has advised the proposal is likely to be categorised as a prescribed premises under Schedule 1 of the Environmental Protection Regulations 1987 and may therefore require a works approval from the Department to construct / install any crushing, screening and other equipment, mobile or otherwise, and a licence or registration to operate. It is recommended that the applicant refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and / or if they have queries relating to works approvals and licences, to contact the Department at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or (08) 6364 7000.
  5. Main Roads WA has confirmed a suitable RAV permit application is required to be prepared and submitted to its Heavy Vehicle Services Division for consideration and determination prior to use of the local road network by the applicant for the intended purpose. In responding to the Division's request for comment the Shire of Victoria Plains will recommend that all RAV rated vehicles associated with the proposed development that require access via Cocking Road be speed limited to 60km/hour and are only permitted to operate during daylight hours and when this road is dry to help mitigate existing deficiencies and reduce the potential safety risks and ongoing maintenance costs.
  6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Victoria Plains Local Planning Scheme No.5 and may result in legal action being initiated by the local government.
  7. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.
2. **APPROVE** the **extractive industry licence** application submitted by B&J Catalano Pty Ltd on behalf of Jindabyne Mogumber Pty Ltd (Landowner) to establish and operate an extractive industry (i.e. gravel quarry) on Lots M1806 & 6 (No.190) Cocking Road, Mogumber subject to the following conditions and advice notes:

Conditions

1. This extractive industry licence is issued to B&J Catalano Pty Ltd (i.e. the licensee) and shall remain valid until 31 December 2029.
2. An annual licence fee is payable to the Shire of Victoria Plains by the licensee in advance by no later than 30 June each year for the term of the extractive industry licence approval.
3. Prior to the commencement of development, and at all times thereafter, the licensee shall have and maintain a current public liability insurance policy naming the Shire of Victoria Plains and indemnifying the licensee and the Shire for a sum

of not less than \$20,000,000 in respect of any one claim relating to the extractive industry operations on the subject land.

4. The licensee shall provide the Shire of Victoria Plains with a copy of the public liability insurance policy taken out pursuant to the requirements of Condition 3 of this approval, within 14 days after issuance of that policy and shall provide to the Shire evidence of policy renewal within fourteen (14) days of each policy renewal date.
5. Prior to the commencement of development a datum peg shall be established on the land by a licensed surveyor related to a point approved by the Shire of Victoria Plains on the surface of a constructed public thoroughfare or other suitable land in the vicinity. A certificate from the licensed surveyor certifying the correctness of the datum peg and related reference point required by this condition shall be submitted to the Shire within fourteen (14) days of establishment of the datum peg.

#### Advice Notes

1. The licensee is reminded of their obligation to ensure compliance with the specific requirements of the Shire of Victoria Plains *Extractive Industries Local Law 2018* as it applies, but not limited to, license renewals, variations and transfers, prohibitions, blasting and cessation of operations.
  2. A copy of the Shire of Victoria Plains *Extractive Industries Local Law 2018*, including any approved amendments, is available for inspection on the Shire's website ([www.victoriaplains.wa.gov.au](http://www.victoriaplains.wa.gov.au)). An electronic or hard copy of this local law, as amended, is also available from the Shire on request.
- 3. AUTHORISE** the Shire's Works & Services Manager to:
- i) UNDERTAKE the vegetation pruning / clearing works required along Cocking Road and Mogumber-Yarawindah Road as a matter of priority to improve sight distances given these roads are currently approved for RAV network access with sufficient sight distances required to be maintained by the road owner (i.e. the Shire of Victoria Plains) at all times; and
  - ii) PREPARE and SUBMIT a formal request to Main Roads WA Heavy Vehicle Services Division requesting that a 60km/h speed restriction be imposed on all RAV Network 2 to 4 vehicle combinations on Cocking Road.

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



**8.7 Compliance Audit Return 2019**

<b>File reference</b>	
<b>Report date</b>	5 May 2020
<b>Applicant/proponent</b>	Department of Local Government, Sport and Cultural Industries
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	Item 10.5, 27 March 2019
<b>Prepared by</b>	Sean Fletcher, Interim Governance Officer
<b>Authorised by</b>	CEO
<b>Attachments</b>	
Attachment 1	Page 244 SoVP CAR 2019

**PURPOSE**

As per the Local Government (Audit) Regulations, this item is presented to the Audit Committee to make appropriate recommendations to Council.

**BACKGROUND**

It is a requirement of all local governments to complete the Compliance Audit Return by 31 March for the preceding calendar year and submit it to the Department of Local Government, Sports and Cultural industries as part of its regulatory obligations.

**COMMENT****Matters That Required Clarification**

The Compliance Audit Return has been completed for the 2019 year and is submitted for review. The former Governance Officer, Manager Finance and Administration, the Officer responsible for providing agenda and minutes (OCM Officer – Mrs Julie Klobas) and the Author reviewed the practices and procedures of the administration, as required under the CAR (Attachment 1).

Due to the change in staff, it was not realised the 2019 CAR was incomplete until the former Manager Finance and Administration received a query from the Department of Local Government regarding the CAR's status. Mrs Edwardson subsequently notified the author by email on 17 April 2020 to seek answers to the matters outstanding on the CAR noting once received, she would then upload these to the Department's Smart Hub. The author advised that corrections were required to the attachment.

On 22 April 2020, Mrs Edwardson notified the CEO (cc to the author) that the CAR was ready for submission.

**Audit Findings**

The following is a summary of the audit findings and suggested course of action for non-compliant actions regarding the CAR for 2019:

Subject	Page	Question of Non-Compliance	Finding
<b>Commercial Enterprises by Local Government</b>			
	1	N/A	SoVP did not undertake any such activity for 2019
<b>Delegation of Power or Duty</b>			
	2	9	<p>Section 5.44 (2) requires a delegation to be in writing and may be general (considering or including only the main features or elements of something) or as provided in the instrument of delegation.</p> <p>Although a letter was issued to staff on 16 October 2019 regarding a delegation for purchasing limits, it does not quote the relevant legislative section, regulation and/or policy that is applicable. The issue of correct delegations in writing was identified as an action under the procurement improvement plan considered by the Audit Committee and Council on 21 April 2020.</p> <p><b>Action</b> CEO to issue letters of delegation in an appropriate form as soon as possible</p>
	2	11	<p>The current delegations register identifies delegations by Council to the CEO. There are some secondary delegates mentioned, but this does not read as from the CEO to the delegate.</p> <p><b>Action</b> The delegations register is updated to reflect clearly:</p> <ul style="list-style-type: none"> <li>• A Delegation Register re Council delegations to the CEO;</li> <li>• A Delegations Register re CEO delegations to other staff.</li> </ul>
	2	12	<p>The last review of the Delegations Register was conducted in June 2018 and adopted by Council on 18 July 2018. The issue is whether the adoption in the next financial year satisfies meeting the review criteria</p> <p><b>Action</b> The delegations register is updated as part of the review for 2019/2020 during May 2020 to reflect clearly:</p> <ul style="list-style-type: none"> <li>• A Delegation Register re Council delegations to the CEO;</li> <li>• A Delegations Register re CEO</li> </ul>

			delegations to other staff.
	2	13	<p>It is unclear whether such records were kept:</p> <ul style="list-style-type: none"> <li>The use of financial delegations is captured by approval flags in the Shire's Financial Management System. This is satisfactory;</li> <li>However, it is not clear within the Shire's Record Keeping System when other delegations were used. This includes keeping Council informed re the use of a delegation by the CEO.</li> </ul> <p><u>Note:</u> the CEO has commenced the first part of a review regarding the Shire's record keeping practices.</p> <p><b>Action</b> The CEO to implement appropriate practices for the recording of the use of delegations:</p> <ul style="list-style-type: none"> <li>Within the Shire's Record Keeping System including appropriate systems and files;</li> <li>To report to Council in the CEO report each month when her delegations were used.</li> </ul>
<b>Disclosure of Interests</b>			
	3	N/A	No matters of non-compliance
<b>Disposal of Property</b>			
	4	N/A	No matters of non-compliance
<b>Elections</b>			
	5	N/A	No matters of non-compliance
<b>Finance</b>			
	5	7	<p>Although the Shire did not take appropriate action by 31 December 2020 re the procurement breaches, it has now done so through both the Audit Committee and Council considering a plan of action at their respective meetings on 21 April 2020.</p> <p><b>Action</b> As per the procurement action plan</p>
	6	8	<p>Although the Shire did not take appropriate action by 31 December 2020 re a report and a plan regarding the Shire's Operating Surplus Ratio, it has now done so through both the Audit Committee and Council considering a plan of action at their respective meetings on 21 April 2020.</p> <p><b>Action</b> As per the report and plan for Shire's Operating Surplus Ratio</p>
<b>Integrated Planning and Reporting</b>			
	7	N/A	Compliant

<b>Local Government Employees</b>			
	8	N/A	There was no CEO appointment made in 2019 and there were no senior employees employed or dismissed
<b>Official Conduct</b>			
	9	N/A	Compliant
<b>Optional Questions</b>			
	10	N/A	Compliant
<b>Tenders for Providing Goods and Services</b>			
	10	1	<p>This matter of where tenders were not invited has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul> <p><b>Action</b> No further action</p>
	10	2	<p>This matter of where multiple contracts without using a single tender has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul> <p><b>Action</b> No further action</p>
	11	4	<p>Staff have not been exposed to the requirements of time as defined in the Interpretation Act previously.</p> <p><b>Action</b> Staff to undertake training regarding the definition of time under the Interpretation Act. This will now form part of the Procurement "Accreditation" Training that staff receive.</p>
	13	27	<p>This matter of staff not obtaining or seeking the appropriate number of quotes has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul>

			<b>Action</b> No further action
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In all there were 12 matters of non-compliance. However, the issues outstanding are:

- Issue of appropriate letters/instruments of delegation as soon as possible;
- Immediate review of the Shire’s Delegations Registers;
- Better recording of when delegations are used;
- The CEO to upgrade the Shire’s procurement accreditation training to include the definition of time as per the *Interpretation Act 1984*.

**CONSULTATION**

CEO  
OCM Officer  
Manager Finance and Administration

**STATUTORY CONTEXT**

*Local Government (Audit) Regulations 1996 –*

- r.14 – Compliance Audit Return to be reviewed by Audit Committee and report to Council;
- r.15 – once considered by Council, the Return is to be signed by the President and CEO and lodged with the Department by 31 March.

**CORPORATE CONTEXT**

**Corporate Business 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	

**Risk Management (Risk Governance Framework)**

Consequence:	Likelihood:	Risk	Risk Acceptance	Outcome
Compliance	Likely			
<b>Major (4) ie Imposed penalties to Shire/Officers</b>	At least once in 3 years (3)	H (12)	Senior Management Team/CEO	Existing controls to be improved as follows: <ul style="list-style-type: none"> <li>• Issue of appropriate letters/instruments of delegation as soon as possible;</li> </ul>

				<ul style="list-style-type: none"> <li>• Immediate review of the Shire's Delegations Registers;</li> <li>• Better recording of when delegations are used;</li> <li>• The CEO to upgrade the Shire's procurement accreditation training to include the definition of time as per the <i>Interpretation Act 1984</i>.</li> </ul>
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**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

No

<b>Officer's Recommendation</b>
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Moved

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

That the Audit Committee in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*:

1. has identified 10 matters of non-compliance that includes the following questions as set out in Attachment 1:

Subject	Page	Question	Finding
<b>Delegation of Power or Duty</b>			
	2	9	<p>Section 5.44 (2) requires a delegation to be in writing and may be general (considering or including only the main features or elements of something) or as provided in the instrument of delegation.</p> <p>Although a letter was issued to staff on 16 October 2019 regarding a delegation for purchasing limits, it does not quote the relevant legislative section, regulation and/or policy that is applicable. The issue of correct delegations in writing was identified as an action under the procurement improvement plan considered by the Audit Committee and Council on 21 April 2020.</p> <p><b>Action</b> CEO to issue letters of delegation in an appropriate form as soon as possible</p>
	2	11	The current delegations register identifies

			<p>delegations by Council to the CEO. There are some secondary delegates mentioned, but this does not read as from the CEO to the delegate.</p> <p><b>Action</b> The delegations register is updated to reflect clearly:</p> <ul style="list-style-type: none"> <li>• A Delegation Register re Council delegations to the CEO;</li> <li>• A Delegations Register re CEO delegations to other staff.</li> </ul>
	2	12	<p>The last review of the Delegations Register was conducted in June 2018 and adopted by Council on 18 July 2018. The issue is whether the adoption in the next financial year satisfies meeting the review criteria</p> <p><b>Action</b> The delegations register is updated as part of the review for 2019/2020 during May 2020 to reflect clearly:</p> <ul style="list-style-type: none"> <li>• A Delegation Register re Council delegations to the CEO;</li> <li>• A Delegations Register re CEO delegations to other staff.</li> </ul>
	2	13	<p>It is unclear whether such records were kept:</p> <ul style="list-style-type: none"> <li>• The use of financial delegations is captured by approval flags in the Shire’s Financial Management System. This is satisfactory;</li> <li>• However, it is not clear within the Shire’s Record Keeping System when other delegations were used. This includes keeping Council informed re the use of a delegation by the CEO.</li> </ul> <p><u>Note:</u> the CEO has commenced the first part of a review regarding the Shire’s record keeping practices.</p> <p><b>Action</b> The CEO to implement appropriate practices for the recording of the use of delegations:</p> <ul style="list-style-type: none"> <li>• Within the Shire’s Record Keeping System including appropriate systems and files;</li> <li>• To report to Council in the CEO report each month when her delegations were used.</li> </ul>
<b>Disclosure of Interests</b>			
<b>Finance</b>			
	5	7	Auditor’s Report was received by the CEO on 18 December 2020.
	6	8	Significant findings re tenders (and procurement) considered in March 2020

<b>Tenders for Providing Goods and Services</b>			
	10	1	<p>This matter of where tenders were not invited has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul> <p><b>Action</b> No further action</p>
	10	2	<p>This matter of where multiple contracts without using a single tender has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul> <p><b>Action</b> No further action</p>
	11	4	<p>Staff have not been exposed to the requirements of time as defined in the Interpretation Act previously.</p> <p><b>Action</b> Staff to undertake training regarding the definition of time under the Interpretation Act. This will now form part of the Procurement “Accreditation” Training that staff receive.</p>
	13	27	<p>This matter of staff not obtaining or seeking the appropriate number of quotes has been addressed as part of the action plan regarding the improvement to procurement practices in the report considered by the Audit Committee and Council on 21 April 2020 including:</p> <ul style="list-style-type: none"> <li>• Improvement to the purchasing framework;</li> <li>• Implementation of executive policies and templates.</li> </ul> <p><b>Action</b> No further action</p>

2. Reports to Council that it has completed the review of the Compliance Audit Return 2019

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



**8.8 Shire of Victoria Plains Response to the COVID-19 Pandemic**

<b>File reference</b>			
<b>Report date</b>	21 May 2020		
<b>Applicant/proponent</b>	Commonwealth of Australia, State Government		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>			
<b>Prepared by</b>	Sean Fletcher, Interim Governance Officer		
<b>Authorised by</b>	CEO		
<b>Attachments</b>			
Attachment 1	Page	258	Draft Shire Response Framework
Attachment 2	Page	298	Workshop Workbook
Attachment 3	Page	340	Shire Covid-19 Worksafe Plan
Attachment 4	Page	360	Federal Government Article (1)
Attachment 5	Page	361	Federal Government Article (2)

**PURPOSE**

The purpose of this item is to seek Council's approval on the COVID-19 Pandemic Framework for the Shire of Victoria Plains that will be the Shire's response to the current State Emergency regarding the Pandemic and help the Shire make informed decisions going forward.

**BACKGROUND**

At its meeting on 21 April 2020 Council resolved the following:

**2004-08 Council Resolution****Moved Cr N Clarke Seconded Cr J Corless-Crowther**

That Council:

1. **ACCEPT** the update regarding the unfolding issues concerning the COVID-19 Pandemic, appreciates the response to those issue to date and welcomes the development of a draft framework to guide the Shire's Response to COVID-19.
2. **REQUEST** the CEO to arrange for a workshop on Thursday 30 April 2020 to consider the scope, content, finalisation and implementation of the Shire's COVID-19 Response (Framework). This includes, but is not limited to:
  - a. What the Shire needs to respond to COVID-19;
  - b. The Community Support Package;
  - c. Service delivery implications;
  - d. Working in a much more flexible environment;
  - e. The economic considerations, including the bringing forward of key projects;
  - f. The social considerations including the vulnerable, at risk and the elderly;
  - g. Budgetary constraints;
  - h. The need for a Plan B

3. **ENDORSE** the CEO writing to the local Federal Member of Parliament urging them to advocate for Local Governments to be included in the JobKeeper scheme.

**CARRIED For 6 / Against 1**

*Reason for Variation: To include a date for the COVID-19 Workshop.  
Cr Kelly requested to have his name recorded as voting against the motion.*

The workshop with Council was conducted on 30 April 2020. The revised Framework had been developed from the workshop outcomes, ongoing changes released by the National Cabinet, the Premier (and WA State Emergency Committee) and statutory changes made to assist Local Government during the Pandemic.

**COMMENT**

The Shire of Victoria Plains COVID-19 Pandemic Framework is a guiding document regarding the key actions and criteria the Shire has undertaken, and still needs to undertake, to assist it manage the impact of the coronavirus.

**The Response Steps**

A summary of the response steps regarding where we have been, where we are now and where we will be is summarised as follows:

# What Are The Response Steps? COVID-19



**COVID-19 Work and Safety Plan**

A key criteria in moving forward in dealing with the Pandemic is the Shire having suitable work arrangements in place and how it will operate its facilities based on a COVID-19 Work and Safety Plan. In effect, the Shire cannot be operating without such a plan in place. The core content consists of:

# COVID-19 Work and Safety Plan COVID-19



Cough



Fever



Shortness  
Of Breath



Sore Throat

## PLAN FOR THE WORKPLACE

### COVID-19 Response Plan

The Plan is an instruction to staff (and others) on what to do when encountering COVID-19 and how to work safely including the use of eMeetings

### Declaration Form

A form for those returning from inside/outside WA and who may have been exposed to COVID-19

- ✓ Types of Contact
- ✓ Preventative Measures
- ✓ Employee Contact
- ✓ Levels of Exposure
- ✓ Declaration Form
- ✓ Others Using Shire Facilities

Definitions re casual, close and suspect contact

Good Hygiene, Social Distancing (workspaces, meeting rooms, Libraries, Halls, Recreation Facilities and Chambers), New Starters, Return from Leave

Casual contact, close contact, suspect contact

How to deal with each employee exposed and testing

Instructions on how to use the Declaration Form

Instructions on workplace and facility cleaning regimes

## The PEST Factors

The impacts on the Shire regarding the Pandemic can be summarised in terms of the political, economic, social and technological factors:

# PEST Factors COVID-19

### Economic

- Significant Commonwealth Financial Support to mainstream Aust
- Substantial State Financial Support to mainstream WA
- Local Government expected to also provide support through a Community Support Package e.g. Rates/Fees/Charges Freeze/Reduction. WALGA has put value to WA at \$325M.
- Property valuations will continue as normal for GRV & UV in 2020
- National Wage Case, EBAs and so on. Cannot access JobKeeper
- \$100M Short Term Loan Facility
- China has imposed trade sanctions re Barley, Abattoirs (Beef)

### Technology

- Teleconferencing using Microsoft Teams
- Live streaming of Council Meetings
- WALGA Local Government Procurement Platform (Local Vendors)
- Travel Pass G2G PASS



### Political

- National Cabinet
- State Emergency Plan (Premier/SEMC)
- State Emergency Welfare Plan (DFCS)
- Minister for Local Government
- Changes to Legislation e.g. LG Act, Planning Act, Ministerial Orders, delays to clearing permits;
- The "Road Out" - restrictions will be removed in reverse order Steps 1,2 & 3
- COVID-19 WA Map – Phases 1, 2, 3 & 4

### Social

- Health regulation underway. EHOs to provide on ground support
- State Welfare Plan activated - Shire to assist through CEO appointing Local Welfare Coordinator?
- Community Support Package for VRE
- Lotterywest \$159M COVID-19 Fund

### Six Month Proposition

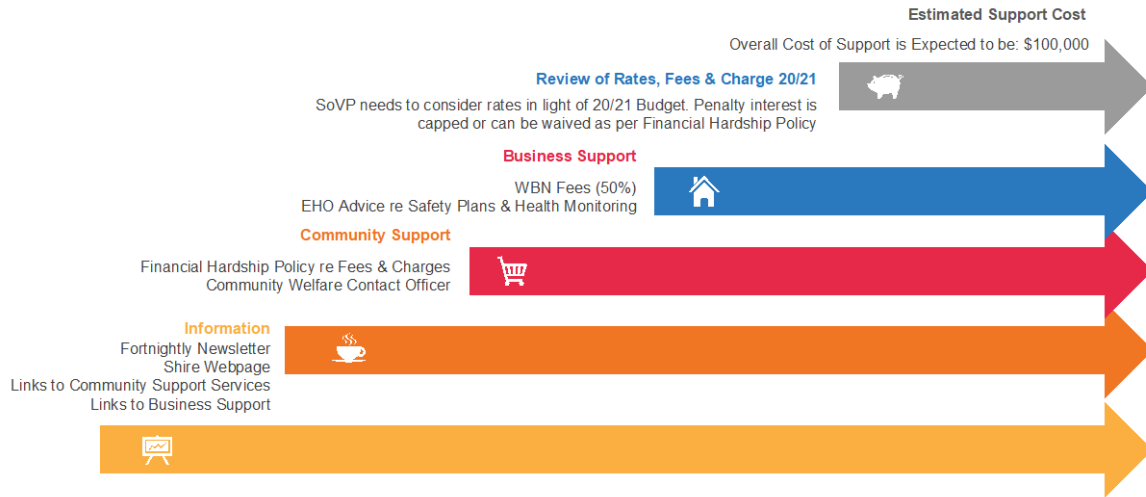
All strategies by the Commonwealth and State Governments at this point relate to a six-month view i.e. June and September 2020 Quarters. However, the PM modified on 8 May 2020 to July 2020 – COVIDSafeApp

## Community Support Package

The types of support that the Shire can provide to the community is on two levels. The first involves social engineering or social capital initiatives and the second level is more economic in nature or the commitment to securing and undertaking key projects:

Social Capital with Some Fiscal Considerations

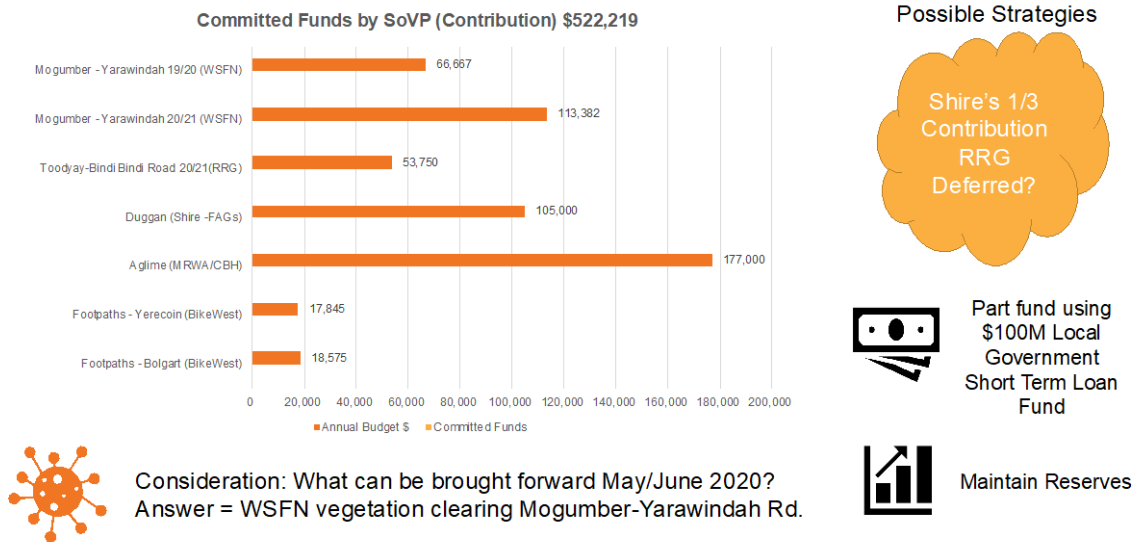
# Community Support Package COVID-19



The Financial Hardship Policy.

Key Projects

# Projects (How Funded) COVID-19

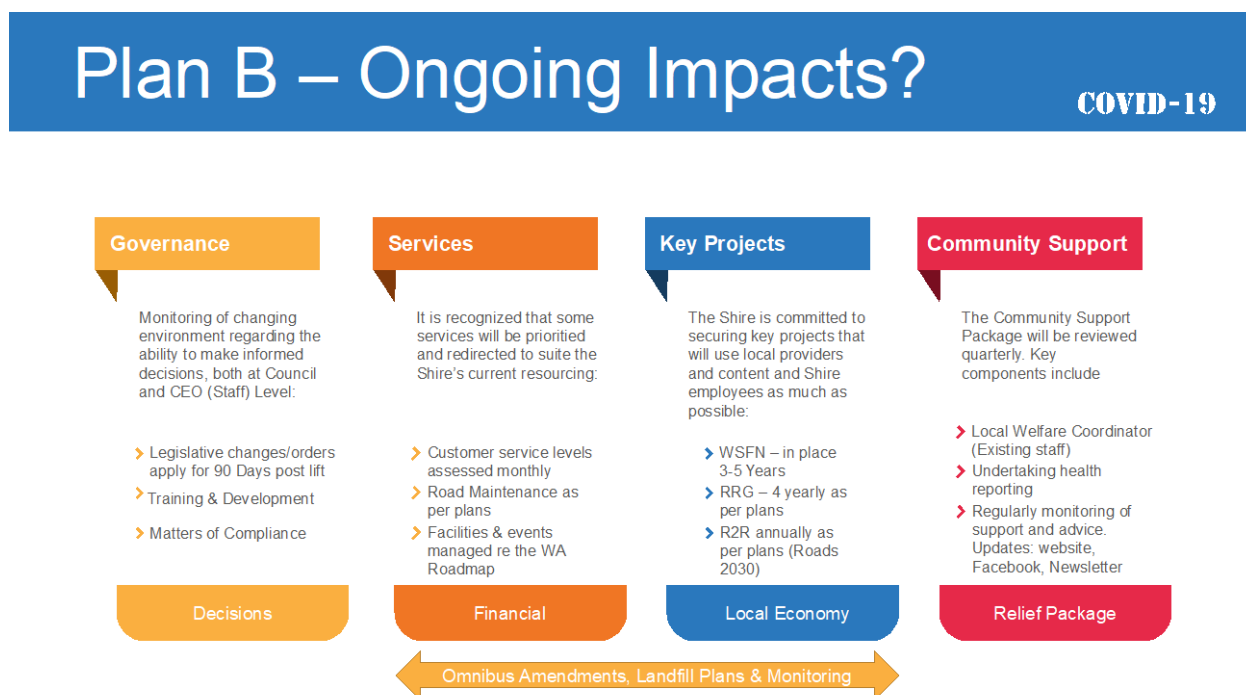


The key issue to note regarding the above is that the Shire's investment will lead to projects worth in excess of \$9M over the next 3 – 5 years.

**Plan B – When The War Is Over**

In moving forward with the Pandemic, the Shire is faced with Plan B or what we can refer to as "When the War is Over". The key factors that the Shire needs to be aware of and

adjust regarding its Strategic Community Plan and thus its Corporate Business Plan is seen in the following graphic:



**Conclusion**

It can be seen that the Shire of Victoria Plains COVID-19 Pandemic Framework has been developed as a key informing strategy for the Strategic Community Plan and the Corporate Business Plan

Like all plans and frameworks it is subject to ongoing review and assessment and may be required to be updated from time to time.

**CONSULTATION**

- President
- CEO
- Council at briefing sessions
- Council COVID-19 workshop 30 April 2020
- Travis Bate – RSM
- Rates Officer
- LRGC
- CESM
- Consultant Planner
- Attended WALGA Briefing Sessions (on-line)

**STATUTORY CONTEXT**

**Local Government Act**

**The Local Government (Financial Management) Regulations**

**The State Emergency Act**

## CORPORATE CONTEXT

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

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> <li>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	

## FINANCIAL IMPLICATIONS

From a budgetary perspective, there is the matter of providing a fiscal stimulus and a cash stimulus:

### Stimulus Considerations

# Stimulus Considerations COVID-19

#### Shire Budget

At the 2019/2020 Budget Review, the Shire recalibrated its baseline:

- The Shire's black hole was \$540,000;
- Financial reporting improved for March 2020 Quarter

Budgetary Matters that need consideration now and going forward are in Attachment A (Sensitivity Analysis)

The List of Support Packages implemented by Local Governments in WA is provided on the SBDC website:

<https://www.smallbusiness.wa.gov.au/blog/local-government-response-covid-19>



Fees & Charges Now?



Budget 20/21



Support Package – Community and Business

	Financial Stimulus \$	Cash Flow Stimulus \$
<b>Revenue</b>		
Penalties and Interest on Outstanding Rates	13,176	-
Rate Freeze	181,635	-
Fees and Charges - Sports and Recreation	1,620	-
Fees and Charges - Exc. Sports and Recreation	9,099	-
Postpone Raising Rates (Sep-Oct only)	-	1,881,999
Interest on Self Supporting Loan - Calingiri Football Club (2020/21)	-	27,903
	205,531	1,909,902
<b>Expenses</b>		
Public Relations Expenditure	35,128	-
	35,128	-
<b>Capital Expenditure</b>		
No stimulus measures	-	-
<b>Total Stimulus</b>	<b>240,659</b>	<b>1,909,902</b>

Financial Stimulus & Cash Flow Stimulus

The Shire has had a tight fiscal situation for quite some time. The Minister for Local Government in his Order dated 8 May 2020 mandated the following:

- Local Governments must give consideration of the rate increase when forming its 2020/21 Budget;
- Charge a maximum of 8% for overdue monies (i.e. accounts owing other than rates or service charges) instead of 11%. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship;
- Charge the existing 5.5% on payment of rates by instalments. If the policy is not in place, the maximum allowed is 3%. With the financial hardship policy in place, the

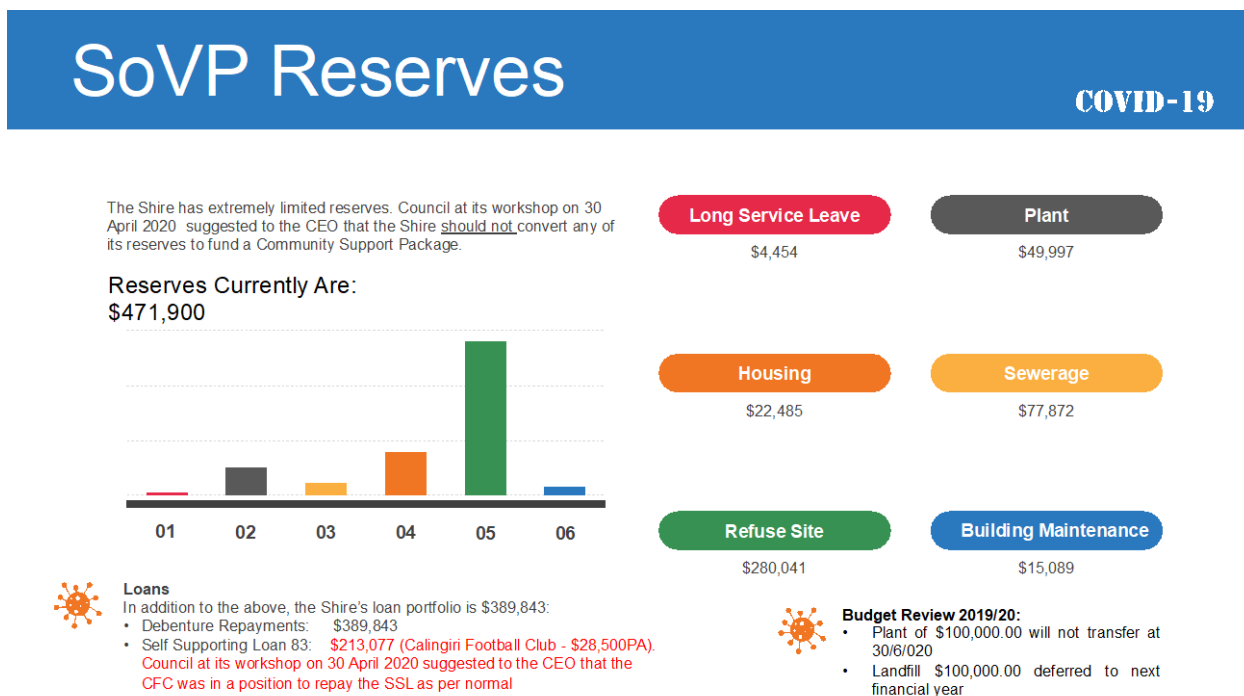
Shire will also be able to waive the charging of the rate of interest for those considered under financial hardship;

- 7. Charge a maximum of 8% instead of 11% for overdue rates and services charges. With the financial hardship policy in place, the Shire will be able to waive the charging of the rate of interest for those considered under financial hardship.

It is feasible to provide some level of fiscal stimulus as follows:

- Rates. Under the Shire’s Long Term Financial Plan, the rates are due to increase by 7%. Perhaps it would be appropriate to consider a 4% increase;
- With the adoption of the Financial Hardship Policy (also in today’s Council meeting agenda), the following penalty interest must be applied:
- It is suggested that perhaps, community grants are put on hold for the time being and perhaps can be revisited at the Shire’s 20/21 Budget Review.

**Status of the Shire’s Reserves**



If possible, the Shire should maintain and build on its reserves for 2020/21. However, it is acknowledged that the Shire may need to access its reserves due to the ongoing impacts of the Pandemic or other emerging issue. The CFC Self Supporting Loan would be maintained.

**Budgetary Considerations**

# Budgetary Considerations - RSM COVID-19

TITLE	19/20 \$	20/21 \$	Impact With Rates \$	
Rates Freeze/Reduction (7%)	N/A	(181,635) 7%	(73,896) 4%	Defer Raising Rates? CFS - No
Penalty Interest - Rates	(1,200)	(13,176)	(13,176)	What increase should rates be? FS - 4%
Fees and Charges - Business	0	(4,000)	(4,000)	Financial Hardship Policy FS - Yes
Fees and Charges - Community	0	(10,719)	(10,719)	WSFN is key funding ie access to \$8.3M over 5 years FS - Yes
Calingiri Football Club SSL	N/A	(27,903)	0	No stimulus/relief for the remainder of 2019/2020 apart from Financial hardship Policy?
Councillor Sitting Fees (50%)	0	80,625	40,312	CEO manages the risk in conjunction with Council
Memberships WBN	0	(2,500)	(2,500)	
Community Grants	0	(35,128)	35,128	
Support Persons – Non-Regulatory?	N/A	20,000	20,000	
Community Support Reserve (Plan B)	N/A	(50,000)	0	
WSFN – Shire Contribution	0	(171,000)	(171,000)	
<b>Total</b>	<b>\$1,200</b>	<b>\$382,636</b>	<b>\$179,311</b>	
Bottom Line Impact:	Insignificant Risk	Extreme Risk	High Risk	

There are a number of options on the table, of which some have already been discussed. This includes 4% rate increase, providing penalty and fees and charges relief, perhaps council sitting fees reduced for 20/21 and the costs for the community grants and grant support person are withheld for now.

**VOTING REQUIREMENTS**

Absolute majority required: No

**Officer’s Recommendation**

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

That Council adopts 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.:



## 8.9 Consideration of Revised WSNF Indicative 5 Yr Road Program

<b>File reference</b>			
<b>Report date</b>	17 <sup>th</sup> May 2020		
<b>Applicant/proponent</b>	Wheatbelt Secondary Freight Network Committee		
<b>Officer disclosure of interest</b>	No Interest to Disclose		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Rod Munns – R Munns Engineering Consulting Services (Consultant)		
<b>Authorised by</b>			
<b>Attachments</b>			
Attachment 1	Page	357	Email from WSNF Project Manager
Attachment 2	Page	359	Revised SoVP Indicative Five (5) Yr WSNF Road Program
Attachment 3	Page	360	Federal Government Article (1)
Attachment 4	Page	361	Federal Government Article (2)

### PURPOSE

For Council to consider committing to a revised potential five (5) year road program to upgrade roads on the AgLime Route #2, which entails receiving potentially \$ 9,383,074 of WSNF funding and matching this funding with \$ 625,570 of "Own Source" revenue, over this period (these figures are actually for a six year period including the Pilot Project expenditure in this current financial year).

### BACKGROUND

This item follows Council's resolution number 2004 - 13 from the April 2020 Ordinary Council Meeting, relating to the consideration of a proposed Five (5) Year Indicative WSNF Road Program. The provided and endorsed program included upgrades to the following AgLime Route #2 roads, one of the main priority one (1) routes, within the WSNF Road Network:

- 1) Mogumber – Yarawindah Rd – from SLK 3.32 to 18.04 (the end of the Pilot Project section to the Great Northern Highway intersection) – Stages 1 to 4 (20/21 Yr to the 23/24 Yr)
- 2) Calingiri – New Norcia Rd – from SLK 11.50 – 15.20 (the low lying section east of Yenart Rd) – Stage 5 (24/25 Yr)

A summing error has since been realised in the five (5) year program submitted to Council at this Council Meeting and the WSNF. The total program for the SoVP was shown on the program attachment at \$ 9,074,825, when in reality this five (5) year program total was actually

\$ 10,949,825. The last (2024/25) Yr allocation of \$ 1,875,000 was unfortunately not included in the total summing formula. However, since the individual year allocations were transferred into the whole WSNF five (5) year program, this total summing error did not create any serious issues to the WSNF.

The WSNF Committee held a meeting on the 24<sup>th</sup> April 2020, to consider and endorse this Indicative five (5) year program, along with five (5) year programs from the other nine (9) affected LG's with roads listed on the WSNF Priority One Routes. Following this meeting, the WSNF Project Manager, Mr Steve Thomson provided the affected LGs with feedback on their proposed programs, from the WSNF Committee. The feedback email provided to the SoVP is attached. The main concern with our program and most LG programs was an apparent concern with costings per km for road reconstruction treatments being considered overly high. The WSNF Committee has asked most affected LG's to consider reductions in treatment types, to reduce overall costings per km for road reconstruction works. In other words, there are concerns that our original treatments may be over designed, and we have been requested to potentially use slightly less robust treatments where possible, but which will still provide a reasonably high quality pavement.

The original program was based on the entire existing pavement along the whole 17.57kms of the Mogumber / Yarawindah Rd and 3.70km of the Calingiri – New Norcia Rd, being lime stabilised to 250 deep, regardless of what condition the pavement is currently in. This was the design treatment prior to a new 150 thick basecourse gravel layer being constructed over it. As a result of the WSNF Committee's request and concerns, I have since driven the entire Mogumber / Yarawindah Rd alignment and assessed the current pavement condition in more detail to discern those sections showing no stress and those sections that are under obvious stress (ie either Rutting or Shoving is evident). My assessment has revealed:

- 9.95km has no obvious pavement stress
- 7.62km has obvious pavement stress, of which 0.54km is in extremely poor condition (heavy shoving is evident).

As a result of this assessment, I have revised and reduced the existing pavement treatment by simply wetmixing those sections currently showing no pavement stress and continuing to allow for and to apply the Lime Stabilisation treatment to those sections showing evidence of obvious pavement stress. For the 0.54km section showing extremely poor pavement condition, I have allowed to lime stabilise the underlying subgrade and cement stabilise the existing pavement prior to constructing a new 150 thick gravel basecourse layer over. The wetmixing of those pavement sections not showing stress, is required: to mix the number of thin pavement layers that is evident from the geotechnical investigation into one (1) 200 thick uniform layer; and also to allow the existing pavement surface levels to be corrected prior to the basecourse overlay being constructed, especially through curves and transitions into curves. The wetmixing treatment is approximately 20% of the cost of the lime stabilisation treatment. Overall, this methodology has resulted in a saving of approximately 14 to 15% to the total per km treatment cost rates.

It would be expected that the existing pavement on the whole 3.7km section of the Calingiri – New Norcia Rd would receive the same lime stabilisation treatment as was allowed for in the original program, since it is all located within a low lying potential water logging area that is susceptible to increased rate of pavement failure.

## **COMMENT**

### **MOGUMBER – YARAWINDAH PILOT PROJECT WORKS STATUS**

Council's works crew stopped works on this Pilot Project on the 20<sup>th</sup> March 2020, due to the concerns with managing an unsealed pavement surface into the future, via disrupting the existing sealed surface (the next task at this time to be commenced was lime stabilising the existing pavement, which involves turning in the existing bitumen surfacing) with the unknown availability of future crew and contractor resources with the COVID-19 threat, and the near future onset of the colder wetter winter months, hanging over this project. At that time, nearly one third of the project costs had been expended and we were on schedule and had completed all of the clearing of regrowth vegetation in the Maintenance Zone, removal of spoil material from the verges and reshaping of table drains and widening and shoulder reconditioning, on this 2.75km section from SLK 0.47 to 3.32. I advised the WSNF Committee that we had temporarily postponed these works, and would resume the pavement upgrade works around mid to late September 2020, providing the site materials were dry enough and the COVID-19 threat had passed at that time. The WSNF Steering Committee understood these concerns at the time, and accepted the temporary postponement.

As also highlighted in their response email (see attachment 1), the WSNF have requested the SoVP to consider utilising some of the claimed but unspent WSNF funding to carry out other required works on the remaining 14.72km east of the Pilot Project section, on the Mogumber – Yarawindah Rd from SLK 3.32 to 18.04 – in the remainder of this financial year. This would be on the proviso that the funding expended on this task, would be offset with additional funding in the Stage 1 (20/21) year. As a result, Council's works crew and Contractors resumed works on this Pilot Project on the 4<sup>th</sup> May 2020, by continuing with the clearing of regrowth verge vegetation removal within the Maintenance Zone on the remainder of this road section within this current financial year. This work will also include the removal of spoil from the verges and the reshaping of table drains and batters along this remaining section. It is expected that the remaining time to the EOFY will only allow these two tasks to be completed, and total project expenditure at that time is projected to be \$ 726,205, some \$ 73,795 short of the total \$ 800,000 currently claimed out of the original Pilot Project funding. It is expected this \$ 73,795 of underspent funding will be carried into the 2020/21 Yr Road Budget as tied funding (and includes \$ 4,920 of matching "Own Source" funding).

We expect to recommence pavement upgrade works on the Pilot Project section in mid to late September 2020, and if Council agrees to commit to the five (5) year indicative WSNF program and funding is available, we would expect to continue on with the adjoining stage 1 upgrade works (with the expected preliminary works for this section being complete by that time) during the 2020 harvest period (from SLK 3.22 to 5.66).

#### COST TO COUNCIL FOR ONGOING INDICATIVE 5 YR PROGRAM

The Federal Government funding body (ROSI) providing the majority of the WSNF funding, are applying pressure to the WSNF Committee to have the \$87 Million of WSNF funding effectively expended in the next four (4) to five (5) years, and sooner if possible.

Given the revised provided five (5) year indicative WSNF program, the SoVP may stand to receive approximately \$ 9,383,074 of WSNF Funding (this total figure is actually for a six year period including the Pilot Project expenditure in this current financial year). However, this program is not guaranteed, and is indicative only and will vary depending upon:

- Funding Priorities - as to be determined via the MCA process

- Each affected priority one (1) route LG's ability and capacity to transfer this road upgrade funding onto the ground
- Each affected priority one (1) route LG's capacity to contribute the matching 6.7% funding levels to the overall total funding amount.
- Fine tuning individual years projects cost estimates or Scopes of Works, each year.

Based on the revised indicative program, the projected costs to Council to match the WSFN funding in the next five (5) years road budgets, with 'Own Source' funding would be :

Yr 1 – Stage 1	– 2020/21 Yr	: \$ 113,382
Yr 2 – Stage 2	– 2021/22 Yr	: \$ 117,990
Yr 3 – Stage 3	– 2022/23 Yr	: \$ 102,928
Yr 4 – Stage 4	– 2023/24 Yr	: \$ 138,206
Yr 5 – Stage 5	– 2024/25 Yr	: <u>\$ 104,648</u>
Total		: \$ 577,154

In resolving to commit to this potential five (5) year program and the opportunity to accept the projected \$ 8,656,869 of WSFN funding, Council is committing to budgeting this matching funding each year over this time period.

## CONSULTATION

Cr Wayne Gibson – Chairman of the Wheatbelt North Regional Road Group

Mr Craig Manton – Regional Manager of MRWA Wheatbelt Region.

Glenda Teade – CEO

Bob Edwards - Works & Services Manager

## STATUTORY CONTEXT

Supporting this application will improve facilities for trucks and drivers – as per item 4.5 of the Strategic Community Plan adopted 28 March 2018.

<b>4.</b>	<b>Infrastructure – to maintain / add to infrastructure used by the community</b>
4.5	Improve facilities for trucks and drivers

## CORPORATE CONTEXT

Nil

## STRATEGIC IMPLICATIONS

Will provide a safer more efficient route for AgLime traffic through the Shire at minimal cost to Council.

## FINANCIAL IMPLICATIONS

Attaining this funding to preserve this AgLime Route #2 road into the future, will reduce the financial burden on Council from contributing 33% matching funding via SGFtLRA funding (the only other available road funding to preserve these road sections on this route), down to 6.67% matching funding via Wheatbelt Secondary Freight Network funding. The indicative projected costs to Council to match the WSFN funding in the next five (5) years road budgets would be :

Yr 1 – Stage 1	– 2020/21 Yr	: \$ 113,382
Yr 2 – Stage 2	– 2021/22 Yr	: \$ 117,990
Yr 3 – Stage 3	– 2022/23 Yr	: \$ 102,928
Yr 4 – Stage 4	– 2023/24 Yr	: \$ 138,206
Yr 5 – Stage 5	– 2024/25 Yr	: <u>\$ 104,648</u>

Over this five (5) year funding period, the SoVP may stand to receive \$ 8,656,869 of WSFN Funding.

**VOTING REQUIREMENTS**

Absolute majority required:            Yes

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

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

That Council:

- a) **COMMITTS** to the proposed revised indicative five (5) year WSFN funded road program on the AgLime Route #2 roads; and
- b) makes **PROVISION** to allocate "Own Source" funding in the next five (5) year annual budgets (as required), to match the available WSFN funding at 6.7% of the agreed upon annual program amount.

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

**8.10 Coterra Environment, DWER - CPS 8357-1.**

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Item to be sent separately.

**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**

**Officer Recommendation**

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

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

That the meeting be closed to the public to consider the following matters, the time being \_\_\_\_\_ pm –

1.

*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 \_\_\_\_\_ 2020.

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.**