



Minutes

Ordinary Council Meeting

27 November 2019

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.04 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.

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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.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers,
on 27 November 2019 commencing at 2.04 pm

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.04pm, welcoming Councillors, staff and members of the public to the Meeting.

1.2 Announcements by Shire President

The Presiding Member read aloud the formal Disclaimer Announcement.

2. RECORD OF ATTENDANCE

Members present	Shire President – Cr Bantock Cr J Kelly Cr J King Cr S Penn Cr Clarke Shire Deputy President - Cr D Lovelock (arrived 2.16pm)
Staff attending	Chief Executive Officer – Ms Glenda Teede Executive Assistant – Mrs Julie Klobas Works and Services Manager – Mr Robert Edwards (until 3.49pm) Finance and Administration Manager – Mrs Ina Edwardson (until 3.49pm) Environmental Health Officer – Mr Allan Ramsay (until 3.28pm) Shire Town Planner – Mr Joe Douglas (until 3.28pm) Governance Officer – Mr Aaron Bowman
Apologies	Cr D Lovelock – Deputy President (arrived 2.16pm)

Approved leave of absence	Cr J Corless-Crowther has approved leave of absence from 14 November 2019 to 30 November 2019 inclusive.
Visitors	Nil
Members of the public	Mrs Suzanne Woods Mr Gary McGill Malcolm Palmer Garry McCagh David Hall Suzanne Hall Sandra Simons

3. DISCLOSURES OF INTEREST

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

	Type	Item	Person / Details
3.1	Financial		The CEO, Ms Glenda Teede, declared a financial interest in item 11.2 'CEO Performance Review' as <i>'subject matter is regarding my review'</i> .
3.2	Proximity		Nil
3.3	Impartiality		Cr D Lovelock declared an impartiality interest in Item 11.1 'Audit Committee' due to <i>"Lou Witham is my daughter"</i> .

4. PUBLIC QUESTION TIME

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

There were Nil public questions at the 30 October 2019 OCM.

Public Question Time was opened to the floor at 2.08 pm.

4.1 Public Questions Without Notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Mrs Suzanne Woods

- Q1. What are Council's guidelines regarding placing "Hazard Ahead" signs on roadside in reference particularly to gravel cut out just north of Calingiri?

- A1. WSM noted the cut outs are currently filled with gravel. The black material has been ordered and will be collected Friday 29 November 2019. Culverts will be completed early next week.

The Shire President took the Question on Notice in relation to Guidelines

Public question time closed at 2.10 pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil.

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

1911-01 Officer Recommendation / Council Resolution
--

Moved Cr J King

Seconded Cr N Clarke

That the Minutes of the following meetings, as circulated, be **CONFIRMED** as a true and correct record:

- Ordinary Council Meeting held 30 October 2019.
-

CARRIED For 5 / Against 0

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

File reference	F1.8.4		
Report date	19 November 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer/Ina Edwardson – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	1	List of Accounts
Attachment 2	Page	1	Credit Card Statement – Confidential Cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for October 2019.

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

1911-02 Officer Recommendation / Council Resolution

Moved Cr J King

Seconded Cr N Clarke

That the payments made for October 2019 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**	8227 - 8343	331,550.38
Creditor Cheque Payments	12252 - 12252	100.00
Direct Debit Payments**	DD11403.1 – DD11462.5	35,774.56
Salaries & Wages EFT	PE 02/10/19- PE 30/10/19	140,777.64
Credit Card Statements	EFT8344	1,908.97
Fuel Card – Wright Express	D11461.1	607.05
Trust Payments	230 - 233	100.65
	TOTAL	\$510,819.25

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 0

Cr D Lovelock joined the meeting at 2.16pm.

8.2 Monthly Financial Statements - September 2019

File reference			
Report date	20 November 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	9	Monthly Financial Statements – 30 September 2019

PURPOSE

To receive the monthly financial statements for the period ending 30 September 2019.

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 September 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing two months of financial activity. Most variances reported on are timing variances.

Rate revenue was levied in August so the Net Current Assets figure as at 30 September 2019 has jumped from the previous month end. On top of this the first quarter of Financial Assistance Grants have been received.

The overdraft facility was utilised for a short while during August due to cash flow issues.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

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

1911-03 Officer Recommendation / Council Resolution
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Moved Cr J King

Seconded Cr D Lovelock

That Council **RECIEVE** the 30 September 2019 Monthly Financial Reports as presented:

CARRIED For 6 / Against 0

8.3 Monthly Financial Statements - October 2019

File reference			
Report date	20 November 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Ina Edwardson – Finance & Administration Manager		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	32	Monthly Financial Statements – 31 October 2019

PURPOSE

To receive the monthly financial statements for the period ending 31 October 2019.

BACKGROUND

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

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

COMMENT

The 31 October 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing four months of financial activity. Most variances reported on are timing variances.

Rate revenue was levied in August so the Net Current Assets figure as at 31 October 2019 has jumped from the previous month end. On top of this the first quarter of Financial Assistance Grants have been received.

CONSULTATION

None

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

1911-04 Officer Recommendation / Council Resolution
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Moved Cr N Clarke

Seconded Cr D Lovelock

That Council **RECIEVE** the 31 October 2019 Monthly Financial Reports as presented.

CARRIED For 6 / Against 0

8.4 ANZAC Commemorative Advisory Group

This item was held over at the October 2019 OCM, reason due to additional information required, which information is included at the bottom of this report.

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	16 th May 2018
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to consider discontinuing the ANZAC Commemorative Advisory Group.

BACKGROUND

At the 16th May 2018 Council meeting, Council resolved to discontinue the ANZAC Commemorative Committee and replace this with an ANZAC Commemorative Advisory Group.

Council appointed Cr Stephanie Penn, Cr Jacqui Corless-Crowther to the ANZAC Commemorative Advisory Group and Mr Gary McGill – Warden of War Memorial.

COMMENT

ANZAC day is probably Australia's most important national occasion. It marks the anniversary of the first campaign that led to major casualties for Australia and New Zealand forces during World War One and commemorates all conflicts that followed. The Officer's Recommendation is in no way recommending a diminution of the commemorations of ANZAC day. The Officer Recommendation is simply providing advice to Council that all the great work that Gary McGill and other community volunteers do for the ANZAC Day commemorations does not require a Council advisory group, and other options are available that may be more suitable.

The Terms of Reference states the role and scope of the Advisory group as being:

- 1) assist with the coordination and arrangements for ANZAC Day; and
- 2) consider the management of the Calingiri War Memorial and make relevant recommendations to Council.

Given that the majority of members on this groups are Councillors, and given the role of this advisory group, it would seem superfluous to have an Advisory group.

Assisting with the coordination and arrangement – this is a hands-on role and would be better suited to be undertaken by community members under the direction of the Warden of War Memorial. The Chief Executive Officer and Executive Assistant could be made available to meet with Mr Gary McGill, to document the roles, tasks and other duties required in the lead up to each and every ANZAC day celebration, so that there is a complete and documented list of what is required, with all parties, community groups and volunteers knowing exactly what they are being asked to assist with, when and where. This should greatly assist and ease the burden of the Warden of the War Memorial and will reduce unforgotten or last-minute tasks.

Any requests for the management of the war memorial would be best provided to the whole council during a budget workshops so that any expenditure can be budgeted for in the forthcoming budget.

It is therefore recommended that this working group be disbanded

Options

Council disband the ANZAC Commemorative advisory group and invite the Warden of War Memorial to meet with Council each year during a budget workshop to discuss the management of the War Memorial and any request for inclusion in the budget.

Or

That Council appoint Cr _____ and Cr _____ and the Warden of War Memorial to the ANZAC Commemorative working group.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 5.8 of the Local Government Act 1995 allows the Council to establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Local Governments that can be delegated to Committees.

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Additional Information

Gary McGill runs ANZAC Day and notifies the Committee and CWA President, together with Councillors of the ANZAC day event.

The responsibility to run the Committee lies with the Committee members.

Officer Recommendation

Moved Cr D Lovelock

Seconded Cr _____

That Council **DISBAND** the ANZAC Commemorative Advisory group and invite the Warden of the War Memorial to meet with Council each year during a Budget Workshop to discuss the management of the War Memorial and any request for inclusion in the budget.

The motion lapsed for want of a seconder.

1911-05 Council Resolution

Moved Cr S Penn

Seconded Cr N Clarke

That Council **APPOINT** Cr S Penn and Cr J Corless-Crowther and the Warden of War Memorial to the ANZAC Commemorative Working group.

CARRIED For 5 / Against 1

Reason for Variation

That Council not disband the ANZAC Commemorative Working Group.

8.5 Suicide Prevention Advisory Group

This item was held over at the October 2019 OCM, reason due to additional information required, which information is included at the bottom of this report.

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	16 th May 2018
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to consider discontinuing the Suicide Prevention Advisory Group.

BACKGROUND

At the 16th May 2018 Council meeting, Council resolved to discontinue the Suicide Prevention Committee and replace this with a Suicide Prevention Advisory Group. Council appointed Cr King, Cr Corless-Crowther, Cr Penn and Cr Clarke to the Suicide Prevention Advisory Group.

COMMENT

Tragically, too many people in rural Western Australia are affected by suicide each year. It is devastating to individuals, families, workplaces and communities. On average, one person each day loses their life to suicide in Western Australia; and strengthening the capacity of the community to help reduce the incidence of suicide, especially amongst groups that are particularly vulnerable is an extremely important matter.

The current Terms of Reference for the Suicide Prevention Advisory group has no documented role and / or scope. The question is therefore asked; 'Is the advisory group providing any benefit to council and the community? what are these? and whether an advisory group that only consists of Councillors is the best format to help reduce the incident on suicide in the Shire of Victoria Plains and surrounding districts?'

No Advisory group can have delegated authority and as such any matter requiring a Council decision must be presented to Council at a Council meeting.

An Advisory group should be advising council on relevant matters; in this case suicide prevention. A scan of past Council minutes provides no evidence of this. If the Advisory group is simply currently dealing with operational activities this is not a role of an advisory group.

Without evidence of any benefit this Advisory group has provided to the Council and the community, it is the Officer's Recommendation that strengthening the capacity of the community to help reduce the incidence of suicide, especially amongst groups that are

particularly vulnerable, should be undertaken in a different manner. Instead of just talking about it around the table inside the council chambers, surely these discussions are much better being had around community tables, bar tables and the kitchen tables of community members.

Options

Council disband the Suicide Prevention Advisory group

or

That Council appoint Cr _____ and Cr _____ and Cr _____ and Cr _____ to the Suicide Prevention Advisory group.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 5.8 of the Local Government Act 1995 allows the Council to establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Local Government that can be delegated to Committees.

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Additional Information

CEO has contacts within the sector which has been provided to Elected Members.

The responsibility to run the Committee lies with the Committee members.

1911-06 Officer Recommendation / Council Resolution
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Moved Cr D Lovelock

Seconded Cr J King

That Council **DISBAND** the Suicide Prevention Advisory Group.

CARRIED (on the President's Deciding Vote) For 3 / Against 3

Cr's Kelly, Penn and Clarke wished to have their names recorded as having voted against the motion.

8.6 Piawaning Expo

File reference			
Report date		18 November 2019	
Applicant/proponent		N/A	
Officer disclosure of interest		Nil	
Previous meeting references		Nil	
Prepared by		Aaron Bowman – Governance Officer	
Authorised by		Glenda Teede	
Attachments			
Attachment 1	Page	55	Map of Reserve 18203

PURPOSE

For Council to consider providing a letter of support to the Piawaning Expo for a grant application.

BACKGROUND

The Piawaning Expo group have the opportunity to apply for a grant under the Regional Agricultural Show Development Grant scheme, for the construction of a multi-purpose shed / pavilion to be utilised for the expo and for other community uses.

A requirement of the application is that

3b *“the regional agriculture show society can provide evidence that the entity with responsibility for the relevant showground and relevant showground infrastructure supports the application”* The Shire of Victoria Plains being the entity with responsibility for the showground / recreation area.

COMMENT

Reserve 18203, the area in question is a Crown reserve vested to the Shire of Victoria Plains for recreation purposes.

The project that the Piawaning Expo group is applying for a grant is a great project that would be an asset to the local area and the surrounding community. The project fits within the reserve purpose being recreation, and there is no reason why Council should not provide approval / letter of support for this application.

Further specific details will need to be developed and the Piawaning Expo group and the Shire will need to work together towards a common agreement for this project, all of which can be done at a later date, including such things as the final location and accessibility.

CONSULTATION

Meetings have been held between the Shire and the Piawaning Expo, where this request together with some of the constraints and other issues have been discussed.

STATUTORY CONTEXT

Section 48 and 91 Land Administration Act 1997

CORPORATE CONTEXT

Providing Strong Communities

FINANCIAL IMPLICATIONS

Nil – this is only a letter of support

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

That Council **PROVIDE** a letter of support to the Piawaning Expo for their grant application to the Regional Agricultural Show Development Grant scheme for a shed / pavilion.

1911-07 Council Resolution

Moved Cr S Penn

Seconded Cr J Kelly

That Council **PROVIDE** a letter of support to the Piawaning Expo for their grant application to the Regional Agricultural Show Development Grant scheme for a shed / pavilion and that the CEO action the motion immediately.

Reason for variation.

For the matter to be addressed immediately.

CARRIED For 6 / Against 0

8.7 Council Policy - Investment

File reference			
Report date			
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede - CEO		
Attachments			
Attachment 1	Page	56	Current Investment Policy 3.4
Attachment 2	Page	58	Draft New Investment Policy

PURPOSE

The Purpose of this report is to request that Council replace the current Investment Policy, Policy 3.4 with the new Investment policy.

BACKGROUND

An ongoing review of the Shire's current policies is being carried out to ensure that existing policies are still considered effective / needed, are not covered by other legislation and / or are easy to understand and provide proper guidance to staff and others.

COMMENT

The current investment policy was not being referred to by staff, and staff were unaware of the content of this policy, as such all term deposits have been getting placed with Bendigo Bank, which at time has resulted in a lower return than what could have been achieved if the funds were invested elsewhere.

A review of the existing policy suggests that it is a very good policy and is one that is very similar to several local governments especially many of the metropolitan local governments. There are however differences between these local Governments and the Shire of Victoria Plains, noticeably the amount of money available to invest and the larger local governments have a dedicated officer that looks after their investments, or an officer that this is a substantial part of their role.

To make it as easy as possible, in no way ambiguous and to restrict the investment type the following limitations are included in the draft policy:

- Interest bearing deposits
- Bank accepted / endorsed bank bill.

IN addition to avoid any mistakes or incorrect interpretations the draft policy specifically details what is an authorised institution.

Authorised institution includes any of the following institutions

- Commonwealth Bank – CBA

- National Australia Bank – NAB
- Australia and New Zealand Bank – ANZ
- Westpac Banking Corporation
- AMP Bank
- Suncorp Metway Bank
- Bank of Queensland – BoQ
- Adelaide Bank / Bendigo Bank
- Macquarie Bank

CONSULTATION

Manager Finance and Administration

STATUTORY CONTEXT

Local Government Act 1995 –

6.5(a) – Chief Executive Officer duty to ensure that proper accounts and records of the transactions and affairs are kept in accordance with regulations.

6.9(2) – interest on monies held in Trust is to be applied to the purpose of the monies held

6.14 – money held in trust may be invested under Trustees Act 1962 Part III

Local Government (Financial Management) Regulations 1996 –

r.8 – money from different accounts may be placed in a common investment

r.19 – control procedures for investments required

r.19C – restrictions on investments – prohibited –

- deposits with institutions not authorised
- fixed term of more than 12 months
- bonds not guaranteed by Commonwealth State or Territory
- bonds with maturity term more than 3 years
- foreign currency

Banking Act 1959 (Commonwealth)

s.5 – definition of authorised deposit taking institution

s.9(3) – authority to carry on a banking business

Trustees Act 1962 – - Part III - Investments

Western Australian Treasury Corporation Act 1986

CORPORATE CONTEXT

Good Financial Management

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

1911-08 Officer Recommendation / Council Resolution

Moved Cr J Kelly

Seconded Cr S Penn

That Council **REPLACE** the current Investment Policy, Policy 3.4 with the new Investment Policy as contained within attachment 2.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 0

8.8 Council Policy – Revocation of Policy 5.1.1 and 5.1.4

File reference	
Report date	18 November 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede, CEO
Attachments	
Attachment 1	Page
	Nil

PURPOSE

The Purpose of this report is to request Council to revoke Policy 5.1.1 and 5.1.4.

BACKGROUND

Council current has the following policies:

5.1 Subdivision – Conditional Applicable

5.1.1 Subdivision Approvals should address the following issues:

- a)
- b)
- c)

(a), (b) and (c) above replaced/revoked 18 July 2018

- d) The land being filled and/or drained at the subdividers cost to the specifications and satisfaction of the Shire of Victoria Plains.
- e) The land being graded and stabilized at the subdividers cost to the specification and satisfaction of the Shire of Victoria Plains.
- f) Certification from Western Power that financial and other requirements have been satisfied for the provision of underground power to the lots, provision of padmount sites and easements as may be required by Western Power being transferred free of cost to Western Power, with the location of the sites being to the satisfaction of the Shire of Victoria Plains.
- g) Certification from Western Power that financial and other requirements have been satisfied for the provision of street lighting within the subdivision.
- h) Certification from Fire and Emergency Services Authority of WA that adequate arrangements have been made in relation to fire hydrants.
- i) Certification from the Water Corporation of WA that arrangements have been made so that connection to an adequate water service will be available to lots in the subdivision.
- j) That a suitable effluent disposal system is in place.
- k) Underground power and provision of street lighting be a condition on all future subdivisions.

5.1.4 Developers Costs Any Developer shall be required to meet the direct costs plus normal loading for any consultant fees or other fees applicable for any proposed Local Planning Development or scheme amendment.

COMMENT

An ongoing review of the Shire's current policies is being carried out to ensure that existing policies are still considered effective / needed, are not covered by other legislation and / or are easy to understand and provide proper guidance to staff and others.

The following comments were provided by the Shire's Planning Consultant

"Policy 5.1 - Subdivision – Conditions Applicable & Sub-Policy 5.1.1 - Subdivision Approvals should address the following issues

By definition this not a local planning policy and should not therefore be referred to as one. It is in fact an administrative-type policy however given the Western Australian Planning Commission (WAPC) is the decision-making authority in relation to any subdivision proposals in the Shire, it is itself the agency responsible for the formulation and imposition of conditions on any subdivision approvals issued. This policy seeks to pre-empt what the WAPC will require when determining applications however each subdivision proposal is different so the WAPC will impose conditions based on need in each instance and not any administrative type policy adopted by the Shire which may not go far enough given the circumstances of each case. In light of these facts it is considered this policy has no real meaning, is superfluous to need and should therefore be revoked.

Policy 5.1.4 – Developers Costs

This policy is considered to be unnecessary given the specific requirements of Part 7 and Schedules 2 to 4 of the Planning and Development Regulations 2009 as they apply to local government planning charges and the fact local government authorities do not bear or are responsible for any costs associated with the development of land by the private sector. It is accepted industry practice that landowners / developers are required / obliged to meet all costs associated with progressing their individual development proposals including the payment of any fees prescribed in Schedules 2 to 4 of the Planning and Development Regulations 2009. As such it is recommended this policy be revoked as it simply states what is already known, accepted and enshrined in regulation."

CONSULTATION

Shire's Planning Consultant

STATUTORY CONTEXT

Section 2.7(2)(b) of the Local Government Act 1995

Council is to have due regard to its policies to be able to govern its affairs and performance.

CORPORATE CONTEXT

Good Governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

Officer Recommendation

That Council **REVOKES** Policy 5.1.1 Subdivision Approvals and 5.1.4. Developers Costs.

1911-09 COUNCIL RESOLUTION

Moved Cr J Kelly

Seconded Cr S Penn

That this matter be deferred for consideration until the December 2019 Ordinary Council Meeting.

CARRIED For 4 / Against 2

1911-10 Council Resolution

Moved Cr N Clarke

Seconded Cr D Lovelock

That the meeting be adjourned for afternoon tea at 2.52pm.

CARRIED For 6 / Against 0

The meeting resumed at 3.25pm with all Councillors in attendance at the opening of the meeting present.

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

The Planning Consultant provided a presentation to Council prior to the November 2019 Ordinary Council Meeting in relation to the Menzies Quarries matter.

1911-11 Council Resolution

Moved Cr S Penn

Seconded Cr N Clarke

That the matter of Menzies Quarries be considered.

CARRIED For 6 / Against 0

11. MEETING CLOSED TO PUBLIC

1911-12 Council Resolution

Moved Cr P Bantock

Seconded Cr D Lovelock

That the meeting be closed to the public to consider the following matters, the time being 3.28 pm –

1. Menzies Quarries
2. Audit Committee
3. CEO Performance Review

CARRIED For 6 / Against 0

Remaining in the meeting – All Councillors who were in attendance at the opening of the meeting, CEO, Works and Services Manager, Governance Officer and Executive Assistant.

11.0 Menzies Quarries Pty Ltd – Extractive Industry Operation

File reference	
Report date	27 November 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Joe Douglas
Authorised by	
Attachments	
Attachment 1	Page Nil

CONFIDENTIALITY PROVISIONS

This item is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

1911-13 Council Resolution**Moved Cr S Penn****Seconded Cr N Clarke**

That Council **RESOLVE** pursuant to clause 2.1 of the Shire of Victoria Plains Extractive Industry Local Law 2018 to authorise the Shire's Chief Executive Officer to serve notice on Menzies Quarries Pty Ltd to immediately cease all current extractive industry operations on Lot 127 on plan 35464 being No. 668 Mogumber-Yarrowindah Road, Mogumber on the basis such operations on the land are strictly prohibited without Menzies Quarries Pty Ltd being the holder of a valid and current extractive industry licence.

CARRIED For 6 / Against 0

Cr D Lovelock declared an impartiality interest in this item due to "Lou Witham is my daughter" at 343pm.

11.1 Audit Committee

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	25 th October 2017
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede - CEO
Attachments	
Attachment 1	Pages 7-13 Confidential – Item and Expressions of Interest

CONFIDENTIALITY PROVISIONS

This report is confidential in accordance with Section 5.23(2)(b) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (b) The personal affairs of any person.

1911-14 Council Resolution

Moved Cr D Lovelock

Seconded Cr N Clarke

That in accordance with the provisions of the Local Government Act 1995, Section 5.11 Council **APPOINT** Ms Lou Witham and Mr Gary McGill as external members of the Audit Committee for the period 28 November 2019 to 14 October 2021.

CARRIED For 6 / Against 0

Reason for Variation

To allow for experienced and independent residents to contribute to the Committee.

The CEO, Ms Glenda Teede, having declared a potential financial interest in this item as 'subject matter was regarding my review' withdrew from the meeting at 3.49pm.

The Finance and Administration Manager and Works and Services Manager also withdrew from the meeting at this time, being 3.49pm.

The Governance Officer and Executive Assistant remained in the meeting.

11.2 CEO Performance Review

File reference	
Report date	21 November 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Pauline Bantock – Shire President
Attachments	
	Page14 Confidential Item

CONFIDENTIALITY PROVISIONS

This report is confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (a) A matter affecting an employee or employees

1911-15 Council Resolution

Moved Cr D Lovelock

Seconded Cr J Kelly

That section 8.9 of the Shire's meeting procedure local law be suspended at 4.03pm.

CARRIED For 6 / Against 0

The Finance & Administration Manager re-joined the meeting to provide additional information at 4.25pm, then withdrawing from the meeting at 4.32pm.

The Shire President adjourned and withdrew from the meeting at 4.36pm to speak with the CEO about the suggested facilitator.

The Shire President resumed the meeting at 4.40pm.

1911-16 Council Resolution

Moved Cr D Lovelock

Seconded Cr J King

That Council:

1. **ENGAGE GARY CLARK** from Boab Community Consulting to facilitate the CEO Performance Review and KPI's; and
2. that the funds for the consultant be charged to Sundry account GL120408.

CARRIED For 6 / Against 0

1911-17 Council Resolution

Moved Cr N Clarke

Seconded Cr J King

That the meeting be opened to the public, the time being 4.42pm.

CARRIED For 6 / Against 0

The CEO re-joined the meeting at 4.44pm.

The Shire President read aloud the Confidential Council Resolutions.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.45 pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 18th Dec 2019 2019.

Signed



(Presiding member at the meeting which confirmed the minutes)

Date

18th Dec 2019

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