



MINUTES

Ordinary Council Meeting

27 October 2021

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

Commencing – 2.00pm

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

CONTENTS

1.	DECLARATION OF OPENING	5
1.1	Opening	5
	The Meeting was declared open by the Presiding Member at 2.00pm.....	5
1.2	Announcements by Shire President	5
2.	RECORD OF ATTENDANCE	6
3.	DISCLOSURES OF INTEREST	6
4.	PUBLIC QUESTION TIME.....	7
4.1	Public Questions With Notice	7
4.2	Public Questions Without Notice	7
5.	PRESENTATIONS AND DEPUTATIONS.....	8
5.1	Presentations	8
5.2	Deputations	8
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	8
7.	MINUTES OF MEETINGS.....	8
7.1	Confirmation of Council Meeting Minutes.....	8
8.	REPORTS REQUIRING DECISION.....	9
8.1	Accounts for Endorsement – September 2021	9
8.2	Monthly Financial Statements – September 2021	11
8.3	Elected Member Superannuation	13
8.4	Annual Review of the Corporate Business Plan	18
8.5	Christmas Closure 2021	24
8.6	Budget Amendment – Bush Firefighting Water Supply.....	28
8.7	Appointment to Committees, Delegates to Advisory Groups and Other Organisations	31
8.8	Proposed Amendment No.3 to Shire of Victoria Plains Local Planning Scheme No.5 – Rezoning of portion of Lot M1991 on Diagram 14747 being No.10353 Great Northern Highway, Yarawindah.....	44
9.	MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	48
10.	NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION.....	48
11.	MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS	48
11.	Matters for Which the Meeting May Be Closed.....	48
.	CLOSURE OF MEETING	48



MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 27 October 2021 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.00pm.

1.2 Announcements by Shire President

- The meeting shall be run in accordance with the Shire's Meeting Procedures Local Law 2018.
- I would like to take this opportunity to thank Council for re-electing me to role of Shire President. It is a role I am honoured to fulfill. Congratulations to Cr Neville Clarke being elected as Deputy President. Congratulations to Cr David Lovelock & Cr Stephanie Penn being re-elected to Council unopposed. And Congratulations to Cr Suzanne Woods newly elected to the Central Ward position of Council.
- We thank ex-councillor Jaymie King for just over 4 years of service to the Victoria Plains Shire Council. Jaymie's financial knowledge and community connections have been an asset to our Council, and we are sure Jaymie will continue her community contribution in other ways, thus is her giving nature.
- I would also like to congratulate Cr David Lovelock on receiving a long & loyal service award by the West Australian Local Government Association. 17 years of continual service to the Victoria Plains Shire is a significant contribution & personal sacrifice. Many of those years, Cr Lovelock has served as Shire President & Deputy President. After this year's re-election, Cr Lovelock has stepped down from the role of Deputy Shire President, nominating Cr Clarke to the position. I would like to thank Cr Lovelock for the support he has given me as Deputy President, during my role of Shire President. Your knowledge has been so helpful and your commitment to succession within the Council is well noted. Thank you.
- Today we have 7 councillors attending in person here in the Chambers, the first time since March 2020, 19 months ago when the Pandemic hit. Cr Penn's return to the chamber is a symbol of the increased positivity we are seeing, regarding the present COVID19 situation. We won't be using the teleconference system for debate & voting today & the E-Meeting procedures will not be required. Your council body undertook an induction yesterday, briefing us on our requirements under the Local Government Act & Regulations.

Further advising Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing.

2. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr J Kelly Cr S Penn’ Cr D Lovelock Cr G O’Brien Cr S Woods
Staff attending	CEO – Ms G Teede WSM – Mr A Butcher Governance Officer- Mr S Fletcher RSM – Mr T Bates (via teleconference: 2pm - 3.12pm) Minute Taker – Mrs J Klobas
Apologies	Nil
Approved leave of absence	Nil
Members of the public	Mr G McGill Mr M Palmer Mr G Nixon

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	
3.2	Proximity	
3.3	Impartiality	Cr P Bantock declared an impartiality interest in Item 8.6 “Budget Amendment – Bush Firefighting Water Supply” due to “Volunteer Member of the Mogumber Gillingarra Bushfire Brigade”.

4. PUBLIC QUESTION TIME

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

4.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.05pm.

Cr J Kelly asked the following question at the September 2021 OCM

Q1. *Page 4, EFT 10193 – Staff or community matter? Question Taken on Notice.*

A1. *Relates to legal advice on the Shire's management order & use of the Mogumber Reserve, since the site was designated an Aboriginal Heritage Site under the Aboriginal Heritage Act by the State Government's Aboriginal Cultural Materials Committee. This is expenditure from last financial year. Matters are of an administrative manner and there are no matters which required Council decision at present, therefore a written report has not been presented to Council.*

Cr S Penn requested follow up to her July Financial Question Taken on Notice.

Answer provided as below:

Question 1

Query - Civic Legal Fees - Management of Natural Resources – Question Taken on Notice.

Answer 1

Legal fees for reviewing documents, drafting and finalising FOI application (DWER), meeting with CEO, and telephone attendance and updates to CEO

Cr S Penn followed up with question as below:

Q2. *Thank you for your response, could you please clarify, what Natural Resource is this matter talking about? Is the Shire taking out an FOI or replying to an FOI?*

A2. *Reviewing Gillingarra Water Access Procedures and assessing the GSRC Water Supply. The Shire has applied for an FOI to DWER regarding correspondence in this matter.*

4.2 Public Questions Without Notice

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

Mr I McGill - Calingiri

Q1. Requested update on the Former Roads Building Lease.

A1. The Governance Officer noted the matter is progressing and there was reference to the recent Council Resolution relating to this matter.

Mr M Palmer, Wyening

Q1. Queried whether there are any plans for developing and or subdividing land specifically to accommodate additional potential mine workers.

A1. The Shire President suggested that the matter be brought up for further discussion during the drafting of the Council's Strategic Plan.

Public question time closed at 2.09pm

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

2110-01 Officer Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr G O'Brien

That the Minutes of the following meetings:

- Ordinary Council Meeting held 29 September and the Special Council Meeting Minutes of 20 October 2021 as circulated, be **CONFIRMED** as a true and correct record.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

File reference	F1.8.4		
Report date	20 October 2021		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	2 2	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions

- compliance with legislation and procedures
- Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Point of Order – Cr Penn queried how to vote only against the motion.

Cr P Bantock – clarified that raising your hand will be taken as wishing to speak against the motion.

2110-02 Officer Recommendation/Council Resolution

Moved: Cr D Lovelock

Seconded: Cr G O'Brien

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

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	10216 - 10310	346,409.51
Creditor Cheque Payments	10255	436.55
Direct Debit Payments**	DD12771-DD12859	45,399.65
Salaries & Wages EFT	PE 01.09.21, PE 1.09.21, PE 29.09.21	130,989.02
Credit Card Statements	DD12821.1	1,516.48
Fuel Card – Wright Express	DD12821.2	574.97
Trust Payments		0.00
	TOTAL	\$525,326.18

Local Spending	\$	%
Local Supplier	96,709.80	18.41
Payroll	130,989.02	23.93
Total	227,698.82	43.34

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

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

8.2 Monthly Financial Statements – September 2021

File reference			
Report date			
20 October 2021			
Applicant/proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
RSM – Travis Bate			
Authorised by			
Glenda Teede			
Attachments			
Attachment 1	Page	16	Monthly Financial Statements – 30 September 2021

PURPOSE

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

BACKGROUND

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

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

COMMENT

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

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

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2110-03 Officer Recommendation/Council Resolution

Moved Cr D Lovelock

Seconded Cr N Clarke

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

CARRIED For 5 / Against 2

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

CONFIRMED

8.3 Elected Member Superannuation

File reference			
Report date	21 October 2021		
Applicant/proponent	WALGA		
Officer disclosure of interest	Impartial Interest. Mr Fletcher has a training contract with WALGA		
Previous meeting references	N/A		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	CEO		
Attachments			
Attachment 1	Page	47	WALGA Draft Policy – EM Superannuation Proposal

PURPOSE

Council is asked to confirm whether it supports/not supports the policy position (recommendation) by WALGA to the Minister for Local Government regarding amending the Local Government Act so that Elected Members are paid superannuation. The Shire President will need to take the Shire's position to the November Zone meeting. The Shire can also make a separate submission to WALGA.

BACKGROUND

Tony Brown, Executive Manager Governance and Organisational Services, WALGA wrote to CEO's on Friday evening - 24 September 2021 advising that WALGA is seeking feedback on a draft policy proposal, as per the attached paper, to advocate for Elected Members to be required to be paid superannuation.

The recommended advocacy approach is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

Feedback from the Local Government sector will inform a State Council agenda item, which will be considered at November Zone meetings and the 1 December meeting of State Council. Following a State Council decision, advocacy will be undertaken with the Minister for Local Government.

WALGA has put forward this policy proposal to meet the Minister's deadline regarding his legislative proposals to Parliament for 2022.

COMMENT

WALGA argues it is crucial to the functioning of Local Government that Elected Members are appropriately remunerated for their time and contribution. Also, payment of superannuation to Elected Members aligns with the objective of the superannuation system, which is "to provide income in retirement to substitute or supplement the Age Pension." In addition, it is hoped that payment of superannuation would lead to greater interest and more nominations

to serve on Council from women and younger people, leading to greater representation on Councils by people from traditionally underrepresented demographics.

Under current arrangements, Elected Members can voluntarily decide to have all or a portion of their allowances paid into a superannuation fund.

Further, under the *Superannuation Guarantee (Administration) Act 1992* (Cth), Local Governments can unanimously resolve to be considered an 'eligible local governing body' through the *Taxation Administration Act 1953* (Cth).

Further Considerations

As a consequence of such a resolution, Elected Members would then be treated similarly to employees and the Local Government would be required to make superannuation contributions in addition to payment of allowances. However, a resolution of this nature also has significant implications: pay as you go (PAYG) tax would be required to be withheld for remission to the Australian Taxation Office (ATO), and Fringe Benefit Tax (FBT) would be applicable to all benefits provided to Elected Members. For these reasons, Local Governments in Australia typically do not pursue this course of action.

WALGA advocates that on balance, to achieve the objectives of the superannuation system and to avoid politicisation of the decision at a local level, payment of superannuation should be a universal entitlement for Elected Members and therefore a requirement of Local Governments contained in the Local Government Act. WALGA also comments that this matter should be beyond the scope of the Salaries and Allowances Tribunal.

The cost to local governments per year, based on the maximum fees paid to elected members is as follows:

Band	Maximum number of Elected Members (currently)	Maximum fees and allowances	Maximum Superannuation liability
1	15	\$603,199	\$60,320
2	13	\$389,101	\$38,910
3	11	\$235,208	\$23,521
4	11	\$139,653	\$13,965

SoVP is a Band 4 local government.

CONSULTATION

- CEO
- Advice in briefing noted for October Briefing Session (note: this meeting was not held due to post election requirements under the Shire's Swearing in of Councillors policy).

STATUTORY CONTEXT

The payment of superannuation to elected members would be a new provision under the Local Government Act.

CORPORATE CONTEXT**Strategic Community Plan**

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

Corporate Business Plan

Strategy 5.3: Develop an advocacy and lobbying capacity

5.3.1: Participation in Regional, State and Council boards / bodies

Risk Management

The perceived risks are as follows:

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Finance	Insignificant (1) Less than \$10,000	Likely (4) At least once per year	Low (4)	Operational Manager	Although Council resolves to accept superannuation payments, the operational manager regarding the finance area is responsible for ensuring the superannuation percentage is paid annually
Compliance	Insignificant (1)	Unlikely (2)	Low (2)	Operational Manager	See above
Non payment of percentage	No noticeable regulatory or statutory impact	At least once in 10 years			

FINANCIAL IMPLICATIONS

The financial impost of introducing superannuation for councillors is subject to the superannuation guarantee percentage. From 1 July 2021, the percentage is 10%. This will continue to rise to 12% by 1 July 2027.

Based on the adopted annual fees for councillors of \$7,500, this would mean a superannuation of percentage of \$750 per elected member of \$5,250 per annum. The superannuation percentage for the President and Deputy President may be a further \$650 and \$162.50 per annum, respectively, due to the additional annual allowances they are paid.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

That Council:

1. Supports / Not Supports WALGA's recommendation to the Minister for Local Government as follows:

That the *Local Government Act 1995* be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.

2. Authorises the Shire President to put forward the Shire's position regarding Point 1 to the November 2021 meeting of the Avon-Midland Country Zone of WALGA.

Note: Cr J Kelly foreshadowed a motion to support WALGA's recommendation to the Minister for Local Government.

2110-04 Officer Recommendation / Council Resolution**Moved: Cr N Clarke****Seconded: Cr D Lovelock**

That Council:

1. **Not Supports** WALGA's recommendation to the Minister for Local Government as follows:

That the *Local Government Act 1995* be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.

2. Authorises the Shire President to put forward the Shire's position regarding Point 1 to the November 2021 meeting of the Avon-Midland Country Zone of WALGA.

THE MOTION WAS LOST For 3 / Against 4

2110-05 Officer Recommendation/Council Resolution

Moved: Cr J Kelly

Seconder: Cr G O'Brien

That Council:

1. **Supports** WALGA's recommendation to the Minister for Local Government as follows:

That the *Local Government Act 1995* be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.

2. Authorises the Shire President to put forward the Shire's position regarding Point 1 to the November 2021 meeting of the Avon-Midland Country Zone of WALGA.

CARRIED For 4 / Against 3

Cr S Penn, Cr N Clarke and Cr D Lovelock requested to have their names recorded as voting against the motion.

Cr Bantock, Cr G O'Brien, Cr S Woods and Cr J Kelly voted for the motion.

CONFIRMED

8.4 Annual Review of the Corporate Business Plan

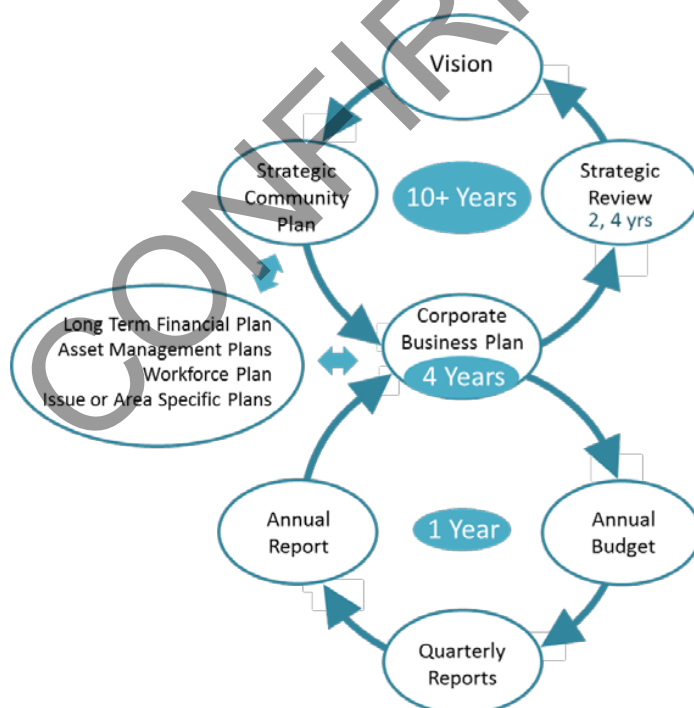
File reference	
Report date	21 October 2021
Applicant/proponent	WALGA
Officer disclosure of interest	Impartial Interest. Mr Fletcher has a training contract with WALGA
Previous meeting references	July 2021 OCM
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page 54 Revised Corporate Business Plan (Action Plan Year 3)

PURPOSE

For Council to endorse the revised Corporate Business Plan and Action Plan for 2021-2022.

BACKGROUND

The Integrated Planning and Reporting framework is set out in the following diagram as per the Departmental Guidelines:



Under the Local Government (Administration) Regulations, local governments are required to undertake an annual review of its Corporate Business Plan. This plan sets out the strategic priorities for each financial year and an action plan (Attachment 1) is now in place so that the Shire can track its progress. Further, the Shire is required to advise in its annual report, the progress of the Shires strategic priorities for the previous year and those that it will undertake for the next financial year.

Council was advised by the author at the July 2021 OCM, that normally, the annual review of the Corporate Business Plan (CBP) would conclude with the June Quarterly Review. However, given the nature of issues impacting during the June 2021 Quarter and the commencement of the major review of the Shire’s Strategic Community Plan, it was considered prudent to workshop with Council the key actions to be undertaken for 2021 – 2022. This workshop was required to be undertaken and completed within the next month i.e. August 2021.

Council and senior staff attended a workshop on 30 August 2021 to undertake the annual review of the CBP. The outcome was the setting of the strategic priorities for Year 3 of the CBP (2021-2022 Year).

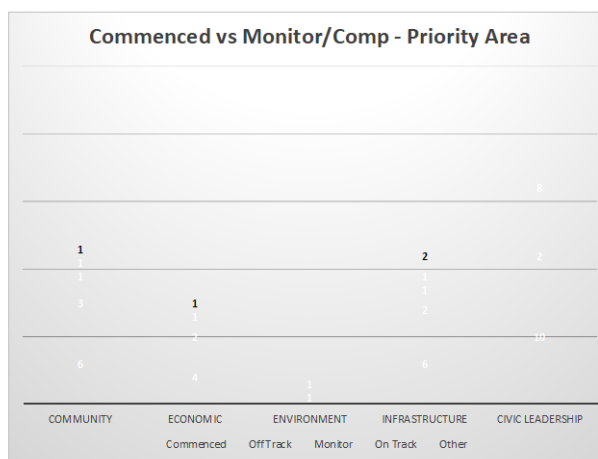
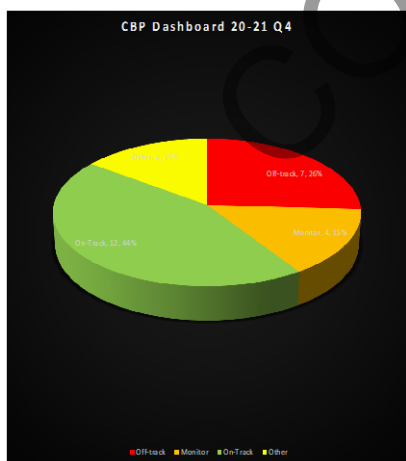
COMMENT

In setting the scene for the annual review of the CBP at the annual workshop it was noted that the findings of Local Government Inquiries and the Standards Panel have time and again said:

On consideration of the complaint, the panel was satisfied that the council member had committed a breach of Regulation 19. The panel considered the roles and responsibilities of both council members and the administration of a local government under the Act, and came to the view that the council member’s conduct was part of the everyday, hands-on running of the local government and was not in line with the view that elected members are there to govern at the higher strategic level (Source: DLGSC Website).

During the course of the workshop, Council and Senior Staff revisited the effectiveness of the CBP for Year 2 (2020-2021). This is shown in the following slide:

Outcome for 2020 - 2021



In understanding the factors that have impacted on the priority areas, it was found that the following were key:

Factors Impacting on Priority Areas 2020 - 2021

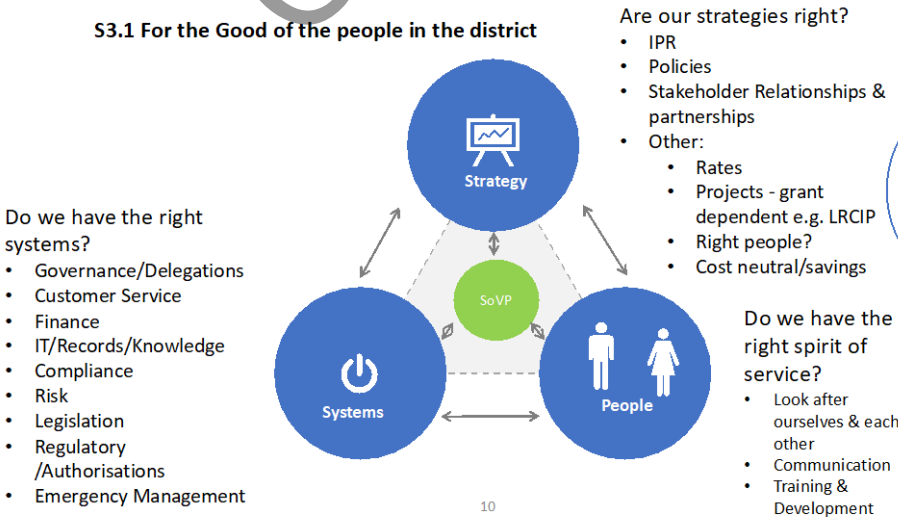
Priority Area	Strategic	People	Systems
Community	COVID-19	<ul style="list-style-type: none"> Multiple changes to key staff due to lack of skills/knowledge Lack of Community Development Resource 	
Economic	<ul style="list-style-type: none"> Reliance on several AROC Initiatives AMP & LTFP not followed 	<ul style="list-style-type: none"> Multiple changes to key staff due to lack of skills/knowledge Lack of CDO/EDO resources 	
Environment			
Infrastructure	Matters regarding water supply: <ul style="list-style-type: none"> Sources Standpipes 	<ul style="list-style-type: none"> Multiple changes to key staff due to lack of skills/knowledge Staff shortage in Works and Services 	Records Management re Corporate Knowledge
Civic Leadership	<ul style="list-style-type: none"> Community Engagement Policy Reg 17 & FMS Reviews 	<ul style="list-style-type: none"> Training Program required for EMs and Staff 	Records Management re Corporate Knowledge



It should be noted that the matter regarding the development of the final version of the Community Engagement Policy is separate to Council's desire to revisit the Communications Policy in place and develop a framework that is more consistent with its requirements. This is a KPI for the CEO and a workshop with Council and Key Staff is in the process of being planned before the end of 2021.

In order to help distil the changes required to the CBP, and hence setting of the new Action Plan, the key requirements that the Shire needs in place to function effectively were discussed:

Albrecht's Service Triangle – Activity 1



Accordingly, the annual review of the Corporate Business Plan has led to the creation of an Action Plan by the CEO for Year 3 (2021-2022) as set out in Attachment 1. In short, this revised Action Plan has seen a reduction in the number of strategic actions from 42 to 22, which is deemed far more manageable with existing resources and hence, more realistic.

In particular, the Action Plan sets out the following:

The Key Actions

- The intent of the CBP Action Plan i.e. converting the Strategic Community Plan into action through the budget each year and subject to funding availability;
- The revised list of actions. The action have been reduced from 42 to 22;

Key Financial Considerations/Impacts

- The Capital Program for 2021/2022 as per the adopted budget. The Capital Program is much different to that set out in the Long Term Financial Plan and the CBP due to receiving key funding. Such impacts should be tracked during the life of the CBP;
- Noting the Shire's reserves as per the adopted budget;
- A list of the Shire's loans (debentures) as per the adopted budget;

Insight into What is Happening

- A broad analysis regarding what the annual review highlighted; and
- The summary of the Shire's key activities required under the CBP for 2020/2021.

The CBP is required to integrate with the Shire's budget i.e. it informs the budget and also informs the Long Term Financial Plan as well.

The annual review has highlighted the difficulty the Shire has had in resourcing some of the Priority Areas (PA) and hence the *Measurement of Success* is not relevant regarding the Community, Economic and the first measure of the Environment PAs.

The advent of the Wheatbelt Secondary Freight Network (WSFN) and Local Roads and Community Infrastructure Program (LRCIP) has meant that the Shire has received a significant capital funding boost that was not available at the time the current CBP was developed. This has meant the four year forecast of funding is quite skewed and no longer relevant. Technically, such funding should be recognised in the Shire's Long Term Financial Management Plan (LTFP) and Asset Management Plan (AMP) accordingly. The 4 Year Capital Program for 2021-2022 is modified to reflect the impact of the key funding sources as set out in the 2021-2022 Budget.

A major review of the Strategic Community Plan will occur in 2021-2022, which means that a new CBP will be developed along with adjustments made to the LTFP and AMP along with the Workforce Plan. An Information Communication and Technology Plan is also scheduled to be developed.

CONSULTATION

- CEO
- Senior Staff and Council at the CBP Annual Review workshop 30 August 2021.

STATUTORY CONTEXT

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(4) A local government is to review the current corporate business plan for its district every year.

Local Government Act 1995

5.53. Annual reports

(2) The annual report is to contain (in part) —

(a) a report from the mayor or president; and

(b) a report from the CEO; and

[(c), (d) deleted]

(e) an overview of the plan for the future (Strategic Community Plan) of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year (Corporate Business Plan).

Integrated Planning and Reporting – Framework and Guidelines

It is anticipated that the Annual Report will also outline progress towards the achievement of four-yearly Council priorities as established through the Corporate Business Plan (Intermediate Standard).

CORPORATE CONTEXT

Strategic Community plan

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

Corporate Business Plan

Strategy 5.4: Measures to improve organisational efficiency

5.4.1: Review, update and maintain strategic and operational plans

Risk Management

The perceived risks are as follows:

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance Failing to undertake annual review	Minor(1) Some temporary non compliances	Possible (3) At least once in 3 years	Low (3)	Operational Manager	CEO to monitor conducting annual review in conjunction with the Governance Officer
Reputation Failing to keep the community apprised of the CBP	Insignificant (1) Unsubstantiated, localised low impact on community trust, low profile or no media item.	Possible (3) At least once in 3 years	Low (3)	Operational Manager	The CEO through the annual report and the annual electors meeting has the opportunity to keep the community informed on the Shire's progress regarding the CBP

FINANCIAL IMPLICATIONS

As per the adopted Budget 2021-2022. The Shire will need to determine what to do with LRCIP Round 3 funding before the end of the year. This will be in the form of an appropriate workshop.

VOTING REQUIREMENTS

Absolute majority required: No

2110-06 Officer Recommendation/Council Resolution
--

Moved: Cr D Lovelock

Seconded: Cr N Clarke

That Council:

1. In accordance with 19DA of the *Local Government (Administration) Regulations 1996* is **SATISFIED** with the outcome of the annual review of the Shire's Corporate Business Plan.
2. **ENDORSES** the Corporate Business Plan – Action Plan Year 3 (2019-2023) as set out in Attachment 1.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.5 Christmas Closure 2021

File reference	
Report date	1 October 2021
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	OCM 25 November 2020- Item 8.7 2011-17
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page
	Nil

PURPOSE

That Council:

1. In accordance with s2.7(2)(b) of the *Local Government Act 1995*, sets aside Policy 8.15a - Christmas Closure for the Christmas 2021 and New Year 2022 Period.
2. Advises the CEO it agrees with her request that the Shire will be closed from Friday 17 December through to Monday 3 January 2022, with the Shire re-opening on Tuesday 4 January 2022.

BACKGROUND

The CEO is requesting Council set aside Policy 8.15a regarding Christmas Closures for the Christmas/New Year Period 20/21, so that Shire staff can proceed on leave from 17 December 2021.

Council adopted a Christmas Closure policy at the OCM on 19 October 2019. The policy was introduced to provide guidance, reduce red tape and streamline Shire operations a policy in lieu of continual annual reports to Council requesting the same or similar.

The policy currently states:

“The Shire of Victoria Plains Administration Centre and Works Depot shall close operations each year for the non-public holidays between Christmas Day and New Year’s Day each year. Closure on public holidays will be observed.”

“In addition, when Christmas Eve falls on a working day, the Administration Centre and Works Depot shall close operations from 12 noon onwards.”

Emergency contacts during the Christmas Closure must also be advertised.

Regarding Christmas 2020, Council resolved the following:

That Council:

1. In **ACCORDANCE** with s2.7(2)(b) of the *Local Government Act 1995*, sets aside Policy 8.15a - Christmas Closure for the Christmas 2020 and New Year 2021 Period.
2. **ADVISES** the CEO it agrees with her request that the Shire will be closed from Friday 18 December through to Sunday 3 January 2021, with the Shire re-opening on Monday 4 January 2021.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

COMMENT

The CEO advises that it is planned for Shire staff to proceed on leave for the Christmas period from Friday 17 December 2021, with the Shire reopening on Tuesday 4 January 2022.

Christmas Day is Saturday 25 December 2021, with New Year's Day on Saturday 1 January 2022. The mandatory award public holidays during this time are: Monday and Tuesday 27 and 28 December and Monday 3 January 2022. Staff are entitled to the public holiday on Tuesday 4 January 2021, but they can take this off at another time during the year.

The Shire will be closed for a total of eight business days during this period.

During this time, the Shire emergency contacts are as follows:

First Week: CEO (18 December – 26 December)
Second Week: Works Supervisor (27 December – 3 January 2021)

CONSULTATION

October Briefing Session Policy Papers.

STATUTORY CONTEXT

(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.

As advised in a report to Council on 25 November 2020 (Item 8.5), it should be noted that such a policy is not required as the CEO is responsible for the Shire's operations and the management of staff. This matter is not an "administrative" function under the Local Government Act that Council must give to the CEO. This policy will be brought forward for consideration as part of the review of the Shire's policies.

CORPORATE CONTEXT**Strategic Community Plan**

This matter of setting aside the Christmas Closure policy for 2021/22 is more of a tactical issue rather than a strategic one.

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

Corporate Business Plan

Strategy 5.4: Measures to improve organisational efficiency

5.4.5 Maximise operational efficiencies whilst maintaining appropriate controls.

5.4.6 Continue to provide regulatory services (including health/building inspections, ranger services).

Policy

As per the background and comments section in this agenda item.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Interruption to Service Christmas Closure includes 8 business days in total	Major (4) Prolonged interruption of services – additional resources; performance affected < 1 month	Likely (4) At least once per year	High (16)	Senior Management Team(SMT)/ CEO	By the CEO and SMT ensuring that there is “emergency contacts” in place, this will move the Shire from High to Low risk and thus the controls will be considered Effective

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2110-07 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr J Kelly

That Council:

1. In accordance with s2.7(2)(b) of the *Local Government Act 1995*, **SETS ASIDE** Policy 8.15a - Christmas Closure for the Christmas 2021 and New Year 2022 Period.
2. **ADVISES** the CEO it agrees with her request that the Shire will be closed from Friday 17 December through to Monday 3 January 2022, with the Shire re-opening on Tuesday 4 January 2022.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

Cr P Bantock declared an impartiality interest in item 8.6 due to "Volunteer Member of Mogumber – Gillingarra Bush Fire Brigade" at the commencement of the meeting.

8.6 Budget Amendment – Bush Firefighting Water Supply

File reference			
Report date	20/10/2021		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest			
Previous meeting references			
Prepared by	PARRY, Nicholas – CESM		
Authorised by	TEEDE, Glenda – CEO		
Attachments			
Attachment 1	Page	64	Letter from Mogumber BFB

PURPOSE

Budget amendment urgent repairs to the Mogumber Emergency Water Supply.

BACKGROUND

Mogumber's source of water for firefighting is via a standpipe located next to the Mogumber Library on Mogumber-Yarawindah Rd, Mogumber. The water come from a tank located at the top of a hill on the Nixon property and feeds down via a 3" pipe to the main standpipe. Upon installation of the water supply, the local firefighters have had continued issues with only receiving a constrained supply of water to the standpipe that is insufficient for the rapid firefighting response required. The matter was formally brought to the Shire's attention in 2017 and again each year since to investigate and address the issue. Previous Works and Services Managers have advised that the pipe from the tanks down to the standpipe was crushed by the installation crew using a grader at the time of install.

In 2018 there was a significant bushfire in the Mogumber Mission to witch the local firefighters were reliant on this supply but was unable to adequately use due to the restricted flow, this caused frustrations and delayed response by local firefighters and farmer response.

Again in 2019 we saw one of the most significant bushfires in the Shire's history in Mogumber, this source was the only water supply south of the fire that was readily available to crews and again caused significant issues to the point that the Shire water cart was used in its place.

To date, the shire has been unsuccessful in allocating the funds to adequately replace critical damaged infrastructure.

COMMENT

With a higher-than-average fuel load this coming season (2021/2022), the dense wooded areas and the historically difficult terrain, it is critical that the volunteer's firefighters are adequality resourced to protect the community.

We have been blessed with a later start to the fire season however, we are expected to see fires running within the next few weeks/month, this resource would ideally be installed prior to the significant bushfire threat this year. Currently the required repairs are not budgeted for. The Shire of Victoria Plains' Bush Fire Advisory Committee (BFAC) on five (5) October

2021 moved a motion to urgently recommended the *Shire urgently Consider the replacement of the damaged pipe at the Mogumber Water Supply with 4" Blue line as a minimum prior to November 2021*, this motion was moved unanimously.

The works required would need a funding allocation of \$35,000. Cost will include; pipe, fittings, labour, machinery etc. Note: pipe will need to go under Mogumber-Yarawindah Rd.

The Mogumber/Gillingarra Bush Fire Brigade have expressed their willingness to assist with the installation where possible.

CONSULTATION

- Mogumber/Gillingarra Bush Fire Brigade
- Shire of Victoria Plains Bush Fire Advisory Committee
- Shire Works Manager
- Shire CEO

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Relating to outcome noted in CBP.

FINANCIAL IMPLICATIONS

Costing to be made available to Council early next week.

VOTING REQUIREMENTS

Absolute majority required: Yes

2110-08	Procedural Motion
----------------	--------------------------

Moved: Cr D Lovelock

Seconded: Cr S Woods

That this item have standing orders suspended at 2.46pm to allow debate.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-09	Procedural Motion
----------------	--------------------------

Moved: Cr N Clarke

Seconded: Cr J Kelly

That standing orders be resumed at 3.11pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-10 Officer Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr D Lovelock

That Council:

1. In accordance with s. 6.8(1)(b) of the Local Government Act 1995, **AMENDS** the 2021-2022 Budget to allow the CEO to pursue works at the Mogumber Emergency Water Supply including upgrading pipe, fittings, inclusive of labour, machinery and miscellaneous, subject to testing the market in accordance with the Shire's purchasing policy.
2. increase the budget for account 21360 Job WATERM \$35,000
- 3 Reduce transfer to plant reserve account 40312 by \$35,000

The amendment required in Point 1 is an allocation of \$35,000 (excluding GST) for contractors to conduct the necessary works and this is to be set aside from Job WATERM for this purpose.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

8.7 Appointment to Committees, Delegates to Advisory Groups and Other Organisations

File reference	
Report date	21 October 2021
Applicant/proponent	Council
Officer disclosure of interest	Nil
Previous meeting references	30 October 2021 OCM: 1910-03 – 1910-15
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page
	Revised Corporate Business Plan (Action Plan Year 3)

PURPOSE

To appoint the Shire's councillors, CEO or other officers to the: committees of council, as delegates to advisory bodies and as members of other organisations.

BACKGROUND

After each ordinary local government election, Council must appoint members to the Committees of Council, as all positions are required by the Local Government Act to become vacant on the eve of the election. There are also external stakeholder groups and government bodies that become vacant at the same time and the Shire provides delegates to these governing bodies as well.

COMMENT

Introduction

In accordance with Section 5.10 of the *Local Government Act 1995*, a Councillor is entitled to be a member on any committee of their choice, even though that may exceed the quorum. Additionally, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. The CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

Council Policy 8.16 – Swearing in of Councillors is applicable.

Committees of Council

These are permanent committees established by Council as required under the relevant legislation (except for the Shire of Victoria Plains Behaviour Complaints Committee).

Shire of Victoria Plains Audit Committee	
Membership	3 Councillors
Quorum	2 Members
Deputies	2 Councillors
Purpose	The purpose of the Audit Committee is to: <ul style="list-style-type: none"> Guide and assist the Shire of Victoria Plains in carrying out its financial management and audit functions;

	<ul style="list-style-type: none"> • Monitor and advise the Chief Executive Officer in reviews conducted into financial management and audit systems and procedures. This also includes the Shire’s risk management, internal controls and level of compliance and integrated planning and reporting (IPR) and training; • Oversee the implementation of any resulting Council recommendations so as to support better decision-making, greater accountability to the community and ensure a more efficient and effective Local Government. <p>The Audit Committee is a mandatory committee under the Local Government Act. At this point in time, the Committee has no delegated power.</p> <p>The members are elected members only</p>
Meeting Cycle	Meets four times a year unless a special meeting of the Committee is called
Voting Requirements	Absolute Majority

Shire of Victoria Plains Behaviour Complaints Committee	
Membership	3 Councillors
Quorum	2 Members
Deputies	4 Councillors (i.e. all other members)
Purpose	<p>The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the <i>Local Government Act 1995</i> (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Victoria Plain’s Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).</p> <p>The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:</p> <ul style="list-style-type: none"> • Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal. • Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [<i>clause 12(3) of the Code of Conduct</i>]. • Determining reasons for such a Finding. • Where a Finding is made that a breach has occurred, determining: <ul style="list-style-type: none"> ○ To take no further action; or ○ Prepare and implement a plan to address the behaviour of the person to whom the complaint relates. <p>The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.</p> <p>The members are elected members only</p>

Meeting Cycle	Scheduled as required by the CEO in consultation with the Committee Presiding Member
Voting Requirements	Absolute Majority

Shire of Victoria Plains Bush Fires Advisory (BFAC) Committee	
Membership	1 Councillor The Captain of Each Bushfire Brigade The Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Fire Weather Officers (excluding any that are an employee of the Shire)
Quorum	
Deputies	All other Councillors
Purpose	To advise Council on any matter relating to fire control within the district. The <i>Bush Fires Act 1954</i> - s.67 lists matters listing the BFAC's responsibilities. The BFAC is also governed by the <i>Shire of Victoria Plains Bush Fire Brigades Local Law 2018</i>
Meeting Cycle	As advised.
Voting Requirements	Absolute Majority

Advisory Groups

Advisory Groups are those where Council does exercise control (establishment, dissolution etc). They do not fall within the requirements of the Local Government Act.

ANZAC Commemorative Advisory (Working) Group	
Membership	Two Councillors and the Warden of the War Memorial
Quorum	3
Deputies	Nil
Purpose	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.
Meeting Cycle	As required
Voting Requirements	Simple Majority

This Advisory Group requires further discussion with Council.

Appointment of Delegates – Other Bodies

The Shire is a member of groups or bodies that the state government or others have in place to assist local governments with their responsibilities at the local level.

Local Development Assessment Panel (DAP)	
Membership	2 Councillors - SoVP 3 Specialist Panel Members
Delegates	2 Councillors
Quorum	3 Members
Deputies	2 Councillors – SovP (They are Alternate Members)
Purpose	<p>Local Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. Each DAP consists of five panel members, three being specialist members and two local government councillors.</p> <p>So, they determine development applications within a certain type and value threshold (outside the City of Perth where the value is \$2M – \$10M) through consistent, accountable, and professional decision-making. Note the WA Planning Commission during COVID is directly handling projects of State Significance (\$5M or more).</p> <p>DAP's only meet when there is a DAP application to determine. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under the Shire's local planning scheme.</p> <p>Local DAP members are also listed on the register for the Mid West/Wheatbelt Joint Development Assessment Panel.</p> <p>All members must undergo compulsory training.</p> <p>Under regulation 24 of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> Council is requested to nominate four (2 members and 2 alternate members) elected members to sit as JDAP members.</p> <p>The delegates are then appointed by the Minister for Planning. The term ends 26 January 2024.</p> <p>Note: Delegates will need to assist the OCM Officer complete the nomination form to the Minister</p> <p>https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/development-assessment-panels</p>
Meeting Cycle	As required
Voting Requirements	Simple Majority

Avon Midland Country Zone - WALGA	
Membership	Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam, Toodyay, Victoria Plains and York
Delegates	1 Councillor
Quorum	5 Members
Deputies	1 Councillor
Purpose	<p>WALGA is the peak representative body of local government in Western Australia. The Shire is a member. WALGA is structured based on a zone system throughout Western Australia. Members from each zone sit on the WALGA State Council.</p> <p>Delegates must be an elected member</p>
Meeting Cycle	As required
Voting Requirements	Simple Majority

Shire of Victoria Plains Local Emergency Management Committee (LEMC)	
Membership	<p>Chairperson – Shire President Deputy Chairperson – Deputy President LEMC Executive Officer - CESM WA Police DFES – Geraldton DPIRD – Moora Education Department - Northam Water Authority - Northam Western Power - Northam Department of Communities – Moora North Midlands health Service – Moora St John Ambulance CBFCO DCBFCO VFRS – Wongan Hills and Moora</p>
Delegates	4 Councillors (includes President and Deputy Shire President)
Quorum	
Deputies	Nil
Purpose	<p>To identify emergency risks and instil prevention, preparedness, responses and recovery plans for a variety of identified risks and hazards within the Shire, thereby preventing or minimising the effects of emergencies within the Shire</p> <p>Emergency Management Act 2005, Section 38</p> <p>Council resolved on 16 May 2018 that there are four Councillors on the Joint LEMC at that time.</p> <p>Under the current LEMC Arrangements (13 August 2018), the LEMC Chair is the Shire President. The LEMC Deputy Chair is the Deputy Shire President</p>
Meeting Cycle	As advised.
Voting Requirements	Simple Majority

Wheatbelt North Regional Road Group	
Membership	Shires of Chittering, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Gingin, Goomalling, Kellerberrin, Koorda, Merredin, Moora, Mt Marshall, Mukinbudin, Northam, Nungarin, Tammin, Toodyay, Trayning, Victoria Plains, Westonia, Wyalkatchem, Wongan-Ballidu, Yilgarn and York
Delegates	1 Councillor
Quorum	N/A
Deputies	1 Councillor
Purpose	<p>The existence and operation of Regional Road groups are mandated by the State Road Funds to Local Government Agreements and State Road funds to Local Government Advisory Committee.</p> <p>The Role of a regional road group is to:</p> <ul style="list-style-type: none"> • Recommend Local Government Road funding priorities to the state road funds to the Local Government Advisory Committee; and • Monitor the implementation of the Local Government Road Program in their region. Main Roads Western Australia provides technical and administrative support to Regional Road groups. <p>Delegates must be an elected member.</p> <p>Members also participate on the Moora Sub Regional Road Group</p>
Meeting Cycle	Twice a year
Voting Requirements	Simple Majority

Avon Voluntary Regional Organisations of Council (AROC)	
Membership	Shires of Toodyay, Goomalling, Northam, Dowerin, Victoria Plains and York
Delegates	1 Councillor
Quorum	N/A
Deputies	Nil
Purpose	<p>AROC is a collective of six local governments within the Avon region, formed to work cooperatively for the benefit of the region and well-being of the community.</p> <p>Must be an elected member</p>
Meeting Cycle	As advised.
Voting Requirements	Simple Majority

Rural Water Council	
Membership	Shires of Dandaragan, Dumbleyung, Goomalling, Koorda, Lake Grace, Merredin, Mount Marshall, Moora, Mukinbudin, Narembeen, Nungarin, Victoria Plains, Westonia, York Minister for Water, Department of Water, Water Corporation, Wheatbelt Development Commission, Department of Primary Industries, Wheatbelt NRM
Delegates	2 Councillors
Quorum	N/A
Deputies	Nil
Purpose	The Rural Water Council liaises with the Department of Water and Environmental Regulation (DWER) and the Water Corporation, to raise the profile of community issues within the Dry Land Agricultural Area to the relevant departments.
Meeting Cycle	As advised.
Voting Requirements	Simple Majority

Council may wish to suspend the Meeting Procedures Local Law (Standing Orders) to discuss further who would like to be on the respective committees.

CONSULTATION

CEO

STATUTORY CONTEXT

Local Government Act 1995

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 (Absolute Majority Vote required).

Section 5.10 sets out how Council appoints members to a committee, which must be done by an absolute majority.

Section 5.11A deals with the appointment of Deputy Committee members, which must be done by an absolute majority.

Other Legislative requirements are set out in the purpose for each committee.

CORPORATE CONTEXT

Policies

Policy 8.16 – Swearing in of Councillors

This policy, in part, sets out the following:

Ordinary Elections

In the case of an ordinary election the swearing in ceremony shall be conducted in Council chambers on the first Wednesday following that election commencing at 5.30pm.

The ceremony is to be immediately followed by a special meeting of Council to enable the election of the Shire President, Deputy Shire President and to provide opportunity for Councillors to be nominated to a Committee of Council (in accordance with s5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as delegates to advisory groups and various organisations. No other business is to be included on the agenda of this special meeting of Council.

Despite the policy being adopted after the October 2019 Elections (30 October 2019), a lack of awareness regarding its implementation has meant that certain requirements were not in readiness for the special council meeting held on Wednesday 20 October 2021. Council resolved at the special meeting to set this policy aside regarding the appointments to committees and other bodies and for these to come forward at the October 2021 council meeting.

Strategic Community plan

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

Corporate Business Plan

Strategy 5.3: Develop an advocacy and lobbying capacity

5.3.1: Participation in Regional, State and Council boards / bodies

Risk Management

The perceived risks are as follows:

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance	Minor (2)	Possible (3)	Moderate (6)	Operational Manager	CEO in conjunction with key staff to monitor requirements regularly regarding Committees, Advisory Groups and Other Bodies
Failing to observe requirements of relevant legislation	Some temporary non compliances	At least once in 3 years			

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority required: Yes for Committees of Council
Simple Majority for all other groups

Travis Bates withdrew from the meeting at 3.12pm and did not return.

2110-11 Procedural Motion

Moved: Cr D Lovelock

Seconded: Cr S Woods

That Council move out of standing orders at 3.12pm to allow for discussion.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-12 Procedural Motion

Moved: Cr N Clarke

Seconded: Cr G O'Brien

That Council return to standing orders at 4.10. pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2110-14 Officer's Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded Cr G O'Brien

That Council makes the following appointments by **ABSOLUTE MAJORITY**:

COMMITTEES OF COUNCIL**Shire of Victoria Plains Audit Committee**

In accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Audit Committee:

Members (3):

1. Cr P Bantock
2. Cr N Clarke
3. Cr S Woods

Deputy Members (2)

1. Cr G O'Brien
2. Cr D Lovelock

Shire of Victoria Plains Behaviour Complaints Committee

In accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Behaviour Complaints Committee:

Members (3)

1. Cr P Bantock
2. Cr N Clarke
3. Cr D Lovelock

Deputy Members (4)

1. All other Elected Members.

Shire of Victoria Plains Bush Fire Advisory Committee

In accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995* and Section 67 of the *Bush Fires Act 1954*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Bush Fires Advisory Committee:

Members (1)

1. Cr N Clarke

Deputy Members (1)

1. Cr P Bantock

CARRIED BY ABSOLUTE MAJORITY AND UNANIMOUS DECISION OF COUNCIL

Cr S Woods withdrew from Council Chambers at 3.37pm.

2110-13 Council Resolution

Moved: Cr Clarke

Seconded: Cr D Lovelock

That Council adjourn for afternoon tea at 3.38pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

That Council resume at 4.06pm.

That Council make the following appointments by **SIMPLE MAJORITY**:

APPOINTMENT OF DELEGATES – OTHER BODIES

ANZAC Day Advisory Group

1. That Council appoint the following two elected members and Community Representatives to the ANZAC Advisory Group:
 1. Cr S Penn
 2. Cr G O'Brien
 3. Mr G McGill
 4. Mrs Joeley Howard
 5. Mrs Barbara Mottershaw
2. And sets aside the Terms of Reference.

Local Development Assessment Panel (term expires 26 January 2024)

That Council **NOMINATES** the following Councillors:

Members (2)

1. Cr P Bantock
2. Cr S Woods

Deputy Members (2) – Alternate Members

1. Cr S Penn
2. Cr G O'Brien

Avon Midland Country Zone WALGA

That Council **APPOINTS** the following Councillors to the Avon Midland Country Zone WALGA:

Delegates (1)

1. Cr P Bantock

Deputy Delegates (1)

1. Cr N Clarke

Shire of Victoria Plains – Local Emergency Management Committee

That in accordance with Section 38 of the *Emergency Management Act 2005*, the following Councillors be APPOINTED to the Shire of Victoria Plains Local Emergency Management Committee:

LEMC Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Shire President – Cr P Bantock

LEMC Deputy Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Deputy Shire President – Cr N Clarke

Other Delegates (2)

1. Cr D Lovelock
2. Cr S Woods

Wheatbelt North Regional Road Group

That Council **APPOINTS** the following Councillors as delegates to the Wheatbelt North Regional Road Group (includes the Moora Sub Regional Road Group):

Delegate (1)

1. Cr N Clarke

Deputy Delegate (1)

1. Cr P Bantock

Avon Voluntary Regional Organisations of Councils

That Council **APPOINTS** Cr P Bantock as the Shire's delegate to the Avon Voluntary Regional Organisations of Council

Rural Water Council

That Council **APPOINTS** Cr P Bantock and Cr G O'Brien to the Rural Water Council

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

8.8 Proposed Amendment No.3 to Shire of Victoria Plains Local Planning Scheme No.5 – Rezoning of portion of Lot M1991 on Diagram 14747 being No.10353 Great Northern Highway, Yarawindah

File reference	TBC	
Report date	21 October 2021	
Applicant/Proponent	Statewest Planning on behalf of the European Space Agency (Proponent) and Graham Thomas Nixon, Natalie Michelle Nixon and Timothy William Nixon (Landowners)	
Officer disclosure of interest	Nil	
Previous meeting references	Nil	
Prepared by	Mr Joe Douglas – Town Planning Consultant	
Authorised by	Ms Glenda Teede - CEO	
Attachments	Page 69 Page 284	Attachment 1 – Public Notice & Scheme Amendment Documentation Attachment 2 – Schedule of Submissions

PURPOSE

Consideration of all submissions received during public advertising of Amendment No.3 to the Shire of Victoria Plains Local Planning Scheme No.5 to rezone portion of Lot M1991 on Diagram 14747 being No.10353 Great Northern Highway, Yarawindah from 'Rural' to 'Special Use: Satellite Communication Facility' including recommendations in respect of each and the scheme amendment proposal as a whole.

BACKGROUND

At its Ordinary Meeting held on 3 May 2021 Council considered and unanimously resolved to initiate a standard amendment to the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5) to rezone a two (2) hectare portion of Lot M1991 on Diagram 14747 being No.10353 Great Northern Highway, Yarawindah from 'Rural' to 'Special Use: Satellite Communication Facility'.

Rezoning is required to accommodate the development of a proposed new Biomass antenna (i.e. satellite communication infrastructure) on the land to support the European Space Agency's new Biomass satellite which is planned to be launched in 2023 to determine the amount of biomass and carbon stored in the world's forests, advance knowledge of the global carbon cycle and help find ways to reduce carbon emissions from deforestation and land degradation in developing countries. A copy of the scheme amendment documentation that was advertised for public comment is provided in Attachment 1.

Following Council's resolution in May 2021, the scheme amendment proposal was referred to the Environmental Protection Authority (EPA) for review in accordance with the specific requirements of section 81 of the *Planning and Development Act 2005*.

On 24 June 2021 the EPA determined and subsequently advised the proposed scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA confirmed all potential impacts can be managed through the Shire's local planning scheme

controls and Part V, Division 2 of the *Environmental Protection Act 1986* as it applies specifically to the clearing of native vegetation.

Pursuant to the specific requirements of section 84 of the *Planning and Development Act 2005* and section 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the scheme amendment proposal was then advertised for public comment for the minimum required period of forty two (42) days which included:

- i) publication of notices in a state-wide newspaper (i.e. the West Australian) as well as the Shire's Facebook page and local newsletter;
- ii) public display of the advertising notice and scheme amendment documentation at the Shire administration centre;
- iii) publication of the advertising notice and scheme amendment documentation on the Shire's website;
- iv) correspondence to all adjoining and other nearby landowners; and
- v) correspondence to a number of public authorities considered likely to have an interest in the proposed amendment.

At the conclusion of public advertising on Friday 27 August 2021 a total of seven (7) submissions had been received by the Shire, all of which were from public authorities. A summary of all submissions received and a recommendation in respect of each is provided in Attachment 2.

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

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

COMMENT

The submissions received from public authorities were all supportive however concerns were raised in relation to the following matters:

- i) The suitability of the Bushfire Management Plan (BMP) submitted in support of the scheme amendment proposal;
- ii) The need for comment from the Department of Water and Environmental Regulation prior to proceeding with any native vegetation clearing works; and
- iii) Future vehicle access arrangements to/from Great Northern Highway.

All of the above issues have been addressed in the Schedule of Submissions provided in Attachment 2. It is significant to note none of the issues raised are considered fatal to the scheme amendment proposal and can be suitably addressed during subsequent stages of the planning and development process where more detail is required to be provided by the proponent in order to secure the necessary approvals.

On balance, having regard for:

- a) the scheme amendment proposal's consistency with the aims and objectives of key

strategic planning documents;

- b) the potential to develop and use the land for the intended purpose in accordance with all regulatory requirements and standards;
- c) the project's significance and environmental benefit on a global scale; and
- d) the outcomes from public advertising including agency referrals,

it is concluded the proposal is well founded and worthy of Council's final approval/endorsement. As such, it is recommended Council support the amendment without modification and refer it to the Western Australian Planning Commission for review, assessment and final determination by the Minister for Planning.

Council should note the rezoning proposal will be subject to further detailed assessment at State government level with significant scope for further discussion and negotiation with the applicant/proponent and the Shire. For now however Council is required to follow due process and make a determination regarding final adoption of the scheme amendment proposal to enable it to be formally referred to the Western Australian Planning Commission for further consideration and final determination by the Minister for Planning thereafter. The recommendation provided in this report enables the proposal to proceed to the final stage of the statutory planning process without delay.

CONSULTATION

The rezoning proposal for the relevant portion of Lot M1991 has been the subject of ongoing meetings and discussions between the European Space Agency and its consultants, the current landowners and the Shire over the past two (2) years. Furthermore, the rezoning proposal has been advertised for public comment in accordance with the procedural requirements of the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

STATUTORY CONTEXT

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Victoria Plains Local Planning Scheme No.5*
- *State Planning Policy 2.0 - 'Environment and Natural Resources Policy'*
- *State Planning Policy 2.5 - 'Rural Planning'*
- *State Planning Policy 3.7 - 'Planning in Bushfire Prone Areas'*

CORPORATE CONTEXT

Nil

STRATEGIC IMPLICATIONS

The rezoning proposal for the relevant portion of Lot M1991 is considered to be generally consistent with the aims and objectives of the following strategic planning documents as they apply to economic development and growth, regional branding and tourism:

- *Shire of Victoria Plains Local Planning Strategy 2012;*
- *Shire of Victoria Plains Strategic Community Plan 2017/18 to 2027/28;*
- *Wheatbelt Development Commission Central Midlands Sub-Regional Economic Strategy 2014;*

- *State Planning Strategy 2050 (WAPC, 2014); and*
- *Wheatbelt Regional Planning and Infrastructure Framework (WAPC, 2015).*

FINANCIAL IMPLICATIONS

There are no known financial implications in relation to this proposal aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and will be offset by the \$3,616.23 rezoning application fee paid by the European Space Agency.

All public advertising and final gazettal costs associated with the scheme amendment process and any future development of the land as proposed will also be the responsibility of the European Space Agency.

It is significant to note that should the applicant / landowner be aggrieved by Council's final decision in this matter, they will not have the right seek a formal review of that decision by the State Administrative Tribunal as decisions in respect of scheme amendment proposals are not able to be appealed.

VOTING REQUIREMENTS

Absolute majority required: No

2110-15	Officer Recommendation / Council Resolution
----------------	--

Moved Cr J Kelly

Seconded Cr G O'Brien

That Council **RESOLVE** to:

1. Acknowledge **RECEIPT** of and determine each submission received in respect of Amendment No.3 to the Shire of Victoria Plains Local Planning Scheme No.5 during public advertising in accordance with the recommendations contained in the Schedule of Submissions provided in Attachment 2 to this report;
2. **SUPPORT** Amendment No.3 to the Shire of Victoria Plains Local Planning Scheme No.5 as proposed without modification; and
3. **AUTHORISE** the Shire Administration to refer the scheme amendment proposal to the Western Australian Planning Commission confirming Council's resolution and requesting the Honourable Minister for Planning's favourable consideration and final approval, including endorsement of the scheme amendment documentation in due course by affixing the Shire's common seal and authorising the Shire President and Chief Executive Officer to sign the documentation accordingly.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS

11. Matters for Which the Meeting May Be Closed

Nil

CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.12pm.

CERTIFICATION

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

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

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