



MINUTES

Ordinary Council Meeting

28 September 2022

Shire of Victoria Plains
Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2.07pm

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
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 28 September 2022 commencing at 2.07pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.02pm.

1.2 Announcements by Shire President

The Shire President reminded 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 and the meeting will be run in accordance with the Shire's Meeting Procedures Law 2018.

That Council consider suspending Standing Orders so that Members can pay Tribute to the Late Queen Elizabeth II and King Charles III, with a declaration as follows:

"On behalf of the Shire and personally, I pay tribute to the late Queen Elizabeth II. An inspiring woman who took on a prestigious role at a young age. A formal role with many delightful moments but also a role which places the burdens of the whole commonwealth on the shoulders of this individual. Her Majesty gave 70 years of stoic and dedicated service to our nation. Her people before herself. My own grandmother is 97 years of age and gave me great comparisons. Queen Elizabeth the II was serving her people even in her 90's, a devotion to serve that was pledged at age 21 and never wavered. The Sadness my grandmother felt in losing her inspiration was deep. 2 Generations below, I myself shed a tear on hearing the sad news. A respect which across generations and respect across a great length time and a privilege to all who have been part of her great rein. In pledging my oath to serve the people of Victoria Plains I now direct my respect and honour to our new Head of State, His Majesty King Charles III. Long live the King"

2009-01	Councillor Resolution
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Moved: Cr S Woods

Seconded: Cr D Lovelock

That Council suspend standing orders at 2.08pm to pay tribute to the late Queen Elizabeth II with the Shire President, Cr S Woods, Cr D Lovelock and the CEO sharing their condolences.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2209-02 Councillor Motion / Council Resolution**Moved: Cr N Clarke****Seconded: Cr G O'Brien**

That Council move out of standing orders at 2.11pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**2. RECORD OF ATTENDANCE**

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr D Lovelock Cr G O'Brien Cr S Penn Cr J Kelly Cr S Woods
Staff attending	Temporary CEO – Mr S Fletcher Manager Finance and Administration – Mr C Ashe Acting Works and Services Manager – Mr S Brenzi Principal Building Surveyor – Mr P Edward Council Meeting Officer – Mrs J Klobas
Apologies	Nil
Approved leave of absence	N/A

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

Type	Item	Person / Details
3.1	Financial	Cr S Penn declared a financial interest in Item 8.2, 'Monthly Financial Statements – July / August 2022' due to "Financial Payment, Avon Legal". Cr N Clarke declared a financial interest in Item 8.4 'Budget Amendment 22-23 – Deputy President Allowance' due to "being a party to the item". The Temporary Chief Executive Officer, Mr S Fletcher declared a financial interest in item 11.1.1. "Update Regarding the Consideration of CEO Performance Review Report – Confidential" due to assisting both the prior the CEO and Council in this matter,
3.2	Proximity	

- 3.3 Impartiality Cr S Woods declared an impartiality interest in item 8.6 'Community Consultation - Report Old Roads Board Building' due to "Being a member of the Working Committee"

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 2.13pm.

4.2 Public Questions Without Notice

Mr M Palmer. Wyening

- Q1. Why did Cr N Clarke not chair the August 2022 OCM when the Shire President was unable to chair the meeting?
- Q2. The CEO advised that there could have been an issue with a quorum as well as possible computer access issues with the Deputy Shire President Chairing.

Mr Graham Bookham

- Q1. Why was there a Council meeting on the 24th August 2022, as this clashed with the Dowerin Field Day event?
- A1. The Temporary CEO noted that in future, a shift in meeting date would occur to ensure that the Shire representatives could attend the Dowerin Field Day. He further noted that he and the Shire President did attend the Dowerin launch.
- Q2. Queried status of Bolgart Receiving Point.
- A2. The Temporary CEO advised that CBH had discussed the prohibitive cost of the installation to the Temporary CEO and noted further that whilst it is a CBH matter, the Shire are monitoring the situation.

Mr Graham Bookham on behalf of BIZ Transport Drivers

- Q1. *There is a bad patch of surface on Yarrawindah Road, near Cocking Road, which is extremely dangerous.*
- A2. *The Acting WSM noted the rectangular section that had been sealed, is going to be reconstructed as part of the WSNF Project and remediation process.*
- Q2. *Could we have speed signs posted along that road?*
- A2. *The Acting WSM supported signs being put up moving forward.*

Public question time closed at 2.23pm.

5. PRESENTATIONS AND DEPUTATIONS

Nil

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

2009-03	Officer Recommendation / Council Resolution
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Moved: Cr N Clarke

Seconded: Cr D Lovelock

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 24 August 2022, with inclusion to insert Cr P Bantock's Proximity Interest declaration for item Item 8.6, "Request For Temporary Approval – Proposed Rodeo Event On Lot M1199 Bindoon-Moora Road, Mogumber" due to "Proximity to Lot M1199, via 202 Mogumber Yarrawindah Road, however not proximity to event site located Bindoon-Moora Road, and*
- *Special Council Meeting held 25 August 2022*

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

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr Penn withdrew from the meeting at 2.26pm having declared a financial interest in Item 8.2 “Monthly Financial Statements – July / August 2022” due to “Financial Payment, Avon Legal”.

8. REPORTS REQUIRING DECISION

8.1 Accounts for Endorsement – August 2022

File reference			F1.8.4
Report date			19 September 2022
Applicant/proponent			
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Glenn Deocampo – Coordinator Financial Services
Authorised by			Colin Ashe – Manager of Finance and Administration
Attachments			
Attachment 1	Page	2	Schedule – in the Attachments to Agenda.

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for August 2022.

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

2209-04 Officer Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That the payments made for August 2022 from the Municipal Bank Account/Trust Bank Account, and the Credit Card Reconciliations/Statements as per the attached listing summarised below, be **ENDORSED:**

August 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	11234 – 11307	451,532.49
Creditor Cheque Payments	12568	340.00
Direct Debit Payments**	DD13543-DD13546 DD13546-DD13613	42,904.06
Salaries & Wages EFT	PE 17/08/22, PE 31/08/22	101,201.62
Fuel Card – Wright Express Credit Card–Bendigo Bank-	DD13611.3 DD13611.2 DD13611.1	1,041.93 3,581.71 183.42
Trust Payments		0.00
TOTAL		\$600,785.23

Local Spending	\$	%
Local Supplier	17,233.51	2.87
Payroll	101,201.62	16.84
Total	118,435.13	19.71

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr S Penn re-joined the meeting at 2.29pm.

8.2 (A) Monthly Financial Statements – July 2022

File reference	
Report date	16 Sep 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Colin Ashe, MFA
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page 14 Monthly Financial Statements – 30 July 2022

PURPOSE

To receive the monthly financial statements for the period ending 30 July 2022.

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 July 2022 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 and is primarily due to a combination of budget phasings using a simplistic linear method (i.e. one twelfth of the budget) and timing namely:

INCOME:

- a) Disaster Recovery Funding Arrangements WA (DRFA-WA) for AGRN 962 has been phased as to be received noting claim has not been finalised.
- b) Rental properties budgeted to receive income but currently vacant.
- c) Generally expenditure would need to occur before reimbursements can be raised.

EXPENSE:

- d) Former CEO payout salary has been budgeted but not phased to be expended in total. This will need to be monitored.
- e) Other items are required to be expended up front (e.g. insurance) but not phased accordingly.

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

2209-05 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr S Woods

That Council **RECEIVE** the 30 July 2022 Monthly Financial Reports as presented:

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.2 (B) Monthly Financial Statements – August 2022

File reference			
Report date			17 Sep 2022
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Colin Ashe, MFA
Authorised by			Sean Fletcher, Temporary CEO
Attachments			
Attachment 1	Page	44	Monthly Financial Statements – 31 Aug 2022

PURPOSE

To receive the monthly financial statements for the period ending 31 Aug 2022.

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 Aug 2022 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 and is primarily due to a combination of budget phasings using a simplistic linear method (i.e. one twelfth of the budget) and timing, namely:

INCOME:

- f) MRWA Direct grant has been received in full and slightly more than budgeted for (\$3k). Disaster Recovery Funding Arrangements WA (DRFA-WA) for AGRN 962 incorrectly phased.
- g) Refuse charges have been raised as put of the rates raising activity but budgeted linear.

EXPENSE:

- h) Major purchases in materials and contracts have been deferred until budget and rates income was adopted and funds actually received. Expenditure will increase in the coming months.
- i) Interest on loans will only be expended when loans are due for payment.

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2209-06	Officer Recommendation / Council Resolution
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Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council **RECIEVE** the 31 August 2022 Monthly Financial Reports as presented:

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.3 Financial Management 22-23 – Write off of Debtors

File reference	
Report date	19 Sep 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Colin Ashe, MFA
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page
	NIL

PURPOSE

To write off debtors that are assessed as either not recoverable or the cost of further analysis exceeds the recoverable amount.

BACKGROUND

Section 6.12 (1) (c) of the Local Government Act 1995 provides a local government can write off any amount of money. The CEO has delegated authority to write off \$200 of which the table below exceeds this threshold amount.

COMMENT

Through review and reconciliation of outstanding debtors it has been revealed that a number are long standing and highly unlikely to be recovered. The following information is provided as a summary:

Debtor	Amount (\$)	Debt Age (Days)	Description	Comment
Agatha Prior	521.43	477	Electricity Charge Dec 20-May 21	Former employee, no forwarding address, significant days outstanding and appears no follow up.
Benedictine Community	264.00	453	Disposal of Rubbish from New Norcia to Calingiri Waste Facility	Appears to be a duplication of previous invoices, effort has occurred to identify with all outstanding amounts paid.
Michael Stock	1,950.00	341	Crossover	Works order was never signed by customer. Work has been carried out but claimed it is to a substandard quality. Discussions have indicatively agreed that customer will pay \$500 pending council decision to write off balance. (\$1,450)
Steven Matthews	449.52	700	Electricity Charge Jul 20-Aug 21	Former employee, no forwarding address, significant days outstanding and appears no follow up.

Table 1 - Aged Debtors

Unfortunately, a break down in a number of processes has caused the request for write off. This is now being addressed but given these debts are approximately 1-2 years old, recovery is unlikely to be successful.

Council should be made aware; this is the first stage of the debtor review. A number of other debtors will require further investigation on ability to recover noting the average outstanding days is 372 and limited follow up has occurred. Finance personnel will follow up to point where its feasible to do so but council should be pre-warned It is likely further recommendations for write off will be needed.

CONSULTATION

CEO

STATUTORY CONTEXT

Section 6.12 (1) (c) of the Local Government Act 1995.

CORPORATE CONTEXT

Management is to ensure correct process is undertaken for private works to be carried out, customers are aware and agree to the charges and then follow up of outstanding amounts is undertaken in a timely fashion.

FINANCIAL IMPLICATIONS

The write off of these debts will impact the cash outcome of the shire's finances to an amount of \$2,684.95 (\$3,184.95 less the \$500 contribution from Michael Stock).

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2209-07 Officer Recommendation / Council Resolution

Moved: Cr G O'Brien

Seconded: Cr S Woods

That Council **WRITE OFF** amounts as provided in Table1 – Aged Debtors noting Michael Stock write off amount is \$1,450.00:

Debtor	Amount (\$)	Debt Age (Days)	Description	Comment
Agatha Prior	521.43	477	Electricity Charge Dec 20- May 21	Former employee, no forwarding address, significant days outstanding and appears no follow up.
Benedictine Community	264.00	453	Disposal of Rubbish from New Norcia to Calingiri Waste Facility	Appears to be a duplication of previous invoices, effort has occurred to identify with all outstanding amounts paid.
Michael Stock	1,950.00	341	Crossover	Works order was never signed by customer. Work has been carried out but claimed it is to a substandard quality. Discussions have indicatively agreed that customer will pay \$500 pending council decision to write off balance. (\$1,450)
Steven Matthews	449.52	700	Electricity Charge Jul 20- Aug 21	Former employee, no forwarding address, significant days outstanding and appears no follow up.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Cr N Clarke declared a financial interest in item 8.4 'Budget Amendment 22-23 – Deputy President Allowance' due to "being a party to the item" and withdrew from the meeting at 2.41pm.

8.4 Budget Amendment 22-23 – Deputy President Allowance

File reference	
Report date	19 Sep 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Colin Ashe, MFA
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page
	NIL

PURPOSE

To correct an error in the Deputy Presidents annual meeting allowance and amend the reimbursement method for travel reimbursement as adopted in budget deliberations 24 Aug 22.

BACKGROUND

Section 5.98A of the Local Government Act 1995 provides a local government the option to pay a deputy president an allowance in addition to the standard council or committee fee and up to the percentage that is determined by the Salaries and Allowances Tribunal.

COMMENT

After budget deliberations on the 24 Aug 22 an error was discovered in the allocation for the Deputy President allowance. The amount adopted was based on the 21/22 President allowance and whilst this amount was increased and updated, the Deputy President was not.

In real terms the amount adopted was \$1,625 when it should have been \$2,500, based on 25% of the President allowance for 22/23. Accordingly, this will have a minor increase on the adopted budget deficit (\$875) but not likely to have a significant impact.

CONSULTATION

CEO

STATUTORY CONTEXT

Section 5.98A of the Local Government Act 1995.

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

An increase in the 22/23 budget deficit of \$875 to \$193,035.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2209-08 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr S Woods

That Council **AMEND** the Deputy President allowance from \$1,625 to \$2,500 for 2022/23:

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Cr N Clarke re-joined the meeting at 2.44pm.

UNCONFIRMED PUBLIC

8.5 Local Government Reforms – Election Transition Arrangements (Abolishing Wards) and Impact on Ward and Representation Review

File reference			
Report date			21 September 2022
Applicant/proponent			Minister for Local Government
Officer disclosure of interest			Nil
Previous meeting references			24 August 2022, Item 8.8, 2208-15
Prepared by			Sean Fletcher, Temporary CEO
Authorised by			Sean Fletcher, Temporary CEO
Attachments			
Attachment 1	Page	74	Letter from Hon John Carey MLA, Minister for Local Government
Attachment 2	Page	79	Notice of Public Info Session Cancelled - draft

PURPOSE

For Council to consider amending the Ward and Member review as per the Minister's Directions.

BACKGROUND

In January 2020, the Local Government Advisory Board was advised of a discrepancy in ratios of representation where at least one ward exceeded the 10% variation acceptable to the LGAB. The LGAB requested advice at that time, whether Council intended to undertake a review of wards and representation, but the request was not acted on. It appears that the intention of the LGAB was that any changes be implemented for the 2021 local government elections.

In May 2022, since the LGAB had not received advice of any actions, a further query was sent by them. The Temporary CEO initiated investigation of the matter on 21 June 2022.

At the July briefing session, Council was advised that the Shire needed to undertake a Ward and Representation Review. It was also reminded that the final reforms to the Local Government Act will required Band 3 and Band 4 (Such as the Shire of Victoria Plains) local governments to abolish the wards system.

At the Council meeting held on 3 August 2022, Council noted that the Temporary CEO initiated a review of wards and representation on 21 June 2022. Following on from this meeting, seven options were distributed to Council for consideration.

At the August briefing session, Council examined the election "Mesh Blocks" and advised the CEO on three options for consideration:

- No wards, 7 Councillors;
- Two wards, 7 Councillors;
- Four Wards, 7 Councillors

Council subsequently endorsed the Discussion Paper drafted as the basis for public consultation which was released on 1 September 2022. In conjunction with the advertisement, the community was advised that there will be two public consultation sessions on 12 October (Piawaning) and 13 October (Calingiri). The submission period closes on 27 October 2022.

The Minister for Local Government wrote to the Shire on 20 September 2022 advising that in line with the final reforms to the local government act, new requirements will be introduced as follows:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

The Minister went on to advise that the Shire has been identified by the Department of Local Government, Sport and Cultural Industries as one of the local governments to abolish its wards under the reforms. In order to facilitate the requirement to abolish wards there are two pathways:

- Voluntary Pathway – any changes proposed should not diverge from the proposed reforms. This requires a ward and representation review to be undertaken. Wards will be abolished from the 2023 ordinary elections;
- Default Pathway – if there is no intention to follow the voluntary pathway or the request is ignored, the wards will be abolished.

Note: In the Minister's Media Statement on 21 September 2022, he advised if local governments are unable to agree on a plan or opt out of the voluntary process, the Reform Election Pathway may be enacted. The Reform Election Pathway will provide for all of a council's offices to be declared vacant, wards abolished and the size of the council would be set by default, based on the reform proposals.

The Shire needs to advise the Minister formally in writing by 28 October 2022 of its intention.

COMMENT

Taking into account the review of the local government act and the final reforms to be implemented including clear instruction from the Minister regarding the abolition of wards there are a number of considerations:

- The Shire is almost through what the Minister outlines as the voluntary path, and Council should continue with this according to the original timeline. However, there are two matters to note:
 - Public consultation is no longer required;
 - An advertisement to this effect will need to be issued.
- In essence, the Minister has now taken the matter regarding the Shire's wards out of Council's hands. No wards are going to be in place by October 2023. There is no discretion left to put this matter off for a couple of years, as the next 12 months is the transition period, not the next electoral cycle as was previously thought;
- With the October OCM on 26 October 2022, this will need to be deferred for one day. The public submission period closes Thursday, 27 October, the day after the intended October OCM, and the day before the Minister's deadline. Accordingly, it would be prudent for Council to, after 4:00PM deal with the issue of submission to LGAB and response to the Minister.
 - The only discretion now open to Council is number of elected members as outlined in the Discussion Paper, options to Council are for 5 or 6 or 7 elected members;
 - The option for election of the President at at large is not on the table as a possibility - this is a quite different process requiring a referendum of electors, involvement of LGAB, WA Electoral Commission and others;
 - That a reduction of number wasn't part of the Discussion Paper which advised Council's preference for retaining seven (7), does not remove the option from consideration.

The author's final observation is that the Shire still has to comply with the current Local Government Act as far as processes etc are concerned, until the legislative amendments are through, and the date of implementation is proclaimed. This also does not prevent the Council from determining the number of councillors i.e 5, 6 or 7.

CONSULTATION

- Council via per various briefing sessions, weekly updates;
- Council advised of Minister's letter 21 September 2022;
- Shire President, Cr Bantock;
- Tony Brown, Executive Manager Governance 21 September 2021;
- Niel Mitchell, Ward and Representation Review facilitator, 21 September 2021.

STATUTORY CONTEXT

Ward and Representation Review

Schedule 2.2 of the Local Government Act 1995 (the Act) provides that a local government that has a ward system is required to carry out reviews from time to time so that not more than eight years elapse between successive reviews of:

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward.

The Act provides that when undertaking a review of wards and representation any of the following may be considered:

- creating new wards in a district already divided into wards;
- changing the boundaries of a ward;
- abolishing any or all of the wards into which a district is divided;
- changing the name of a district or any ward;
- changing the number of offices of councillor on a council; and
- specifying or changing the number of offices of councillor for a ward.

Section 2.17 (2) of the current Act provides that if the method of filling the office of president is election by the council, the council is to consist of between 6 and 15 councillors

Amendments to the Local Government Act re Membership of Council

The reforms include a range of measures to strengthen local democracy and community engagement, including:

- Introduction of optional preferential voting for all council elections, bringing local government elections more in line with State and Federal voting mechanisms;
- Requiring Band 1 and Band 2 councils to hold a public vote for the Mayor or President, directly empowering ratepayers;
- Abolishing wards for smaller local governments; and
- Reducing the number of councillors within a local government, setting clear limits on the number of councillors a local government can have, based on the population of the local government area.

CORPORATE CONTEXT**Strategic Community Plan**

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.2 Shire communication is regular, clear and transparent	Residents and community groups believe they are being listened to and fairly treated
	Positive feedback through our customer survey
	Council and Staff work closely with the community to successfully achieve projects or outcomes that deliver upon priorities
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councillors attend training and feel supported in their role
	Council is supported by a skilled team

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance Not participating in reforms that are mandated by law Failure to opt in will result in abolition of wards, a spill of all positions and even a minimum number of elected members	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Likely (4) The event will probably occur in most circumstances	Extreme (20)	Operational Manager Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	CEO to ensure EMs are aware of key reform issues and requirements

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved: Cr P Bantock

Seconded: Cr S Woods

That Council:

1. CONTINUES with the Ward and Representation Review, as per Motion 2208-11 (3 August 2022).
2. DEFERS the ordinary council meeting scheduled to be held on 26 October 2022 to 27 October 2022 at an appropriate time. The CEO is to review the timing of the meeting with the Shire President.
3. CONSIDERS any submissions received up until 5:00PM on 26 October 2022 (the closing time for submission).
4. AGREES to the CEO issuing an advertisement as set out in Attachment 2 advising the public information sessions have been cancelled.

2209-09 Councillor Motion / Councillor Resolution

Moved: Cr P Bantock

Seconded: Cr S Woods

That Council:

1. **CONTINUES** with the Ward and Representation Review, and brings forward the closing time for submissions to 26 October 2022, as per Motion 2208-11 (3 August 2022).
2. **CONSIDERS** any submissions received up until 5:00PM on 26 October 2022 (the closing time for submission).
3. **AGREES** to the CEO issuing an advertisement as set out in Attachment 2 advising the public information sessions have been cancelled.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**Reason for Variation**

The reason for the variation is to bring forward the *Ward and Representation Review* closure date and time to 5pm on 26th October 2022 to allow all Elected Members to consider submissions.

Cr S Woods declared an impartiality interest in this item due to "Being a member of the Working Committee" at 2.50pm

8.6 Community Consultation Report Old Roads Board Building

File reference			
Report date			
14/9/2022			
Applicant/proponent			
Community			
Officer disclosure of interest			
Nil			
Previous meeting references			
September Briefing Session			
Prepared by			
Kim Stripe Community Development Officer			
Authorised by			
CEO			
Attachments			
Attachment 1	Page	80	Community Consultation Report Old Road Board Building

PURPOSE

Proposal of Community Use of the Old Road Board Building.

BACKGROUND

A Council workshop was held in February 2022 to discuss the strengths, weaknesses, opportunities and threats for the building. 150Square was engaged to facilitate an open public workshop to gather input on the building in August.

On Monday 1 August 2022 11am – 12pm a workshop took place in the Old Road Board Building hosted by Temporary CEO Sean Fletcher, Caroline Robinson 150Square and myself to invite the community to input ideas for the future use of the building.

COMMENT

Following a brainstorm and open discussion the following ideas were presented:

- Café / eatery
- Visitor information
- History display
- Pop up displays, local produce
- Meeting room for visiting professionals

These possible uses are aligned to feedback from the Council workshop in February 2022.

CONSULTATION

Temporary CEO Sean Fletcher, Caroline Robinson 150Square and myself (Kim Stripe CDO) Jennifer Glass, Diane Westlake, Yvonne King, Ann Marie Byrne O'Neill, Katie Woods, Krystal Glass, Melissa Derbyshire, Nicole McInnes, Dorothy Jones, Cr Suzanne Woods, Cr Gary O'Brien, Cr James Kelly

STATUTORY CONTEXT

Ni

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

The initial estimated expenditure of \$2500 is in the 2022/23 budget for an exhaust fan, stove and fridge.

VOTING REQUIREMENTS

Absolute majority required: No

2209-10 Officer Recommendation / Council Resolution**Moved: Cr S Woods****Seconded: Cr G O'Brien**

My recommendation is to follow the recommendation as per Caroline Robinsons (150Square) report being:

1. **Adopt** this report
2. Council **SUPPORTS** the CEO to implement a shared cleaning responsibility for users of the space
3. **ALLOCATE** funds towards floor coverings in the kitchen and exhaust fan (priority) and at a later date the grease trap (subject to future usage)
4. **ENDORSE** the CEO's actions regarding an update to the EHO, including a staged approach to improve and make the building compliant for a future food business or activity
5. **SUPPORTS** the offer by the CEO for the Community Development Officer to assist the Old Road Board Building Working Group to ensure the displays and pop up areas are presented in a coordinated and professional manner
6. **CONSIDER** how current Shire staff could occupy the space in the next 12 months to assist in the activation and opening of the building e.g. Community Development Officer works from the building one day a week

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.7 WALGA AGM 2022 – Motions for Consideration

File reference	
Report date	19 September 2022
Applicant/proponent	WALGA
Officer disclosure of interest	Impartial – Mr Fletcher holds a training contract with WALGA
Previous meeting references	Nil
Prepared by	Sean Fletcher, Temporary CEO
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page
	WALGA 2022 AGM Agenda

PURPOSE

Council is asked to give direction to its voting representatives at the WALGA 2022 AGM regarding the motions proposed by WALGA Members and Executive.

BACKGROUND

Each year, WALGA membership and the WALGA Executive can submit motions to the AGM for consideration by the general membership i.e. attending local governments.

Notification of the WALGA AGM agenda was received on 2 September 2022 and the Temporary CEO provided background information regarding each motion at the Council briefing session on 19 September 2022.

The Shire's voting delegates for the 2022 AGM are the Shire President and Deputy Shire President.

The AGM is scheduled for Monday 3 October 2022 at the Crown, Perth.

COMMENT

The Temporary CEO at the September briefing session provided advice regarding the motions put forward for the WALGA AGM as follows:

Item	LG	Motion (Summary)	Comment	Support
3.1	Dardanup	Request for WALGA to advocate for greater local input into road and intersection treatments.	Main Roads is requested to increase importance and weight given to local input re speed reduction, intersections, traffic safety	Yes
3.2	Wanneroo	That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites	Car parking and congestion issues continue to occur over the morning drop-off and afternoon pick-up times.	Yes
3.3	Dundas	That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA	The decision to move to in-sourcing road maintenance delivery and management provides new opportunities for Local Governments to participate in delivering maintenance and minor capital work on the State road network.	?
3.4	Dundas	That WALGA work with Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Local Governments, or establish a Southern Australia Beef Road Funding Program	The Northern Australia Beef Roads Program is a \$380M Federal Government commitment delivering upgrades to high priority roads in northern Australia essential to the movement of people and freight to support economic development.	Yes

Please note: Council indicated No, for Item 8.3

Item	LG	Motion (Summary)	Comment	Support
3.5	Dundas	That WALGA requests: 1. Assistance from appropriate Federal Ministers to work with State and Territory counterparts to consider removing impediments within the National Construction Code/Standards, that dissuade industry from adopting 3D printing as a building method. 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.	Australia's construction industry may be in for a shake-up, with the arrival of commercial 3D house printing technology capable of slashing build times and costs. Australia is currently experiencing an unprecedented housing crisis. On the heels of the country's first 3D-printed house – erected in three days Melbourne in January - COBOD, an international leader, has partnered with Australian company Fortex to distribute its equipment.	Yes
3.6	Gingin	That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.	The Shire of Gingin and many other Local Governments are being requested to consider parcels of land to be allocated for transfer as part of the South West Native Title Settlement.	Yes

Item	LG	Motion (Summary)	Comment	Support
3.7	Gingin	That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.	It is proposed that local governments similar to the Shire of Gingin who are having large sections of rateable land locked away due to Developer Land Offsets need to be compensated for the loss of revenue.	Yes
3.8	Serpentine Jarrahdale	Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.	In Victoria, valuations are conducted using the capital improved value of a property. Capital improved value is based on the value of the land plus the buildings on it and any other capital improvements.	?
3.9	Gingin	That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the Unimproved Value rate is abolished, and all properties are rated for Gross Rental Value or Capital Value.	If all properties were rated GRV or based on Capital Value (value that the land would likely sell for on the open market), all rural land would still not be too dissimilar to their current rates. However, those that intensify their land would achieve a naturally higher GRV/Capital Value making the rating far more equitable, easier to manage and simplify and reduce the cost of the valuation process.	Yes

Please note: Council indicated No regarding Item 3.8.

Item	LG	Motion (Summary)	Comment	Support
3.10	Capel	That the WA Local Government sector requests the WA State Government prioritise reforms to the <i>Cat Act 2011</i> , in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.	A number of Local Governments have already attempted to make Cat Local Laws that seek to prohibit cats from roaming, require cats to be securely kept on premises of the owner, and prohibited from being in any public place. Parliament's Delegated Legislation Committee has disallowed a number of such attempts on the grounds that the local law making head of power in the Cat Act does not allow local laws to be made for these purposes.	Yes
3.11	WALGA Executive	That: 1. The update on the Best Practice Governance Review project be noted, and 2. The principles to inform WALGA's future governance model, be endorsed	There is dissatisfaction with the governance model. the principles propose that WALGA's governing body will: <ul style="list-style-type: none"> • Maintain equal metropolitan and country representation • Continue the practice of electing the President from and by the governing body • Facilitate responsive decision making with clear processes for members to influence policy and advocacy. 	Yes

CONSULTATION

Council was briefed on this matter at its briefing session on 19 September 2022.

STATUTORY CONTEXT

Nil

WALGA is the local government industry's peak body, representing all local governments across Western Australia. As such, WALGA is best placed to advocate and/or lobby on many different issues that impact on local government.

CORPORATE CONTEXT**Strategic Community Plan**

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN	
4. CIVIC LEADERSHIP			
4.1 Forward planning and implementation of plans to achieve community priorities	Performance against targets are regularly reported to the community		
	We attend meetings of key local and regional organisations to jointly plan for our community		
	Demonstrated progress towards achievement of the Corporate Business Plan		

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Reputation Not participating in forums that provide key support to the Shire and Local Government in general	Minor (2) Substantiated, localised impact on community trust or low media item	Possible (3) The event should occur at some time	Extreme (20)	Operational Manager Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring. Shire is very good with its attendance at key meetings/forums. CEO reports on forum participation quarterly	CEO to ensure EMs are aware of key forum meeting dates, have the ability to attend and make decisions on behalf of Council as required

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved: Cr S Woods

Seconded: Cr N Clarke

That Council **SUPPORTS/NOT SUPPORTS** the following motions to be moved at the WALGA 2022 AGM as follows : [Table Below]

Return to the substantial motion and by agreement with the Mover and Seconded.

2209-11 Officer Recommendation/ Council Resolution

Moved: Cr S Woods

Seconded: Cr N Clarke

That Council **SUPPORTS/NOT SUPPORTS** the following motions to be moved at the WALGA 2022 AGM as follows, however in the event of an amendment, the voting delegates have the capacity to vote accordingly.

Item	LG	Motion (Summary)	Comment	Support
3.1	Dardanup	Request for WALGA to advocate for greater local input into road and intersection treatments.	Main Roads is requested to increase importance and weight given to local input re speed reduction, intersections, traffic safety	Yes
3.2	Wanneroo	That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites	Car parking and congestion issues continue to occur over the morning drop-off and afternoon pick-up times.	Yes
3.3	Dundas	That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA	The decision to move to in-sourcing road maintenance delivery and management provides new opportunities for Local Governments to participate in delivering maintenance and minor capital work on the State road network.	?
3.4	Dundas	That WALGA work with Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Local Governments, or establish a Southern Australia Beef Road Funding Program	The Northern Australia Beef Roads Program is a \$380M Federal Government commitment delivering upgrades to high priority roads in northern Australia essential to the movement of people and freight to support economic development.	Yes

Item	LG	Motion (Summary)	Comment	Support
3.5	Dundas	That WALGA requests: 1. Assistance from appropriate Federal Ministers to work with State and Territory counterparts to consider removing impediments within the National Construction Code/Standards, that dissuade industry from adopting 3D printing as a building method. 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.	Australia's construction industry may be in for a shake-up, with the arrival of commercial 3D house printing technology capable of slashing build times and costs. Australia is currently experiencing an unprecedented housing crisis. On the heels of the country's first 3D-printed house – erected in three days Melbourne in January - COBOD, an international leader, has partnered with Australian company Fortex to distribute its equipment.	Yes
3.6	Gingin	That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.	The Shire of Gingin and many other Local Governments are being requested to consider parcels of land to be allocated for transfer as part of the South West Native Title Settlement.	Yes

Item	LG	Motion (Summary)	Comment	Support
3.7	Gingin	That WALGA advocate to the State Government that the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.	It is proposed that local governments similar to the Shire of Gingin who are having large sections of rateable land locked away due to Developer Land Offsets need to be compensated for the loss of revenue.	Yes
3.8	Serpentine Jarrahdale	Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.	In Victoria, valuations are conducted using the capital improved value of a property. Capital improved value is based on the value of the land plus the buildings on it and any other capital improvements.	?
3.9	Gingin	That WALGA advocate to the State Government and the Valuer Generals' Office that a different rating model be trialled across several Councils whereby the Unimproved Value rate is abolished, and all properties are rated for Gross Rental Value or Capital Value.	If all properties were rated GRV or based on Capital Value (value that the land would likely sell for on the open market), all rural land would still not be too dissimilar to their current rates. However, those that intensify their land would achieve a naturally higher GRV/Capital Value making the rating far more equitable, easier to manage and simplify and reduce the cost of the valuation process.	Yes

Item	LG	Motion (Summary)	Comment	Support
3.10	Capel	That the WA Local Government sector requests the WA State Government prioritise reforms to the <i>Cat Act 2011</i> , in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.	A number of Local Governments have already attempted to make Cat Local Laws that seek to prohibit cats from roaming, require cats to be securely kept on premises of the owner, and prohibited from being in any public place. Parliament's Delegated Legislation Committee has disallowed a number of such attempts on the grounds that the local law making head of power in the Cat Act does not allow local laws to be made for these purposes.	Yes
3.11	WALGA Executive	That: 1. The update on the Best Practice Governance Review project be noted, and 2. The principles to inform WALGA's future governance model, be endorsed	There is dissatisfaction with the governance model. the principles propose that WALGA's governing body will: <ul style="list-style-type: none"> • Maintain equal metropolitan and country representation • Continue the practice of electing the President from and by the governing body • Facilitate responsive decision making with clear processes for members to influence policy and advocacy. 	Yes

Further to the above, Council does not support Items 3.3 and 3.8.

CARRIED UNANIMOUSLY

Reason for Variation

To allow for WALGA Convention variation

8.8 Notice of Motion – To Reconvene Item 8.6 Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) - 22nd June 2022

File reference			
Report date			20 th September 2022
Applicant/proponent			Cr Suzanne Woods
Officer disclosure of interest			Nil
Previous meeting references			Item 8.6 22/6/22:2206-12
Prepared by			Cr S.Woods
Authorised by			Sean Fletcher, Temporary CEO
Attachments			
Attachment 1	Page	144	Item 8.6 – 22 June 2022

PURPOSE

To reconvene the item and make a clear decision to guide further action relating to the item.

BACKGROUND

The motion as passed was procedural in nature and as a minimum was required to specify a timeframe for the matter to come back to council for consideration. The notion of “a later date” is ambiguous and gives no clear direction to the CEO. Additionally there was no direction as to what needed to occur for the item to be reconvened.

COMMENT

Advice by CEO

The expectation by the community would appear that this matter is resolved sooner rather than later. Although I have not had any written requests as to when this matter will be resolved by Council, I and the Town Planner along with the Community Development Officer have certainly had at least three phone enquiries, several face to face questions and a number of general enquires out of what would appear as pure interest.

A Piawaning based community group has certainly asked verbally for a resolution to this matter so that it can continue working with the Shire in its bid to seek appropriate grant funding in relation to the site in question.

CONSULTATION

Temporary CEO Sean Fletcher
Shire President Cr Pauline Bantock
Cr David Lovelock

STATUTORY CONTEXT

Advice by CEO

The Shire’s standing orders (meeting procedures) require as a minimum that a time is indicated as to when the matter under consideration is brought back for consideration.

Motion 2206-12 should have set out as a minimum the following:

- The reason as to why the matter is adjourned;
- What further information is required of the CEO or a Committee of Council;
- A time and date as to when that information is required to be provided back to Council.

Once the matter is reconvened, Council will be in a position to further debate the matter as moved on 22 June 2022.

CORPORATE CONTEXT

Strategic Community Plan

Advice by CEO

As per Item 8.6 and as per the new SCP as follows:

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
1. COMMUNITY	
1.2 Inclusive community activities, events and initiatives	Well attended local events and activities
	Volunteers and community groups feel supported
	Community Development Officer jointly plans and works with local groups
	We increase the number and diversity of sport, recreation, learning and cultural events
1.3 Recreational, social and heritage spaces are safe and are activated	Sport and recreation facilities are planned, maintained and developed in a coordinated manner, aligned with community need
	Shire owned community buildings and places of interest are well maintained and used

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.2 Shire communication is regular, clear and transparent	Residents and community groups believe they are being listened to and fairly treated
	Positive feedback through our customer survey

	Council and Staff work closely with the community to successfully achieve projects or outcomes that deliver upon priorities
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FINANCIAL IMPLICATIONS

As per Item 8.6

VOTING REQUIREMENTS

Absolute majority required: No

2209-12	Councillor Motion/Council Resolution
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Moved: Cr S Woods**Seconded: Cr D Lovelock**

That Council suspend Standing Orders at 3pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2209-13	Councillor Motion/ Council Resolution
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Moved: Cr J Kelly**Seconded: Cr N Clarke**

That Council resume Standing Orders at 3.14pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Councillor Recommendation

Moved: Cr S Woods**Seconded: Cr D Lovelock**

That Council RECONVENE Item 8.6 from 22 June 2022 re the Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) to be presented at the October 2022 Council Meeting and present additional information as presented to the CEO.

Cr D Lovelock withdrew his seconding of the motion with Cr S Penn seconding the amendment.

Council Returned to the Substantial Motion.

2209-14	Councillor Motion/Council Resolution
----------------	---

Moved: Cr S Woods**Seconded: Cr S Penn**

That Council **RECONVENE** Item 8.6 from 22 June 2022 re the Proposed Reconfiguration & Change of Purpose of Crown Reserves 18203 & 18204 including Powers to Lease (Piawaning Recreation Reserve & Hall Site) to be presented at the October 2022 Council Meeting and present additional information as presented to the CEO.

For 6 / Against 1*Cr D Lovelock voted against the motion.**Cr Bantock, Clarke, Woods Penn, O'Brien and Kelly voted for the motion.*

2209-15 Councillor Motion**Moved: Cr N Clarke****Seconded: Cr S Woods**

That Council adjourn for afternoon tea at 3.17pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The meeting reconvened at 3.42pm, with Cr S Penn noted as having withdrawn and not re-joining the meeting.

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

UNCONFIRMED PUBLIC

11. MEETING CLOSED TO PUBLIC**11.1 Matters for Which the Meeting May Be Closed**

File reference	
Report date	20 July 2022
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Sean Fletcher, Temporary CEO
Authorised by	CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider matters regarding matters of a confidential nature.

BACKGROUND

Under section 5.23 (2)(a) of the Local Government Act and in accordance with the Shire’s meeting procedures local law, Council may close a meeting, or part of a meeting if it is dealing with a matter affecting an employee or employees.

COMMENT

There are two matters for consideration:

- 11.1.1 CEO’s Performance Review Committee
- 11.1.2 CEO Recruitment Committee

CONSULTATION

Nil

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2209-16 Officer’s Recommendation / Council Motion

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That the CEO Recruitment Committee, in accordance with s5.23(b) of the *Local Government Act 1995*, **CLOSES** the meeting to the public so that it may consider item 8.3 regarding matters pertaining to the CEO.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Temporary Chief Executive Officer, Mr S Fletcher declared a financial interest in this item, due to assisting both the prior the CEO and Council in this matter, at 3.47pm and withdrew from the meeting.

11.1.1 Update Regarding the Consideration of CEO Performance Review Report - Confidential

File reference	
Report date	20 September 2022
Applicant/proponent	Mr Tim Fraser, Executive Director Local Government, DLGSCI
Officer disclosure of interest	Impartial. Mr Fletcher supports both Council and CEO re the CEO performance review process
Previous meeting references	February 2022 OCM: Item 11.1 2202-16; 25 May 2022 CPRC Item 6.1;
Prepared by	Sean Fletcher, Temporary CEO
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page 1 Letter From Tim Fraser, Executive Director Local Government Confidential

VOTING REQUIREMENTS

Absolute majority required: No

2209-17 Councillor Motion/ Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That the CEO Performance Review Committee **RECOMMENDS** to Council :

- 1 That it **NOT ADOPT** the Report as the Committee has concerns over meeting compliance of clause 17 of the CEO Standards Regulation.
- 2 The 2022 CEO performance review process for Ms Teede is **COMPLETE**.
- 3 It **DEVELOP** CEO performance assessment criteria that is clear regarding how it is to be applied to future CEO performance reviews, prior to the next CEO Performance Review.
- 4 The CEO Performance Review Committee, being all Elected Members, and prior to the next CEO Performance Review Process being undertaken, Elected Members collectively **UNDERTAKE** relevant training, either face to face or via E Meeting training, for the Shire's CEO Performance Review process, through WALGA or some other suitable agency.
- 5 DLGSC is **ADVISED** on the outcome of its decision.

CARRIED For 5 / Against 1

Cr Kelly voted against the motion.

Cr's Bantock, Clarke, Woods, Lovelock and O'Brien voted for the motion.

The Temporary CEO re-joined the meeting at 3.56pm.

11.1.2 CEO Recruitment Matters for Consideration (Confidential)

File reference			
Report date			21 September 2022
Applicant/proponent			Council
Officer disclosure of interest			Financial. Matter affects Mr Fletcher’s employment
Previous meeting references			OCM - 27 April 2022: 2204-20; 2204-21; OCM – 22 June 2022, 2206-07
Prepared by			Sean Fletcher, Temporary CEO; Dr Shane Silcox
Authorised by			Sean Fletcher, Temporary CEO
Attachments			
Attachment 1	Page	1	Shire of Victoria Plains Recruitment Process - CONFIDENTIAL
Attachment 2	Page	3	SoVP CEO Recruitment Advertisement – CONFIDENTIAL
Attachment 3	Page	4	SoVP Applicant Matrix – CONFIDENTIAL
Attachment 4	Page	6	SoVP Interview Matrix - CONFIDENTIAL

VOTING REQUIREMENTS

Absolute majority required: No

2209-18 Committee Recommendation / Council Resolution

Moved: Cr S Woods

Seconded: Cr G O'Brien

That Council has:

1. **CONSIDERED** and **RESOLVED** with Dr Silcox the following:
 - a. The type of person (attributes) that Council would want as CEO.
 - b. The 'must have' competencies the CEO should have.
 - c. The recruitment process and responsibilities.
 - d. The applicant evaluation matrix criteria.
 - e. That a Position Description be drafted and provided to the CEO Recruitment Committee by no later than 10 October 2022
 - f. The CEO Committee shall meet on the 17 October 2022 to set the position description, advert, interview questions and presentation criteria.
2. That Council **RE-OPEN** the meeting to the public at 3.56 pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 3.57pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2022.

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

Date _____

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

UNCONFIRMED PUBLIC