



Agenda

Ordinary Council Meeting

31 July 2019

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.00 pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

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

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Agenda

Ordinary Meeting of the Victoria Plains Shire Council

To be held in the Calingiri Shire Chambers,
on 31 July 2019 commencing at 2.00 pm.

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by presiding member

1.3 Announcement of visitors and presentations

2. RECORD OF ATTENDANCE

Members present

Staff attending

Apologies

Approved leave of absence None

Visitors

Members of the public

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

Type	Item	Person / Details
3.1	Financial	
3.2	Proximity	
3.3	Impartiality	

4. PUBLIC QUESTION TIME*Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.**Public Question Time commenced at _____ pm.***4.1 Response to previous public questions taken on notice****Mrs Pamela Evans – Calingiri**

Q1. Mrs Evans queried how long it would take before we get those ACROD Parking Bays?

A1. The President noted the Question would be Taken on Notice.

A1. The Works and Services Manager noted that the Shire installed signs at the Calingiri Sports ground to mark a disabled bay, however the parking area is gravel and couldn't be painted. A second bay has been sign posted and painted at the Calingiri Hall and has been well received by the Community.

A1 A letter of response was sent to Mrs Evans on 26 June 2019 noting the following:

“Question Taken on Notice – OCM 26 June 2019 – ACROD Bays within SoVP.*Further to your question at the 26 June OCM wherein you queried how long it would take before the Shire get ACROD Parking Bays, and which question the President took on Notice, please note the Works and Services Manager has now advised the Shire has installed signs at the Calingiri Sports ground to mark a disabled bay, however the parking area is gravel and couldn't be painted, with a second bay being sign posted and painted at the Calingiri Hall.**Thank you for taking the time to put forward your question at the June OCM.”*

Mrs Anne-Marie Byrne-O'Neill – Calingiri

Q1 Mrs Anne-Marie Byrne-O'Neill stated the response she received wasn't quite the question that she asked and noted she intended to send in photos and more of a description.

A1 The President thanked Mrs Byrne-O'Neill for her comment.

A1 *The Shire Community Development Officer has liaised with Members of the Calingiri Garden Association with further updates to be discussed between the parties.*

Mrs Suzanne Woods – Calingiri.

Q1 Mrs Woods wished to have it recorded in the Minutes that her letter of response was addressed to Suzanne Woods, Secretary of the Progress Association, whereas it should have been addressed to Suzanne Woods as a resident and ratepayer of the Shire and requested a letter be written to the Progress Association noting the update.

A1 The President noted Mrs Woods comments and thanked her for her time.

A1 A letter of response was sent to Mrs Evans on 8 July 2019 noting the following:

Management of Staff – Response to Question Taken on Notice at OCM 29 May 2019 and follow up Question at 26 June 2019 OCM.

Please accept this letter as correction to our letter of response to your Question Taken on Notice at the 29 May OCM.

Please be advised the Shire inadvertently responded to the Calingiri Progress Association, however as advised by yourself, this letter should have been addressed to Mrs Suzanne Woods as a resident and ratepayer of the district, and not as Secretary of the Calingiri Progress Association.

Thank you for taking the time to note this correction at the June OCM.

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

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).

Public question time closed at _____ pm

5. PRESENTATIONS AND DEPUTATIONS**5.1 Presentations**

5.2 Deputations

6. APPLICATIONS FOR LEAVE OF ABSENCE**7. MINUTES OF MEETINGS****7.1 Confirmation of Council Meeting minutes**

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation / Council Resolution
--

Moved Cr _____

Seconded Cr _____

That the Minutes of the following meetings, as circulated, be confirmed as a true and correct record noting a change as follows:

- Mrs Anne-Marie Byrne-O'Neill of Calingiri advised Shire Administration she wished to have it noted in Item 4.1 that it is the Calingiri Community Garden, not Calingiri Garden Association.

For ____ / Against ____

7.2 Receipt of Committee Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____**Seconded Cr _____**

That the Minutes of the following meetings, as circulated, be received.

- Audit Committee Meeting held 26 June 2019.

CARRIED For ____ / Against ____

The individual actions from the Audit meeting will be put forward as separate items for decision.

Business arising from Minutes

8. MEMBERS QUESTIONS WITHOUT NOTICE**9. PRESIDENT AND COUNCILLORS REPORTS****9.1 Councillors**

9.2 Briefing Session

The following reports were presented to the Councillors Briefing Forum, and have been redacted where appropriate, for inclusion as a public document.

Authorised by		Glenda Teede, CEO
Reports		
Report 1	Attachment Page No.	2 Chief Executive Officer
Report 2		7 Finance & Admin Manager / Finance Consultant
Report 3		9 Works and Services Manager
Report 4		12 Environmental Health Officer
Report 5		14 Community Development Officer
Report 6		17 Governance Officer
Report 7		NA Community Emergency Services Manager
Report 8		20 Planning Consultant

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation / Council Resolution
--

Moved Cr _____

Seconded Cr _____

That the Reports presented to the Briefing Forum held 15 April 2019 as amended be received.

For ____ / Against ____

10. REPORTS REQUIRING DECISION**10.1 Monthly Financial Statements – May 2019**

File reference			
Report date			23 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	30	Monthly Financial Statements – 30 June 2019

PURPOSE

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

BACKGROUND

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

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

COMMENT

The 30 June 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. It should be noted that significant variances reported this month are fewer than in previous months. This being due to the figures adopted in the annual budget review being taken up into the Shire's accounting software SynergySoft. Net Current Assets are comparable with this time last year with this year currently being \$188,171 compared to \$229,463 at the same time last year. Numerous factors contribute to the reduced closing position at year end. One significant factor being the fact that the final claim for RRG grant funding of \$84,988 must be deferred to 2019/20. The Shire has received \$616,171 of Financial Assistance Grants in advance.

It should be noted that the figures presented in June financial statements are expected to change as year-end journals are processed which are required under the accounting standards. The final set of accounts to 30 June 2018 will be prepared for audit in the coming weeks and will be presented to Council for adoption once they have been audited.

The overdraft facility has not been used during the month but may be required in July and/or August.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council receive the 30 June 2019 Monthly Financial Reports as presented:

For ____ **/ Against** ____

10.2 Accounts for Endorsement

File reference			F1.8.4
Report date			23 July 2019
Applicant/proponent			Nil
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Glenn Deocampo – Finance Officer
Authorised by			Glenda Teede – CEO
Attachments			
Attachment 1	Page	53 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

To present the list of payments made for the month of June 2019

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o ,minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for June 2019 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	7854 - 7982	1,545,375.07
Creditor Cheque Payments	12233 - 12236	2,145.65
Direct Debit Payments**	DD11138 – DD11197	42,864.61
Salaries & Wages EFT	PE 01/05/19- PE 29/05/19	76,614.94
Trust Payments	211 - 215	1,918.54
	TOTAL	\$1,668,918.81

**includes salary and wages deductions, and SGC

For _____ / Against _____

10.3 Housing – Budget allocation

File reference	
Report date	26 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider inclusion of an allocation for staff housing in the 2019-2020 Budget.

BACKGROUND

The CEO has raised the issue of staff housing on a number of occasions over the past 12 months or more, for discussion by Council.

COMMENT

In a discussion paper presented to Council for discussion, the Finance & Administration Manager and Finance Consultant advised –

Background - Staff Housing

The Shire currently owns six properties which are used to provide housing for staff. There currently is a shortfall in housing for existing staff (Finance and Administration Manager) and it is envisaged this shortfall will increase. It should be noted that management will be seeking the inclusion of another works team staff member in the form of a Works Supervisor.

At present the Shire is renting 27A Mofflin Street from the Education Department for the Finance and Administration Manager role. Rental costs are \$230 per week (\$11,960 per annum). Utilities are estimated at \$1,800 per annum.

Financial Considerations

- *Operations costs (Insurance and Utilities) for additional properties would need to be included in the budget.*
- *Maintenance costs for additional for maintenance of properties would need to be included in the budget.*
- *Future capital expenditure for renewal, upgrades, renovations, etc. would be required.*
- *Six monthly loan repayments of Interest and Principal would need to be included in the budget.*
- *Bendigo Bank rates are variable and may vary as economic conditions change. WA Treasury Corporation rates are fixed. Both rates are indicative as at 7 March 2019.*
- *WA Treasury Corporation loans are far easier to administer than Bendigo bank loans.*
- *The amount of future borrowings will be affected by any new loan borrowings.*
- *The Shire's projected loan borrowings (principal outstanding) as at 30 June 2019 is \$416,698 of which \$222,362 is self-supporting (Calingiri Football Club).*
- *New loan borrowings need to be considered carefully as the utilisation of loan borrowings decrease the chance of future loan borrowings.*

- *Discussions have been held with WATC regarding Council's ability to borrow should they require. Initial indications from WATC appear positive for new loan borrowings for the amount and purpose proposed in this discussion paper. However, a formal application would be required to be sure of the Shire ability to borrow.*

Recommendation

It is recommended that Council look at acquiring additional properties to accommodate and attract key personnel in the 19-20 and/or 20-21 annual budgets. It is recommended that WA Treasury Corporation be the preferred financier should Council agree to acquire additional properties.

Current housing

There are six houses currently used for staff housing –

- 13 Lambert Crescent
- 15 Lambert Crescent
- 7 Harrington Street
- 12 Harrington Street
- 44 Edmonds Street
- 16 Yulgering Road

At this time, no houses are rented by the Shire for staff accommodation, although this has been necessary in the past.

Allocation of housing

Allocation of housing is currently left to the discretion of the CEO, and it is suggested that this remain the case.

However, in determining the number of houses to be provided to staff, Council may wish to consider –

- the number and positions of staff that are likely to need to be recruited from outside the Shire
- the family circumstances of likely applicants for the positions.

As a general principle, Council should consider that housing will need to be made available for senior staff, and others who may have specific experience, technical knowledge or skills. These positions are those most likely to require external recruitment. It may not always be the case, but is the usual experience is a rural local government.

Type of housing required

Given that the current housing is 3 bedroom or more, it is suggested that future housing be 2 bedroom construction. This would fit what appears to be the circumstances of most people seeking employment with the Shire.

Residences having only one bedroom are not recommended, as they would become even more restrictive and limiting.

A prominent part of the tenancy agreement with employees occupying housing should be the stipulation that if accommodation is required for a person outside reasonable commuting distance or requiring more bedrooms than one that is vacant, then the Shire may give notice to vacate.

While it is possible to give notice to vacate, a person occupying a residence for a long period generally assumes that their tenancy is a right and cannot be terminated. The *Residential Tenancy Agreements Act* does not provide a person with this right.

A focus of 2 bedroom residences would allow for infill construction on larger blocks that may already have a residence on it, or placement of multiple units.

Costs

Indicative costs in the order of \$100,000 for a single bedroom transportable and \$221,000 for a basic three bedroom transportable have been obtained.

These costs exclude –

- site works
- connection to services – power, water, phone etc
- landscaping, driveways, paths etc
- verandahs, sheds etc
- fitting out – curtains etc
- other incidentals – clothes lines, government fees etc

These would need to be costed prior to acceptance of any contract for construction, in order ascertain the full cost.

Loans

The cheapest loans are likely to be from the WA Treasury Corporation. Recent quotes are –

- WA Treasury Corporation (20 June 2019) –
 - o 1.8% for a loan over 10 years
 - o 2.34% for a loan over 20 years
- Bendigo Bank (7 March 2019 – loan rates since further reduced) –
 - o 4.45% irrespective of term

Updated rates of interest would be obtained prior to raising the loan.

It is possible that only one loan repayment would be requirement in 2019-2020, depending on when raised, and construction schedule.

Depending on their requirements, the Banks may require some undertaking to address perceived financial constraints of the Shire as showing in the audited annual reports. However, it is unlikely that an application for a loan would be refused.

Summary

An allocation made in the Budget does not commit Council to any construction of housing.

No commitment is required at this time to –

- the location where any residence is to be placed;
- the specific design of any residence;
- a particular builder – a tender is likely to be necessary.

Should a Budget allocation be made, compliance with the tender provisions of the *Local Government Act* and *Local Government (Functions and General) Regulations* as well as with Council's purchasing policies will be required in order to proceed.

CONSULTATION

Glenda Teede, CEO

Various Council Briefing Forums

STATUTORY CONTEXT

None

CORPORATE CONTEXT

Annual Budget 2019-2020

FINANCIAL IMPLICATIONS

Annual Budget 2019-2020

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That provision be made in the 2019-2020 Budget for –

- a) raising a loan of \$350,000 for the purpose of construction of staff housing; and
- b) construction of two 2 bedroom units for staff accommodation.

For _____ / Against _____

10.4 Risk Management

File reference			
Report date			23 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	63	Risk Management Procedures
Attachment 2		83	Risk Profiles and Dashboard

PURPOSE

Draft Risk Management Procedures and Risk Profile are presented to Council for consideration.

BACKGROUND

At the February 2019 meeting, it was agreed that the Audit Committee should meet approx. every 3 months to review various matters as required by legislation and the Council resolved terms of reference.

Audit Committee Terms of Reference –

2. *Risk Management –*

- a) *Oversight in the areas of risk management, internal control and legislative compliance in accordance with the Local Government (Audit) Regulations 1996 r.17 and Schedule 1.1;*
- b) *Consider, approve and review the annual Internal Audit Plan;*
- c) *Advise Council on performance against the adopted Internal Audit Plan.*

COMMENT

Since that time, various staff have met and had input to the Risk Management Framework attached, which was amended and then further reviewed. This second review was done without input from other staff.

Five areas are noted for particular attention (red shading) –

- Compliance
- Document management
- Environment management
- Safety and Security
- Supplier / Contract management

Some of these areas are the result of matters outside the control of the Shire, such as unreliability of internet and mobile coverage.

Others are being addressed as able given the high workload, sometimes under great pressure.

The Committee reviewed the Risk Profile and documents to identify any specific areas for attention. The matters noted by the Committee were –

- a) the Risk Management Procedures required a correction on p.1 of the document, Operating Model, Second Line of Defence, first line to read – *The Shire's Risk Framework Owner (as appointed by the CEO) ...*
- b) Risk Management Risk Profile noting that Employment practices are noted as having last been reviewed in February 2018

The Risk Management Dashboard summaries the assessment in the various profiles, and identifies the areas for priority attention as resources, funding and time permit.

CONSULTATION

Glenda Teede, CEO

Ina Edwardson, Finance & Administration Manager

Bob Waddell, Financial Consultant

Bob Edwards, Works and Services Manager

Allan Ramsay, Environmental Health Officer / Building Surveyor

Audit Committee Meeting of 26 June 2019

STATUTORY CONTEXT

Local Government (Audit) Regulations 1996 –

r.17 – 3 yearly review of appropriateness and effectiveness of –

- risk management,
- internal control and
- legislative compliance

CORPORATE CONTEXT

Audit Committee Terms of Reference

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That Council endorses the Risk Management Procedures and Profiles as presented and amended.

For _____ / Against _____

10.5 Avon Well Aged Housing Project

File reference	
Report date	24 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil99

PURPOSE

To consider the future of the Well Aged Housing Project for 2 units in Yerecoin.

BACKGROUND

The Project has been coordinated by the Shire of Goomalling on behalf of themselves, the Shire of Dowerin and the Shire of Victoria Plains.

COMMENT

In December 2018, it was resolved –

That Council confirm –

- *participation in the Avon Well Aged Housing Project;*
- *the Shire of Goomalling as Project Manager;*
- *that an allocation of \$170,861 will be made in the 2019/2020 Budget, being one third of the combined local government contribution of \$512,584; and*
- *placement of both units on Lot 31 Miling Road Yerecoin.*

On 22 July 2019 prior to the Briefing Forum, the CEO Shire of Dowerin advised –

... that Dowerin has made the decision not to move forward with the Avon Well project. The delayed response from the Minister has not assisted with budget deliberations. Throughout the budget process we have identified a number of priorities and although independent living is important it is not a primary focus. Since the inception of the Avon Well project the need for independent living has dropped.

We are aware the need can change overnight, however Council is willing to take that risk for the short to medium term.

Dowerin's decision will no doubt impact on the Ministers decision, for that we apologise.

I am not sure of Victoria Plains decision, however I am aware of Goomalling's decision to also pull out.

Contrary to the previous assumption that the Minister has not approved the grant application for the Project, it does appear that it is still under consideration.

On 24 July 2019, the Shire of Goomalling Community Development Officer advised that –

- the application remains with the Minister,

- the withdrawal of Dowerin and Goomalling should not affect the assessment of the application, even if for only the 2 units in Yerecoin,
- the economies of scale for the regional project were only likely if 10 or more units were to be constructed.

From discussion with their CDO, the reasons for Goomalling's decision not to continue appears to be consistent with the reasons given by Dowerin CDO.

The CDO also noted that with only 2 units being constructed, project management costs may be able to be reduced if this was to be done by the Shire. There would be a consequential increase in Shire costs, but likely to be less than use of an external project manager. If required to maintain a one third contribution, there may also be a slight reduction in the proportion of the grant that Victoria Plains would be eligible for.

CONSULTATION

Glenda Teede, CEO

Rebecca McCall, CEO Shire of Dowerin

Tahnee Bird, Community Development Officer, Shire of Goomalling

Briefing Forum, 22 July 2019

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Budget 2019-2020 – commitment made in December 2018 for an allocation of \$170,861 no longer required

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Minister for Regional Development, and the Shires of Dowerin and Goomalling be advised that the Shire of Victoria Plains is withdrawing from the Avon Well Aged Housing Project and the application for grant funding.

For _____ / Against _____

10.6 Australia Day 2020

File reference	
Report date	23 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider the arrangement for Australia Day 2020.

BACKGROUND

The Shire hosts an event on Australia Day each year.

COMMENT

In recent months, letters have been received from both Piawaning Progress Association and Bolgart Progress Association offering to hold the Australia Day breakfast in 2020.

Bolgart hosted the even in 2019 and 2018. 2020 is the centenary year for Piawaning, whose celebrations are planned to commence with an Expo in September 2019. Although they initially offered to host, they have since advised that they are unable to undertake the event.

CONSULTATION

Briefing Forum 22 July 2019

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Cost of meals etc

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the Australia Day 2020 breakfast be held in Bolgart.

For _____ **/ Against** _____

10.7 Business Continuity Plan

File reference			
Report date			6 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede, CEO
Attachments			
Attachment 1	Page	99	Business Continuity Plan – draft

PURPOSE

To consider the draft Business Continuity Plan for adoption.

BACKGROUND

The absence of a Business Continuity Plan was noted in both –

- Compliance and Controls Review – Moore Stephens of December 2016, and
- Better Practice Review – Dept of Local Government Sporting and Cultural Industries of February 2017

COMMENT

There is no legislative requirement for a Business Continuity Plan as such, however there are a number of other indications that it is an aspect that should be considered –

- the risk management controls in the Audit Regulations,
- the requirements of the State Records Act for disaster management of records, including electronic records.

Records are a critical aspect of a local government's activities. Insurance will cover damage or loss of infrastructure, plant and equipment etc, and although insurance will cover the cost of records reinstatement, it would not compensate for the loss of old records for which there are no copies (eg: old minute books, rate records, cemetery records etc) or the corporate knowledge held by people no longer working with the Shire.

The draft Business Continuity Plan was considered by the Audit Committee at the meeting held on 26 June 2019, and with one minor amendment, is now recommended to Council for adoption.

CONSULTATION

Glenda Teede, CEO

Audit Committee, 26 June 2019

STATUTORY CONTEXT

None

CORPORATE CONTEXT

Audit Committee Terms of Reference

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Business Continuity Plan as presented be adopted.

For _____ **/ Against** _____

10.8 Compliance & Controls Review

File reference			
Report date			24 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	121	Compliance & Controls Review Report
Attachment 2		159	Compliance & Controls Review Status

PURPOSE

To consider the Compliance and Controls Review Report prepared by Moore Stephens in December 2016.

BACKGROUND

The Review was undertaken by Moore Stephens in accordance with the Local Government (Audit) Regulations 1996 –

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

COMMENT

The Regulations require that the review be carried out, but do not require that it be carried out by persons external to the organisation.

Similarly, there is no requirement that the findings of the review must be implemented, however, care should be taken when determining which matters not to proceed with.

Some matters identified in the Review appear to have little relevance or significance, for instance, Item 4 recommends the adoption of a legislative compliance policy, when compliance with legislation is already mandatory.

The Audit Committee reviewed the Report and the Status report at this meeting on 24 June 2019, and resolved –

That –

a) the Compliance and Controls Status Report be referred to Council for adoption with the following actions identified as priority or to be discontinued –

*Item 21 – Records Management Systems**Item 28 – Occupational Safety and Health Manual*

- b) it be recommended to Council that provision be made in the Budget 2019-2020 for a Compliance and Controls Review to be carried out by an external organisation.*

It is suggested that Status Report be reviewed, matters prioritised, and direction given on any matters to be discontinued.

Being a Review conducted as required by Regulations, these matters have higher importance than the matters identified in the Better Practice Review undertaken by the Department of Local Government, Sporting and Cultural Industries in February 2017.

The Compliance and Controls Review is required at least every 3 years. Accordingly, the next full review is due by December 2019, and could be undertaken internally or externally.

If an internal review, there will be a significant demand on staff / consultant time. If an external review, provision for the review will need to be made in the Budget 2019/2020. Estimated cost would be in the order of \$10,000 ex GST.

A major advantage of external review is the impartiality of assessment.

CONSULTATION

Glenda Teede, CEO

Audit Committee – meeting of 24 June 2019

STATUTORY CONTEXT

Local Government (Audit) Regulations 1996 –

17. CEO to review certain systems and procedures

CORPORATE CONTEXT

Audit Committee Terms of Reference

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Compliance & Controls Review Status Report be received.

For _____ / Against _____

VOTING REQUIREMENTS

Absolute Majority Required: No

Council Resolution

Moved _____

Seconded _____

That the following actions of the Compliance & Controls Review Status Report be identified as –

a) Priority –

- Item 21 – Records Management Systems
- Item 28 – Occupational Safety and Health Manual
- Item ____
-

b) Discontinue –

- Item ____
- Item ____
-

c) provision be made in the Budget 2019-2020 for a Compliance and Controls Review to be carried out by an external organisation

For _____ / Against _____

10.9 Better Practice Review

File reference			
Report date			24 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	163	Better Practice Review Report
Attachment 2		192	Better Practice Review Status

PURPOSE

To consider the Better Practice Review Report prepared by Department of Local Government, Sporting and Cultural Industries in February 2017.

BACKGROUND

The Review was undertaken by the Department as part of a program of reviews of local governments. There is no legislative basis or requirement for the review.

COMMENT

There are no Regulations that require the review to be carried out. Accordingly, there is no requirement that the findings of the review must be implemented, however, care should be taken when determining which matters not to proceed with, since these have been assessed against what the Department considers to be best practice.

As with the Compliance and Controls Review, some matters identified in the Review appear to have little relevance or significance. There are a range of matters that also overlap with the Compliance and Controls Review.

It is suggested that Status Report be reviewed, matters prioritised, and direction given on any matters to be discontinued.

The Audit Committee reviewed the Report and Status Report at their meeting on 24 June 2019 and resolved –

That the Better Practice Status Report be referred to Council for adoption with the following actions identified as priority or to be discontinued –

Item 3 – Code of Conduct

Item 8 – Local Planning Schemes

Item 22 – Policies and Procedures (HR policies and procedures)

Item 23 – Policies and Procedures (HR resources manual)

As a Review not required by Regulations, these matters do not have the importance of those identified in the Compliance and Controls Review undertaken by the Moore Stephens in December 2016.

No additional Better Practice Review is required to be undertaken, so no Budget provision has been made.

CONSULTATION

Glenda Teede, CEO

Audit Committee – meeting of 24 June 2019

STATUTORY CONTEXT

None

CORPORATE CONTEXT

Audit Committee Terms of Reference

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Better Practice Review Status Report be received.

For ____ / Against ____

VOTING REQUIREMENTS

Absolute Majority Required: No

Council Resolution

Moved _____

Seconded _____

That the following actions of the Better Practice Review Status Report be identified as –

d) Priority –

- Item 3 – Code of Conduct
- Item 8 – Local Planning Schemes
- Item 22 – Policies and Procedures (HR policies and procedures)
- Item 23 – Policies and Procedures (HR resources manual)

e) Discontinue –

- Item ____
- Item ____
-

For ____ / Against ____

10.10 Department of Local Government – Audit Report

File reference			
Report date			12 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede, CEO
Attachments			
Attachment 1	Page	195	Audit Report (Anderson Munro Wylie, Auditors)
Attachment 2		198	DLGSC – Audit response required

PURPOSE

To consider a response to the Department of Local Government, Sporting and Cultural Industries (DLGSC).

BACKGROUND

The Department has advised that the auditors' report has been received and that a response of Council is required in accordance with the Local Government Act. A response is required to be made to them within 60 days of their letter (that is, by 27 August 2019).

As advised in the Department's letter, the Local Government Act s.7.12A stipulates that a significant adverse trend noted by the auditors requires that –

- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

COMMENT

The auditors' report refers to the operating surplus ratio in the last paragraph of page 2 of their report. That this ratio is below the basic target of the Department is not new.

The ratio is a very short term measurement, essentially a snap shot of the financial situation on one day. It does not indicate a trend in itself, although taken over multiple years it may cause concern.

Neither is the Shire alone in having a less than ideal ratio. It would be a common result for most local governments that rely on rates being raised at one time in the year and on grants to have issues with this ratio, since it does not factor in –

- unusual large expenditures that are once-off and unanticipated

- cash flow from rates payments, largely occurring in the 2nd to 4th months of a financial year, so the cash flow at 30 June is at its lowest ebb for the financial year,
- large creditor payments that may have been received, and are owing, but not yet paid;
- financial assistance and road grants being made in July, upon which the majority of local government rely to survive. Without these grants, the capacity of the Shire to provide services would be reduced to about half of current service provision.

Taken from the annual reports of the past few years –

Financial year	Audited Operating surplus ratio (all negative)
2012-2013	-0.523 (-52.3%)
2013-2014	-0.795 (-79.5%)
2014-2015	-0.109 (not adjusted) (-10.9%)
2015-2016	-0.67 (adjusted) (-67.0%)
2016-2017	-0.517 (-51.7%)
2017-2018	-0.60 (-60.0%)

From the draft Strategic Resources Plan (not yet adopted), for the term of the draft Corporate Business Plan (not yet been adopted) –

Financial year	Forecast Operating surplus ratio (all negative)
2019-2020	-0.66 (-66.0%)
2020-2021	-0.59 (-59.0%)
2021-2022	-0.53 (-53.0%)
2022-2023	-0.46 (-46.0%)

DLGSC target range for this ratio is positive 0.01 (1.0%) to 0.15 (15.0%).

Note – the draft Strategic Resources Plan which has not yet been adopted, is based on a 7% rate increase for the first five years of the plan. If this % increase is reduced, the indicated recovery in the table above will be negatively impacted.

The issue of an adverse ratio was noted in January 2018 during the Strategic Community Plan discussions and workshops. Various section of the adopted SCP note –

5.2 Financial health indicator

... the Shire's operating surplus ratio (basically a measure of the discretionary spend available) is low.

This may pose difficulties if the Shire is expected to provide new services or do anything other than maintaining the status quo unless it is prepared to raise rates, reduce spending in other areas or change service levels.

5.6 Assessment of future resource capacity

Unless it decides to increase property tax (rates) resources available to the Shire are expected to be stable and relatively static for the foreseeable future.

The Long Term Financial Plan (LTFP) provides that:

- *the Shire forecasts a relatively modest 3% increase in rates revenue pa over the life of the Plan;*
- *Fees and charges are generally increased by CPI and/or matched to estimated additional costs in service delivery; and*
- *The Shire does not always recover the full cost of providing services but is working towards full cost recovery for services such as sewerage and waste collection.*

Of note is that the Local Government Cost Index is expected to increase at a faster rate than CPI; in particular recent increases in the cost of road construction may affect the Shire, given the high proportion of its budget spent on transport.

This indicates that there is little discretionary funding available for new services or projects unless other sources of funding become available or property rates are increased above those levels set in the Long Term Financial Plan.

Note – references are to the previous Long Term Financial Plan, not the draft to be presented for adoption by Council in the near future.

One of the comments made to Council during the SCP workshops was that in order to achieve a better financial ratio, essentially Council has two options –

- increase rates
- reduce expenditure

The same comment has been reiterated consistently by the Financial Consultant and Moore Stephens in various workshops.

The two options noted –

1. Rate increase –

The draft Long Term Financial Plan being prepared by Moore Stephens is based on –

- for the first 5 years – 2% CPI increase plus 5%
- thereafter – CPI plus a small %

Council has very little income other than rates that are under the direct control of the Shire. The largest options for generating income appear to be –

- rates and service charges – UV and GRV rates, and sewerage (service) charges,
- private works – potentially in direct competition with local contractors, utilising what may be seen as unfair advantages to compete
- fees and charges on halls, caravan parks, gym, housing etc – increases in many of these will generate only small benefit, with some being for provision of services that are often irregular (eg: cemetery charges)
 - o removal of subsidies on staff housing would make retention and attraction of staff exceedingly difficult in a market where the local government is already non-competitive
 - o increase on rents in the community housing units are limited by agreement and are linked to pension rates

2. Reduce expenditure

Essentially comes down to choices between –

a) which services, subsidies or activities does Council wish to cut or reduce?

Noting that –

- o there are statutory requirements surrounding many activities

- some activities if not undertaken, may expose Council to significant risks. The likelihood of occurrence may be low, but the impacts if they occur could be substantial
- community expectations are always increasing, outstripping the capacity of many local governments to meet them
- b) the degree of scrutiny, criticism and direction from external agencies that Council is prepared to accept (eg: contracted auditors, Office of Auditor General, various Departments)
- c) the degree of risk that Council is prepared to accept by not carrying out specific functions or activities –
 - to the community
 - of liability / obligations
 - in legal action

It may be seem to be an obvious and simple solution to just cut expenditure. However, the tasks being carried out do not exist in isolation, mandatory functions still have to be carried out, and so discretionary activities are the principal functions where both expenditure and the function can be discontinued.

Again, a simple and obvious solution to reducing the discretionary expenditures would be to target the largest area of Shire expenditure – roadworks. Caution in targeting this area is urged, since reduction of own source expenditure may impact Roads to Recovery Grants, as the Shire is obligated under these funding arrangements to meet a minimum level of own source expenditure that is net of –

- general purpose grant funding (roads component)
- grants for roads (eg Roads to Recovery, Regional Road Group)
- other contributions made specifically for roads (eg private works for roads)

The Roads to Recovery minimum own source funding reference figure is \$619,938 Expenditure below this amount will have to be made up in following years if the grant funds are not to be jeopardised.

If materials heavy roadworks are deferred, such as reseal works, this only delays the current issues being faced, as additional years of deterioration will result, meaning a greater expenditure for repairs before the asset preservation works can be done.

The days of easy and readily available grants are long past. Other than as-of-right grants for general purpose funding and roads distributed by the WA Local Government Grants Commission, reliance on them for infrastructure is an unsafe and unreliable course of action. While not expected at this time, even the Financial Assistance Grants are not quarantined and may be affected, as Council will no doubt recall the multi-year freeze on Commonwealth grants to the LGGC funding some years ago.

Grants processes are now extremely competitive. Simply having a perceived need for a grant is generally a minor part of the submissions process, as grant administrators consider –

- what is the demand for what is to be funded
- what has the local government done to put aside funds for the project
- how are they going to put aside future funds for the project and its whole of life costs
- what is the economic benefit and job creation potential at local, regional and State level.

Evidence of the competitive nature and assessment processes for grants is seen in the recent advice from the Shire of Dowerin that the Minister has not approved the grant funding for the Yerecoin housing project.

As noted during the Strategic Community Plan workshops, grants should now be viewed as windfall monies, and not as the drivers of projects.

Council should expect that having a significant adverse trend noted for a series of years is highly likely to result in increased scrutiny by the Department.

The Strategic Community Plan also noted that for country areas, the CPI being based on Perth is often a poor standard to use, as country costs in general increase faster than metropolitan costs. The CPI forecast for 2019-2020 is 1.75%, whereas the WA Local Government Cost Index is forecast at 1.8%. Over a \$2M roadworks budget, this small variation in percentages amounts to \$10,000 extra, or roughly 0.5% rate increase more than the metro area for the same goods/services. The gap between the two indices is often much wider and has been known to be up to 3% variation, or about a \$60,000 increase in annual costs, in excess of metropolitan costs increase.

Accordingly, Council direction is sought as to what actions are to be taken to address the issue.

Once determined by Council –

- a report is required to be submitted to the Minister (Department),
- the report is to be published on the Shire's website, and
- the Audit Committee is required to have overview of the actions taken resulting from the resolution and report to Council.

As a result of the auditors' report of a significant adverse trend, DLGSC advise that this ratio will continue to be monitored over coming years.

CONSULTATION

Glenda Teede – CEO

Bob Waddell, Financial Consultant

Dept of Local Government, Sporting and Cultural Industries

STATUTORY CONTEXT

Local Government Act 1995 –

- s.7.12A – Duties of a local government
- (4) – report to the Minister on any significant matters identified by the auditor

Local Government (Audit) Regulations 1996 –

- r.16 – Functions of an audit committee
- (f)(ii) – oversight of actions resolved to be taken in accordance with the Act s.7.12A(4)

CORPORATE CONTEXT

Audit Committee is required to have oversight of actions taken

Impacts on Annual Budget 2019-2020 and future years

Strategic Resourcing Plan (Asset Management and Long Term Financial) – currently in draft form, to be finalised and adopted by Council

- covers 10-15 year

Corporate Business Plan – currently in draft form, to be finalised and adopted by Council

- covers 4 years
- statutory annual review required

FINANCIAL IMPLICATIONS

Either, or both of –

- increased rates and service charges, other fee and charges income
- decreased expenditure

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

None – actions to be determined by Council.

Council Resolution

Moved _____

Seconded _____

The Dept of Local Government, Sporting and Cultural Industries be advised that the significant adverse trend noted for the Operating Surplus Ratio is to be addressed by –

- a)
- b)
- c)
- d)

For _____ / Against _____

10.11 Firebreak and Fuel Hazard Reduction Notice – Review

File reference			
Report date			24 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page	200	Draft Firebreak and Fuel Hazard Reduction Notice

PURPOSE

To review the Firebreak and Fuel Hazard Reduction Notice made in July 2017.

BACKGROUND

The Notice was adopted in July 2019 following review and alignment with the requirements of the Bush Fires Act 1954.

COMMENT

The Notice is enforceable under the Bush Fires Act following publication in the Government Gazette and local public notice.

The detail required in the Notice and additional information should not be mixed –

- the Notice should only include matters that will remain in force and unaltered for multiple years;
- as a statutory and enforceable notice, the wording circulated needs to be the same as that published;
- exclude any variables, such as years (2016, 2017 etc) and names of persons, phone numbers etc.
- any change to Notice requirements will require the Notice to be re-published in the Gazette and locally;
- changes to additional information can be made at any time without notice.

The current review indicates only a few matters for consideration –

- a) Definitions –
 - insert definition of “plantation”
 - amend definition of “townsite” as Mogumber is not a gazetted townsite, but is included as a settlement so that still defined as a townsite for the purposes of the Notice
- b) Plantations –
 - New clause inserted as requested by the Bush Fire Advisory Committee
 - These provisions are identical to those of the Shire of Gingin

Proposed changes are tracked in the attachment for ease of reference, and will be removed before Gazettal.

There has been some discussion regarding the width of firebreaks being amended to 4 metres, currently the required width is 3 metres. If to be increased, changes will need to be made to clauses 2.1(a) and (b) and to 4(b).

All other matters remain as resolved in July 2017.

Once the Firebreaks and Fuel Hazard Reduction Notice is resolved by Council, in order to be enforceable, it is required to be published in –

- the *Government Gazette* and
- in a newspaper circulating within the district.

CONSULTATION

Glenda Teede, CEO

Shayne Wilcocks, Ranger

Bush Fire Advisory Committee

STATUTORY CONTEXT

Bush Fires Act 1954 –

- s.33 – Local government may give notice of measures to be taken to prevent the spread of fire
- s.33(1) – requirements of giving notice, publication etc

Firebreak and Fuel Hazard Reduction Notice – as provided for by the Act

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Cost of publication in the *Government Gazette*, amended flyers and inclusion on the Shire's website

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That Council –

- approve the Firebreaks and Fire Hazard Reduction period from 1 October to 31 March inclusive;
- approve the attached Firebreaks and Fire Hazard Reduction Notice, as amended; and
- authorise publication of the Notice in the *Government Gazette* and giving of local public notice.

For _____ / Against _____

10.12 Budget 2019-2020 – Extension of time

File reference	
Report date	24 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider making a request to the Minister for Local Government for an extension of time to adopt the Budget.

BACKGROUND

At the Briefing Forum on 22 July 2019, a number of councillors indicated that they would not be available during August, possibly when the August Council meeting is due to be held.

COMMENT

The Act provides that a Council may make application for an extension of time to adopt the Budget.

It is expected that the draft Budget will be ready for consideration and adoption on the resolved date, 28 August 2019, however, given the uncertainty of movements of councillors it is suggested that an extension of time to adopt be requested, even if not required.

This would enable consideration at either a special meeting or the September meeting.

CONSULTATION

Glenda Teede, CEO
Briefing Forum held 22 July 2019

STATUTORY CONTEXT

Local Government Act 1995 –

s.6.2(1) – annual budget to be adopted by 31 August or such extended time as the Minister allows

CORPORATE CONTEXT

Annual Budget 2019-2020

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Minister for Local Government be requested to allow an extension of time to adopt the Budget 2019-2020 to 30 September 2019.

For _____ **/ Against** _____

10.13 Calingiri Football Club

File reference	
Report date	24 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider various matters in relation to the Calingiri Football Club's arrangements with the Shire for the self supporting loan.

BACKGROUND

A self supporting loan was arranged by the Shire in May 2014.

COMMENT

Under the Local Government Act 1995, the Shire is not permitted to mortgage any land or buildings to guarantee a loan, accordingly, the guarantee is a direct liability over general funds of the Shire (rates).

The Audit Committee has statutory duties under legislation and their Terms of Reference as resolved by Council to review risk, compliance and controls.

There is no expectation or implication that the Club may be in any sort of difficulty, and in fact it was noted that there are significant actions being undertaken by the Club to sustain and grow their revenue. In seeking to fulfil the obligations place on them, the Committee resolved –

That it be recommended to Council to –

- a) review the requirements of the Calingiri Football Club with the condition of agreement for provision of the self-supporting loan,*
- b) negotiate with the Club an appropriate timeline for agreed reporting of financials etc, and*
- c) the Club be requested to disclose in their financial statement the liability of the principal outstanding of the self supporting loan.*

The Self Supporting Loan Agreement states (summarised) –

- cl.5(d) – late payment to the Shire may be charged interest at bank defined rate plus 2%
- cl.5(e) – provide at least once each calendar year, a membership and an audited financial report, however, an annual date for submission is not stated
- cl.8.1 – evidence of insurance to be submitted

The Club did provide a financial report for the year ending 31 October 2017 dated 8 June 2018, to the Shire on 24 June 2019. On 23 July 2019, the Manager Finance and Administration has requested a copy of the audited statements for 2018 if available.

In response to the Audit Committee's recommendation –

- a) after review of the Agreement the requirements for repayments are adequately and appropriately covered by the Self Supporting Loan agreement
- b) receipt of audited statements does depend on the timing that the Club submits their financials for review
- c) recognition of the Club's liability for the principal remaining of the loan, and any interest due should be included in the Balance Sheet of the Club

It is noted that the person signing off on the review of the Club's financials is not an auditor, but does have substantial experience, and has qualifications as a Chartered Accountant and is a Registered Tax Agent. It is considered that these qualifications are appropriate, and any additional cost that may be incurred by engagement of a certified auditor are unnecessary.

CONSULTATION

Glenda Teede, CEO

Audit Committee – meeting of 24 June 2019

STATUTORY CONTEXT

Local Government (Audit) Regulations 1996 –

r.17. CEO to review certain systems and procedures

CORPORATE CONTEXT

Audit Committee Terms of Reference

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That –

- a) the arrangements for repayments etc of the self supporting loan by the Calingiri Football Club be noted as appropriate and sufficient;
- b) note the receipt of the Club's financial statements for the year ending 31 October 2017 as reviewed by an independent person having appropriate qualifications.
- c) Request that the liabilities of the Club for the self-supporting loan be recognised within their financial statements; and
- d) the Club be requested to arrange the financial review to be undertaken, and submission of the Review Report within 6 months of the close of the Club's financial year.

For _____ / Against _____

10.14 Reserves – Land Administration Act

File reference	
Report date	25 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider referring the requirement for Ministerial approval for use of reserves to WA Local Government Association for inclusion as an urgent item at the Annual Convention.

BACKGROUND

Legal advice has been received recently that Ministerial approval is required for events held on reserves under a vesting order in the Shire with management and control still require Ministerial approval.

The advice received over several emails states –

- a) Dept of Planning, Lands and Heritage (DPLH) (extracts) –

In response to the questions you raised regarding the use of Reserves 18203, 18204 and 18205 for the Piawaning Expo, a licence with Ministerial consent under s.18 of the Land Administration Act 1997, would be required to conduct such an event on these Reserves. For a Licence to be entered between the Shire and Piawaning Expo Inc., the Shire will require that all the Reserves have the Power to Lease or Licence. However, as it currently stands, only Reserve 18205 contains this condition. Therefore Reserves 18203 and 18204 would need to have their management orders amended to include these conditions before any consent under s.18 could be issued.

... for an application for a licence on an Unmanaged Reserve or Unallocated Crown Land (under s.91) the Department requires an application to be submitted at least 3 months prior to an event to allow us sufficient time to conduct the required referrals, to process the application and issue a licence, as advised on our website under Licences to use Crown Land.

Having said that, as the Reserves are all vested with the Shire of Victoria Plains there may be a clause under the Local Government Act 1995 which the Shire may be able to exercise to allow the use of the Reserves for the event.

In regards to your question of whether a licence is required each time an event is conducted on a Reserve, as per section 18(2) of the Land Administration Act 1997, the Ministers consent is required prior to a licence being issued for use of a managed reserve in all

instances, how this is written up between the Shire and the and Piawaning Expo Inc. is at their discretion and will be assessed upon application for consent.

(highlight emphasis added)

b) Solicitors (extracts) –

I agree with the Department's legal interpretation of the requirements of the Land Administration Act 1997 (LAA).

It accords with my own legal interpretation.

It also accords with the standard practice I have become familiar with, and have used regularly, in my experience of Crown land management and use in the last 9/10 years of acting for local governments.

I refer back to sections 18 and 46(3) of the LAA, which provide that:

46(3) The Minister may —

- (a) by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1); and*
- (b) approve a mortgage of any such lease.*

18. Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*
- (2) A person must not without authorisation under subsection (7) —*
 - (a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or*
 - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.*
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.*
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*
- (5) The Minister may, before giving approval under this section, in writing require —*
 - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.*
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.*
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —*

- (a) *with the prior approval in writing of the Minister; or*
- (b) *if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.*
- (8) *This section does not apply to a transaction relating to an interest in Crown land if —*
 - (a) *that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or*
 - (b) *that interest may be created, granted, transferred or otherwise dealt with under an Act other than —*
 - (i) *this Act; or*
 - (ii) *a prescribed Act;*
- or*
- (c) *an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or*
- (d) *the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).*

The management body of a reserve (in this case the Shire) must therefore:

- 1. have express power under the management order to licence the land to another party; and*
- 2. (even where it has such power) must obtain Ministerial approval to do so.*

(Discussion regarding “profit a pendre” omitted)

It is well established that the meaning of “licence” at law is broad and all encompassing. However a licence is described (e.g licence, permit, approval) and however it is given (e.g orally or in writing), a licence is essentially a permission to use / occupy land belonging to another.

It follows that if the Shire (as management body) permits or approves the use of the Crown land for the Expo, it is a licence for the purposes of the LAA and therefore requires Ministerial consent under section 18 of the Act.

Notwithstanding the practical implications this may have on local government vested with powers of management and control, I believe there is no other possible interpretation of the requirements of the Act.

With regard to the local law argument, the powers conferred on local governments by their local laws are subject to and do not derogate from or diminish the requirements of other written laws. Therefore, in exercising their powers under their local laws, local government officers still need to observe and comply with the requirements under any applicable local laws (in this case the LAA).

There is nothing in the Shire’s Public Places and Local Government Property Local Law that expressly states that the written laws do not apply. Therefore, there is nothing explicitly inconsistent with the LAA or any other written law such that section 3.7 of the Local Government Act could be said to apply.

Therefore, the fact that the local laws have been accepted by the Department of Local Government, the Joint Standing Committee on Delegated Legislation and subsequently by Parliament is not in my view evidence that the DPLH's interpretation (and mine also) has to be incorrect. It is always the case that the local law still requires observance and compliance with any applicable written laws.

(highlight emphasis added)

COMMENT

Please note the solicitor's comments in relation to the practical implications.

It is considered that the issue of approval to hold an event on a reserve and a "licence" is being tangled is a non-possessionary right to take some benefit from the land, eg:

- licence to harvest sandalwood
- licence to take water
- prospectors' licence

If DPLH's interpretation is correct then –

- probably all local governments in the State will be in breach;
- every local government that has a local law that purports to allow an event on land will have to amend them;
- every CEO with delegated power has likely acted *ultra vires*;
- a local government can't close a road for an ANZAC Day parade without DPLH approval, since a road is constructed on a reserve.

The approval to hold events need to be considered in light of the vesting to a local government for "management and control" that includes giving permission for the holding of events such –

- as the car show on McCallum Park in City of South Perth
- Australia Day fireworks skyshow on the river
- the family birthday party that books a reserve
- the interschool sports day on the oval
- the local agricultural show
- a local club that wants to use a reserve to hold a display

There may be implications for use of the facilities constructed on reserves, such as a public halls, or sports pavilions etc. It may be that approval to use these is considered to be use of Shire owned infrastructure, rather than use of the land.

If the interpretation that all events require DPLH approval is held to be correct, then there seems there would be little, if any, community value for a local government to hold any reserve other than the office, the depot, the tip etc. They would be better off returning all other reserves to the State, and making DPLH responsible for the issue of "licences" for events on reserves.

The issue will revolve around –

- a) what does "management and control" actually mean?
- b) what is the difference between –
 - a "licence" and
 - an approval by a local government having the "management and control" of a reserve, to hold an event that is consistent with the purpose of the reserve

As noted, if DPLH interpretation and the opinion of the solicitor is correct, then the implications are much larger and wider than just the Shire of Victoria Plains.

Accordingly, it is suggested that this be submitted to WALGA to raise as an urgent item at the Annual Convention, and also raised through the Avon Midland Zone of WALGA.

CONSULTATION

Glenda Teede, CEO
Civic Legal

STATUTORY CONTEXT

Land Administration Act 1997

Shire of Victoria Plains Public Places and Local Government Property Local Law 2018

Shire of Victoria Plains Cemeteries Local Law 2018

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the issue of Ministerial approval being required for events on reserves under the management and control of local government be referred to –

- WA Local Government Association to be raised at the Annual Convention as a matter of urgency; and
- the Avon Midland Zone of WALGA.

For _____ / Against _____

10.15 Integrated Planning – Draft Strategic Resourcing Plan

File reference	
Report date	26 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Nil

PURPOSE

To consider making the draft Strategic Resourcing Plan available for public comment prior to adoption at the next Ordinary Council meeting.

BACKGROUND

In February 2019, Moore Stephens were contracted to develop the Workforce Plan, the Strategic Resourcing Plan (asset management and long term financial) and Corporate Business Plan. They presented the draft to a Council workshop on 25 July 2019.

The Plans are part of the integrated planning framework that are either required by the Local Government Act or are recommended by the Dept of Local Government, Sporting & Cultural Industries –

- required, being defined by Regulations as “planning for the future” –
 - o Strategic Community Plan – adopted in March 2018
 - o Corporate Business Plan
- recommended, being informing documents/strategies –
 - o Workforce Plan
 - o Asset Management Plan (part of the draft Strategic Resourcing Plan)
 - o Long Term Financial Plan (part of the draft Strategic Resourcing Plan)

While not named by legislation as being required, the AMP and LTFP are necessary to –

- inform various matters in the CBP; and
- produce the ratios required within Budget and Annual Financial Statements.

COMMENT

The draft document was discussed by Council at the workshop, and no amendment has been made to it at this time.

It is noted that the SRP includes provision for a 7% rate increase for this financial year, and for the next 4 financial years.

It is emphasised that –

- this increase has not been adopted by Council at this time, but is a matter for budget consideration;

- even if included in the Plan, it does not commit Council to this level of increase in future years, as each year's rates are a Budget consideration for that year.

It has been suggested that the proposed that the Strategic Resourcing Plan be put out for public comment. As a draft, Council is not required to make a resolution by absolute majority to make the draft public for comment.

The Regulations require the Corporate Business Plan to be adopted by absolute majority. There is no requirement for adoption of the WFP or SRP (asset management and long term financial) to be formally adopted by Council, although this is common practice.

CONSULTATION

Glenda Teede, CEO
Moore Stephens

STATUTORY CONTEXT

Local Government Act 1995 –

s.5.56 – requirement to undertake planning for the future

Local Government (Administration) Regulations 1996 –

- r.19C – requirement to prepare a strategic community plan
(7) adoption by absolute majority is required
- r.19DA – requirement for a corporate business plan
(6) -adoption by absolute majority is required

CORPORATE CONTEXT

Annual Budget 2019-2020

FINANCIAL IMPLICATIONS

Annual Budget 2019-2020

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the following draft Plans be approved for public consultation, prior to adoption at the next Council meeting –

- c) Workforce Plan;
- d) Strategic Resourcing Plan (asset management and long term financial); and
- e) Corporate Business Plan.

For _____ / Against _____

11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the following late items be admitted for consideration –

1. Bolgart Landfill – DWER Licence; and
2. Wheatbelt Secondary Freight Route – Contribution

For _____ / Against _____

12.1 Bolgart Landfill – DWER Licence

File reference	
Report date	31 July 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede, CEO
Attachments	
Attachment 1	Page
	None

PURPOSE

To consider the future of the Bolgart landfill site and licencing by Dept of Water and Environmental Regulation.

BACKGROUND

On 25 July 2019, a letter from Dept of Water and Environmental Regulation was received. It notes the proximity of the site to the Bolgart Drinking Water Catchment Area, and that the site has also been assigned a high priority management classification under the *Bolgart Water Reserve Drinking Water Source Protection Plan*.

The letter requires a response by 16 August 2019.

COMMENT

The letter advises that the Bolgart Landfill Site licence terminates on 22 October 2019. The licence was extended in 2015 with the addition of a licence condition for a Groundwater Sampling and Analysis Plan to be prepared and submitted by December 2015. The condition has not been complied with.

DWER suggest two options for the future which are outlined in detail in their letter –

- Closure of the premises
- Extension of licence

Both options require the development of plans for management of various aspects.

Advice to DWER of preferred pathway is sought by 16 August 2019. The timeframe is unable to be met if the required plans are to be provided.

Regarding landfill site closure generally, DWER officers have separately advised –

Upon completion of landfilling at the Premises, all completed cells must be capped and revegetated as soon as practicable following the final delivery of waste to the cell. The final capping should:

- *Reduce rainwater infiltration into the waste (minimising the generation of leachate);*
- *Stabilise the surface of the completed part of the landfill;*
- *Reduce suspended sediment and contaminated runoff;*
- *Minimise odour emissions, dust, litter, the presence of scavengers and vermin, and the risk of fire; and*

- *Prepare the site for its future use.*

A Closure Plan will need to be developed and submitted to DWER setting out a plan for the rehabilitation of the site after it has ceased to be a landfill site. It should specify the steps taken or to be taken in closing and stabilising the landfill and the timeframes for doing so. In particular, the Closure Plan needs to specify:

- Options for the use of the site after it has ceased to be a landfill site*
- A conceptual design of the infrastructure needed for the preferred option for the use of the site after it has ceased to be a landfill site;*
- the estimated final contours of the site, after allowing for settlement, and specifying to what extent settlement has been allowed for (sloped to adequately shed water and minimise erosion potential);*
- the capping materials proposed to be used on the site (the shire will need to determine the most appropriate long-term cap for the landfill to reduce environmental impact)*
- a proposed system of drainage of the site (e.g. stormwater channels);*
- measures proposed for the protection of the environment and the monitoring of the site (e.g. checking the integrity of the cap and any vegetation growing on the cap, the condition of stormwater drains/surface water control and collection infrastructure, fencing and environmental monitoring (if required). Inspection records and details of any follow-up actions should be retained); and*
- the estimated period for which the site will require protection and monitoring .*

The Closure Plan will require review by DWER prior to implementation and the closure of the landfill could then be managed under Part V of the Environmental Protection Act 1986 in two possible ways:

- Under licence conditions by an amendment to the Licence L7011/1997/11*
- Under a closure notice following surrender of the Licence for the Premises (Section 68A of the Environmental Protection Act 1986).*

A copy of the Closure Plan can be submitted to info@dwer.wa.gov.au for DWER's review. Conditions in the Licence or a closure notice would most likely reflect the commitments made in the Closure Plan unless additional controls are considered necessary/appropriate by DWER following a review of the Closure Plan.

The Shire may also be subject to additional obligations under the Contaminated Sites Act 2003 post-closure.

A request for a very rough estimate of cost for preparation of a management or closure management plan has been sent to 4 consultants, but no response has been received as yet. From discussion with the EHO, a management plan may cost in the vicinity of \$60,000 to \$80,000. Cost of sinking monitoring bores, taking and analysis of samples would be additional.

Given current informal discussions regarding the future of waste management in the Shire generally, time will be required and the only reasonable action appears to be to seek an extension of the licence for at least 2 years, although DWER have suggested 12-18 months.

If an extension is granted by DWER, it is presumed that any conditions placed may also have timeframes imposed for the submission of plans and implementation of required actions. This will have an impact on the Budgets for the current and next two years at minimum.

Monitoring will need to be an on-going action regardless of whether the site remains operational or is closed. The duration of monitoring is unknown, but presumed to be 20 years plus, and would be dependent on a range of factors such as ground conditions, any leachate that may be identified, proximity to sensitive environmental factors.

CONSULTATION

Glenda Teede, CEO

Allan Ramsay, Environmental Health Officer

STATUTORY CONTEXT

Environmental Protection Act 1986

CORPORATE CONTEXT

Annual Budget 2019-2020

FINANCIAL IMPLICATIONS

Annual Budget 2019-2020 – impacts for development of landfill site management or closure management plan and cost of water monitoring bores.

Required actions in following years for implementation, and monitoring for an extended period.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved _____

Seconded _____

That the Dept of Water and Environmental Regulation be advised that an extension of the Bolgart Refuse Site licence is sought for 2 years to October 2021.

For _____ / Against _____

12.2 Wheatbelt Secondary Freight Route – Contribution

File reference			
Report date			31 July 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede, CEO
Attachments			
Attachment 1	Page		Cr Storer – letter of request for contribution

PURPOSE

To consider making the contribution to the Wheatbelt Secondary Freight Route development proposals.

BACKGROUND

In October 2018, Cr Ricky Storer, President of Shire of Koorda and Chair of the Wheatbelt North Regional Road Group requested a commitment from Council to contribute \$6,000 to the development of a Business Case for the Wheatbelt Secondary Freight Route.

COMMENT

The report to Council in October 2018 noted the advice of Cr Storer that –

- *Estimated capital cost of the project* \$500 million
- *Estimated planning cost for the project* \$5 million
 - o *Federal government contribution* \$3,500,000
 - o *State government contribution* \$1,250,000
 - o *Local government contribution* \$ 250,000

The local government contribution to be funded by \$6,000 (approx.) subscription from each of the 42 local governments.

Council resolved at that time –

That Council –

- a) *notes the Secondary Freight Routes Project Development report;*
- b) *supports the strategic intent of the Secondary Freight Routes project;*
- c) *authorises the CEO to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and*
- d) *approves a contribution of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.*

Cr Storer has requested that the contribution now be made.

As the Budget for the year has not yet been adopted, the contribution is unbudgeted expenditure and requires approval by Council by absolute majority.

CONSULTATION

Glenda Teede, CEO

STATUTORY CONTEXT

Local Government Act 1995 –

- *s.6.8 – unbudgeted expenditure to be approved by absolute majority*

CORPORATE CONTEXT

Annual Budget 2019-2020

FINANCIAL IMPLICATIONS

Annual Budget 2019-2020

VOTING REQUIREMENTS

Absolute Majority Required: Yes

Officer Recommendation

Moved _____

Seconded _____

That a contribution of \$6,000 be made for the development of the Business Plan for the Wheatbelt Secondary Freight Route.

For _____ / Against _____

13. MEETING CLOSED TO PUBLICReason for confidentiality

Local Government Act 1995 section 5.23 permits the meeting to be closed to the public for business relating to the following –

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal –*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to –*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*

VOTING REQUIREMENT

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

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

CARRIED For _____ / Against _____

Remaining in the meeting –

14. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at _____ pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2019.

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.