



Minutes

Ordinary Council Meeting

18 December 2019

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.03 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.

CONFIRMED

Commonly-used abbreviations

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

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers,
on 18 December 2019 commencing at 2.03 pm

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.03 pm, welcoming Councillors, staff and members of the public to the Meeting.

1.2 Announcements by Shire President

The Presiding Member read aloud the formal Disclaimer Announcement.

2. RECORD OF ATTENDANCE

Members present:

Shire President – Cr Bantock
Shire Deputy President - Cr D Lovelock
Cr J Kelly
Cr J King (until 3.22pm)
Cr S Penn
Cr Clarke
Cr Corless-Crowther

Staff attending:

Chief Executive Officer – Ms G Teede
Executive Assistant – Mrs L Jakovcevic
Works and Services Manager – Mr R Edwards
Shire Town Planner – Mr J Douglas
Governance Officer – Mr A Bowman

Apologies:

Environmental Health Officer – Mr A Ramsay
Finance and Administration Manager – Mrs I Edwardson

Approved leave of absence: Nil

Visitors: Mr G McGill
Mrs S Hankins

Members of the public: Mr M Palmer
Ms T Menzies
Mrs A Byrne-O'Neill
Ms S Woods
Ms H Russell

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	Nil
3.2	Proximity	Nil
3.3	Impartiality	Nil

4. PUBLIC QUESTION TIME

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

There was a public question at the 27 November 2019 OCM.

The response provided was as follows:

Mrs Suzanne Woods

“Thank you for your question received at the OCM of 27 November 2019 as below:

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

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

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

A1. Use of the traffic Hazard sign is located within the Australian Standards (Extract pasted below). The Shire endeavour to carry out repairs as quickly as possible when an issue arises, however on occasion there is a delay and therefore the signs remain in place for longer. The Shire will change the signs to *Rough Surface* or *Soft Edges* or whatever the required sign is - as soon as possible.



3.16.5 TRAFFIC HAZARD (T1-10) T1-10 - The sign TRAFFIC HAZARD is for emergency use only and may be used whenever any unexpected event causes a traffic hazard. Should the hazard remain for any appreciable time, this sign shall be replaced as soon as possible, generally within 24 hours, by signs more appropriate to conditions imposed on traffic.”

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

4.1 Public Questions With Notice

Nil

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).

Nil

Public question time closed at 2.09 pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Mr Gary McGill Shire of Victoria Plains, War Memorial Warden.

Ms Sharlene Hankins – Community Hub Project 2019 – Bringing the Community Together.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

1912-01 Officer Recommendation / Council Resolution
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Moved Cr J King

Seconded Cr D Lovelock

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

- Ordinary Council Meeting held 27 November 2019.

CARRIED For 7 / Against 0

CONFIRMED

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

File reference	F1.8.4		
Report date	10 December 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer/Ina Edwardson – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	3 3	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

1912-02 Officer Recommendation / Council Resolution**Moved Cr J Corless-Crowther****Seconded Cr J King**

That the payments made for October 2019 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	8344 - 8438	354,608.10
Creditor Cheque Payments	12253 - 12254	859.14
Direct Debit Payments**	DD11467 – DD11529	43,865.02
Salaries & Wages EFT	PE 13/11/19- PE 27/11/19	103,466.51
Credit Card Statements	D11530.1	3,338.74
Fuel Card – Wright Express	D11528.10	720.27
Trust Payments	234 - 237	281.65
	TOTAL	\$507,139.43

**includes salary and wages deductions, and SGC

CARRIED For 7 / Against 0

8.2 Monthly Financial Statements – November 2019

File reference	
Report date	11 December 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	RSM – Glenn Boyes/Ina Edwardson – Finance & Administration Manager
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page 11 Monthly Financial Statements – 30 November 2019

PURPOSE

To receive the monthly financial statements for the period ending 30 November 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 November 2019 Monthly Financial Statements are presented for consideration.

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

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

CONSULTATION

RSM

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

1912-03 Officer Recommendation / Council Resolution

Moved Cr N Clarke

Seconded Cr D Lovelock

That Council **RECEIVE** the 30 November 2019 Monthly Financial Reports as presented:

CARRIED For 7 / Against 0

1912-04 Council Resolution

Moved Cr N Clarke

Seconded Cr S Penn

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

CARRIED For 7 / Against 0

The meeting resumed at 3.22pm with all Councillors, except Cr J King, present.

CONFIRMED

This item was held over at the November 2019 OCM, for further consideration of the report.

8.3 Council Policy – Revocation of Policy 5.1.1 and 5.1.4

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

PURPOSE

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

BACKGROUND

Council current has the following policies:

5.1 Subdivision – Conditional Applicable

5.1.1 Subdivision Approvals should address the following issues:

- a)
- b)
- c)

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

- d) The land being filled and/or drained at the subdividers cost to the specifications and satisfaction of the Shire of Victoria Plains.
- e) The land being graded and stabilized at the subdividers cost to the specification and satisfaction of the Shire of Victoria Plains.
- f) Certification from Western Power that financial and other requirements have been satisfied for the provision of underground power to the lots, provision of padamont sites and easements as may be required by Western Power being transferred free of cost to Western Power, with the location of the sites being to the satisfaction of the Shire of Victoria Plains.
- g) Certification from Western Power that financial and other requirements have been satisfied for the provision of street lighting within the subdivision.
- h) Certification from Fire and Emergency Services Authority of WA that adequate arrangements have been made in relation to fire hydrants.

- i) Certification from the Water Corporation of WA that arrangements have been made so that connection to an adequate water service will be available to lots in the subdivision.
- j) That a suitable effluent disposal system is in place.
- k) Underground power and provision of street lighting be a condition on all future subdivisions.

5.1.4 Developers Costs

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

COMMENT

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

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

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

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

Policy 5.1.4 – Developers Costs

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

CONSULTATION

Shire's Planning Consultant

STATUTORY CONTEXT

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

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

CORPORATE CONTEXT

Good Governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

1912-05 Officer Recommendation / Council Resolution
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Moved Cr D Lovelock

Seconded Cr N Clarke

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

CARRIED BY ABSOLUTE MAJORITY For 5 / Against 1

Cr J Kelly wished to have his name recorded as voting against this Resolution.

8.4 Better Practice Review

File reference			
Report date		9 December 2019	
Applicant/proponent		N/A	
Officer disclosure of interest		Nil	
Previous meeting references		Nil	
Prepared by		Aaron Bowman – Governance Officer	
Authorised by		Glenda Teede - CEO	
Attachments			
Attachment	1	34	Better Practice Status Report
Attachment	2	38	Sample Volunteer Policies
	3	59	Sample Community Engagement Policies
	4	73	Sample Asset Disposal Policy

PURPOSE

For Council to provide direction in reference to a: volunteer policy; community engagement policy; and asset disposal policy.

BACKGROUND

The Local Government Better Practice Review (BPR) Program was an initiative undertaken by the Department of Local Government and Communities (Department) to recognise and promote good practice in Western Australian country local governments. The BPR Program was part of the State Government's Country Local Government Fund (CLGF) Capacity Building Program. The BPR Program involved a review team assigned to work closely with the Shire of Victoria Plains to review key areas of the Shire's activities and operations.

The BPR Program was designed to acknowledge areas of better practice whilst encouraging improvement in the way local governments conduct their activities to ensure good governance and build the capacity of the local government sector. The objectives of the program were to:

- Generate momentum for a culture of continuous improvement and greater compliance across the local government sector.
- Promote good governance and ethical regulation.
- Identify and share innovation and best practice in the local government sector.
- Act as a 'health check' by providing departmental advice and support to local governments that may be experiencing operational problems.

Through the local government completed self-assessment checklist and the collection and collation of additional relevant information prior to an onsite review, the review team summarised key findings in the areas of:

- Governance
- Planning and Regulatory functions
- Plan (strategic and corporate planning)
- Assets and Finance

- Workforce planning and Human Resource (HR) management
- Community and Consultation

The Better Practice Review was a voluntary program that several country local governments participated in, including the Shire of Victoria Plains, which occurred in September 2016, with the final report being provided in early 2017.

The report aimed to highlight areas where the Shire is demonstrating better practice, as well as providing constructive feedback on addressing any areas for further development. Where appropriate, the areas recognised as requiring further development featured suggested recommendations that the Shire can aim to address through a documented action plan.

Although the report addressed some legislative requirements, it's important to note that this was not solely a compliance exercise, and feedback focuses on building the capacity of the Shire to achieve sector standard across a range of functions and operations was a primary outcome.

COMMENT

Shire staff have been working through the outcomes of the better practice review and have been providing updates to Council over this period. There has been significant work undertaken in this area, and some of the following task have been the outcome:

- Strategic Community Plan
- Asset Management Framework
- Risk Management Document
- Business Continuity Plan
- Compliance Calendar
- Review of Local Laws

A status report is included as attachment 1. As can be seen from the status report all items are either complete or are in progress apart from the following three which are marked "to be determined":

- Consider developing policies/procedures/guidelines (and/or general documentation) for volunteers of the Shire.
- Develop a community engagement strategy and/or policy to guide community engagement activities and meet Strategic Community Plan outcomes.
- Continue working towards developing asset disposal strategy/policy.

The better practice review program was a step forward in ensuring Country Local Governments made improvements in the area of good governance. A criticism however of the better practice review program was that this was a collection of tick a box requirement that the larger local governments had in place, and often at times those undertaking the review were unaware of the reason for them. A great example was whereby in later years of the program there was a question on whether a local government had a "statement of business ethics" this was because a large City Local Government had introduced this as the outcome of some serious corruption charges. The program did not therefore consider each local government separately but grouped them altogether with the idea that each local

government is the same. This may be correct for legislative requirements, however could be strongly argued is not always effective for building capacity.

Consider developing policies/procedures/guidelines (and/or general documentation) for volunteers of the Shire

Without the assistance of volunteers, many local governments could not undertake numerous programs that rely on volunteers. There are a few examples of Local governments having a volunteer policy, (attachment 2) with some of the large Metropolitan local governments having developed a volunteer handbook. The example policy provides little guidance to staff and as such there does not appear to provide any benefit. There appears to be little to nil benefit for the Shire in developing a volunteer policy.

It is recommended that a volunteer policy is not developed.

Develop a community engagement strategy and/or policy to guide community engagement activities and meet Strategic Community Plan outcomes

There are many examples of Metropolitan local governments having a community engagement policy. A number include statements such as “*recognise the importance of open, transparent, accountable, inclusive and appropriate community engagement*” Some include such reference to IAP2 – international association for public participation.

The Shire of Narrogin example has the most in-depth and wide-ranging policy. Included is a matrix for the most appropriate engagement approach, and several principles of community engagement. The question should be asked is there a benefit of this to the Shire of Victoria Plains and our community. (attachment 3)

A policy that restricts community engagement / advertising over the Christmas period and the Easter period may be beneficial and would be a solid basis for the Shire to adopt a policy, however given the low numbers, the administration should already consider this and avoid these periods.

It is recommended that a community engagement policy is not developed.

Continue working towards developing asset disposal strategy/policy- there are very few examples of Local Governments with this policy.

At the time of the Better Practise Review there were inappropriate examples of Executive vehicles being disposed of (sold) that were in breach of Legislation. The current CEO put an immediate stop to this practice.

The Shire now also has a plant replacement program. In addition, there is very few instances of Shire disposing of assets (excluding trade ins, which are always budgeted). Attachment 4 has the City of Subiaco’s policy. The policy in most parts merely replicates legislation and as such provide no additional guidance to staff in the disposal of property. It is recommended that an asset disposal policy is not developed.

CONSULTATION

Nil

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Good Governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

1912-06 Officer Recommendation / Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr D Lovelock

1) That Council **DOES NOT** develop a:

- a) Volunteer Policy;
- b) Community Engagement Policy; or
- c) Asset disposal Policy.

CARRIED For 6 / Against 0

CONFIRMED

8.5 Councillors Continuing Professional Development Policy

File reference	
Report date	
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede - CEO
Attachments	
Attachment 1	74 Draft Councillors continuing professional development policy

PURPOSE

For Council to adopt a Councillors Continuing Professional Development Policy.

BACKGROUND

On 27 June 2019 the Local Government Legislation Amendment Act was passed by the Western Australian Parliament, coming into effect on 6 July 2019.

One of the changes to the Local Government Act now requires that all Council members will need to complete a new training course, Council Members Essentials, within 12 months of being elected. The Council Member Essential course comprises the following five units:

- Understanding local government;
- Serving on council;
- Meeting procedures;
- Conflict of interests; and
- Understanding financial reports and budgets.

The training is valid for five years, so a Council member will only be required to undertake the training at every second election. Some exemptions apply to Council members who have passed specific training within the past five years, including the Diploma in Local Government.

Each Council will also be required to develop a policy outlining the continuing professional development of its council members. The content of the policy will be determined by the Council and should include opportunities for each Councillor and a statement of how the local government will support this.

In deciding the content of the policy, the Council should consider:

- The strategic direction of the Local Government;
- Any skills gaps amongst the Council as a whole; and
- The needs of individual Councillors.

As a minimum the policy must be reviewed after each ordinary election to take into account the needs and skill sets of new Councillors.

COMMENT

The Policy requires continuing professional development opportunities to be provided to the Councillors, and for councillors to undertake at least 8 hours every financial year of professional development.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 2.7(2)(b) of the Local Government Act 1995 Council is to have due regard to its policies to be able to govern its affairs and performance.

Section 5.128 requires Council to adopt a Councillor Continuing Professional Development Policy.

CORPORATE CONTEXT

Good Governance

FINANCIAL IMPLICATIONS

A budget amount of \$7,000 per annum will be required for Councillor professional development. In addition, funds of up to \$5,000 in an election year will be required for newly elected Councillors to complete the mandatory Council Member Essential Course.

\$15,000 is included in the 2019/20 budget for Councillor training. \$0 was included in the 2018/19 budget for Councillor training.

VOTING REQUIREMENTS

Absolute Majority

Officer Recommendation

Amendment

Moved: Cr D Lovelock

Seconded

That each Councillor be required to complete at least 8 hours every financial year of professional development.

This motion lapsed for want of a seconder.

1912-07 Officer Recommendation / Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr N Clarke

That Council **ADOPT** Council Policy – Councillors Continuing Professional Development as contained within attachment 1.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 0

CONFIRMED

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

1912-08 Council Resolution

Moved Cr D Lovelock

Seconded Cr N Clarke

That the following item be admitted for consideration -

1. Menzies Quarries

CARRIED For 6 / Against 0

CONFIRMED

11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS

1912-09 Council Resolution

Moved Cr N Clarke

Seconded Cr J Corless-Crowther

That the meeting be closed to the public to consider the following matters, the time being 3.55 pm.

1. Menzies Quarries

CARRIED For 6 / Against 0

Remaining in the meeting –

- CEO
- Governance Officer
- Executive Assistant
- Shire Town Planner
- Works & Services Manager

CONFIRMED

11.1 Menzies Quarries Pty Ltd – Extractive Industry Operations on Lot 127 (No.668) Mogumber-Yarrowindah Road, Mogumber

File reference	
Report date	16 December 2019
Applicant/Proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	Item 12.1 – December 2016 Ordinary Meeting Item 7.0 – June 2017 Ordinary Meeting Item 10.9 – February 2019 Ordinary Meeting Item 11.0 – November 2019 Ordinary Meeting
Prepared by	Mr Joe Douglas – Town Planning Consultant
Authorised by	Ms Glenda Teede - CEO
Attachments	
Attachment 1 – Legal correspondence from Civil Technology dated 22 July 2019 Attachment 2 – Legal advice from Civic Legal to the Shire dated 10 October 2019 Attachment 3 – Summary legal advice from Civic Legal to the Shire dated 14 October 2019 Attachment 4 – Legal correspondence to Civil Technology dated 26 November 2019 Attachment 5 – Legal correspondence from Civil Technology dated 27 November 2019 Attachment 6 – Legal correspondence to Civil Technology dated 11 December 2019 Attachment 7 – Legal advice from Civic Legal to the Shire dated 12 December 2019	

CONFIDENTIALITY PROVISIONS

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

- 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

VOTING REQUIREMENTS

Absolute majority required: No

1912-10	Officer Recommendation / Council Resolution
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Moved Cr D Lovelock

Seconded Cr N Clarke

That Council RESOLVE to:

1. Revoke resolution number 1911-13 made at its Ordinary Meeting on 27 November 2019 given the written advice received from Civic Legal dated 12 December 2019 regarding the legalities associated with Menzies Quarries Pty Ltd's existing extractive industry operations on Lot 127 (No. 668) Mogumber-Yarrowindah Road, Mogumber; and

2. Endorse the proposed course of action recommended in the late confidential item dated 16 December 2019 to resolve the various issues associated with Menzies Quarries Pty Ltd's existing extractive industry operations on Lot 127 (No. 668) Mogumber-Yarrowindah Road, Mogumber.

CARRIED For 5 / Against 1

Cr Kelly wished to have his name recorded as voting against this Resolution.

1912-11 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr D Lovelock

That the meeting be opened to the public, the time being 4.28pm.

CARRIED For 6 / Against 0

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.29pm

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 22nd Jan 2020

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

Date 22.1.20

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