



# MINUTES

Ordinary Council Meeting

28 August 2024

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

Commencing – 2.01pm

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## DISCLAIMER:

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

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

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

### Recording of Meeting

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

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

### E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

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**Commonly-used abbreviations**

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

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CONFIRMED PUBLIC MINUTES



# AGENDA NOTICE

Dear President and Councillors

**NOTICE** is given that the next Ordinary Meeting of the Shire of Victoria Plains Council Will be held in the Calingiri Shire Chambers and/or via E-meeting Protocol on **28 August 2024** commencing at 2.02pm

Sean Fletcher  
Chief Executive Officer

## 1. DECLARATION OF OPENING

### 1.1 Opening

The Shire President declared the meeting open at 2.02pm.

### 1.2 Announcements by Shire President

This meeting is recorded for the purpose of minute taking & to allow public viewing online. The meeting shall be run in accordance with the Shire's *Meeting Procedures Local Law 2018*.

## 2. REMOTE ATTENDANCE BY ELECTED MEMBERS

**THAT:**

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

<b>Approval to Attend and Declaration of Confidentiality</b>
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**THAT:**

**Cr D Lovelock, Cr S Penn and Cr S Woods HAVE** been approved to attend the **28 August 2024 Ordinary Council Meeting** by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

### 3. RECORD OF ATTENDANCE

Members present	Shire President Cr P Bantock – Presiding Member Deputy Shire President Cr S Woods – via teleconference Cr R Johnson Cr D Lovelock – via teleconference Cr S Penn – via teleconference
Staff attending	CEO – Mr S Fletcher DCEO – Mr C Ashe WSM – Mr S Brenzi Council Support Officer – Ms J Klobas
Apologies	N/A
Approved leave of absence	N/A
Members of the public	Mr T Pinker Ms K Allison

### 4. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
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4.1	Financial	The Shire CEO, Mr S Fletcher, declared a financial interest in item 9.3, “CEO Quarterly KPI Report, August 2024” due to ‘Interest per employment Contract’.
4.2	Proximity	Nil
4.3	Impartiality	Nil

## 5. PUBLIC QUESTION TIME

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

### 5.1 Public Questions With Notice

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*Public Question Time was opened to the floor at 2.03pm.*

### 5.2 Public Questions Without Notice

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Mr T Pinker, Bolgart

Q1. Is the Shire aware of the Power issues at the Bolgart Hall. Bolgart Hall is a gazetted Evacuation centre. The power supply to the Hall is not adequate for the hall to run. How is it supposed to run for events, large or small? Concerns have been raised about it being not fit for purpose as an evacuation centre.

A1. CEO - This is in the budget for upgrade and dependant on scope, will be factored into works, however I am unable to give you an exact timeline of work to be undertaken.

Q2. The water pressure is insufficient in the public showers and the hall kitchen. The electricity trips during events, recently including a wedding and the CWA centenary event.

A2. CEO – Is Not aware of water pressure issue per se, however will look into the matter.

Ms K Allison, Bolgart

Q1. Safety concerns have been raised about the Bolgart town play ground. The soft mat has cracks which present trip hazards for small children and the plastic play equipment has deteriorated in the harsh weather conditions. It's roughly 20 years old. The BBQ area is utilised by caravaners and general public who are exposed to our weathered, dishevelled, playground. We note that the skate park and basketball courts have been earmarked for a tidy up. What does that entail and when will the general playground area be upgraded to bring it up to safety standards?

A1 CEO - Noted this matter is being addressed and has been factored into the Shire's Sports and Recreation Plan, however unsure of exact time frame of works with the WSM confirming a further review of the matter is forthcoming.

*Public question time closed at 2.10pm.*

**6. PRESENTATIONS AND DEPUTATIONS**

**6.1 Presentations**

Nil

**6.2 Deputations**

Nil

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. MINUTES OF MEETINGS**

**8.1 Confirmation of Council Meeting Minutes**

**2408-01 Officer Recommendation / Council Resolution**

**Moved: Cr R Johnson**

**Seconded: Cr D Lovelock**

That the Minutes of the following meeting:

- *Ordinary Council Meeting held 24 July 2024, with update to remove Cr Lovelock from voting in Resolution 2407-11 "Council Adjournment to break for afternoon tea' as Cr Lovelock had not yet returned to the meeting following item 9.7 "Community Budget Grant Submission 2024 – 2025".*

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

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

<b>Vote For</b>	<b>Vote Against</b>
Cr P Bantock	
Cr S Woods	
Cr D Lovelock	
Cr R Johnson	
Cr S Penn	



**9. REPORTS REQUIRING DECISION****9.1 Accounts for Endorsement – July 2024**

<b>File reference</b>	2348-6998		
<b>Report date</b>	7 August 2024		
<b>Applicant/proponent</b>	Nil		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Glenn Deocampo – Coordinator Financial Services		
<b>Senior Officer</b>	Colin Ashe – Deputy Chief Executive Officer		
<b>Authorised by</b>	Sean Fletcher – Chief Executive Officer		
<b>Attachments</b>			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda

**PURPOSE**

This Item presents the attached List of Accounts Paid, paid under delegated authority, for July 2024.

**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.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

**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

**Strategic Business Plan/Corporate Business Plan**

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
<b>4. CIVIC LEADERSHIP</b>	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

**Policy Implications**

Policy Manual –

- 3.1 Purchasing Framework

**Other Corporate Document**

- N/A

**Risk Analysis**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
<b>Compliance</b>	Extreme (5)  Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2)  The event could occur at some time	High (10)	Senior Management Team / CEO  Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.

**FINANCIAL IMPLICATIONS**

All payments are in accordance Council's adopted budget.

**VOTING REQUIREMENTS**

Absolute Majority Required: No

**2408-02 Officer Recommendation / Council Resolution**

**Moved: Cr D Lovelock**

**Seconded: Cr R Johnson**

That the payments made for July 2024 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**	13354 – 13403, CF00001	271,461.29
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD14926 -DD14928, DD14937, CF DD	61,390.86
Salaries & Wages EFT	PE 03/07/24, PE 17/07/2024, PE31/07/2024	169,714.04
Credit Card–Bendigo Bank-	DD14901.1	6,679.05
Fuel Card – Wright Express	DD14931.1	11.00
Trust Payments		0.00
<b>TOTAL</b>		<b>\$ 509,256.24</b>

Local Spending	\$	%
Local Supplier	15,454.99	3.03
Payroll	169,714.04	33.33
<b>Total</b>	<b>185,169.03</b>	<b>36.36</b>

\*\*includes salary and wages deductions, and SGC

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

Vote For	Vote Against
Cr P Bantock	
Cr S Woods	
Cr D Lovelock	
Cr R Johnson	
Cr S Penn	

## 9.2 Monthly Financial Statements – July 2024

<b>File reference</b>	2348-14528		
<b>Report date</b>	19 Aug 2024		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	Nil		
<b>Previous meeting references</b>	Nil		
<b>Prepared by</b>	Colin Ashe, DCEO		
<b>Authorised by</b>	Sean Fletcher, CEO		
<b>Attachments</b>			
Attachment 1	Page	9	Monthly Financial Statements – 31 Jul 2024

### PURPOSE

To receive the monthly financial statements for the period ending 31 July 2024.

### BACKGROUND

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

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

### COMMENT

The July 24 Monthly Financial Statements have been prepared on a basis subject to further adjustment due to:

- 30 June 2024 financial position changes which will have a bearing on the opening balances and surplus carried forward figure.
- These statements have been prepared under the previous Synergy system due to the transition to CouncilFirst.
- Whilst there was an intent to 'go-live' in the new system on 01 Jul 24, this had to be delayed meaning these statements are somewhat of a hybrid between the two systems.
- There is likely to be a request to delay the Aug 24 financial statements next month in order to finalise Jul 24 transactions into the CouncilFirst system and set up reporting.
- Thereafter the transition should be completed in full and financial reporting for Aug 24 and Sep 24 will be provided at the one meeting.
- As this is the first month in the financial year, there is no significant activity to report on.
- Financial Statements are now linked to the notes as applicable.

### STATEMENT OF FINANCIAL ACTIVITY:

The month of July 24 references an actual surplus of \$3,427,444 as shown on the Statement of Financial Activity which includes the raising of rates. This will be part of the adjustment in CouncilFirst with further adjustments in the 30 Jun 24 and therefore changes to the opening surplus.

### NOTES TO ACCOUNT

The following provides a summary and explanation of the major notes in the Jul 24 Financial Statement.

**Note 1 Net Current Funding Position:**

No major activity to report on.

**Note 2 Cash and Financial Assets:**

The current total cash position balance is \$1,525,703 with an Unrestricted Municipal Bank Balance of \$158,187 and \$1,367,516 in Restricted Cash, the latter comprising:

- \$968,988 in Reserves.
- \$398,528 major grant funding received and quarantined.

**Note 4 – Debtors:**

An overall balance of \$4,166,892 of which comprises:

- \$ 3,958,136 in rate debtors.
- \$ 195,545 in sundry debtors.

**Note 5 Reserves:**

No major activity to report on.

**.Note 7 – Capital Program**

No major activity to report on.

**Note 10 – Grants and Subsidies**

No major activity to report on.

**Note 11 – Restricted Funding**

No major activity to report on but a true up will occur in the following months as some 23-24 projects are now complete and funding can be transferred back to the Municipal Account.

**Note 12 – LRCI Program**

No major activity to report on but the full list of activities is now provided, subject to approval by LRCI which was submitted on 14 Aug 24

**Note 13 – Local Government Grant Scheme (LGGS) – Bushfire ESL Grant**

No major activity to report on though this provides the approved budget and funding from DFES through the Local Government Grant Scheme (LGGS).

**Note 14 – Material Variances**

NIL to report.

**CONSULTATION**

Coordinator Financial Services  
CEO

**STATUTORY CONTEXT**

Local Government (Financial Management) Regulations 1996 –

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

**CORPORATE CONTEXT**

Delegations Register –  
Section 3 – Financial Management

**Strategic Business Plan/Corporate Business Plan**

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
<b>4. CIVIC LEADERSHIP</b>	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

**Policy Implications**

Policy Manual –  
- 3 Financial Management

**Other Corporate Document**

- N/A

**Risk Analysis**

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5)  Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2)  The event could occur at some time	High (10)	Senior Management Team / CEO  Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff ensure that the residual risk is moderate.

**FINANCIAL IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Absolute Majority Required: No

**2408-03 Officer Recommendation / Council Resolution**

**Moved: Cr R Johnson**

**Seconded: Cr S Woods**

That Council **RECEIVE** the 31 July 2024 Monthly Financial Reports as presented.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

Vote For	Vote Against
Cr P Bantock	
Cr S Woods	
Cr D Lovelock	
Cr R Johnson	
Cr S Penn	

The CEO declared a financial interest in item 9.3 at 2.18pm however with the acknowledgement of Council, remained in Chambers.

### 9.3 CEO's Quarterly KPI Report - August 2024

<b>File reference</b>	2348-13458		
<b>Report date</b>	9 August 2024		
<b>Applicant/proponent</b>	Shire of Victoria Plains		
<b>Officer disclosure of interest</b>	Financial – Matters to do with Mr Fletcher's performance		
<b>Previous meeting references</b>	OCM 18 February 2024 – 12.1 2302-05; OCM 22 May 2024 – 9.5 2405-07		
<b>Prepared by</b>	Sean Fletcher, CEO		
<b>Senior Officer</b>	N/A		
<b>Authorised by</b>	Sean Fletcher, CEO		
<b>Attachments</b>			
Attachment 1	Page	32	CEO KPI Report – August Quarter

#### PURPOSE

For Council to accept the quarterly update regarding the status on the progress of the CEO's KPIs.

#### BACKGROUND

Presented for Council is the August quarterly update regarding the KPIs for the Shire CEO, Mr Sean Fletcher (Refer to Attachment 1).

#### Current Provisions

- It is a requirement of the Act that CEO performance reviews are conducted annually.
- The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.
- Additional performance criteria can be used for performance review by agreement between both parties.

#### Future Amendments to the Act

The requirement regarding the publication of the CEO KPIs and performance report is yet to come into effect, but the author (as CEO) is happy for the agreed KPIs and quarterly reporting against these KPIs to be published in the ordinary council meeting agendas for information.

- To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:
  - be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period);
  - the KPIs and the results be published in the minutes of the performance review meeting (at the end of the period);
  - the CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs);



- o Councils will be able to seek the Chief Inspector's (The Office of the Inspector) approval not to publish a specific CEO KPI, if there is a clear public interest reason for doing so.

**KPI Process**

The current CEO's contract was agreed by Council and then signed by both parties, taking effect from 16 February 2023. Mr Fletcher successfully completed his probationary period during August 2023. He then had a successful performance review on 18 February 2024, where both parties agreed to 14 KPIs spread across six Key Result Areas (KRAs) as follows:

1. Provide High Quality Governance and Service level from the Shire to Residents and the Community.
2. Ensure the Sustainability of the Shire's Finances
3. Manage Infrastructure Assets Managed and Maintained at Set Service Levels
4. Ensure the operational effectiveness, efficiency, and safety of the organisation through a positive work culture
5. Ensure the Shire's Strategic Priorities are implemented as per adopted outcomes of the Integrated Planning and Reporting (IPR) process.
6. Ensure effective Communication with Council, Staff, Residents, and the Public

Mr Fletcher provided the first quarterly CEO KPI update at the May 24 OCM.

**COMMENT**

Mr Fletcher is acting in good faith with the report that he has prepared. The status of the 14 KPIs is summarised as follows:

Completed/ On track: 70 – 100%	<b>3</b>	Monitor: 50 – 69%	<b>8</b>	Underway: 1 – 49%	<b>2</b>	Not Started: 0%	<b>1</b>
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It should be noted that KPIs 7 (40% or Underway), 8 (75% or Ontrack) and 10 (50% or Monitor) have two sub- KPIs each:

- 7A = 80% achieved
- 7B = Not Started
- 8A = 100% achieved
- 8B = 50% achieved
- 10A = 50% achieved
- 10B = 50% achieved

The following KPIs have been completed (and by the due date):

1. Results of the annual Department of Local Government Compliance Return (CAR) submitted to Council.
3. Ensure Budget is presented to Council for adoption.

The following sub-KPIs are on-track (near completion) or completed:

- 7A. Asset Management Strategy and Policy reviewed/ developed - by September 2024.
- 8A. Staff Survey Results reported by June 2024 (Completed)

KPI 12 regarding the CEO Communication Policy has not commenced as this is waiting for the model to be legislated (hopefully by year's end). In terms of communication generally, the following is in place:

- Weekly updates from the CEO to councillors;
- Monthly briefing sessions with information presented to Council by the Senior Management Team;
- Implementation of the Attain Portal which allows Councillors to complete their statutory returns on-line;
- Implementation of the Council First Portal which allows Councillors to access briefing notes and meeting agendas with ease.

All KPIs at the Monitor Level are at a good level of achievement, between 50 – 66%.

KPI 9 is at the Underway status as data has yet to be received on the Lost Time Injury Report and the WHS assessment of the Shire is not due until September/October.

## **CONSULTATION**

Appropriate staff that assist the CEO deliver key outcomes.

## **STATUTORY CONTEXT**

### **Local Government Act**

#### 5.38. Annual review of employees' performance

(b) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.

(3) A review under subsection (1) must be conducted at least once in relation to each year of the person's employment.

#### 5.39 Contracts for CEO and Senior Employees

(b) Subject to subsection(1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section (1a) refers to acting CEOs, who are staff may perform this role for up to 12 months without a contract.

(2)(b) A CEO's contract cannot exceed 5 years and (4) is renewable.

(7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.

(8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

The KRAs (key performance indicators) form part of the CEO's contract and are the basis of the annual assessment of the CEO.

**CORPORATE CONTEXT****Strategic Community Plan and Corporate Business Plan**

Strategy 5.4: Measures to improve organisational efficiency

- 5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

**Policy 2.6: - Standards for CEO Recruitment, Performance and Termination****Division 3 – The Adopted Standards – Broad Framework****16 Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO **must agree** on —
- (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

**17 Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**18 Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**19 CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

**Risk Management**

The Risk is Council and the CEO failing to undertake an annual performance review.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
<p><b>Compliance</b></p> <p><b>CEO performance review must be conducted annually</b></p> <p>The standards regarding the CEO performance review are based on the principles of fairness, integrity and impartiality</p>	<p>Extreme (5)</p> <p>Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers</p>	<p>Unlikely (2)</p> <p>The event could occur at some time (once in 10 years)</p>	<p>High (10)</p>	<p>CEO &amp; Council</p> <p>Risk acceptable with excellent controls, managed by routine procedures subject to annual monitoring</p> <p>Effective: Processes (Controls) operating as intended and / or aligned to Policies &amp; Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.</p>	<p>By Council and the CEO adhering to the CEO Standards, there is little chance of breaching the level of compliance required and so the mitigated risk is low.</p>

**FINANCIAL IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Absolute majority required: Yes

<b>2408-04</b>	<b>Officer Recommendation / Council Resolution</b>
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**Moved: Cr D Lovelock**

**Seconded: Cr S Woods**

That Council **ACCEPTS** the August 2024 Quarterly Report regarding the status of the KPIs for the Shire CEO, Mr Sean Fletcher.

**CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL**

CONFIRMED PUBLIC MINUTES

## 9.4 Proposed Reconfiguration of Crown Reserves 18203 & 18204 (Piawaning Recreation Reserve & Hall Site)

<b>File reference</b>	
<b>Report date</b>	20 August 2024
<b>Applicant/Proponent</b>	Shire of Victoria Plains
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	<ol style="list-style-type: none"> <li>1. Motion No.123/09 on 21 April 2009 – New Management Order for Crown Reserve 18204;</li> <li>2. Motion No.2106-11 on 23 June 2021 – Deferral of consideration of item 8.6 entitled 'Proposed Amalgamation &amp; Change of Purpose of Crown Reserves 18203 &amp; 18204 including Powers to Lease (Piawaning Recreation Reserve &amp; Hall Site);</li> <li>3. Motion No.2108-08 on 25 August 2021 – Public Advertising; and</li> <li>4. Motion No.2206-12 on 22 June 2022 - Proposed Reconfiguration &amp; Change of Purpose of Crown Reserves 18203 &amp; 18204 including Powers to Lease (Piawaning Recreation Reserve &amp; Hall Site)</li> </ol>
<b>Prepared by</b>	Joe Douglas – Town Planner
<b>Senior Officer</b>	N/A
<b>Authorised by</b>	Mr Sean Fletcher – CEO
<b>Attachments</b>	Attachment 1 – Landgate Plans & Reserve Reports Attachment 2 – Proposed Boundary Reconfiguration Plan
<b>Page 63</b>	
<b>Page 73</b>	

### PURPOSE

Further consideration of a proposal to reconfigure the common boundaries between Crown Reserves 18203 and 18204 in the Piawaning townsite to resolve a building encroachment issue and provide for the coordinated management and use of both reserves for recreation and other community related purposes.

### BACKGROUND

Council has previously considered and resolved to proceed with the proposed reconfiguration of the common boundaries between Crown Reserves 18203 and 18204 in the Piawaning townsite to resolve a building encroachment issue associated with the Piawaning Hall and provide for the coordinated management and use of both reserves for recreation and other community related purposes.

In accordance with a directive received from Council following its June 2022 Ordinary Meeting a boundary realignment plan reflecting the local community's preferred configuration for the two reserves was prepared and forwarded to local community representatives for review and comment (see Attachment 2)

### COMMENT

The Shire's CEO has met with representatives from the Piawaning Progress Association and Piawaning Expo Incorporated to present and discuss the boundary realignment plan presented in Attachment 2 to this report. Both community groups subsequently advised the Shire via email they are fully supportive of and have no objections to the proposed boundary realignment plan.

In light of this outcome it is recommended Council resolve to proceed with the proposed boundary realignment in accordance with the plan provided in Attachment 2 of this report and authorise the Shire Administration to prepare and lodge a formal submission to the Department of Planning,

Lands and Heritage requesting the Minister for Lands' approval pursuant to Part 4, Section 51 of the *Land Administration Act 1997*.

## CONSULTATION

Community consultation was undertaken in accordance with a previous resolution by Council on 25 August 2021 and a subsequent directive to the Shire's Chief Executive Officer following Council's June 2022 Ordinary Meeting which included public advertising via the Shire's website and local newsletter, correspondence to and meetings with the local community and key representatives.

## STATUTORY CONTEXT

- *Land Administration Act 1997*
  - Part 4 - Reserves, Section 51 – Minister's powers to cancel, change purpose of or otherwise affect reserve.

## CORPORATE CONTEXT

### Integrated Strategic Plan 2022-2032

The proposal is consistent with the following elements of the *Shire of Victoria Plains Integrated Strategic Plan 2022 – 2032*:

- **Community**
  - Strategic Priority 1.2 - Inclusive community activities, events and initiatives.*
  - Strategic Priority 1.3 - Recreational, social and heritage spaces are safe and are activated.*
- **Economy**
  - Strategic Priority 2.3 - Visitors have a positive experience across our communities.*
- **Environment**
  - Strategic Priority 3.2 - Conservation of our natural environment and resources.*
- **Civic Leadership**
  - Strategic Priority 4.1 - Forward planning and implementation of plans to achieve community priorities.*
  - Strategic Priority 4.2 - Shire communication is regular, clear and transparent.*

## Delegation

Not applicable

## Policy Implications

There are no policy implications.

## Other Corporate Document

Not applicable

## Risk Analysis

In light of the outcomes from community consultation, the proposal's consistency with the aims and objectives of the Shire's *Integrated Strategic Plan 2022-2032* and local planning framework (i.e. Local Planning Scheme No.5), and the fact the boundary realignment process will be managed by the Department of Planning, Lands and Heritage in accordance with the procedural requirements of the *Land Administration Act 1997* and associated regulations if the Minister for Land's approves the proposal, the risks to the Shire are considered to be low.

### FINANCIAL IMPLICATIONS

All administrative costs associated with progressing this proposal are provided for in Council's annual budget.

### VOTING REQUIREMENTS

Absolute majority required: No

<b>2408-05 Officer Recommendation / Council Resolution</b>
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**Moved: Cr R Johnson**

**Seconded Cr S Woods**

That Council **RESOLVE** to proceed with the proposed reconfiguration of the common boundaries between Crown Reserves 18203 and 18204 in the Piawaning townsite in accordance with the plan provided in Attachment 2 of this report and authorise the Shire Administration to prepare and lodge a formal submission to the Department of Planning, Lands and Heritage requesting the Minister for Lands' approval pursuant to Part 4, Section 51 of the *Land Administration Act 1997*.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

CONFIRMED PUBLIC MINUTES

## 9.5 Proposed Amendment No.4 to Shire of Victoria Plains Local Planning Scheme No.5

<b>File reference</b>	
<b>Report date</b>	20 August 2024
<b>Applicant/Proponent</b>	Shire of Victoria Plains
<b>Officer disclosure of interest</b>	Nil
<b>Previous meeting references</b>	Nil
<b>Prepared by</b>	Joe Douglas – Town Planner
<b>Senior Officer</b>	N/A
<b>Authorised by</b>	Mr Sean Fletcher – CEO
<b>Attachments</b>	Attachment 1 – Preliminary Concept Plans
<b>Page</b>	75

### PURPOSE

This report recommends that Council resolve to initiate proposed Amendment No.4 to the Shire of Victoria Plains Local Planning Scheme No.5 to:

- i) change the current density coding applicable to a 4,321m<sup>2</sup> 'Residential' zoned portion of Lot 42 (No.52) Edmonds Street, Calingiri from R12.5 to R20; and
- ii) change the current zoning of the 8,476m<sup>2</sup> balance portion of Lot 42 (No.52) Edmonds Street, Calingiri from 'Residential' to 'Special Use' with the designated purpose 'Caravan Park and Tourism Development'.

### BACKGROUND

Further to instructions received from the Shire's Chief Executive Officer, this report has been prepared to provide for the initiation of a standard amendment to the Shire of Victoria Plains Local Planning Scheme No.5 to:

- i) change the current density coding applicable to a 4,321m<sup>2</sup> 'Residential' zoned portion of Lot 42 (No.52) Edmonds Street, Calingiri from R12.5 to R20; and
- ii) change the current zoning of the 8,476m<sup>2</sup> balance portion of Lot 42 (No.52) Edmonds Street, Calingiri from 'Residential' to 'Special Use' with the designated purpose 'Caravan Park and Tourism Development'.

Council has previously considered and resolved to progress the proposed development of ten (10) new residential lots as well as a caravan park and holiday cabins on the subject land to accommodate the future anticipated demand for new housing in the Calingiri townsite as well as a new caravan park and tourist development (i.e. cabins) to replace the existing caravan park which is constrained due to its limited size and location in the centre of the Calingiri townsite.

### COMMENT

Lot 42 (No.52) Edmonds Street, Calingiri is currently classified 'Residential' zone in the Shire of Victoria Plains Local Planning Scheme No.5 with a density coding of R12.5.

Under the terms of the land's current R12.5 density coding any new residential lots created must comprise a minimum area of 700m<sup>2</sup> at an average of 800m<sup>2</sup> across all lots.

Under the terms of the land's current 'Residential' zoning classification the use classes 'Caravan Park' and 'Tourist Development' are not permitted.



Preliminary concept plans for the subject land have been prepared and endorsed by Council (see Attachment 1). These plans were used as a basis for a recent funding application to the Commonwealth government under its Housing Support Program which was subsequently approved to cover the cost of all the planning and design work required to secure all necessary approvals.

In order to implement the proposed development in accordance with the preliminary concept plans attached the following amendments to the Shire of Victoria Plains Local Planning Scheme No.5 are required:

- i) Change the current density coding applicable to a 4,321m<sup>2</sup> 'Residential' zoned portion of the property from R12.5 to R20 by amending the relevant Scheme Map accordingly; and
- ii) Change the current zoning of the 8,476m<sup>2</sup> balance portion of the property from 'Residential' to 'Special Use' with the designated purpose 'Caravan Park and Tourist Development' by amending the table in clause 21 of the Scheme Text and the relevant Scheme Map accordingly.

The proposed density code increase for the 4,321m<sup>2</sup> 'Residential' zoned portion of the property from R12.5 to R20 will allow for the creation of ten (10) new residential lots comprising a minimum area of 350m<sup>2</sup> at an average of 450m<sup>2</sup> across all lots which is consistent with the preliminary concept plans attached.

The proposed rezoning of the 8,476m<sup>2</sup> balance portion of the property from 'Residential' to 'Special Use' with the designated purpose 'Caravan Park and Tourist Development' is required to secure the long term use of the property for a caravan park and tourist development purposes (i.e. cabins) which is consistent with the guidance provided in the Western Australian Planning Commission's Position Statement entitled 'Planning for Tourism and Short-Term Rental Accommodation' published in November 2023.

Detailed investigations by Shire staff and consultants engaged to assist the planning, design and approval processes have confirmed the following:

- The land is suitable and capable of accommodating the proposed development and is not designated as being contaminated or flood prone;
- The proposed development will not give rise to any land use conflicts;
- The proposed development will not have any impact on any buildings or places of cultural heritage significance;
- The proposed development is capable of being served by all key essential service infrastructure subject to minor extensions and upgrades to power, water, telecommunications and wastewater disposal infrastructure;
- The land is served by sealed and drained local roads with only minor extensions and upgrades required to the local road network to provide direct access to the proposed new residential lots;
- Whilst the land is designated by the Fire and Emergency Services Commissioner as being bushfire prone, the bushfire risk is considered to be manageable if the proposed development is implemented in accordance with the specific requirements of State Planning Policy 3.7 entitled 'Planning in Bushfire Prone Areas' and the associated guidelines. A bushfire attack level (BAL) assessment and bushfire management plan will be prepared as required by a suitably qualified bushfire planning practitioner to help support and justify the scheme

amendment proposal.

Council should note any potential issues associated with the scheme amendment proposal will be considered and assessed in detail through the scheme amendment process which, if initiated by Council as recommended, will involve the following key steps following completion of all required documentation and plans:

- i) Referral to the Environmental Protection Authority for review and environmental clearance;
- ii) Referral to the Department of Planning, Lands and Heritage for approval to commence public advertising (i.e. community consultation and referrals to all relevant government agencies and essential service providers);
- iii) Community consultation for a period of 42 days including referral to all relevant government agencies and essential service providers inviting their feedback and comment;
- iv) Review and assessment of all submissions received and a further report to Council regarding the outcomes from public advertising and agency referrals, any key issues of concern raised and a recommendation regarding final adoption of the scheme amendment proposal;
- v) Referral to the Western Australian Planning Commission for review, assessment and determination with respect to a final recommendation to the Minister for Planning; and
- vi) Final determination by the Hon. Minister for Planning.

As can be seen from the above the process is comprehensive and affords significant opportunity for input by the local community, State government agencies and essential service providers.

### CONSULTATION

To be undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

### STATUTORY CONTEXT

- *Planning and Development Act 2005* – Part 5, Section 75 – Amending scheme.
- *Planning and Development (Local Planning Schemes) Regulations 2015* - Part 5 - Amending local planning scheme.

### CORPORATE CONTEXT

#### Integrated Strategic Plan 2022-2032

The proposal is consistent with the following elements of the *Shire of Victoria Plains Integrated Strategic Plan 2022 – 2032*:

- **Community**  
*Strategic Priority 1.2 - Inclusive community activities, events and initiatives.*  
*Strategic Priority 1.3 - Recreational, social and heritage spaces are safe and are activated.*
- **Economy**  
*Strategic Priority 2.1 - We understand traditional and emerging industries across the Shire.*  
*Strategic Priority 2.3 - Visitors have a positive experience across our communities.*
- **Environment**  
*Strategic Priority 3.2 - Conservation of our natural environment and resources.*
- **Civic Leadership**

*Strategic Priority 4.1 - Forward planning and implementation of plans to achieve community priorities.*

*Strategic Priority 4.2 - Shire communication is regular, clear and transparent.*

### Delegation

Not applicable

### Policy Implications

There are no policy implications.

### Other Corporate Document

Not applicable

### Risk Analysis

The risks associated with the scheme amendment proposal are considered to be low given the comprehensive process that must be followed pursuant to the specific requirements of the *Planning and Development Act 2005* and associated regulations in order to obtain the necessary approval.

### FINANCIAL IMPLICATIONS

All administrative costs associated with progressing this proposal are provided for in Council's annual budget and will be offset by the funding that has been made available to the Shire by the Commonwealth government under its Housing Support Program.

### VOTING REQUIREMENTS

Absolute majority required: No

<b>2408-06 Officer Recommendation / Council Resolution</b>
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**Moved: Cr S Woods**

**Seconded: Cr R Johnson**

That Council **RESOLVE** as follows:

1. That the local government, pursuant to section 75 of the *Planning and Development Act 2005*, **AMEND** the Shire of Victoria Plains Local Planning Scheme No.5 by:
  - i) Changing the current density coding applicable to a 4,321m<sup>2</sup> 'Residential' zoned portion of Lot 42 (No.52) Edmonds Street, Calingiri from R12.5 to R20 by **AMENDING** the relevant Scheme Map accordingly; and
  - ii) **REZONING** the 8,476m<sup>2</sup> balance portion of Lot 42 (No.52) Edmonds Street, Calingiri from 'Residential' to 'Special Use' with the designated purpose 'Caravan Park and Tourist Development' by amending the table in clause 21 of the Scheme Text and the relevant Scheme Map accordingly.
2. The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
  - i) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
  - ii) The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

3. **AUTHORISE** public advertising of the proposed amendment in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes following receipt of written notification of the Environmental Protection Authority’s determination pursuant to section 48A of the *Environmental Protection Act 1986* confirming the proposal is environmentally acceptable and approval from the Minister for Planning thereafter to commence public advertising.

**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

<b>Vote For</b>	<b>Vote Against</b>
Cr P Bantock	
Cr S Woods	
Cr D Lovelock	
Cr R Johnson	
Cr S Penn	

CONFIRMED PUBLIC MINUTES

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION**

*Admitted by resolution of Council*

Nil

**12. MEETING CLOSED TO PUBLIC**

N/A


**13. CLOSURE OF MEETING**

There being no further business, the Presiding Member declared the meeting closed at 2.24 pm.

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**CERTIFICATION**

These minutes were confirmed at the Ordinary Council Meeting held on 25 September 2024.

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

Date 23 October 2024.

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

**CONFIRMED PUBLIC MINUTES**