



AGENDA

Ordinary Council Meeting

23 November 2022

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

Commencing – 2.00pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

Ordinary Meeting of the Victoria Plains Shire Council
To be Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 23 November 2022 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by Shire President

2. RECORD OF ATTENDANCE

Members present

Staff attending

Approved leave of absence

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
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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.

4.1 Public Questions With Notice

Public Question Time was opened to the floor at

Public Question Time – Ordinary Council Meeting –

4.2 Public Questions Without Notice

Public question time closed at

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

5.2 Deputations

6. APPLICATIONS FOR LEAVE OF ABSENCE

PUBLIC AGENDA

7. MINUTES OF MEETINGS**7.1 Confirmation of Council Meeting Minutes**

Officer Recommendation

Moved:**Seconded:**

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 26 October 2022,*

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

For / Against

PUBLIC AGENDA

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement – October 2022**

File reference			F1.8.4
Report date			15 November 2022
Applicant/proponent			Nil
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Glenn Deocampo – Coordinator Financial Services
Senior Officer			Colin Ashe – Manager of Finance and Administration
Authorised by			Sean Fletcher – Chief Executive Officer
Attachments			
Attachment 1	Page	2	Schedule – in the Attachments to Agenda

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

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	
4. CIVIC LEADERSHIP			
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
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 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

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for October 2022 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**	11450 – 11526	428,820.59
Creditor Cheque Payments	12569 -12570	342.75
Direct Debit Payments**	DD13659-DD13690	43,421.20
Salaries & Wages EFT	PE 12/10/22, PE 26/10/22	107,402.66
Credit Card–Bendigo Bank-	DD13682.1	1,982.03
	DD13682.2	3,177.26
Fuel Card – Wright Express	DD13682.3	405.04
		343.01
Trust Payments		0.00
	TOTAL	\$585,894.54

Local Spending	\$	%
Local Supplier	18,505.53	3.16
Payroll	107,402.66	18.33
Total	125,908.19	21.49

**includes salary and wages deductions, and SGC

For _____ / Against _____

8.2 Monthly Financial Statements – October 2022

File reference	
Report date	16 Nov 2022
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Colin Ashe, MFA
Authorised by	Sean Fletcher, Temporary CEO
Attachments	
Attachment 1	Page 12 Monthly Financial Statements – 31 Oct 2022

PURPOSE

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

BACKGROUND

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

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

COMMENT

The Oct 2022 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2 with some budget re-phasing such as Disaster Recovery Funding Arrangements WA (DRFA-WA) for AGRN 962 being actioned which allowed for better analysis, revealing further adjustments required to be made.

Variances are still primarily due to a combination of budget phasings and timing. Some Tenders and Requests for Quotes (RFQ) on larger expenditure items have been issued and Council will start to see capital infrastructure projects progress in due course. Variations specifically are attributable to:

INCOME:

- a) Fire Mitigation Activity (\$250k) has yet to be commence in terms of expenditure and noting this income is a direct (one for one) offset grant.
- b) Town Planning Applications and Private Works have not generated the income forecast to date but has a direct relationship to current economic conditions, i.e. building activity is in a reduced state of applications and there has been limited approaches to undertake private works.
- c) As interest rates increase through the Reserve Bank policy, it has also increased earnings to council through its investments and cash holdings.

- d) Transport commissions will require a budget adjustment due to NIL activity in this service.
- e) Physical disposals of Plant and Equipment have occurred and this variance is merely a timing issue of undertaking the accounting treatment.

EXPENSE:

- f) Employee costs, primarily for CEO payout ahead of phasing and overall will need to be monitored. Analysis has occurred in this activity and will be subject to budget adjustment in Dec 22.
- g) Whilst major purchases in materials and contracts for capital infrastructure are yet to be expended, there has been a need to engage and extend some contracts due to staff vacancies and to progress SCP and CBP activities.

Other activities of interest include;

- h) \$725,966 has been transferred to Restricted Funding for WSN.
- i) Capital Road Construction Infrastructure activity has yielded expenditure of \$325,474 primarily on Mogumber - Yarawindah Road.
- j) Progress payment on the Bolgart Caravan Park Toilet Block amounting to \$32,098.
- k) A number of Plant and Equipment items were disposed of through Pickles Auctions and whilst some of the monies have been received, the shire is still to receive a full remittance advice on the sale price of each item which included a box trailer, Nissan Navara Utility, 6KVA Diesel generator, Volvo Loader and Air Compressor. Accounting treatment (i.e. Profit or Loss on Disposal) will occur during Nov 22.
- l) A further \$144,818 was received from rates during the month meaning 70% of rate income has been received with \$973,182 currently outstanding, mostly on instalments.
- m) \$1.748m in the Municipal fund bank account.

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN	
4. CIVIC LEADERSHIP			
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

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **RECIEVE** the 31 Oct 2022 Monthly Financial Reports as presented.

For ____ / Against ____a

8.3 Financial Management 22-23 – Write off of Debtors

File reference			
Report date			16 Nov 2022
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Ericha McClurg, Payroll and Debtor Officer
Senior Officer			Colin Ashe, MFA
Authorised by			Sean Fletcher, Temporary CEO
Attachments			
Attachment 1	Page	2	Confidential - Memo from Shire Planner re Menzies Quarries Debt.

PURPOSE

To write off debtors that are assessed as either not recoverable or the cost to pursue will exceed the recoverable amount.

BACKGROUND

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

COMMENT

Council approved the write off of a number of long-standing debtors in Sep 22, which through analysis, process was not followed, or the debt not pursued in a timely fashion. Council were advised there would be a likely need to undertake further write offs once circumstances and in-depth investigation was undertaken, particularly on some of the larger amounts outstanding. The following information is provided as a summary:

Debtor	Amount (\$)	Debt Age (Days)	Description	Comment
Five Roads Cafe	1,745.74	718	Rent and Electric charger from July 2020 to Feb' 2021	Whilst there is a lease agreement in place until 30 Jun 23, this business is no longer operating with the last payment made on 13/08/2020 for electricity charges from Feb 2020 to June 2020
Menzies Quarries	17,103.90	503	Sales of gravel ex quarries: extraction of 64,962 tonnes (2019) and 136,115 tonnes (2020)	Council were provided background information by way of Memo (attachment 1 herewith), and drafted by the Shire Planner, at the February 2022 Briefing Session, with a recommendation not to pursue this debt as recovery was unlikely and legal costs would be excessive. This debt write off is yet to be formalised by Council.

Debtor	Amount (\$)	Debt Age (Days)	Description	Comment
Sharlene Hankins	3,055.00	321	New Fence at 14/16 Yulgering Road	Payment has not been forthcoming due to conflicting information provided to the vendor of the old fence containing asbestos. CEO confirmed this debt should be pursued.
Michael Stock	500.00	402	Private Works	Original discussions in Sep 22 with Mr Stock agreed to pay this amount against the original debt which was subsequently reneged. WSM inspected the crossover advising it was well below standard and recommended this debt should not be pursued.

Table 1 - Aged Debtors

As illustrated in the table, whilst most of these debts are long standing and should have been addressed earlier, the positive is that there may only be 1-2 more that may need council approval for write off.

Processes are now in place where council policy and correct procedure is being followed.

CONSULTATION

CEO

WSM

Town Planner

STATUTORY CONTEXT

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

CORPORATE CONTEXT

Delegations Register –

3.6 - Write off of rate and sundry debts.

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES		WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP		
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

- N/A

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Financial Impact	Minor (2) \$10,000 - \$25,000	Unlikely (2) The event could occur at some time	Possible (3) The event should occur at some time	Operational Manager Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Policies and processes including sound agreements and follow up will ensure residual risk is acceptable.

FINANCIAL IMPLICATIONS

The write off of these debts will negatively affect the cash outcome of the shire's finances to an amount of \$22,404.64 and will be listed as part of the budget review in Dec 22 to ascertain the overall strategic impact.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

Officer Recommendation / Council Resolution

Moved Cr _____

Seconded Cr _____

That Council **WRITE OFF** long standing amounts owed (as below), due to unlikely debt recovery versus cost pursuing:

Five Roads Cafe	\$1,745.74
Menzies Quarries	\$17,103.90
Sharlene Hankins	\$3,055.00
Michael Stock	\$500.00
Total	\$22,404.64

For ____ / Against ____

8.4 Applications for Development Approval & Extractive Industry License – Proposed Extractive Industry (Gravel Quarry) on Lot 32 (No.138) Burnett Road, Yarawindah

File reference	TBC
Report date	17 November 2022
Applicant/Proponent	B&J Catalano Pty Ltd under authority from Wourie Pool Pty Ltd (Landowner)
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Mr Joe Douglas – Town Planning Consultant
Senior Officer	N/A
Authorised by	Mr Sean Fletcher – Acting CEO
Attachments	
Attachment 1 - Page 42	Extractive Industry Application & Environmental Management Plan (EMP) - Lundstrom Environmental Consultants Pty Ltd, June 2022 (Version No.0.2 - Final)

PURPOSE

Consideration and final determination of development and extractive industry licence applications for a proposed new extractive industry (i.e. gravel quarry) on Lot 32 (No.138) Burnett Road, Yarawindah.

BACKGROUND

The applicant has submitted comprehensive development and extractive industry licence applications seeking Council's approval to establish and operate an extractive industry (i.e. gravel quarry) on Lot 32 (No.138) Burnett Road, Yarawindah. Full details of the application, including supporting documentation and plans, are provided in Attachments 1 and 2.

The application proposes the establishment and operation of a gravel quarry on a previously cleared 27.1 hectare portion of Lot 32 with all access via the old alignment of Great Northern Highway immediately east, Burnett Road immediately south and the new alignment of Great Northern Highway further east.

Council should note the land has previously been the subject of gravel extraction works by Main Roads WA for road construction purposes which was exempt from the requirement for development and extractive industry licence approvals from the Shire.

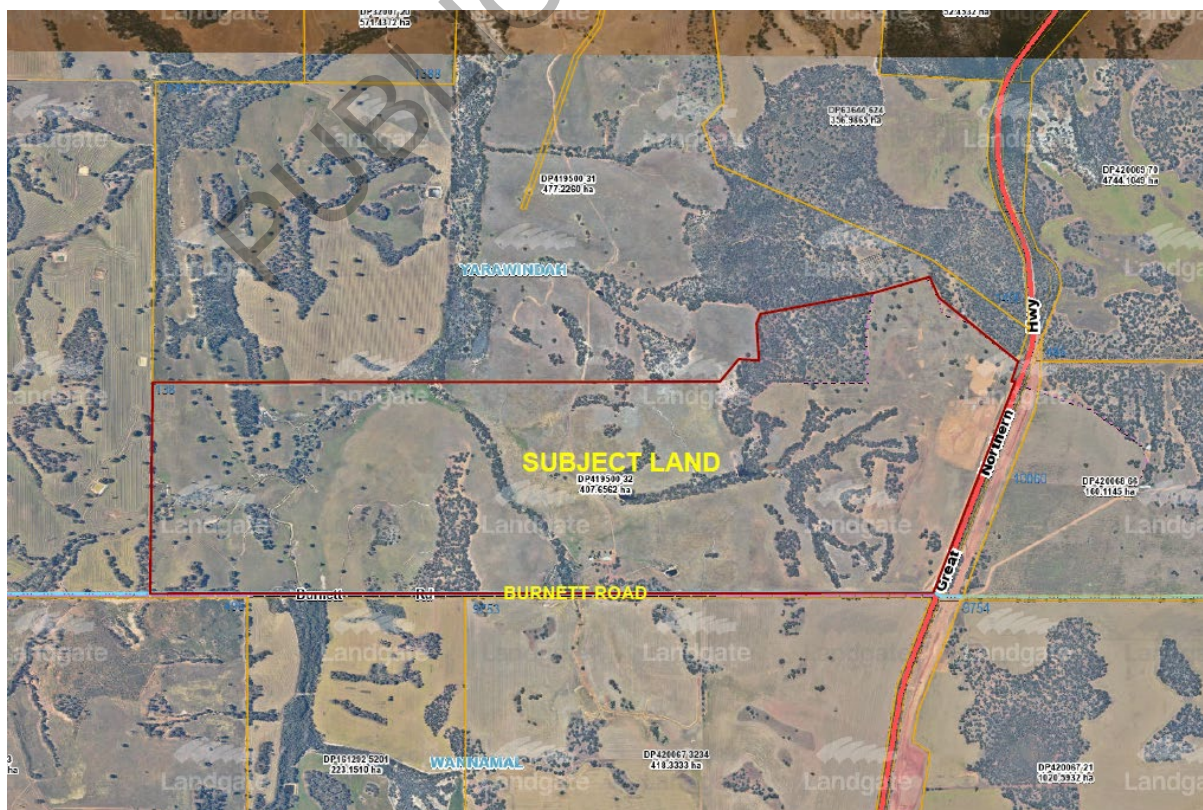
The proposed gravel quarry will operate Monday to Friday from 6.30am to 6.00pm and on Saturday from 6.00am to 12.00pm midday. A total of 4,167 tonnes of gravel is proposed to be extracted, crushed, screened and transported from the subject land on a monthly basis depending upon demand (i.e. 50,000 tonnes annually). The applicant estimates a total of 250,000 tonnes of gravel will be extracted from the land to a depth of approximately two (2) metres over the next five (5) year period. The proposed development is expected to have an overall life span of up to eighteen (18) years with further extractive industry license applications to be submitted to Council for consideration and determination after the initial five (5) year approval period currently being sought expires.

Council should note all areas the subject of the proposed gravel extraction works will be decommissioned and rehabilitated in a staged manner during each approval term to allow for their continued use for broadacre agricultural purposes with the majority balance portion of the land thereafter.

Lot 32 is located approximately 12 kilometres south-east of the Mogumber settlement in the locality of Yarawindah. The subject land comprises a total area of approximately 407.65 hectares and has direct frontage and access to Burnett Road along its southern boundary which is an unsealed local road under the care, control and management of the Shire of Victoria Plains. Access to the land is also available via its frontage to the old sealed and drained alignment of Great Northern Highway immediately east which is currently under the care, control and management of Main Roads WA. It is expected responsibility for this portion of Great Northern Highway will be transferred to the Shire soon following completion of the Great Northern Highway realignment works further east by Main Roads WA.

The subject land is gently-to-moderately sloping in the most part, with steeper slopes in its north-eastern segment. It is predominantly cleared throughout with numerous small-to-medium sized stands of native vegetation on the fringes of intermittent creek lines and steeper slopes that have been retained for environmental management and conservation purposes.

The property has been extensively developed and used for broadacre agricultural purposes (i.e. cropping & grazing) for many years and contains a number of associated improvements including large open paddocks, numerous dams, vehicle access tracks as well as boundary fencing and firebreaks. It also contains a single storey dwelling in good habitable condition located centrally in its southern segment as well as a small outbuilding (i.e. shed) for general storage purposes immediately west, both of which are well removed from the proposed new extractive industry operations.



Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining and other nearby land uses are predominantly rural in nature and comprise broadacre agricultural activities (i.e. cropping & grazing) on lots of varying size. The nearest dwelling is located immediately north on Lot 31 (No.10039) Great Northern Highway, Yarawindah however it is currently vacant, in a poor state of repair and not habitable.

Lot 32 does not contain any buildings or places of cultural heritage significance and has not been designated as being flood prone. Large portions of the land have however been designated by the Fire and Emergency Services Commissioner as being bushfire prone, including small portions of those areas where the gravel extraction works are proposed to be undertaken. Notwithstanding this fact, a bushfire attack level (BAL) assessment and bushfire management plan are not required in support of the application based on guidance provided in the Western Australian Planning Commission's latest *Guidelines for Planning in Bushfire Prone Areas* as they apply specifically to extractive industries undertaken in open cleared areas where no habitable structures are proposed to be constructed.

COMMENT

Lot 32 is classified 'Rural' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).

Council's stated objectives for the development and use of any land classified 'Rural' zone are as follows:

- i) To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality;
- ii) To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning;
- iii) To protect the land from closer development which would detract from the rural character and amenity of the area; and
- iv) To prevent any development which may affect the viability of a holding.

The development and/or use of any land classified 'Rural' zone for the purposes of an extractive industry, which by definition includes the extraction of basic raw materials such as gravel, is listed in the Zoning Table of LPS5 as being a discretionary (i.e. 'D') use meaning it is not permitted without Council's development approval.

An extractive industry licence pursuant to the specific requirements of the Shire's *Extractive Industries Local Law 2018* is also required prior to the commencement of development, with renewals required on a yearly basis for the life of any proposed extractive industry use.

The applications have been assessed with due regard for all relevant elements of the Shire's local planning framework including Local Planning Strategy, LPS5, local planning policies and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as the Shire's *Extractive Industries Local Law 2018*. This assessment has confirmed the proposal is generally consistent with the Shire's strategic aims as well as the objectives of the land's current 'Rural' zoning classification in LPS5 and is compliant, or capable of compliance, with the following planning and local law requirements:

- Location and siting including access to the local and regional road network, setbacks to intermittent water courses and natural drainage lines, protection of visual landscape character and amenity, and minimum buffer separation distance requirements to existing sensitive land uses (i.e. single houses);

- Land capability and suitability;
- Land use compatibility including the preservation of productive agricultural land and continuation of broadacre farming;
- Environmental protection and conservation including native flora and fauna, surface and sub-surface water resources, noise, dust, odour, dieback and weed management;
- Bushfire risk and stormwater drainage management;
- Heavy and light vehicle access arrangements including maintenance and repair of the local road network;
- Restoration and reinstatement of the land following completion of all proposed gravel extraction works; and
- Public liability insurance and certification from a licensed surveyor.

Notwithstanding the above conclusion, Council should note the following key points when considering and finally determining the applications:

Heavy Vehicle Access

The applicant proposes to use RAV4 rated pocket road trains with a 55 tonne payload capacity approximately 80% of the time and RAV2 rated single semi-trailers with a 26 tonne payload capacity approximately 20% of the time for the life of the proposed quarry.

As previously mentioned above, a total of 4,167 tonnes of gravel is proposed to be extracted, crushed, screened and transported from the subject land on a monthly basis depending upon demand (i.e. 50,000 tonnes annually). This equates to approximately 10 heavy vehicle movements per day depending upon market demand (i.e. 8 x pocket road trains and 2 x single semi-trailers).

All heavy vehicle access to/from the proposed development will be via the old alignment of Great Northern Highway along the subject land's eastern boundary, Burnett Road to the south and the new alignment of Great Northern Highway further east. The applicant has confirmed 15% of the haulage destinations are to the north and 85% are to the south via the new alignment of Great Northern Highway.

The Traffic Impact Statement submitted in support of the application, a copy of which is provided in Attachment 1, confirms as follows:

- *The estimated traffic generation can be accommodated within the predicted capacity of the road network;*
- *The additional traffic generated by the proposed development is not considered likely to increase the likelihood of crashes to unacceptable levels;*
- *All roads have the appropriate RAV network for proposed operation at present;*
- *It is assumed the existing conditions set by Main Roads WA for use of the new Great Northern Highway and Burnett Road intersection by heavy vehicles will be removed due to the recent road upgrade works and RAV 4 movements will be permitted by Main Roads WA in all directions;*
- *There is sufficient sight distance at all intersections;*
- *Based on the predicted traffic volume, auxiliary lanes are not required at any intersections;*
- *An acceleration lane is not considered warranted; and*
- *All intersections are adequate for the proposed RAV 4 movements provided the extractive*

industry licensee/operator regularly monitors the new intersection between the old alignment of Great Northern Highway and Burnett Road and arranges for the repair and sealing of these roads as may be required if any damage occurs due to heavy vehicle movements associated with the proposed development.

Consultation with Main Roads WA has confirmed it is supportive of the proposed development and has no objections subject to the following conditions:

1. The extractive industry operator / licensee must make application to Main Roads WA Heavy Vehicle Services Division for the addition of the former alignment of Great Northern Highway to the appropriate Restricted Access Vehicle Network prior to the commencement of development; and
2. Transportation of materials from the site is not permitted until all new road intersection upgrade works currently being undertaken by Main Roads WA adjacent to the subject land as part of the Great Northern Highway road realignment project are completed in summer 2022/23 and suitable for use by Restricted Access Vehicles.

Road Maintenance Contributions

Given the proposed development will generate approximately 10 heavy vehicle movements on a daily basis, and possibly more depending upon market demand, and the fact the applicant will be the primary user of the old alignment of Great Northern Highway and this road's intersection with Burnett Road, it is considered reasonable to require the applicant to contribute towards the cost of maintaining the relevant sections of these roads for the life of the development.

The Traffic Impact Statement submitted in support of the application also supports and recommends that the applicant regularly monitor the new intersection between the old alignment of Great Northern Highway and Burnett Road and arranges for the repair and sealing of these roads as may be required if any damage occurs due to heavy vehicle movements associated with the proposed development.

It is contended the proposed development will generate the need for road maintenance works in the future and that the imposition of a condition requiring the applicant to fund the cost of these works is consistent with the principles that have been adopted, legally tested and applied by local and State government authorities to approvals granted under relevant legislation throughout Western Australia. It is therefore recommended that Council impose a suitable condition on any development approval that may ultimately be granted requiring the applicant to regularly monitor the condition of the old alignment of Great Northern Highway and this road's intersection with Burnett Road and arrange and fund the full cost of maintaining and repairing the relevant sections of these roads to the relevant standard as may be required in consultation with the Shire for the life of the development. Council should note this condition will be supported and reinforced by the requirements of clause 4.5(3) & (4) of the Shire's *Extractive Industries Local Law 2018* as they apply specifically to the maintenance and repair of roads associated with any approved extractive industry.

Council should note the imposition of a condition requiring a financial contribution towards the cost of maintaining and repairing the local road network based on the amount of gravel extracted from the land (i.e. a per tonne financial contribution) is considered unnecessary in this particular instance given the applicant will be the primary user of the relevant local roads and the additional burden and cost to the Shire of administering a condition of this type.

Security for Restoration & Reinstatement

Clause 3.7 of the Shire's *Extractive Industries Local Law 2018* enables Council to require that the licensee of any extractive industry operation provide the Shire with a bond, bank guarantee or other security, of a kind and in a form acceptable to the Shire, in or for a sum determined by Council, for the purposes of ensuring that an excavation site is properly restored and/or reinstated.

Having regard for:

- a) the location of the proposed gravel quarry on the subject land which is adequately screened from public view;
- b) the shallow depth of the proposed extraction works (i.e. up to 2 metres over 27.1 hectares);
- c) the fact the proposed excavation area is already cleared of native vegetation;
- d) all areas to be excavated are proposed to be restored and reinstated on a staged basis in accordance with a range of completion criterion, including ongoing monitoring during and 12 months after the approval term, to allow the land to continue to be used for broadacre agricultural purposes following completion of all gravel extraction works; and
- e) the applicant's legal obligation to undertake all restoration and reinstatement works as described in the application if it is ultimately approved,

it is considered unnecessary for Council to impose a condition on any extractive industry licence that may ultimately be granted requiring the applicant to provide the Shire with a bond, bank guarantee or other security in accordance with the abovementioned clause. The imposition of a condition along these lines is unlikely to have any real purpose or benefit and is therefore considered to be an unnecessary financial impost on the applicant.

Overall Conclusion

In light of all the above findings it is concluded the proposal for Lot 32 is comprehensive and well-founded, consistent with the aims and objectives of the Shire's local planning framework and therefore unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such, it is recommended Council exercise its discretion and grant conditional approval to the applications to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal, the relevant standards and requirements of the Shire's local planning framework, Extractive Industries Local Law and the recommendations received from Main Roads WA during the assessment process.

CONSULTATION

The development and extractive industry licence applications were advertised concurrently for public comment in excess of the minimum required period of 21 days. The advertising process included:

- i) publication of an advertisement in the Northern Valley News newspaper;
- ii) display of a public advertisement and all application documentation and plans at the Shire's Administration Centre in Calingiri and on the Shire's website; and
- iii) written correspondence to the owners and occupiers of all land within a 500 metre radius of the subject land as well as email correspondence to Main Roads WA and the Department of Water and Environmental Regulation inviting feedback and comment.

At the close of public advertising in late September 2023 one (1) submission was received from Mr Maxwell Smith, the owner of No.9754 Great Northern Highway, Wannamal, who advised he has no objections to the proposed development.

As previously advised above, Main Roads WA also confirmed it is supportive of the proposed development and has no objections subject to suitable conditions being imposed on any approvals granted by the Shire.

STATUTORY CONTEXT

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 9, Clause 67 – ‘Matters to be considered by local government’
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 3.2 – ‘Objectives of the zones’
 - Clause 3.3 – ‘Zoning Table’
 - Clause 4.7 – ‘Site and Development Requirements’
- *State Planning Policy 2.5 - ‘Rural Planning’*
 - Clause 5.9 – ‘Basic raw materials outside the Perth and Peel planning regions’
 - Clause 5.12 – ‘Preventing and managing impacts in land use planning’
- *Shire of Victoria Plains Extractive Industries Local Law 2018*

CORPORATE CONTEXT

- Shire of Victoria Plains Local Planning Strategy
- Works & Services Policy No.13.1 – *Road Reserves – Crossovers*
- Unclassified Policy No.16.1 – *Restricted Access Vehicles on Shire Roads*

Strategic Business Plan / Corporate Business Plan

The proposed development is consistent with the following elements of the *Shire of Victoria Plains Strategic Community Plan 2022 – 2032*:

2. Economy

Strategic Priority 2.1 - We understand traditional and emerging industries across the Shire;
Strategic Priority 2.2 - Safe and efficient transport network enables economic growth.

3. Environment

Strategic Priority 3.2 - Conservation of our natural environment and resources.

4. Civic Leadership

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

Delegation

Not applicable

Policy Implications

- Works & Services Policy No.13.1 – *Road Reserves – Crossovers*
- Unclassified Policy No.16.1 – *Restricted Access Vehicles on Shire Roads*

Other Corporate Document

Not applicable

Risk Analysis

The key risks associated with the proposed development include noise, dust, vibration, land degradation including dieback, flooding and weed infestation, heavy vehicle access and the associated wear and tear on the local road network which may give rise to traffic safety issues and extraordinary maintenance costs for the Shire.

All risks have been identified and assessed by the applicant, the Shire Administration and Main Roads WA and are considered to be low and therefore acceptable given the comprehensive planning undertaken to-date, various management and mitigation measures proposed, and wide range of statutory and regulatory controls available to minimise any potential negative impacts.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget and have been partially offset by the two (2) application fees paid by the applicant. All costs associated with the proposed development will be met by the applicant.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council resolve to:

1. **APPROVE** the **development application** submitted by B&J Catalano Pty Ltd under authority from Wourie Pool Pty Ltd (Landowner) to establish and operate an extractive industry (i.e. gravel quarry) on Lot 32 (No.138) Burnett Road, Yarawindah subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the proposed development is not substantially

commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.

4. All access to/from the proposed development shall be via the land's frontage to the old alignment of Great Northern Highway as shown on the plans submitted in support of the application unless otherwise approved by the local government.
5. Prior to the commencement of development the applicant shall provide written confirmation to the local government's Chief Executive Officer that it has obtained approval from the Main Roads WA Heavy Vehicle Services Division for the addition of the old alignment of Great Northern Highway to the appropriate Restricted Access Vehicle Network.
6. The transportation of gravel extracted from the subject land is not permitted until all new road intersection upgrade works currently being undertaken by Main Roads WA adjacent to the subject land as part of the Great Northern Highway road realignment project are completed and deemed suitable for use by Restricted Access Vehicles directly associated with the proposed development.
7. The applicant shall regularly monitor the condition of the old alignment of Great Northern Highway and this road's intersection with Burnett Road and arrange and fund the full cost of maintaining and repairing the relevant sections of these roads as may be required to the specifications and satisfaction of the local government for the life of the development. The applicant must advise the local government of its intention to undertake any maintenance and repair works, including details of those works and associated timeframes, prior to the commencement of any works.
8. In the event of any unforeseen or extraordinary damage to the local road network that may arise as a direct consequence of the transportation of gravel from the extractive industry operations on the subject land, including any failure to comply with the conditions of this approval, the local government reserves its right to serve notice requiring the applicant to arrange and pay for the required repair works within a designated period, or to undertake the repair works itself at its own cost where the local government's Chief Executive Officer, in consultation with the local government's Works & Services Manager, deems them to be urgent due to safety concerns and thereafter recover all costs incurred from the applicant. Any money payable to the local government by the applicant pursuant to the requirements of this condition shall be paid within thirty (30) days of issuance of a valid tax invoice unless otherwise agreed and approved by the local government.
9. The applicant shall immediately advise the local government in writing when each stage of restoration and reinstatement of the excavation site has been completed to allow for an inspection by the local government to determine and confirm if the completion criteria and overall objectives for the rehabilitation works described in the application have been suitably addressed and satisfied.
10. The applicant shall ensure suitable toilet facilities are provided on-site to accommodate the needs of all people employed on the land for the approved purpose unless otherwise agreed and approved by the local government.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government

to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.

2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
 3. The applicant / landowner is reminded of their obligation to ensure compliance with the *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all rural land with an area greater than 10 hectares to help guard against potential bushfire risk.
 4. Main Roads WA has confirmed a suitable RAV permit application is required to be prepared by the applicant and submitted to its Heavy Vehicle Services Division for consideration and determination prior to use of the old alignment of Great Northern Highway for the intended purpose.
 5. The Department of Water and Environmental Regulation has confirmed the proposal is likely to be categorised as a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987* and may therefore require a works approval from the Department to construct / install any crushing, screening and other equipment, mobile or otherwise, and a licence or registration to operate. It is recommended the applicant refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and if they have queries relating to works approvals and licences, to contact the Department directly at info@dwer.wa.gov.au or (08) 6364 7000.
 6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Victoria Plains Local Planning Scheme No.5 and may result in legal action being initiated by the local government.
 7. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted to the State Administrative Tribunal within 28 days of this determination.
2. **APPROVE** the **extractive industry licence** application submitted by B&J Catalano Pty Ltd under authority from Wourie Pool Pty Ltd (Landowner) to establish and operate an extractive industry (i.e. gravel quarry) on Lot 32 (No.138) Burnett Road, Yarawindah subject to the following conditions and advice notes:

Conditions

1. This extractive industry licence is issued to B&J Catalano Pty Ltd (i.e. the licensee) and shall remain valid until 30 November 2027.
2. An annual licence fee as per the local government's Schedule of Fees and Charges is payable to the local government by the licensee in advance by no later than 30 November each year for the term of the extractive industry licence approval. The fee payable on 30 November 2022 is \$1,500.00 excluding GST.

3. Prior to the commencement of development, and at all times thereafter, the licensee shall have and maintain a current public liability insurance policy naming the local government and indemnifying the licensee and the local government for a sum of not less than \$20,000,000 in respect of any one claim relating to the extractive industry operations on the subject land.
4. The licensee shall provide the local government with a copy of the public liability insurance policy taken out pursuant to the requirements of Condition 3 of this approval, within 14 days after issuance of that policy and shall provide to the local government evidence of policy renewal within fourteen (14) days of each policy renewal date.
5. Prior to the commencement of development a datum peg shall be established on the land by a licensed surveyor related to a point approved by the local government on the surface of a constructed public thoroughfare or other suitable land in the vicinity. A certificate from the licensed surveyor certifying the correctness of the datum peg and related reference point required by this condition shall be submitted to the local government within fourteen (14) days of establishment of the datum peg.

Advice Notes

1. The licensee is reminded of their obligation to ensure compliance with the specific requirements of the Shire of Victoria Plains *Extractive Industries Local Law 2018* as it applies, but not limited to, license renewals, variations and transfers, orders, prohibitions, blasting and cessation of operations.
2. A copy of the *Shire of Victoria Plains Extractive Industries Local Law 2018*, including any approved amendments, is available for inspection on the local government's website (www.victoriaplains.wa.gov.au). An electronic or hard copy of this local law, as amended, is also available from the local government on request subject to payment of any costs associated with providing this information.

For ____ / Against ____

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

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

File reference	2.3.1
Report date	16 November 2022
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider a matter regarding the Shire of Victoria Plains Citizen of the Year Awards (Australia Day Awards) 2023 under item 11.2.

BACKGROUND

Under section 5.23 (2)(b) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting the personal affairs of any person.

COMMENT

As there is no policy in place regarding the Australia Day Award process for the Shire of Victoria Plains, Council is required to conduct the Australia Day Award process and determine the recipients of the award(s).

CONSULTATION

CEO

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council close the meeting under section 5.23 (2)(b) of the Local Government Act to consider a matter under item 11.2 regarding the Shire of Victoria Plains Citizen of the Year Award Nominations 2023.

For / Against

**11.2 Community Citizen of the Year Awards (Australia Day Awards) 2023-
Confidential**

File reference			2.3.1.
Report date			16 November 2022
Applicant/proponent			CEO
Officer disclosure of interest			Nil
Previous meeting references			N/A
Prepared by			Council Meeting Officer and PACEO
Authorised by			CEO
Attachments			
Attachment 1	Page	3	Confidential - 2023 Awards Score Sheet

VOTING REQUIREMENTS

Absolute majority required: No

For ____ / Against ____

12. CLOSURE OF MEETING

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

CERTIFICATION

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

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

Date _____

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

PUBLIC AGENDA