



Minutes

Ordinary Council Meeting

24 April 2019

Bolgart Hall
Bolgart

Commencing – 2.00 pm

DISCLAIMER:

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

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

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

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

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

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Bolgart Hall, Bolgart
on 24 April 2019 commencing at 2.00 pm.

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting opened at 2.00 pm.

1.2 Announcements by presiding member

The Shire President welcomed Councillors, staff, consultants and visitors to the Meeting.

1.3 Announcement of visitors and presentations

The Shire President wished to record the great honour to welcome the Police Officers from Toodyay Police Station, including Senior Constable Gary Ferguson and Sergeant Dave Flaherty

2. RECORD OF ATTENDANCE

Members present

Shire President - Cr David Lovelock
Cr Pauline Bantock
Cr Andrew Broadhurst
Cr Jacqueline Corless-Crowther
Cr Jaymie King
Cr Stephanie Penn
Cr Neville Clarke

Staff attending	Chief Executive Officer – Ms Glenda Teede Executive Assistant – Mrs Julie Klobas Works and Services Manager – Mr Robert Edwards Governance Officer – Mr Niel Mitchell Environmental Health Officer – Mr Allan Ramsay Shire Planning Advisor – Mr Joe Douglas
Apologies	Nil
Approved leave of absence	None
Visitors	Senior Constable Gary Ferguson and Sergeant Dave Flaherty
Members of the public	Various Members of the Public were in attendance within the Gallery.

3. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
3.1	Financial	Nil
3.2	Proximity	<p>Cr J King declared a proximity interest in item 10.7, 'Request for Network 2.1 to 4.1 RAV Access on Seven Roads' as "<i>land on Goudge Road – Adjoining Land</i>".</p> <p>Cr J King declared a proximity interest in item 10.12, 'Calingiri and Goudge Roads Intersection – Truck Bay Dedication' as "<i>Resumed land farmed by Trust which I am a Director – Payment Received for Crop and Land</i>".</p> <p>Cr S Penn declared a proximity interest in item 10.12, 'Calingiri and Goudge Roads Intersection – Truck Bay Dedication' as "<i>Fowler Road</i>".</p> <p>Cr P Bantock declared a proximity interest in item 10.10, 'Request for Upgrade to TD (Tri Drive) 4.3 RAV Access on AgLime Route 2 Roads' as "<i>Land Owner adjoining Mogumber – Yarawindah Road</i>".</p>
3.3	Impartiality	Cr P Bantock declared an impartiality interest in item 10.4, 'Reserve 8588 Mogumber – Revocation of motion to make Report public' as " <i>Member of a non for-profit group who uses the Reserve 8588</i> ".

Cr P Bantock declared an impartiality interest in item 10.4, 'ALGA National General Assembly' as "Person wishing to attend event to be a voting Delegate".

4. PUBLIC QUESTION TIME

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

Public Question Time commenced at 2.04 pm.

4.1 Response to previous public questions taken on notice

Will and Candice Waters – (Question provided in writing at the 24 April 2019 OCM)

Q1 – Application for Development Approval – Proposed Transport Depot on Lot 301 (No.20) Yulgering Road, Calingiri. (Item 10.3).

'Myself and my wife Candice have made a submission for Planning Approval. Our submission is on today's Agenda. We have read the recommendations made by the Town Planning Consultant and note the Consultant has recommended approval for a two-year period. For us to move forward and have financial stability in purchasing the transport business and the industrial land, we require permanent approval.

1. Are there any other concerns regarding our application that needs clarification in order for you to support permanent approval?
2. How can we help you to amend this approval from a 2-year period to a permanent approval?'

The Shire President noted previous situations where applications have been approved, however conditions need to be viable. One way to achieve conditions being adhered to is to have a 2-year trial. He further advised that Council's advice was that a trial period would be prudent.

Mr Waters noted the security of a longer-term time frame.

Cr Coreless Crowther noted Council policy to encourage new business to the Shire.

No further questions were asked.

Public Question Time without Notice was opened to the floor at 2.09 pm.

4.2 Public questions without notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Mr Michael Stock – Bolgart.

Q1 Noted that he had attended the Shire Office on March 17, 2019 for a building licence for Lot 194 however stated that he was refused those application forms and that he then had to attend an Ordinary Council Meeting to access forms. He noted he had been called into Toodyay Police Station under the Mental Health Act and detained for a period of 21 days.

Shire President – what is your question?

Mr Stock – please rectify the Records in the Building Surveyor’s Office?

Shire President – We act on information provided to the Shire.

Cr Bantock – noted a point of order and advised this was a statement and not a question.

Shire President – requested Mr Stock to please resume his seat.

Mr Jim Kelly – Gillingarra and Botvarkel of Mogumber

Q1 Shire President how can you sit there and vote yes or no on the R codes of buildings and whether we should have permits when your buildings do not comply? When are you going to stop costing us money, because the Shire will not give us permission for storage on our 28 lots in Mogumber this has cost us close to \$21,000.

Cr Bantock noted a Point of Order.

Shire President - Point of Order - Noted he will not respond to personal questions and further that Council makes decisions on advice from its advisors and consultants.

Q2 Is the Shire pursuing the State Administrative Tribunal to stop us bringing those buildings back onto Lots in Mogumber?

The Shire President took that Question on Notice.

There was general discussion around this topic and the Shire President adjourned the meeting at 2.19pm to restore order.

Shire President resumed the meeting at 2.26pm.

Mr Colin Headland – Yued People and Yued Working Party

Q1 I find this very hard to “ask a question”. I have been on committees all my life and there needs to be background information presented for a question to be asked.

Shire President – please present your question.

Mr Headland - The report on Mogumber Reserve. The report has to come back to the 6 Yued People, then it goes back to Brad Goode, if wrong to be corrected, and then sent to the Yued People.

Shire President – what is the question?

Mr Headland – noted there is copyright to both the Shire and the Yued People in the Brad Goode Report.

Shire President – you have the right to review and make comment on the Report you have received.

Mr Headland invited the Shire to meet with the Yued Working party.

Shire President – noted the independent Report was prepared for the use of the Shire of Victoria Plains.

Mr Headland noted the research contained within the Report belongs to the Yued People and made note of the distribution method and how he was displeased with it going by email to Ms Mippy.

Mr Jim Kelly, Gillingarra and Botvarkel Pty Ltd of Mogumber

Q2. As one of the people involved in the report, why I haven't received a copy?

Shire President – Noted Report was distributed to SWALSC and the Yued Working Party.

Shire President - In Council's opinion, report prepared for the Shire.

Mr Kelly – advised that as soon as Report is available, he would like a copy and queried why the Shire hadn't distributed the report to those mentioned in the Report?

Shire President - have not received that advice from Lawyers representing Shire and SWALSC to publicly distribute and the matter was currently in the hands of the lawyers and further that Council resolution was for SWALSC and Yued Group to receive a copy of that report.

There was general discussion.

Cr Bantock – Noted a Point of Order.

Shire President – Requested Mr Kelly to resume his seat and noted that upon advice from lawyers, the Shire would distribute the Report.

Mr Michael Stock – Bolgart

Began an opening statement before he was asked to resume his seat.

Ms Glenda McGill – Bolgart

Q1 Welcomed the Shire to Bolgart. Would Council approve the purchase of 3 wall mounted soap dispensers here in Bolgart for the public bathrooms and noted that Toodyay has stainless steel dispensers.

Shire President - Noted this was a small however important health issue and assured there would be follow up regarding this matter.

Q2 Noted her disappointment at the Shire advocating the sale of Shire Community Care, especially for medical appointment uses and suggested an appeal for a volunteer drive. Discussed users covering cost of use of car and requested the Shire give the community an opportunity to discuss.

Shire President – noted the records of limited use by Shire Residents, however this matter would be addressed later on during the Agenda.

Mr Michael Stock – Bolgart

Q2. When will Council address the bonds issue of my mother?

Shire President – Thank you for the question.

Mr Stock - When will I get the money back?

Shire President – no evidence of that transaction. Please provide evidence of bonds paid.

Cr Bantock – noted Point of Order.

Shire President – requested Mr Stock to please sit down and advised that Council and staff will act on the legal documents provided to them.

There was further general discussion.

Shire President - Point of Order ruling. Noted question has been previously answered and will be investigated.

Mrs Pat Watson, Bolgart

Q1 What does one have to do to book the Community Car?

Shire President - Need to demonstrate that they have a licence and police clearance.

Q2 When staff use it, do they need to have a police clearance?

Shire President – advised yes to this question and noted that this matter would be addressed further at the agenda item.

A resident further noted that when she started the petition years ago for a Shire community use vehicle, there was no mention of people previously having to have a federal clearance.

Shire President – noted the Shire could extend trial period as to how community access the vehicle however made note of the insurance restrictions attached to use of the vehicle.

Mr Colin Headland – Yued People and Yued Working Party

Q2 Began an opening statement regarding Cr Bantock's involvement within the Report.

Cr Bantock – Noted a Point of Order.

Shire President – Council will meet in due course with the Yued People.

Mr Headland – noted he deals with a number of Shires on these types of matters.

Cr Bantock – Noted a Point of Order.

Shire President – stated that he was adjourning the meeting “for a further 10 minutes” at 2.49pm to restore order.

Shire President reopened the meeting at 2.56pm and declared public question time closed.

Mr Stock – rose from his seat, approached the bench, abused Councillors and staff and repeatedly questioned “why is this Council refusing to put my name on my receipts, why are you receipting my mother for my accounts” and was removed from Chambers by the Police Officers who were in attendance at this time.

Public question time closed at 2.56 pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

This item was brought back at 3.10pm after Item 7, Business Arising from Minutes.

1. Sergeant David Flaherty, Officer in Charge, Toodyay Police Station.

Thanked Shire staff and the Community for the invite to attend the Council meeting. Noted there was generally very little trouble in Bolgart and stated that he was always happy to attend community and indeed Council meetings and invited residents to approach him or his Officer's outside this Forum should the need ever arise.

The Shire President thanked Sergeant Flaherty and Senior Constable Ferguson for attending the Shire's Ordinary Council meeting, both of whom withdrew from the meeting at 3.11pm and did not return.

Cr Clarke withdrew from the meeting at 3.12pm, re-joining the meeting at 3.15pm.

5.2 Deputations

This item was brought forward at 2.57pm following Public Question Time.

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

Cr Bantock requested that in Item 13.1 (Reserve 8588 Mogumber - Ethnographic Survey Report), Resolution Number: 1903-21, of the Minutes of the OCM of 24 March 2019, that the following changes be made:

Remove the word “to” and replace with the word “and” between “investigation to research” and remove the word “the” between “and the other”.

1904-01 Officer Recommendation / Council Resolution
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Moved Cr A Broadhurst

Seconded Cr P Bantock

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

- Ordinary Council Meeting held 27 March 2019, with the changes made as requested by Cr Bantock.

CARRIED For 7 / Against 0

Business arising from Minutes

Shire President

- Toodyay Motor Cross Track – CEO advised the matter is ongoing. Shire of Toodyay refused the application for that development to go ahead and that there have been changes made to the original application and a report is being prepared for the people of Bolgart. Noted there were some issues regarding a Donga. Action item for follow up email to Planner at the Shire of Toodyay.
- Calingiri Gym opened on Wednesday April 2019 to the public for use.
- Mogumber Toilet Repairs time frame? Works and Services Manager noted estimated work completion date for end of May 2019.
- Question relating to Policy regarding Sick Leave. Noted this matter was being addressed by the CEO.
- Shire President noted Telstra put a cable under one of the Shire's Culverts and charged the Shire to move it – two quotes given by Telstra - \$30K Mogumber West or \$20K Toodyay -Bolgart.
- Shire President – have we applied for refund to Telstra for that?
- Works and Services Manager – noted this was a work in progress.

CEO – withdrew from the meeting at 3.02pm.

- Shire Housing – CEO noted this report is in progress.
- Building Space – meeting intended end of May 2019.
- Calingiri Garden Group – meeting intended between Councillors, CEO and community members.

8. MEMBERS QUESTIONS WITHOUT NOTICE

CEO returned to the Meeting at 3.05pm.

Cr Broadhurst – noted email received from Yerecoin Progress Association. (Amanda Walker of Yerecoin Traders).

Shire President – noted email will be considered. (Proposed for May 2019 Briefing Session).

Cr Penn – noted at the March 2019 OCM, Item 11 - Members Questions Without Notice, on Policy regarding use of Community Car, was to be brought to April 2019 OCM.

GO – part of recommendation is to dispose of car entirely.

Cr Penn – noted that she was disappointed that the Policy has not been presented.

Cr Corless-Crowther – Why are AK Evans using the Shire Grader?

WSM – to save money, as the Shire does not have an employee with the necessary experience, with the assistance of one of the Shire’s apprentices, works with AK Evans to undertake site excavation work.

9. PRESIDENT AND COUNCILLORS REPORTS

9.1 Councillors

This item was addressed after item 5.1, Presentations, at 1.13pm.

Cr Penn noted both herself and Cr Clarke attended a Suicide Prevention Committee presentation with Jo Drayton and one of the items discussed was establishing a Community Wellness Committee, such as the one that was successfully run in Moora who noted there can be a long-time frame to set up such a Committee.

Shire President – Noted on behalf of the Shire, that it would consider this, as these were important matters.

Shire president – noted Councillor attendance at the Grants Commission Hearing within the Shire recently and how the Grants Commission have permission to distribute funds throughout the State. The Commission put forward a well-received presentation.

9.2 Briefing Session

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

Authorised by		Glenda Teede, CEO	
Reports			
Report 1	Attachment Page No.	1	Chief Executive Officer
Report 2		3	Finance & Admin Manager / Finance Consultant
Report 3		4	Works and Services Manager
Report 4		5	Environmental Health Officer
Report 5		N/A	Community Development Officer
Report 6		7	Governance Officer

Report 7	11 Community Emergency Services Manager
Report 8	13 Planning Consultant

VOTING REQUIREMENTS

Absolute majority required: No

Note: This item was not presented at the Ordinary Council Meeting.

Officer Recommendation

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

10. REPORTS REQUIRING DECISION

10.2 Accounts for Endorsement

File reference	F1.8.4		
Report date	15 April 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	51 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts

- CEO authorised, subject to conditions
- compliance with legislation and procedures
- minimum of 2 signatories with varying level of authorisation

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
	No specific implications

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

1904-02 Officer Recommendation / Council Resolution
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Moved Cr J King

Seconded Cr A Broadhurst

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

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	7491 - 7604	889,236.98
Creditor Cheque Payments	12215 - 12222	2,116.39
Direct Debit Payments**	DD10932 – DD11011	91,867.08
Salaries & Wages EFT	PE 06/02/19- PE 20/02/19	103,905.39
Trust Payments	202 - 207	674.90
	TOTAL	\$1,087,800.74

**includes salary and wages deductions, and SGC

CARRIED For 7 / Against 0

10.3 Application for Development Approval – Proposed Transport Depot on Lot 301 (No.20) Yulgering Road, Calingiri

File reference	Yulgering Road, Calingiri		
Report date	16 April 2019		
Applicant/Proponent	William & Candice Waters under the authority of Mr Colin Robinson (Landowner)		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Mr Joe Douglas – Town Planning Consultant		
Authorised by	Glenda Teede - CEO		
Attachments			
Attachment 1	Page		Development application including a detailed written submission and supporting documentation and plans.

PURPOSE

Consideration and determination of a development application for a proposed new transport depot on Lot 301 (No.20) Yulgering Road, Calingiri.

BACKGROUND

The applicant has submitted a development application seeking Council's approval to develop and use Lot 301 (No.20) Yulgering Road, Calingiri for the purposes of a small-scale transport depot. Full details of the development proposal including a written submission and supporting documentation and plans are provided in Attachment 1.

Lot 301 is an irregular shaped lot located in a designated industrial area on the eastern edge of the Calingiri townsite. The land comprises a total area of approximately 1.0152 hectares and has direct frontage and access to Yulgering Road to the north via a 10 metre wide sealed and drained battleaxe leg. Lot 301 also has direct frontage to Campbell Street along its eastern boundary however there is no formal constructed access to this road from the land's boundary (i.e. a new driveway crossover would be required to facilitate access). It is significant to note both roads are under the care, control and management of the Shire of Victoria Plains.



Location & Lot Configuration Plan (Source: Landgate)

Lot 301 is gently sloping from north to south and has been extensively cleared and gravelled throughout its entire area as part of its original subdivision development back in 2003/2004 for industrial purposes. It is understood a small area in the eastern portion of the land is currently being used by the current landowner for general storage purposes and contains two (2) unauthorised sea containers associated with that activity. The majority balance portion of the land, which comprises some low level regrowth vegetation, has not been developed and is not being used for any specific purpose/s.

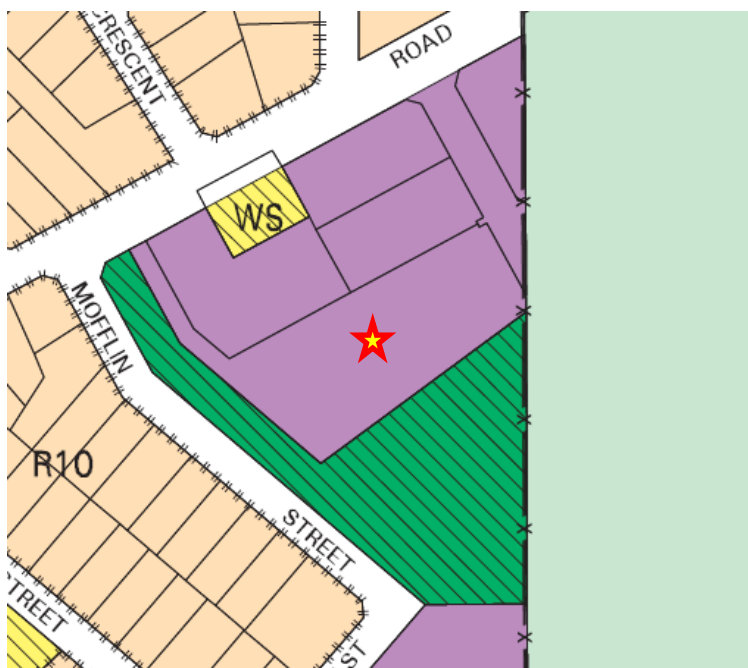
By virtue of its location in a well-established part of the Calingiri townsite, the land is served by a wide range of essential service infrastructure including power, water, telecommunications and stormwater drainage with effluent disposal required to be undertaken on-site using a suitable septic tank and leach drain system.

Existing adjoining and other nearby land uses include:

- Industrial development and a water supply reserve immediately north with the Yulgering Road reserve, low density residential development and a public recreation reserve beyond;
- The Campbell Street road reserve area with broadacre agriculture (i.e. cropping & grazing) immediately east and beyond;
- A public recreation reserve immediately south with undeveloped 'Residential' zoned lots and the Shire's works depot beyond; and
- A public recreation reserve immediately west with the Mofflin Street road reserve and low density residential development beyond.

COMMENT

Lot 301 is classified 'Industry' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).



Current Zoning Plan (Source: Local Planning Scheme No.5)

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

- i) To provide for general industry, the storage and distribution of goods and associated uses, which by the nature of their operations should be separated from residential areas;
- ii) To provide a location for diverse industries that would otherwise have a detrimental impact on the other uses in the town;
- iii) To provide a location where separate heavy vehicular access is provided; and
- iv) To provide a location for depots, warehouses, and large vehicle parking and servicing areas.

Under the terms of the Zoning Table in LPS5 the development and/or use of any land classified 'Industry' zone for the purposes of a 'transport depot', including the ancillary maintenance or refuelling of vehicles, the storage of goods brought to the premises by those vehicles and the transfer of goods or persons from one vehicle to another, is listed as being a discretionary (i.e. 'A') use meaning it is not permitted unless Council has granted development approval following completion of public advertising for a minimum required period of fourteen (14) days.

The application was advertised for public comment for a period of eighteen (18) days and included formal notification on the Shire's website and public display of the application documentation and plans at the Shire administration centre in Calingiri. At the completion of public advertising no written submissions had been received by the Shire either supporting or opposing the proposed development.

The application was subsequently assessed with due regard for the objectives and standards of the Shire's local planning framework including LPS5 and all relevant associated local planning policies as well as the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This assessment confirmed the proposal is consistent with the objectives of the land's current 'Industry' zoning classification and is capable of satisfying the following requirements:

- Vehicle access including traffic volumes and safety, heavy vehicle manoeuvring and parking, and loading/unloading areas;
- Wastewater and stormwater drainage management;
- Environmental and water resource protection;
- Storage, management and collection of waste;
- Storage and management of fuel;
- Visual amenity including streetscape and the location and screening of open storage areas;
- Bushfire risk management.

Notwithstanding the above conclusion, it should be noted Council is required to exercise discretion in relation to the following matters when determining the application:

i) Buffer to Sensitive Land Uses

The proposal for Lot 301 does not strictly comply with State Planning Policy No.4.1 (SPP4.1) entitled 'State Industrial Buffer Policy' and the Environmental Protection Authority's Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses', the proposed variation to which also requires Council's formal consideration and approval.

Under the terms of SPP4.1 and EPA Guidance Statement No.3 a minimum generic separation of distance of 200 metres is recommended between a transport depot and any sensitive land use/s to help guard against any potential noise, dust, odour and gaseous emissions. The application proposes the establishment and use of a transport depot on the eastern portion of Lot 301 with a minimum separation distance of approximately 140 metres to the nearest sensitive use being existing and future possible low density residential development along Mofflin Street to the west.

When considering this non-compliance issue Council should note the generic separation distances recommended by the EPA in Guidance Statement No.3 have been formulated to assist the determination of suitable distances between industry and sensitive land uses where industry may have the potential to affect the amenity of a sensitive land use. Council has the discretion to grant approval to a lesser separation distance to that recommended by the EPA where it is satisfied that a reduced buffer distance will not give rise to land use conflicts resulting from industrial emissions having regard for the circumstances of each case including the intensity of usage and any future proposed management regimes.

In this particular instance the reporting officer has concluded there is considerable scope for Council to vary and grant approval to a reduced buffer distance between the proposed transport depot and nearby sensitive land uses for the following reasons:

- a) The proposed use will be a small scale, low intensity operation involving the parking of one (1) prime mover and four (4) trailers only on land specifically zoned and subdivided to accommodate the movement and parking of heavy vehicles;
- b) The use will be conducted by the applicant as the owner/operator of the vehicles to be parked on the land and will involve two (2) heavy vehicles movements on a daily basis (i.e. one in the morning and one in the early evening) with a slight increase in daily traffic movements during the grain harvest period for refuelling purposes;
- c) The use will be confined to the eastern portion of the land at all times, with the exception

- of daily vehicle movements, to help minimise any negative impacts on the amenity of any nearby properties;
- d) A significant amount of landscaping is proposed to be planted in strategic locations on the land to help minimise any potential negative impacts; and
 - e) The proposal is not dissimilar to a number of other established transport depots in small country towns in the Wheatbelt Region of Western Australia in terms of its scale and nature of operations which have limited impact upon the amenity of existing sensitive land uses and not given rise to any serious land use conflicts when managed appropriately.

Should Council have any concerns with the proposed reduced buffer separation distance and potential impacts of the proposed use of Lot 301 on the amenity of the immediate locality, it has the option, under clause 72 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, of issuing a temporary approval limiting the period of time for which development approval is granted. Any temporary approval issued could be limited in the first instance to a one (1) or two (2) year period and renewed thereafter on a more permanent basis. This approach provides a degree of certainty to the applicant whilst also affording Council the flexibility to not grant any further approvals where any issues have arisen that remain unresolved. It is also considered reasonable given the proposed development requires minimal works, and therefore cost, and involves the use of moveable structures.

ii) Use of Sea Containers

The application for Lot 301 proposes the placement and use of one (1) x 40 foot long sea container along the land's northern side boundary and the use of two (2) existing unauthorised sea containers currently located in its eastern portion. All three (3) sea containers will be used for incidental storage purposes associated with the proposed transport depot.

Council's Local Planning Policy No.1 entitled 'Moveable Buildings' stipulates that development approval is required for the placement and use of sea containers in the Scheme Area. The policy expressly states Council will not permit the placement and use of sea containers within a townsite area other than in the areas classified 'Industry' zone and that when determining development applications for such development and usage it may impose conditions to protect the visual amenity of the urban environment, particularly non-industrial areas of a townsite.

The placement and use of three (3) sea containers on Lot 301 for incidental storage purposes is consistent with the requirements of Local Planning Policy No.1 in terms of the land's current 'Industry' zoning classification in LPS5 and may therefore be supported and approved by Council if it is satisfied the structures will not have any negative visual impacts on the amenity of the immediate locality.

Having regard for the location of Lot 301 in the Calingiri townsite in relation to the surrounding urban development, the land's configuration and topography, the existing and proposed siting of the sea containers on the land and the applicant's intentions regarding landscaping, it is considered highly unlikely the sea containers will have a negative impact on the visual amenity of the immediate locality.

Notwithstanding this conclusion, there is scope for Council to impose a condition on any

development approval issued requiring the applicant to ensure all sea containers on the land are of an acceptable visual standard by way of repairs and/or external painting.

iii) Boundary Setbacks

No minimum boundary setbacks are prescribed in Table 2 of LPS5 for any structures associated with the use class 'transport depot'. As such the minimum setback standards applicable to structures associated with any such use must be determined by Council in each particular case.

The site development plan submitted in support of the application for Lot 301 proposes the placement of three (3) x 2,000 litre fuel storage tanks and one (1) x 40 foot long sea container to be used for general storage purposes with a setback of three (3) metres from the land's northern side boundary.

In addition the two (2) existing unauthorised sea containers currently located in the eastern portion of Lot 301 have been sited on the land with setbacks ranging from 10 to 19 metres from its eastern boundary and 12 to 18 metres from its southern boundary.

Having regard for:

- a) the fire separation requirements of the National Construction Code;
- b) the relevant Australian Standards for above-ground fuel storage tanks of the size proposed;
- c) the land's location and the likely limited impact on the visual amenity of the immediate area; and
- d) Council's ability to impose a condition on any development approval issued requiring the applicant to ensure all sea containers are of an acceptable visual standard by way of repairs and/or external painting,

the proposed boundary setbacks for these structures are considered acceptable.

iv) Landscaping

No minimum landscaping area is prescribed in Table 2 of LPS5 for the use class 'transport depot'. As such the minimum required area of on-site landscaping for any such use must be determined by Council in each particular case.

The site development plan submitted in support of the application proposes the provision of 1,260m² of on-site landscaping consisting of but not limited to Alyogyne hakeifolia (Native Hibiscus), medium Callistemon 'Captain Cook', Cultivar Bottle Brush, medium sized Wattles, medium sized Grevillia & various other Cultivar. The landscaping has been designed to help screen the development from public view and will cover approximately 12% of the land's total site area.

Having regard for the minimum landscaping standards prescribed in Table 2 of LPS5 for the use classes 'Industrial-Service', 'Industrial-Light' and 'Industrial-General' which range from 10 to 15% of total site area, the proposal for Lot 301 is considered acceptable.

v) On-Site Parking

No minimum number of on-site car parking bays is prescribed in Table 2 of LPS5 for the use class 'transport depot'. As such the minimum amount of on-site parking for any such use must be determined by Council in each particular case.

The site development plan submitted in support of the application proposes the provision of two (2) designated on-site parking bays in the eastern part of Lot 301 along its northern boundary.

Having regard for the minimum number of on-site car parking bays prescribed in Table 2 of LPS5 for the use classes ‘Industrial-Service’, ‘Industrial-Light’ and ‘Industrial-General’ being one (1) bay for every two (2) people employed on any given property, the proposal for Lot 301 is considered acceptable.

In light of the above findings it is concluded the proposal for Lot 301 is generally consistent with the aims and objectives of the Shire’s local planning framework and is therefore unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality if implemented and managed appropriately. As such it is recommended Council exercise its discretion and approve the application subject to compliance with a number of conditions to ensure it proceeds in an orderly and proper manner.

CONSULTATION

Undertaken in accordance with the specific requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as explained previously above. Various discussions were also held with the applicant and landowner during formulation and preliminary assessment of the development proposal for the land.

STATUTORY CONTEXT

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 9, Clause 67 – ‘Matters to be considered by local government’
 - Schedule 2, Part 9, Clause 72 – ‘Temporary development approval’
- *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 4.1 - ‘State Industrial Buffer Policy’*
 - Clause 4.4 – ‘Compliance with environmental and planning criteria and ability to vary’.
- *EPA Guidance Statement No.3 – ‘Separation Distances between Industrial and Sensitive Land Uses’*
 - Appendix 1 – Recommended Separation Distances between Industrial and Sensitive Land Uses

CORPORATE CONTEXT

- Local Planning Policy No.1 – *Moveable Buildings* – Use of sea containers for general storage purposes.

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018:

2.	Economic – to improve and add to local economic development and activity
2.1	Examine opportunities to diversify the local economy through initiatives such as tourism

2.8	Develop a business and industry attraction strategy
4.	Infrastructure – to maintain / add to infrastructure used by the community
4.5	Improve facilities for trucks and drivers

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and associated administrative costs. All costs associated with the proposed development, including the relevant development application fee of \$295.00 which has already been paid, are the responsibility of and will be met by the applicant.

VOTING REQUIREMENTS

Absolute majority required: No

Note: Cr J Corless-Crowther moved an amendment to remove point 3 of the Officer's Recommendation to effectively remove the development approval period of (2) years to which the seconder agreed. After a Point of Order, it was confirmed by the Shire's Governance Officer, this was now an alternative motion.

Note: The Town Planner noted he took a conservative approach with this recommendation however with monitoring, any issues could be managed.

Officer Recommendation

That Council **APPROVE** the development application submitted by William & Candice Waters under the authority of Mr Colin Robinson (Landowner) to develop and use Lot 301 (No.20) Yulgering Road, Calingiri for the purposes of a small-scale transport depot 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 Council.
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 Council.
3. This development approval is valid for a period of two (2) years only from the date of issuance with a further development application and approval required thereafter to allow for continuation of the proposed 'transport depot' use for a longer term.
4. The approved 'transport depot' use shall be limited to the parking of one (1) prime mover and four (4) trailers only in the eastern portion of the land as shown on the site development plan unless otherwise approved by Council.
5. All storage associated with the approved use of the land shall occur within the three (3) sea containers shown on the approved site development plan. The open air storage of equipment, goods, machinery and/or materials on the land is not permitted unless otherwise approved by Council.
6. All proposed landscaping shall be installed on the land within six (6) months from the date of issuance of this approval and maintained thereafter for the duration of the approved development to the specifications and satisfaction of the Shire's Chief Executive Officer.

7. All wastewater and stormwater drainage on the land shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
8. Any solid waste generated by the approved use of the land shall be managed and disposed of at an appropriate, suitably approved landfill site.
9. The wash down of any trucks and/or trailers on the land shall be limited to their external surfaces only. The wash down of any mechanical components of the vehicles to be parked on the land or the internal surfaces of any trailers is not permitted unless a suitable wash down bay is provided on the land for disposal on-site in compliance with the *Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974*. An application pursuant to these regulations providing details of the size and location of the proposed wash bay, associated plant and treated wastewater disposal areas and all other required information shall be submitted to the Shire for consideration and determination prior to application for a building permit.
10. Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
11. The approved development shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire's Chief Executive Officer.

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 Shire 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 Shire'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 following requirements:
 - i) Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice as it applies specifically to all townsite land comprising an area greater than one (1) hectare to help guard against potential bushfire risk; and
 - ii) Shire of Victoria Plains Health Local Law 2003 (as amended).
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, suitable building applications must be submitted to and approved by the Shire's Building Surveyor for all existing and proposed structures on the land including the two (2) unauthorised sea containers. For further information please contact the Shire's Building Surveyor Mr Allan Ramsay on 9628 7004.
5. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements

must be submitted to the Shire with the required building applications.

6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. The proposed development is to comply with the requirements of the *Dangerous Goods Safety Act 2004*, the *Australian Dangerous Goods Code 2011* and *AS1940 – The Storage and Handling of Flammable and Combustible Liquids*. For further information please contact the Department of Mines, Industry Regulation and Safety on 9358 8002.
8. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Victoria Plains Local Planning Scheme No.5 unless otherwise approved by Council.
9. The applicant / landowner is advised that a caravan is not permitted to be placed and used on the land as a caretaker's dwelling for either permanent or temporary occupation as per the specific requirements of clause 4.8.1 of the Shire of Victoria Plains Local Planning Scheme No.5. As such the existing caravan on the land must be removed as soon as possible.
10. 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.
11. 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 within 28 days of the determination.

1904-03 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That Council **APPROVE** the development application submitted by William & Candice Waters under the authority of Mr Colin Robinson (Landowner) to develop and use Lot 301 (No.20) Yulgering Road, Calingiri for the purposes of a small-scale transport depot 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 Council.
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 Council.
3. The approved 'transport depot' use shall be limited to the parking of one (1) prime mover and four (4) trailers only in the eastern portion of the land as shown on the site development plan unless otherwise approved by Council.
4. All storage associated with the approved use of the land shall occur within the three (3) sea

containers shown on the approved site development plan. The open air storage of equipment, goods, machinery and/or materials on the land is not permitted unless otherwise approved by Council.

5. All proposed landscaping shall be installed on the land within six (6) months from the date of issuance of this approval and maintained thereafter for the duration of the approved development to the specifications and satisfaction of the Shire's Chief Executive Officer.
6. All wastewater and stormwater drainage on the land shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer.
7. Any solid waste generated by the approved use of the land shall be managed and disposed of at an appropriate, suitably approved landfill site.
8. The wash down of any trucks and/or trailers on the land shall be limited to their external surfaces only. The wash down of any mechanical components of the vehicles to be parked on the land or the internal surfaces of any trailers is not permitted unless a suitable wash down bay is provided on the land for disposal on-site in compliance with the *Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974*. An application pursuant to these regulations providing details of the size and location of the proposed wash bay, associated plant and treated wastewater disposal areas and all other required information shall be submitted to the Shire for consideration and determination prior to application for a building permit.
9. Any floodlights / security lights that need to be installed are not to be positioned or operated in such manner as to cause the light source to be directly visible to the travelling public or adjoining properties or cause annoyance to the surrounding area.
10. The approved development shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the Shire's Chief Executive Officer.

Advice Notes

12. 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 Shire 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 Shire's attention.
13. 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.
14. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements:
 - 7) Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice as it applies specifically to all townsite land comprising an area greater than one (1) hectare to help guard against potential bushfire risk; and
 - ii) Shire of Victoria Plains Health Local Law 2003 (as amended).
15. In accordance with the *Building Act 2011* and *Building Regulations 2012*, suitable building

applications must be submitted to and approved by the Shire's Building Surveyor for all existing and proposed structures on the land including the two (2) unauthorised sea containers. For further information please contact the Shire's Building Surveyor Mr Allan Ramsay on 9628 7004.

16. The proposed development is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building applications.
17. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
18. The proposed development is to comply with the requirements of the *Dangerous Goods Safety Act 2004*, the *Australian Dangerous Goods Code 2011* and *AS1940 – The Storage and Handling of Flammable and Combustible Liquids*. For further information please contact the Department of Mines, Industry Regulation and Safety on 9358 8002.
19. Any future proposed advertising signage shall be provided in accordance with the specific requirements of the Shire of Victoria Plains Local Planning Scheme No.5 unless otherwise approved by Council.
20. The applicant / landowner is advised that a caravan is not permitted to be placed and used on the land as a caretaker's dwelling for either permanent or temporary occupation as per the specific requirements of clause 4.8.1 of the Shire of Victoria Plains Local Planning Scheme No.5. As such the existing caravan on the land must be removed as soon as possible.
21. 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.
22. 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 within 28 days of the determination.

CARRIED For 7 / Against 0

Cr P Bantock declared an impartiality interest in this item due to “*person wishing to attend event and to be a voting delegate*”.

10.4 ALGA National General Assembly

File reference			
Report date	16 April 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page		None

PURPOSE

To consider nomination of Cr Bantock as a voting delegate to the Australian Local Government National General Assembly.

BACKGROUND

The ALGA National General Assembly will be held in Canberra from 16 to 19 June 2019.

The General Assembly meets to consider matters of interest and importance to local government across Australia, and also provides an opportunity to meet with Federal Parliamentarians and Commonwealth Government staff.

COMMENT

Cr Bantock has advised she is attending the General Assembly at her own expense. However, in order to be able to vote on motions presented, she needs to be an authorised delegate of the Council.

CONSULTATION

None

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Question - Cr Penn when Agenda to be released?

Joe Douglas withdrew from meeting at 3.25pm and did not return.

Cr Bantock noted she would be happy to have Councillors review agenda and provide direction.

CEO noted the 2019 ALGA Agenda will be made available to Councillors.

1904-04 Officer Recommendation / Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That Cr Bantock be authorised to vote at the 2019 ALGA National General Assembly on behalf of Council.

For 7 / Against 0

10.5 Policy Manual – deletions and additions

File reference			
Report date			16 April 2019
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Glenda Teede
Attachments			
Attachment 1	Page		Schedule of policies recommended for deletion
Attachment 2			Policies recommended for adoption – <ul style="list-style-type: none"> - 1.8 – Freeman of the Shire - 1.9 – Recording of Meetings - 1.10 – Enterprise Risk Management - 8.6 – Leave – Award entitlements

PURPOSE

To continue review of the existing Policy Manual compiled as at December 2017 and adopt new or revised policies.

BACKGROUND

The current Policy Manual is a mix of delegations, policy, administrative matters that needs thorough review and integration across the framework of legislation, authority and instructions applying and given by Council.

A detailed review is one of the matters identified by the Audit Committee on 21 March 2018, and subsequently directed by Council on 28 March 2018.

COMMENT

The old Policy Manual 2017 is undergoing detailed progressive review, and those policies that Council resolves should continue, amend or create will be transferred to the Policy Manual 2018 initiated on 16 May 2018. The two documents will need to be referred to while the review is in progress.

A brief explanation of reason for recommending the deletion of various policies is provided in the Schedule.

Specific policies presented for Council adoption are as follows –

- 1.8 – Freeman of the Shire
- 1.9 – Recording of Meetings
 - o Note that recordings of meetings are not to be deleted after minutes preparation, as they comprise records covered by the State Records Act and must be retained
- 1.10 – Enterprise Risk Management
 - o This will need to be supported by Risk Management Procedures, last revised by LGIS in 2018, and Risk Management Matrix to be reviewed by the Audit

Committee in May 2019

- 8.6 – Leave – Award entitlements
 - o Covers annual, long service and personal leave
 - o Personal leave includes sick leave but has a broader applications.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.2.7 – Role of council includes determining the local government’s policies

CORPORATE CONTEXT

Policy Manual 2017

- deletions

Policy Manual 2018

- additions

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

That –

- a) the policies as listed in the attached schedule be deleted; and
- b) the following policies be adopted as presented –
 - 1.8 – Freeman of the Shire
 - 1.9 – Recording of Meetings
 - 1.10 – Enterprise Risk Management
 - 8.6 – Leave – Award entitlements

Note: Shire Governance Officer brought the Councillors attention to a revised Officer Recommendation as noted below.

Cr Penn noted change in way of how Shire owned plant is managed. It was noted that Moore Stephens is going to create an Asset Management Plan for Council approval.

1904-05 Council Resolution

Moved Cr P Bantock

Seconded Cr A Broadhurst

That –

- a) in Policy Manual 2017 the policies as listed in the attached schedule be deleted, and the following policies also be revoked –
 - 1.6 – Freeman of the Shire,
 - 1.9.5 – Audio Recording of Council Meetings,

- 1.10 – Risk Management Policy; and
- b) In Policy Manual 2018 the following policies be adopted as presented –
 - 1.8 – Freeman of the Shire,
 - 1.9 – Recording of Meetings, and
 - 1.10 – Enterprise Risk Management

CARRIED For 7 / Against 0

Reasons for variation - to clarify the policies to be deleted and adopted, and to further review legal advice received in relation to sick leave and application of the EBA to sick leave.

10.6 Community Car – Disposal of Asset

File reference	
Report date	16 April 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page
	None

PURPOSE

To consider the disposal of the Community Car.

BACKGROUND

The Community Car was purchased in about September 2016 and was intended to be available for use of the community.

COMMENT

Since purchase, the vehicle has had very little use by the community. A search of both the booking register indicates that it has been used only 7 times by the community, although the accounting system gives details of only 5 payments for its use.

Of the 21,863 km travelled as at 11 April 2019, of which approx. 1,700 were for members of the community. The last record of use is in June-July 2017.

Although it has been very useful as a general office vehicle, it is not meeting its intended purpose. When cost of insurance, licencing, servicing and depreciation in value is considered, it becomes an expensive asset to retain for only occasional use.

If the vehicle is to be disposed of, its anticipated value is between \$17,750 and \$21,000 depending on model. Accordingly, it should be advertised for public sale in accordance with the regulations.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.58 – disposing of property

Local Government (Functions and General) Regulations 1996 –

- r.30(3) – Exemption from Act s.3.58 if market value is less than \$20,000

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Notes: Cr Penn requested this motion be deferred to May OCM for Community to comment.

Existing Community Vehicle Policy to be made available to Councillors.

Officer Recommendation

That –

- the Community Car be disposed of in accordance with the Local Government Act s.3.58; and
- Policy 2.4.6 relating to the Community Car be deleted.

1904-06 Council Resolution

Moved Cr S Penn**Seconded Cr P Bantock**

That this motion be deferred to May 2019 OCM for the Community to be able to comment.

CARRIED For 7 / Against 0

Cr King declared a financial interest in this item as “*land on Goudge Road – Adjoining Land*” and withdrew from the meeting at 3.38pm.

10.7 Calingiri and Goudge Roads intersection – truck bay dedication

File reference	
Report date	16 April 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page
	MRWA letter and plan

PURPOSE

To consider the dedication of a portion of resumed land for a truck parking bay at the intersection of Calingiri and Goudge Roads.

BACKGROUND

As noted in Main Roads WA’s letter, the bay has been constructed, the land acquired and all that remains is the formalisation of documentation.

COMMENT

To finalise the process, Council is asked to resolve that the land be dedicated as part of the road reserve.

Main Roads have advised that they will meet all costs and charges associated with the dedication of the land.

CONSULTATION

Glenda Teede, CEO
Main Roads WA

STATUTORY CONTEXT

Land Administration Act 1997

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Nil – Main Roads have indemnified Council from all costs and charges arising.

VOTING REQUIREMENTS

Absolute Majority Required: No

1904-07 Officer Recommendation / Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That Council resolve that the dedication of the land the subject of Deposited Plan 414757 as a road pursuant to section 56 of the *Land Administration Act 1997* be approved.

CARRIED For 6 / Against 0

Cr King re-joined the meeting at 3.39pm

10.8 Support Request – Icon Cancer Centre Midland

File reference	
Report date	18 April 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	
Attachments	
Attachment 1	Page Icon Cancer Centre – information

PURPOSE

To consider providing a letter of support for a private cancer treatment centre in Midland.

BACKGROUND

Icon Cancer Centre (Cancer Care) made a presentation to a recent meeting of the Avon Regional Organisation of Councils and requested that member local governments consider providing support through letters to various Parliamentarians.

COMMENT

Icon provide cancer care services Australia wide, although only having two in Western Australia at this time. There is intention is to improve and increase the range of services, and support is particularly requested in relation to their Midland facility.

Such a facility would avoid the need for patients from the Victoria Plains area to travel to the CBD, reducing travel distance and time and the complications of city traffic.

While Council often supports local business in this way, it is not common for support of private enterprises outside the Shire to be given support. However, in this instance there is direct potential benefit to residents of the Shire, and support of the initiative would seem appropriate.

CONSULTATION

Glenda Teede, CEO

STATUTORY CONTEXT

None

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority Required: No

The Shire President, CEO and a number of Councillors spoke in support of the motion.

1904-08 Officer Recommendation / Council Resolution

Moved Cr D Lovelock

Seconded Cr N Clarke

That letters of support for Icon Cancer Centre services to be located in Midland be provided to relevant Federal and State Parliamentarians or agencies as appropriate.

CARRIED For 7 / Against 0

1904-09 Council Resolution

Moved Cr N Clarke

Seconded Cr J King

That the meeting be adjourned, the time being 3.43pm.

CARRIED For 7 / Against 0

The meeting resumed at 4.22pm with all Council members present.

10.9 Title: Request for Network 4 RAV Access on Opie Lane

File reference		
Report date		2 nd April 2019
Applicant/proponent		Will Waters – Catabody Bulk Transport
Officer disclosure of interest		No Interest to Disclose
Previous meeting references		Nil
Prepared by		Rod Munns – R Munns Engineering Consulting Services (Consultant)
Authorised by		Glenda Teede
Attachments		
Attachment 1	Page	Email from MRWA HVS with request for support (or not) for application by Catabody Bulk Transport for upgrade from No current RAV Access to Network 4 RAV Access on Opie Lane in Calingiri – with attached application from Catabody Bulk Transport.
Attachment 2	Page	Marked Up Tandem Drive Vehicle Classification Chart
Attachment 3	Page	Opie Lane Location Plan

PURPOSE

MRWA Heavy Vehicle Services (MRWA HVS) has requested Council consider supporting or not, the application by Catabody Bulk Transport to have Opie Lane upgraded from currently no RAV Access to Network 4 RAV Access.

BACKGROUND

Restricted Access Vehicles (RAV) are any truck and trailer combinations that are > 19.0m in length and Gross Combination Mass (GCM) > 42.5 Tonnes. MRWA Heavy Vehicle Services (MRWA HVS) manages RAV Access on the States road network, regardless of who maintains the network. As part of regulating RAV access on the Local Government (LG) road network, MRWA HVS requests the affected LGs support, or not, when a Trucking Operator requests upgraded levels of RAV access on LG maintained roads. This allows the affected LGs to consider whether the application:

- a) Will or will not compromise the LGs Heavy Vehicle Access Policy
- b) Is warranted, given that the RAV access upgrade may require a LG to upgrade parts of the proposed route at a cost to meet the minimum standards of the RAV Route Assessment Guideline (used to assess roads for each requested RAV Access Upgrade).

The RAV Route Assessment Guideline is based on safety criteria only (mainly carriageway width, swept paths at intersections and Site Distances at intersections and deficient curves – but there are many other criteria). This process does not consider Asset Preservation or the ongoing integrity of the road pavement and / or surface condition, which is managed by the LG. Hence, whilst the LG maintains this road network and MRWA manage the traffic using it, this apparent conflict of interest is managed by LG being requested to provide support, or not, to any requested changes in levels of RAV Access. Despite LG being given this opportunity to support

the application or not, MRWA HVS have the ultimate say on whether an application is suitable or not. This request for LG support is the first step in the assessment process. Following this step, a MRWA HVS Assessor (or Qualified Assessor) will then travel to site and assess the route based on the RAV Route Assessment Guideline. MRWA HVS will then determine if the route is suitable for the proposed upgraded level of RAV Access.

Generally, there are three (3) outcomes from this process. They are:

- 1) The Route is deemed suitable for the proposed upgraded level of RAV Access – albeit, with possible conditions such as Low Volume Type A and B conditions.
- 2) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, but with a small amount of work by LG at LG cost, the item/s not meeting the minimum requirements of the RAV Route Assessment Guideline can be rectified, so that RAV Access is subsequently upgraded.
- 3) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, and there would be a considerable unwarranted amount of work required by the LG at LG cost to meet the minimum requirements of the RAV Route Assessment Guideline.

Generally, where LG roads currently do not have any RAV Access, it is due to:

- a) The road has not previously been requested for RAV Access (very uncommon these days), or
- b) The road has been assessed and outcome 3) above has resulted. Having stated this, there is a possibility that LG has not been offered the opportunity to investigate and carry out any remedial work to allow the road section to be upgraded to a level of RAV Access (ie outcome 2) above). If this is the case, there may be an opportunity for Council to complete any required remedial work to improve the connectivity of RAV access on their road network, at a warrantable expense.

COMMENT

Opie Lane is a short 100m long sealed and kerbed access road into Catabody Bulk Haulage's Industrial Lot, within the townsite of Calingiri. This road is a No Thru road and does not service any other business or Lot. It currently does not have any permitted level of RAV Access. It feeds off Yulgering Rd, a MRWA maintained road with Network 7.3 RAV Access.

Will Waters from Catabody Bulk Haulage has requested Network 4 RAV access on this road to allow legal access into his Industrial Lot for his Pocket Road Train (Network 4) combination.

An onsite inspection has revealed that the sealed width of Opie Lane is 6.6m wide and just meets the minimum requirements for seal width for a Townsite Street within the RAV Route Assessment Guidelines (6.4m is the minimum width). However, the kerbed intersection with Yulgering Rd (Calingiri – Wongan Rd) has very short length radii, and the Swept Path Analysis (SPA) of this intersection may not be compliant for a Network 4 RAV. Unfortunately, I do not have access to carry out SPA and this is normally completed by MRWA HVS as part of their RAV Route Assessment process. If this intersection has non-compliant SPA, Yulgering Rd is a MRWA maintained road, and subsequently any potential remedial work will have to be completed to MRWA standards. It is expected that this potential upgrade work would be borne by the Applicant or the Shire of Victoria Plains. Subsequently, I have recommended that Council support this application providing that if the SPA is non-compliant and this intersection needs to

be upgraded, then the cost for this work be borne by the Applicant. At this stage and until the RAV Route Assessment process is completed, it is unknown if any remedial work will be required, and if so what the cost will be.

Council Policy 13.2 Roads – Developer Subdivisions, refers to Developers bringing roads to the required standard to adequately service the subdivision at their own expense. Subsequently, the Developer of this Lot should pay for any potential remedial work to Opie Lane. It is assumed in this agenda, that the Developer is the Applicant of the RAV upgrade request.

CONSULTATION

Bob Edwards, Works & Services Manager

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

In Council Policy 13.2 Roads – Developer Subdivisions, under section 1 Policy Statement, is stated the following:

“A developer shall at their own expense, bring the roads to the standard required to adequately service the subdivision, where –

a) a subdivision is approved and –

- the existing roads serving the lots to be subdivided require upgrading, or*
- the lots to be subdivided do not have constructed road frontage”*

Council Policy 13.3 Roads – Access to Lots / Locations without Road Frontage may also apply.

Council does not have a Heavy Vehicle Access Policy (this does not necessarily mean it needs to have one).

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

VOTING REQUIREMENTS

Absolute majority required: No

Note: The Works and Services Manager provided comment on the Officer Recommendation when asked by the Shire President for further information.

1904-10 Officer Recommendation / Council Resolution
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Moved Cr A Broadhurst

Seconded Cr J King

That Council supports the application from Catabody Bulk Transport to MRWA HVS, requesting Network 4 RAV Access to Opie Lane in Calingiri, subject to:

- a) This street meeting the minimum requirements of the RAV Route Assessment Guidelines.
- b) If this street does not meet the minimum requirements of the RAV Route Assessment Guideline, the Applicant is to pay for any costs associated for remedial work to meet the minimum requirements of the RAV Route Assessment Guideline.

CARRIED For 7 / Against 0

Cr Bantock declared a proximity interest in item 10.10 as “*Land Owner adjoining Mogumber – Yarawindah Road*” and withdrew from the meeting at 4.23pm.

10.10: Request for Upgrade to TD (Tri Drive) 4.3 RAV Access on AgLime Route 2 Roads

File reference		
Report date		2 nd April 2019
Applicant/proponent		Thomas Terrell
Officer disclosure of interest		No Interest to Disclose
Previous meeting references		Nil
Prepared by		Rod Munns – R Munns Engineering Consulting Services (Consultant)
Authorised by		Glenda Teede
Attachments		
Attachment 1	Page	Email from MRWA HVS with request for support (or not) for application by Thomas Terrell for upgrade from current Network 5.1 & 4.3 (Tandem Drive) RAV Access to Network TD 4.3 (Tri Drive) RAV Access on AgLime Route #2 roads (Mogumber West and Mogumber – Yarawindah Rds) – with attached application from Thomas Terrell.
Attachment 2	Page	Marked Up Tandem Drive Vehicle Classification Chart
Attachment 3	Page	Marked Up Tri Drive Vehicle Classification Chart

PURPOSE

MRWA Heavy Vehicle Services (MRWA HVS) has requested Council consider supporting or not, the application by Thomas Terrell to have AgLime Route #2 roads, the Mogumber West Rd and Mogumber – Yarawindah Rd upgraded from the current Network 5.1 & 4.3 (Tandem Drive) RAV Access to Network TD 4.3 (Tri Drive) RAV Access.

BACKGROUND

Restricted Access Vehicles (RAV) are any truck and trailer combinations that are > 19.0m in length and Gross Combination Mass (GCM) > 42.5 Tonnes. MRWA Heavy Vehicle Services (MRWA HVS) manages RAV Access on the States road network, regardless of who maintains the network. As part of regulating RAV access on the Local Government (LG) road network, MRWA HVS requests the affected LGs support, or not, when a Trucking Operator requests upgraded levels of RAV access on LG maintained roads. This allows the affected LGs to consider whether the application:

- c) Will or will not compromise the LGs Heavy Vehicle Access Policy
- d) Is warranted, given that the RAV access upgrade may require a LG to upgrade parts of the proposed route at a cost to meet the minimum standards of the RAV Route Assessment Guideline (used to assess roads for each requested RAV Access Upgrade).

The RAV Route Assessment Guideline is based on safety criteria only (mainly carriageway width, swept paths at intersections and Site Distances at intersections and deficient curves – but

there are many other criteria). This process does not consider Asset Preservation or the ongoing integrity of the road pavement and / or surface condition, which is managed by the LG. Hence, whilst the LG maintains this road network and MRWA manage the traffic using it, this apparent conflict of interest is managed by LG being requested to provide support, or not, to any requested changes in levels of RAV Access. Despite LG being given this opportunity to support the application or not, MRWA HVS have the ultimate say on whether an application is suitable or not. This request for LG support is the first step in the assessment process. Following this step, a MRWA HVS Assessor (or Qualified Assessor) will then travel to site and assess the route based on the RAV Route Assessment Guideline. MRWA HVS will then determine if the route is suitable for the proposed upgraded level of RAV Access.

Generally, there are three (3) outcomes from this process. They are:

- 4) The Route is deemed suitable for the proposed upgraded level of RAV Access – albeit, with possible conditions such as Low Volume Type A and B conditions.
- 5) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, but with a small amount of work by LG at LG cost, the item/s not meeting the minimum requirements of the RAV Route Assessment Guideline can be rectified, so that RAV Access is subsequently upgraded.
- 6) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, and there would be a considerable unwarranted amount of work required by the LG at LG cost to meet the minimum requirements of the RAV Route Assessment Guideline.

MRWA HVS have different Network systems for Tandem Drive and Tri Drive Prime Movers. These two different systems are shown in attachments 2 and 3.

COMMENT

The Mogumber West Rd and Mogumber – Yarawindah Rd are located on AgLime Route #2 within the Shire of Victoria Plains. These roads currently have Network 5.1 & 4.3 (Tandem Drive) RAV Access. This current dual access level is somewhat strange, in that :

- a) Network 5 RAVs are Long Road Trains (27.5 to 36.5m in length) and Network 4 RAVs are Pocket Road Trains (< 27.5m in length), and yet have very similar configuration parameters. In fact most Network 5 RAVs are just greater than 27.5m in length due to the Prime Mover and / or trailer pushing the overall combination length just over the 27.5 m length. These RAVs have total GCMs of 84.0 Tonne for Network 5 RAVs and 87.5 Tonne for Network 4 RAVs, which are very similar. So really, there should be one (1) Network level assigned to these two (2) roads, and realistically it should be to Network 6, since Network 3 to 6 vehicles are generally all Road Trains combinations with lengths around 27.5m to 29.0m in length and GCMs of 84.0 to 87.5 Tonne.
- b) There are two varying Accredited Mass Management Scheme (AMMS) levels. Level 1 AMMS for the Network 5.1 access and Level 3 AMMS for the Network 4.3 access. This is somewhat contradictory, in that Level 1 AMMS is for 21.5 Tonne on a tri axle group (virtually equivalent to the 10% overloading Harvest Mass Management Scheme), and Level 3 AMMS is for 23.5 Tonne on a tri axle group (approximately nearly equivalent to the former Concessional Overloading Scheme). There should be just one (1) specified level of AMMS, and possibly AMMS Level 1, and at worst maybe AMMS Level 2, on these roads. The amount of damage caused to pavements is exponential dependent on the loading on the axle groups, so Level 3 AMMS loading will cause considerably more

damage to pavements than Level 1 AMMS loading. For information, on Tri Axle Groups, the allowed AMMS loading per level is:

Legal Loading	19.5 Tonne
AMMS Level 1	21.5 Tonne (10.25% Overloading Allowed)
AMMS Level 2	22.5 Tonne (15.40% Overloading Allowed)
AMMS Level 3	23.5 Tonne (20.51% Overloading Allowed)

Of late some rutting and minor showing has been noticed on the Mogumber – Yarawindah Rd, which will be a result of this allowed overloading, and to some degree the wetter than usual underlying soil over the last two (2) year period, and especially since the Jan / Feb 2017 AGRN 743 Abnormal Rainfall Events. Rutting is a precursor to shoving and pavement failure.

There is currently no type of Tri Drive RAV access allowed on these two roads.

Thomas Terrell has requested Network TD4.3 (Tri Drive) RAV access on these roads. The numbering of the Tri Drive Network system can be misleading in that the levels do not correspond to the levels in the Tandem Drive network system. For instance, a TD4.3 (Tri Drive) RAV is approximately equivalent to the Network 7.3 (Tandem Drive) RAV, in that these are both triple trailer combinations with between 107.5 to 111.0 Tonne GCM, and up to near the maximum 36.5m in length. These similar combinations can be compared by viewing attachments 2 and 3. Also the TD 4.3 notation for the Tri Drive RAVs, could be construed as Tandem Drive RAVs. Subsequently, the Applicant is requesting RAV access for a Triple Road Train combination with Tri Drive Prime Mover, which is much larger in terms of overall length and tonnage than the current allowed Network 4 and 5 RAVs.

Apart from possibly some Swept Path Analysis issues at the deficient curve on the Mogumber West Rd on the western approach to the Mogumber townsite (which is currently being corrected by Council with AgLime Funding), it is quite possible that these roads would currently just pass the RAV Route Assessment guidelines for Network TD4.3 (Tri Drive) RAVs. However, there are some deficient curves located along these roads that are currently dangerous enough for Network 4 and 5 RAV Operator's to negotiate, let alone for a longer, heavier triple trailer combination, as requested. It is likely that these deficient curves, in conjunction with narrow carriageway widths in these locations, would be the reason that MRWA HVS would not have allowed these two roads to be upgraded to Network 7 to date.

I would strongly recommend that Council strongly oppose the allowance of the proposed TD4.3 (Tri Drive) RAVs on these roads, and for any applications received in the future, any Network 7 (Tandem Drive) RAVs, both of which are triple road train configurations. I would also recommend that Council also strongly oppose any applications for Tri Drive Network RAVs in the future on these roads and any roads within the Shire. Tri Drive Prime Movers can cause more damage to the bitumen surfacing, since the additional axle will result in more shear than a tandem axle Prime Mover when turning.

CONSULTATION

Bob Edwards, Works & Services Manager

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Council does not have a Heavy Vehicle Access Policy (this does not necessarily mean it needs to have one).

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

VOTING REQUIREMENTS

Absolute majority required: No

Note: The Works and Services Manager spoke to this item after comment and question by the Shire President.

1904-11 Officer Recommendation / Council Resolution
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Moved Cr S Penn

Seconded Cr N Clarke

That Council does not support the application from Thomas Terrell to upgrade the RAV Access level on the Mogumber West Rd and Mogumber – Yarawindah Rd, from the current Network 5.1 & 4.3 (Tandem Drive) to proposed Network TD 4.3 (Tri Drive).

CARRIED For 6 / Against 0

10.11 Title: Request for Upgrade from Network 5.1 to Network 6.1 RAV Access

File reference		
Report date		2 nd April 2019
Applicant/proponent		H & S Paterson & Sons
Officer disclosure of interest		No Interest to Disclose
Previous meeting references		Nil
Prepared by		Rod Munns – R Munns Engineering Consulting Services (Consultant)
Authorised by		Glenda Teede
Attachments		
Attachment 1	Page	Email from MRWA HVS with request for support (or not) for application by H & S Paterson & Sons for upgrade from current Network 5.1 (Tandem Drive) RAV Access to Network 6.1 (Tandem Drive) RAV Access on the Toodyay – Bindi Rd (2 sections) and Wongan Hills – Waddington Rd.
Attachment 2	Page	Marked Up Tandem Drive Vehicle Classification Chart

PURPOSE

MRWA Heavy Vehicle Services (MRWA HVS) has requested Council consider supporting or not, the application by H & S Paterson & Sons, to upgrade the level of RAV Access from the current Network 5.1 (Tandem Drive) to Network 6.1 (Tandem Drive) on both sections of the Toodyay – Bindi Bindi Rd and the Wongan Hills – Waddington Rd.

BACKGROUND

Restricted Access Vehicles (RAV) are any truck and trailer combinations that are > 19.0m in length and Gross Combination Mass (GCM) > 42.5 Tonnes. MRWA Heavy Vehicle Services (MRWA HVS) manages RAV Access on the States road network, regardless of who maintains the network. As part of regulating RAV access on the Local Government (LG) road network, MRWA HVS requests the affected LGs support, or not, when a Trucking Operator requests upgraded levels of RAV access on LG maintained roads. This allows the affected LGs to consider whether the application:

- e) Will or will not compromise the LGs Heavy Vehicle Access Policy
- f) Is warranted, given that the RAV access upgrade may require a LG to upgrade parts of the proposed route at a cost to meet the minimum standards of the RAV Route Assessment Guideline (used to assess roads for each requested RAV Access Upgrade).

The RAV Route Assessment Guideline is based on safety criteria only (mainly carriageway width, swept paths at intersections and Site Distances at intersections and deficient curves – but there are many other criteria). This process does not consider Asset Preservation or the ongoing integrity of the road pavement and / or surface condition, which is managed by the LG. Hence, whilst the LG maintains this road network and MRWA manage the traffic using it, this apparent conflict of interest is managed by LG being requested to provide support, or not, to any requested changes in levels of RAV Access. Despite LG being given this opportunity to support the application or not, MRWA HVS have the ultimate say on whether an application is suitable

or not. This request for LG support is the first step in the assessment process. Following this step, a MRWA HVS Assessor (or Qualified Assessor) will then travel to site and assess the route based on the RAV Route Assessment Guideline. MRWA HVS will then determine if the route is suitable for the proposed upgraded level of RAV Access.

Generally, there are three (3) outcomes from this process. They are:

- 7) The Route is deemed suitable for the proposed upgraded level of RAV Access – albeit, with possible conditions such as Low Volume Type A and B conditions.
- 8) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, but with a small amount of work by LG at LG cost, the item/s not meeting the minimum requirements of the RAV Route Assessment Guideline can be rectified, so that RAV Access is subsequently upgraded.
- 9) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, and there would be a considerable unwarranted amount of work required by the LG at LG cost to meet the minimum requirements of the RAV Route Assessment Guideline.

COMMENT

The two sections of the Toodyay – Bindi Bindi Rd and the Wongan Hills – Waddington Rd, currently have Network 5.1 (Tandem Drive) RAV Access.

Hilton Paterson from H & S Paterson & Sons has requested Network 6.1 (Tandem Drive) RAV access on these roads. As can be seen on the marked up Tandem Drive Vehicle Classification Chart in attachment 2, Network 5 and 6 RAVs are very similar combinations. They both are Road Train configurations and sit within the 27.5 to 36.5 m length range, and have similar GCMs of between 84.0 and 87.5 Tonne. In fact the Network 6 RAV has 3.5 tonne more GCM due to the additional axle in the tri group dolly, as compared to the tandem axle dolly for the Network 5 RAV. Both of these RAVs satisfy the same minimum requirements within the RAV Route Assessment Guidelines and subsequently it would be expected that since these routes are suitable for Network 5.1 RAV Access, then they will automatically qualify for Network 6.1 RAV Access. These combinations will inflict the same amount of damage to the pavement, and subsequently there is no requirement for Asset Preservation concerns to be considered by Council. The Accredited Mass Management Scheme (AMMS) Level 1 is virtually equivalent to the Harvest Mass Management Scheme (HMMS) overloading of 10% above the legal load limit, and is considered reasonable. In fact when the AMMS was bought in a few years ago, Local Governments (LG) were asked by MRWA HVS what AMMS level they would like generally applied to their road network. Those LGs that did not respond to this request, were given an automatic AMMS Level 1. MRWA have applied an automatic AMMS Level 3 to their Road Network.

CONSULTATION

Bob Edwards, Works & Services Manager

STATUTORY CONTEXT

Supporting this application will improve facilities for trucks and drivers – as per item 4.5 of the Strategic Community Plan adopted 28 March 2018.

4.	Infrastructure – to maintain / add to infrastructure used by the community
4.5	Improve facilities for trucks and drivers

CORPORATE CONTEXT

Council does not have a Heavy Vehicle Access Policy (this does not necessarily mean it needs to have one).

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

VOTING REQUIREMENTS

Absolute majority required: No

Note: The Works and Services Manager spoke on this matter when questioned by the Shire President on technical aspects.

1904-12	Officer Recommendation / Council Resolution
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Moved Cr J Corless-Crowther

Seconded Cr N Clarke

That Council supports the application from H & S Patterson & Sons to upgrade the RAV Access level on both sections of the Toodyay – Bindi Bindi Rd, and the Wongan Hills – Waddington Rd, from the current Network 5.1 (Tandem Drive) to proposed Network 6.1 (Tandem Drive).

CARRIED For 6 / Against 0

Cr Bantock returned to the Chambers at 4.29 pm.

Cr J King declared a proximity interest in item 10.12, as “*Resumed land farmed by Trust which I am a Director – Payment Received for Crop and Land*” and withdrew from the meeting at 4.31pm.

Cr S Penn declared a proximity interest in item 10.12, as “*Adjoining Land*” and withdrew from the meeting at 4.31pm.

Cr Corless-Crowther withdrew from the meeting at 4.34pm during discussion.

10.12 Request for Network 2.1 to 4.1 RAV Access on Seven Roads

File reference		
Report date		2 nd April 2019
Applicant/proponent		MRWA Heavy Vehicle Services
Officer disclosure of interest		No Interest to Disclose
Previous meeting references		Nil
Prepared by		Rod Munns – R Munns Engineering Consulting Services (Consultant)
Authorised by		Glenda Teede
Attachments		
Attachment 1	Page	Email from MRWA HVS with request for support (or not) for upgrade from No current RAV Access to Network 2.1 to 4.1 RAV Access on Seven (7) roads within the Shire of Victoria Plains as a result of the 2018 Harvest Mass Management Scheme (HMMS) RAV Access Arrangements.
Attachment 2	Page	Marked Up Tandem Drive Vehicle Classification Chart

PURPOSE

MRWA Heavy Vehicle Services (MRWA HVS) has requested Council consider supporting or not, the potential upgrade of RAV Access on Seven (7) roads from no current RAV Access to Network 2.1 to 4.1 RAV Access.

BACKGROUND

Restricted Access Vehicles (RAV) are any truck and trailer combinations that are > 19.0m in length and Gross Combination Mass (GCM) > 42.5 Tonnes. MRWA Heavy Vehicle Services (MRWA HVS) manages RAV Access on the States road network, regardless of who maintains the network. As part of regulating RAV access on the Local Government (LG) road network, MRWA HVS requests the affected LGs support, or not, when a Trucking Operator requests upgraded levels of RAV access on LG maintained roads. This allows the affected LGs to consider whether the application:

- g) Will or will not compromise the LGs Heavy Vehicle Access Policy
- h) Is warranted, given that the RAV access upgrade may require a LG to upgrade parts of the proposed route at a cost to meet the minimum standards of the RAV Route Assessment Guideline (used to assess roads for each requested RAV Access Upgrade).

The RAV Route Assessment Guideline is based on safety criteria only (mainly carriageway width, swept paths at intersections and Site Distances at intersections and deficient curves – but there are many other criteria). This process does not consider Asset Preservation or the ongoing integrity of the road pavement and / or surface condition, which is managed by the LG. Hence, whilst the LG maintains this road network and MRWA manage the traffic using it, this apparent conflict of interest is managed by LG being requested to provide support, or not, to any requested changes in levels of RAV Access. Despite LG being given this opportunity to support the application or not, MRWA HVS have the ultimate say on whether an application is suitable or not. This request for LG support is the first step in the assessment process. Following this step, a MRWA HVS Assessor (or Qualified Assessor) will then travel to site and assess the route based on the RAV Route Assessment Guideline. MRWA HVS will then determine if the route is suitable for the proposed upgraded level of RAV Access.

Generally, there are three (3) outcomes from this process. They are:

- 10) The Route is deemed suitable for the proposed upgraded level of RAV Access – albeit, with possible conditions such as Low Volume Type A and B conditions.
- 11) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, but with a small amount of work by LG at LG cost, the item/s not meeting the minimum requirements of the RAV Route Assessment Guideline can be rectified, so that RAV Access is subsequently upgraded.
- 12) The Route is deemed NOT suitable for the proposed upgraded level of RAV Access, and there would be a considerable unwarranted amount of work required by the LG at LG cost to meet the minimum requirements of the RAV Route Assessment Guideline.

Generally, where LG roads currently do not have any RAV Access, it is due to:

- c) The road has not previously been requested for RAV Access (very uncommon these days), or
- d) The road has been assessed and outcome 3) above has resulted. Having stated this, there is a possibility that LG has not been offered the opportunity to investigate and carry out any remedial work to allow the road section to be upgraded to a level of RAV Access (ie outcome 2) above). If this is the case, there may be an opportunity for Council to complete any required remedial work to improve the connectivity of RAV access on their road network, at a warrantable expense.

COMMENT

As a result of the 2018 HMMS RAV Access Arrangements where farmers apply for short term exemptions on roads with no allowed RAV Access during the Harvest Period, to haul grain from paddock to bin, the following Shire roads have been identified by MRWA HVS to be assessed in the near future with the aim of achieving full time RAV Access, if deemed suitable:

- Sandplain Rd – SLK 0.00 to 5.37
- Goudge Rd – SLK 8.80 to 11.44
- Batty Bog Rd – SLK 0.00 to 6.27
- Wallamarra Rd – SLK 0.00 to 3.53
- Jones Rd – SLK 0.00 to 3.23
- Burnett Rd – SLK 0.00 to 4.89
- Fowler Rd – SLK 0.00 to 1.02

These roads currently have no level of RAV Access. MRWA HVS have suggested a RAV Access Level of Network 2.1 to 4.1, if deemed suitable following the site assessments. As can be seen on the marked up Tandem Drive Vehicle Classification Chart, a Network 2.1 RAV is generally either a B-Double Combination or a Semi Trailer with Pig Trailer Combination. Network 3.1 and 4.1 RAVs are similar sized Pocket Road Trains, but Network 3.1 RAVs have tandem axle dolly's as compared to Network 4.1 RAVs having tri axle dolly's, and subsequently has a slightly lower maximum GCM value.

Within the RAV Route Assessment Guidelines, is a mechanism for Low Volume roads (roads with traffic volumes < 75 Vehicles Per Day), that allows RAV Access on such roads with narrow carriageways with particular stringent operating conditions. Up until September 2016, this mechanism only applied up to Network 4 RAV Access. In September 2016, these Guidelines were updated to allow this Low Volume mechanism to apply up to Network 7 RAVs. Generally, there are two types of Low Volume RAV Access. These are Type A roads and Type B roads. The Operating Conditions that may apply are :

1. When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.
2. No operation on unsealed road segment when visibly wet, without road owner's approval.
3. Headlights must be switched on at all times.
4. Speed restrictions. *
5. Direct radio contact must be maintained with other RAVs to establish their position on or near the road (suggested UHF Ch 40).
6. For a single lane road, the road must not be entered until the driver has established via radio contact that there is no other RAV on the road travelling in the oncoming direction.
7. Operation is not permitted while the school bus is operating on the road. Operators must contact the relevant schools directly and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs/ pick-ups have been completed on the road.
8. Current written support from the road asset owner, endorsing use of the road, must be obtained, carried in the vehicle and produced upon request.

Type A Low Volume roads can have carriageway widths to a minimum of 5.8m for a maximum 40 kph speed limit, and 6.1m for a maximum 60 kph speed limit. Conditions 1, 2, 3, 4, 5, 7 and 8 may apply.

Type B Low Volume roads can have carriageway widths to a minimum of 3.5m for a maximum 40 kph speed limit. These are considered single lane roads and subsequently Condition 6 is essential. Conditions 1, 2, 3, 4, 5, 7 and 8 may apply.

Compliant Swept Path Analysis (SPA) of intersections and Entering and Stopping Site Distances are other important safety criteria to be satisfied within the Guidelines, and can result in these roads being deemed unsuitable for RAV Access. This may likely be the case for Fowler Rd where it intersects with the Toodyay – Bindi Bindi Rd. This is a very low radius intersection and subsequently it is likely to have non-compliant SPA and would be required to be upgraded to allow any RAV Access to this road.

Unsurprisingly, with the exception of Fowler Rd, these seven (7) roads are either No Thru roads, or connecting roads with limited use, have narrow carriageways and are generally overgrown. It

is unknown whether these roads have been assessed in the past and failed the assessment process, or have had no requirement to be assessed.

It is possible, that for some of these roads to qualify for Network 2.1 to 4.1 RAV Access, the intersections may have to be upgraded, vegetation may need to be cleared to open up site distances at intersections, warning signage may need to be installed as safety measures, and overhanging vegetation infringing the minimum 4.6m overhead clearance height or minimum carriageway width will be required to be cleared. Any required remedial works will become known once MRWA HVS have completed the onsite assessments. Until this time, it will be unknown what remedial works may be required and what it would subsequently cost Council to complete these works. Given that very little traffic utilise these roads, the cost to complete some remedial work to obtain the Network 2.1 to 4.1 Access, may not be warranted. However, since this is an unknown, it may be prudent for Council to support these roads being assessed for addition to the RAV 2.1 to 4.1 Network, and support final acceptance of these roads being added to the RAV 2.1 to 4.1 Network, subject to any required remedial work and cost.

Apart from the safety issues that the RAV Route Assessment Guidelines are based upon, Council also needs to consider the Asset Preservation or the ongoing integrity of the road pavement and / or surface condition of these roads. For instance, Sandplain Rd is mostly a formed road in cohesionless insitu sand, and will likely require gravel paving since too much heavy traffic would quickly result in blowing out the sand, if RAV access was allowed. If RAV Access is attained on this road section, there may be a perception that Council should gravel sheet it, should heavy traffic damage the sand surface.

It is possible that if Council decides not to support these roads being added to the RAV Network, that MRWA HVS may decide to not assess these roads. This will then not provide an opportunity to ascertain what remedial works may be required.

CONSULTATION

Bob Edwards, Works & Services Manager

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Council does not have a Heavy Vehicle Access Policy (this does not necessarily mean it needs to have one).

FINANCIAL IMPLICATIONS

At this stage, there are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative cost.

VOTING REQUIREMENTS

Absolute majority required: No

Note: There was debate regarding the inclusion of the wording “costing and approval by the Shire of” in part (b) of the Officer Recommendation. The Mover and Secunder were agreeable to this amendment in the alternative recommendation.

Officer Recommendation

That Council:

- a) supports MRWA HVS in assessing these seven roads with no Current RAV Access to ascertain any roads that require remedial work to bring it to a compliant Network 2.1 to 4.1 standard.
- b) supports these roads being added to the RAV 2.1 to 4.1 Network, subject to any required remedial work and cost.

1904-13 Council Resolution

Moved Cr A Broadhurst

Seconded Cr N Clarke

That Council:

- a) supports MRWA HVS in assessing these seven roads with no Current RAV Access to ascertain any roads that require remedial work to bring it to a compliant Network 2.1 to 4.1 standard.
- b) supports these roads being added to the RAV 2.1 to 4.1 Network, subject to costing and approval by the Shire of any required remedial work and cost.

CARRIED 4 / 0

Cr S Penn, Cr J King and Cr J Corless-Crowther re-joined the meeting at 4.39pm.

11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

13. MEETING CLOSED TO PUBLIC

Reason for confidentiality

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

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

VOTING REQUIREMENT

Absolute majority required: No

Note: Shire President – advised that he was reversing the listing of confidential items to be discussed.

1904-14 Officer Recommendation / Council Resolution
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Moved Cr J King

Seconded Cr P Bantock

That the meeting be closed to the public to consider the following matters, the time being 4.41pm –

- 13.1 – Chief Executive Officer – Contract Review
- 13.2 - Reserve 8588 Mogumber – Revocation of motion to make Report public

CARRIED For 7 / Against 0

All members of the public left at this time.

The Shire President brought forward this item at 4.42pm with the CEO, Executive Assistant, Governance Officer and Works and Services Manager remaining in Chambers.

13.2 Reserve 8588 Mogumber – Revocation of motion to make Report public

File reference	
Report date	15 April 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Niel Mitchell, Governance Officer
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page
	None

Reason for confidentiality

Local Government Act 1995 s.5.23(2)(d) – a matter containing legal advice

1904-15 Officer Recommendation / Council Resolution

Moved Cr S Penn

Seconded Cr N Clarke

Supported Cr J Corless-Crowther

That Council revoke Resolution 1903-19 to make the Ethnographic Heritage Survey Report of Reserve 8588 Mogumber, available to the public.

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

Note – as the above recommendation was accepted, the following was submitted for consideration.

VOTING REQUIREMENTS

Absolute Majority Required: No

1904-16 Officer Recommendation / Council Resolution

Moved Cr A Broadhurst

Seconded Cr J Corless-Crowther

That the Ethnographic Heritage Survey Report of Reserve 8588 Mogumber remain confidential and is not made available to the public until such time as the advice of Council's lawyers indicates that it is appropriate for the Report to be made public.

CARRIED For 7 / Against 0

This item was discussed following Item 13.2 and at 4.52pm the Works and Services Manager, Executive Assistant and Governance Officer left the meeting. The CEO remained in the Meeting until 5.04pm before departing to allow for discussion between Councillors.

13.1 Chief Executive Officer – Contract Review

File reference			
Report date	19 March 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Niel Mitchell, Governance Officer		
Authorised by	Shire President.		
Attachments			
Attachment 1	Page	N/A	CONFIDENTIAL Survey Report circulated previously

Reason for confidentiality

Local Government Act 1995 s.5.23(2)(a) – a matter affecting an employee

1904-17 Councillor Recommendation

Moved Cr D Lovelock

Seconded Cr P Bantock

1. That Council agree to an extension of the Chief Executive Officer's contract of employment which expires on 18 December 2019 –
 - a) for a further 3-year period from 19 December 2019 to 18 December 2022;
 - b) subject to –
 - (i) terms and conditions to remaining essentially as are contained in the current contract of employment,
 - (ii) any remuneration package negotiated to be in compliance with the Salaries and Allowances Tribunal Determination for Band 4 local governments,
 - (iii) approval of Council by absolute majority prior to the extension of the contract of employment becoming effective.
2. That the President and Deputy President be authorised to negotiate the terms and conditions for extension of the contract of employment, in accordance with (1) above.
3. That the draft contract negotiated for extension be presented to Council for approval in accordance with the Local Government Act s.5.36(2)(b), prior to any contract extension becoming effective.

CARRIED BY ABSOLUTE MAJORITY

For 7 / Against 0

VOTING REQUIREMENT

Absolute majority required: No

1904-18 Officer Recommendation / Council Resolution
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Moved Cr N Clarke

Seconded Cr A Broadhurst

That the meeting be opened to the public, the time being 5.42 pm.

For 7 / Against 0

Returning to the meeting – All staff including the Chief Executive Officer, Governance Officer, Works and Services Manager and Executive Assistant and several members of the public.

Reading of Council resolution/s by the Shire President at 5.43pm.

14. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 5.44pm pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on April 24th 2019.

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

Date 29.5.19

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