



MINUTES

Ordinary Council Meeting

24 August 2022

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

Commencing – 2.02pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 24 August 2022 commencing at 2.02pm

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 2.02pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's Meeting Procedures Law 2018.

2. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr N Clarke – Deputy Shire President Cr D Lovelock Cr G O'Brien Cr S Penn Cr J Kelly Cr S Woods
Staff attending	Temporary CCEO – Mr S Fletcher Manager Finance and Administration – Mr C Ashe Acting WSM – Mr S Brenzi Mr T Bates (via Teleconference from 2.00pm – 2.41pm) Mr J Douglas (via teleconference from 3.35pm – 4.38pm) Council Meeting Officer – Mrs J Klobas
Apologies	Nil
Approved leave of absence	N/A

Visitors	Nil
Members of the public	Mr J Reid

3. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
3.1	Financial	
3.2	Proximity	Cr P Bantock declared a Proximity interest in – Item 8.6, “Request For Temporary Approval – Proposed Rodeo Event On Lot M1199 Bindoon-Moora Road, Mogumber” due to “Proximity to Lot M1199, via 202 Mogumber-Yarrowindah Road, however not proximity to event site located Bindoon-Moora Road”.
3.3	Impartiality	Cr P Bantock declared an impartiality interest in – Item 8.6, “Request For Temporary Approval – Proposed Rodeo Event On Lot M1199 Bindoon-Moora Road, Mogumber” due to “Volunteer Committee Member of the Mogumber Outback Club Inc, an Incorporated Association”.

4. PUBLIC QUESTION TIME

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

4.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.05pm.

Public Question Time – Ordinary Council Meeting –

4.2 Public Questions Without Notice

Questions as provided by Mr J Reid.

- Q1. On 15th July 2022 an amount of\$ 9,978.38 was paid to Civic Legal Pty Ltd for legal fees regarding potential CCC notification for failure to declare financial interest.

Is the Corruption and Crime Commission investigating a person or persons in the Shire or on Council? If so, who and why are of Shire of Victoria Plains Rate payers paying their legal costs?

- A1. Response provided by TCEO. Former CEO sought advice and the CCC did do an investigation of which no further action is required.

- Q2. On 17th June 2020 a Section 18 Application was lodged with the Department of Planning, Lands and Heritage by Castledine Gregory Lawyers on behalf of the Shire of Victoria Plains. Signatories to the application were Glenda Teede, CEO SOVP and Pauline Bantock, President SOVP, in her capacity as Secretary of Mogumber Outback Club inc. This application was subsequently denied by the Minister.

Why is the SOVP paying the legal costs of MOC and will they continue to subsidise this organisation?

The Shire President declared an impartiality interest at 2.07pm due to nature of the question as presented.

- A2. Response provided by TCEO noting that a Heritage Report was prepared by Castledine Gregory lawyers. No further action is required.
- A2. The Shire President, having sought advice on her capacity to provide further information, and this being approved by the Shire Temporary CEO, noted that the Section 18 included both the Shire of Victoria Plains and the Mogumber Outback Club,
- Q3. In the President's Report of the May 2022 Newsletter there is an estimated \$110,00 expense attributed to the State Administrative Tribunal (SAT) successful appeal by Councillor Penn against the SOVP CEO Glenda Teede's decision to disallow her from sitting on council.

What was the total cost, including costs awarded against the Shire to Councillor Penn of this persistent victimisation? Has the Shire apologised to Councillor Penn?

- A3. The TCEO responded that the matter has been dealt with by the State Administrative Tribunal and that the matter is now closed with final determination having been made.

Public question time closed at 2.10pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting Minutes

2208-01	Officer Recommendation / Council Resolution
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Moved: Cr S Woods

Seconded: Cr N Clarke

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 3 August 2022,*

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

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

File reference	F1.8.4		
Report date	15 August 2022		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Authorised by	Sean Fletcher – Temporary CEO		
Attachments			
Attachment 1	Page	2	List of Accounts

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions

- compliance with legislation and procedures
- Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Point of Order raised by Cr D Lovelock in relation to approach to Shire President by Cr J Kelly, which Point of Order was accepted by the Presiding Member.

2208-02 Officer Recommendation / Council Resolution

Moved Cr N Clarke

Seconded Cr D Lovelock

That the payments made for July 2022 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliations/Statements be **ENDORSED**:

July 2022

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	11156 – 11233	222,080.87
Creditor Cheque Payments		0.00
Direct Debit Payments**	DD13510-DD13550	41,309.79
Salaries & Wages EFT	PE 06/07/22, PE 20/07/22	180,500.55
Fuel Card – Wright Express	DD13560.1	1,675.87
Credit Card–Bendigo Bank-	DD13559.2	2,023.84
	DD13559.1	962.28
Trust Payments		0.00
	TOTAL	\$448,553.20

Local Spending	\$	%
Local Supplier	11,545.07	2.57
Payroll	180,500.55	40.24
Total	192,045.62	13.92

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

Cr's Penn and Kelly voted against the motion.

Cr's Bantock, Clarke, Lovelock, Woods and O'Brien voted for the motion.

8.2 Monthly Financial Statements – July 2022

To be presented at September Council Meeting.

8.3 Gravel Compensation to Landholders

File reference	28.2.4	
Report date	16 August 2022	
Applicant/proponent	Nil	
Officer disclosure of interest	Nil	
Previous meeting references	February 2022	
Prepared by	Silvio Brenzi, Manager Works and Services	
Authorised by	CEO	
Attachments	Page 15	MRWA Gravel Specification

PURPOSE

For Council to set the Gravel Extraction Compensation Payment for the use on thoroughfares.

BACKGROUND

The Shire of Victoria Plains undertakes various maintenance and capital works programs throughout the Shire each year. Payments are made to the landholder as material is utilised at the current cost of \$2.00m³. This was endorsed at the OCM of the 15th of December 2021. The current rate does not allow for the assessment or testing of material for suitability or have a pricing structure to reflect the quality of the material being sought.

Previous transactions have included handshake agreements and variations to costs, depending on each individual landholder. This has not led to a consistent and fair process to either the landholder or the Shire.

Policy13.7 – Acquisition of Road Building Materials- Non-Shire Controlled Land, Clause 6a states that “*compensation on the basis of volume or tonnage is set by Council from time to time.*”

COMMENT

Current accepted costs throughout WA Local Governments provided by WALGA, is approximately \$1.00m³ plus rehabilitation costs. The officer recommendation takes into account that the offered rate calculated by volume i.e., per cubic meter is more consistent than by weight i.e., per tonne for compensation.

This is due to the fact that gravel can vary greatly in weight depending on the moisture content, quality of material or site extracted from. By calculating the cost per cubic meter, a consistent and fair approach is given to both parties.

The recommendation offers two price mechanisms based on quality determined by the Main Roads Specifications (attached). This is determined by sample testing each potential site or pit for suitability for road construction purposes and is specific to our region.

It should be noted that a Local Govt can enter land to extract material to maintain thoroughfares without the land holder’s permission. This however is not in the best interest

of holding good relationships with the local residents, and therefore an appropriate compensation mechanism should be considered.

However, the adopted rates should not be varied with exemptions of other processes offered by the landholder, such as work in kind (such as grading) or a requirement to utilise specified private plant and equipment for pushing or carting.

By having this mechanism in place of testing each site or pit (at the Shire's cost, approximately \$1600.00), the Shire will obtain and compensate accordingly for the quality material, or other material fit for purpose at the correct rate. This is due to some applications requiring higher quality material in road construction, and other maintenance such as re-sheeting unsealed roads with a lower quality material. In other lower category roads, a lower standard material can be applied, and the compensation cost needs to reflect this.

CONSULTATION

Allister Butcher – Engineering Consultant
Sean Fletcher – CEO

STATUTORY CONTEXT

Schedule 3.2 – *take from land materials required for road making.*

CORPORATE CONTEXT

Efficient internal financial processes.

STRATEGIC IMPLICATIONS

ISP item 2.2 Safe and efficient transport network enables economic growth.

FINANCIAL IMPLICATIONS

Costs to be allocated to individual capital or maintenance programs within the approved annual budget.

VOTING REQUIREMENTS

Absolute majority required: Yes

Officer Recommendation

That Council ENDORSE the compensation rate for gravel under Policy 13.7 at two rates for the 22/23 financial year and review annually thereafter:

1. Rate 1: Gravel meeting the specified standard at \$2.00 per m³ Inc. GST
2. Rate 2: Gravel not meeting the specified standard at \$1.20 per m³ Inc. GST

2208-03 Council Resolution

Moved: Cr J Kelly

Seconded: Cr G O'Brien

That Council **ENDORSE** the compensation rate for gravel under Policy 13.7 at two rates for the 22/23 financial year and review annually thereafter:

3. Rate 1: Gravel meeting the specified standard as per the Main Road Specification as provided in attachment 1 at \$2.00 per m³ Inc. GST
4. Rate 2: Gravel not meeting the specified standard as per the Main Road Specification as provided in attachment 1 at \$1.20 per m³ Inc. GST

CARRIED BY UNANIMOUS DECISION OF COUNCIL

8.4 2022/2023 Annual Budget Adoption

File reference	12.4.2		
Report date	15 August 2022		
Applicant/proponent	None		
Officer disclosure of interest	None		
Previous meeting references	None		
Prepared by	Travis Bate, Financial Consultant		
Senior Officer	Colin Ashe, Manager Finance and Administration		
Authorised by	Sean Fletcher, Acting Chief Executive Officer		
Attachments			
Attachment 1	Page	17	2022/2023 Draft Statutory Budget

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2022/2023 financial year together with supporting schedules, including imposition of rates and minimum payments, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2022/2023 Annual Statutory Budget and supporting schedules have been prepared on principles contained in the Strategic Resource Plan, the Corporate Business Plan, the 2022/2023 Draft Annual Budget presentation and budget discussions at the Budget Workshop held on Wednesday 3 August 2022.

COMMENT

The draft 2022/2023 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The Main features of the budget include:

- The 2022/23 budget has been prepared with a 7.0% rate increase.
- Fees and Charges have been increased by approximately 2.0%
- Domestic and commercial rubbish removal charges have been increased by 2.0% and are itemised in the 2022/23 Fees & Charges.
- The recurrent operating budget has generally been based on prior actual figures, although individual line items may vary from this approach if it has been deemed necessary. The recurrent budget delivers similar service delivery to the community as it has in past years.
- A capital works program totalling \$6,940,747 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$5,387,707) in line with Council's strategy to increase the investment in road and associated assets.

- An estimated surplus of \$68,099 is anticipated to be brought forward from 30 June 2022. However, this is unaudited and may change. Any change will be addressed as part of a future budget review.
- Borrowings of \$1,500,000 to fund plant purchases and address legacy issues.
- The budget has been composed with a (\$192,160) deficit estimated closing position.
- Principal additional grant and contribution funding for the year is estimated from:
 - Wheatbelt Secondary Freight Network \$3,435,584
 - Main Roads CLGF Aglime Route - \$236,974
 - Aglime Route - \$560,740
 - Local Roads and Community Infrastructure Program - \$902,971
 - Roads to Recovery - \$344,595
 - Main Roads WA Direct Grant - \$150,053

CONSULTATION

While no specific consultation has occurred on the draft 2022/2023 budget, community consultation and engagement has previously occurred during development of the Community Strategic Plan and the Corporate Business Plan. Extensive internal consultation has occurred with all staff and through briefings and workshops with elected members.

STATUTORY CONTEXT

LGA S6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government {Financial Management} Regulations 1996* details the form and content of the budget. The draft 2022/2023 budget as presented is considered to meet statutory requirements.

CORPORATE CONTEXT

The budget is based on the principles contained in the Strategic Resource Plan and the Corporate Business Plan.

STRATEGIC IMPLICATIONS

4.	Strategic Community Plan 2022-2032 - Civic leadership
4.1	Forward planning and implementation of plans to achieve community priorities
4.3	Proactive and well governed Shire

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the detail section of this report and as itemised in the draft 2022/2023 budget attached for adoption.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The draft 2022/2023 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.

Social Implications

The draft 2022/2023 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The draft 2022/2023 budget supports key environmental strategies and initiatives adopted by the council.

VOTING REQUIREMENTS

Absolute majority required: Yes for some of the parts of the recommendations.

2208-04 Officer Recommendation / Council Resolution
PART A - MUNICIPAL FUND BUDGET FOR 2022/2023**Moved Cr G O'Brien****Seconded: Cr J Kelly**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.4a of this agenda and the minutes, for the Shire of Victoria Plains for the 2022/2023 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a surplus net result for that year of \$1,371,661.
- Statement of Cash Flows showing closing projected closing position of \$1,295,288.
- Rate Setting Statement showing an amount required to be raised from rates of \$3,256,149.
- Notes to and Forming Part of the Budget.

ABSOLUTE MAJORITY REQUIRED

2208-05 Officer Recommendation / Council Resolution
PART B - GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**Moved: Cr S Woods****Seconded: Cr G O'Brien**

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.
 - 1.1 General Rates*
 - Residential (GRV) 11.7898 cents in the dollar
 - Rural (UV) 0.6541 cents in the dollar
 - 1.2 Minimum Payments
 - Residential (GRV) \$485.00
 - Rural (UV) \$586.00

2. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	29 September 2022
2nd quarterly instalment due date	30 November 2022
3rd quarterly instalment due date	30 January 2023
4th quarterly instalment due date	30 March 2023

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$7.50 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 7.0% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

2008-06 Procedural Motion / Council Motion

Moved: Cr J Kelly

Seconded: Cr D Lovelock

Council be adjourned at 2.41pm to allow the CEO to investigate the Salaries Band Allowance in regard to travel allowance payable to Elected Members.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Meeting reconvened at 2.56pm.

Mr T Bates, Finance Consultant, did not re-join the meeting at this time, however available as required.

Officer Recommendation

PART C- ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2022/2023

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A

and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members,

Telecommunications Allowance	\$7,000
Travelling Reimbursements	\$2,980

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$10,000
Deputy President	\$1,625.00

2208-07	Council Resolution
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PART C- ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2022/2023

Moved: Cr S Woods

Seconded: Cr D Lovelock

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members, noting that both items are the total payable for all Elected Members.

Telecommunications Allowance	\$7,000
Travelling Reimbursements	\$2,980

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$10,000
Deputy President	\$1,625.00

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Reason for Variation

To remove reference to outdated Local Government Regulation and to include reference to total amount payable as a lump sum figure, in part 2 of the Resolution.

2208-08	Officer Recommendation / Council Resolution
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PART D - MATERIAL VARIANCE REPORTING FOR 2022/2023

Moved: Cr D Lovelock

Seconded: Cr G O'Brien

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2022/2023 for reporting material variances shall be 10% and a minimum of \$10,000.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2208-09	Councillor Motion / Council Resolution
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Moved: Cr N Clarke

Seconded: Cr J Kelly

That Council adjourn for afternoon tea at 3.07pm for 15 minutes.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Council resumed at 3.29pm. with all Elected Members and staff in attendance.

8.5 Temporary CEO's Contract – Affixing of Common Seal

File reference	20.1.4		
Report date	17 August 2022		
Applicant/proponent	Temporary CEO and Council		
Officer disclosure of interest	Financial – Contract relates to Mr Fletcher		
Previous meeting references	SCM 1 June 2022 – Item 11.2 2206-02; OCM 3 August 2022 – Item 11.1.2 – 2008-14		
Prepared by	Sean Fletcher, Temporary CEO		
Senior Officer	Sean Fletcher, Temporary CEO		
Authorised by	CEO		
Attachments			
Attachment 1	Page		Nil

PURPOSE

That Council authorises the application of the Common Seal to the Temporary CEO's contract.

BACKGROUND

At its meeting on 3 August 2022, Council resolved by absolute majority to enter into a contract with Sean Fletcher regarding the role of Temporary CEO

Unfortunately, the officer's recommendation did not include the need for the contract to have the Shire's common seal applied to it.

COMMENT

In the matter of a contract with the CEO, Council needs to authorise the applying of the Shire's common seal to the contract.

CONSULTATION

Shire President, 15 August 2022.

STATUTORY CONTEXT

Local Government Act 1995

- s. 5.43(ha) – CEO cannot authorise a person to sign documents on behalf of the local government
- s.9.49A(1) – only affixed as authorised by Council
- s.9.49A(2) – only to documents as authorised by Council
- s.9.49A(3) – affixed in presence of President and CEO or senior employee authorised by CEO
- s.9.49A(4) – Council may authorise person to sign documents
- s.9.49A(5) – Document does not have legal status as a deed unless permitted and executed as a deed

Local Government (Functions & General) Regulations 1996

- r.34 – Common seal, unauthorised use of

Although there is no longer a requirement under the Corporations Act (Commonwealth) for the applying of a common seal to documents, the Local Government Act requires it to be applied in certain circumstances.

As the contract of employment requires both the CEO and Shire President to sign it, then in accordance with s9.49A(3), the common seal is to be applied.

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

4.3 Proactive and well governed shire. This matter fits within a broad application of this strategic priority as the CEO heads the skilled team that supports Council.

Risk Management

As per item 11.1.2 – 3 August 2022.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: Yes Contract of employment

2208-10 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr J Kelly

That Council in accordance with Resolution 2008-14 and Section 9.49A(2) **AUTHORISES** the affixing of the common seal to Mr Fletcher's contract of employment as the Temporary CEO at the Shire of Victoria Plains.

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Cr Bantock declared an Impartiality interest in item 8.6 at 3.31pm

The Shire Planner, Mr J Douglas, joined the Meeting via teleconference at 3.35pm.

Cr Bantock declared a Proximity interest at 3.48pm, due to 'proximity to Lot M1199, via 202 Mogumber-Yarrawindah Road, however not proximity to event site located Bindoon- Moora Road', withdrawing from Chambers and with the Deputy President, Cr N Clarke, taking the Presiding Chair, at this time.

8.6 Request For Temporary Approval – Proposed Rodeo Event On Lot M1199 Bindoon-Moora Road, Mogumber

File reference	Reserve 8588 - Mogumber	
Report date	15 August 2022	
Applicant/Proponent	Mogumber Outback Club Incorporated under authority from GT, NM & TW Nixon (Landowners)	
Officer disclosure of interest	Nil	
Previous meeting references	Nil	
Prepared by	Mr Joe Douglas – Town Planning Consultant	
Authorised by	Mr Sean Fletcher – Acting CEO	
Attachments	Page 49	Attachment 1 – Submission from Mogumber Outback Club Incorporated

PURPOSE

Consideration and final determination of a request from the Mogumber Outback Club Incorporated to waive the requirement for development approval for a temporary rodeo event on portion of Lot M1199 Bindoon-Moora Road, Mogumber on 31 December 2022 and 1 January 2023.

BACKGROUND

The Mogumber Outback Club Incorporated has written to the Shire requesting Council's temporary approval to hold its annual New Year's Eve rodeo event on portion of Lot M1199 Bindoon-Moora Road, Mogumber on 31 December 2022 and 1 January 2023.

The event is proposed to be held in the south-western portion of Lot M1199 in close proximity to the land's Bindoon-Moora Road frontage and will cater for up to 2,500 people including competitors. In addition to the proposed rodeo, which will include bar facilities, food providers and stalls by private vendors as well as a live band, the event will provide on-site car parking and an overnight camping area for spectators and competitors.

A full copy of the submission received from the Mogumber Outback Club Incorporated, including supporting information and plans, is provided in Attachment 1.

Lot M1199 is an irregular shaped lot located approximately 620 metres north of the Mogumber settlement. The land comprises a total area of approximately 481.2517 hectares, is gently to moderately sloping throughout and has direct frontage and access to Bindoon-Moora Road along its western boundary which is a sealed and drained State Road under the care, control and management of Main Roads WA.

COMMENT

Lot M1199 is classified 'Rural' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).

The proposed event falls under the use class 'Recreation – Private' which is listed in the Zoning Table of LPS5 as a discretionary (i.e. 'D') use on any land classified 'Rural' zone which means it is not permitted without Council's development approval.

Notwithstanding the permissibility of the proposed use class 'Recreation – Private' on any land classified 'Rural' zone, Clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides an exemption to the need for development approval for temporary works and/or uses where they are in existence for less than 48 hours, or a longer period agreed by a local government, in any twelve (12) month period.

Having regard for:

- i) the Mogumber Outback Club Incorporated's future intentions for Lot M1199 and its stated commitment to ensuring the required development approval is sought and obtained if the proposed event on 31 December 2022 and 1 January 2023 proves to be successful;
- ii) the proposal's consistency with the general aims and objectives of LPS5 as it applies to the development and use of 'Rural' zoned land;
- iii) the permissibility of the proposed development under the subject land's current 'Rural' zoning classification in LPS5 and general compliance with all relevant development standards and requirements;
- iv) the proposal's consistency with the objectives and strategic priorities of the Shire's Integrated Strategic Plan 2022-2032 as it applies specifically to community events, local tourism and environmental protection and management;
- v) the minimal impact the proposed development will have on the natural environment and amenity of the immediate locality given the land's location, physical characteristics and adequate separation distance to existing sensitive land uses; and
- vi) the ability to impose a range of conditions and advice notes on any temporary approval granted to effectively manage and control the proposed development in accordance with all relevant regulatory requirements,

it is recommended Council support the applicant's request for an exemption to the need for development approval in this particular instance and allow the rodeo event to proceed on a temporary basis on 31 December 2022 and 1 January 2023 as proposed, including the two (2) week set up and four (4) day pack down and removal periods.

CONSULTATION

Public consultation was not required or deemed necessary. The application was however the subject of discussion with the Secretary of the Mogumber Outback Club Incorporated as well as the Shire's Environmental Health Officer who provided advice and guidance in relation to a number of health and event management related matters.

Council should note the proposal was also referred to Main Roads WA for review and comment. Despite two (2) separate follow ups with Main Roads WA following completion of the 42 day referral period inviting that agency's feedback and comment, no response was provided. As such, it is reasonable to conclude Main Roads WA has no objections to the proposal.

STATUTORY CONTEXT

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 7, Clause 61 – ‘Development for which development approval not required’
 - Schedule 2, Part 9, Clause 67 – ‘Matters to be considered by local government’
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 16(2) – ‘Objectives of the zones’
 - Clause 18 – ‘Interpreting Zoning Table’
 - Part 4 – ‘General Development Requirements’

CORPORATE CONTEXT

Nil

STRATEGIC IMPLICATIONS

The proposal is consistent with the aims and objectives of the Shire’s Local Planning Strategy as it applies to recognising and promoting growth of the tourism profile of the region including tourism related events.

The proposal is also consistent with the following strategic priorities of the Shire’s Integrated Strategic Plan 2022-2032:

Community

1.1 *Healthy, connected and safe communities;*

1.2 *Inclusive community activities, events and initiatives; and*

1.4 *Support emergency services planning, risk mitigation, response and recovery*

Economy

2.3 *Visitors have a positive experience across our communities.*

Environment

3.1 *Maintain a high standard of environmental health and waste services; and*

3.2 *Conservation of our natural environment and resources.*

FINANCIAL IMPLICATIONS

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the request which are provided for in Council’s annual budget. All costs associated with the proposed development will be met by the applicant.

VOTING REQUIREMENTS

Absolute majority required: No

C P Bantock declared a *potential* proximity interest in this item at 3.43pm and sought guidance from the Temporary Chief Executive Officer who advised that Council could suspend standing orders to allow more open discussion on the matter.

2208-11 Councillor Motion / Council Resolution**Moved: Cr J Kelly****Seconded: Cr O'Brien**

That Council suspend standing orders at 3.43pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Shire President declared a proximity interest at 3.48pm and withdrew from Chambers, with the Deputy President, Cr N Clarke taking the Presiding Chair at 3.48pm.

The CEO withdrew from Chambers at 3.53pm, re-joining the meeting at 3.55pm.

2208-12 Councillor Motion / Council Resolution**Moved: Cr O' Brien****Seconded: Cr S Woods**

That Council resume standing orders at 3.58pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL**2208-13 Officer Recommendation / Council Resolution****Moved: Cr N Clarke****Seconded: Cr S Woods**

That Council resolve, pursuant to clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support the written request received from the Mogumber Outback Club Incorporated to waive the requirement for development approval for a rodeo event on portion of Lot M1199 on Diagram 5126 Bindoon-Moora Road, Mogumber and allow the development to proceed on a temporary basis only on 31 December 2022 and 1 January 2023 as proposed, including the two (2) week set up and four (4) day pack down and removal periods, 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 temporary approval request dated 2 May 2022 subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the temporary approval request the subject of this approval or any condition of approval will require the further approval of the local government.
3. The applicant shall provide written confirmation from the current registered proprietors of the subject land of their agreement for the proposed event. Evidence of the registered proprietors' agreement shall be submitted to the local government's Chief Executive Officer by no later than 30 November 2022.
4. The proposed event shall comply with all aspects of the Department of Health's *Guidelines for Concerts, Events and Organised Gatherings (December 2009)* as applicable, a copy of which can be obtained from the following website link: [Guidelines for concerts, events and organised gatherings \(health.wa.gov.au\)](https://www.health.wa.gov.au/guidelines-for-concerts-events-and-organised-gatherings).

5. At least 30 days prior to the event the applicant shall prepare and submit a detailed, suitably scaled site development plan for consideration and determination by the local government's Chief Executive Officer in consultation with the Environmental Health Officer. This plan must show the layout of the event site including the location of the arena, animal holding pens and associated fencing, food and vendor facilities, ablutions, lighting towers, access points, emergency exits, internal roads and accessways, spectator areas and associated fencing, any temporary spectator seating, first aid facilities, firefighting facilities, free water locations, bar areas and associated fencing, camping areas and any other information considered relevant as determined by the local government.
6. The applicant shall provide details of all site-specific risk management arrangements approved by the applicant's insurer. This information must be submitted to the local government's Chief Executive Officer by no later than 30 November 2022 unless otherwise agreed by the Chief Executive Officer.
7. The applicant shall prepare and submit an Emergency Management Plan to the local government by no later than 30 November 2022 for consideration and determination by the local government's Chief Executive Officer in consultation with the Environmental Health Officer detailing the various arrangements to be put in place for fire, heat or significant weather events, illness, accidents etc. including incidents requiring evacuation of the event site.

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 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 temporary approval of the Shire of Victoria Plains issued pursuant to Clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 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 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. Further to Advice Note No.2 above, the applicant is required to comply with the following specific requirements prior to the event being held:
 - i) The *Health Act 1911* [Regulation 5] and the *Health (Public Buildings) Regulations 1992* including submission of an application for a Certificate of Approval;
 - ii) All food and drink outlets to be located at the venue are to be approved in writing by the local government's Environmental Health Officer fourteen (14) working days prior to the event and must comply with the *Food Act 2008*. The applicant / event organizer is to coordinate the submission of the vendors' applications to the local government, ensuring where applicable that copies of each vendor's insurance Certificate of Currency and Food Registration accompany each application; and
 - iii) If the event includes camping, approval for this activity must be secured from the local government pursuant to the *Caravan Parks and Camping Grounds Regulations 1997* by way of a separate application to the local government at least thirty (30) days prior to the event.

Any queries regarding these requirements should be directed to the local government's Environmental Health Officer.

4. Failure to comply with any of the conditions of this temporary 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.
5. If the applicant 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 by DECIDING VOTE CAST BY THE PRESIDING MEMBER
(DEPUTY PRESIDENT CR N CLARKE) For 3 / Against 3**

The Shire President, Cr P Bantock, resumed the Presiding Chair at 4.10pm.

8.7 Application for Development Approval – Proposed Motor Vehicle Repairs & Incidental Warehouse/Storage Facilities on Lot 9 (No.1) Yulgering Road, Calingiri

File reference	19.3.2	
Report date	16 August 2022	
Applicant/Proponent	Mr James Muir (Landowner)	
Officer disclosure of interest	Nil	
Previous meeting references	Nil	
Prepared by	Mr Joe Douglas – Town Planning Consultant	
Authorised by	Mr Sean Fletcher – Acting CEO	
Attachments	Page 72	Attachment 1 – Development Application Documentation and Plans

PURPOSE

Consideration and final determination of a development application requesting Council's approval for a proposed new motor vehicle repair business and incidental warehouse/storage facilities on Lot 9 (No.1) Yulgering Road, Calingiri.

BACKGROUND

The landowner has submitted a development application requesting Council's development approval for the following on Lot 9 (No.1) Yulgering Road, Calingiri:

- i) Construction of a proposed 84m² steel framed, Colorbond clad shed in the rear half of the property which will be used to accommodate a proposed new motor vehicle repair business which will involve the conversion, upgrade and repair of campervans, camper trailers and four wheel drive vehicles;
- ii) Construction of two (2) proposed 9m² Colorbond clad sheds which will be used to store automotive and recreational vehicle parts;
- iii) Construction of two (2) new 5 metre wide paved driveway crossovers along the land's Railway Street and Yulgering Road frontages;
- iv) Construction of a compacted gravel internal driveway and two (2) new on-site parking bays;
- v) Construction of new 1.8 metre high Colorbond and lattice boundary fencing and three (3) new vehicle access gates along the land's road frontages including the public right-of-way at the rear;
- vi) Installation of two (2) new rainwater tanks adjacent to the proposed new 84m² shed;
- vii) Construction of a proposed new sewerage connection to service the bathroom and toilet facilities to be provided in the proposed new 84m² shed; and
- viii) Retention of a number of existing trees on the land for landscaping and general amenity purposes.

Full details of the application, including supporting documentation and plans, are provided in Attachment 1.

Lot 9 is located in the southern part of the Calingiri townsite, comprises a total area of

approximately 1,009m² and has direct frontage and access to Railway Street along its southern boundary and Yulgering Road along its eastern boundary, both of which are sealed and drained public roadways. The land also has direct frontage and access to an unsealed public right-of-way along its rear boundary to the north. It is significant to note Yulgering Road is a State road under the care, control and management of Main Roads WA.

Lot 9 has been extensively cleared of all native vegetation aside from a small number of trees of varying size which have been retained for landscaping and general amenity purposes. Due to its location in well-established part of the Calingiri townsite the land is served by a wide range of essential service infrastructure including power, water, reticulated sewerage, telecommunications, pedestrian pathways and roadside drainage.

The land is currently vacant and not being used for any approved purpose/s. The landowner has been using the land for storage purposes without the required development approval and has removed most items being stored, aside from two vehicles and some building materials, due to concerns raised by the Shire following complaints received from local residents. This application was prepared and submitted by the landowner to address these concerns and enable the land to be developed and used to accommodate his proposed new business venture.



Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining and other nearby land uses are generally described as follows:

- Vacant, undeveloped Commercial zoned land immediately east on the opposite side of Yulgering Road with residential (i.e. single houses) and commercial development beyond;
- A single house immediately west with telecommunications infrastructure as well as low density residential and commercial development beyond;
- An operational railway reserve and Cooperative Bulk Handling Limited's grain handling and storage facility to the south on the opposite side of Railway Street; and
- A vacant, undeveloped church site immediately north on the opposite side of the public right-of-way with the Shire Administration Centre and public recreation facilities beyond.

Lot 9 is not subject to inundation or flooding and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone. The land is however identified in the Shire's Municipal Heritage Inventory as being a 'Category 5' place of cultural heritage significance due to its previous development and use for banking purposes by the Bank of NSW and described as follows:

Category 5 - An historic site without built features. Recommend that the site is recognised by means of a plaque, place name, interpretive material, or an architectural or urban design, in due course. Recognition of the site. No specific regulations would be imposed, except in the case where the site is within the bounds of a precinct, in which case the precinct category would take precedence. While the Shire recognises the value of the site, it would be a community and/or Shire responsibility to mark the site, as appropriate in future development, recognition or interpretation.

Notwithstanding the property's 'Category 5' classification in the Shire's Municipal Heritage Inventory, it has not been included in a Local Heritage List adopted by Council or State Heritage Register administered by the Heritage Council of WA which means there are no statutory controls in place to provide for the conservation and protection of the land's cultural heritage significance when dealing with any future development proposals.

COMMENT

Lot 9 is classified 'Commercial' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).

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

- i) To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres;
- ii) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades; and
- iii) To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The development of any land classified 'Commercial' zone for 'motor vehicle repair' and 'warehouse/storage' purposes is listed in the Zoning Table of LPS5 as being discretionary (i.e. 'D' uses) which means they are not permitted unless the local government has exercised its discretion by granting development approval.

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

- Location, scale and siting including boundary setbacks which are at the discretion of Council;
- Land capability, suitability and land use compatibility;
- Visual character and amenity including structural finishes and screening of storage and service areas;

- Traffic safety including vehicle access and parking;
- External lighting;
- Landscaping through retention of existing trees as proposed; and
- Essential services including electricity, potable water supply, effluent disposal and stormwater drainage management.

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

1. It is understood from discussion with the landowner that all three (3) sheds proposed to be erected on the land are second-hand structures. As such, it is considered reasonable to include a condition on any approval that may ultimately be granted requiring any external defects on these structures to be rectified, including painting as may be required, prior to their occupation and use to ensure they make a positive contribution to the local streetscape.
2. The application proposes the erection of 1.8 metre high Colorbond and lattice boundary fencing and three (3) new vehicle access gates along the land's road frontages including the public right-of-way at the rear. The landowner stated in his submission that he plans to construct a new dwelling in the vacant southern half of the land at some point in the future.

Having regard for the landowner's future intentions and the requirements of clause 31 of LPS5 as it applies specifically to the amenity of non-residential development which seeks to minimise the use of front fencing to protect and enhance amenity, it is considered reasonable to impose a condition on any approval that may ultimately be granted stipulating that no boundary fencing or vehicle access gates are permitted to be constructed in the vacant southern half of the land as part of the proposed development. This will afford Council the opportunity to consider the suitability and potential impacts of any future proposed boundary fencing and gates in the context of the specific standards and requirements of the Residential Design Codes when a development application for a new dwelling in the land's southern half is submitted as required by LPS5 (i.e. a single house is listed as a discretionary use and is not therefore permitted unless the local government has exercised its discretion by granting development approval).

3. The proposed new 5 metre wide paved driveway crossover along the land's Yulgering Road frontage will intersect with an existing 22 metre long and 2 metre wide sealed and kerbed parking embayment capable of accommodating up to three (3) light vehicles. It is reasonable to expect construction of this proposed new crossover will result in only two (2) light vehicles being able to use the embayment at any given time.

Given Yulgering Road is a State road under the care, control and management of Main Roads WA, the application was referred to that agency for review and comment. Despite two follow up emails by the reporting officer, Main Roads WA did not respond to the Shire's request for comment. It is therefore reasonable to assume Main Roads WA has no issues or concerns with the proposed development, including the proposed access arrangements to/from Yulgering Road via the proposed driveway crossover and its impact on the existing parking embayment.

In light of all the above findings it is concluded the proposed development is generally acceptable and unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such, it is recommended Council exercise its discretion and grant conditional approval to the application.

CONSULTATION

Public consultation was not required or deemed necessary. The application was however referred to Main Roads WA for review and comment with no response received within or following conclusion of the 42 day statutory referral period despite two (2) reminders as previously mentioned above. The application was also the subject of discussion with the Shire's Chief Executive Officer and Principal Building Surveyor.

STATUTORY CONTEXT

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 7, Clause 60 – 'Requirement for development approval'
 - Schedule 2, Part 9, Clause 67 – 'Matters to be considered by local government'
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 3.2 – 'Objectives of the zones'
 - Clause 3.3 – 'Zoning Table'
 - Part 4 – 'General Development Requirements'

CORPORATE CONTEXT

Nil

STRATEGIC IMPLICATIONS

The proposal is consistent with the aims and objectives of the Shire's Local Planning Strategy as it applies to future development in the Calingiri townsite.

The proposal is also consistent with the following strategic priorities of the Shire's Integrated Strategic Plan 2022-2032:

Economy

2.1 We understand traditional and emerging industries across the Shire.

2.2 Safe and efficient transport network enables economic growth

FINANCIAL IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute majority required: No

2208-14 Officer Recommendation / Council Resolution**Moved Cr D Lovelock****Seconded Cr G O'Brien**

That Council **APPROVE** the development application submitted by Mr James Muir (Landowner) for a proposed new motor vehicle repair business and incidental warehouse/storage facilities on Lot 9 (No.1) Yulgering Road, Calingiri subject to the following conditions and advice notes:

Conditions

1. The development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed development shall be provided with a reticulated potable water supply service to the specifications of the relevant service provider prior to its occupation and use.
5. The proposed development shall be connected to reticulated sewerage disposal infrastructure to the specifications of the relevant service provider prior to its occupation and use.
6. If any sheds proposed to be erected on the land are second-hand structures, all external defects on these structures shall be rectified to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the Principal Building Surveyor, including painting as may be required, prior to their occupation and use.
7. The two (2) new rainwater tanks proposed to be used for stormwater drainage management purposes shall be installed prior to occupation and use of the proposed 84m² steel framed, Colorbond clad shed.
8. The proposed new driveway crossovers along the land's Railway Street and Yulgering Road frontages shall be constructed to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the Manager Works and Services.
9. All on-site vehicle accessways and parking bays shall be constructed in accordance with the details shown on the site development plan, including draining as required to the satisfaction of the local government's Chief Executive Officer in consultation with the Manager Works and Services, prior to occupation and use of the proposed development.
10. All outdoor storage areas shall be screened from public view to the satisfaction of the local government's Chief Executive Officer.

11. All boundary, internal fencing and vehicle access gates in the northern half of the land shall be installed prior to occupation and use of the proposed development.
12. No boundary fencing or vehicle access gates are permitted to be constructed in the vacant southern half of the land as part of the proposed development. A separate application for these improvements can be made in the future when seeking the local government's development approval for a new dwelling in the land's southern half as proposed.
13. The storage of any vehicles, machinery, equipment and/or parts in the southern half of the property is not permitted at any time.
14. The site shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer.
15. Any solid waste generated by the activities on the land shall be managed and disposed of at an appropriate, suitably approved landfill site on at least a monthly basis and more regularly if and as instructed by the local government's Chief Executive Officer in consultation with the Environmental Health Officer.
16. No abrasive blasting is permitted on the land at any time.
17. No heavy vehicle maintenance, repairs or cleaning / washdown are permitted on the land at any time.
18. If any cleaning of light vehicles, machinery or equipment is undertaken, a suitable washdown bay shall be provided in the northern half of the land, unless otherwise approved by the local government, to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the Environmental Health Officer.
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 the local government's Chief Executive Officer pursuant to section 10.3 of the Shire of Victoria Plains Delegations Register.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements (as applicable):
 - i) *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all 'Townsite Land' in the Shire to help guard against the 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*, a building permit application for the proposed 84m² steel framed, Colorbond clad shed must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed 84m² steel framed, Colorbond clad shed is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
6. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted on Sundays or Public Holidays.
7. It is a requirement to provide a toilet on a building construction site under Part IV Division 4 Section 102 of the *Health (Miscellaneous Provisions) Act 1911*.
8. 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*.
9. All works in relation to the design and construction of any proposed washdown bay must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and Australian Standard AS/NZS 3500.2:2003 Plumbing and Drainage. Any plumbing installed in connection with the washdown bay must include a copy of the Plumbers Licensing Board's Certificate of Compliance which must be submitted to the local government on completion of the installation.
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.

CARRIED For 6 / Against 1

Cr Woods voted against the motion.

Cr's Bantock, Clarke, Lovelock, O'Brien, Kelly and Penn voted for the motion

Cr Woods withdrew from the meeting at 4.28pm. re-joining Council at 4.29pm.

8.8 Review of Wards and Representation – Public Discussion Paper

File reference	13.5.10		
Report date	17 August 2022		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	No interest to disclose		
Previous meeting references	Council Meeting 3 August 2022, item 8.10		
Prepared by	Niel Mitchell, Consultant		
Authorised by	Sean Fletcher, Temporary CEO		
Attachments			
Attachment 1	Page		Draft Public Discussion Paper

PURPOSE

To consider a review of wards and representation.

BACKGROUND

Wards and representation were last reviewed in 2016 and were applicable for the 2017 ordinary local government elections.

At the Council meeting held on 3 August 2022, Council noted that the Temporary CEO initiated a review of wards and representation on 21 June 2022.

COMMENT

Council has since met with the consultant to review the preliminary concepts, and narrowed the 7 presented for discussion to the three options outlined in the attached draft Discussion Paper for Public Comment.

A decision on a proposal to the Local Government Advisory Board is to be made after consideration of public submissions, and is expected to be made at the November 2022 Council Meeting.

At the Briefing Session of 15 August 2022, three options were considered for inclusion in the Discussion Paper –

- Option A – no wards, seven Councillors,
- Option B – two wards, seven Councillors, with three in western ward, and four in an eastern ward,
- Option C – four wards, seven Councillors, with two in the western ward, one in the north eastern ward, and two in each of the central eastern and south eastern wards.

Local public notice of the review and the discussion paper is required, and it is intended that the discussion paper will be advertised –

- mandatory – on the website by 26 August (commencement of the statutory 6 week public comment period)
- three additional methods of local public notice also required and may include – local newspaper, social media, notice boards of all libraries.

Public comment will close on 27 October 2022, providing additional time than the minimum required.

Council's decision regarding the submission to be made to the Local Government Advisory Board, can be made at either the November or December Council meeting.

CONSULTATION

Council Briefing Session, 15 August 2022

Sean Fletcher, Temporary Chief Executive Officer

Julie Craig, Dept of Local Government, Sporting and Cultural Industries

WA Electoral Commission

STATUTORY CONTEXT

Local Government Act 1995 –

- s.2.2 – District may be divided into wards
- s.2.18(3) – the Governor may make an order changing the number of offices of councillor or number within a ward
- Sch.2.2 –
 - cl.6 – Local Government with wards to review periodically, at least every 8 years, and such a review may be required by the LGAB
 - cl.7 – conduct of reviews
 - cl.8 – matters to be considered, including number of office of councillor for the ward
 - cl.9 – local government to make a report to the LGAB, and may propose changes by absolute majority
 - cl.10 – recommendation to Minister by LGAB
 - cl.11 – enquiry by LGAB
 - cl.12 – Minister may accept or reject LGAB recommendation

CORPORATE CONTEXT

Shire of Victoria Plains Strategic Community Plan

Goals of the Community

5. Civic leadership –

to better allocate scarce resources and effectively interact with the community

5.1. Implement measures to improve relationship and communication between Council and community

5.2. Improve elected member performance

5.3. Develop an advocacy and lobbying capacity

5.4. Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

Cost of –

- advertising for public comment
- to be confirmed, preparation of maps (if wards adopted after public comment period)

VOTING REQUIREMENTS

Absolute majority required: No

2208-15 Officer Recommendation / Council Resolution
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Moved: Cr G O'Brien

Seconded: Cr S Penn

That Council –

1. **ENDORSE** for the purposes of public consultation the Discussion Paper as attached to this agenda allowing for three (3) options as follows –
 - (a) no wards, seven (7) Councillors;
 - (b) two (2) wards, seven (7) Councillors in a 3, 4 Councillor arrangement; and
 - (c) four (4) wards , seven (7) Councillors in a 2, 2, 2, 1 arrangement.
2. in accordance with Schedule 2.2 (7)(1) of the *Local Government Act 1995* give local public notice advising –
 - (a) that a review of its ward boundaries and the number of offices of councillor, for each ward is to be carried out; and
 - (b) that submissions may be made to the Shire by 27 October 2022.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

11. MEETING CLOSED TO PUBLIC

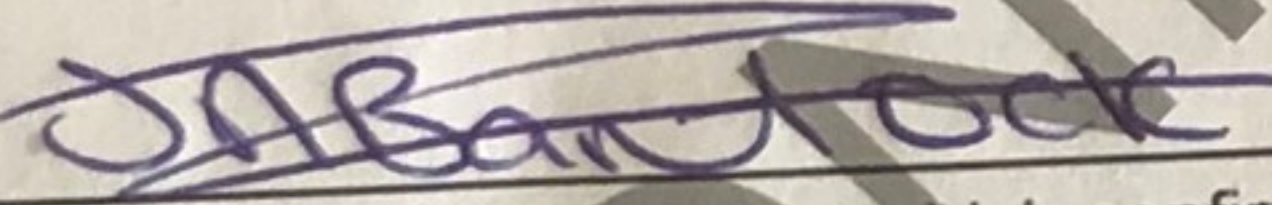
N/A

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 4.30pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 28th sep 2022.

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

Date 28th sep 2022

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