



MINUTES

Ordinary Council Meeting

25 October 2023

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

Commencing – 2.00pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

E – Disclaimer

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

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

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

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

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

Follow the Presiding Member's directions and rulings;

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

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

Commonly-used abbreviations

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

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MINUTES

Ordinary Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 25 October 2023 commencing at 2.00pm

1. DECLARATION OF OPENING

1.1 Opening by the CEO

The CEO declared the meeting open at 2.00pm, welcoming Residents, Elected Members, and Staff to the Meeting, and commenced the meeting by calling for Nominations for the Position of Shire President for the Shire of Victoria Plains.

1.2 Announcements by the CEO

1.2.1 Election of the Shire President

The CEO declared the Shire President will be elected in accordance with the provision of schedule 2.3 of the Local Government Act 2021.

The CEO advised Council he had received one (1) written nomination nominating Cr P Bantock for the role. As there were no further nominations forthcoming, the CEO declared Cr P Bantock successful as the Shire President for the next 2 years.

1.2.2 Swearing in of the Shire President

The Shire President to make the Shire President declaration before the Chief Executive Officer as prescribed in Form 7 of the Local Government (constitution) Regulations 1998, following which the newly elected Shire President will occupy the chair.

The CEO swore Cr Bantock in as the Shire President. Witnessed by Councillors and members of the Public in the Gallery.

1.2.3 Election of Deputy Shire President

The Deputy Shire President will be elected in accordance with the provision of schedule 2.3 of the Local Government Act 2021.

The CEO advised Council he had received one (1) nomination nominating Cr S Woods for the role. As there were no further nominations forthcoming, the CEO declared Cr S Woods successful as the Deputy Shire President.

1.2.4 Swearing in of Deputy Shire President

The Deputy Shire President will make the Deputy Shire President Declaration as prescribed in form 7 of the Local Government (constitution) Regulations 1998.

The CEO swore Cr S Woods in as the Deputy Shire President. Witnessed by Councillors and members of the Public in the Gallery.

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

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

Approval to Attend and Declaration of Confidentiality

N/A

3. RECORD OF ATTENDANCE

-

Members present

Cr P Bantock – Presiding Member (as elected)
Cr S Woods – Deputy Shire President (as elected)
Cr D Lovelock
Cr R Johnson

Staff attending

CEO – Mr S Fletcher
Deputy CEO – Mr C Ashe
WSM – Mr S Brenzi
Council Support Officer – Mrs J Klobas

Apologies	Cr S Penn
Approved leave of absence	N/A
Members of the public	Mr N Clarke Mrs S Johnson Mr J Kelly Mr G McGill Mrs L Fletcher

4. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
4.1	Financial	Nil
4.2	Proximity	Nil
4.3	Impartiality	Nil

5. PUBLIC QUESTION TIME

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

5.1 Public Questions With Notice

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

Nil

5.2 Public Questions Without Notice

Public question time closed at 2.08pm.

Nil

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

Nil

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. MINUTES OF MEETINGS**8.1 Confirmation of Council Meeting Minutes****2310-01 Officer Recommendation / Council Resolution****Moved: Cr D Lovelock****Seconded: Cr S Woods**

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 27 September 2023, with amendment to update point 3 (Staff Attendees) from Mr **H** Hyatt to Mr **M** Hyatt.*

as circulated, be **CONFIRMED** as a true and correct record,**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

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

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – September 2023**

File reference			F1.8.4
Report date			16 October 2023
Applicant/proponent			Nil
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Glenn Deocampo – Coordinator Financial Services
Senior Officer			Colin Ashe – Deputy Chief Executive Officer
Authorised by			Sean Fletcher – Chief Executive Officer
Attachments			
Attachment 1	Page	2	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for September 2023.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

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

In anticipation of changes to Local Government (Finance) Regulation 13(A), clarity was requested from the DLGSC on how credit card payments are being presented to council in terms of the detail and if accounts for payment needed to be recorded in the actual minutes as opposed to referenced as an attachment.

Response from the Department was that the shire was complying in all aspects and just a small change was required on how the Fuel Card was being detailed. This has been corrected in the Sep 23 Accounts for Payment.

CONSULTATION

CEO
D/CEO

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT**Delegations Register –**

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

Strategic Business Plan/Corporate Business Plan

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

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

Policy Implications**Policy Manual –**

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5)	Unlikely (2)	High (10)	Senior Management	Policies and processes

	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	The event could occur at some time		Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.
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FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2310-02 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr S Woods

That the payments made for September 2023 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**	12351 – 12487	571,152.56
Creditor Cheque Payments	12582	1,800.00
Direct Debit Payments**	DD14278-DD14303	37,443.98
Salaries & Wages EFT	PE 13/09/23, PE 27/09/2023	118,960.25
Credit Card–Bendigo Bank-	DD14338.2	7,679.37
	DD14338.3	6,405.78
Fuel Card – Wright Express	DD14338.1	65.23
Trust Payments		0.00
TOTAL		\$743,507.17

Local Spending	\$	%
Local Supplier	43,775.06	5.89
Payroll	118,960.25	16.00
Total	162,735.31	21.89

**includes salary and wages deductions, and SGC

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

9.2 Monthly Financial Statements – September 2023

File reference			12.8.1
Report date			18 Oct 2023
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Colin Ashe, DCEO
Authorised by			Sean Fletcher, CEO
Attachments			
Attachment 1	Page	14	Monthly Financial Statements – 30 Sep 2023

PURPOSE

To receive the monthly financial statements for the period ending 30 Sep 2023.

BACKGROUND

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

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

COMMENT

The Sep 2023 Monthly Financial Statements has been fully prepared by shire Finance staff which meets compliance but is still being fine tuned to ensure it is fit for purpose and in order to provide quality and understandable financial information.

Annual Financial Statements 22-23 are in the final stages of audit completion through the councils Auditors and is mentioned in this item as the closing surplus, and consequently opening financial position 23-24 will have an impact on the current budget.

As previously stated, and detailed in note 12 of material variances, the major impact will be on Grants Commission funding which has the effect of:

- Increasing the financial surplus as received on the 30 Jun 23 and included in that financial year (22-23).
- Including it in the 23-24 budget as revenue to be received in this FY which of course will not occur.
- Has the effect of showing a significant surplus in 22-23 and significant budget deficit in 23-24.
- Both of these transactions will offset each other however, budget adjustments will need to be made in 23-24 to have this realigned and the net effect will not crystalise until the annual financial statements are completed.

STATEMENT OF FINANCIAL ACTIVITY:

The month of Sep 23 references an actual surplus of \$3,197,035 as shown on the Statement of Financial Activity (pg.4). This is calculated by removing all the non-cash items such as depreciation to arrive at a liquidity position and reconciled in Note 1 through a Current Assets and Liabilities position on the Balance Sheet.

NOTES TO ACCOUNT

The following provides a summary and explanation of the major notes in the Sep 23 Financial Statement.

Note 2 Cash and Financial Assets:

The current cash position provides an Unrestricted Municipal Bank Balance of \$2,638,270 and \$2,017,917 in Restricted Cash, the latter comprising:

- \$1,255,837 in Reserves.
- \$762,080 major grant funding received and quarantined until works have been carried.

Note 4 – Debtors:

An overall balance of \$1,116,445 of which 92% relates to rates receivable and comprises:

- \$698,419 or 67% of rates on instalments.
- \$299,268 or 29% that simply have not paid and will be followed up. It should be noted that of this figure, there are several larger rate assessments that comprises over 50% of this outstanding balance. Once contact is made and clarity is ascertained, this amount will reduce drastically.
- \$25,541 or 2% interim rates.
- A collection rate of 71% of rates levied for 23-24.

Sundry Debtors outstanding of \$68,567 is primarily a timing issue with the ATO and BAS and will be cleared in due course.

Note 5 Reserves:

Current balance is \$1,255,837 with little movement in this restricted fund but of note, \$812,412 has been placed in a term deposit at 3.85% interest. The balance is being held in a lower interest-bearing fund but more readily accessible for funding of Plant Replacement.

Note 7 – Capital Program

As provided through various briefing sessions – major road works have commenced but this will not be reflected financially until Oct and Nov 23. However during Sep 23 the following has occurred:

- Commencement of Calingiri Oval Pump Shed and Depot Renovations.

- Purchase of Water Tanker and Tractor Slasher.
- Telegraph Road vegetation clearing and gravel re-sheeting.
- Bolgart ablution block at Bolgart (note the commentary in Note 12 material variances).

Note 10 – Grants and Subsidies

An addition to the new reporting suite that will provide what major grants have been triggered. During Sep 23 there was nil however WFSN project funds were invoiced in Oct 23.

Detailed information is now also provided on the smaller grants that have been secured by the CDO.

Note 11 – LRCI Program

An addition to the reporting suite is to provide a status report on LRCI projects of which there is outstanding works on all Phases 1-3 as follows:

Phase 1 – this had previously been audited and submitted which then triggered advice from LRCI there was an underspend in funding to an amount of \$15,000. If a 'shovel ready' project was submitted and approved this money could be accessed and accordingly the shire submitted the relocation of the standpipe. Some payments have been made to Water Corp and it is expected this project will be completed by Nov 23.

Phase 2 – had been completed and submitted to LRCI but they advised the Mogumber Toilets needed to be completed in full (even though they were not funding this portion of installation). Similarly to Phase 1 this is now complete but invoices need to be received and inputted into the system to finalise the reporting.

Phase 3 – as detailed, some projects are a carry over from 22-23 and planned to be completed in Nov 23.

Phase 4 and 4B – current financial year and in the budget, should be completed by calendar year end.

Note 12 – Material Variances

This provides an explanation of variances in excess of 10% and \$10,000 as per council policy. The major or permanent variances will be addressed through the budget review, in particular the grants commission funding and budget allocation.

AUDIT COMMITTEE

It is planned to have an audit committee meeting in Nov 23 of which a number of items is intended to be tabled including but not limited to:

- Budget variances based on Sep 22 financials.
- Preliminary Audit Findings and audit acquittals if available.
- Explanation of financial statements (unless a separate workshop is required).
- Planning adoption of the Annual Financial Statements in Dec 23 (subject to completion including audit report).

- Audit Survey analysis correspondence received.
- Audit costs and general discussion for audit exit meeting with Willian Buck and OAG.

CONSULTATION

Coordinator Financial Services
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –
Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

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

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

Policy Implications

Policy Manual –
- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5)	Unlikely (2)	High (10)	Senior Management	Policies and processes

	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	The event could occur at some time		Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	including preparation by Finance staff ensure that the residual risk is moderate.
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FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2310-03 Officer Recommendation / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr S Woods**That Council **RECEIVE** the 30 Sep 2023 Monthly Financial Reports as presented:**CARRIED BY UNANIMOUS DECISION OF COUNCIL**

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

9.3 Appointment to Committees, Delegates to Advisory Groups and Other Organisations

File reference	
Report date	16 October 2023
Applicant/proponent	Council
Officer disclosure of interest	Nil
Previous meeting references	27 October 2021 OCM: Item 8.7
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page Nil

PURPOSE

To appoint the Shire's councillors, CEO or other officers to the: committees of council, and as delegates to advisory bodies and as members of other organisations.

BACKGROUND

After each ordinary local government election, Council must appoint members to the Committees of Council, as all positions are required by the Local Government Act to become vacant on the eve of the election. There are also external stakeholder groups and government bodies that become vacant at the same time and the Shire provides delegates to these governing bodies as well.

The presiding member for each committee of council is determined at the first meeting that the committee meets post elections. This applies to the Audit Committee, the Behaviour Complaints Committee, Bush Fire Advisory Committee. The CEO Recruitment Committee and the CEO Performance Review Committee are convened as required. These two committees have generally consisted of all of council.

WALGA advised on 10 October 2023 that Council needs to appoint its Zone delegates and deputy delegates asap and notify WALGA by 3 November 2023. The Zone will then make appointments to State Council during November.

The Local Emergency Management Committee resolved earlier this year to combine with the Moora LEMC. Council had resolved previously that there are four councillors on the Shire of Victoria Plains LEMC. This includes the President and Deputy President. The President is the Chair, with executive support provided through the CESM.

The Department of Planning, Lands and Heritage wrote to the CEO on 28 September 2023 seeking confirmation on the Shire's new nominations to the Development Assessment Panel (JDAP) by Friday 24 November 2023. The Minister makes the appointments (two sitting members and two deputy members).

With the Wheatbelt Secondary Freight Network (WSFN), members of the steering committee are appointed by the Regional Road Group.

It is also proposed that the structure of the Anzac Commemorative Advisory Group membership is altered from five members to three members i.e. one councillor, one community member and the Warden of the War Memorial (currently, Mr Gary McGill). The Group is supported by the Community Development Officer. The CEO attends meetings as required. Discussions were held with Mr McGill regarding this matter on 14 October 2023.

The Wheatbelt Development Commission advised on 16 October 2023 that it is seeking two local government representatives to sit on its Board. Nominations open on 24 October and close 4PM on 4 December 2023. If a councillor is interested, they must be nominated by the Shire. A link to the current board members is here: [Wheatbelt Development Commission :: Our Board](#)

COMMENT

Council was reduced from seven members to five members, effective from the October 2023 local government elections.

Introduction

In accordance with Section 5.10 of the *Local Government Act 1995*, a Councillor is entitled to be a member on any committee of their choice, even though that may exceed the quorum. Additionally, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. The CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

Committees of Council

These are permanent committees established by Council as required under the relevant legislation (except for the Shire of Victoria Plains Behaviour Complaints Committee).

Shire of Victoria Plains Audit Committee	
Membership	3 Councillors
Quorum	2 Members
Deputies	2 Councillors
Purpose	<p>The purpose of the Audit Committee is to:</p> <ul style="list-style-type: none"> • Guide and assist the Shire of Victoria Plains in carrying out its financial management and audit functions; • Monitor and advise the Chief Executive Officer in reviews conducted into financial management and audit systems and procedures. This also includes the Shire's risk management, internal controls and level of compliance and integrated planning and reporting (IPR) and training; • Oversee the implementation of any resulting Council recommendations so as to support better decision-making, greater accountability to the community and ensure a more efficient and effective Local Government. <p>The Audit Committee is a mandatory committee under the Local Government Act. At this point in time, the Committee has no delegated power.</p> <p>The members are elected members only</p>
Meeting Cycle	Meets four times a year unless a special meeting of the Committee is called

Voting Requirements	Absolute Majority
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Shire of Victoria Plains Behaviour Complaints Committee	
Membership	3 Councillors
Quorum	2 Members
Deputies	2 Councillors (i.e. all other members)
Purpose	<p>The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the <i>Local Government Act 1995</i> (the Act) for the purpose of dealing with Behaviour Complaints made under Division 3 of the Shire of Victoria Plain's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct).</p> <p>The extent of authority provided to the Behaviour Complaints Committee is specified in the relevant Delegated Authority, and includes:</p> <ul style="list-style-type: none"> • Dismissing a behaviour complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal. • Making a Finding as to whether an alleged complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur [clause 12(3) of the Code of Conduct]. • Determining reasons for such a Finding. • Where a Finding is made that a breach has occurred, determining: <ul style="list-style-type: none"> ○ To take no further action; or ○ Prepare and implement a plan to address the behaviour of the person to whom the complaint relates. <p>The extent of authority of the Behaviour Complaints Committee is limited by Condition of the Delegated Authority.</p> <p>The members are elected members only</p>
Meeting Cycle	Scheduled as required by the CEO in consultation with the Committee Presiding Member
Voting Requirements	Absolute Majority

Shire of Victoria Plains Bush Fires Advisory (BFAC) Committee	
Membership	1 Councillor The Captain of Each Bushfire Brigade The Chief Bush Fire Control Officer Deputy Chief Bush Fire Control Officer Fire Weather Officers (excluding any that are an employee of the Shire)
Quorum	?
Deputies	All other Councillors
Purpose	To advise Council on any matter relating to fire control within the district.

	The <i>Bush Fires Act 1954</i> - s.67 lists matters listing the BFAC's responsibilities.
	The BFAC is also governed by the <i>Shire of Victoria Plains Bush Fire Brigades Local Law 2018</i>
Meeting Cycle	?
Voting Requirements	Absolute Majority

Advisory Groups

Advisory Groups are those where Council does exercise control (establishment, dissolution etc). They do not fall within the requirements of the Local Government Act.

ANZAC Commemorative Advisory (Working) Group	
Membership	One Councillor (Ideally the President), the CEO, One Community Member and the Warden of the War Memorial
Quorum	2
Deputies	One Councillor
Purpose	The Terms of Reference states the role and scope of the Advisory Group as being: <ol style="list-style-type: none"> 1. Assist with the coordination and arrangements for ANZAC Day; and 2. Consider the management of the Calingiri War Memorial and make relevant recommendations to Council.
Meeting Cycle	As required
Voting Requirements	Simple Majority

Appointment of Delegates – Other Bodies

The Shire is a member of groups or bodies that the state government or others have in place to assist local governments with their responsibilities at the local level.

Local Development Assessment Panel (DAP)	
Membership	2 Councillors - SoVP 3 Specialist Panel Members
Delegates	2 Councillors
Quorum	3 Members
Deputies	2 Councillors – SoVP (They are Alternate Members)
Purpose	<p>Local Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge. Each DAP consists of five panel members, three being specialist members and two local government councillors.</p> <p>So, they determine development applications within a certain type and value threshold (outside the City of Perth where the value is \$2M – \$10M) through consistent, accountable, and professional decision-making. Note the WA Planning Commission during COVID is directly handling projects of State Significance (\$5M or more).</p> <p>DAP's only meet when there is a DAP application to</p>

determine. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under the Shire's local planning scheme.

Local DAP members are also listed on the register for the Mid West/Wheatbelt Joint Development Assessment Panel.

All members must undergo compulsory training.

Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* Council is requested to nominate four (2 members and 2 alternate members) elected members to sit as JDAP members.

The delegates are then appointed by the Minister for Planning. The term ends 26 January 2024.

Note: Delegates will need to assist the Council Support Officer complete the nomination form to the Minister

<https://www.wa.gov.au/organisation/departments-of-planning-lands-and-heritage/development-assessment-panels>

Meeting Cycle	As required
Voting Requirements	Simple Majority

Avon Midland Country Zone - WALGA	
Membership	Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam, Toodyay, Wongan-Ballidu, Victoria Plains and York
Delegates	1 Councillor
Quorum	5 Members
Deputies	1 Councillor
Purpose	WALGA is the peak representative body of local government in Western Australia. The Shire is a member. WALGA is structured based on a zone system throughout Western Australia. Members from each zone sit on the WALGA State Council.
	Delegates must be an elected member
Meeting Cycle	5 per year
Voting Requirements	Simple Majority

Shire of Victoria Plains Local Emergency Management Committee (LEMC)	
Membership	Chairperson – Shire President Deputy Chairperson – Deputy President LEMC Executive Officer - CESM WA Police DFES – Geraldton DPIRD – Moora Education Department - Northam Water Authority - Northam Western Power - Northam

	Department of Communities – Moora North Midlands health Service – Moora St John Ambulance CBFCO DCBFCO VFRS – Wongan Hills and Moora
Delegates	Currently 4 Councillors including President and Deputy President Proposed 2 Councillors (President and Deputy President)
Quorum	?
Deputies	Nil
Purpose	<p>To identify emergency risks and instil prevention, preparedness, responses and recovery plans for a variety of identified risks and hazards within the Shire, thereby preventing or minimising the effects of emergencies within the Shire</p> <p>Emergency Management Act 2005, Section 38</p> <p>Council resolved on 16 May 2018 that there are four Councillors on the Joint LEMC at that time.</p> <p>Under the current LEMC Arrangements (13 August 2018), the LEMC Chair is the Shire President. The LEMC Deputy Chair is the Deputy Shire President</p> <p>Earlier in the year, the Victoria Plains LEMC and the Moora LEMC agreed to amalgamate. It would be prudent to resolve at today's meeting that the number of councillors to the LEMC is reduced from 4 to 2, and that these are the President and Deputy President.</p> <p>These representatives will then become a part of the Victoria Plains and Moora LEMC once it is enacted.</p>
Meeting Cycle	Quarterly
Voting Requirements	Simple Majority

Wheatbelt North Regional Road Group (WNRRG)

Membership	Shires of Chittering, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Gingin, Goomalling, Kellerberrin, Koorda, Merredin, Moora, Mt Marshall, Mukinbudin, Northam, Nungarin, Tammin, Toodyay, Trayning, Victoria Plains, Westonia, Wyalkatchem, Wongan-Ballidu, Yilgarn and York
Delegates	1 Councillor

Quorum	N/A
Deputies	1 Councillor
Purpose	<p>The existence and operation of Regional Road groups are mandated by the State Road Funds to Local Government Agreements and State Road funds to Local Government Advisory Committee.</p> <p>The Role of a regional road group is to:</p> <ul style="list-style-type: none"> • Recommend Local Government Road funding priorities to the state road funds to the Local Government Advisory Committee; and • Monitor the implementation of the Local Government Road Program in their region. Main Roads Western Australia provides technical and administrative support to Regional Road groups. <p>Delegates must be an elected member.</p> <p>Members also participate on the Moora Sub Regional Road Group</p> <p>The WNRRG also appoints regional road group members to the WSN Steering Committee</p>
Meeting Cycle	Twice a year
Voting Requirements	Simple Majority

Avon Voluntary Regional Organisations of Council (AROC) Governance Group	
Membership	Shires of Toodyay, Goomalling, Northam, Dowerin, Victoria Plains and York
Delegates	1 Councillor
Quorum	N/A
Deputies	Nil
Purpose	<p>AROC is a collective of six local governments within the Avon region, formed to work cooperatively for the benefit of the region and well-being of the community.</p> <p>Must be an elected member</p>

	The CEO also sits on the AROC Officers Group, which advises the AROC Governance Group and attends both meetings
Meeting Cycle	5 per year
Voting Requirements	Simple Majority

Rural Water Council	
Membership	Shires of Dandaragan, Dumbleyung, Goomalling, Koorda, Lake Grace, Merredin, Mount Marshall, Moora, Mukinbudin, Narembeen, Nungarin, Victoria Plains, Westonia, York Minister for Water, Department of Water, Water Corporation, Wheatbelt Development Commission, Department of Primary Industries, Wheatbelt NRM
Delegates	2 Councillors
Quorum	N/A
Deputies	Nil
Purpose	The Rural Water Council liaises with the Department of Water and Environmental Regulation (DWER) and the Water Corporation, to raise the profile of community issues within the Dry Land Agricultural Area to the relevant departments.
Meeting Cycle	Quarterly
Voting Requirements	Simple Majority

Council may wish to suspend the Meeting Procedures Local Law (Standing Orders) to discuss further who would like to be on the respective committees.

CONSULTATION

Mr Gary McGill, Warden of the War Memorial, 14 October 2023. Mr McGill suggested that the membership of the Group could be reduced, to allow for greater efficiencies and in terms of calling meetings. The author supports this view. The recommended community member is Ms Joeley Howard, who has been an excellent member of the Group to date. The CEO has also indicated that he is happy to be on the Group as well.

STATUTORY CONTEXT

Local Government Act 1995

Section 5.8 of the Local Government Act 1995 allows the Council to establish committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Local Governments that can be delegated to Committees (Absolute Majority Vote required).

Section 5.10 sets out how Council appoints members to a committee, which must be done by an absolute majority.

Section 5.11A deals with the appointment of Deputy Committee members, which must be done by an absolute majority.

Other Legislative requirements are set out in the purpose for each committee

CORPORATE CONTEXT**Policies**

Nil

Strategic Community Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.1 Forward planning and implementation of plans to achieve community priorities	Performance against targets are regularly reported to the community
	We attend meetings of key local and regional organisations to jointly plan for our community
	Demonstrated progress towards achievement of the Corporate Business Plan

Corporate Business Plan

4. CIVIC LEADERSHIP			
STRATEGY	ACTION	LEAD	22/23
4.1 Forward planning and implementation of plans to achieve community priorities	a. Deliver quarterly reviews of the Shire Community Strategic Plan and Corporate Business Plan.	GO	15,000
	b. Active participation in AROC and Avon Midland CZ	CEO	5,000

Risk Management

The perceived risks are as follows:

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance	Minor (2)	Possible (3)	Moderate (6)	Operational Manager	CEO in conjunction with key staff to monitor requirements regularly regarding Committees, Advisory Groups and Other Bodies
Failing to observe requirements of relevant legislation	Some temporary non compliances	At least once in 3 years			

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority required:

Yes for Committees of Council
Simple Majority for all other groups

Officer's Recommendation

Moved:

Seconded

That Council makes the following appointments by ABSOLUTE MAJORITY:

COMMITTEES OF COUNCIL**Shire of Victoria Plains Audit Committee**

In accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, the following Councillors are APPOINTED to the Shire of Victoria Plains Audit Committee:

Members (3):

1.

2.

3.

Deputy Members (2)

1.

2.

2310-04	Council Resolution
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Moved: Cr S Woods

Seconded Cr D Lovelock

That Council **MAKES** the following appointments by **ABSOLUTE MAJORITY**:

COMMITTEES OF COUNCIL**Shire of Victoria Plains Audit Committee**

In accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Audit Committee:

Members (3):

1. Cr S Woods

2. Cr P Bantock

3. Cr D Lovelock

Deputy Members (2)

1. Cr R Johnson
2. Cr S Penn

Shire of Victoria Plains Behaviour Complaints Committee

In accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Behaviour Complaints Committee:

Members (3)

1. Cr P Bantock
2. Cr S Woods
3. Cr D Lovelock

Deputy Members (2)

1. Cr R Johnson
2. Cr S Penn

Shire of Victoria Plains Bush Fire Advisory Committee

In accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995* and Section 67 of the *Bush Fires Act 1954*, the following Councillors are **APPOINTED** to the Shire of Victoria Plains Bush Fires Advisory Committee:

Members (1)

1. Cr P Bantock

Deputy Members (1)

1. Cr S Woods

CARRIED BY ABSOLUTE MAJORITY AND BY UNANIMOUS DECISION OF COUNCIL

Reason for Variation

To include the names of the Council delegates.

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

Officer Recommendation

Moved:

Seconded:

That Council make the following appointments by SIMPLE MAJORITY:

ADVISORY COMMITTEES

ANZAC Commemorative Advisory (Working) Group

That Council APPOINTS Cr _____, the CEO, Ms Joeley Howard and the Warden of the War Memorial to the Anzac Commemorative Working Group.

APPOINTMENT OF DELEGATES – OTHER BODIES

Local Development Advisory Panel (term expires 26 January 2024)

That Council NOMINATES the following Councillors:

Members (2)

1. Cr
2. Cr

Deputy Members (2) – Alternate Members

1. Cr
2. Cr

Avon Midland Country Zone WALGA

That Council APPOINTS the following Councillors to the Avon Midland Country Zone WALGA:

Delegates (1)

1. Cr

Deputy Delegates (1)

1. Cr

Shire of Victoria Plains – Local Emergency Management Committee

1. That in accordance with Section 38 of the *Emergency Management Act 2005*, the following Councillors be APPOINTED to the Shire of Victoria Plains Local Emergency Management Committee:

LEMC Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Shire President

LEMC Deputy Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Deputy Shire President

2. The requirement for a further two councillors to be a part of the LEMC is revoked.

Wheatbelt North Regional Road Group

That Council APPOINTS the following Councillors as delegates to the Wheatbelt North Regional Road Group (includes the Moora Sub Regional Road Group):

Delegate (1)

1. Cr
- 2.

Deputy Delegate (1)

1. Cr

Avon Voluntary Regional Organisations of Councils

That Council APPOINTS Cr - _____ as the Shire's delegate to the Avon Voluntary Regional Organisations of Council Governance Group

Rural Water Council

That Council APPOINTS Cr _____ and Cr _____ to the Rural Water Council

2310-05 Officer Recommendation

Moved: Cr S Woods

Seconded: Cr D Lovelock

That Council make the following appointments by **SIMPLE MAJORITY**:

ADVISORY COMMITTEES**ANZAC Commemorative Advisory (Working) Group**

That Council **APPOINTS** Cr P Bantock, the CEO, Ms Joeley Howard and the Warden of the War Memorial to the Anzac Commemorative Working Group.

APPOINTMENT OF DELEGATES – OTHER BODIES**Local Development Advisory Panel (term expires 26 January 2024)**

That Council **NOMINATES** the following Councillors:

Members (2)

1. Cr P Bantock
2. Cr S Woods

Deputy Members (2) – Alternate Members

1. Cr D Lovelock
2. Cr R Johnson

Avon Midland Country Zone WALGA

That Council **APPOINTS** the following Councillors to the Avon Midland Country Zone WALGA:

Delegates (1)

1. Cr P Bantock

Deputy Delegates (1)

1. Cr S Woods

Shire of Victoria Plains – Local Emergency Management Committee

1. That in accordance with Section 38 of the *Emergency Management Act 2005*, the following Councillors be APPOINTED to the Shire of Victoria Plains Local Emergency Management Committee:

LEMC Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Shire President

LEMC Deputy Chair (As per the Shire of Victoria Plains Local Emergency Management Arrangements)

The Deputy Shire President

2. The requirement for a further two councillors to be a part of the LEMC is revoked.

Wheatbelt North Regional Road Group

That Council **APPOINTS** the following Councillors as delegates to the Wheatbelt North Regional Road Group (includes the Moora Sub Regional Road Group):

Delegate (1)

1. Cr D Lovelock

Deputy Delegate (1)

2. Cr S Woods

Avon Voluntary Regional Organisations of Councils

That Council **APPOINTS** Cr P Bantock as the Shire's delegate to the Avon Voluntary Regional Organisations of Council Governance Group

Rural Water Council

That Council **APPOINTS** Cr R Johnson and Cr S Penn to the Rural Water Council

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Reason for Variation

To include names of Council Delegates.

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

9.4 Change of Banking Business Facility – Increase in Credit Card Limit

File reference	12.3.1
Report date	18 Oct 2023
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Colin Ashe, DCEO
Authorised by	Sean Fletcher, CEO
Attachments	
Attachment 1	Page 31 Letter of Offer – Business Facility, Bendigo Bank

PURPOSE

To apply the common seal of the Shire of Victoria Plains for amendment to credit card limit of D/CEO back to \$10,000.

BACKGROUND

Originally Shire credit cards were held by the CEO and then Manager Finance and Administration, now Deputy CEO with credit limits of \$20,000 and \$10,000. Historically the Works and Services Manager did not hold a credit card.

COMMENT

With the change of management and in particular, conversion of management contract staff to full time employees there was a need for the WSM to obtain a credit card. There were a number of occasions where the D/CEO's credit card had to be used for minor items on behalf of works and services for plate changes (prior to licencing being re-established at the shire), brickies sand for the Calingiri Cemetery signage etc.

Other times it was more convenient for the WSM to have a credit card on hand for purchases in Perth where an account was not established, e.g. tiles for the Mogumber Toilets.

The initial course of action was to reduce the D/CEO's credit card limit from \$10,000 to \$5,000, allowing \$5,000 to be provided as the limit to the WSM. This meant that the Head Agreement which allows for a total \$30,000 limit did not have to be amended.

This initial trial has proven not to be feasible with the D/CEO's credit card being regularly reaching its limit prior to monthly payment and therefore having to be 'topped up' (interim funds transferred from municipal account to the credit card to return to some credit).

Of note;

- The top up has been raised as a query in accounts for payments and whilst there is no issues with transparency, it's a query not previously asked.
- Of recent times, the D/CEO's personal credit card had to be used for fuel. Again whilst there is no issue with as it is reimbursed, it is another unnecessary transaction and arguably further query that may occur.
- The D/CEO's credit card is most heavily used by Admin staff including:

- Staff training accommodation.
- Monday.com software.
- Advertising and bereavement flowers.
- Plate changes.
- Minor purchases from retail outlets (e.g. shower curtains for the various shire facilities).
- Staff initiatives such as mental health day, R U OK.
- Minor IT, cables, floppy drive.
-

The change of limit will return it back to the original level of \$10,000 and allow for \$5,000 for WSM and maintain a \$20,000 for the CEO but needs the head agreement amended total increase from \$30,000 to \$35,000.

CONSULTATION

CEO

STATUTORY CONTEXT

Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

CORPORATE CONTEXT

Delegations Register

Section 3 – Financial Management

Section 3.3 Credit Card Policy

Strategic Business Plan/Corporate Business Plan

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

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

Policy Implications

Policy Manual –

- 3.3 Financial Management, Credit Card Policy.

Other Corporate Document

- N/A

Risk Analysis

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

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2310-06 Officer Recommendation / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr S Woods**

That Council **APPROVES** the common seal to be placed on the Business Credit Card Facility to increase the D/CEO credit card limit to \$10,000.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

9.5 Integrated Planning and Reporting – Including Quarterly Review of the Implementation Plan (Corporate Business Plan) 2023/2024

File reference			
Report date			18 October 2023
Applicant/proponent			CEO
Officer disclosure of interest			Nil
Previous meeting references			
Prepared by			Sean Fletcher, CEO
Authorised by			CEO
Attachments			
Attachment 1	Page	38	Key Work Action Plan – 2023/2024

PURPOSE

That Council accepts the update regarding Integrated Planning and Reporting including the annual review of the Implementation Plan (Corporate Business Plan) for the September Quarter.

BACKGROUND

To meet the requirements of Integrated Planning and Reporting, the Shire has the following plans in place:

Plan Type	Date Adopted	Due	Comment
Strategic Community Plan (SCP)	3 August 2022	Next plan due June 2032	Changes to the Act in June saw this plan move to an 8 year cycle
Corporate Business Plan (CBP)	26 April 2023	Next Plan due June 2026	Can remain as a 4 year plan
Long Term Financial Plan	26 April 2023	Next Plan due June 2026	Can remain as a 4 year plan
Asset Management Plan	26 April 2023	Next Plan due June 2026	Can remain as a 4 year plan
Work Force Plan (WFP)	26 April 2023	Next Plan due June 2026	Can remain as a 4 year plan
Information Communication Technology (ICT) Plan	Draft	2022	Wallis Computing has progressed draft with comments provided by the Senior Management Team through June 2023

The SCP was adopted by Council on 3 August 2022. The informing strategies were adopted on 26 April 2023 i.e. CBP, LTFP, AMP and the WFP. The ICT Plan is not compulsory, but will now be available for adoption at the December 2023 OCM.

CBP Quarterly Dashboard

The Corporate Business Plan (Implementation Plan) was inserted into the SCP at the 26 April 2023 OCM. Today's report considers the effectiveness of the September Quarter 2023 using the Key Work Plan.

COMMENT

The Key Work Action Plan (Attachment 1) tracks 48 actions for 2022/2023. Each key action has an activity applied to it for the quarter, unless it is a completed action. Some activities are ongoing or span two or more quarters.

Dashboard

It is reasonable to expect that by the end of the September Quarter that each of the key pillars and the summary of the key projects sits at 25% completion or better. The Dashboard in Diagram 1 is as follows:

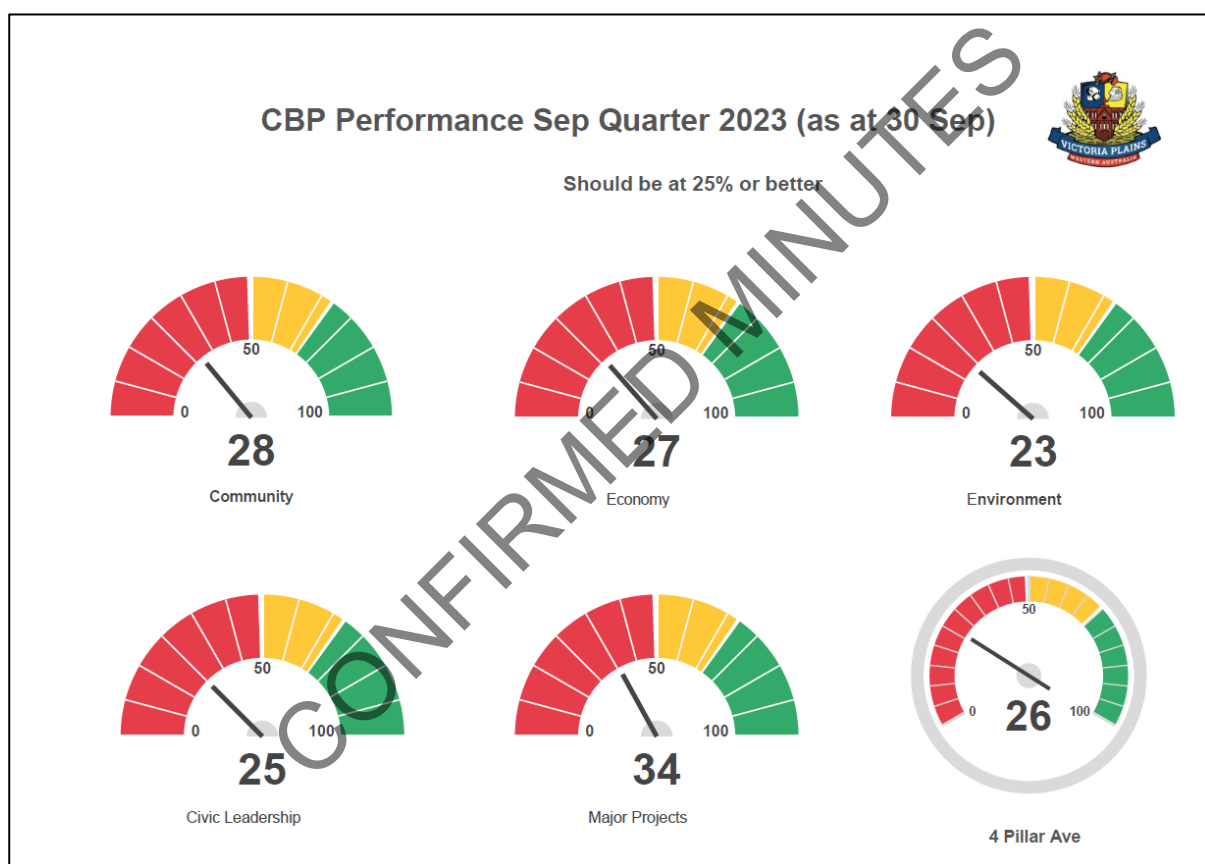


Diagram 1 – SCP Performance based on CBP (September 2023 Quarter)

As it can be seen, the overall average for the four pillars is 26%, which indicates that the Shire in the main is managing the strategic plan and the implementation plan (corporate business plan) well. This is further enhanced with the major projects (capital and operating) achieving key works ahead of expectations.

Community

The Community outcome has one completed project at this point: the implementation of the new Disability Access and Inclusion Plan. There is one project yet to commence: the education campaign by the Community Safety Officer. This role has been vacant during the

September Quarter, the CEO has undertaken discussions regarding a joint officer with the Shires of Moora and Northam.

All other actions are sitting at the required level or better (i.e. the Footpath Program).

Economy

The Economy outcome also has one completed project at this point: the implementation of the new amenities at the Bolgart Caravan Park.

All other actions are sitting at the required level or better (the Installation of the RV Dump Point at the Bolgart Caravan Park, although this should have been delivered by the end of August).

Environment

All actions are tracking as expected. There is one action that is not due to commence until the October Quarter as it is dependent on the appointment of the joint Environment Officer with the Shire of Toodyay, a role that is grant funded in part by WALGA. This action as a result is the reason why the Environment Pillar is slightly under the desired target, but not unexpected.

Civic Leadership

All actions, apart from the Review of the asset management policies and practices are tracking as expected. This has been pushed back December 2023 to allow the CEO and managers time to deliver other key outcomes and services, the completion of the annual audit and the induction of the new council.

Major Projects

In essence, the major projects are meeting or exceeding expectations. A key factor is the progress on the roll out of the works to the Mogumber Yarrowindah Rd and the delivery of the amenities at the Bolgart Caravan Park.

Workforce Plan

The CEO, Senior Management Team and staff are effectively rolling out the Workforce Plan for 23/24. A report on the first two pillars is below. An update regarding the final two pillars will be reported at the next IPR Update.

Skills attraction, retention and succession

Key successes include:

- Use of contemporary and efficient online systems to promote vacancies and receive applications;
- Continue to offer apprenticeship and traineeship opportunities. There is an office trainee in place;
- Continue to offer flexible working arrangements for staff where practical and beneficial to both the employee and the organisation. A number of staff have taken up the opportunity to work from home in conjunction with working at the office. Some outside staff have had their working arrangements adjusted to suit their personal circumstances;
- Review employee wages, rewards and incentives to ensure that they remain competitive, attractive and fair, in the context of the Local Government sector. Wages

and salaries are benchmarked against the WALGA Salaries survey. The Shire is more than competitive regarding what is paid. Outside staff also have access to an EBA;

- Continued investment in maintenance and expansion of Shire housing stock. The CEO is currently developing in conjunction with AROC a housing requirements document and seeking key funding to develop land for this purpose;
- Internal promotion opportunities are advertised and invited - positive opportunity for existing staff to be retained locally. This has been successful re a number of roles.

Key actions to be developed further include:

- Develop and implement succession processes for all business-critical roles.

Training and Development

Key successes include:

- Ensure all employees have a training and development plan, including career goal setting, which is completed as part of their annual performance review. This is in place and training opportunities are provided to all staff each month;
- Hold regular administration and works staff meetings so that staff can discuss strategic projects, share job knowledge and identify cross-training opportunities. In place as a standard practice;
- Provide opportunities for staff to act in other roles to facilitate knowledge transfer as part of a broader plan for succession and to reduce downtime when staff are away. This is working well;
- Contractors can add value to the local team (sharing skills, expertise, knowledge) through shared values and standards. This happens organically.

CONSULTATION

Senior Management Team

Community Development Officer

STATUTORY CONTEXT

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(4) A local government is to review the current corporate business plan for its district every year.

Integrated Planning and Reporting – Framework and Guidelines

Apart from the Annual Report providing progress towards the achievement of the four-yearly Shire priorities as established through the Corporate Business Plan (Intermediate Standard), the Departmental IPR Guidelines require that as a minimum, a quarterly review is conducted on the status of the CBP for each year.

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

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.1 Forward planning and implementation of plans to achieve community priorities	Performance against targets are regularly reported to the community
	We attend meetings of key local and regional organisations to jointly plan for our community
	Demonstrated progress towards achievement of the Corporate Business Plan

The annual review of the Corporate Business Plan demonstrates clearly that the Shire is firmly and clearly heading in the right direction regarding Strategic Action 4.1

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Reputation and Compliance Not adhering to the Corporate Business Plan and hence the Strategic Community Plan	Major (4) Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Unlikely (2) The event could occur at some time - -10 years	Moderate (8)	Operational Manager Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring Adequate: The Shire continues to ensure that the CBP Quarterly Review is available publicly through a report to Council each quarter.	CEO to ensure all staff undertake and follow CBP. Elected Members have undertaken further training in IPR requirements. The above will, ensure that the appropriate manager can assess the risk and correct it accordingly through quarterly reporting. This will ensure that the risk is low

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2310-07 Officer Recommendation / Council Resolution**Moved: Cr S Woods****Seconded: Cr R Johnson**

That Council:

1. **ACCEPTS** the update regarding Integrated Planning and Reporting for September 2023 including the September quarterly review of the Corporate Business Plan and the update regarding the Shire's Workforce Plan.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

CONFIRMED MINUTES

9.6 Application for Development Approval – Proposed Telecommunications Infrastructure on Lot 11 (No.127) Gillingarra-Glentromie Road, Gillingarra

File reference	TBC
Report date	18 October 2023
Applicant/Proponent	Rise Urban Pty Ltd on behalf of Australian Academic Research Network (AARNet) under authority from Pamela Kelly (Landowner)
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Joe Douglas & Cherie Wallace – Town Planning Consultants
Senior Officer	N/A
Authorised by	Mr Sean Fletcher –CEO
Attachments	
Attachment 1 - Page 43	Development Application form and supporting documentation.
Attachment 2 - Page 66	Development Application plans.

PURPOSE

Consideration and determination of a development application for the construction and use of proposed new telecommunications infrastructure and associated improvements on a portion of Lot 11 (No.127) Gillingarra-Glentromie Road, Gillingarra.

BACKGROUND

The applicant has submitted a comprehensive development application on behalf of Australian Academic Research Network (AARNet) seeking Council's approval to construct and operate new telecommunications infrastructure and associated improvements on a portion Lot 11 (No.127) Gillingarra-Glentromie Road, Gillingarra. Full details of the application, including supporting documentation and plans, are provided in Attachments 1 and 2.

AARNet is an Australian owned internet service provider delivering high speed and secure connectivity for Australian universities, CSIRO, and other research and educational organisations. The proposed development contains critical technology and hardware that is necessary to support the network operated by AARNet and will comprise a relay/repeater station which boosts the signal of the broadband along the fibre optic network to provide improved telecommunications and internet services to the Wheatbelt region and beyond.

The proposed development will be sited on a leased portion of Lot 11 located in its north-western corner within a fenced 1,575m² compound on land previously cleared and used for extensive agricultural purposes (i.e. broadacre cropping and grazing). The development will include a new 27m² Controlled Environment Vault (CEV) (i.e. a temperature and humidity controlled room that contains all of the critical technology and hardware that is necessary to support the network) with an overall height of 4.84 metres which will be powered by a solar panel array with 252 panels, the facilities primary source of electricity. The development will also include an 11m² storage shed and backup generator, a 2 metre wide landscaping strip for visual screening purposes and a drainage swale along the land's western boundary (i.e. frontage to Bindoon-Moora Road). The leased area will be secured by an open-style 2.4

metre high chain-link fence to be installed around its perimeter with recessed access gates in its south-western corner connecting the site to a new crossover to Bindoon-Moora Road. There are no towers, masts, second-hand structures or sea containers proposed to form part of the development. The site will not be staffed, except for routine maintenance and inspections which are expected to occur every four to six weeks.

Lot 11 is located approximately 18 kilometres north of Mogumber in the locality of Gillingarra. The subject land is generally rectangular in shape, comprises a total area of approximately 420.41 hectares and has direct frontage and access to two roads: Gillingarra-Glentromie Road along its eastern boundary and Bindoon-Moora Road along its western boundary.

The proposed development will have direct access to/from Bindoon-Moora Road which is a primary distributor road under the care, control and management of Main Roads WA and has been constructed to a sealed highway standard. It is significant to note the proponent has sought and obtained approval from Main Roads WA to access the proposed development via the land's Bindoon-Moora Road frontage (see Attachment 1).



Location & Lot Configuration Plan (Source: Landgate 2023)

Lot 11 is gently sloping from east to west, has been extensively cleared of all native vegetation in select locations, including the area comprising the proposed development the subject of this report, which have been developed and used for extensive agriculture purposes (i.e. broadacre cropping and grazing) for many years.

Existing adjoining and other nearby land uses are predominantly rural in nature comprising broadacre agricultural activities on lots ranging in size from 15 to 1,098 hectares. Notable exceptions to this are:

- Crown Reserve 40297 located immediately north which is a recreation reserve under the care control and management of the Shire;

- Lot 4079 (No.5588) Bindoon-Moora Road, Gillingarra which is owned by the Gillingarra Sports and Recreation Club Inc. and has been developed and used for community related purposes; and
- Lot 4080 Bindoon-Moora Road, Gillingarra which is owned by the Gillingarra Sports and Recreation Club Inc. and has been developed and used for residential purpose (i.e. a single house and various associated improvements).



Location of Proposed Development (Source: Development Application Report)

The subject land is not located within a flood plain, wetland or waterway and has not been designated by the Department of Water and Environmental Regulation as being flood prone.

A significant proportion of the property, including the proposed development area, has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Notwithstanding this fact, as the proposed development is non-habitable, will not result in an increase of residents or employees on the land, and will not involve the occupation of employees on site for any considerable amount of time, a bushfire attack level assessment and bushfire management plan are not required in support of the application which is consistent with the guidance provided by section 2.6 of the *Guidelines for Planning in Bushfire Prone Areas* published by the Western Australian Planning Commission.

Whilst the subject land contains no buildings or sites of European cultural heritage significance, it falls within an area identified on the Department of Planning, Lands and Heritage's Aboriginal Cultural Heritage Inquiry System as having Aboriginal cultural heritage significance (i.e. ACH Identifier: ACH-00020008 / Name: Gingin Brook Waggy Site / Place Type: Camp; Creation/Dreaming Narrative; Historical; Hunting Place; Plant Resource; Water

Source / State Significance: No / Culturally Sensitive: Yes / Culturally Sensitive Nature: No Gender/Initiation Restrictions / Restricted Place: Yes / Boundary Reliable: Yes). As such, the landowner and/or proponent of any new development must have due regard for the specific requirements of the *Aboriginal Heritage Act 1972* (as amended) when undertaking any works on the land.

COMMENT

Lot 11 is classified 'Rural' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).

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

- *To provide for the maintenance or enhancement of specific local rural character.*
- *To protect broadacre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural Zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.*

The development of any land classified 'Rural' zone for the purposes of telecommunications infrastructure is listed in the Zoning Table of LPS5 as being a discretionary (i.e. 'D') use meaning it is not permitted without Council's development approval.

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 associated local planning policies as well as 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, the objectives of the land's current 'Rural' zoning classification in LPS5 and is compliant, or capable of compliance, with the following relevant requirements:

- Land capability and suitability;
- Preservation of productive agricultural land;
- Preservation of rural character and amenity and places of cultural heritage significance;
- Preservation of natural environmental features, drainage patterns and catchments;
- Vehicle access and parking; and
- Bushfire risk and stormwater drainage management.

Notwithstanding the above conclusion, Council should note the proposed development does not comply with the minimum setback requirements of LPS5. Clause 44 of LPS5 requires all development on 'Rural' zoned land to have a minimum setback of 20 metres from the

primary street frontage and 10 metres from all side and rear boundaries.

Under the terms of the application received the proposed development will have setbacks ranging from 10 to 12.4 metres to the subject land's primary street frontage (i.e. Bindoon-Moora Road) and a 3.5 metre setback to the land's northern side boundary.

Despite this non-compliance, clause 30 in LPS5 expressly states the local government may approve an application for a development approval that does not comply with the site and development requirements of the Scheme (e.g. lot boundary setbacks) if it is satisfied:

- a) approval of the proposed development would be appropriate having regard to the matters the local government is to have regard to in considering an application for development approval as set out in clause 67 of the Deemed Provisions; and
- b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Having regard for:

- i) the limited bulk, scale and size of the proposed development in its local context;
- ii) the general compatibility of the proposed development with the existing use of the land for extensive agricultural purposes (i.e. cropping and grazing), which will continue and remain the predominant land use;
- iii) the general compatibility of the proposed development with the existing use of all immediately adjoining properties;
- iv) the proposed development's significant separation distances to the nearest dwellings;
- v) the location, type and density of existing roadside vegetation, which will be retained, and the proponent's intention to provide a 2 metre wide landscaping strip along the development's primary street frontage for visual screening purposes;
- vi) the ability to accommodate all vehicle movements to/from the development in a safe and convenient manner as evidenced by the approval granted by Main Roads WA;
- vii) the significant benefit the proposed development will have for the local community and economy in terms of improved telecommunication services; and
- viii) the various written justifications provided by the applicant in the application documentation,

it is contended the proposed development is appropriate having regard to the various matters set out in clause 67 of the Deemed Provisions and its non-compliance with the additional site and development requirement of LPS5 (i.e. lot boundary setbacks) will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

In light of the above findings, it is concluded the proposal to install and operate telecommunications infrastructure on the subject land is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality. As such, it is recommended Council exercise discretion and grant conditional approval to the application to ensure the proposed development proceeds in accordance with the information and plans submitted in support of the proposal and the standards and requirements of the Shire's local planning framework.

CONSULTATION

Public consultation and referral to State government agencies and key essential service providers was not required nor deemed necessary. The application was, however, the subject of discussions with the applicant prior to and during its preparation. The applicant also contacted and obtained Main Roads WA's conditional approval to access the proposed development via the land's Bindoon-Moora Road frontage prior to lodgement of the application.

STATUTORY CONTEXT

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2 (Deemed Provisions), Part 9, Clause 67 – 'Matters to be considered by local government'
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 16 – 'Zones' and 'Zoning Table'
 - Clause 30 – 'Variations to Site and Development Requirements'
 - Clause 44 – 'Rural Zone'
- *State Planning Policy 2.5 - 'Rural Planning'*
 - Clause 5.1 - 'Protection of rural land and land uses'
 - Clause 5.12 – 'Preventing and managing impacts in land use planning'
- *State Planning Policy 5.2 - 'Telecommunications Infrastructure'*
 - Clause 5.1 - 'Visual Impacts'
- *Main Roads WA Driveways Policy*
 - Clause 2.4 - 'New Driveways'
 - Clause 3.3 – 'Application for Construction of a Driveway'

CORPORATE CONTEXT

Shire of Victoria Plains Local Planning Strategy

The proposed development is consistent with the following section of the Shire of Victoria Plains Local Planning Strategy:

1. **Agricultural Areas**

Objective: To provide for the sustainable use of agricultural land within the Shire for existing and future generations.

Integrated Strategic Plan 2022-2032

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

2. **Economy**

Strategic Priority 2.1 - We understand traditional and emerging industries across the Shire;

Strategic Priority 2.2 - Safe and efficient transport network enables economic growth.

3. **Environment**

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

4. **Civic Leadership**

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

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

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

Delegation

Not applicable

Policy Implications

There are no policy implications.

Other Corporate Document

Not applicable

Risk Analysis

The key risks associated with the proposed development are the potential loss of productive agricultural land, vehicle access to/from a regional distributor road, and potential visual amenity impacts due to non-compliant boundary setbacks.

All risks have been identified and assessed by the applicant and the Shire Administration and are considered to be low and therefore acceptable given the controls available to minimise any potential negative impacts.

FINANCIAL IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute majority required: No

2310-08	Officer Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr S Woods

That Council resolve to **APPROVE** the development application submitted by Rise Urban Pty Ltd on behalf of Australian Academic Research Network (AARNet) under authority from Pamela Kelly (Landowner) for the construction and use of proposed new telecommunications

infrastructure and associated improvements on a portion of Lot 11 (No.127) Gillingarra-Glentromie Road, Gillingarra subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the proposed development is not substantially commenced within this period the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The external surfaces of all structures to be installed on the land shall not be highly reflective and must of a colour that blends into and complements the local rural landscape (i.e. external surfaces must not be visually obtrusive when viewed from the public realm).
5. All access to/from the proposed development shall be via the land's frontage to Bindoon-Moorra Road as shown on the plans submitted in support of the application unless otherwise approved by the local government.
6. No access to the proposed development, including the initial construction phase, is permitted via Crown Reserve 40297 located immediately north unless otherwise approved by the local government.
7. All internal driveways and parking areas shall be constructed prior to occupation and use of the proposed development.
8. All stormwater drainage from the proposed development shall be retained and disposed on-site and must not be directed to any immediately adjoining property including the Bindoon-Moorra Road road reserve. The proposed drainage swale must be constructed prior to occupation and use of the proposed development and maintained thereafter for the life of the development to the specifications and satisfaction of the local government.
9. All final finished ground levels for the proposed development shall tie in with the adjoining portion of the subject land being used for extensive agricultural purposes, Crown Reserve 40297 located immediately north, and the Bindoon-Moorra Road road reserve.
10. The 2 metre wide landscaping strip along the land's frontage to Bindoon-Moorra Road shall be planted using suitable drought tolerant plant species that will visually screen the proposed development from public view when fully mature. The landscaping required by this condition must be planted prior to occupation and use of the proposed development and maintained thereafter for the life of the development to the specifications and satisfaction of the local government.
11. The new fencing surrounding the proposed development shall not contain any barbed wire atop and must tie into the existing fencing along the land's common boundary with Crown Reserve 40297 located immediately north to the specifications and satisfaction of

the local government.

12. The proposed telecommunications infrastructure and all associated improvements shall be maintained in good working order for the full term of their operational lifespan to avoid any potential risk or hazards.
13. The proposed telecommunications infrastructure and all associated improvements must be decommissioned and removed from the land at the end of their operational lifespan with the ground rehabilitated to its natural state (i.e. bare earth with no vegetation) and stabilised as may be required no later than six (6) months thereafter to the satisfaction of the local government unless otherwise approved by the local government.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the local government's Principal Building Surveyor prior to the commencement of any construction or earthworks on the land.
4. 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 local government with the building permit application.
5. The proponent / landowner is reminded of their obligation to ensure compliance with the *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all rural land with an area greater than 10 hectares to help guard against potential bushfire risk.
6. Main Roads WA has confirmed an *Application to Undertake Works within the Road Reserve* is required to be prepared by the proponent and submitted to its Wheatbelt Region office for consideration and determination prior to the new crossover to Bindoon-Moora Road being constructed and used.
7. The proponent / landowner must have due regard for the specific requirements of the *Aboriginal Heritage Act 1972* (as amended) when undertaking any works on the land.
8. 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.

9. If the applicant / proponent / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted to the State Administrative Tribunal within 28 days of this determination.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

CONFIRMED MINUTES

9.7 Application for Development Approval – Proposed New Outbuilding (Domestic Storage Shed) on Lot 38 (No.23) Yulgering Road, Calingiri

File reference	
Report date	18 October 2023
Applicant/Proponent	Castlerock Developments Pty Ltd on behalf of Shane Durant (Landowner)
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Joe Douglas & Cherie Wallace – Town Planning Consultants
Senior Officer	N/A
Authorised by	Mr Sean Fletcher – Chief Executive Officer
Attachments	
Attachment 1 – Page 80	Copy of Development Application
Attachment 2 – Page 94	Other Landowner Submission (Redacted)

PURPOSE

Consideration and determination of a development application submitted by Castlerock Developments Pty Ltd on behalf of Shane Durant (Landowner) to construct a new 81m² steel framed, Colorbond clad outbuilding (domestic storage shed) on Lot 38 (No.23) Yulgering Road, Calingiri.

BACKGROUND

The applicant is seeking Council's development approval to construct a new 81m² steel framed, Colorbond clad outbuilding (i.e. shed) on Lot 38 (No.23) Yulgering Road, Calingiri for domestic storage purposes (i.e. caravan and personal recreational equipment).

The proposed outbuilding will be sited in the eastern portion of the property near its Lambert Crescent frontage. An existing 12.6m² outbuilding is proposed to be removed to allow vehicle access to the proposed development. Full details of the application, including supporting documentation and plans, are provided in Attachment 1.

Lot 38 is an irregular shaped lot located on the northern side of Yulgering Road on the corner of Lambert Crescent in the Calingiri townsite in a well-established residential area. The subject land comprises a total area of approximately 3,003m² and has direct frontage and access to Yulgering Road which is a sealed and drained regional distributor road under the care, control and management of Main Roads WA. The property also has direct frontage, but no approved access, to Lambert Crescent along its eastern side boundary which is a sealed and drained local road under the care, control and management of the Shire.

Lot 38 has been extensively developed and used for low density residential purposes for a number of years and contains an older-style single storey dwelling in good habitable condition in its front portion. The balance of the property contains numerous improvements associated with its current residential use including an ancillary dwelling, swimming pool, patio and lean-to structures, lawn and garden areas, driveways and three (3) existing outbuildings comprising a total combined floor area of approximately 67m², one of which will be removed in its entirety to accommodate the proposed new outbuilding.

Immediately adjoining and other nearby land uses include:

- Low density residential development (i.e. single houses and domestic outbuildings) immediately north and west;
- The Lambert Crescent road reserve immediately east with low density residential development beyond; and
- The Yulgering Road road reserve immediately south with light industrial development, public open space and a water supply reserve beyond.



Location & Lot Configuration Plan (Source: Landgate 2023)

The subject land is not located within a flood plain, wetland or waterway and has not been designated by the Department of Water and Environmental Regulation as being flood prone.

The eastern half of the property, including the proposed development area, has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Notwithstanding this fact, as the proposed development is non-habitable, will not result in an increase of residents or employees on the land, and will not increase bushfire threat, a bushfire attack level assessment and bushfire management plan are not required in support of the application which is consistent with the guidance provided by section 2.6 of the *Guidelines for Planning in Bushfire Prone Areas* published by the Western Australian Planning Commission.

COMMENT

Lot 38 is classified 'Residential' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5) with a density coding of R10.

Under the terms of LPS5 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development and use of an outbuilding in

association with a single house is listed as being a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it satisfies the deemed-to-comply provisions of the *Residential Design Codes of Western Australia* (i.e. the 'R-Codes').

Council should note the proposed demolition of an existing 12.6m² outbuilding to accommodate the proposed new outbuilding is exempt from the need for Council's development approval as per clause 61(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and has not therefore been considered as part of this application.

Assessment of the proposal for Lot 38 has confirmed it satisfies the majority of the deemed-to-comply standards and requirements of the R-Codes and Local Planning Policy 10.2 (LPP10.2) entitled 'Outbuildings' except for the following:

- i) Maximum permitted individual and collective floor area for outbuildings (i.e. 80m² maximum permitted by LPP10.2 / 136m² proposed comprising two existing outbuildings to be retained with a total combined floor area of 55m² and the proposed new 81m² outbuilding);
- ii) Maximum permitted wall height for outbuildings (i.e. 3 metres required by LPP10.2 / 4.5 metres proposed);
- iii) Maximum permitted roof ridge height for outbuildings (i.e. 4.5 metres required by LPP10.2 / 5.293 metres proposed); and
- iv) Stormwater drainage management.

In considering whether or not to approve the proposed variations to LPP10.2 described in points i) to iii) above Council must decide, pursuant to clause 30 in LPS5, whether:

- a) approval of the proposed development would be appropriate having regard to the matters the local government is to have regard to in considering an application for development approval as set out in clause 67 of the Deemed Provisions; and
- b) the non-compliance with the site and development requirements of LPS5, including the R-Codes and LPP10.2, will have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

In order to help inform the planning assessment process and a final decision by Council, details of the application were made available to all landowners in the immediate locality that have potential to be impacted by the proposed development. At the conclusion of the 14 day consultation process one (1) submission had been received from a nearby landowner objecting to the proposed development for various reasons, a redacted copy of which is provided in Attachment 2 and summarised briefly as follows:

- *The proposed development is not consistent with the aims of the Shire's Local Planning Scheme No.5 as it applies to safeguarding and enhancing the character and amenity of the built environment;*
- *The streetscape of Lambert Crescent will be industrialised by the positioning of the structure only 1 metre from the Lambert Crescent boundary line;*
- *The proposed development is commercial in its scale, height and style;*
- *It has no windows or design features to relieve the blank exterior;*
- *The property already has roof development that exceeds the residential design codes;*

- *It adversely affects the amenity and streetscape of this residential area and our house in particular; and*
- *There has not been a precedent set for development of this kind since the promulgation of LPS5.*

The applicant and landowner were advised of the objection received during the consultation process and, in response, amended the proposed site development plan by re-positioning the proposed outbuilding on the subject land to address the various concerns raised.

Following a detailed assessment of the revised application it is concluded the proposed variations to the requirements of LPP10.2 as they apply to maximum permitted floor area, wall heights and roof ridge heights for residential outbuildings are unlikely to have any significant adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The proposed outbuilding is not considered to be excessively large in its local context, will be finished using visually appealing materials and colours, and will be located behind and to the east of the existing dwelling on Lot 38. As such, it is considered unlikely to have any negative impact on the visual amenity of the local streetscape or any neighbouring properties;
- ii) The proposed outbuilding will be located behind the primary street setback of the existing dwelling on the adjoining property located immediately north and will not therefore be in direct view from the front of the dwelling or any habitable rooms within; and
- iii) The proposed outbuilding is compliant with all minimum boundary setback requirements prescribed in the R-Codes and will not give rise to any overshadowing or access to natural sunlight for any dwellings on any immediately adjoining or other nearby properties.

It was noted during assessment of the application that no information was provided as to how stormwater from the proposed outbuilding will be managed and disposed. The R-Codes require all stormwater from outbuildings to be directed to garden areas, sumps or rainwaters tank/s to allow for the effective retention of stormwater on-site. The retention and management of stormwater on the property is achievable with relative ease however it is recommended Council impose a condition on any development approval that may ultimately be granted requiring compliance with the requirements of the R-Codes to ensure no stormwater is directed to any immediately adjoining property including road reserves.

Lastly, in relation to access to the proposed outbuilding from Yulgering Road which is a regional distributor road that carries large volumes of traffic on a daily basis, Council should note the following key points:

- i) Main Roads WA confirmed via email on 15 August 2023 that due to the pre-existing nature of the two (2) existing crossovers along the land's Yulgering Road frontage, it will not require their rationalisation or removal as part of the proposed development (see Attachment 1); and
- ii) The existing front boundary fence along the land's Yulgering Road frontage is visually permeable and does not pose any issues in relation to lines of sight to allow for the safe and convenient movement of vehicles to/from the proposed new outbuilding on the land.

In light of the above findings it is concluded the proposed development is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality. As such, it is recommended Council exercise discretion and grant conditional approval to the application to ensure the proposed development proceeds in accordance with the information and plans submitted in support of the proposal and the standards and requirements of the Shire's local planning framework.

CONSULTATION

As mentioned previously above, details of the application were made available to all landowners in the immediate locality who were invited to provide comment within 14 days. At the conclusion of the consultation process one (1) submission had been received from a nearby landowner objecting to the proposed development for various reasons.

Referral to State government agencies and key essential service providers was not required nor deemed necessary. The application was, however, the subject of ongoing discussions with the applicant and landowner during the planning assessment process. The landowner also contacted and obtained Main Roads WA's unconditional approval to access the proposed development via an existing crossover along the land's Yulgering Road frontage.

STATUTORY CONTEXT

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 9, Clause 67 – 'Matters to be considered by local government'
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 16 – 'Zones' and 'Zoning Table'
 - Clause 25 – 'R-Codes'
 - Clause 30 – 'Variations to Site and Development Requirements'
- *Shire of Victoria Plains Local Planning Policy 10.2 - 'Outbuildings'*
- *State Planning Policy 7.3 - 'Residential Design Codes (Volume 1)'*
 - Clause 5.4.3 - 'Outbuildings'
- *WAPC Development Control Policy 5.1 – Regional Roads (Vehicular Access)*

CORPORATE CONTEXT

Shire of Victoria Plains Local Planning Strategy

The proposed development is generally consistent with the following section of the Shire of Victoria Plains Local Planning Strategy:

5. *Calingiri Townsite*

Objective: Actively promote Lambert Crescent area for residential development.

Integrated Strategic Plan 2022-2032

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

5. *Economy*

Strategic Priority 2.2 - Safe and efficient transport network enables economic growth.

6. *Environment*

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

7. *Civic Leadership*

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

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

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

Delegation

Not applicable

Policy Implications

There are no policy implications.

Other Corporate Document

Not applicable

Risk Analysis

The key risks associated with the proposed development are reduced visual amenity due to its size and scale and potential traffic safety issues.

All risks have been identified and assessed by the applicant, Main Roads WA and the Shire Administration and are considered to be low and therefore acceptable given the controls available to minimise any potential negative impacts.

FINANCIAL IMPLICATIONS

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

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

VOTING REQUIREMENTS

Absolute majority required: No

2310-09	Officer Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr S Woods

That Council **RESOLVE** to **APPROVE** the development application submitted by Castlerock Developments Pty Ltd on behalf of Shane Durant (Landowner) to construct a new 81m² steel framed, Colorbond clad outbuilding (i.e. domestic storage shed) on Lot 38 (No.23) Yulgering Road, Calingiri subject to the following conditions and advice notes:

Conditions

14. The proposed outbuilding shall be constructed strictly in accordance with the information and final revised 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.
15. 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.
16. 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 the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
17. All external surfaces of the proposed outbuilding shall be clad with new materials only. The use of zincalume is not permitted.
18. The final finished floor level of the proposed outbuilding shall not be higher than 100mm above the land's natural ground level unless otherwise approved by the local government.
19. All stormwater drainage from the proposed outbuilding shall be retained and disposed on-site and must not be directed to any immediately adjoining property including road reserves.
20. The proposed outbuilding shall only be used for the parking of vehicles, domestic storage and personal hobby purposes unless otherwise approved by the local government.

Advice Notes

10. 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 or restrictive covenant. It is the responsibility of the applicant and 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.
11. 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 and 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.
12. In accordance with the *Building Act 2011* and *Building Regulations 2012*, suitable demolition and building permit applications must be submitted to and approved by the local government's Principal Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
13. The proposed new outbuilding 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.
14. The removal of any asbestos from the land may only be undertaken by an authorised asbestos removal licence holder in accordance with the specific requirements of the *Occupational Safety and Health Act 1984*, the *Occupational Safety and Health Regulations 1996* and the National Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)].

15. 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.
16. The applicant / landowner is reminded of their obligation to ensure compliance with the *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all land with an area up to 4,000m² to help guard against potential bushfire risk
17. 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.
18. If the applicant or 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 BY UNANIMOUS DECISION OF COUNCIL

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

10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

12. MEETING CLOSED TO PUBLIC

Nil

13. NEXT MEETING OF COUNCIL

The next Ordinary Council Meeting has been scheduled for 2:00pm on Wednesday 22 November 2023, to be held at Council Chambers, 28 Cavell Road, Calingiri.

14. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at .2.38pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 22nd Nov 2023 2023.

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

Date 22nd Nov 2023

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