



Minutes

Ordinary Council Meeting

25 September 2019

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.07 pm

DISCLAIMER:

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

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

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

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

Commonly-used abbreviations

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

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers,
on 25 September 2019 commencing at 2.07 pm.

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.07pm, welcoming Councillors, staff and members of the public to the Meeting.

1.2 Announcements by presiding member

The Presiding Member read aloud the formal Disclaimer Announcement.

The President wished to thank retiring Councillors and offered his sincere appreciation and thank you to those whose current 4 year term is shortly to expire noting their input and endeavours to the Shire's efforts reflects the democratic principle of our country.

1.3 Announcement of visitors and presentations

Nil

2. RECORD OF ATTENDANCE

Members present

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

Staff attending	Chief Executive Officer – Ms Glenda Teede Executive Assistant – Mrs Julie Klobas Works and Services Manager – Mr Robert Edwards Finance and Administration Manager – Mrs Ina Edwardson (until 3.02pm) Governance Officer – Mr Aaron Bowman
Apologies	Cr Penn
Approved leave of absence	Nil
Visitors	Nil
Members of the public	Mr John Reid Mr Malcolm Palmer Mr Michael Anspach Mrs Suzanne Woods Mr Gary McGill Mr Jim Kelly

3. DISCLOSURES OF INTEREST

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

Type	Item	Person / Details
3.1	Financial	Nil
3.2	Proximity	Cr P Bantock declared a proximity interest in item 13.1 'Consideration of Mogumber / Yarrowindah Rd WSN Pilot Project' as <i>'Trustee of a trust that owns adjoining property 202 Mogumber-Yarrowindah Rd'</i> .
3.3	Impartiality	Cr P Bantock declared an impartiality interest in item 10.4 'Application for Development Approval – Proposed New Rural Outbuilding (Hay Storage Shed) on Lot 10 Mogumber Road West, Mogumber' as <i>'Socialise with workers from the Business in general social environments'</i> . Cr A Broadhurst declared an impartiality interest in item 12.1, 'Award of Tender – RFT 01-2019.20 – Accounting Services' as <i>'Friend of Partner at RSM'</i> .

4. PUBLIC QUESTION TIME

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

Public Question Time commenced at 2.10 pm.

4.1 Response to previous public questions taken on notice – OCM - 31 July 2019

Q1. Cr Broadhurst queried whether any of the Shire staff may enter a personal residence without Notice?

A1. The Governance Officer advised access to private property without consent requires a warrant, however, for example, a ranger may pursue a cat or dog if it goes onto private property; noting there are exceptions such as swimming pools, which are mandated under legislation, where inspection must be undertaken.

Cr Broadhurst queried whether that required the permission of the owner to enter their property, noting that a number of residents had contacted him regarding access to private residences as distinct from public residences.

The Shire President took this as a Question on Notice, requesting clarification as to which staff do have authority and under what conditions they may enter private property without notification.

4.1 Response to previous public questions taken on notice – SCM - 12 August 2019

Mr Jim Kelly - Gillingarra

Q1. In the Minutes of the OCM – 20 July 2016 – \$1.266m in reserves, however this is now approx. \$400,000.

Asked in February 2019 where has the money specifically gone?

A1. Question Taken on Notice.

***Extract from meeting of OCM 27 February 2019*

4.1 Response to previous public questions taken on notice

From 19 December 2018

Mr Jim Kelly

Q5 At a previous meeting I asked where the \$650,000 reduction of investment (reserve) accounts had been spent.

A5 The Finance Consultant went through the Reserve accounts that we have. The individual expenditure of those accounts is a Council issue for decision where there is a need for use of reserves.

Q6 I am asking the question again – where did the money get spent, out of each individual investment (reserve) account?

Response

Details of balances and use of the funds for the financial years 2015/2016, 2016/2017, 2017/2018 and 2018/2019 to December 2018 are detailed following –

Shire of Victoria Plains – Reserve Movements

Opening Balance of Reserves

Reserve	2015-16			2016-17			2017-18			2018-19			Notes
	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Long Service Leave	75,025	75,025	75,239	77,387	77,387	77,267	28,419	28,419	28,844	4,425	4,425	4,438	1
Plant	149,171	149,171	146,983	151,179	151,179	150,944	65,545	65,545	66,264	67,563	67,563	67,678	1
Housing	188,871	188,871	190,996	142,781	142,781	142,742	70,063	70,063	70,966	37,331	37,331	37,400	1
Sewerage Scheme	72,412	72,412	72,617	74,690	74,690	74,574	76,218	76,218	76,096	77,447	77,447	77,578	1
Refuse Site	304,029	304,029	304,891	269,595	269,595	267,922	273,830	273,830	273,652	278,509	278,509	278,982	1
Building Maintenance	90,366	90,366	88,878	74,791	74,791	74,201	75,837	75,837	75,815	77,161	77,161	77,292	1
Infrastructure	16,309	16,309	12,784	117,228	117,228	120,012	122,658	122,658	121,837	74,000	74,000	74,135	1
Gym Equipment	6,856	6,856	6,875	7,071	7,071	7,060	7,216	7,216	7,204	7,333	7,333	7,344	1
	903,039	903,039	899,263	914,722	914,722	914,722	719,786	719,786	720,678	623,769	623,769	624,847	

Transfers to Reserves

Reserve	2015-16			2016-17			2017-18			2018-19			Notes
	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Long Service Leave	1,560	1,560	2,028	1,583	1,583	1,577	600	600	594	0	0	0	1,2
Plant	3,107	3,107	3,961	1,857	1,857	3,080	77,178	77,178	1,414	0	0	0	1,2,3
Housing	2,888	2,888	3,746	2,925	2,925	3,224	1,480	1,480	1,434	0	0	0	1,2
Sewerage Scheme	1,506	1,506	1,957	1,528	1,528	1,522	1,610	1,610	1,482	0	0	0	1,2
Refuse Site	6,328	6,328	7,031	5,510	5,510	5,730	5,786	5,786	5,330	0	0	0	1,2
Building Maintenance	1,879	1,879	1,947	18,036	18,036	1,614	1,602	1,602	1,477	0	0	0	1,2,4
Infrastructure	344,872	344,872	347,682	2,416	2,416	1,825	2,592	2,592	2,298	0	0	0	1,2
Gym Equipment	143	143	185	145	145	144	152	152	140	0	0	0	1,2
	362,283	362,283	368,537	34,000	34,000	18,716	91,000	91,000	14,169	0	0	0	

Transfers from Reserves

Reserve	2015-16			2016-17			2017-18			2018-19			Notes
	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Long Service Leave	0	0	0	(50,000)	(50,000)	(50,000)	0	(25,000)	(25,000)	0	0	0	1,5
Plant	0	0	0	(87,760)	(87,760)	(87,760)	0	0	0	(25,500)	(25,500)	0	1
Housing	(100,000)	(100,000)	(52,000)	(75,000)	(75,000)	(75,000)	0	(35,000)	(35,000)	(20,000)	(20,000)	0	1,5,6
Sewerage Scheme	0	0	0	0	0	0	0	0	0	(27,120)	(27,120)	0	1
Refuse Site	(44,000)	(44,000)	(44,000)	0	0	0	0	0	0	0	0	0	1
Building Maintenance	0	0	(16,624)	0	0	0	0	0	0	(62,260)	(62,260)	(40,000)	1,7
Infrastructure	0	0	(240,454)	0	0	0	0	(50,000)	(50,000)	(70,000)	(70,000)	(50,000)	1,5,8
Gym Equipment	0	0	0	0	0	0	0	0	0	0	0	0	1
	(144,000)	(144,000)	(353,078)	(212,760)	(212,760)	(212,760)	0	(110,000)	(110,000)	(204,880)	(204,880)	(90,000)	

Transfers from Reserves utilised as follow:

Reserve	2015-16			2016-17			2017-18			2018-19			Notes
	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Long Service Leave													
- Staff leave entitlements				(50,000)	(50,000)	(50,000)	0	(25,000)	(25,000)				5
Plant													
- Applied to net changeover for plant replacement program for the year incl 6 wheel tipper truck, excavator, 9 tonne truck, etc.				(87,760)	(87,760)	(87,760)							
- Applied to net changeover of the Torro Mower										(25,500)	(25,500)	0	
Housing													
- Construction of Aged Persons Units in Calingiri and Bolgart	(100,000)	(100,000)	(52,000)										6
- Construction of Aged Persons Units in Calingiri and Bolgart				(75,000)	(75,000)	(75,000)							

- Various mtce works carried out on staff housing incl 7 and 12 Harrington St, 13 and 15 Lambert Cres.						0	(35,000)	(35,000)					5
- Capital improvements on 12 Harrington St and 44 Edmond St.									(20,000)	(20,000)	0		
Sewerage Scheme													
- Jet cleaning of 3,500m of sewer mains.									(27,120)	(27,120)	0		
Refuse Site													
- Purchase of 2 dongers for the tip sites	(44,000)	(44,000)	(44,000)										
Building Maintenance													
- Works done at the Bolgart Hall (Replace stumps and level floors, polish floors)	0	0	(16,624)										7
- Roller blinds for Admin building and library									(11,460)	(11,460)	0		
- CEO's office refurbishment									(10,800)	(10,800)	0		
- Depot upgrades (C/fwd from 2017/18)									(10,000)	(10,000)	(10,000)		
- Shed upgrade at the depot									(30,000)	(30,000)	(30,000)		
Infrastructure													
- Roads to recovery road works (Bolgart East Rd). Utilising funds transferred to the Infrastructure reserve in the same year.	0	0	(240,454)										8
- MRWA regional road group road works (Toodyay-Bindi Bindi Rd)						0	(50,000)	(50,000)					5
- Oval renovations, de-thatching, etc.									(20,000)	(20,000)	0		
- MRWA regional road group road works (Toodyay-Bindi Bindi Rd)									(50,000)	(50,000)	(50,000)		
	(144,000)	(144,000)	(353,078)	(212,760)	(212,760)	(212,760)	0	(110,000)	(110,000)	(204,880)	(204,880)	(90,000)	

Closing Balance of Reserves

Reserve	2015-16			2016-17			2017-18			2018-19			Notes
	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	Adopted Budget	Revised Budget	Actual	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Long Service Leave	76,585	76,585	77,267	28,970	28,970	28,844	29,019	4,019	4,438	4,425	4,425	4,438	1
Plant	152,278	152,278	150,944	65,276	65,276	66,264	142,723	142,723	67,678	42,063	42,063	67,678	1
Housing	91,759	91,759	142,742	70,706	70,706	70,966	71,543	36,543	37,400	17,331	17,331	37,400	1
Sewerage Scheme	73,918	73,918	74,574	76,218	76,218	76,096	77,828	77,828	77,578	50,327	50,327	77,578	1

Refuse Site	266,357	266,357	267,922	275,105	275,105	273,652	279,616	279,616	278,982	278,509	278,509	278,982	1
Building Maintenance	92,245	92,245	74,201	92,827	92,827	75,815	77,439	77,439	77,292	14,901	14,901	37,292	1
Infrastructure	361,181	361,181	120,012	119,644	119,644	121,837	125,250	75,250	74,135	4,000	4,000	24,135	1
Gym Equipment	6,999	6,999	7,060	7,216	7,216	7,204	7,368	7,368	7,344	7,333	7,333	7,344	1
	1,121,322	1,121,322	914,722	735,962	735,962	720,678	810,786	700,786	624,847	418,889	418,889	534,847	

Notes

- 1 - All opening/closing balances and reserve transfers are as per Audited Annual Financial Reports and Adopted Annual Budgets, with one exception, the 2017-18 Actual closing balance which is currently being audited.
- 2 - Transfers to reserves generally reflect the transfer to reserve of interest earned on funds for the period. In 2018-19 reserve funds have been retained in Municipal funds due to budgetary constraints.
- 3 - The general transfer to the plant reserve in 2017-18 did not happen due to budgetary constraints.
- 4 - The general transfer to the building maintenance reserve in 2016-17 did not happen due to budgetary constraints.
- 5 - The Actual general transfers from reserves in 2017-18 occurred so as to correct shortfalls in operation's and budgetary issues.
- 6 - In 2015-16 only \$52,000 of the \$100,000 budget allocation was required.
- 7 - The Actual general transfer from the Building Maintenance reserve in 2015-16 was required to fund additional expenditure on the Bolgart hall.
- 8 - The Actual general transfer from the Infrastructure reserve in 2015-16 was required to fund Roads to Recovery road works.

Public Question Time was opened to the floor at 2.13pm.

4.2 Public questions without notice

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

Mrs Suzanne Woods

Q1. Question regarding removal of ATM

The 24 hour DC payments branded ATM located at the Shire Administration building was installed in mid 2016 as a collaborative project between the Shire of Victoria Plains and Goomalling and Community Financial Services (Bendigo Bank Goomalling) following much discussion and planning between the two parties. As a number of present councillors could attest, there was full and thorough consideration given to its location and the machine was partitioned off from the office space. When the office redesign occurred, and the new configuration was decided upon, what consultation was undertaken with Bendigo Bank, Goomalling Board or Management re the ATM position, usage and contractual obligations, and when did the communication occur? What information was provided to Councillors regarding the community use of the ATM and the level of service it provides to the Calingiri and broader SoVP Community?

A1. Shire President - Question Taken on Notice.

Q2. Former Community Development Officer (CDO) Role

As Secretary of our local progress Association, one of the much appreciated roles of the CDO was to forward information regarding grant funding and related events. This function has now ceased with the CDO role being currently unfilled. It is possible to recommence the forwarding of communication which would come to the CDO email to the local community mailing list?

A2. Shire President - Question Taken on Notice.

Mr John Reid

Q1 Raised question of finances and consultant fees at the August 2019 SCM and now looking at updated August figures with concern.

A1. Shire President – Question taken on Notice - Statement to be provided outlining details of consultant fees.

Q2 Queried changes with planning and local government and queried differentiation of delegated 'authority' and 'power' as per CEO delegations.

- A2. Shire President - noted first step in process. Change will not take place immediately (12-18 months to finalise). Confirmed that Planning Notice period is to remain at 42 days.

Mr Jim Kelly.

- Q1. Have you read the ranger and animal control expenses noted in the Agenda? (Page 156 and 157).

- A1. Shire President - Question taken on Notice – Detail of how the budget figures were arrived at to be provided.

- Q2. Have you read the Shire Planner expenses noted in the Agenda? (Page 176). Is this increase in the budget amount justified?

- A2. Shire President - Question taken on Notice, however noted the Planner works within an approved budget.

- Q3. Do you know how much the road maintenance for the Shire is for this year?. (Page 188). Do you realise your road maintenance budget in certain areas (West Ward) has been halved and why?

- A3. Shire President - Question taken on Notice.

- Q4. Office Upgrade (page 200) – Is this for the Administration Office or Shire Depot?

- A4. Shire President - Question taken on Notice.

Cr Corless-Crowther raised a point of order due to the number of questions Mr Kelly had previously asked.

The Shire President noted indeed there was a limit to the amount of questions.

- Q5. Queried the costs spent on maintaining Community Assets. Is there expenditure that could be limited?

- A5. Shire President - Question taken on Notice to provide detail of expenditure.

Public question time closed at 2.28 pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

1909-01 Officer Recommendation / Council Resolution
--

Moved Cr N Clarke

Seconded Cr P Bantock

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

- Ordinary Council Meeting held 31 July 2019.

CARRIED For 6 / Against 0

VOTING REQUIREMENTS

Absolute majority required: No

1909-02 Officer Recommendation / Council Resolution
--

Moved Cr P Bantock

Seconded Cr A Broadhurst

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

- Special Council Meeting held 12 August 2019.

CARRIED For 6 / Against 0

7.2 Receipt of Committee Meeting minutes

N/A

Business arising from Minutes

Nil

8. MEMBERS QUESTIONS WITHOUT NOTICE

Nil

9. PRESIDENT AND COUNCILLORS REPORTS

9.1 Councillors

Shire President - during the period from the last OCM has met with:

Caravel Minerals Limited who noted they are continuing their drilling and testing water quality. Awaiting further funding. Currently de-risking and approval (dust and environment) including pipeline accessibility. Approximately 2 years before construction takes place and 4 years before first mining. Employing a significant number of people during construction phase (approx. 500). No plans yet about accommodation location. Cartage estimated at approx. 160k tonnes per year, unsure of Port, (Bunbury or Geraldton). Estimated approximate 25-year lifespan of mine due to the ongoing demand for Copper.

AROC – Avon Tourism - structure and model relies on volunteers. SoVP contributes. Commerce and Industry needs to be involved in assisting with project funding. Consultant options paper to be drafted.

Sports Marketing Australia – look at areas involved and see what sort of sporting facilities are available and to be part of the promotion of those activities. Area currently stretches from SoVP to York – looking for safe playing facilities. Review of opportunities.

AVON Midland Zone – Freight Strategy – discussion regarding the need to invest to get project up and running. It was suggested that on newly formed roads and upgraded roads there may be an increase in speed limit to 120km's, however Cr Lovelock disagrees with this suggestion as he believes it is sending out the wrong message.

Requested that any further items for next agenda be presented today.

9.2 Briefing Session

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

Authorised by		Glenda Teede, CEO	
Reports			
Report 1	Attachment Page No.	110	Chief Executive Officer
Report 2		112	Finance & Admin Manager / Finance Consultant
Report 3		114	Works and Services Manager
Report 4		115	Environmental Health Officer
Report 5		NA	Community Development Officer
Report 6		NA	Governance Officer
Report 7		NA	Community Emergency Services Manager
Report 8		NA	Planning Consultant

VOTING REQUIREMENTS

Absolute majority required: No

1909-03 Officer Recommendation / Council Resolution
--

Moved Cr J Corless Crowther

Seconded Cr P Bantock

That the Reports presented to the Briefing Forum held 16 September 2019, as amended, be received.

CARRIED For 6 / Against 0

10. REPORTS REQUIRING DECISION**10.1 Monthly Financial Statements – July 2019**

File reference			
Report date	18 September 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	139	Monthly Financial Statements – 31 July 2019

PURPOSE

To receive the monthly financial statements for the period ending 31 July 2019.

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 31 July 2019 Monthly Financial Statements are presented for consideration.

It should be noted that the 19/20 budget figures adopted by Council have been uploaded into the Shire's accounting software SynergySoft. Significant variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing one month of financial activity. Most variances reported on are timing variances.

The overdraft facility was utilised for a short while during July due to cash flow issues.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1909-04 Officer Recommendation / Council Resolution
--

Moved Cr A Broadhurst

Seconded Cr P Bantock

That Council receive the 31 July 2019 Monthly Financial Reports as presented.

CARRIED For 6 / Against 0

10.1 Monthly Financial Statements – August 2019

File reference			
Report date	18 September 2019		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Bob Waddell – Finance Ina Edwardson – Finance & Administration Manager		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page	162	Monthly Financial Statements – 31 August 2019

PURPOSE

To receive the monthly financial statements for the period ending 31 August 2019.

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 31 August 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing two months of financial activity. Most variances reported on are timing variances.

Rate revenue was levied in August so the Net Current Assets figure as at 31 August 2019 has jumped from the previous month end. On top of this the first quarter of Financial Assistance Grants have been received.

The overdraft facility was utilised for a short while during August due to cash flow issues.

CONSULTATION

Mr Bob Waddell, Bob Waddell and Associates Pty Ltd

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1909-05 Officer Recommendation / Council Resolution
--

Moved Cr P Bantock

Seconded Cr J King

That Council receive the 31 August 2019 Monthly Financial Reports as presented.

CARRIED For 6 / Against 0

10.2 Accounts for Endorsement – July 2019

File reference	F1.8.4		
Report date	9 August 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	185 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

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

CORPORATE CONTEXT

Delegations Register –

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

1909-06 Officer Recommendation / Council Resolution
--

Moved Cr D Lovelock

Seconded Cr N Clarke

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

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	7983 - 8075	600,182.25
Creditor Cheque Payments	12237 - 12240	5,872.29
Direct Debit Payments**	DD11218 – DD11338	51,330.69
Salaries & Wages EFT	PE 10/07/19- PE 24/07/19	68,437.89
Trust Payments	219 - 222	2,398.30
	TOTAL	\$728,221.42

**includes salary and wages deductions, and SGC

CARRIED For 6 / Against 0

10.2 Accounts for Endorsement -August 2019

File reference	F1.8.4		
Report date	11 September 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	196 n/a	Public schedule – in the Attachments to Agenda Restricted schedule – to councillors under separate cover

PURPOSE

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

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

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

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

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

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (2) 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 –
 - e) The payee's name
 - f) The amount of the payment
 - g) The date of the payment
 - h) Sufficient information to identify the transaction
 - (3) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

1909-07 Officer Recommendation / Council Resolution
--

Moved Cr J King

Seconded Cr A Broadhurst

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

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	8076 - 8147	250,864.07
Creditor Cheque Payments	12241 - 12244	1,236.90
Direct Debit Payments**	DD11291 – DD11372	34,106.52
Salaries & Wages EFT	PE 07/08/19- PE 21/08/19	78,658.56
Trust Payments	223 - 226	1,037.64
	TOTAL	\$365,903.69

**includes salary and wages deductions, and SGC

CARRIED For 6 / Against 0

10.3 Removal of ATM - Revocation Motion

File reference	
Report date	18 September 2019
Applicant/proponent	<ul style="list-style-type: none"> • Cr P Bantock; • Cr J Corless-Crowther; and • Cr J King.
Officer disclosure of interest	Nil
Previous meeting references	1907-28 Council Resolution
Prepared by	Aaron Bowman – Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page
	Nil

PURPOSE

To consider a revocation motion to revoke council resolution 1907-28 “that the Bendigo Bank ATM at the Council offices be removed entirely, and repair work carried out”

BACKGROUND

In accordance with Section 5.25(1)(e) of the Local Government Act 1995 and Regulation 10 of the Local Government (Administration) Regulations 1996 a request to revoke council resolution 1907-28 was submitted by Councillor P Bantock; and supported by Councillors J Corless-Crowther; and J King.

COMMENT

At the 31st July 2019 Ordinary Council meeting the removal of the Bendigo Bank ATM at the Council Offices under item 12 – New Business of an urgent nature requiring a decision (12.3) was discussed with Council resolving as follows

“Moved Cr S Penn Seconded Cr P Bantock

That the Bendigo Bank ATM at the Council Offices be removed entirely, and repair work carried out.

For 7 / Against 0”

Unlike item 12.1 and 12.2 at the same meeting, there appears to be no report tabled with this item. Councillors are required, before making any decision, to ensure that they are fully informed of all relevant matters, in relation to the item. In addition these decision should be reserved for matters that are of a serious legal or financial issue, which does not appear to be so for this item.

A quick review of the contract for the ATM reveals that it does not expire until Mid 2021 (72 month contract). Clause 10.3 of the contract does not permit the removal of the ATM from the premises during the term of the contract. Any breach of the contract by the Shire would allow for damages to be claimed which could be up to \$15,000. In addition there is a prescribed cost of \$1,500 for the removal of the ATM.

In addition the impact to the community needs to be considered, and whether there are suitable alternatives for community members to withdraw cash, especially after hours.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 5.25(1)(e) of the Local Government Act 1995
Regulation 10 of the Local Government (Administration) Regulations 199

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

There is nil financial implications with the revocation motion.
The cost to remove the ATM entirely could be up to \$16,500 which is unbudgeted.

VOTING REQUIREMENTS

Absolute majority required

1909-08 Officer Recommendation / Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr A Broadhurst

That the motion passed at the Council meeting held 31 July 2019 which reads:

“Moved Cr S Penn Seconded Cr P Bantock

That the Bendigo Bank ATM at the Council Offices be removed entirely, and repair work carried out.

For 7 / Against 0”

Be **REVOKED**

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 0

Cr Bantock put forward the motion as below.

1909-09 Council Resolution

Moved Cr P Bantock

Seconded: Cr J Corless-Crowther

Council be presented with a list itemising the costing of the relocation of the ATM.

CARRIED For 4 / Against 2

Cr Bantock declared an impartiality interest in this item at 2.59pm due to "Socialise with workers from the Business in general social environments".

10.4 Application for Development Approval – Proposed New Rural Outbuilding (Hay Storage Shed) on Lot 10 Mogumber Road West, Mogumber

File reference			
Report date			
17 September 2019			
Applicant/Proponent			
Wheatbelt Steel Pty Ltd on behalf of Messrs Anthony Young & Luke Trevanion (Directors) of SBT Properties Pty Ltd (Landowner)			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Mr Joe Douglas – Town Planning Consultant			
Authorised by			
Ms Glenda Teede – CEO			
Attachments			
Attachment 1	Page	204	Development application including all supporting documentation and plans.

PURPOSE

Consideration and determination of a development application for a proposed new rural outbuilding (i.e. hay storage shed) on Lot 10 Mogumber Road West, Mogumber.

BACKGROUND

The applicant has submitted a development application seeking Council's approval to construct and use a new 662.40m² rural outbuilding (i.e. hay storage shed) on Lot 10 Mogumber Road West, Mogumber to support the existing intensive agricultural use of the land (i.e. poultry farming). Full details of the application including supporting documentation and plans are provided in Attachment 1.

Lot 10 is an irregular shaped lot located approximately 3.5 kilometres west of the Mogumber settlement. The land comprises a total area of approximately 1,560.65 hectares and has direct frontage and access to Mogumber Road West along its northern boundary which is a sealed and drained regional distributor road under the care, control and management of the Shire of Victoria Plains.



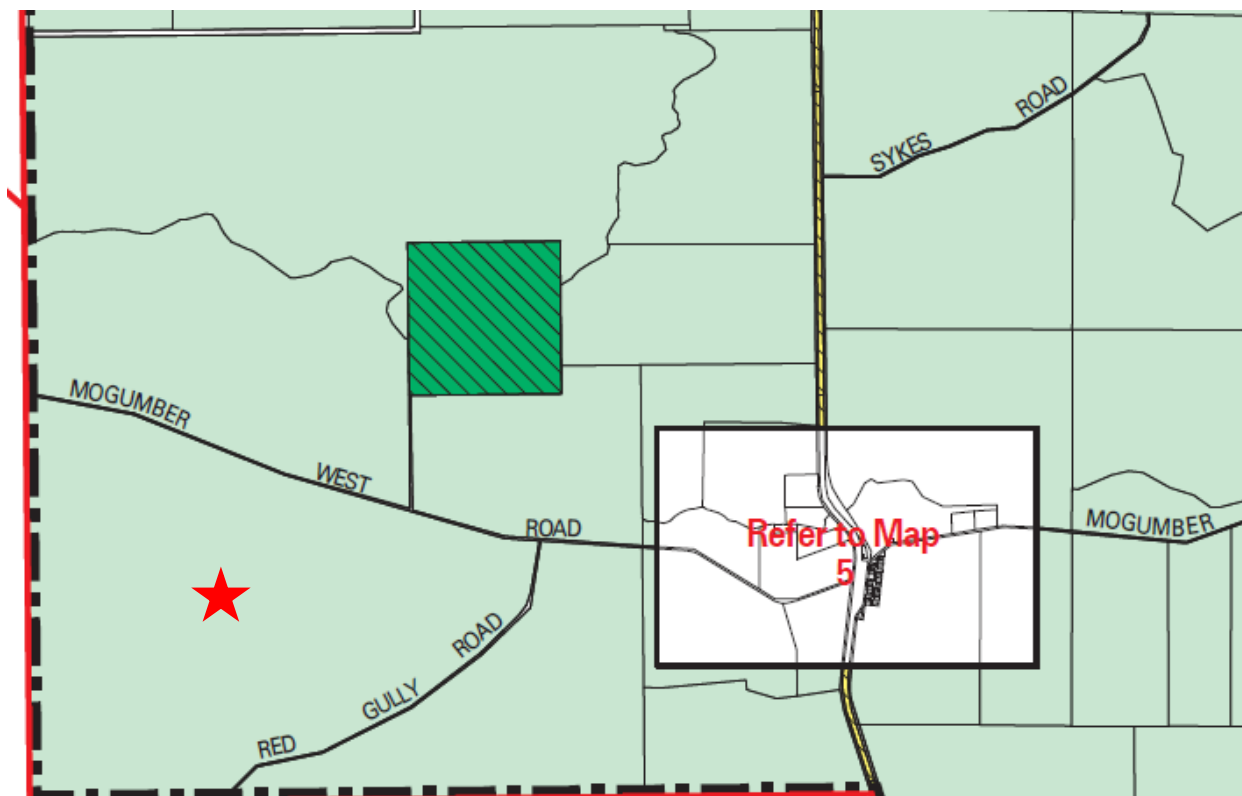
Location & Lot Configuration Plan (Source: Landgate)

Lot 10 has been partially cleared and is currently used for intensive agricultural purposes (i.e. poultry farming). The proposed development will be located on a previously cleared, gently sloping portion of the property in its north-western segment in proximity to a number of improvements associated with its current intensive agricultural use. It is understood portions of the land are also used by the Forest Products Commission for the purposes of a timber plantation.

Existing adjoining and other nearby land uses are predominantly rural in nature comprising intensive and extensive agricultural activities on lots of varying size and configuration with the nearest dwelling being located immediately east on Lot 11 (No.2506) Red Gully Road approximately 3.6 kilometres from where the proposed new shed on Lot 10 will be sited.

COMMENT

Lot 10 is classified 'Rural' zone in the Shire of Victoria Plains Local Planning Scheme No.5 (LPS5).



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

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

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

The development and/or use of any land classified 'Rural' zone for intensive agricultural purposes, including any associated earthworks and/or outbuildings, is listed in the Zoning Table of LPS5 as being a discretionary (i.e. 'D') use meaning it is not permitted unless Council has exercised its discretion by granting development approval.

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

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Location, scale, siting including boundary setbacks and design;
- Environmental protection and conservation;

- Land use compatibility including minimum buffer separation distance between agricultural and sensitive land uses;
- Vehicle access including traffic volumes and safety, vehicle manoeuvring and parking, and loading/unloading areas;
- Visual landscape amenity; and
- Bushfire risk management.

In light of the above findings it is concluded the latest development proposal for Lot 10 is generally consistent with the aims and objectives of the Shire's local planning framework and is therefore unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality if implemented and managed appropriately. As such it is recommended Council exercise its discretion and approve the application subject to compliance with a number of conditions to ensure it proceeds in an orderly and proper manner.

CONSULTATION

Public consultation not required or deemed necessary. Discussions were held with the applicant during formulation and assessment of the development proposal for the land.

STATUTORY CONTEXT

- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Schedule 2, Part 9, Clause 67 – 'Matters to be considered by local government'
- *Shire of Victoria Plains Local Planning Scheme No.5*
 - Clause 3.2 – 'Objectives of the zones'
 - Clause 3.3 – 'Zoning Table'
 - Clause 4.7 – 'Site and Development Requirements'
- *State Planning Policy 2.5 - 'Rural Planning'*
 - Clause 5.8 – 'Intensive Agriculture'.
 - Clause 5.12 – 'Preventing and managing impacts in land use planning'
- *State Planning Policy 4.1 - 'State Industrial Buffer Policy'*
- *EPA Guidance Statement No.3 – 'Separation Distances between Industrial and Sensitive Land Uses'*
 - Appendix 1 – Recommended Separation Distances between Industrial and Sensitive Land Uses (Poultry Farms)

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

There are no known meaningful financial implications relative to this matter in excess of officer time and associated administrative costs. All costs associated with the proposed development, including the relevant development application fee of \$248.96 which has already been paid, are the responsibility of and will be met by the landowners.

VOTING REQUIREMENTS

Absolute majority required: No

1909-10	Officer Recommendation / Council Resolution
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Moved Cr A Broadhurst**Seconded Cr J Corless-Crowther**

That Council **APPROVE** the development application submitted by Wheatbelt Steel Pty Ltd on behalf of Messrs Anthony Young & Luke Trevanion (Directors) of SBT Properties Pty Ltd (Landowner) to construct and use a new rural outbuilding (i.e. hay storage shed) on Lot 10 Mogumber Road West, Mogumber to support the existing intensive agricultural use of the land 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 dated 10 July 2019 subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the proposed development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. The proposed outbuilding (i.e. hay storage shed) shall be constructed using new materials only and comprise a maximum floor area of 662.40m².
5. All stormwater collected from the roof of the proposed outbuilding shall be collected, managed and disposed of on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant / landowner is reminded of their obligation to ensure compliance with the requirements of 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 any future potential bushfire risk given the land's location in a designated bushfire prone area.

4. 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.
5. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED For 6 / Against 0

1909-11	Council Resolution
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Moved Cr N Clarke

Seconded Cr A Broadhurst

That the meeting be adjourned, the time being 3.02pm.

CARRIED For 6 / Against 0

The meeting resumed at 3.24pm with all Councillors in attendance at the opening of the meeting present.

10.5 Proposed Amendment No.2 - Shire of Victoria Plains Local Planning Scheme No.5 (Omnibus Amendment)

File reference			
Report date			
17 September 2019			
Applicant/Proponent			
Shire of Victoria Plains			
Officer disclosure of interest			
Nil			
Previous meeting references			
Nil			
Prepared by			
Mr Joe Douglas – Town Planning Consultant			
Authorised by			
Ms Glenda Teede - CEO			
Attachments			
Attachment 1	Page	217	Supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . WAPC Flowchart for Standard Amendments to Local Planning Schemes.
Attachment 2	Page	221	

PURPOSE

This report recommends that Council resolve, pursuant to Section 75 of the *Planning and Development Act 2005*, to initiate an omnibus amendment (i.e. Amendment No.2) to the Shire of Victoria Plains Local Planning Scheme No.5.

BACKGROUND & COMMENT

This report has been prepared to enable Council's consideration and initiation of a proposed omnibus amendment to the Shire of Victoria Plains Local Planning Scheme No.5, being Amendment No.2, to deal with a number of issues that have arisen and changes that have occurred since the Scheme was first approved and gazetted in March 2012 and subsequently amended in September 2017 (i.e. Amendment No.1) to align it with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

An omnibus amendment covers a number of diverse or unrelated town planning matters that packages together several proposed changes to the Shire's local planning scheme. Given Council's decision at its June 2019 Ordinary Meeting to defer formal review of the Shire's Local Planning Strategy and Local Planning Scheme No.5 due to funding constraints, an omnibus amendment is now proposed to deal with and address a number of issues of immediate concern.

Based upon a detailed review of Local Planning Scheme No.5 by the reporting officer and discussions with other Shire officers and the Regional Planning Team at the Department of Planning, Lands and Heritage, the following specific amendments are proposed:

1. Amend clause 2.3 in Part 2 of the Scheme Text by including the following proposed new Local Scheme Reserves and associated objectives for each:

Primary Distributor Roads

The objectives are:

- (i) To set aside land required for a primary distributor road being a road classified as

- a Primary, Regional or Local Distributor under the Western Australian Road Hierarchy;
- (ii) To provide land and facilities for major road purposes and associated activities; and
- (iii) To protect land from activities considered inappropriate to the successful continued operation of major road infrastructure.

Local Roads

The objectives are:

- (i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Railways

The objectives are:

- (i) To provide land and facilities for railway purposes and associated activities; and
- (ii) To protect land from activities considered inappropriate to the successful continued operation of railway infrastructure.

Purpose: To recognise the existence of all primary, regional and local distributor roads, local roads and railway reserves in the municipality and introduce objectives to guide their future development and use.

2. Amend the Scheme Maps by showing the location of all primary, regional and local distributor roads, local roads and railway reserves in the municipality and including suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in clause 2.3, Part 2 of the Scheme Text.

Purpose: To clearly identify on the Scheme Maps the location and extent of all primary, regional and local distributor roads, local roads and railway reserves in the municipality.

3. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.9 Development of lots abutting primary, regional and local distributor roads controlled by Main Roads WA

- 4.9.1 All applications for development approval abutting roads classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA are to be referred by the local government to Main Roads WA and the local government is to have due regard to comments and recommendations provided by Main Roads WA when determining applications.
- 4.9.2 Direct access for vehicles to/from roads classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA will not be permitted where access is available from a public road at the side or rear of a lot or from a public right-of-way, private right-of-way, laneway or private road.

- 4.9.3 Where vehicular access from a lot adjoining abutting a road classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA is available only from that road, all parking, servicing, circulation within that lot and access to and from the road shall be designed and constructed to allow unhindered movement within the lot to enable vehicles to enter and leave the site in forward gear.

Purpose: To ensure development applications involving land abutting primary, regional and local distributor roads in the municipality under the care, control and management of Main Roads WA are referred to that agency for review and comment prior to final determination by Council and to clarify the circumstances under which direct access to these roads will and won't be permitted.

4. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.10 Development of lots not abutting a constructed public road

- 4.10.1 In considering an application for development approval in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road, the local government shall either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
- (c) grant approval to the application subject to the following conditions, or any other conditions the local government sees fit to impose:
 - (i) Arrangements are to be made for permanent access, to the satisfaction of the local government;
 - (ii) The location of any legal access shall be to the satisfaction of the local government;
 - (iii) Access must be constructed and maintained to the satisfaction of the local government;
 - (iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

Purpose: To establish clear parameters for dealing with and determining development applications within the municipality involving land abutting an unconstructed road or a lot which does not have frontage to a constructed road.

5. Amend Schedule A of the Scheme Text entitled 'Supplemental Provisions' to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (see Attachment 1):

Clause 61(1) -

- (c)(vi) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (c)(vii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (l)(vii) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (l)(viii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.

Purpose: To remove the development approval exemptions currently afforded to the erection or extension of a single house where any such development involves land abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA or an unconstructed road or a lot which does not have frontage to a constructed road.

6. Amend Schedule A of the Scheme Text entitled ‘Supplemental Provisions’ to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (see Attachment 1):

Clause 61(1) -

- (p) the erection of farm outbuildings or undertaking earthworks, including the construction of farm dams, on any land classified ‘Rural’ zone used for extensive agricultural purposes (i.e. agriculture – extensive).

Purpose: To remove the requirement for development approval for the erection of outbuildings or undertaking earthworks, including the construction of farm dams, on any land classified ‘Rural’ zone used for extensive agricultural purposes.

7. Amend Table 1 - Zoning Table in Part 3 of the Scheme Text by including the following new use classes and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RESIDENTIAL							
Repurposed Dwelling	A	A	X	X	A	D	D
Workforce Accommodation	A	X	X	X	A	X	D
COMMERCE							

Fuel Depot	X	X	A	D	A	X	A
Trade Supplies	X	A	D	D	A	X	X
OTHER							
Commercial Vehicle Parking	A	D	P	P	A	A	P
USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
INDUSTRY							
Resource Recovery Centre	X	X	A	D	X	X	A
Waste Disposal Facility	X	X	X	A	X	X	A
Waste Storage Facility	X	X	X	A	X	X	A

Purpose: To include a number of new use classes already defined in Schedule 1, Part 6, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 that have significant potential to be developed in the municipality and assign symbols indicating their permissibility within each zone where:

- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with Clause 64 of the deemed provisions; and
- 'X' means a use that is not permitted by the Scheme.

8. Amend Table 1 - Zoning Table in Part 3 of the Scheme Text by removing the following use class and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RURAL							
Plantation	X	X	X	X	X	X	D

Purpose: To remove the use class 'Plantation' which is no longer included and defined in Schedule 1, Part 6, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and has been replaced with the use class 'Tree Farm' which is already included in Table 1 - Zoning Table in Part 3 of the Scheme Text and defined in the aforementioned regulations.

9. Amend clause 4.7.4.4 in Part 4 of the Scheme Text entitled 'General Development Requirements' by including the words:
- i) 'Structure Plan and/or' immediately before the words 'Development Plan';
 - ii) 'and/or Commission' immediately after the words 'local government'; and
 - iii) 'rezoning or' immediately after the word 'or' and before the word 'subdivision'.

Purpose: To require, when considered appropriate, the preparation and endorsement of a Structure Plan by Council and the Western Australian Planning Commission prior to the commencement of development or the rezoning or subdivision of any land classified, or proposed to be classified, 'Rural Residential' zone to provide for the coordination of future subdivision and/or the rezoning of any such land for rural residential purposes in accordance with the guidance provided in various publications by the Commission and section 8 of the Shire of Victoria Plains Local Planning Strategy as it applies to rural residential development involving rural land.

10. Amend clause 4.7.5 in Part 4 of the Scheme Text entitled 'General Development Requirements' by amending the wording of the existing clause as follows, including the insertion of the following additional subclauses, and renumbering the existing and proposed new subclauses accordingly:

4.7.5.1 Notwithstanding the right to develop a single house on an existing lot, all residential development in the 'Rural' zone shall comply with the following requirements:

- a) All dwellings and associated outbuildings, external fixtures, patios, pergolas, verandas, garages, carports or swimming pools shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries;
- b) All dwellings must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder. Where a reticulated potable water supply is not available, all dwellings shall be provided with a suitable potable water supply in accordance with the requirements of sub-clauses 4.20.2 and 4.20.3; and
- c) Where connection to reticulated sewer is not available to a lot, the disposal of all domestic sewerage shall be carried out with an effluent disposal system approved by the local government and/or the Department of Health.

4.7.5.2 All other development in the 'Rural' zone, including farm outbuildings and dams, shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries.

4.7.5.3 Within the 'Rural' zone the local government will not generally support the

erection of more than one (1) single house per lot. Notwithstanding any symbol in 'Table 1 – Zoning Table' or any other provision of the Scheme, the erection of more than one (1) dwelling on a 'Rural' zoned lot shall require the specific approval of the local government and shall not be permitted unless the local government has exercised its discretion by granting development approval.

- 4.7.5.4 The local government may consider granting development approval to additional dwellings in the 'Rural' zone in cases where the applicant/landowner clearly demonstrates that additional housing is required for agricultural production or tourist development purposes and where the occupants are engaged in those specified predominant land uses or activities. In any case the total number of dwellings per lot shall not exceed four (4).
- 4.7.5.5 In determining any application for any additional dwelling/s in the 'Rural' zone the local government shall have regard for the following:
- a) the additional dwelling is warranted for farm management, family accommodation or tourist development purposes;
 - b) any new dwelling is suitably located and setback with sufficient buffers from neighbouring rural lot boundaries so as to minimise land use conflict with surrounding agricultural uses and activities;
 - c) the lot is greater than 40 hectares in area;
 - d) the lot can continue to be used for existing agricultural purposes;
 - e) the potential bushfire risk and any proposed risk mitigation measures;
 - f) the cumulative effect of granting approvals in a locality and the potential for the creation of homestead lots based on the dwelling location as may be permissible under relevant State Planning Policies; and
 - g) the need to avoid the creation of unplanned small lot subdivision in locations that may cause conflict with the objectives of the Rural zone.
- 4.7.5.6 The existence of more than one (1) dwelling on a 'Rural' zoned lot shall not be construed as a basis for the local government's support to the subdivision of that lot in a manner other than that provided for in relevant State Planning Policies.
- 4.7.5.7 All proposals for development in the 'Rural' zone must have regard to both on-site and off-site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying:
- a) environmental values and any environmental risks;
 - b) the potential for land use conflict;
 - c) the potential impacts and restrictions on approved uses on adjacent or nearby locations; and
 - d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.
- 4.7.5.8 Prior to issuing development approval for an industry in the 'Rural' zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted development approval if

the relevant buffer does not impact upon existing or proposed residential development.

- 4.7.5.9 If, in the opinion of the local government, over-grazing by livestock on any land classified 'Rural' zone is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock.

Purpose: To expand upon and clarify Council's expectations and requirements regarding the development of land classified 'Rural' zone.

11. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.11 Traffic Entrances

- 4.11.1 The local government may refuse to permit more than one vehicular entrance or exit to or from any lot.
- 4.11.2 The local government may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 4.11.3 The local government may require the forming, sealing and draining of any unconstructed public road, public right-of-way, private right-of-way, laneway or private road servicing a development for which development approval is given at the cost of the developer in proportion to the extent of the use of the public road, public right-of-way, private right-of-way, laneway or private road by the development in respect to other users as assessed by the local government.

Purpose: To articulate Council's expectations and requirements regarding vehicular access arrangements for all new development in the municipality.

12. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.12 Car Parking Requirements

- 4.12.1 The minimum car parking spaces for particular uses are listed in Table 2. Land and buildings shall not be used or developed:
- (a) for any use mentioned in Table 2 unless off street parking is provided in accordance with the requirements set out therein; or
 - (b) for any use not mentioned in Table 2 unless off street parking is provided, as determined by the local government.
- 4.12.2 All off street car parking spaces, including vehicle accessways thereto, shall be:
- (a) Designed and laid out generally in accordance with the minimum specifications set out in Australian Standard AS/NZS 2890.1-2004 entitled Parking facilities - Off-street Car Parking unless otherwise approved by the local government;

- (b) Paved, marked, drained and maintained to the satisfaction of the local government; and
 - (c) Integrated with any existing adjoining car park.
- 4.12.3 Where an applicant/landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of car parking spaces specified in Table 2, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping.
- 4.12.4 The local government may approve a development application where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided:
- (a) The applicant/landowner can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided;
 - (b) The local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
 - (c) The landowner/s who request sharing of parking facilities enter into a legal agreement for reciprocal rights of access to parking facilities.

Purpose: To articulate Council's expectations and requirements regarding the provision of off-street parking for all new development in the municipality including any proposed variations to the relevant Scheme standards.

13. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.13 Landscaping Requirements

- 4.13.1 The minimum landscaping requirements detailed in Table 2 or referred to elsewhere in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however, garbage collection, handling spaces and other open storage areas shall not be included. In considering the landscaping requirement of any application for development approval, the following criteria shall apply:
- a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
 - b) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that requires little maintenance;
 - c) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five (5) metres shall be planted for every ten (10) square metres of landscape area. The local government may relax this requirement in the case of any

residential development;

- d) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government; and
- e) A landscaping strip with a minimum width of two (2) metres shall be provided between car parking areas and adjoining street boundaries.

Purpose: To clearly define the term landscaping and articulate Council's expectations and requirements regarding the provision of landscaping for all new development in the municipality.

14. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.14 Retention and protection of vegetation and revegetation, waterways and their buffers

- 4.14.1 Where the local government considers it would help mitigate against land degradation (e.g. salinity), protect a waterway (and its buffer) or improve the visual appearance of a development, the local government may impose conditions on any development approval issued requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.

Purpose: To provide for the retention and protection of vegetation and revegetation, waterways and their buffers.

15. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.15 Use of Front Setback Areas

- 4.15.1 A person is not to use the land between a street alignment and the distance that buildings are required to be setback from such street alignment for any purpose other than one or more of the following:
- a) a means of access;
 - b) the daily parking of vehicles;
 - c) the loading and unloading of vehicles;
 - d) landscaping which only in the Commercial zone, and then only with the specific development approval of local government, may include an awning, pergola, or similar structure and when in front of a fast food outlet or café / restaurant may provide for alfresco dining.
- 4.15.2 The front setback area of any lot shall not be used for the parking of vehicles that are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste products of any sort.

Purpose: To articulate Council's expectations and requirements regarding the development and use of front setback areas.

16. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.16 Waste disposal and untidy sites

4.16.1 Land within the Scheme Area:

- a) shall not be used for the purpose of storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without the written approval of the local government; and
- b) shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and the local government may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to the local government.

Purpose: To articulate Council's expectations and requirements regarding the storage and disposal of rubbish and waste products and the maintenance and restoration of visual amenity throughout the municipality.

17. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.17 Drainage

- 4.17.1 Prior to issuing development approval for the development of a lot the local government will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that all drainage is to the local government's satisfaction.

Purpose: To articulate Council's expectations and requirements regarding stormwater drainage arrangements for all new development within the municipality.

18. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.18 Land liable to flooding or inundation

- 4.18.1 A building shall not be constructed upon any land identified or defined by the local government or the Department of Water and Environmental Regulation as being liable to flooding or inundation.
- 4.18.2 Where in the opinion of the local government a development is to be sited on land that has the potential to be flooded and/or inundated, the local government may impose conditions on any development approval issued to ameliorate any potential flood risk.

Purpose: To articulate Council's expectations and requirements regarding the development of any land within the municipality liable to flooding or inundation.

19. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.19 Sewerage Disposal

- 4.19.1 Given the requirements of the Government Sewerage Policy the local government will generally require the provision of reticulated sewerage to residential and other developments within the Calingiri and Yerecoin townsites which exceed the R5 density code. The local government may however permit further development in these townsites without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.
- 4.19.2 In considering applications for unsewered development for industrial, commercial and residential purposes outside the Calingiri and Yerecoin townsites and within other unsewered towns and settlements within the municipality, the local government will have regard for the provisions of the Government Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without connection to reticulated sewerage.

Purpose: To articulate Council's expectations and requirements regarding sewerage disposal arrangements for all new development within the municipality with due regard for the specific requirements of the Government Sewerage Policy.

20. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.20 Water Supply

- 4.20.1 The local government shall not grant approval for development on any land unless:
- a) A suitable potable water supply is available or can be provided to that land, as deemed necessary by the local government or a licensed water provider; and
 - b) Arrangements satisfactory to the local government or a licensed water provider have been made for the provision of a suitable potable water supply.
- 4.20.2 All buildings intended for residential use must include provision for the storage of water in tanks of not less than 120,000 litres capacity unless satisfactory arrangements have been made for connection to a reticulated water supply provided by a licensed water provider. The local government may permit the reduction in the size of storage tanks if the quality of water on-site meets or is

treated to potable water standards.

- 4.20.3 Where rainfall is to be used as the predominate source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank. The size of the collection area is to be based on the following calculation:

Collection area (m²) = 120,000 divided by (0.85 x (local rainfall minus 24mm))

- Collection area (m²) is the minimum area for rain surface runoff that is required to service the water tank;
 - 120,000 is the minimum size of the water tank in litres (unless the local government has determined an alternative size in accordance with the scheme);
 - 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (the local government may accept a greater efficiency rate if it can be demonstrated through design);
 - Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the Bureau of Meteorology; and
 - 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.
- 4.20.4 The local government may approve the use of fit-for-purpose water (wastewater recycling) and availability for use of such water for public open space.

Purpose: To articulate Council's expectations and requirements regarding the provision of a suitable potable water supply for all new development within the municipality including water recycling.

21. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.21 Relocated second-hand and repurposed dwellings and buildings

- 4.21.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled 'Supplemental Provisions', the placement and use of a relocated second-hand or repurposed dwelling or building upon a lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- 4.21.2 The placement and use of a relocated second-hand or repurposed dwelling or building shall not be permitted on any lot within the scheme area unless:
- a) in the opinion of the local government such development is consistent with the objectives of the zone or local scheme reserve in which it is proposed to be located;

- b) the dwelling or building is in a satisfactory condition and any internal or external material containing asbestos fibres are removed prior to the dwelling or building being transported within or into the scheme area; and
 - c) the design of the dwelling or building is to the satisfaction of the local government by reason of such matters as the roof pitch, window size, external cladding materials and other such factors that affect their appearance and that the dwelling or building will not, in the opinion of the local government, adversely affect the amenity of other properties in the immediate locality.
- 4.21.3 Where an application for development approval is made to place and use a relocated second-hand or repurposed dwelling or building in the scheme area the local government is not to grant approval to that application unless notice is given in accordance with clause 64 of the deemed provisions.
- 4.21.4 Where a relocated second-hand or repurposed dwelling or building is proposed to be established on a lot in the scheme area the local government may require, amongst other things, the re-cladding, re-roofing to a suitable pitch, external painting, installation of new windows of suitable size and/or enclosure of the sub-floor area of the dwelling or building with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a visually prominent position, the local government may require satisfactory landscaping measures, or the like, to be carried out.

Purpose: To articulate Council's expectations and requirements regarding the placement and use of relocated second-hand or repurposed dwellings or buildings within the municipality.

22. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.22 Use of Sea Containers

- 4.22.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled 'Supplemental Provisions', the placement and use of one or more sea containers upon any lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- 4.22.2 Where development approval is granted the sea container shall be constructed and/or upgraded to a standard that ensures the visual amenity of the area is not adversely impacted.
- 4.22.3 Where in the opinion of the local government a sea container would have an adverse impact on the visual amenity of the locality, the local government may refuse the application.
- 4.22.4 Where an application for development approval is made for the placement and use of one or more sea containers upon any lot, the local government shall give notice in accordance with clause 64 of the deemed provisions.

- 4.22.5 Sea containers are not permitted on any land within the scheme area classified Residential zone unless they are temporary in nature (i.e. to be used for a period of up to seven (7) days), or a longer period approved by the local government.

Purpose: To articulate Council's expectations and requirements regarding the placement and use of sea containers within the municipality.

23. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.23 Home Occupation, Home Business, Home Store and Rural Home Business

- 4.23.1 The local government shall not permit a Home Occupation, Home Business, Home Store or Rural Home Business as defined in Schedule 1, Part 6, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* unless development approval is granted.
- 4.23.2 Any development approval granted for these use classes will be valid for a period of twelve (12) months only and any extension of the development approval for a further period of twelve (12) months must be the subject of a written application to the local government for a renewal of the same.
- 4.23.3 The local government's development approval to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall, apart from any specific conditions imposed by the local government, be subject to the following general conditions:
- a) The development approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
 - b) The development approval shall be cancelled if there is a change in the occupier of the land in respect of which the development approval was issued;
 - c) The person to whom the development approval is granted by the local government to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall not carry on those activities at any premises other than the land in respect of which the local government's development approval is granted;
 - d) If a Home Occupation, Home Business, Home Store or Rural Home Business has been carried on with the development approval of the local government and if in the opinion of the local government any such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the local government may withdraw the development approval granted by it and after such withdrawal, no person shall upon the subject land carry on such use unless a further development approval to do so, is granted by the local government.

Purpose: To articulate Council's expectations and requirements regarding the establishment and operation of Home Occupations, Home Businesses, Home Stores or Rural Home Businesses within the municipality.

24. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.24 Advertisements

- 4.24.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning Act and requires the development approval of the local government in accordance with the provisions of Part 7 of the Deemed Provisions, unless it is an exempted advertisement as listed in Schedule 5 of the Scheme Text.

Purpose: To clarify Council's requirements regarding the erection, placement and display of advertisements and the use of land and buildings for such purposes within the municipality and give meaning and purpose to Schedule 5 of the Scheme Text.

25. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.25 Requirement for consultation to commence mining

- 4.25.1 In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme.

Purpose: To clarify Council's ability to exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning when the granting of a mining lease or general purpose lease is considered contrary to the provisions of the Scheme.

26. Amend Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.26 Scheme Provisions to Prevail

- 4.26.1 To the extent that a requirement referred to in clauses 4.7 to 4.25 is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in clauses (1)-(18) shall prevail.

Purpose: To clarify how Council will deal with any inconsistencies between the requirements of clauses 4.7 to 4.25 of the Scheme Text and the requirements of the R-Codes, activity centre plans, local development plans or a State or local planning policies.

Council should note the WAPC and Minister for Planning are unlikely to support any major rezoning proposals for land within the scheme area unless suitable rationale is provided in the Shire's local planning strategy and any such proposals are supported by reports documenting the findings and recommendations from any specialist investigations that may

be required by suitably qualified consultants. Given the significant costs and timeframes associated with addressing these requirements, no major rezoning proposals have been considered and incorporated in this proposed omnibus amendment to Local Planning Scheme No.5. It is expected this will occur when Council resolves to proceed with a full review of the Shire's Local Planning Strategy and Local Planning Scheme No.5.

Should Council resolve to initiate the amendment as proposed above, formal documentation and supporting plans will be prepared by the Shire for referral to the Environmental Protection Authority, public advertising and subsequent referral to the Western Australian Planning Commission for assessment and formal consideration by the Hon. Minister for Planning. A flowchart outlining the process required to be followed is provided in Attachment 2. The entire process is expected to take anywhere from 12 to 15 months to finalise.

CONSULTATION

The proposed amendment will be advertised for public comment for the minimum required period of forty two (42) days in accordance with the specific requirements of clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 following the issuance of environmental clearance by the Environmental Protection Authority.

STATUTORY CONTEXT

- *Planning and Development Act 2005*
 - Part 5, Division 3 – 'Relevant considerations in preparation or amendment of local planning scheme'.
 - Part 5, Division 4 – 'Advertisement and approval'.
- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - Part 5, Division 3 — 'Process for standard amendments to local planning scheme'

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

The total cost to progress the proposed omnibus amendment is estimated to be in the order of \$12,500 to \$15,000 excluding GST. It is understood from discussion with the Shire's administrative consultant Mr Bob Waddell that a suitable allowance will need to be made in Council's budget for the 2019/2020 financial year to fund the project. A recommendation has therefore been provided below to address this requirement.

VOTING REQUIREMENTS

Absolute majority required: No

Note: As per Shire's Standing Orders, Part 13, (13.1), there was amendment to the Officer Recommendation of Part 1, agreed to by the Mover and Seconder, to include the wording 'initiate the process' to amend the Shire of Victoria Plains' Local Planning Scheme No. 5, and inserting the wording "including public advertising for the minimum required period of 42 days".

1909-12 Officer Recommendation / Council Resolution**Moved Cr J Corless-Crowther****Seconded Cr A Broadhurst**

1. That the local government resolve, in pursuance of Section 75 of the Planning and Development Act 2005, to initiate the process to amend the Shire of Victoria Plains Local Planning Scheme No.5 including public advertising for the minimum required period of 42 days by:

1. Amending clause 2.3 in Part 2 of the Scheme Text by including the following proposed new Local Scheme Reserves and associated objectives for each:

Primary Distributor Roads

The objectives are:

- (i) To set aside land required for a primary distributor road being a road classified as a Primary, Regional or Local Distributor under the Western Australian Road Hierarchy;
- (ii) To provide land and facilities for major road purposes and associated activities; and
- (iii) To protect land from activities considered inappropriate to the successful continued operation of major road infrastructure.

Local Roads

The objectives are:

- (i) To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Railways

The objectives are:

- (i) To provide land and facilities for railway purposes and associated activities; and
- (ii) To protect land from activities considered inappropriate to the successful continued operation of railway infrastructure.

2. Amending the Scheme Maps by showing the location of all primary, regional and local distributor roads, local roads and railway reserves in the municipality and including suitable reference to them as Local Scheme Reserves in the Scheme Map Legend to reflect the new reserve names to be included in clause 2.3, Part 2 of the Scheme Text.
3. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.9 Development of lots abutting primary, regional and local distributor roads controlled by Main Roads WA

- 4.9.1 All applications for development approval abutting roads classified Primary Distributor Roads Reserve under the care, control and management of

Main Roads WA are to be referred by the local government to Main Roads WA and the local government is to have due regard to comments and recommendations provided by Main Roads WA when determining applications.

- 4.9.2 Direct access for vehicles to/from roads classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA will not be permitted where access is available from a public road at the side or rear of a lot or from a public right-of-way, private right-of-way, laneway or private road.
- 4.9.3 Where vehicular access from a lot adjoining abutting a road classified Primary Distributor Roads Reserve under the care, control and management of Main Roads WA is available only from that road, all parking, servicing, circulation within that lot and access to and from the road shall be designed and constructed to allow unhindered movement within the lot to enable vehicles to enter and leave the site in forward gear.
4. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.10 Development of lots not abutting a constructed public road

- 4.10.1 In considering an application for development approval in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road, the local government shall either:
- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
 - (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
 - (c) grant approval to the application subject to the following conditions, or any other conditions the local government sees fit to impose:
 - (i) Arrangements are to be made for permanent access, to the satisfaction of the local government;
 - (ii) The location of any legal access shall be to the satisfaction of the local government;
 - (iii) Access must be constructed and maintained to the satisfaction of the local government;
 - (iv) A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.
5. Amending Schedule A of the Scheme Text entitled 'Supplemental Provisions' (see Attachment 1) to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

Clause 61(1) -

- (c)(vi) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (c)(vii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (l)(vii) abutting a road classified Primary Distributor Roads Reserve that is under the care, control and management of Main Roads WA; or
- (l)(viii) abutting an unconstructed road or a lot which does not have frontage to a constructed road.

6. Amend Schedule A of the Scheme Text entitled 'Supplemental Provisions' to include the following additional supplemental provisions to the Deemed Provisions set out in Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (see Attachment 1):

Clause 61(1) -

- (p) the erection of farm outbuildings or undertaking earthworks, including the construction of farm dams, on any land classified 'Rural' zone used for extensive agricultural purposes (i.e. agriculture – extensive).

7. Amending Table 1 - Zoning Table in Part 3 of the Scheme Text by including the following new use classes and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RESIDENTIAL							
Repurposed Dwelling	A	A	X	X	A	D	D
Workforce Accommodation	A	X	X	X	A	X	D
COMMERCE							
Fuel Depot	X	X	A	D	A	X	A
Trade Supplies	X	A	D	D	A	X	X
OTHER							
Commercial Vehicle Parking	A	D	P	P	A	A	P
INDUSTRY							
Resource Recovery Centre	X	X	A	D	X	X	A
Waste Disposal Facility	X	X	X	A	X	X	A
Waste Storage Facility	X	X	X	A	X	X	A

8. Amending Table 1 - Zoning Table in Part 3 of the Scheme Text by removing the following use class and associated permissibility symbols for each zone:

USE CLASSES	ZONES						
	RESIDENTIAL	COMMERCIAL	SERVICE INDUSTRY	INDUSTRY	TOWNSITE	RURAL RESIDENTIAL	RURAL
RURAL							
Plantation	X	X	X	X	X	X	D

9. Amending clause 4.7.4.4 in Part 4 of the Scheme Text entitled 'General Development Requirements' by including the words:
- i) 'Structure Plan and/or' immediately before the words 'Development Plan';
 - ii) 'and/or Commission' immediately after the words 'local government'; and
 - iii) 'rezoning or' immediately after the word 'or' and before the word 'subdivision'.
10. Amending clause 4.7.5 in Part 4 of the Scheme Text entitled 'General Development Requirements' by including the following additional subclauses and renumbering the existing and proposed new subclauses accordingly:
- 4.7.5.1 Notwithstanding the right to develop a single house on an existing lot, all residential development in the 'Rural' zone shall comply with the following requirements:
- a) All dwellings and associated outbuildings, external fixtures, patios, pergolas, verandas, garages, carports or swimming pools shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries;
 - b) All dwellings must be connected to a reticulated potable water supply to an appropriate standard as determined by the licence holder. Where a reticulated potable water supply is not available, all dwellings shall be provided with a suitable potable water supply in accordance with the requirements of sub-clauses 4.20.2 and 4.20.3; and
 - c) Where connection to reticulated sewer is not available to a lot, the disposal of all domestic sewerage shall be carried out with an effluent disposal system approved by the local government and/or the Department of Health.
- 4.7.5.2 All other development in the 'Rural' zone, including farm outbuildings and dams, shall have a minimum setback of 20 metres from the land's primary street frontage and 10 metres from all side and rear boundaries.
- 4.7.5.3 Within the 'Rural' zone the local government will not generally support the erection of more than one (1) single house per lot. Notwithstanding any symbol in 'Table 1 – Zoning Table' or any other provision of the Scheme, the erection of more than one (1) dwelling on a 'Rural' zoned lot shall require the specific approval of the local government and shall not be permitted unless the local government has exercised its discretion by

granting development approval.

- 4.7.5.4 The local government may consider granting development approval to additional dwellings in the 'Rural' zone in cases where the applicant/landowner clearly demonstrates that additional housing is required for agricultural production or tourist development purposes and where the occupants are engaged in those specified predominant land uses or activities. In any case the total number of dwellings per lot shall not exceed four (4).
- 4.7.5.5 In determining any application for any additional dwelling/s in the 'Rural' zone the local government shall have regard for the following:
- a) the additional dwelling is warranted for farm management, family accommodation or tourist development purposes;
 - b) any new dwelling is suitably located and setback with sufficient buffers from neighbouring rural lot boundaries so as to minimise land use conflict with surrounding agricultural uses and activities;
 - c) the lot is greater than 40 hectares in area;
 - d) the lot can continue to be used for existing agricultural purposes;
 - e) the potential bushfire risk and any proposed risk mitigation measures;
 - f) the cumulative effect of granting approvals in a locality and the potential for the creation of homestead lots based on the dwelling location as may be permissible under relevant State Planning Policies; and
 - g) the need to avoid the creation of unplanned small lot subdivision in locations that may cause conflict with the objectives of the Rural zone.
- 4.7.5.6 The existence of more than one (1) dwelling on a 'Rural' zoned lot shall not be construed as a basis for the local government's support to the subdivision of that lot in a manner other than that provided for in relevant State Planning Policies.
- 4.7.5.7 All proposals for development in the 'Rural' zone must have regard to both on-site and off-site impacts and, where deemed necessary by the local government, such proposals shall be accompanied by information identifying:
- a) environmental values and any environmental risks;
 - b) the potential for land use conflict;
 - c) the potential impacts and restrictions on approved uses on adjacent or nearby locations; and
 - d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site.
- 4.7.5.8 Prior to issuing development approval for an industry in the 'Rural' zone the local government will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority's Buffer Distance Guidelines, and such industry may only be granted development approval if the relevant buffer does not impact upon existing or proposed residential development.

4.7.5.9 If, in the opinion of the local government, over-grazing by livestock on any land classified 'Rural' zone is causing degradation to the landscape or land degradation that may lead to soil erosion, the local government may issue an order to the property owner requiring a reduction in the number, or total removal, of the livestock.

11. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.11 Traffic Entrances

4.11.1 The local government may refuse to permit more than one vehicular entrance or exit to or from any lot.

4.11.2 The local government may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.

4.11.3 The local government may require the forming, sealing and draining of any unconstructed public road, public right-of-way, private right-of-way, laneway or private road servicing a development for which development approval is given at the cost of the developer in proportion to the extent of the use of the public road, public right-of-way, private right-of-way, laneway or private road by the development in respect to other users as assessed by the local government.

12. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.12 Car Parking Requirements

4.12.1 The minimum car parking spaces for particular uses are listed in Table 2. Land and buildings shall not be used or developed:

- a) for any use mentioned in Table 2 unless off street parking is provided in accordance with the requirements set out therein; or
- b) for any use not mentioned in Table 2 unless off street parking is provided, as determined by the local government.

4.12.2 All off street car parking spaces, including vehicle accessways thereto, shall be:

- a) Designed and laid out generally in accordance with the minimum specifications set out in Australian Standard AS/NZS 2890.1-2004 entitled Parking facilities - Off-street Car Parking unless otherwise approved by the local government;
- b) Paved, marked, drained and maintained to the satisfaction of the local government; and
- c) Integrated with any existing adjoining car park.

4.12.3 Where an applicant/landowner can demonstrate to the satisfaction of the local government that there is not the demand for the number of car parking spaces specified in Table 2, landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be

included in calculations as car parking but not as landscaping.

- 4.12.4 The local government may approve a development application where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided:
- a) The applicant/landowner can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided;
 - b) The local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
 - c) The landowner/s who request sharing of parking facilities enter into a legal agreement for reciprocal rights of access to parking facilities.

13. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.13 Landscaping Requirements

- 4.13.1 The minimum landscaping requirements detailed in Table 2 or referred to elsewhere in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however, garbage collection, handling spaces and other open storage areas shall not be included. In considering the landscaping requirement of any application for development approval, the following criteria shall apply:
- a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
 - b) The local government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that requires little maintenance;
 - c) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five (5) metres shall be planted for every ten (10) square metres of landscape area. The local government may relax this requirement in the case of any residential development;
 - d) Landscaping required pursuant to this Scheme or pursuant to a conditional development approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be permanently maintained to the satisfaction of the local government; and
 - e) A landscaping strip with a minimum width of two (2) metres shall be provided between car parking areas and adjoining street boundaries.

14. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.14 Retention and protection of vegetation and revegetation, waterways and their buffers

- 4.14.1 Where the local government considers it would help mitigate against land degradation (e.g. salinity), protect a waterway (and its buffer) or improve the visual appearance of a development, the local government may impose conditions on any development approval issued requiring the retention and protection of existing vegetation (e.g. through fencing) and/or the planting of additional vegetation.

15. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.15 Use of Front Setback Areas

- 4.15.1 A person is not to use the land between a street alignment and the distance that buildings are required to be setback from such street alignment for any purpose other than one or more of the following:

- a) a means of access;
- b) the daily parking of vehicles;
- c) the loading and unloading of vehicles;
- d) landscaping which only in the Commercial zone, and then only with the specific development approval of local government, may include an awning, pergola, or similar structure and when in front of a fast food outlet or café / restaurant may provide for alfresco dining.

- 4.15.2 The front setback area of any lot shall not be used for the parking of vehicles that are being wrecked or repaired, nor for the stacking or storage of fuel, raw materials, products or by-products, or waste products of any sort.

16. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.16 Waste disposal and untidy sites

- 4.16.1 Land within the Scheme Area:
- a) shall not be used for the purpose of storage or the disposal of rubbish or industrial wastes (whether liquid or solid) without the written approval of the local government; and
 - b) shall be maintained to a visual standard commensurate with that generally prevailing in the vicinity and the local government may by written notice require the owner, occupier or lessee of any land to undertake such works as may be necessary to upgrade or restore the condition of the land to a standard acceptable to the local government.

17. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.17 Drainage

4.17.1 Prior to issuing development approval for the development of a lot the local government will require satisfactory evidence that the drainage conditions of the locality will not be impaired and may require that site works be carried out to ensure that all drainage is to the local government's satisfaction.

18. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.18 Land liable to flooding or inundation

4.18.1 A building shall not be constructed upon any land identified or defined by the local government or the Department of Water and Environmental Regulation as being liable to flooding or inundation.

4.18.2 Where in the opinion of the local government a development is to be sited on land that has the potential to be flooded and/or inundated, the local government may impose conditions on any development approval issued to ameliorate any potential flood risk.

19. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.19 Sewerage Disposal

4.19.1 Given the requirements of the Government Sewerage Policy the local government will generally require the provision of reticulated sewerage to residential and other developments within the Calingiri and Yerecoin townsites which exceed the R5 density code. The local government may however permit further development in these townsites without the need to connect to reticulated sewerage if it can be demonstrated that reticulated sewerage cannot be provided at reasonable cost and an alternative means of effluent disposal can be provided to the satisfaction of the local government and the Department of Health.

4.19.2 In considering applications for unsewered development for industrial, commercial and residential purposes outside the Calingiri townsite and within other unsewered towns and settlements within the municipality, the local government will have regard for the provisions of the Government Sewerage Policy applicable at the time. Unless minimum lot sizes, site suitability for on-site wastewater disposal and density of developments are acceptable, the local government may specify that such development is not permitted without connection to reticulated sewerage.

20. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.20 Water Supply

4.20.1 The local government shall not grant approval for development on any land unless:

- a) A suitable potable water supply is available or can be provided to that land, as deemed necessary by the local government or a licensed water provider; and
- b) Arrangements satisfactory to the local government or a licensed water provider have been made for the provision of a suitable potable water supply.

4.20.2 All buildings intended for residential use must include provision for the storage of water in tanks of not less than 120,000 litres capacity unless satisfactory arrangements have been made for connection to a reticulated water supply provided by a licensed water provider. The local government may permit the reduction in the size of storage tanks if the quality of water on-site meets or is treated to potable water standards.

4.20.3 Where rainfall is to be used as the predominate source for a water storage tank, the minimum collection area, in terms of rain surface runoff, to service the tank, is to be provided. The collection area will normally comprise of the roof area of structures on the lot and may include the dwelling, outbuildings and any other structure capable of collecting and directing water into the tank. The size of the collection area is to be based on the following calculation:

Collection area (m²) = 120,000 divided by (0.85 x (local rainfall minus 24mm))

- Collection area (m²) is the minimum area for rain surface runoff that is required to service the water tank;
- 120,000 is the minimum size of the water tank in litres (unless the local government has determined an alternative size in accordance with the scheme);
- 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (the local government may accept a greater efficiency rate if it can be demonstrated through design);
- Local rainfall is the average annual mean rainfall measured in millimetres (mm) guided by the nearest collection point provided by the Bureau of Meteorology; and
- 24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.

4.20.4 The local government may approve the use of fit-for-purpose water (wastewater recycling) and availability for use of such water for public open space.

21. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.21 Relocated second-hand and repurposed dwellings and buildings

- 4.21.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled ‘Supplemental Provisions’, the placement and use of a relocated second-hand or repurposed dwelling or building upon a lot within the scheme area is subject to the requirement to obtain development approval from the local government.
- 4.21.2 The placement and use of a relocated second-hand or repurposed dwelling or building shall not be permitted on any lot within the scheme area unless:
- a) in the opinion of the local government such development is consistent with the objectives of the zone or local scheme reserve in which it is proposed to be located;
 - b) the dwelling or building is in a satisfactory condition and any internal or external material containing asbestos fibres are removed prior to the dwelling or building being transported within or into the scheme area; and
 - c) the design of the dwelling or building is to the satisfaction of the local government by reason of such matters as the roof pitch, window size, external cladding materials and other such factors that affect their appearance and that the dwelling or building will not, in the opinion of the local government, adversely affect the amenity of other properties in the immediate locality.
- 4.21.3 Where an application for development approval is made to place and use a relocated second-hand or repurposed dwelling or building in the scheme area the local government is not to grant approval to that application unless notice is given in accordance with clause 64 of the deemed provisions.
- 4.21.4 Where a relocated second-hand or repurposed dwelling or building is proposed to be established on a lot in the scheme area the local government may require, amongst other things, the re-cladding, re-roofing to a suitable pitch, external painting, installation of new windows of suitable size and/or enclosure of the sub-floor area of the dwelling or building with brick, stone, vermin battens or by other means acceptable to the local government and, where the building is considered by the local government to be exposed, or in a visually prominent position, the local government may require satisfactory landscaping measures, or the like, to be carried out.
22. Amending Part 4 of the Scheme Text entitled ‘General Development Requirements’ to include the following new clauses:

4.22 Use of Sea Containers

- 4.22.1 Notwithstanding any other requirement of this Scheme including the land use permissibility prescribed for the various use classes listed in Table 1 – Zoning Table and the exemptions to development approval afforded by

Part 7 of the Deemed Provisions and Schedule A of the Scheme Text entitled 'Supplemental Provisions', the placement and use of one or more sea containers upon any lot within the scheme area is subject to the requirement to obtain development approval from the local government.

- 4.22.2 Where development approval is granted the sea container shall be constructed and/or upgraded to a standard that ensures the visual amenity of the area is not adversely impacted.
- 4.22.3 Where in the opinion of the local government a sea container would have an adverse impact on the visual amenity of the locality, the local government may refuse the application.
- 4.22.4 Where an application for development approval is made for the placement and use of one or more sea containers upon any lot, the local government shall give notice in accordance with clause 64 of the deemed provisions.
- 4.22.5 Sea containers are not permitted on any land within the scheme area classified Residential zone unless they are temporary in nature (i.e. to be used for a period of up to seven (7) days), or a longer period approved by the local government.

23. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clauses:

4.23 Home Occupation, Home Business, Home Store and Rural Home Business

- 4.23.1 The local government shall not permit a Home Occupation, Home Business, Home Store or Rural Home Business as defined in Schedule 1, Part 6, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* unless development approval is granted.
- 4.23.2 Any development approval granted for these use classes will be valid for a period of twelve (12) months only and any extension of the development approval for a further period of twelve (12) months must be the subject of a written application to the local government for a renewal of the same.
- 4.23.3 The local government's development approval to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall, apart from any specific conditions imposed by the local government, be subject to the following general conditions:
 - a) The development approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
 - b) The development approval shall be cancelled if there is a change in the occupier of the land in respect of which the development approval was issued;
 - c) The person to whom the development approval is granted by the local government to carry on a Home Occupation, Home Business, Home Store or Rural Home Business shall not carry on those activities at any premises other than the land in respect of which the local government's development approval is granted;
 - d) If a Home Occupation, Home Business, Home Store or Rural Home

Business has been carried on with the development approval of the local government and if in the opinion of the local government any such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the local government may withdraw the development approval granted by it and after such withdrawal, no person shall upon the subject land carry on such use unless a further development approval to do so, is granted by the local government.

24. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.24 Advertisements

- 4.24.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Planning Act and requires the development approval of the local government in accordance with the provisions of Part 7 of the Deemed Provisions, unless it is an exempted advertisement as listed in Schedule 5 of the Scheme Text.

25. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.25 Requirement for consultation to commence mining

- 4.25.1 In considering proposals to commercially extract minerals, the local government may exercise its discretion to inform the Minister for Mines and Petroleum and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme.

26. Amending Part 4 of the Scheme Text entitled 'General Development Requirements' to include the following new clause:

4.26 Scheme Provisions to Prevail

- 4.26.1 To the extent that a requirement referred to in clauses 4.7 to 4.25 is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy, the requirement referred to in clauses (1)-(18) shall prevail.

2. That the local government resolve that this amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
- i) the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - ii) the amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.

CARRIED For 6 / Against 0

10.6 WSFN Program Formalisation of Commitment

File reference			
Report date	19 September 2019		
Applicant/proponent	Wheatbelt Secondary Freight Network Committee		
Officer disclosure of interest	No Interest to Disclose		
Previous meeting references	Nil		
Prepared by	Rod Munns – R Munns Engineering Consulting Services (Consultant)		
Authorised by	Awaiting approval from CEO		
Attachments			
Attachment 1	Page	222	WSFN Governance Plan – Final
Attachment 2	Page	232	WSFN MCA Methodology - for LGs 2
Attachment 3	Page	237	WSFN Program Delivery Plan - for LGs

PURPOSE

It is requested by the Wheatbelt Secondary Freight Network Steering Committee that the associated 42 Local Governments formalise their commitment to WSFN Program, to be eligible for future funding and project consideration, via a formal resolution of Council.

BACKGROUND

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement). The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded. The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical in securing additional funding.

Attached is Program Governance Plan (PGP) which identifies how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG) and Local Governments. The PGP will provide a framework and guidelines for all members of the WSFN Program to operate within. The PGP will be used to communicate to all stakeholders how the program will be governed. This PGP should be read in conjunction with the attached Program Delivery Plan and the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how on-ground capital works will be delivered for Stage 1 and beyond.

Now that the initial funding for the delivery of on-ground capital works for Stage 1 has been confirmed, it is proposed that all 42 Local Governments formalise their commitment to

WSFN Program, to be eligible for future funding and project consideration. It is requested by the WSFN Steering committee that this formal commitment from all 42 Councils be via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSFN program documents:

- Project Governance Plan
- Program Delivery Plan
- Multi Criteria Analysis Methodology.

The 42 Council resolutions will be collated as addendums to a formal agreement that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSFN program formalising the ongoing commitment to the program.

In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A prioritisation of the Wheatbelt Secondary Freight Network routes will via a multi-criteria analysis (MCA) will be developed to score each route based on the available data submitted by Local Governments and the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government. The criteria upon which each route will be assessed in the MCA includes:

Data Set	Description
ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Road Condition	Shire's have assessed road condition on a one to five scale, which has been applied as a direct metric. Five indicating very poor condition
ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

On-ground works for the WSFN program are expected to commence in financial year 2020/21 and be staged over a 3 to 5 year period depending upon Federal Government stipulations.

For the year 2019/20 the WSFN have identified 2 x pilot projects to begin on-ground works and refine project delivery methodologies and processes. These will be \$1 million dollars each and have been identified for the following Shires:

- Wheatbelt North
 - Shire of Victoria Plains

- Lancelin to Meckering Route
- Mogumber - Yarrowindah Road
- Project value \$1M
- Wheatbelt South
 - Shire of Quairading
 - Cunderdin to Kweda Route
 - Cunderdin - Quairading Road
 - Project Value \$1M

COMMENT

Officers from LGs with prioritised projects will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity. Where possible neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

- Individual Shires will provide the following to the Steering Committee for approval before any funding will be released
 - Scope
 - Budget
 - Methodology
 - Delivery
- WSFN 5 Year Plan incorporated in their LTFP.
- Individual Shires incorporate into Council Budgets Annually.
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan.

CONSULTATION

Cr Ricky Storer – Chairman of the Wheatbelt North Regional Road Group

Mr Craig Manton – Regional Manager of MRWA Wheatbelt Region.

Glenda Teede – CEO

Bob Edwards - Works & Services Manager

STATUTORY CONTEXT

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

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

CORPORATE CONTEXT

Nil

STRATEGIC IMPLICATIONS

Local Government Act 1995

FINANCIAL IMPLICATIONS

Attaining this funding to preserve this AgLime Route #2 road into the future, will reduce the financial burden on Council from contributing 33% matching funding via SGFtLRA funding, to 6.67% matching funding via Wheatbelt Secondary Freight Network funding.

VOTING REQUIREMENTS

Absolute majority required: No

1909-13 Officer Recommendation / Council Resolution

Moved Cr P Bantock

Seconded Cr N Clarke

That Council:

1. formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.
2. receive the following WSN Program documents which outline how the WSN Steering Committee propose to administer the WSN Program:
 - Program Governance Plan
 - Program Delivery Plan
 - Multi Criteria Analysis Methodology; and
3. endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSN Steering Committee to make decisions in accordance with in the Program Governance Plan.

CARRIED For 6 / Against 0

11. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

VOTING REQUIREMENTS

Absolute Majority Required: No

1909-14 Officer Recommendation / Council Resolution

Moved Cr J King

Seconded Cr P Bantock

That the following late items be admitted for consideration –

1. Award of Tender – RFT 01-2019.20 – Accounting Services

CARRIED For 6 / Against 0

Cr Broadhurst noted an impartiality interest in this item at 3.37pm as he is a “*friend of Partner at RSM*”.

12.1 Award of Tender – RFT 01-2019.20 – Accounting Services

File reference		
Report date		Tuesday 24th September 2019
Applicant/proponent		N/A
Officer disclosure of interest		Nil
Previous meeting references		Nil
Prepared by		Aaron Bowman – Governance Officer
Authorised by		CEO
Attachments		
Attachment 1	Circulated to councillors under separate confidential cover	Evaluation Matrix
Attachment 2	Available for viewing at the September 2019 Council meeting”	Tender Submissions

Cr Clarke requested this item be moved Into Confidential items.

13. MEETING CLOSED TO PUBLIC**1909-15 Council Resolution****Moved Cr N Clarke****Seconded Cr J Corless-Crowther**

That the meeting be closed to the public, *as a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*, to consider the following matter, the time being 3.43pm.

1. Item 12.1 - Award of Tender – RFT 01-2019.20 – Accounting Services
2. Consideration of Mogumber / Yarrawindah Rd WSNF Pilot Project.

CARRIED For 6 / Against 0

Remaining in the meeting – All Councillors who were in attendance at the opening of the meeting, CEO, Works and Services Manager, Governance Officer and Executive Assistant.

12.1 Award of Tender – RFT 01-2019.20 – Accounting Services

File reference		
Report date		Tuesday 24th September 2019
Applicant/proponent		N/A
Officer disclosure of interest		Nil
Previous meeting references		Nil
Prepared by		Aaron Bowman – Governance Officer
Authorised by		CEO
Attachments		
Attachment 1	Circulated to councillors under separate confidential cover	Evaluation Matrix
Attachment 2	Available for viewing at the September 2019 Council meeting"	Tender Submissions

Reason for confidentiality

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
 - (c) *as a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

PURPOSE

To advise Council of submissions received in relation to Tender RFT 01-2019.20 – Accounting Services and for Council to award the contract to the best value for money tenderer as proposed by the evaluation panel recommendation.

BACKGROUND

As part of the Shire's ongoing requirement for high level financial services, a tender was prepared and advertised seeking suitable suppliers of high level financial services for a two (2) years with a two (2) year option.

Previously high level financial services for the Shire have been undertaken by Bob Waddell, however any contract / agreement over \$150,000 must be via a tender (or a WALGA preferred supplier) and the Shire was required to tender for this service.

Submissions

The request for tender RFT 01-2019.20 – Accounting Services was advertised in the West Australian on Thursday 5th September, Saturday 7th September and Wednesday 11th September closing at 4pm on Wednesday 18th September 2019.

Six submissions were received, and the submissions are provided to Council in the confidential attachment.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tenders submissions were received from the following companies:

1. RSM
2. Crowe
3. LG Corporate Solutions
4. Mid-West Financial
5. EY
6. Moore Stephens

Evaluation Panel

An evaluation panel was convened and consisted of the following personnel

- Chief Executive Officer
- Governance Officer

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationships with any of the tenderers. Each member of the panel assessed the quotes separately.

Evaluations Criteria

The following evaluation criteria and weighting were used by the tender evaluation panel to assess tender submissions:

- | | | |
|------|-------------------------------------|-----|
| I. | Relevant Experience | 20% |
| II. | Key Personnel Skills and Experience | 20% |
| III. | Respondent's Resources | 10% |

- IV. Establish and Maintain Relationship 20%
- V. Schedule of Rates 30%

COMMENT

All tenders were assessed against the evaluation criteria and the results are documented in the confidential attachment.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by RSM was assessed as being the best value for money that meets the Shire's requirements.

The tender evaluation panel therefore recommends the tender submission made by RSM

CONSULTATION

Nil

STATUTORY CONTEXT

Section 5.25(1)(e) of the Local Government Act 1995

Regulation 10 of the Local Government (Administration) Regulations 1999 Section 3.57(1) of the Local Government Act 1995 requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

The funding for this tender is included in the 2019/20 operational budget and will be included in the operational budget for future financial years.

VOTING REQUIREMENTS

Absolute majority required

1909-16 Officer Recommendation / Council Resolution
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Moved Cr A Broadhurst

Seconded Cr P Bantock

That Councils **AWARDS** tender RFT 01-2019.20 – Accounting Services to RSM as per confidential attachment for a period of two (2) years with an option of two (2) years.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 0

Cr P Bantock having declared a proximity interest in item 13.1 due to “Trustee of a trust that owns adjoining property 202 Mogumber-Yarrowindah Rd”, withdrew from the meeting at 4.00 pm.

13.1 Consideration of Mogumber / Yarrowindah Rd WSNF Pilot Project

File reference			
Report date			
13 th September 2019			
Applicant/proponent			
Wheatbelt Secondary Freight Network Committee			
Officer disclosure of interest			
No Interest to Disclose			
Previous meeting references			
Nil			
Prepared by			
Rod Munns – R Munns Engineering Consulting Services (Consultant)			
Authorised by			
Attachments			
Attachment 1	Page	Confidential	WSFN Draft Priority List of Secondary Freight Network Routes
Attachment 2	Page	Confidential	Proposed GIS Project Plan

Reason for confidentiality

Local Government Act 1995 s.5.23(2)(c) – *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

VOTING REQUIREMENTS

Absolute majority required: Yes

Note: As per Shire’s Standing Orders, Part 13, (13.1), there was amendment to the Officer Recommendation, agreed to by the Mover and Seconder, to amend the figure in part d) from \$58,000 to \$20,746.00 and to include a new part f) *As a matter of priority, during the mid-year budget review, the CEO present to Council options of increasing the road maintenance grading budget by at least \$50,000.*

OFFICER RECOMMENDATION

That Council:

- a) Agrees to reconstruct and upgrade an approximate 3.15 to 3.50 km section of the Mogumber / Yarrowindah Rd in this financial year to the value of \$ 1 Million, commencing on the western end from SLK 0.47 (final length to be confirmed but expected to be between 3.15 to 3.50 km long) with potentially provided \$ 933,000 of road funding from the WSNF Committee;
- b) writes to Mr Craig Manton, the Regional Manager of MRWA Wheatbelt Region, asap requesting that MRWA underwrite the proposed Federal Funding component for this project, until such time as the Federal Funding becomes available, so that the tendering process can commence;

- c) gives approval for Council staff to issue a tender to obtain a panel of suitable contractors to assist Council's works crew to complete this work in this financial year;
- d) approves the removal of the Bolgart West Rd Shoulder Reconditioning Project from the 19/20 Yr Roadworks Budget and allocates this \$58,000 of municipal funding to this WSFN Pilot Project on the Mogumber – Yarrowindah Rd as part of the \$66,666 of required matching funding; and
- e) approves the removal of \$ 8,666 of Municipal funding from the Road Maintenance Grading Budget and allocates this \$8,666 of municipal funding to this WSFN Pilot Project on the Mogumber – Yarrowindah Rd as part of the \$66,666 of required matching funding.

1909-17	COUNCIL RESOLUTION
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Moved Cr A Broadhurst**Seconded Cr N Clarke**

That Council:

- a) agrees to reconstruct and upgrade an approximate 3.15 to 3.50 km section of the Mogumber / Yarrowindah Rd in this financial year to the value of \$ 1 Million, commencing on the western end from SLK 0.47 (final length to be confirmed but expected to be between 3.15 to 3.50 km long) with potentially provided \$933,000 of road funding from the WSFN Committee;
- b) writes to Mr Craig Manton, the Regional Manager of MRWA Wheatbelt Region, asap requesting that MRWA underwrite the proposed Federal Funding component for this project, until such time as the Federal Funding becomes available, so that the tendering process can commence;
- c) gives approval for Council staff to issue a tender to obtain a panel of suitable contractors to assist Council's works crew to complete this work in this financial year;
- d) approves the removal of the Bolgart West Rd Shoulder Reconditioning Project from the 19/20 Yr Roadworks Budget and allocates this \$20,746.00 of municipal funding to this WSFN Pilot Project on the Mogumber – Yarrowindah Rd as part of the \$66,666 of required matching funding;
- e) approves the removal of \$45,920.00 of Municipal funding from the Road Maintenance Grading Budget and allocates this \$45,920.00 of municipal funding to this WSFN Pilot Project on the Mogumber – Yarrowindah Rd as part of the \$66,666 of required matching funding; and
- f) as a matter of priority, during the mid-year budget review, the CEO present to Council options of increasing the road maintenance grading budget by at least \$50,000.

CARRIED BY ABDSOLUTE MAJORITY For 5 / Against 0Reason for change

There was only \$20,746 in the Mogumber - Yarrowindah Rd budget.

1909-18	Council Resolution
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Moved Cr A Broadhurst**Seconded Cr J King**

That the meeting be opened to the public, the time being 4.36pm.

CARRIED For 5 / Against 0

The Deputy President re-joined the meeting at 4.36pm.

As no members of the public re-entered the meeting, there was no requirement to read aloud Confidential Council resolutions.

14. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 4.36 pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 25.9.19 2019.

Signed J. Bantock Date 30.10.19.
(Presiding member at the meeting which confirmed the minutes)

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