



Minutes

Ordinary Council Meeting

30 October 2019

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.00 pm

DISCLAIMER:

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

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

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

Recording of Meeting

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

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

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 30 October 2019 commencing at 2.00 pm

1. DECLARATION OF OPENING

1.1 Opening

In the absence of the CEO, the Governance Officer opened the Meeting at 2.00pm welcoming Residents, Councillors and staff to the meeting.

2. RECORD OF ATTENDANCE

Members present	Cr David Lovelock Cr Pauline Bantock Cr Jim Kelly Cr Jacqueline Corless-Crowther Cr Jaymie King Cr Stephanie Penn Cr Neville Clarke
Staff attending	Governance Officer – Mr Aaron Bowman Executive Assistant – Mrs Julie Klobas Works and Services Manager – Mr Robert Edwards Finance and Administration Manager – Mrs Ina Edwardson.
Apologies	CEO – Glenda Teede
Approved leave of absence	Nil
Visitors	N/A
Members of the public	Mrs Suzanne Woods Mr Gary McGill Mr David Hall

2.1 Election of the Shire President

The Governance Officer called for nominations for the role of Shire President. Nominations for the role were received as below:

1. Cr P Bantock; and
2. Cr S Penn

After votes were cast, the Ballot was counted by the Governance Officer, with the Works & Services Manager as witness, with Cr P Bantock being declared Shire President for the next 2 year period.

2.2 Swearing in of the Shire President

The outgoing Shire President, Cr D Lovelock, swore Cr P Bantock in as the Shire President, as prescribed in Form 7 of the Local Government (constitution) Regulations 1998, with the Shire President then taking the role of Presiding Member.

The Shire President addressed Council as below:

“Councillors, thank you for electing me as your Presiding Member. Before moving on with the agenda, I would first like to thank Cr David Lovelock for his honourable leadership of the Shire, serving as Shire President for the past 6 years. His diplomacy and enthusiasm have seen our Shire through many different circumstances. I thank him for giving that precious time to lead our Shire and make mention of the background contribution and sacrifices no doubt made by your family & private life. I particularly thank Cr Lovelock for encouraging me to step up to this role and continuing to share his 15 year Shire knowledge within Council. I would also congratulate our returning Councillors, Cr Clarke & Cr Corless-Crowther as well as our newly elected Councillor Jim Kelly. I also thank outgoing Councillor Mr Andrew Broadhurst for his 4year service to the Shire. To the members of the public who were unsuccessful in their nominations for Council, I thank you for your interest in the Shire. I personally look forward to working with the Council for the benefit of Victoria Plains’.

Cr D Lovelock spoke to the Council acknowledging the support of Councillors and staff for their hard work during his time as President.

2.3 Election of Deputy Shire President

The Shire President called for nominations for the role of Deputy Shire President. Nominations for the role were received as below:

1. Cr D Lovelock; and
2. Cr S Penn

After votes were cast, the Ballot was counted by the Governance Officer, with the Works & Services Manager as witness, with Cr D Lovelock being declared Deputy Shire President for the next 2 year period.

2.4 Swearing in of Deputy Shire President

The Shire President, Cr P Bantock, swore Cr D Lovelock, in as the Deputy Shire President, as prescribed in Form 7 of the Local Government (constitution) Regulations 1998.

The Presiding Member read aloud the formal Disclaimer Announcement regarding the recording of Meetings.

3. DISCLOSURES OF INTEREST

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

<i>Type</i>	<i>Item</i>	<i>Person / Details</i>
3.1	Financial	Nil
3.2	Proximity	Cr Lovelock declared a proximity interest in item 8.13 'New Norcia Road – Proclamation' due to 'owner of adjoining land'.
3.3	Impartiality	Cr J King declared an impartiality interest in item 8.17 'Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri' due to 'friendship'. Cr J King declared an impartiality interest in item 11.1 'Sale of 44 Edmonds St Calingiri' due to 'friendship'. Cr J Corless-Crowther declared an impartiality interest in item 11.1 'Sale of 44 Edmonds St Calingiri' due to 'family friend'. Cr J Corless-Crowther declared an impartiality interest in item 8.17 'Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri' due to 'family friend'.

4. PUBLIC QUESTION TIME

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

4.1 Response to Previous Public Questions Taken on Notice OCM - 25 September 2019

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.

Response

A letter of response was provided to Mrs Woods enclosing the below advice from Bendigo Bank.

**Goomalling & Districts Community Financial Services
Limited**

18th October 2019

Ms Glenda Tesde
Shire of Victoria Plains
2d Cavell Street
Calingiri WA 6563
Via email: ceo@victoriaplains.wa.gov.au

Dear Glenda

Further to your letter to request the relocation of the ATM to another wall of the Shire Admin Building, as confirmed the new location is more ideal, with better visibility and access.

The Board is happy to approve this request.

We will touch base with Cardtronics and request that they move forward with the relocation request. Once we hear back from Cardtronics the Branch staff will provide you with a further update.

The Board would still like to attend the next available Council meeting to address the Council on the Agency, if you could please confirm when this is scheduled.

Thank you

Kind regards



Natalie Bird
Chairperson
Goomalling & Districts Community Financial Services Limited

Addr: 64 088 923 116
85 Rr: Way Terrace, Goomalling WA 6460
Phone: 08 9629 1696 Fax: 08 9629 1668. Email: adm@pcrallimgo.com.au
Franchisee of Bendigo and Adelaide Bank Limited ABN 11 308 043 176 AFSL 22 7670

 **Bendigo Bank**

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.

Response

Letter of response provided to Mrs Woods advising that incoming Emails relevant to Shire Community Business are forwarded to relevant groups and associations where appropriate.

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.

Response

Actual costs to 31 August 2019 was \$58,807.00. This included a professional valuation of the Councils Plant and Equipment to a value of \$9,680.00. Total costs are within budget for the month of August 2019.

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.

Response

Page 156 'Animal Control' budget of \$32,314.00 represents 24% of the Ranger's wages for these activities.

Page 157 'Other Law, Order, Public Safety' budget represents 32% of the Ranger Services wages of \$30,551.00. This also includes the Council's shared costs of \$20,000.00 for the CESH (Community Services Emergency Manager) with the Shire of Moora.

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

Response

The additional expenditure of \$15k is required to progress the Omnibus Amendment as required by the Local Planning Authority (Scheme No. 5), to address legislative requirements.

- 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.

Response

Page 188 of the 19/20 Annual Budget - Maintenance Grading budget is \$335,602.00 and has been halved after Council consideration. The Council does not divide the roads into Wards for its Maintenance Program.

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

- A4. Shire President - Question taken on Notice.

Response

Page 200 (Office Upgrade) refers to the Depot Office Upgrade.

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.

Response

Cost saving measures are being reviewed including savings within the areas of Council Leases and Contracts within the Shire.

Public Question Time was opened to the floor at 2.19 pm.

Mr David Hall – Represent Piawaning Expo

- Q1. Would and can the Shire please assist so as the 100 Year Expo can apply for Commonwealth Grants that are closing on 13 December 2019 (\$250K)?.

The Shire President thanked Mr Hall for asking his question suggesting a meeting between the Shire and the Piawaning Expo Committee seeking information relating to financial commitment requested be an initial step.

The Governance Officer noted a Development Application would be required, and following a meeting the Item could be brought before Council.

- Q2. Does the Shire want community development such as the Piawaning Expo.

- A2. *The President advised that the Shire is supportive of Community Development and any decision relating to particular events would be a full Council decision.*

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).

Nil questions were asked.

Public question time closed at 2.27 pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

1910-01 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr N Clarke

Cr Corless-Crowther be approved leave of absence from 14 November 2019 to 30 November 2019 inclusive.

CARRIED For 7 / Against 0

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

The Governance Officer referred to section 14.4 of the Meeting Local Law in relation to Confirmation of Minutes.

1910-02 Officer Recommendation / Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr D Lovelock

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

- Ordinary Council Meeting held 25 September 2019.

For 4 / Against 3

8. REPORTS REQUIRING DECISION

8.1 Audit Committee

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	25 th October 2017		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	1	Audit Committee Terms of Reference
Attachment 2	Page	3	Local Government Operational Guidelines Number 9 – Audit in Local Government

PURPOSE

To appoint Councillors to the Shire's Audit Committee.

BACKGROUND

At the 25th October 2017 meeting, Council appointed Cr Bantock, Cr Penn and Cr Clarke to the Audit Committee together with two community members, being Ms Lou Witham and Mr Gary McGill.

The Audit Committee meet quarterly; February, May, August and November.

The Audit Committee's purpose is to assist Council in fulfilling its responsibilities for:

- the integrity of the Shire's financial statements;
- the Shire compliance with legal and regulatory requirements;
- the external auditors' qualifications and independence; and
- the performance of the Shire's internal audit function.

This committee does not currently have any delegation.

It is a legislative requirement that a Local Government must have an Audit Committee.

COMMENT

It is common for large local governments to appoint a professional member to their audit committee, together with at least three councillors. There are a very few examples of where two professional members are appointed. These positions are paid a "reimbursement of expenses" as a sitting fee is not permitted for Members of this Committee.

Smaller local Governments do not usually have paid professional members, and most do not have any external community representation.

It is important to note, that as it is a committee of Council, the Local Government act 1995 and other relevant legislation applies, and the committee must operate within the realms of the Shire's meeting procedure local law. A review of previous audit minutes would indicate that changes are required, as the committee has previously made resolutions without any attached report, and the minutes would indicate an amount of general discussion on issues not on the agenda, with some being of operational matters.

It is for the reason outlined above and given the complexities of the above requirements, that it is recommended that the audit committee consists of three elected members only and no external community members.

If Council was of the opinion to continue with community representation, they may want to consider advertising for a community representative, however this person should possess recognised tertiary qualifications in a relative financial area. The Department model Audit Committee TOR state that an external person appointed to an audit committee will have business or financial management / reporting knowledge and experience and be conversant with financial and other reporting guidelines.

CONSULTATION

Department of Local Government, Sport and Communities.

STATUTORY CONTEXT

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

Local Government (Audit) Regulations 1996

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Required

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That in accordance with the provisions of the Local Government Act 1995, Section 5.10 and 5.11, the following Councillors be **APPOINTED** to the Audit Committee for the period 31st October 2019 to 14th October 2021.

Delegates: 1. _____
2. _____
3. _____

1910-03 Council Resolution

Moved Cr Lovelock

Seconded Cr J Corless-Crowther

1. That in accordance with the provisions of the Local Government Act 1995, Section 5.10 and 5.11, the following Councillors be **APPOINTED** to the Audit Committee for the period 31st October 2019 to 14th October 2021.

1. Cr Bantock
2. Cr King
3. Cr Penn

With additionally, up to 2 independent non-Councillors.

2. Council seek nomination for up to 2 interested nominees by 13 November 2019 with a report on relevant knowledge and experience of nominees to be submitted to enable Councillors to make appointments by 13 November 2019.

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

Reason for Variation

Considered valuable to have independent, experienced members external to Council on the Committee

8.2 Bush Fire Advisory Committee

File reference		
Report date	23 October 2019	
Applicant/proponent	N/A	
Officer disclosure of interest	Nil	
Previous meeting references	29 th May 2019	
Prepared by	Aaron Bowman – Governance Officer	
Authorised by	Glenda Teede – CEO	
Attachments		
Attachment 1	Page 23	BFAC Terms of Reference

PURPOSE

To appoint a Councillor(s) to the Bushfire Advisory Committee

BACKGROUND

At the 29 May 2019 Ordinary Council Meeting, Council appointed Cr Clarke as the Council delegate to the Bushfire advisory Committee with Cr Broadhurst as the Deputy Council delegate.

COMMENT

In accordance with section 67(1) of the Bush Fires Act, the establishment of a BFAC is by Council resolution and cannot be self-appointed. Section 67 of the Act has specific requirements placed on Council one being the requirement for at least one Councillor to be a member.

The Act is clear in that a Bush Fire Advisory Committee has no operational authority and cannot be delegated operational authority.

The Bush Fire Act does mandate some functions, to which one of the BFAC duties is to make recommendations to Council in relation to the appointment of Fire Control Officers.

Meetings are to be determined by the BFAC in accordance with the Terms of Reference established by Council and the Act.

The Terms of reference for the Bushfire advisory committee has the membership being, in addition to the one Councillor, the Captain of each bush fire brigade and the Chief Fire Control Officer, (if not a Brigade Captain), Deputy Chief Fire Control Officer (if not a Brigade Captain and who is a Brigade First Lieutenant) and the Fire Weather Officers (excluding any that are an employee of the Shire of Victoria Plains).

CONSULTATION

Nil

STATUTORY CONTEXT

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

Bush Fire Act 1954

S67(1) – bush fire advisory members to be appointed by the Council

S67(2) – a bush fire advisory committee must include at least one councillor

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Required

Officer Recommendation

1. That in accordance with the provisions of the Local Government Act 1995, Section 5.10 and 5.11, the following Councillors be **APPOINTED** to the Bushfire Advisory Committee for the period 31st October 2019 to 14th October 2021.

Delegate: 1 _____

Deputy Delegate 1 _____

2. Council **ACKNOWLEDGES** that in accordance with the Bushfire Act 1954, Council has appointed the Captain of each Bush Fire Brigade and the Chief Fire Control Officer, (if not a Brigade Captain), Deputy Chief Fire Control Officer (if not a Brigade Captain and is a Brigade First Lieutenant) and the Fire Weather Officers.(excluding any that are an employee of the Shire of Victoria Plains).

1910-04 Council Resolution

Moved Cr Penn

Seconded Cr N Clarke

1. That in accordance with the provisions of the Local Government Act 1995, Section 5.10 and 5.11, the following Councillors be **APPOINTED** to the Bushfire Advisory Committee for the period 31st October 2019 to 14th October 2021.

Delegate: 1. Cr N Clarke

Deputy Delegate 1. Cr D Lovelock

2. Council **ACKNOWLEDGES** that in accordance with the Bushfire Act 1954, Council has appointed the Captain of each Bush Fire Brigade and the Chief Fire Control Officer, (if not a Brigade Captain), Deputy Chief Fire Control Officer (if not a Brigade Captain and is a Brigade First Lieutenant) and the Fire Weather Officers.(excluding any that are an employee of the Shire of Victoria Plains).

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

8.3 ANZAC Commemorative Advisory Group

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	16 th May 2018		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	1	ANZAC Commemorative Advisory Group Terms of Reference.

PURPOSE

For Council to consider discontinuing the ANZAC Commemorative Advisory Group.

BACKGROUND

At the 16th May 2018 Council meeting, Council resolved to discontinue the ANZAC Commemorative Committee and replace this with an ANZAC Commemorative Advisory Group.

Council appointed Cr Stephanie Penn, Cr Jacqui Corless-Crowther to the ANZAC Commemorative Advisory Group and Mr Gary McGill – Warden of War Memorial.

COMMENT

ANZAC day is probably Australia's most important national occasion. It marks the anniversary of the first campaign that led to major casualties for Australia and New Zealand forces during World War One and commemorates all conflicts that followed. The Officer's Recommendation is in no way recommending a diminution of the commemorations of ANZAC day. The Officer Recommendation is simply providing advice to Council that all the great work that Gary McGill and other community volunteers do for the ANZAC Day commemorations does not require a Council advisory group, and other options are available that may be more suitable.

The Terms of Reference states the role and scope of the Advisory group as being:

- 1) assist with the coordination and arrangements for ANZAC Day; and
- 2) consider the management of the Calingiri War Memorial and make relevant recommendations to Council.

Given that the majority of members on this groups are Councillors, and given the role of this advisory group, it would seem superfluous to have an Advisory group.

Assisting with the coordination and arrangement – this is a hands-on role and would be better suited to be undertaken by community members under the direction of the Warden of War Memorial. The Chief Executive Officer and Executive Assistant could be made available to meet with Mr Gary McGill, to document the roles, tasks and other duties

required in the lead up to each and every ANZAC day celebration, so that there is a complete and documented list of what is required, with all parties, community groups and volunteers knowing exactly what they are being asked to assist with, when and where. This should greatly assist and ease the burden of the Warden of the War Memorial and will reduce unforgotten or last-minute tasks.

Any requests for the management of the war memorial would be best provided to the whole council during a budget workshops so that any expenditure can be budgeted for in the forthcoming budget.

It is therefore recommended that this working group be disbanded

Options

Council disband the ANZAC Commemorative advisory group and invite the Warden of War Memorial to meet with Council each year during a budget workshop to discuss the management of the War Memorial and any request for inclusion in the budget.

Or

That Council appoint Cr _____ and Cr _____ and the Warden of War Memorial to the ANZAC Commemorative working group.

CONSULTATION

Nil

STATUTORY CONTEXT

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

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **DISBAND** the ANZAC Commemorative Advisory group and invite the Warden of the War Memorial to meet with Council each year during a Budget Workshop to discuss the management of the War Memorial and any request for inclusion in the budget.

Alternative Recommendation

Moved Cr S Penn

Seconded Cr _____

That Council appoint Cr Penn and Cr Corless-Crowther and the Warden of War Memorial to the ANZAC Commemorative working group.

Lapsed for want of a seconder.

1910-05 Procedural Motion

Moved Cr D Lovelock

Seconded Cr N Clarke

That Council 'hold this item over' until the November OCM to allow further information to be provided by the CEO on the matter.

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

8.4 Suicide Prevention Advisory Group

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	16 th May 2018
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	Page 1 Suicide Prevention Advisory Group TOR

PURPOSE

For Council to consider discontinuing the Suicide Prevention Advisory Group.

BACKGROUND

At the 16th May 2018 Council meeting, Council resolved to discontinue the Suicide Prevention Committee and replace this with a Suicide Prevention Advisory Group. Council appointed Cr King, Cr Corless-Crowther, Cr Penn and Cr Clarke to the Suicide Prevention Advisory Group.

COMMENT

Tragically, too many people in rural Western Australia are affected by suicide each year. It is devastating to individuals, families, workplaces and communities. On average, one person each day loses their life to suicide in Western Australia; and strengthening the capacity of the community to help reduce the incidence of suicide, especially amongst groups that are particularly vulnerable is an extremely important matter.

The current Terms of Reference for the Suicide Prevention Advisory group has no documented role and / or scope. The question is therefore asked; 'Is the advisory group providing any benefit to council and the community? what are these? and whether an advisory group that only consists of Councillors is the best format to help reduce the incident on suicide in the Shire of Victoria Plains and surrounding districts?'

No Advisory group can have delegated authority and as such any matter requiring a Council decision must be presented to Council at a Council meeting.

An Advisory group should be advising council on relevant matters; in this case suicide prevention. A scan of past Council minutes provides no evidence of this. If the Advisory group is simply currently dealing with operational activities this is not a role of an advisory group.

Without evidence of any benefit this Advisory group has provided to the Council and the community, it is the Officer's Recommendation that strengthening the capacity of the community to help reduce the incidence of suicide, especially amongst groups that are particularly vulnerable, should be undertaken in a different manner. Instead of just talking

about it around the table inside the council chambers, surely these discussions are much better being had around community tables, bar tables and the kitchen tables of community members.

Options

Council disband the Suicide Prevention Advisory group

or

That Council appoint Cr _____ and Cr _____ and Cr _____ and Cr _____ to the Suicide Prevention Advisory group.

CONSULTATION

Nil

STATUTORY CONTEXT

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

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **DISBAND** the Suicide Prevention Advisory Group.

1910-06 Procedural Motion

Moved Cr N Clarke

Seconded Cr S Penn

That Council hold this item over until the November OCM to allow further information to be provided by the CEO on the matter.

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

8.5 Appointment of Delegate – Development Assessment Panel

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	16 th May 2018		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page		

PURPOSE

To appoint two Councillors as Council members to the Development Assessment Panel and two Councillors as Council alternate members to the Development Assessment Panel.

BACKGROUND

At the 16th May 2018 Council meeting, council appointed Cr Bantock and Cr Penn as Councils delegates to the Development Assessment Panel. Cr Corless -Crowther and Cr Clarke were appointed deputies.

COMMENT

Each DAP comprises of five members, being three specialist members and two local government members. The current Shire of Victorian Plains DAP members term ends on 26th January 2020.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the Planning and Development (Development Assessment Panels) Regulations 2011 Council is requested to nominate four (2 members and 2 alternate members) elected members to sit as DAP members.

Appointment of Local government members is to be considered and appointed by the Minister for Planning.

The number of DAP meetings and their timing will be depending on the number of eligible development applications.

Any new DAP member is required to undertake compulsory training.

DAP sitting fees may be applicable depending on the individual Councillor's external employment details.

CONSULTATION

Nil

STATUTORY CONTEXT

Regulation 24 of the Planning and Development (Development Assessment Panels) Regulations 2011.

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

1 That Council **NOMINATE** Councillors:

a _____

b _____

as the members of the Development Assessment Panel.

2 That Council **NOMINATE** Councillors:

a _____

b _____

as the alternate members of the Development Assessment Panel.

Alternative Recommendation

Moved Cr J Kelly

Seconded Cr D Lovelock

1 That Council **NOMINATE** Councillors:

a Cr J Kelly

b Cr S Penn

as the members of the Development Assessment Panel.

2 That Council **NOMINATE** Councillors:

- a Cr P Bantock
- b Cr J Corless-Crowther

as the alternate members of the Development Assessment Panel.

1910-07 Council Resolution

Amendment

Moved Cr P Bantock

Seconded Cr J Corless-Crowther

Cr Bantock replace Cr Kelly in part 1(a) and Cr Kelly replace Cr Bantock in part 2(a) of the Resolution.

CARRIED For 4 / Against 3

Cr's Kelly, Penn and Clarke wished to have their names recorded as having voted against the motion.

The amendment now becomes a part of the substantive motion.

1910-08 Council Resolution

Moved Cr J Kelly

Seconded Cr D Lovelock

1 That Council **NOMINATE** Councillors:

- a Cr P Bantock
- b Cr S Penn

as the members of the Development Assessment Panel.

2 That Council **NOMINATE** Councillors:

- a Cr J Kelly
- b Cr J Corless-Crowther

as the alternate members of the Development Assessment Panel.

CARRIED For 4 / Against 3

Cr's Kelly, Penn and Clarke wished to have their names recorded as having voted against the motion.

8.6 Appointment of Delegate – Avon Midland Country Zone WALGA

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	16 th May 2018
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	

PURPOSE

To appoint Council's delegate to the WALGA – Avon Midland Country Zone.

BACKGROUND

At the 16th May 2018 Ordinary council Meeting, council appointed Cr David Lovelock as the Shire of Victoria Plains delegate to the WALGA Avon Midland Country Zone and Cr Bantock as the Deputy.

COMMENT

The Western Australian Local Government Association (WALGA) Avon Midland Country Zone comprises the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam, Toodyay, Victoria Plains and York

The structure of WALGA is designed to ensure they remain representative of their member council, and that they work efficiently and effectively in meeting their goals.

Delegates on the WALGA Avon Midland Country Zone have the opportunity to become a State Council member.

If a delegate is unable to attend a meeting it is required that the relevant Council specifically appoints a person to act as the replacement delegate.

CONSULTATION

Nil

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

1910-09 Officer Recommendation / Council Resolution
--

Moved Cr D Lovelock

Seconded Cr J King

That Council **APPOINTS** Cr P Bantock as Council's Delegate and Cr J Corless-Crowther as Council's Deputy to the WALGA Avon Midland Country Zone for the period 31 October 2019 to 14 October 2021.

CARRIED For 7 / Against 0

8.7 Appointment of Delegate - Local Emergency Management Committee

File reference	
Report date	23 October 2019
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	16 th May 2018
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	

PURPOSE

To appoint council delegates to the Local Emergency Committee.

BACKGROUND

At the 16th May 2018 Ordinary Council meeting, Council appointed Cr Lovelock, Cr King, Cr Broadhurst and Cr Clarke to the Local Emergency Management Committee.

COMMENT

The purpose of the Local Emergency Management Committee is to identify emergency risks and instil prevention, preparedness, responses and recovery plans for a variety of identified risks and hazards within the Shire, thereby preventing or minimising the effects of emergencies within the Shire.

CONSULTATION

Nil

STATUTORY CONTEXT

Emergency Management Act 2005, Section 38

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

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That in accordance with the provisions of the Emergency Management Act 2005, Section 38 and section 5.11 of the Local Government Act 1995, the following Councillors be **APPOINTED** to the Local Emergency Management Committee for the period 31st October 2019 to 14th October 2021.

Councillors: 1 _____
2 _____
3 _____
4 _____

1910-10 Council Resolution

Moved Cr J Kelly

Seconded Cr J Corless-Crowther

That in accordance with the provisions of the Emergency Management Act 2005, Section 38 and section 5.11 of the Local Government Act 1995, the following Councillors be **APPOINTED** to the Local Emergency Management Committee for the period 31st October 2019 to 14th October 2021.

Councillors: 1 Shire President (Cr P Bantock)
2 Cr J King
3 Cr N Clarke
4 Cr D Lovelock

CARRIED For 7 / Against 0

8.8 Appointment of Delegate – Wheatbelt North Regional Road Group

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	16 th May 2018		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page		

PURPOSE

To appoint Council's delegate to the Wheatbelt North Regional Road Group.

BACKGROUND

At the 16th May 2018 Ordinary Council meeting council appointed Cr Lovelock as Councils Delegate to the Wheatbelt North Regional Road Group and Cr Clarke as its Deputy.

COMMENT

The existence and operation of Regional Road groups are mandated by the State Road Funds to Local Government Agreements; and State Road funds to Local Government Advisory committee.

The Role of a regional road group is to:

- recommend Local Government Road funding priorities to the state road funds to Local Government Advisory Committee; and
- monitor the implementation of the Local Government Road Program in their region.

Main Roads Western Australia provides technical and administrative support to Regional Road groups.

CONSULTATION

Nil

STATUTORY CONTEXT

States Road Funds to Local Government Agreement

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **APPOINTS** Cr _____ as Council's Delegate and Cr _____ as Council's Deputy to the Wheatbelt North Regional Road Group for the period 31 October 2019 to 14 October 2021.

Alternative Recommendation

Moved Cr S Penn

Seconded Cr N Clarke

That Council **APPOINTS** Cr J Kelly as Council's Delegate and Cr N Clarke as Council's Deputy to the Wheatbelt North Regional Road Group for the period 31 October 2019 to 14 October 2021.

Cr J Corless-Crowther foreshadowed a motion to nominate Cr N Clarke as Council Delegate and Cr P Bantock as Deputy to the Wheatbelt North Regional Road Group for the period 31 October 2019 to 14 October 2021.

1910-11 Council Resolution

Amendment

Moved Cr P Bantock

Seconded Cr D Lovelock

That Cr N Clarke and Cr J Kelly names be switched.

CARRIED For / Against 7/0

The amendment now becomes part of the substantive motion.

1910-12 Council Resolution

Moved Cr S Penn

Seconded Cr N Clarke

That Council **APPOINT** Cr N Clarke as Council's Delegate and Cr J Kelly as Council's Deputy to the Wheatbelt North Regional Road Group for the period 31 October 2019 to 14 October 2021.

CARRIED For / Against 7/0

8.9 Appointment of Delegate – Avon Voluntary Regional Organisations of Councils

File reference	
Report date	23 October 2019
Applicant/proponent	
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	

PURPOSE

To appoint Council's delegate to the Avon Voluntary Regional Organisations of Councils

BACKGROUND

At the 16th May 2018 Ordinary Council meeting council appointed Cr Lovelock as Council's delegate to the Avon Voluntary Regional Organisations of Councils.

COMMENT

AROC is a collective of six Councils (Toodyay, Goomalling, Northam, Dowerin, Victoria Plains and York) within the Avon region, formed to work cooperatively for the benefit of the region and well-being of the community.

CONSULTATION

Nil

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

Officer Recommendation

That Council **APPOINTS** Cr _____ as Council's delegate to the Avon Voluntary Regional Organisation of Councils for the period 31 October 2019 to 14 October 2021.

1910-13 Council Resolution

Moved Cr S Penn

Seconded Cr J Corless-Crowther

That Council **APPOINT** Cr Bantock as Council's delegate to the Avon Voluntary Regional Organisation of Councils for the period 31 October 2019 to 14 October 2021.

CARRIED For 7 / Against 0

1910-14 Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr J Kelly

That the meeting be adjourned, the time being 3.07pm, for afternoon tea break.

CARRIED For 6 / Against 1

The meeting resumed at 3.32pm with all Councillors in attendance.

8.10 Appointment of Delegate – Rural Water Council

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references	16 th May 2018		
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page		

PURPOSE

To appoint Council's delegates to the Rural Water Council.

BACKGROUND

At the 16 May 2018 Ordinary Council Meeting, Council appointed Cr Broadhurst and Cr Penn as Council's Delegates to the Rural Water Council.

COMMENT

The Rural Water Council liaise with the Department of Water and Environmental Regulation (DWER) and the Water Corporation, to raise the profile of community issues within the *Dry Land Agricultural Area* to the relevant departments.

CONSULTATION

Nil

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **APPOINTS** Cr _____ and Cr _____ as Council Delegates to the Rural Water Council for the period 31 October 2019 to 14 October 2021.

1910-15 Council Resolution

Moved Cr Corless-Crowther

Seconded Cr N Clarke

That Council **APPOINT** Cr Penn as Council Delegate to the Rural Water Council for the period 31 October 2019 to 14 October 2021.

CARRIED For 7 / Against 0

8.11 Council Chambers Seating Plan

File reference			
Report date	23 October 2019		
Applicant/proponent	N/A		
Officer disclosure of interest	Nil		
Previous meeting references			
Prepared by	Aaron Bowman – Governance Officer		
Authorised by	Glenda Teede - CEO		
Attachments			
Attachment 1	Page	26	Draft Seating Plan - Option 1

PURPOSE

To review the seating plan in Council Chambers in accordance with Clause 8.1(1) of the Shire Victoria Plains Meeting Procedures Local Law 2018 and to set the plan for a term of two years.

BACKGROUND

Clause 8.1 of the Shire of Victoria Plains Meeting Procedures Local Law 2018 requires:

- (1) at the first meeting held after each ordinary election day, the CEO is to allot by random draw, a position at the Council table to each Member, and the Member is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Members for a re-allotment of position; and
- (2) each member is to occupy his or her allotted position at each Council meeting.

COMMENT

Two options are proposed for consideration for the current two-year term and are as follows:

Option 1

Commencing with the Central Ward on the Presidents left and finishing with the West Ward on the Presidents right.

Option 2

The Chief Executive Officer draw lots by random draw starting at the seat furthest to the Shire President's left and moving in from an anticlockwise direction.

CONSULTATION

Nil

STATUTORY CONTEXT

Clause 7.1(1) of the shire of Victoria Plains Meeting Procedure Local Law 2018

Shire of Victoria Plains

CORPORATE CONTEXT

Good governance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

1910-16 Officer Recommendation / Council Resolution
--

Moved Cr N Clarke

Seconded Cr S Penn

That Council **ENDORSE** Option 1 of the seating plan in Council Chambers as outlined in this report and its attachment.

CARRIED For 7 / Against 0

8.12 Accounts for Endorsement

File reference	F1.8.4		
Report date	18 October 2019		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer/Ina Edwardson – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page	27	List of Payments

PURPOSE

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

Nil

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; and
 - d) sufficient information to identify the transaction.
- (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

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

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Question as to whether the CEO is agreeable to the Credit Card statement being provided to EM's prior to the OCM under confidential cover.

1910-17 Officer Recommendation / Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr J King

That the payments made for September 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**	8148 - 8226	333,944.79
Creditor Cheque Payments	12244 - 12251	12,730.37
Direct Debit Payments**	DD11353 – DD11438	35,993.56
Salaries & Wages EFT	PE 04/09/19- PE 18/09/19	96,314.96
Credit Card Statements	DD11426.14 to D11426.15	4,100.06
Trust Payments	227 - 229	1,050.90
	TOTAL	\$484,134.64

**includes salary and wages deductions, and SGC

CARRIED For 7 Against 0

Cr Lovelock, having declared a proximity interest due to “owner of adjoining land”, withdrew from the meeting at 3.42 pm.

8.13 New Norcia Road – Proclamation

File reference	
Report date	27 September 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Robert Edwards, Works & Services Manager
Authorised by	Glenda Teede, CEO
Attachments	
Attachment 1	Page 36 Letter of Request from Main Roads WA
Attachment 2	Page 37 Proclamation Plan – 2018 21–0016-00
Attachment 3	Page 38 Proclamation Plan – 2014 21–0036-02

PURPOSE

To de-proclaim the old road as shown on attachment 1 and 2 and to proclaim the new road as a “highway”.

The maps contained herein require Council approval.

BACKGROUND

With the bypass complete, the section of road through New Norcia no longer meets the criteria as a Main Road, and transfer of responsibility from Main Roads WA to the Shire occurred on 31 June 2019.

COMMENT

A formal agreement was prepared and signed, with the endorsement of Council, between the parties; Main Roads WA and the Shire of Victoria Plains.

There was some concern regarding the kerbing and drainage of the road, which has now been addressed with bridge repair work to commence in November 2019.

CONSULTATION

Glenda Teede, CEO
Bob Edwards, Works and Services Manager

STATUTORY CONTEXT

Main Roads Act –

- s.13 – proclamation of highways and main roads
- s.13A – local government to be consulted on matters to do with highways and main roads

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

Future liability and responsibility for all maintenance and upgrade of the road, including associated signage and drainage will now be the responsibility of the Shire of Victoria Plains.

Possible eligibility for grants through Regional Roads Group (State) and Roads to Recovery (Commonwealth).

VOTING REQUIREMENTS

Absolute Majority Required: No

1910-18 Officer Recommendation / Council Resolution
--

Moved Cr N Clarke

Seconded Cr Corless-Crowther

That in relation to the section of Great Northern Highway through New Norcia, Council agree to the endorsement of the Plans as attached:

- Proclamation Plan – 2018 21–0016-00; and
- Proclamation Plan – 2014 21–0036-02.

CARRIED For 6 / Against 0

Cr D Lovelock returned to the meeting at 3.49 pm.

8.14 Setting of Council Meeting Dates - 2020

File reference		
Report date	7 October 2019	
Applicant/proponent	Shire of Victoria Plains	
Officer disclosure of interest	Nil	
Previous meeting references	Nil	
Prepared by	Aaron Bowman – Governance Officer	
Authorised by	Glenda Teede - CEO	
Attachments		
Attachment 1	Page 39	Department of Local Government -Meeting Guidelines -Council Briefings and Policy Concept Forums.

PURPOSE

The purpose of this report is for Council to set the Council and Committee dates, times and schedule for the 2020 Calendar year.

BACKGROUND

The Local Government Act 1995 requires a local government at least once a year to give local public notice of the dates, time and place at which Ordinary Meetings of Council are held within the next 12 months.

All Council Meetings are held in the Council Chambers at the Shire of Victoria Plains except one meeting, which is held in Bolgart (previously April Ordinary Council Meeting).

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996 an advertisement will be place in the local community paper. In addition this advertisement will be placed on the Shire's website and on the Shire's notice board.

COMMENT

There are a number of options that Council can consider when deciding Council meeting dates / structure for 2020. They are, but not limited to: what day; what time; whether Council has briefings; the frequency of meetings; and which week of the month.

In setting times for meetings, considerations should be given to:

- The impact for Councillors - Councillors in Western Australia are not full time. The majority of the Shire of Victoria Plain Councillors work full time and have family responsibilities. Councillor's duties are not limited to Council meetings and in many cases a number of weeknights and weekends are occupied with Council obligations. One of the principle roles of a Councillor is to participate in the decision making process at Council meetings. Maximum Councillor attendance is important for rigorous debate and decision making. Council's primary consideration in setting meeting times should be the availability of Councillors and the optimal time to ensure effective decision making.
- Public Attendance – meeting times of Council should be optimal for all the community. It is considered that any one meeting time will not suit all sections of the community.

- Impact for Staff – longer meetings if started late will extend later into the evening. This may have impacts on Staff and Councillors who attend meetings and potential Occupational Health and Safety impacts if meetings extend late into the evening.

The average duration of the Shire of Victoria Plains Council meeting thus far in 2019 (not including breaks for afternoon tea) is 2 hours and 38 minutes. The meeting duration ranges from 2 hours 17 minutes to 2 hours 51 minutes. There are a number of current practices that need to be streamlined, which once done would be expected to further reduce the current duration of council meetings.

Except for the Council meeting held in Bolgart, no council meeting has started on time, and it is therefore suggested that a better approach if Council wanted to keep with the provision of providing afternoon tea, would be to have this occur before the meeting and then the meeting commence. This would remove the unnecessary need for what is considered a significant break, usually less than one hour into the meeting. It is therefore suggested that a 4pm commencement time is more suitable, and will allow those that work to not be required to finish as early, whilst also not resulting in late night meetings.

Council has previously not held a meeting in January. It should be noted that the 2019 December Council meeting is scheduled for the 18th December, therefore there would be no Council meeting for more than 2 months. It is not expected that there will be any impact for the Shire, however Council may want to bring forward the February Council meeting by 2 weeks to allow for a reduced gap between the last meeting of 2019 and the first meeting of 2020.

The 2019 Council cycle is based on the fourth Wednesday of the month, previously the third Wednesday. The reason previously provided to Council for this change was to allow extra time for the monthly financial statements to be completed. It is reasonable to expect that financial statements should be available to allow for a meeting cycle of the third Wednesday if Council preference was this, however a cycle of briefings on the 2nd Wednesday of the month and Council meetings on the 4th Wednesday of the month, avoid public holidays, do not interfere with the WALGA convention (starts on the first Wednesday in August) and as such is it recommended that for this reason Council meetings remain on the 4th Wednesday of the month.

**Proposed dates of Council meetings -
2020**

Month	Policy Concept Briefing	Council Meeting
January		
February	12th	26th
March	11th	25th
April	8th	22nd
May	13th	27th
June	10th	24th
July	8th	22nd
August	12th	26th
September	9th	23rd
October	14th	28th
November	11th	25th
December	2nd	16th

CONSULTATION

Glenda Teede, CEO

STATUTORY CONTEXT

Section 5.25 (1) (g) of the Local Government Act 1995 provides for the giving of public notice of the date and agenda for Council and Committee meetings.

Regulation 12(1) of the Local Government (Administration) Regulation's 1996 provides: -

- (1) At least once each year a local government is to give public notice of the dates on which, and time and place at which,
 - a. the ordinary council meeting; and
 - b. the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;

are to be held in the next 12 months.

CORPORATE CONTEXT

Nil

FINANCIAL IMPLICATIONS

There are minimal cost variance to Council for what time meetings are held. Currently a 2pm meeting incurs the following costs:

- Catering for Councillor lunch and afternoon tea in the range of between \$270 and \$390 (averaging approximately \$330).

A start time of 4pm would eliminate the need for catering, however could result in overtime costs for the Shire minute taker.

The costs are minimal and are not considered a significant consideration in determining meeting times.

The opportunity costs however, that are currently lost by having senior staff attend council meetings during the day is significant and for this reason Council may want to consider having Councils meetings start later in the day.

VOTING REQUIREMENTS

Simple Majority Required

Officer Recommendation

Moved Cr _____

Seconded Cr _____

- 1) That Council meetings are held on the 4th Wednesday of the month, except for December, which Meeting will be held during the 3rd week, being Wednesday 16 December 2020;
- 2) That Council does not hold a meeting in January 2020;
- 3) That Council Meetings commence at 4pm; and
- 4) That commencing on Wednesday 12th February 2020, Policy Concept Briefings be held on the 2nd Wednesday of the month, except those that are a Public Holiday, commencing at 4pm.

Alternative Recommendation

Moved Cr D Lovelock

Seconded Cr J Kelly

- 1) That Council meetings are held on the 4th Wednesday of the month, except for December, which Meeting will be held during the 3rd week, being Wednesday 16 December 2020;
- 2) That Council does hold a meeting in January 2020;
- 3) That Council Meetings commence at 2pm; and
- 1) That commencing on Monday 13 January 2020, Policy Concept Briefings be held on the Monday of the week prior to the OCM at 5.30 pm.

1910-19 Council Resolution

Amendment

Moved Cr P Bantock

Seconded Cr J Corless-Crowther

- 1) That the April meeting be held on Tuesday 21 April 2020 in Bolgart.

The amendment now becomes a part of the substantive motion.

CARRIED For 7 / Against 0

1910-20 Council Resolution

Moved Cr N Clarke

Seconded Cr J King

- 1) That Council Meetings commence at 4pm.

LOST For 3 / Against 4

1910-21 Council Resolution

Moved Cr D Lovelock

Seconded Cr Corless-Crowther

- 1) That Council meetings are held on the 4th Wednesday of the month, except for December, which Meeting to be held during the 3rd week, being Wednesday 16 December 2020;
- 2) That Council does hold a meeting in January 2020;
- 3) That Council Meetings commence at 2pm;
- 4) That commencing on Monday 13 January 2020, Policy Concept Briefings be held on the Monday of the week prior to the OCM at 5.30 pm; and
- 5) That the April meeting be held on Tuesday 21 April in Bolgart.

CARRIED For 6 / Against 1

Reason for Variation

To allow for maximum Councillor and Community member participation.

8.15 Council Policy – Christmas Closure

File reference	
Report date	16 October 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	17 th October 2018, Council Resolution 1810-11
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	Page 51 Council Policy – Christmas Closure

PURPOSE

The Purpose of this report is to request that Council adopts the Christmas Closure Policy.

BACKGROUND

Historically in previous years the Shire has observed a Christmas / New Year shut down. In 2017, it was closed from Friday 22nd December until the 2nd of January. Last year it was from midday Friday 21st December until the 2nd of January.

In each previous year a report is presented to Council requesting the same or a very similar shut down period. The reports advise of how it will be advertised, ensuring emergency numbers and contacts are available, and that staff will be required to use accrued roster days, annual leave or leave without pay.

COMMENT

To reduce red tape and streamline Shire operations a policy in lieu of continual annual reports to Council requesting the same or similar is recommended.

Section 2.7(2)(b) of the Local Government Act 1995 provides the basis for introducing local government policies. Policies must meet the Shire's strategic direction and comply with relevant legislation. Policy provides clear and concise direction for Elected Members, Officers and the community.

The objective of this policy is to provide guidance for the closure of the Shire Administration Centre and Works Depot over the Christmas and New Year Period.

It is important to ensure that Council Policies remain relevant and provide appropriate guidance in the provision of services to the community. Timely reviews of existing Policies and creation of new policies as required will assist Officers in the application of these policies.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 2.7(2)(b) of the Local Government Act 1995

Council is to have due regard to its policies to be able to govern its affairs and performance.

CORPORATE CONTEXT

Improved Staff Retention

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: Yes

1910-22 Officer Recommendation / Council Recommendation
--

Moved Cr J Corless-Crowther

Seconded Cr J King

That Council **ADOPT** Council Policy – Christmas Closure as contained within Attachment 1.

CARRIED BY ABSOLUTE MAJORITY For 7 / Against 0

8.16 Council Policy - Swearing in of Councillors

File reference	
Report date	21 October 2019
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – CEO
Attachments	
Attachment 1	Page 53 Swearing in of Councillors – Policy

PURPOSE

The Purpose of this report is to request that Council adopts the Swearing in of Councillor Policy.

BACKGROUND

After the ordinary council election, a swearing in ceremony was held on Monday 21st October. A Briefing Session was held after the Ceremony. In previous years the Swearing in Ceremony was done during the Ordinary Council Meeting.

COMMENT

There is no legislative requirement as to when the Swearing In of newly elected Councillors should occur. Some Local Governments do this in isolation, others do it before a Special Council Meeting, which is held to elect a Mayor / President and Deputy Mayor / Deputy President, and which may include the election of Councillors to Committees and representation to external organisations. A number of Local Government undertake the swearing in of newly elected Councillor immediately before an ordinary council meeting.

Good governance would suggest that the swearing in occurs reasonably soon after the Local Government elections. It is important to note that Councillors elected cannot perform in the role of a Councillor until they have been sworn in.

To avoid uncertainties and to ensure all persons are aware of when the swearing in ceremony will occur the following draft policy is presented for adoption.

CONSULTATION

Nil

STATUTORY CONTEXT

Section 2.7(2)(b) of the Local Government Act 1995
Council is to have due regard to its policies to be able to govern its affairs and performance.

CORPORATE CONTEXT

Set process to pre plan for swearing in of Councillors

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required

1910-23 Officer Recommendation / Council Resolution
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Moved Cr N Clarke

Seconded Cr J Corless-Crowther

That Council **ADOPTS** Council Policy – *Swearing in of Councillors* as contained within attachment 1.

CARRIED BY ABSOLUTE MAJORITY For 6 / Against 1

The Shire President read aloud Cr J King's impartiality interest in item 8.17 'Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri' due to 'friendship' at 4.18pm.

The Shire President read aloud Cr J Corless-Crowther's impartiality interest in item 8.17 'Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri' due to 'family friend' at 4.18 pm.

8.17 Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri

File reference	
Report date	21 October 2019
Applicant/Proponent	Modularis Pty Ltd T/As Modular WA on behalf of RW & TM Glass (Landowners)
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Joe Douglas – Town Planning Consultant
Authorised by	Glenda Teede - CEO
Attachments	
Attachment 1	Page 55 Development application including all supporting documentation and plans.

Council Resolution

Moved Cr N Clarke

Seconded Cr P Bantock

That Council:

- Determine that the proposed change to the current approved use of the existing four bedroom dwelling on Lot 1963 (No.1359) Catabody Road, Calingiri from 'single house' to 'workers accommodation' to enable it to be occupied and used on a seasonal basis by farm employees is consistent with the objectives of the land's current 'Rural' zoning classification in the Shire of Victoria Plains Local Planning Scheme No.5 and may therefore be permitted in the zone; and
- APPROVE** the development application submitted by Modularis Pty Ltd T/As Modular WA on behalf of RW & TM Glass (Landowners) for the placement and use of a new 251m² transportable single house on Lot 1963 (No.1359) Catabody Road, Calingiri as the primary residence and use of the existing four bedroom single house on the land for 'workers accommodation' purposes subject to the following conditions and advice notes:

Conditions

- The proposed development shall be undertaken in accordance with the information and plans submitted in support of the final updated application dated 1 October 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 new transportable single house shall be provided with an adequate on-site effluent disposal system as determined / approved by the Shire's Environmental Health Officer or the Department of Health prior to its occupation and use.
5. The proposed new single house shall be provided with a potable water supply service comprising a rainwater storage tank with a minimum capacity of 120,000 litres and a suitable capacity electricity supply service prior to its occupation and use.
6. The existing four bedroom dwelling proposed to be used for 'workers accommodation' purposes may only be occupied by farm employees and their immediate family.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant / landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant / landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements (as applicable):
 - i) *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all rural land with an area greater than 10 hectares to help guard against potential bushfire risk; and
 - ii) *Shire of Victoria Plains Health Local Law 2003* (as amended).
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application for the proposed new single house must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
5. The proposed new single house is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.
6. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application for the

proposed new single house.

7. 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.
8. 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.

1910-24 Council Resolution

Moved Cr S Penn

Seconded Cr J Corless-Crowther

This this item be deferred until later in the meeting.

CARRIED For 7 / Against 0

Manager Finance & Administration withdrew from the meeting at 4.23pm.

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

11. MEETING CLOSED TO PUBLIC

1910-25 Officer Recommendation / Council Resolution

Moved Cr J Corless-Crowther

Seconded Cr N Clarke

That the meeting be closed to the public to consider the following matter, the time being 4.26 pm –

1. Sale of 44 Edmonds Street, Calingiri

CARRIED For 7 / Against 0

Remaining in the meeting – Governance Officer, Works & Services Manager and Executive Assistant.

11.1 Sale of 44 Edmonds St Calingiri

File reference	
Report date	23 October 2019
Applicant/proponent	
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede - CEO
Attachments	
Attachment 1	Page Confidential Item

Confidentiality Provisions

This report is confidential in accordance with Section 5.23(2)(b) and (c) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (b) the personal affairs of any person; and
- (c) a contract entered, or which may be entered, by the local government and which relates to a matter to be discussed at the meeting;

A full report is provided to Councillors under separate cover.

The report is not for publication.

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 part 1 to include the words "as is" in the Council Resolution.

1910-26 Officer Recommendation / Council Resolution

Moved Cr J King

Seconded Cr J Corless-Crowther

That Council:

- 1) **ACCEPT** the offer of \$78,000 from Mr Garry Stewart to purchase 44 Edmonds Street, Calingiri (as is);
- 2) the Purchaser to bear the costs of the sale;
- 3) authorise the Shire President and the Chief Executive Officer to sign the Contract of Sale and Transfer the Land for purchase of 44 Edmonds Street (Lot 16, Plan / Diagram 32413), Calingiri;
- 4) allow Mr Garry Stewart to continue to occupy (rent) 44 Edmonds Street Calingiri on the same terms and conditions until the sale of the property is finalised; and
- 5) that \$83,000 be placed in Reserve for staff accommodation.

CARRIED For 7 / Against 0

1920-27	Council Resolution
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Moved Cr D Lovelock

Seconded Cr J Kelly

That the meeting be opened to the public, the time being 4.31pm.

CARRIED For 7 / Against 0

Members of the public re-joined the meeting with the Shire President advising the gallery of the confidential Council resolution.

This item (8.17) was returned to at 4.32pm, having been laid on the table at 4.23pm for the purpose of seeking further information.

8.17 Application for Development Approval – Proposed New Single House (Transportable) & Farm Worker Accommodation on Lot 1963 (No.1359) Catabody Road, Calingiri

File reference	
Report date	21 October 2019
Applicant/Proponent	Modularis Pty Ltd T/As Modular WA on behalf of RW & TM Glass (Landowners)
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Joe Douglas – Town Planning Consultant
Authorised by	Glenda Teede - CEO
Attachments	
Attachment 1	Page 55 Development application including all supporting documentation and plans.

PURPOSE

Consideration and final determination of a development application for the placement and use of a new 251m² transportable single house on Lot 1963 (No.1359) Catabody Road, Calingiri and use of the existing single house on the land for farm worker accommodation purposes.

BACKGROUND

The applicant has submitted a development application seeking Council’s approval for the placement and use of a new 251m² transportable single house on Lot 1963 (No.1359) Catabody Road, Calingiri including a number of associated improvements (i.e. a new internal driveway and associated on-site parking area, a water supply for domestic consumption purposes and a new effluent disposal system comprising septic tanks and leach drains). It is understood the proposed new five bedroom, two bathroom, single story modular-type dwelling will become the primary residence on the land.

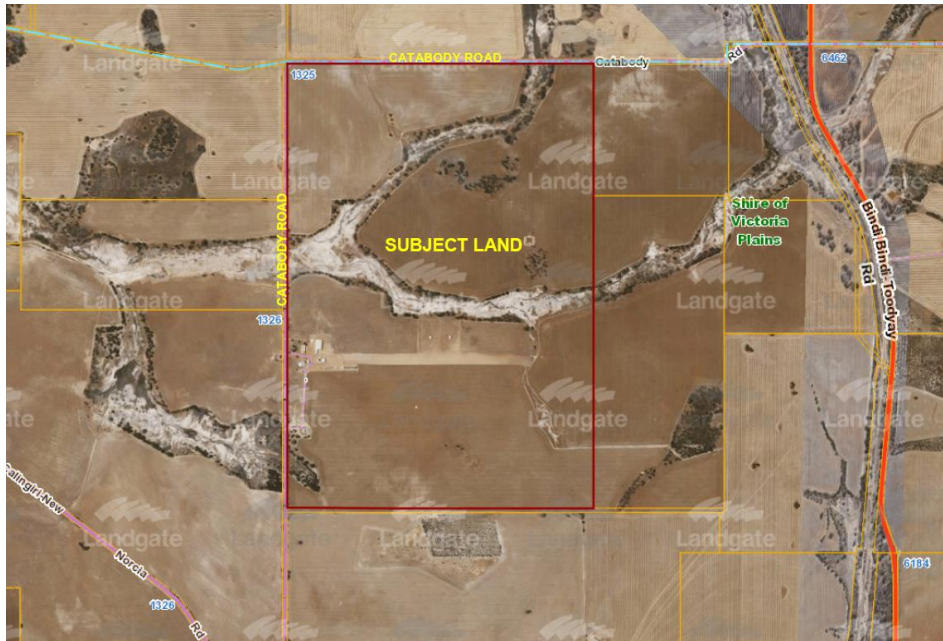
The applicant is also seeking Council’s development approval to change the current use of the existing four bedroom dwelling on the land from ‘single house’ to ‘workers accommodation’ to enable it to be occupied and used on a seasonal basis by farm employees.

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

Lot 1963 is located approximately 4 kilometres north-north-west of the Calingiri townsite. The land comprises a total area of approximately 283 hectares and has direct frontage and access to Catabody Road along its northern and western boundaries which is an unsealed local road under the care, control and management of the Shire of Victoria Plains.

Lot 1963 is gently to moderately sloping and characterised by intermittent creek lines in its northern, central and south-western parts. The land is predominantly cleared with a few small-to-medium sized stands of vegetation on the fringes of the aforementioned creek lines which have been retained for environmental management purposes.

Lot 1963 has been extensively developed and used for broadacre agricultural purposes (i.e. cropping and grazing) for many years and contains a number of associated improvements including large open paddocks and boundary firebreaks, numerous sheds, dams, water storage tanks, grain storage silos, stock holding yards, internal driveways, parking/loading areas and an existing four bedroom, single storey dwelling in good habitable condition in its south-western corner.

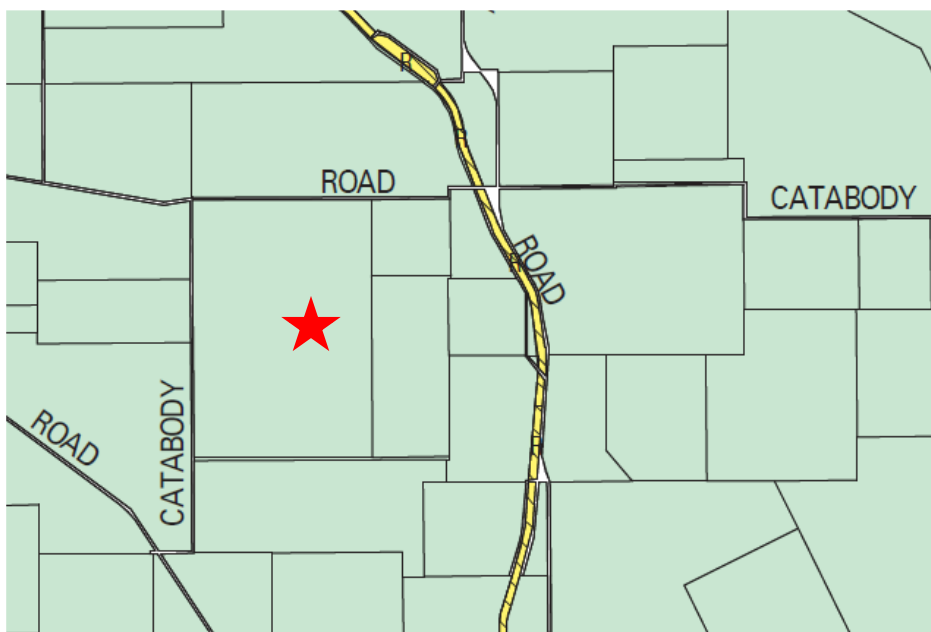


Location & Lot Configuration Plan (Source: Landgate)

Immediately adjoining and other nearby land uses are predominantly rural in nature and comprise broadacre agricultural activities (i.e. cropping & grazing) on lots of varying size. Bindi - Toodyay Road and adjoining railway reserve are located approximately one (1) kilometre east.

COMMENT

Lot 1963 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 the purposes of a 'single house' is listed in the Zoning Table of LPS5 as being permitted provided it complies with the relevant development standards and the requirements of the Scheme and any local planning policy.

The use class 'workers accommodation' or 'workforce accommodation' is not expressly listed in the Zoning Table of LPS5. As such any development application for this use must be considered and determined in accordance with clause 3.4.2 of LPS5. Accordingly Council must firstly determine whether the proposed use of the existing dwelling on Lot 1963 for 'workers accommodation' or 'workforce accommodation' purposes is:

- a) **consistent** with the objectives of the 'Rural' zone and is therefore a use that may be permitted in this zone subject to conditions imposed by the local government; or
- b) **may be consistent** with the objectives of the 'Rural' zone and advertise the application for public comment for a minimum required period of fourteen (14) days; or
- c) **not consistent** with the objectives of the 'Rural' zone and is therefore not permitted in this zone.

Having regard for:

- i) the location, nature and intensity of the proposed workers accommodation on the land

- and its likely limited impact on the rural character and amenity of the immediate locality;
- ii) its general compatibility with the existing broadacre agricultural activities on the land;
 - iii) the fact it will support the continuation of broadacre farming activity on the property being the principal land use in the district; and
 - iv) its likely positive contribution to the continued viability of the current broadacre use of the land,

it is contended the proposal **is consistent** with the objectives of the land's current 'Rural' zoning classification and may therefore be permitted within the zone subject to any conditions Council considers appropriate.

The application has been assessed with due regard for all relevant elements of the Shire's local planning framework including Local Planning Strategy, LPS5, Local Planning Policy No.1 entitled 'Moveable Buildings' 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 generally compliant or capable of compliance with the following requirements:

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Location, scale, siting including boundary setbacks, building design and construction materials;
- Land use compatibility including the preservation of productive agricultural land and continuation of broadacre farming;
- Environmental protection and conservation;
- Visual landscape character and amenity;
- Vehicle access and parking;
- Essential services including electricity, potable water supply, effluent disposal and stormwater drainage management; and
- Bushfire risk management.

In light of the above findings it is concluded the proposal for Lot 1963 is consistent with the aims and objectives of the Shire's local planning framework and therefore unlikely to have any negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the relevant standards and requirements of the Shire's local planning framework.

CONSULTATION

Public consultation is not required or deemed necessary. Numerous discussions were held with the applicant during formulation of the development proposal for Lot 1963 to work out the best approach to securing Council's formal approval given the development and use of more than one 'single house' on any land classified 'Rural' zone is not typically permitted by LPS5 (i.e. additional dwellings may only be approved if their development and/or use is consistent with the objectives of the zone).

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’
 - Clause 61(1)(l) – ‘Supplemental Provisions’
- *State Planning Policy 2.5 - ‘Rural Planning’*
 - Clause 5.12 – ‘Preventing and managing impacts in land use planning’

CORPORATE CONTEXT

- Local Planning Policy No.1 – *Moveable Buildings* – Use of transportable structures.

STRATEGIC IMPLICATIONS

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 which has already been paid, are the responsibility of and will be met by the landowners.

VOTING REQUIREMENTS

Absolute majority required: No

The Manager Finance & Administration re-joined the meeting at 4.33pm.

Following a short adjournment at the request of the Shire President to consider advice from the Shire Town Planning Officer, the meeting resumed at 4.37pm.

1910-28	Officer Recommendation / Council Resolution
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Moved Cr N Clarke

Seconded Cr P Bantock

That Council:

3. Determine that the proposed change to the current approved use of the existing four bedroom dwelling on Lot 1963 (No.1359) Catabody Road, Calingiri from ‘single house’ to ‘workers accommodation’ to enable it to be occupied and used on a seasonal basis by farm employees is consistent with the objectives of the land’s current ‘Rural’ zoning classification in the Shire of Victoria Plains Local Planning Scheme No.5 and may therefore be permitted in the zone; and
4. **APPROVE** the development application submitted by Modularis Pty Ltd T/As Modular WA on behalf of RW & TM Glass (Landowners) for the placement and use of a new 251m² transportable single house on Lot 1963 (No.1359) Catabody Road, Calingiri as

the primary residence and use of the existing four bedroom single house on the land for 'workers accommodation' purposes subject to the following conditions and advice notes:

Conditions

7. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the final updated application dated 1 October 2019 subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
8. 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.
9. 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.
10. The proposed new transportable single house shall be provided with an adequate on-site effluent disposal system as determined / approved by the Shire's Environmental Health Officer or the Department of Health prior to its occupation and use.
11. The proposed new single house shall be provided with a potable water supply service comprising a rainwater storage tank with a minimum capacity of 120,000 litres and a suitable capacity electricity supply service prior to its occupation and use.
12. The existing four bedroom dwelling proposed to be used for 'workers accommodation' purposes may only be occupied by farm employees and their immediate family.

Advice Notes

9. 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.
10. 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.
11. The applicant/landowner is reminded of their obligation to ensure compliance with the following requirements (as applicable):
 - iii) *Shire of Victoria Plains Firebreak and Fuel Hazard Reduction Notice* as it applies specifically to all rural land with an area greater than 10 hectares to help guard against potential bushfire risk; and
 - iv) *Shire of Victoria Plains Health Local Law 2003* (as amended).
12. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application for the proposed new single house must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.

13. The proposed new single house is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the building permit application.
14. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the Shire or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application for the proposed new single house.
15. 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.
16. If the applicant / landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

CARRIED For 7 / Against 0

12. CLOSURE OF MEETING


There being no further business, the presiding member declared the meeting closed at 4.46pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on

27th Nov 2019

2019.

Signed 
member at the meeting which confirmed the minutes)

Date 27.11.19 (Presiding

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