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MINUTES

Shire of West Arthur Ordinary Council Meeting 19 October 2021

MISSION STATEMENT

To value and enhance our community lifestyle and environment through strong local leadership, community involvement and effective service delivery.

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Ian Fitzgerald
A/Chief Executive Officer

SHIRE OF WEST ARTHUR

Minutes for the Ordinary Meeting of Council held in the Hawthorn Room, CRC on Tuesday 19th October 2021 – commencing at 7.08pm.

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Prior to the official opening of the meeting recently elected Councillors Karen Harrington, Robyn Lubcke, Neil Manuel and Duncan South made the Declaration of Office before Acting Chief Executive Officer Ian Fitzgerald JP.

1. Declaration of Opening / Announcements of Visitors

The Acting Chief Executive Officer declared the meeting open at 7.08pm.

Election of Shire President

A written nomination was received for Cr Neil Morrell and was accepted.

There being no further nominations Cr Morrell was declared elected as Shire President.

Cr Neil Morrell made the Declaration of Office before A/CEO Ian Fitzgerald JP.

Election of Deputy Shire President

Cr Graeme Peirce was nominated and accepted the nomination.

There being no further nominations Cr Peirce was declared elected as Deputy Shire President.

Cr Graeme Peirce made the Declaration of Office before A/CEO Ian Fitzgerald JP.

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLORS: Cr Neil Morrell
Cr Graeme Peirce
Cr Adam Squires
Cr Duncan South
Cr Karen Harrington
Cr Robyn Lubcke
Cr Neil Manuel

STAFF: Ian Fitzgerald A/Chief Executive Officer
Jamie Muir Manager Works & Services

APOLOGIES:
Nil

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

MEMBERS OF THE PUBLIC:
25 members of the public were in attendance.

3. Announcements by the Presiding Member

Nil

4. Response to Previous Public Questions Taken on Notice

Statement provided by Greg Lloyd:

Phil Harrington alleges that I am a proven LIAR with regard to my investigation into our involvement in the Blackwood Biosecurity Group.

I would be fascinated to hear on what basis he established this.

If you are going to accuse someone of lying in the public forum, you have to be 100% sure of your facts. YOU ARE NOT.

You have fired off several half-baked complaints lacking substance against my wife Marie and while I found those amusing, I am not amused that you have attacked my integrity, once again lacking substance and correct facts.

I will now deal with his allegations one by one and set the record straight.

1. He found that there were no cover ups – YES THERE WAS and I will deal with that later.
2. No leaking of private details – never was an issue.
3. He mentioned that there was no confidential information released by staff as alleged by Greg Lloyd. RUBBISH.

I could not get information out of this place which is why I have had to go all over the place seeking the answer to my questions which was all along.

What was done and who was responsible for us to be involved in the Blackwood Group so I could inform ratepayers of the big information gap which has angered many of us.

We are paying money into this thing, so we have a right to know.

4. The last item is the "HIGHER AUTHORITY" – that authority is the Hon. Alannah MacTiernan.

It is her information that has filled in the gaps as to why we were included in the Blackwood Biosecurity Group.

My quest for this information has been a lot of work involving talking to witnesses, going back through many months of monthly minutes, Blackwood Biosecurity meetings, DIPHRD FOI, West Arthur FOI and finally, Alannah MacTiernan who supplied the answers. I was informed by DIPHRD that Nicole would not release highly confidential information. Hence the cover up!

All findings have been dated and in time line form in my address to a previous meetings.

Before the last Council Meeting, I was persuaded not to go further with this inquiry and I won't.

This is just my response to the accusation that I am a proven liar.

I am no longer prepared to subject myself to character assignation while trying to do something for the community.

Phil Harrington does not want to check all of that, he just wants a free ride on my work so he can turn around and criticise me.

Perhaps it is the truth that he finds vile and offensive.

I have nothing to apologise for.

Hopefully this will restore some of my integrity, damaged by Phil Harrington.

It is **HE** that should apologise to me.

Phil Harrington requested the comments be include in the official minutes of the meeting.

5. Public Question Time

Mr David Harrington expressed disappointment that he was unable to vote in the recent local government elections as he was not on the electoral roll for Darkan and requested Council advertise the need to go on the owners and occupiers roll.

A/CEO responded saying there had been advertising locally and also in the West Australian calling for nominations for the owners and occupiers roll but other options will be looked into for the next election.

Pam Stockley raised concern with the potential fire hazard in the Nangip Reserve and in particular between Burrowes and Johnson Street due to the excess weed growth this year following all the rain.

Shire President responded that the concern was noted and staff would look to address the issue when conditions allow.

6. Petitions / Deputations / Presentations / Submissions

Nil

7. Applications for Leave of Absence

Nil

8. Disclosures of Interest

Nil

9. Confirmation of Minutes of Previous Meetings Held 28th September 2021

9.1 Ordinary Council Meeting Minutes 28th September 2021

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on 28th September 2021 be confirmed as a true and correct record of the meeting.

Moved: Cr Neil Manuel

Seconded: Cr Adam Squires

CARRIED 7/0**9.2 Special Council Meeting Minutes 15th October 2021****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Special Meeting of Council held in the Council Chambers on 15th October 2021 be confirmed as a true and correct record of the meeting.

Moved: Cr Graeme Peirce

Seconded: Cr Neil Manuel

CARRIED 7/0**10. Reports of Committees of Council**

Nil

11. Reports from Councillors**Cr Neil Morrell (Shire President)**

Nil

Cr Graeme Peirce (Deputy President)

Nil

Cr Neil Manuel

Nil

Cr Adam Squires

Nil

Cr Robyn Lubcke

Nil

Cr Karen Harrington

Nil

Cr Duncan South

Nil

Marie Lloyd

West Arthur CRC Meeting – Wednesday 13 October 2021 – attended by Marie Lloyd.

CRC Grants :

- 3 grants are in the process of being prepared, and will be sent soon.
- 3 grants have already been submitted and waiting to hear if we were successful.
- The Grant for Children's week has been received.

General Information:

- The CRC is now cloud based, with the computers etc. being updated.
- The Bendigo Bank area has been dismantled and looks more open and inviting.
- Karen is tentatively talking to the Shire about having an Admin role in the Seniors Meals program.
- The CRC has submitted an application for a new part time trainee. Still to hear on this.
- There is a CRC 4WD Networking meeting planned before Christmas in Wagin for the local group of us, Williams, Wagin, Dumbleyung and Wandering.

I thanked the CRC for allowing me to be part of the CRC meetings over the past 4 years, and being part of many wonderful activities being arranged and watching how successful they have been with their grants.

12. Chief Executive Officer**ITEM 12.1 – COUNCIL COMMITTEE AND DELEGATE APPOINTMENTS**

File Reference:	2.1 Committees
Location:	Shire of West Arthur
Applicant:	Shire of West Arthur
Author:	Acting Chief Executive Officer
Authorising Officer	Acting Chief Executive Officer
Date:	12 October 2021
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	N/A

Summary:

Following local government elections, Council are to make appointments to Committees of Council, regional and local bodies.

Background:

In accordance with the Local Government Act, tenure of committee membership expires on the day of the ordinary election.

Comment:

Committees appointed under the Local Government Act previously include:

- Audit Committee – has been three members in the past. May be more than three. Hold two to four meetings per annum. Normally includes President.
- CEO Recruitment and Selection Panel – currently comprises all council members plus 1 Independent Person
- Executive Appraisal Committee - has been three members in the past. May be more than three. Normally two meetings per annum. Usually includes President and Deputy President.
- Arthur River Development Committee – community members and usually one elected member. Shire officers attend the meetings, so it is not essential to have a councillor. Normally two meetings per annum held in the morning. Current community members include Heather McDougall, Lisa Saunders, John Pascoe and Peter Manuel.
- Tidy Towns Committee - community members and usually one elected member. No requirement to appointment an elected member as Shire officers attend meetings, however a Shire councillor has always been a member in the past. This committee normally holds two to four meetings per annum however has not met for the past two years. Current community members include Rebecca South, Kate Johnston, Janice King, and Kym Gibbs as a staff member.
- Swimming Pool Committee – Requirement of agreement with Education Department. School Principal, School Sports Coordinator, community representative, two members of the School Parents and Citizens Association, Pool Technical Officer, Shire Chief Executive Officer and one elected member. Normally only two meetings per annum. Heather Gibbs is the current community representative.
- Westcare Committee – community members and CEO in accordance with MOU. No elected members are on this committee. Current committee members include Maureen South, Pam Wales, Chris Buller, Fran Dawson and the Chief Executive Officer.

Council to consider appointing representative and proxy to the following non-Shire committees or meetings:

- Shire of West Arthur Bush Fire Advisory Committee. Normally two evening meetings per annum.
- Local Emergency Management Committee – Shire President and one other councillor. Normally two to four meetings per annum.
- Zone of WALGA (two delegates and proxies). Normally four meetings per annum – full day.
- 4WDL VROC. Currently six meetings per annum (may reduce). Meetings take 2/3 day. The 4WDL VROC is a voluntary regional organisation including the shires of Wagin, Williams, Woodanilling, West Arthur, Dumbleyung and Lake Grace. Meetings are rotated through the region.
- West Arthur CRC (could be the CEO if elected members not available as the CRC is currently a member of this Committee). Up to eight evening meetings per annum.
- West Arthur Cottage Homes (could be a Shire officer if elected members not available).
- Development Assessment Panel - consider planning applications that are not considered by Council <https://www.dph.wa.gov.au/projects-and-initiatives/planning-reform/faqs-initiative-c8-development-assessment-panels> for more information. Two councillors are appointed and two proxies are required. Term commences from 26 January 2020. Training is provided. West Arthur has not been involved in any application that has gone to DAP to date,
- Museum Reference Group (could be a Shire Officer if elected members not available)
- Chair of Lake Towerrinning Meetings one meeting every two years or as required.
- Sub Group of the Regional Road Group. Up to six day meetings per annum.
- West Arthur-Collie Senior High School Bus Working Group.

Consultation:

Nil

Statutory Environment:

Section 5.8 of the Local Government Act 1995 allows for local governments to establish committees. *“A local government may establish committees of 3 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.”*

All committee members must be appointed by the Council. The term of appointment is usually until the next ordinary Election Day. Elections are held in October every two years (the next being in 2023).

It is a statutory requirement to have an Audit Committee.

Policy Implications:

N/A

Financial Implications:

N/A

Strategic Implications:**Outcome 5.1 – Councillors represent the community and well trained**

Our strategies and plans to achieve this include:

- ⇒ The Shire Council is representative of the community and collaborates with Shire staff to ensure the best outcomes for the community
- ⇒ Elected members have the training and skills relevant to serving as Councillors in order to act in the best interest of the Shire
- ⇒ Council process is open and transparent to the general community

Outcome 5.4 – Actively engage with community, business and other stakeholders to grow and develop the community

Our strategies and plans to achieve this include:

- ⇒ Continue to collaborate with other regional shires to achieve maximum benefits for the region
- ⇒ Council will advocate on behalf of the community on issues that the community identifies as important
- ⇒ Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information
- ⇒ Continuously review and revise the Community Plan to reflect the changing needs of the community.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant environmental considerations.
- **Social:** There are no known significant environmental considerations.

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (3)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Council Decision (Officer Recommendation) 12.1:

1. That Council appoints

- a) Councillors Neil Morrell, Neil Manuel and Karen Harrington to the audit committee.
- b) Councillors Neil Morrell, Graeme Peirce and Duncan South to the Executive Appraisal Committee.
- c) Councillors Neil Morrell, Graeme Peirce, Neil Manuel, Adam Squires, Robyn Lubcke, Karen Harrington and Duncan South to the CEO Recruitment and Selection Panel
- d) Councillors Neil Manuel and Robyn Lubcke as members to the Development Assessment Panel with Councillors Morrell and Graeme Peirce as proxy delegates.
- e) Councillor Adam Squires to the Darkan Swimming Pool Committee.

2. That council considers the appointment of elected member and proxy to the following:

- a) Councillor Duncan South as delegate to the Bush Fire Advisory Committee and Councillor Neil Morrell as proxy
- b) Councillors Neil Morrell and Karen Harrington to the Central Country Zone of WALGA
- c) Councillors Graeme Peirce, Neil Morrell and Robyn Lubcke to the 4WDL VROC
- d) Councillor Robyn Lubcke to the West Arthur Community Resource Centre Committee
- e) Councillor Adam Squires to the West Arthur Cottage Homes Committee
- f) Councillor Neil Morrell as delegate and Councillor Neil Manuel as proxy to the Sub Group of the Regional Road Group
- g) Councillor Neil Morrell as Chair of the Lake Towerrinning Strategic Plan Reference meetings
- h) Councillors Karen Harrington and Neil Morrell to the Local Emergency Management Committee
- i) Councillor Robyn Lubcke to the Museum Committee
- j) Councillors Neil Manuel and Robyn Lubcke to the Tidy Towns Committee
- k) Councillor Neil Manuel to the Arthur River Development Group
- l) Councillor Karen Harrington Westcare Committee
- m) Councillor Graeme Peirce West Arthur-Collie Senior High School Bus Working Group

Moved: Cr Adam Squires

Seconded: Cr Neil Manuel

CARRIED 7/0

ITEM 12.2 - FENCING LOCAL LAW 2021

File Reference:	3.2.2
Location:	Not Applicable
Applicant:	A/Chief Executive Officer
Author:	Niel Mitchell
Authorising Officer	A/Chief Executive Officer
Date:	6 October 2021
Disclosure of Interest:	N/A
Attachments:	Fencing Local Law
Previous Reference:	Council Meeting 15 June 2021

SUMMARY:

To finalise the process of adoption of the proposed Fencing Local Law 2021.

BACKGROUND:

The purpose of this report is –

- a) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- b) make the local law, incorporating all amendments as approved by Council;
- c) authorise the affixing of the Common Seal to the local laws;
- d) authorise the local laws publication in the *Government Gazette*; and
- e) give local public notice, (after Gazettal), of the date the local laws will come into effect.

At its ordinary meeting held on 15 June 2021 the Council resolved to commence the process to make the Fencing Local Law.

- Purpose:
To prescribe the requirements for sufficient fences and the standards for construction of fences.
- Effect:
To establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

Comment:

The proposed local laws were advertised for public comment in accordance with the Local Government (Administration) Regulations 1996 r.3A.

An advertisement was placed in *The Bleat* on 28 June 2021, the website, official notice boards and social media, with the submission period for public comment closing on 13 August 2021.

At the close of the submission period, comment had been received from Dept of local Government, Sport and Cultural Industries (DLGSC).

Changes by DLG were –

- to the wording of the citation of the previous By-Law
- insert a definition for “natural watercourse” in clause 1.5, since the term is used in clause 3.4, and
- changes to clause 8.1(5) due to strict interpretation of the Joint Standing Committee.

Consequently –

- definition of “watercourse” inserted that is taken from Dept of Water Glossary of licencing terms
- the word “natural” removed from clause 3.4 to be consistent with the definition
- clause 8.1(5) amended and (6) inserted as per DLG recommendation

No public submission was received.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the–

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government and Minister for the Environment; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Statutory Environment:

Local Government Act 1995 –

- 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice
 - (3a) Local public notice also required to be given
 - (4) After notice period, all submissions to be considered, and local law may then be made by absolute majority
 - (6) Publication in Government Gazette required
 - (7) Parliament to be advised within 10 working days of Gazettal
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Interpretations Act 1984 –

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt

Policy Implications:

There are no current policy implications.

Financial Implications:

The proposed new local law will require publishing in the Government Gazette if eventually adopted.

Strategic Implications:

Aligns with the Shire of West Arthur Corporate Plan

Strategy: Compliance with regulations and best practice standards will drive good decision making by staff and council.

Action: Develop new local laws as required and review and amend existing local laws as required and in accordance with legislation.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2

has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute majority

Council Decision (Officer Recommendation) 12.2:

That Council:

1. resolves to make the Fencing Local Law as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. authorise the President and the Acting CEO to sign and affix the Common Seal to the Local Law;
3. authorise the CEO to –
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
 - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

Moved: Cr Adam Squires

Seconded: Cr Robyn Lubcke

CARRIED 7/0

ATTACHMENTS

- Proposed Fencing Local Law 2021

LOCAL GOVERNMENT ACT 1995
SHIRE OF WEST ARTHUR
FENCING LOCAL LAW 2021

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CONFIRMED

LOCAL GOVERNMENT ACT 1995
SHIRE OF WEST ARTHUR
FENCING LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of West Arthur resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of West Arthur Fencing Local Law 2021*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

The *Municipality of the Shire of West Arthur Fencing By-Law* as published in the *Government Gazette* on 8 February 1991, is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

In this local law unless the context otherwise requires –

adversely affect land has the meaning given to it in section 3 of the *Building Act 2011*;

applicant means a person who makes an application for a permit under this local law;

AS or AS/NZS means an Australian or Australian/New Zealand Standard published by Standards

Australia, and available for viewing free of charge at the Shire of West Arthur Administration Centre;

authorised person means a person authorised by the local government to perform any of the functions under this local law;

barbed wire means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;

CEO means the Chief Executive Officer of the local government;

commercial lot means a lot where a commercial use –

(a) is or may be permitted under a local planning scheme; and

(b) is or will be the predominant use of the lot;

dangerous in relation to any fence means –

(a) an electrified fence that does not comply with clause 5.2 of this local law;

(b) a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;

(c) a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes or any other potentially harmful projection or material; or

(d) a fence that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given in section 5 of the *Dividing Fences Act 1961*;

electrified fence means a fence carrying or designed to carry an electric charge;

fence means any structure used or functioning as a barrier, other than a retaining wall, irrespective of where it is located and includes a gate or door that separates the road reserve and a lot adjacent to the road reserve;

front boundary means the boundary that separates a thoroughfare and the front of a lot;

front fence means a fence in the front setback area of a lot;

front setback area means the area between the building line of a lot and the front boundary of that lot; measured at a right angle to the front boundary;

height in relation to a fence means the vertical distance between the top of the fence at any point and –

- (a) the ground level; or
- (b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

industrial lot means a lot where an industrial use –

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

land includes a house, building, work or structure in or on the land;

local government means the Shire of West Arthur;

local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

lot means a defined portion of land depicted on a plan or diagram available from, or deposited with, the Western Australian Land Information Authority and for which a separate Crown grant or certificate of title has been or can be issued and includes a strata lot;

masonry includes stone, concrete, brick or other solid material;

natural ground level, in relation to a development, means –

- (a) the level approved, for the purposes of the development, by the local government, under a local planning scheme; or
- (b) in any other case, the level that existed immediately before the commencement of the development (including any site works);

notice of breach means a notice referred to in clause 8.1;

occupier has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

owner has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

permit means a permit issued under Part 6;

razor wire means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

repair has the meaning given to it in section 5 of the *Dividing Fences Act 1961*;

residential lot means a lot where a residential use –

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

retaining wall means any structure that prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural lot means a lot where a rural or rural residential use –

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

secondary frontage in the case of a lot that has a frontage and access to more than one thoroughfare, means the longer or the longest of the boundaries that separates the lot from the thoroughfare;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*;

sufficient fence means a fence described in clause 2.2 or 2.3;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*, but does not include a private thoroughfare that is not under the management or control of the local government; and

visually permeable in reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has –

- (a) continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
- (b) continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
- (c) a surface offering equal or lesser obstruction to view; and

watercourse means a river, stream or creek in which water flows in a natural channel, whether permanently or intermittently.

1.6 Requirements of planning legislation and local planning scheme

Nothing within this local law affects any provision of –

- (a) the *Planning and Development Act 2005*, or any regulations or orders made under that Act; or
- (b) a local planning scheme.

1.7 Requirements of *Building Act 2011*

Nothing in this local law affects a provision in any written law in respect of a building permit for a fence.

1.8 Transitional provision

A dividing fence or fence lawfully constructed prior to this local law coming into operation constitutes a sufficient fence.

PART 2 - SUFFICIENT FENCES

2.1 Sufficient fences – requirement

A person shall not construct or alter a dividing fence that does not satisfy the requirements of a sufficient fence.

2.2 Sufficient fences – generally

Subject to clauses 2.3 and 2.4, a sufficient fence –

- (a) on a residential lot is a dividing fence constructed and maintained in accordance with Schedule 1;
- (b) on a commercial lot or an industrial lot is a dividing fence constructed and maintained in accordance with Schedule 2; and
- (c) on a rural lot is a dividing fence constructed and maintained in accordance with Schedule 3.

2.3 Sufficient fences – between lots having different requirements

Subject to clause 2.4, where a fence is constructed on or near the boundary between –

- (a) a residential lot and a lot zoned for any other purpose, a sufficient fence is a fence constructed and maintained in accordance with Schedule 1; and
- (b) a commercial lot or industrial lot and a rural lot, a sufficient fence is a fence constructed in accordance with Schedule 3.

2.4 General discretion of the local government

- (1) Notwithstanding the provisions of clauses 2.1, 2.2 or 2.3, and subject to Part 6, an authorised person may issue a permit for the construction or repair of a dividing fence that is not a sufficient fence where all of the owners of the lots adjoining the fence give written consent for a permit for that purpose.
- (2) An agreement in respect of a dangerous fence is taken not to be an agreement between owners of adjoining properties for the purposes of subclause (1).

PART 3 - FENCING GENERALLY

3.1 Fences within front setback areas

A person shall not construct a fence more than 1200mm in height, within the front setback area of a residential lot without a permit.

3.2 Fences on secondary frontages

Subject to clauses 3.1 and 3.3 a person shall not construct or maintain a fence on any secondary frontage of a residential lot unless the fence is a sufficient fence.

3.3 Sightlines at vehicle access point

- (1) Fences are to be truncated or reduced to a height not more than 750mm, within 1500mm where walls, fences and other structures adjoin vehicle access points where a driveway meets a thoroughfare and where two thoroughfares intersect.
- (2) The provision of subclause (1) shall not apply to a visually permeable fence that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.

3.4 Obstruction of watercourse

No person shall construct a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of a watercourse.

3.5 Gates or doors in fences

A person shall not construct a gate or door in a fence that –

- (a) encroaches into or over any other land; or
- (b) opens by sliding parallel to the fence on the outside of the fence.

3.6 Retaining walls

A person shall not construct a retaining wall exceeding 500mm in height unless a building permit has been granted under section 20 of the *Building Act 2011*.

3.7 Masonry fences and walls

A person shall not construct a wall or fence exceeding 750mm in height constructed or partially constructed of masonry unless a building permit has been granted under section 20 of the *Building Act 2011*.

3.8 Alteration of ground levels

- (1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm without a permit.
- (2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150mm difference in the ground levels on each side of the fence.
- (3) Where land has been filled or retained to a height of more than 500mm above natural ground level at or within 1000mm of a boundary of a lot, a person shall only construct a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to an authorised person the written consent of the owners of the adjoining lot.

3.9 Maintenance of fences

- (1) An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition so as to prevent it from becoming damaged, dangerous, dilapidated or unsightly.
- (2) Where in the opinion of an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an authorised person may give a notice of breach under clause 8.1 to the owner or occupier of the lot on which the fence is constructed.

3.10 Fences across rights-of-way, public access ways or thoroughfares

A person shall not construct, place or maintain a fence or obstruction across any right-of-way, public access way or thoroughfare without the approval of the local government in accordance with regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

PART 4 - FENCING MATERIALS

4.1 Prohibited materials

A person shall not construct, maintain or allow to remain a fence that is comprised, in whole or in part of spikes, broken glass, jagged materials, barbed wire, razor wire, asbestos or any other dangerous material except to the extent provided for in Part 5.

4.2 Pre-used fencing materials

- (1) A person shall not construct or maintain a dividing fence from pre-used materials without a permit.
- (2) Where a permit is issued for the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.
- (3) Conditions for use of pre-used fencing materials may include but are not limited to –
 - (a) painting;

- (b) treatment;
- (c) specific use or placement; and
- (d) upgrading.

PART 5 - RESTRICTED FENCING

5.1 Barbed wire fencing

- (1) An owner or occupier of a residential lot shall not affix or allow to remain any barbed wire on any fence bounding that lot.
- (2) An owner or occupier of a rural lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.
- (3) An owner or occupier of a commercial lot or industrial lot shall not construct or affix to any fence bounding that lot any barbed wire unless –
 - (a) the wire or material are attached on posts vertically or at an angle of 45 degrees; and
 - (b) the bottom row of wire or other materials is not less than 2000mm above the ground level.
- (4) If the posts that carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence shall be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach onto or over adjoining land.

5.2 Electrified fencing

- (1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining a permit.
- (2) Notwithstanding subclause (1), a permit is not required for an electrified fence that is –
 - (a) constructed on a rural lot;
 - (b) for the purpose of animal control;
 - (c) installed in accordance with the manufacturer's specifications; and
 - (d) not the dividing fence with a residential lot.
- (3) An electrified fence for the purpose of security shall not be present on a lot unless it complies with *AS/NZS 3016:2002 Electrical Installations – Electric Security Fences*, as amended from time to time, and that is available for viewing free of charge at the Shire of West Arthur Administration Centre.
- (4) A permit to have and use an electrified fence for the purpose of security shall not be issued –
 - (a) in respect of a lot that is a residential lot or that portion of a fence adjoining a residential lot; and
 - (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is constructed.

5.3 Razor wire fencing

- (1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without first obtaining a permit under subclause (2).
- (2) A permit to have a fence constructed wholly or partly of razor wire shall not be issued –
 - (a) in respect of a lot that is a residential lot or that portion of a fence adjoining a residential lot;
 - (b) if the fence is within 3000mm of the boundary of the lot; or
 - (c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6 - PERMITS

6.1 Application for a permit

- (1) An owner of a lot may apply to the local government for a permit under this Part.
- (2) An application for a permit under this local law shall –
 - (a) provide all necessary documentation and information required for a decision;
 - (b) provide two copies of a plan and specifications of the proposed;
 - (c) engineering certification of structural or electrical engineering specifications, if required;
 - (d) be signed by the owner of the lot;

- (e) be forwarded to the CEO together with any set fee; and
 - (f) be in the form determined by the local government from time to time.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

6.2 Determination of an application

- (1) An authorised person may refuse to consider an application that does not comply with clauses 6.1.
- (2) An authorised person may—
- (a) approve an application;
 - (b) approve an application subject to conditions as the authorised person sees fit; or
 - (c) refuse an application.
- (3) In determining whether to issue a permit, an authorised person may consider, in addition to any other matter authorised to consider, whether the construction or retention of the fence would have an adversely affect land or impact on –
- (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the streetscape or neighbouring properties.
- (4) An authorised person may by written notice amend a condition imposed under subclause (2)(b).
- (5) An amendment under subclause (4) is effective from the date specified in the notice.
- (6) If an authorised person approves an application, a written permit and any conditions applied is to be given to the applicant.
- (7) If an authorised person refuses to approve an application, written notice of that refusal and the reasons for the decision is to be given to the applicant.

6.3 Compliance with permit issued

Where a permit is issued under clause 6.2, the applicant and the owner or occupier of the lot to which the permit relates, shall comply with the terms and any conditions of that permit.

6.4 Revocation of a permit

An authorised person may revoke a permit if –

- (a) the owner or occupier requests an authorised person to do so;
- (b) the fence to which the permit relates has been demolished and is not rebuilt for a period of 6 months;
- (c) the circumstances have changed in such a way that a permit for the fence could no longer be granted under the local law;
- (d) the owner or occupier fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence; or
- (e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.

6.5 Duration of a permit

- (1) Unless otherwise stated in the permit, a permit granted under this local law transfers with the lot to which it relates and is deemed to transfer to each successive owner or occupier of that lot.
- (2) Where a permit is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.
- (3) For the avoidance of doubt, a permit granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

6.6 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

PART 7 - OBJECTIONS AND REVIEW

7.1 Objections and review

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to –

- (a) refuse an application for a permit;
- (b) impose or vary a condition of a permit; or
- (c) revoke a permit.

PART 8 - ENFORCEMENT

8.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.
- (2) A notice of breach shall –
 - (a) specify the provision of this local law that has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.
- (3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.
- (4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
- (5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995*.
- (6) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

8.2 Offences and penalties

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything that under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

8.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 4.

8.4 Form of notices

For the purposes of this local law –

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1 – Sufficient fence for residential lots

[Clause 2.2(a)]

- 1. On a residential or special residential lot, a sufficient fence is a dividing fence that –
 - (a) is constructed of –

- (i) corrugated fibre-reinforced pressed cement sheeting;
 - (ii) timber pickets or post and rail;
 - (iii) brick, stone or concrete;
 - (iv) factory coloured sheet metal post and panelled fence;
 - (v) metal post and rail; or
 - (vi) any combination of the materials described in paragraphs (i)-(v); and
- (b) in the case of a front fence –
- (i) is not more than 1200mm in height; or
 - (ii) is between 1200mm and 1800mm in height; and is visually permeable fence above 1200mm; and
 - (iii) if the fence is a side boundary fence that uniformly slopes down from not more than 1800mm to no more than 1200mm in height over a maximum distance of 1500mm from the start of the front set back area from the building to the front of the lot;
- (c) in the case of any other dividing fence, the fence is between 1750mm and 1850mm in height, and to which an extension of lattice or other permeable material as agreed between the owner or occupiers of adjoining properties parties may be added so that the total height of the fence is a maximum of 2100mm.
2. The fence shall not adversely affect land or impact on –
- (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 2 – Sufficient fence for commercial or industrial lots

[Clause 2.2(b)]

1. On a commercial or industrial lot, a sufficient fence is a dividing fence that –
- (a) is constructed of –
 - (i) galvanised or PVC coated link mesh, that is no higher than 2000mm unless it is topped with up to 3 strands of plain or barbed wire;
 - (ii) fibre reinforced cement sheets;
 - (iii) painted or galvanized steel or aluminium sheeting;
 - (iv) factory coloured sheet metal post and panelled fence;
 - (v) timber, brick, stone or concrete; or
 - (vi) any combination of the materials described in paragraphs (i)-(v); and
 - (b) in the case of a front fence –
 - (i) is not more than 1200mm in height; or
 - (ii) is more than 1200mm but not higher than 2000mm unless topped with up to 3 strands of plain or barbed wire to not more than 2400mm in height; and is visually permeable above 1200mm; and
 - (iii) if the fence is a side boundary fence that uniformly slopes down from no more than 2000mm to no more than 1200mm in height over a maximum distance of 1500mm from the start of the front set back area from the building to the front of the lot; and
 - (c) in the case of any other dividing fence, the fence is no more than 2400mm in height, including not more than three strands of plain or barbed wire.
2. Upon application, an authorised person may issue a permit varying clause 2(b), and may impose conditions.
3. Fences constructed in accordance with Schedule 1.
4. The fence shall not adversely affect land or impact on –

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 3 – Sufficient fence for rural lots

[Clause 2.2(c)]

1. On a rural lot, a sufficient fence is a dividing fence that is at least 1200mm in height so as to prevent stock passing through and –
 - (a) in all the case of a non-electrified fence is of –
 - (i) post and wire construction with at least five wires, with the lower wires spaced closer together than the higher wires and each wire connected to posts in all cases; or
 - (ii) post and rail construction, with at least three rails connected to posts in all cases; and
 - (b) in the case of an electrified fence, constructed in accordance with clause 5.2(2).
2. The fence shall not adversely affect land or impact on –
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the streetscape or neighbouring properties.

Schedule 4 – Prescribed offences

[Clause 8.3(1)]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1	Construction or alteration of a dividing fence on a lot that is not a sufficient fence without a permit	200
2	3.1	Construction of a non-compliant fence within front setback area without a permit	200
3	3.2	Construction or maintenance of a non-compliant fence in a secondary setback area without a permit	200
4	3.3	Construction of a non-compliant fence, wall or other structure at a vehicle access point	200
5	3.4	Obstruction of a watercourse	200
6	3.5	Construction of a gate or fence encroaching over other land	200
7	3.6	Construction of a retaining wall more than 500mm in height without a building permit	500
8	3.7	Construction of a masonry wall or fence more than 750mm in height without a building permit	200
9	3.8(1)	Alteration of natural ground levels without a permit	500
10	3.8(2)	Construction of a corrugated fibre-reinforced pressed cement fence with more than 150m difference in ground levels on each side	200
11	3.8(3)	Construction of a fence or retaining wall more than 500mm in height within 1000mm of a boundary without written consent of adjoining owners	200

12	3.9(1)	Failure to maintain fence in good condition	200
13	3.10	Construction or maintenance of a fence across right-of-way etc. without approval	500
14	4.1	Use of prohibited materials in a fence	500
15	4.2(1)	Use of pre-used fencing materials without a permit	200
16	5.1(1)	Using or allowing to remain barbed wire on residential lots	200
17	5.1(2)	Non-compliant use of barbed wire on a rural lot	200
18	5.1(3)	Non-compliant use of barbed wire on a commercial or industrial lot	500
19	5.2(1)	Construction of an electric fence without a permit	500
20	5.3(1)	Construction of a razor wire fence without a permit	500
21	6.3	Failure to comply with conditions of a permit for fence	500
22	6.6	Making a false or misleading statement	500
23	8.1(3)	Failure to comply with notice of breach in relation to Part 5 – Restricted Fencing	500
24	8.1(3)	Failure to comply with notice of breach in relation to all matters other than Part 5 – Restricted Fencing	200
25	8.2(1)	Other offences not specified	200

Dated this _____

The Common Seal of the Shire of West Arthur was affixed by authority of a resolution of Council in the presence of –

K. J. KING, President.

I. FITZGERALD, Acting Chief Executive Officer.

ITEM 12.3 - KYLIE WATER PROJECT

File Reference:	8.10.11
Location:	Kylie Reserve/Siding Bokal East Arthur Road, Shire of West Arthur
Applicant:	A/Chief Executive Officer
Author:	Kerryn Chia
Authorising Officer	A/Chief Executive Officer
Date:	6 September 2021
Disclosure of Interest:	N/A
Attachments:	Maps of Kylie Reserve
Previous Reference:	Item 8.1.6 Minutes Ordinary Council Meeting 27th June 2018

Summary:

Department of Water, Environment and Regulation (DWER) have indicated that the Federal Government has provided funding for the Kylie Water Project (reinstatement of Kylie dam and channels and installation of pipe and tank at Kylie siding) to go ahead.

It is proposed to return management of the entire Kylie Reserve (16712) for the Kylie Water Project and to enable off-set planting to occur in the north east corner of the reserve.

Background:

The Shire has previously had management of the Kyle Dam Reserve 16712 and one area of the Reserve was used by an adjoining land owner for grazing. Since 2006, the land has been under the management of National Trust of Australia. Recently, Department Planning Lands and Heritage (DPLH) revoked the management of the reserve and it is currently an unmanaged reserve.

In June 2018, the Shire of West Arthur Council agreed to take on management of the southern section of the Kylie reserve in order to implement the Kylie Water Project. This required this section of the Reserve to be excised from the northern section. Part of this process required the Shire of West Arthur to consult with South West Aboriginal Land and Sea Council (SWALSC) regarding Aboriginal Heritage and Native Title issues. This consultation resulted in SWALSC requesting a heritage survey to be undertaken of the entire reserve. An initial quote for this survey was for \$34,000. As a result of this expense, the Project did not proceed.

DWER indicated that they were keen for the project to go ahead and lobbied the Federal government for funding for the Aboriginal Heritage Survey component of the project. Funding has now been approved. In addition, Native Title has now been settled which may change requirements for an Aboriginal heritage survey. Consultation with DPLH has indicated that there is no requirement for an Aboriginal Heritage survey due to the fact that we will be only clearing in a previously disturbed footprint and there are no known Aboriginal Heritage sites in the area. DPLH have agreed to liaise directly with SWALSC regarding it's requirement for an Aboriginal heritage survey.

In order for the Project to proceed, management of either the entire reserve or a portion of the reserve needs to be transferred to the Shire of West Arthur. The north east section of the reserve has some small areas that could potentially be used for revegetation to offset road clearing activities currently being undertaken.

Previous discussion with DPLH have indicated that there are issues associated with the boundary areas of the reserve. The adjacent land owner has fences that encroach on the reserve due the presence of above ground rock which prevents the fence from going through the appropriate place.

Approvals for the location of the tank at Kylie siding are currently being negotiated with Public Transport Authority.

Comment:

There are two options for council to consider. These are outlined below.

Option 1: Excision of the southern section of the reserve (see attached map) as originally planned. This option will require a surveyor to provide maps to DPLH at a cost of approximately \$1,500 (this assumes a desktop survey). There are a number of encroachment issues with an adjacent landholder that may require resolution before DBCA agree to assume management of the northern section of the reserve. This option is likely to take longer to implement due to the process involved with DPLH to undertake the excision (including resolution of the boundary fencing issues) and transfer of management to Shire of West Arthur and transfer of the northern section to DBCA for the purposes of landscape rehabilitation and conservation.

Option 2: This option provides a benefit of reduced cost and time. In addition, the Shire will be able to complete some of its required offset planting in the northern section of the reserve. This option will require the Shire to take on the management of the reserve on an "as is" basis. This option also assumes that renegotiation of the boundaries with the adjacent landholder is not undertaken.

For both options, Aboriginal heritage issues are still being resolved. For both options DPLH will need to send to Department of Mines for comment. Reply time from Department of Mines generally takes 60 days.

Update: extract from email received from Glenn Shaw, A/Manager ILUAs, Aboriginal Heritage, Department Planning Lands and Heritage on 5 October 2021:

I discussed this with Tanya and she has advised (as per the email below) that there is no requirement for a permit/consent for any of the proposed activities which in turn means she would not require a Heritage Survey to be provided.

As both locations are proposing works which are within a Significantly Altered Environment there is a question as to the need to undertake a Survey over the areas in question.

- Reserve 16712: Kylie Reserve has proposed works within the boundary of existing infrastructure with minimal disturbance to the surrounding area.
- Reserve 49176: Darkan Railway Reserve – works are within a significantly altered environment.

I am aware there have been no previous Surveys over the areas of the proposed works, and in relation to Reserve 16712 disturbance would be minimal which poses the question as to the value of a Survey. In relation to Reserve 49176, I have been advised by the Shire of West Arthur, there was a building at that location previously, which in turn poses the question as to the value of a Survey.

I believe the Shire of West Arthur would like to commence works as soon as practicable and I am seeking feedback as to whether SWALSC will require Surveys over the two Reserves in question.

Consultation:

Department of Water, Environment and Regulation

Department Planning, Lands and Heritage (Land Management – Jihan Baraquillo)

Department Planning, Lands and Heritage (South West Settlement - Glenn Shaw). DPLH are liaising with South West Aboriginal Land and Sea Council on our behalf.

Department of Biodiversity, Conservation and Attractions

Public Transport Authority

Forest Products Commission (Matt Jones)

Local Land owners – Scott DeGaris, KKK, Tim Scott, Dylan Liddlelow

Statutory Environment:

Aboriginal Heritage Act 1972

Heritage Act 2018

Policy Implications:

NIL

Financial Implications:

Excision of the southern portion of the reserve will incur a cost associated with surveyor as outlined above.

If the Shire were to take on a Management Order for the Reserve ongoing essential maintenance would be required to be undertaken by Shire staff. The channels to the dam would need to be maintained and cleared on a regular basis to ensure water continues to flow to the dam.

Strategic Implications:

Outcome 3.2 – Our water resources are well defined and used sustainably

Strategy: Invest in water security and manage existing water resources in a sustainable manner.

Action: Kylie Water Project - Continue to liaise with DWER regarding funding the development of the Kylie Dam for use as emergency fire and stock water.

Sustainability Implications:

- **Environmental:** Positive environmental implications through water conservation.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant economic considerations.

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Council Decision (Officer Recommendation) 12.3:

That the Shire of West Arthur makes application to the Department of Planning, Lands and Heritage requesting management of the entire Reserve 16712, Kylie Dam Reserve for the purposes of water supply and landscape rehabilitation on an "as it is" basis.

Moved: Cr Duncan South

Seconded: Cr Robyn Lubcke

CARRIED 7/0

ATTACHMENTS

- Maps of Kylie Reserve/Dam

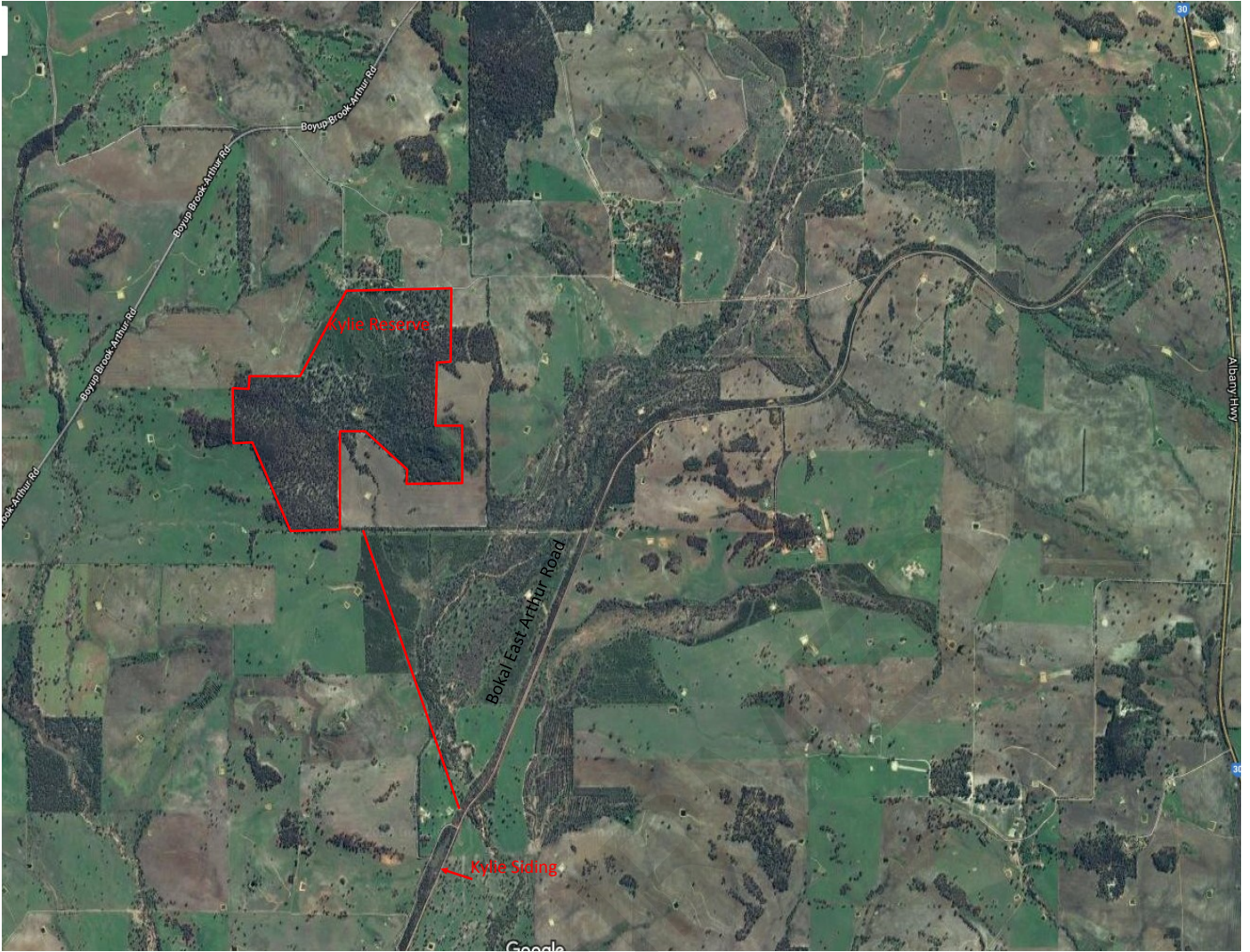
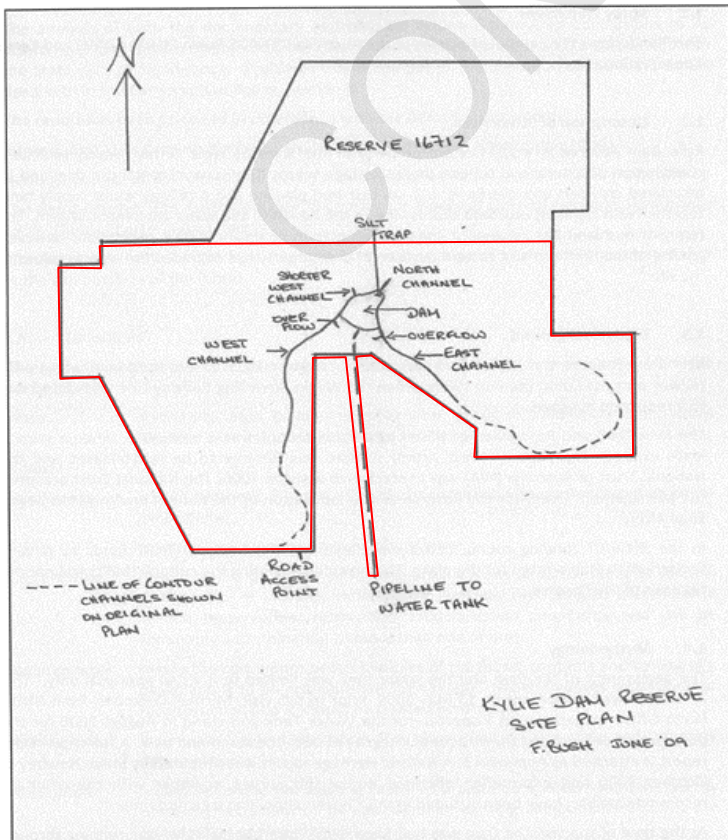


Figure 1: Kylie Reserve and pipeline.

Figure 2: Area proposed for excision



ITEM 12.4 – SUPERANNUATION FOR ELECTED MEMBERS

File Reference:	2.1.1
Location:	Shire of West Arthur
Applicant:	WA Local Government Association
Author:	Acting Chief Executive Officer
Authorising Officer	Acting Chief Executive Officer
Date:	14 October 2021
Disclosure of Interest:	Nil
Attachments:	WA Local Government Association Draft Policy
Previous Reference:	N/A

Summary:

WALGA have released a draft policy paper on Superannuation for Elected Members, and Council's position is sought to provide feedback to WALGA by 22 October 2021.

Background:

An Elected Member is not considered an employee of the local government and therefore the local government is not required to make superannuation guarantee payments under current legislation. Elected Members can make personal contributions or make salary sacrifice payments from current sitting fees and allowances paid through the local government, but this is not a legislative requirement.

As the WALGA policy paper outlines, it is uncommon for local governments to pay elected member the superannuation guarantee on member fees and allowances due to the current tax implications. As it stands, a local government, by resolution of Council, can become an 'eligible local government body' under the *Taxation Administration Act 1953(Cth)* which entitles a local government to make superannuation contributions. However this decision also means that PAYG tax is to be withheld and Fringe Benefit Tax (FBT) applies.

WALGA's proposal is to include the provision for paying superannuation on Elected Member fees and allowances in the *Local Government Act 1995* which would avoid the requirements for PAYG and FBT under the current provisions under the *Taxation Administration Act 1953(Cth)*.

Comment:

The main questions raised by WALGA are whether the entitlement should be made available to elected members (optional for each local government to consider) or should it be a required payment (mandatory on top of current fees and allowances paid).

Generally, the payment of fees and allowances has been discretionary for local governments and, as has been discovered in comparing sitting fees between Councils as an internal exercise shared with Councillors previously, many have different arrangements (within the band ranges set by the relevant *Salaries and Allowances Tribunal* determination).

A number of Councillors have spoken in favour of promoting the role of Councillor within the community and a need for recognition of the significant commitment/professionalism required of the role, and this is an opportunity to demonstrate this position. As spoken about, the role of Councillor often takes the place of paid employment and it is therefore considered appropriate that superannuation guarantee contributions are paid.

Usually such a concept will be presented through the Concept Forum, however due to the consultation period closing 22 October 2021, the proposal is presented here for initial feedback. Adopting support for the draft policy paper does not bind Council on any outcome but allows WALGA to formulate a more informed policy paper based on broader industry experience and impacts.

Consistency in application of the superannuation guarantee for Elected Members is recommended therefore support for adopting this requirement for all local governments is suggested.

Consultation:
WALGA

Statutory Environment:

Local Government Act 1995

Superannuation Guarantee

(Administration) Act 1992 Taxation

Administration Act 1953(Cth)

Policy Implications:

May have implications for Council's 'Elected Member Entitlements Policy' which will need to be reviewed should this change be made.

Financial Implications:

In 2021/22, Council has \$26,000 budgeted for Councillor fees and allowances. If the superannuation guarantee was to apply and Council would need to contribute an additional \$2,600 (10%) for superannuation payments.

Strategic Implications:

Outcome 5.1 – Councillors represent the community and well trained

Our strategies and plans to achieve this include:

- ⇒ The Shire Council is representative of the community and collaborates with Shire staff to ensure the best outcomes for the community
- ⇒ Elected members have the training and skills relevant to serving as Councillors in order to act in the best interest of the Shire
- ⇒ Council process is open and transparent to the general community

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant environmental considerations.
- **Social:** There are no known significant environmental considerations.

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (3)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Council Decision (Officer Recommendation) 12.4:

That Council advises the WA Local Government Association that:

- a) the shire does not support the change to legislation as it is of the belief councillors of local governments are not employees and certainly not full time and are indeed elected.
- b) believe that it is an additional impost (cost) to ratepayers and will not be received well by the community.
- c) believe that any increase to sitting fees or allowances should be possible within the existing band structure set by the Salaries and Allowances Tribunal.

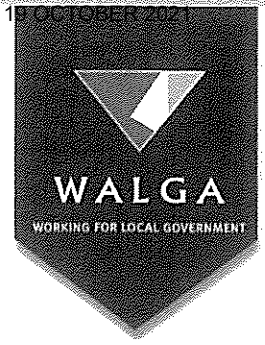
Moved: Cr Neil Manuel

Seconded: Cr Karen Harrington

CARRIED 7/0

ATTACHMENTS

- WA Local Government Association Draft Policy



Superannuation for Elected Members

Draft Policy Proposal

September 2021



WALGA

About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,222 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.67 million constituents of Local Governments in Western Australia.

Contacts

Tim Lane
Manager Strategy and Association
Governance
tlane@walga.asn.au

Tony Brown
Executive Manager Governance and
Organisational Services
tbrown@walga.asn.au



WALGA

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CONFIRMED



Entitlement to Superannuation

Elected Members, like all workers, should be entitled to payment of superannuation. Payment of superannuation to Elected Members would address a historical anomaly that has seen Elected Members denied a benefit enjoyed by the broader workforce.

Given community expectations and the time commitment of serving on or leading a Council, many Elected Members are sacrificing opportunities for paid work to serve their community on Council.

As has been well documented through recent Inquiries into Local Government, "the role of a Councillor is challenging. Councillors are responsible for overseeing a complex business – that provides a broad range of functions, manages significant public assets, and employs in some cases hundreds of staff – all in a political and publicly accountable environment."¹

It is crucial to the functioning of Local Government that Elected Members are appropriately remunerated for their time and contribution.

Payment of superannuation to Elected Members aligns with the objective of the superannuation system, which is "to provide income in retirement to substitute or supplement the Age Pension."²

In addition, it is hoped that payment of superannuation would lead to greater interest and more nominations to serve on Council from women and younger people, leading to greater representation on Councils by people from traditionally underrepresented demographics.

Current Arrangements

Under current arrangements, Elected Members can voluntarily decide to have all or a portion of their allowances paid into a superannuation fund.

In addition, under the *Superannuation Guarantee (Administration) Act 1992* (Cth), Local Governments can unanimously resolve to be considered an 'eligible local governing body' through the *Taxation Administration Act 1953* (Cth).

As a consequence of such a resolution, Elected Members would then be treated similarly to employees and the Local Government would be required to make superannuation

¹ WALGA (2019) *Final Submission: Select Committee into Local Government*. Page 35. [https://www.parliament.wa.gov.au/Parliament/commit.nsf/lulnquiryPublicSubmissions/DCCAD309ECAE29E04825848100171E77/\\$file/lo.lgi.150.190910.sub.walga.pdf](https://www.parliament.wa.gov.au/Parliament/commit.nsf/lulnquiryPublicSubmissions/DCCAD309ECAE29E04825848100171E77/$file/lo.lgi.150.190910.sub.walga.pdf)

² Australian Government: The Treasury (2021) *Superannuation Reforms*. <https://treasury.gov.au/superannuation-reforms>



contributions in addition to payment of allowances. However, a resolution of this nature also has significant implications: pay as you go (PAYG) tax would be required to be withheld for remission to the Australian Taxation Office (ATO), and Fringe Benefit Tax (FBT) would be applicable to all benefits provided to Elected Members. For these reasons, Local Governments in Australia typically do not pursue this course of action.

Other Jurisdictions

Approaches in other jurisdictions are mixed, however the issue of superannuation entitlements for Elected Members has increasingly been the subject to public debate in other states of Australia.

In New South Wales, following a state-led discussion paper and consultation process, amendments to the Local Government Act have been put forward that would enable Councils to resolve to pay superannuation contributions from July 2022.

This mirrors the approach in Queensland where, under the state's Local Government Act, Councils may resolve to pay superannuation contributions to Elected Members.

Elected Members in Victoria are paid a cash loading equivalent to the superannuation guarantee, but this is not required to be paid into a superannuation fund.

No superannuation is paid in Tasmania, South Australia or the Northern Territory.

Proposed Approach

The recommended advocacy approach is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

A fundamental question relates to whether the proposed amendment to the Local Government Act should *require* Local Governments to pay superannuation, or whether the decision to pay superannuation should be a decision of Council.

Under the principle of general competence, Local Governments should be empowered to manage their own affairs and the case could be made that this ought to extend to the payment of superannuation to Elected Members. However, as the superannuation system is underpinned by its universality, and there is potential for payment of superannuation to



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become a political debate around the Council table, a strong case can be made for the payment of superannuation to Elected Members to be a legislative requirement.

On balance, it is posited that, to achieve the objectives of the superannuation system and to avoid politicisation of the decision at a local level, payment of superannuation should be a universal entitlement for Elected Members and therefore a requirement of Local Governments contained in the Local Government Act.

Feedback is sought from Members on this specific issue:

Should Local Governments be enabled or required to pay superannuation to Elected Members?

Why is that approach preferred?

As is the case in other jurisdictions, the Salaries and Allowances Tribunal should not consider the payment of superannuation as part of their deliberative process. Specifically, payment of superannuation, equivalent to the superannuation guarantee, should be over and above the fees and allowances determined by the Salaries and Allowances Tribunal.

Costs

There will be a cost associated with the payment of superannuation to Elected Members. These costs will be particularly noticeable in the first year when superannuation becomes payable.

The table below identifies the maximum possible cost of paying superannuation based on the current Salaries and Allowances Tribunal (SAT) determination³, and the current superannuation guarantee of ten percent.

The second column in the table identifies the maximum number of Elected Members currently elected to at least one Local Government in each SAT band in Western Australia. The third column then assumes that the maximum allowances are paid to all Councillors, the Mayor or President and the Deputy Mayor or Deputy President. From this, the maximum superannuation liability, based on the current SAT determination and the current superannuation guarantee of ten percent, per SAT band is calculated.

³ Salaries and Allowances Tribunal (2021) *Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members, 8 April 2021.* <https://www.wa.gov.au/sites/default/files/2021-04/Local%20Government%20Chief%20Executive%20Officers%20and%20Elected%20Members%20Determination%20No%201%20of%202021.pdf>



WALGA

It is acknowledged that the actual liability for each Local Government is likely to be less than the maximum due to fewer Elected Members than the maximum listed in the second column, and / or paying less than the maximum allowances to Elected Members. In this way, the table below represents the *maximum* potential cost to Local Governments in each band.

Band	Maximum number of Elected Members (currently)	Maximum fees and allowances	Maximum Superannuation liability
1	15	\$603,199	\$60,320
2	13	\$389,101	\$38,910
3	11	\$235,208	\$23,521
4	11	\$139,653	\$13,965

While the costs are acknowledged, it is argued that on balance the benefits of paying superannuation to Elected Members as outlined in this paper outweigh the costs.

Recommendation

WALGA recommends to the Minister for Local Government:

That the *Local Government Act 1995* be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member.

Process for Consultation

This paper has been prepared as a *Draft Policy Position Paper*. Feedback is sought from members in regards to the recommendation put forward by this paper.

Comments or submissions should be made to Tim Lane, Manager Strategy and Association Governance, at tlane@walga.asn.au by **Friday, 22 October**.

State Council's Governance Policy Team will meet in late October to consider member comments and submissions and provide guidance to inform a State Council agenda item, which will be considered at November Zone meetings and the 1 December meeting of State Council.

Following a State Council decision, advocacy will be undertaken with the Minister for Local Government.

13. Finance

ITEM 13.1 – FINANCIAL REPORTS

File Reference: N/A
Location: Shire of West Arthur
Applicant: N/A
Author: Manager of Financial Reporting
Authorising Officer: A/Chief Executive Officer
Date: 14 October 2021
Disclosure of Interest: N/A
Attachments: Financial Reports – 30th September 2021

Previous Reference: N/A

Summary:

Consideration of the financial reports for the period ending 30th September 2021.

Background:

The financial reports for the period ending 30th September 2021 are included as attachments.

Comment:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

Consultation:

Not applicable.

Statutory Environment:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

Policy Implications:

Not applicable.

Financial Implications:

Not applicable.

Strategic Implications:

Not applicable.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Council Decision (Officer Recommendation) 13.1:

That the financial reports for the period ending 30th September 2021 as presented be accepted.

Moved: Cr Graeme Peirce

Seconded: Cr Robyn Lubcke

CARRIED 7/0

ATTACHMENTS

- Finance Report

SHIRE OF WEST ARTHUR
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 September 2021

	Note	Annual Budget 2021/2022 \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
Opening Funding Surplus (Deficit)	2	1,162,486	1,162,486	1,162,486	0	0%	
Revenue from operating activities							
Rates		1,776,244	1,772,712	1,772,712	0	0%	
Operating Grants, Subsidies and Contributions	6	813,807	274,782	299,822	25,040	9%	
Fees and Charges		262,985	108,298	101,790	(6,508)	(6%)	
Interest Earnings		36,389	3,032	3,330	298	10%	
Other Revenue		71,872	17,968	15,293	(2,675)	(15%)	
Profit on Disposal of Assets		6,799	0	0	0		
		2,968,096	2,176,792	2,192,947	16,155		
Expenditure from operating activities							
Employee Costs		(1,869,777)	(590,953)	(581,724)	9,229	2%	
Less overhead and wage allocations			42,671	36,800	(5,871)		
Materials and Contracts		(811,033)	(196,198)	(186,497)	9,701	5%	
less Pdepn and POC allocations			32,278	27,837	(4,441)		
Utility Charges		(93,534)	(15,589)	(14,225)	1,364	9%	
Depreciation on Non-Current Assets		(2,140,359)	(130,243)	(133,379)	(3,136)	(2%)	
Interest Expenses		(25,232)	(6,810)	(6,810)	0	0%	
Insurance Expenses		(103,791)	(103,791)	(104,149)	(358)	(0%)	
Other Expenditure		(36,500)	0	0	0		
Loss on Disposal of Assets		(5,350)	0	0	0		
		(5,085,576)	(968,636)	(962,147)	6,489		
Operating activities excluded from budget							
Add back Depreciation		2,140,359	130,243	133,379	3,136	2%	
Adjust (Profit)/Loss on Asset Disposal		(1,449)	0	0	0		
Adjust Provisions and Accruals		0	(32,833)	(32,833)	0	0%	
Amount attributable to operating activities		21,430	1,305,566	1,331,346	25,780		
Investing activities							
Grants, Subsidies and Contributions	6	995,128	60,000	60,406	406	1%	
Proceeds from Disposal of Assets		64,228	0	0	0		
Land and Buildings	7	(579,700)	(25,000)	(22,884)	2,116	8%	
Infrastructure Assets - Roads	7	(1,138,717)	(70,000)	(65,396)	4,604	7%	
Infrastructure Assets - Other	7	(586,188)	(13,000)	(12,297)	703	5%	
Plant and Equipment	7	(530,115)	(100,782)	(96,945)	3,837	4%	
Furniture and Equipment	7	(8,500)	0	0	0		
Amount attributable to investing activities		(1,783,864)	(148,782)	(137,116)	11,666		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		28,087	6,935	6,935	0	0%	
Transfer from Reserves	5	1,237,967	0	0	0		
Repayment of Debentures		(96,883)	(24,712)	(24,712)	0	0%	
Transfer to Reserves	5	(569,223)	(165)	(160)	5	3%	
Amount attributable to financing activities		599,948	(17,942)	(17,937)	5		
					0		
Closing Funding Surplus (Deficit)	2	0	2,301,329	2,338,779	37,450	2%	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 1 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 1: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2021/22 year is \$10,000 or 10% whichever is the greater.

Operating Grants, Subsidies and Contributions

17043	General Purpose Grant above budget
7714	WALGVC - Roads Grant above budget

CONFIRMED

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2021	30 Sep 2021
		\$	\$
Current Assets			
Cash Unrestricted	3	1,261,046	1,867,445
Cash Restricted	5	2,892,467	2,892,627
Cash Restricted - unspent grants		296,748	387,191
Receivables - Rates	4	145,377	449,173
Receivables - Other	4	241,642	190,746
Inventories		23,433	23,433
		4,860,713	5,810,615
Less: Current Liabilities			
Payables		(509,012)	(192,018)
Unspent grants, contributions and reimbursements		(296,748)	(387,191)
		(805,760)	(579,209)
Less: Cash Reserves	5	(2,892,467)	(2,892,627)
Net Current Funding Position		1,162,486	2,338,779

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	740,865			740,865	NAB	0.01%	At Call
Municipal Bank - Bendigo	483,171			483,171	Bendigo	0.01%	At Call
Municipal Cash Maximiser	430,000			430,000	NAB	0.01%	At Call
Trust Bank Account			3,813	3,813	NAB	0.01%	At Call
Trust Cash Maximiser			10,269	10,269	NAB	0.01%	At Call
Reserve Cash Maximiser		5		5	NAB	0.01%	At Call
Bendigo Reserve		0		0	Bendigo	0.10%	At Call
(b) Term Deposits							
Municipal term deposit	600,000			600,000	NAB	0.27%	8/12/2021
Reserve term deposit		1,278,005		1,278,005	NAB	0.34%	28/06/2022
Reserve term deposit		1,614,617		1,614,617	Bendigo	0.40%	2/03/2022
Trust term deposit			60,000	60,000	NAB	0.29%	7/04/2022
Total	2,254,036	2,892,627	74,082	5,160,745			

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 4: Receivables

Receivables - Rates Receivable	30 Sep 2021	30 June 2021	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Years	237,534	199,932	Receivables - General	9,996	265	139,508	41,409	191,178
Levied this year (incl rubbish & ESL)	1,876,228	1,847,083						
Less Collections to date	(1,573,629)	(1,809,481)	Balance per Trial Balance					
Equals Current Outstanding	540,133	237,534	Sundry Debtors					0
Add paid in advance	1,197		Receivables - Other					0
Net Rates Collectable	541,330	237,534	Total Receivables General Outstanding					191,178
% Collected	74.45%	88.40%						
Less Recognised as doubtful	(92,157)	(92,157)						

Amounts shown above include GST (where applicable)

CONFIRMED

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 5: Cash Backed Reserve

Name	Opening Balance	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget Closing Balance	Actual YTD Closing Balance
		Interest Earned	Interest Earned	Transfers In (+)	Transfers In (+)	Transfers Out (-)	Transfers Out (-)	Transfers Out (-)	Transfers Out (-)		
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	210,490	842	12	0	0	(25,000)	0	186,332	210,502		
Plant Reserve	522,877	2,102	29	310,000	0	(465,887)	0	369,092	522,906		
Building Reserve	677,641	2,712	37	85,650	0	(515,000)	0	251,003	677,678		
Town Development Reserve	71,305	285	4	0	0	(70,000)	0	1,590	71,309		
Recreation Reserve	162,775	651	9	0	0	0	0	163,426	162,784		
Heritage Reserve	5,755	23	0	300	0	0	0	6,078	5,755		
Community Housing Reserve	153,767	610	9	20,000	0	(25,000)	0	149,377	153,776		
Waste Management Reserve	122,370	489	7	0	0	(100,000)	0	22,859	122,377		
Darkan Swimming Pool Reserve	44,081	176	2	5,000	0	0	0	49,257	44,083		
Information Technology Reserve	50,306	201	3	50,000	0	0	0	100,507	50,309		
Darkan Sport and Community Centre Reserve	289,516	1,158	16	30,000	0	0	0	320,674	289,532		
Arthur River Country Club Renewal Reserve	34,043	136	2	6,000	0	0	0	40,179	34,045		
Museum Reserve	128,155	497	7	0	0	(5,000)	0	123,652	128,162		
Moodiarrup Sports Club Reserve	13,539	58	1	5,000	0	0	0	18,597	13,540		
Landcare Reserve	37,871	173	2	0	0	(17,080)	0	20,964	37,873		
Corporate Planning and Valuation Reserve	34,836	139	2	0	0	(15,000)	0	19,975	34,838		
Kids Central Members Reserve	1,607	3	0	5,704	0	0	0	7,314	1,607		
The Shed Reserve	12,258	47	1	0	0	0	0	12,305	12,259		
Recreation Trails Reserve	1,214	5	0	0	0	0	0	1,219	1,214		
Community Gym Reserve	11,026	34	1	0	0	0	0	11,060	11,027		
Economic Development Reserve	73,617	294	4	40,000	0	0	0	113,911	73,621		
Road Reserve	233,418	934	13	0	0	0	0	234,352	233,431		
	2,892,467	11,569	160	557,654	0	(1,237,967)	0	2,223,723	2,892,627		

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 6: Grants and Contributions	Grant Provider	Type	Opening Balance (a)	Budget Operating (b)	Capital (c)	YTD Actual Revenue (f)	(Expended) (g)	Unspent Grant (a)+(f)+(g)	Comment
				\$	\$	\$	\$	\$	
General Purpose Funding									
Grants Commission - General	WALGGC - General Purpose Grant	Operating	0	279,900	0	87,018	0	0	Grant income expected to be \$68,172 above budget
Grants Commission - Roads	WALGGC - Local Roads Grant	Operating	0	237,417	0	67,068	0	0	Grant income expected to be \$30,855 above budget
Law, Order and Public Safety									
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Operating - Tied	0	43,126	0	10,927	(10,927)	0	
Federal Road & Community Infrastructure - St Johns Building	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	75,000	0	0	0	0	
Housing									
Community Housing Repairs	Dept of Communities	Operating - Tied	0	10,495	0	10,495	0	10,495	Recognised as income when corresponding expenditure recognised
Community Amenities									
Federal Road & Community Infrastructure - Seat	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	2,000	0	0	0	0	
Recreation and Culture									
Federal Road & Community Infrastructure - Railway reserve and cricket wicket	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	77,000	0	0	0	
Federal Road & Community Infrastructure - Swimming pool	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	20,000	0	0	0	0	
Federal Road & Community Infrastructure - Lake Towerrinning shade and landscaping	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	27,996	0	0	0	
Heritage Inventory	Dept of Planning, Lands & Heritage	Operating - Tied	0	9,198	0	0	0	0	
Community event grants	Unknown	Operating - Tied	0	1,000	0	0	0	0	
Transport									
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	320,264	0	0	0	
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	102,073	60,406	(60,406)	0	Shown as a liability until spent, then recognised as income
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	350,884	140,354	0	140,354	Shown as a liability until spent, then recognised as income
Federal Road & Community Infrastructure - Direct Grant	Main Roads - Direct Grant	Non-operating	0	0	38,000	0	0	0	
		Operating	0	134,671	0	134,671	0	0	
Economic Development									
Kylie Dam Project	Department of Water	Non-operating	0	0	53,911	0	0	0	
Federal Road & Community Infrastructure - Potable water	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	25,000	0	0	0	
TOTALS			0	812,807	995,128	510,939	(71,333)	150,849	
SUMMARY									
Operating	Operating Grants, Subsidies and Contributions		0	651,988	0	288,757	0	0	
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	160,819	0	21,422	(10,927)	10,495	
Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	995,128	200,760	(60,406)	140,354	
TOTALS			0	812,807	995,128	510,939	(71,333)	150,849	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
Furniture									
Other Property & Services									
	Printer	0	0	0	0	(8,500)	(8,500)	8,500	
	Furniture Total	0	0	0	0	(8,500)	(8,500)	8,500	
Land and Buildings									
Housing									
	Renovations to existing joint venture community housing units	0	0	0	0	(25,000)	(25,000)	25,000	
Community Amenities									
	Chalet completion	0	(22,884)	(22,884)	(1,000)	(25,000)	(26,000)	3,116	
	Toilet - Bowelling (grant to be sourced for materials)	0	0	0	(8,700)	0	(8,700)	8,700	
Other Property & Services									
	Staff housing improvements/renovations	0	0	0	(8,300)	(50,000)	(58,300)	58,300	
	New staff house	0	0	0	(11,700)	(450,000)	(461,700)	461,700	
	Buildings Total	0	(22,884)	(22,884)	(29,700)	(550,000)	(579,700)	556,816	
Infrastructure									
Community Amenities									
	Darkan Refuse Site	0	0	0	(20,000)	(100,000)	(120,000)	120,000	
Recreation And Culture									
	Darkan Railway Reserve - redevelopment of play and youth area	(3,018)	(8,066)	(11,084)	(30,000)	(220,000)	(250,000)	238,916	
	Cricket oval infrastructure - wicket	(278)	0	(278)	0	(17,000)	(17,000)	16,722	
	Lake Towerrinning - Shade and landscaping	(935)	0	(935)	0	(40,000)	(40,000)	39,065	
Transport									
	Slip lane car park off Burrowes Street	0	0	0	(34,073)	(19,115)	(53,188)	53,188	
Economic Development									
	Kylie Dam Water Project	0	0	0	(14,000)	(67,000)	(81,000)	81,000	
	Potable water Infrastructure	0	0	0	0	(25,000)	(25,000)	25,000	
	Infrastructure Total	(4,231)	(8,066)	(12,297)	(98,073)	(488,115)	(586,188)	573,891	
Plant , Equip. & Vehicles									
Transport									
	Prime Mover	0	0	0	0	(170,000)	(170,000)	170,000	
	Side Tipping Trailer	0	0	0	0	(120,000)	(120,000)	120,000	
	Passenger Vehicle	0	(51,725)	(51,725)	0	(52,225)	(52,225)	500	
	Forklift	0	0	0	0	(25,000)	(25,000)	25,000	
	Road Broom	0	0	0	0	(45,000)	(45,000)	45,000	
	Utes	0	(34,330)	(34,330)	0	(104,000)	(104,000)	69,670	
	Mower	0	(10,890)	(10,890)	0	(13,890)	(13,890)	3,000	
	Plant, Equip & Vehicles Total	0	(96,945)	(96,945)	0	(530,115)	(530,115)	433,170	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2021

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget	Total YTD to Budget	
		\$	\$	\$	\$	\$	\$		
Roads									
Regional Road Group									
Boyup Brook Arthur Road		0	0	0	(158,152)	(126,856)	(285,008)	285,008	
Bowelling Duranillin Road		0	0	0	(146,055)	(104,307)	(250,362)	250,362	
Regional Road Group Total		0	0	0	(304,207)	(231,163)	(535,370)	535,370	
Roads to Recovery									
Darkan South Road - Slip Lane and Intersection		0	0	0	(28,850)	(29,600)	(58,450)	58,450	
Darkan South Road - Widening Corners		0	0	0	(67,652)	(40,220)	(107,872)	107,872	
Sandalwood Road		(408)	0	(408)	(83,641)	(26,480)	(110,121)	109,713	
Moodiarrup South Road		(59,998)	0	(59,998)	(46,394)	(12,450)	(58,844)	(1,154)	
Darkan South Road		0	0	0	(47,664)	(51,100)	(98,764)	98,764	
Roads to Recovery Total		(60,406)	0	(60,406)	(274,201)	(159,850)	(434,051)	373,645	
Road and Community Infrastructure Program									
Bowelling Dura, Darkan South, Moodiarrup Changerup Centre line		0	(4,990)	(4,990)	0	(38,000)	(38,000)	33,010	
Shire Funded Total		0	(4,990)	(4,990)	0	(38,000)	(38,000)	33,010	
Shire Funded									
Burnett Road		0	0	0	(53,011)	(11,031)	(64,042)	64,042	
Cordering North Road		0	0	0	(50,019)	(11,690)	(61,709)		
Collie South East Road		0	0	0	(225)	(5,320)	(5,545)	5,545	
Shire Funded Total		0	0	0	(103,255)	(28,041)	(131,296)	69,587	
Roads Total		(60,406)	0	(65,396)	(681,663)	(457,054)	(1,138,717)	1,011,612	
Capital Expenditure Total		(64,637)	(127,895)	(197,522)	(809,436)	(2,033,784)	(2,843,220)	2,583,989	

ITEM 13.2 – ACCOUNTS FOR PAYMENT

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	R Schinzig
Authorising Officer	Acting Chief Executive Officer
Date:	14 October 2021
Disclosure of Interest:	N/A
Attachments:	Creditor Payment Listing
Previous Reference:	N/A

Summary:

Council to note payments of accounts as presented.

Background:

The schedule of accounts is included as an attachment for Council information.

Comment:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

Consultation:

There has been no consultation.

Statutory Environment:

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) Sufficient information to identify to transaction; and
 - (d) The date of the meeting of the council to which the list is to be resented.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

There are no strategic implications.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Council Decision (Officer Recommendation) 13.2:

That in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, payment of Municipal Fund vouchers 30092021.1 – 30092021.18 totalling \$90,592.85, Licensing, Salaries and EFT/Debit/Bpay totalling \$172,910.11 be noted as approved for payment.

Moved: Cr Karen Harrington

Seconded: Cr Neil Manuel

CARRIED 7/0

ATTACHMENTS

- Payment listing

**Shire of West Arthur
Cheque Detail**

MINUTES
19 OCTOBER 2021

September 25 through October 14, 2021

Date	Num	Name	Original Amount
28/09/2021	EFT	SALARIES & WAGES	7,248.93
		PAYROLL	
30/09/2021	BPAY	AUSTRALIAN TAXATION OFFICE	37,976.00
		AUGUST 2021 BAS	
30/09/2021	EFT	SALARIES & WAGES	54,570.53
		PAYROLL	
30/09/2021	30092021.1	BLACKWOOD BASIN GROUP (INC)	1,293.60
		LANDCARE SUPPORT FOR THE PERIOD OF AUGUST 2021	
30/09/2021	30092021.2	BUNBURY MITSUBISHI	37,763.00
		MITSUBISHI MR TRITON GLX 2.4L D 6M/T 4X4 SC AND ACCESSORIES	
30/09/2021	30092021.3	BW TRUCK PARTS	116.80
		MULLINS EQUALISER BUSH, PIN EQUALISER HEAVY DUTY CW NUT	
30/09/2021	30092021.4	CTF	191.75
		LOT 9980 DARDADINE RD SOUTH, DARKAN (DEAN BRUINS BUILDING PERMIT)	
30/09/2021	30092021.5	DARDANUP BUTCHERING COMPANY	165.82
		MEAT ORDER FOR SENIORS MEALS	
30/09/2021	30092021.6	DARKAN AGRI SERVICES	2,421.30
		PARKS & GARDEN SUPPLIES, CEMENT, KEY CUT, GAS BOTTLES, BUILDING SUPPLIES, CLEANING	
30/09/2021	30092021.7	DARKAN DISTRICTS SPORTS CLUB INC	130.00
		KIDS CENTRAL MEMBERSHIP \$10 X 13 MEMBERS 2021	
30/09/2021	30092021.8	GEOGRAPHE FORD BUNBURY	3,309.30
		SUPPLY AND INSTALLATION OF LED SPOTLIGHT AND BULL BAR - WORKS MANAGER CAR	
30/09/2021	30092021.9	HERSEY'S SAFETY PTY LTD	1,639.38
		WORKSHOP CONSUMABLES	
30/09/2021	30092021.10	JESSICA BOOTH - BALLET	350.00
		KIDS CENTRAL MEMBERS ACTIVITIES: BALLET TEACHING - TERM 3 2021	
30/09/2021	30092021.11	JI & LA RILEY	14,689.13
		NEW CHALET CONSTRUCTION. CLAIM NUMBER 4: 100% COMPLETED.	
30/09/2021	30092021.12	KATANNING FURNISHINGS	4,280.00
		FLOOR COVERINGS AND BLINDS - CHALET 2	
30/09/2021	30092021.13	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA	45.00
		AGED FRIENDLY COMMUNITY FORUM 17/11/2021 KERRY CHIA	
30/09/2021	30092021.14	LUSH FIRE & PLANNING	1,537.25
		VARIOUS PLANNING APPLICATIONS AND QUERIES	
30/09/2021	30092021.15	MIDALIA STEEL PTY LTD	361.68
		NEETASCREEN FENCE PANELS x 3 - UNIT 1/10 HILLMAN STREET	
30/09/2021	30092021.16	MOTORPASS	5.50
		1ECE747 MANAGEMENT FEE \$5 + TAX	
30/09/2021	30092021.17	PEDERICK ENGINEERING	17,183.32
		RE-SKINNING OF D6 DOZER BLADE, SUPPLY AND FABRICATE TWO GATES	
30/09/2021	30092021.18	PUTLAND MOTORS	5,110.02
		PARTS & REPAIRS FOR UTES. GRADERS CHAINSAW AND PRESSURE CLEANER	
06/10/2021	DIRECT DEBIT	ASGARD SUPER	130.48
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	AUSTRALIAN SUPER	7,581.77
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	AWARE SUPER	45,876.76
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	CBUS	1,727.82
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	COLONIAL FIRST STATE	1,698.01
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	PRIME SUPER	598.20
		SUPER CONTRIBUTIONS	
06/10/2021	DIRECT DEBIT	TWUSUPER	1,754.65
		SUPER CONTRIBUTIONS	
06/10/2021	BPAY	SYNERGY	1,224.62
		ELECTRICITY USAGE AND SUPPLY CHARGE FOR CRC & 8 HILLMAN	
30/09/2021	DIRECT DEBIT	NATIONAL AUSTRALIA BANK	600.00
		ACCOUNT FEES	

**Shire of West Arthur
Cheque Detail**

September 25 through October 14, 2021

Date	Num	Name	Original Amount
30/09/2021	DIRECT DEBIT	NATIONAL AUSTRALIA BANK	112.20
		ACCOUNT FEES	
30/09/2021	DIRECT DEBIT	NATIONAL AUSTRALIA BANK	38.74
		NAB CONNECT FEES	
		VOUCHERS	AMOUNT
MUNICIPAL FUND			
		30092021.1 - 30092021.18	90,592.85
		EFT/DEBIT/BPAY	99,319.25
		SALARIES & WAGES	61,819.46
		LICENSING SEPTEMBER 2021 TRANSFERS	11,771.40
		TOTAL	263,502.96

CONFIRMED

14. Planning and Technical Services

ITEM 14.1 – HOMESTEAD SUBDIVISION

File Reference:	Nil
Location:	Lot 12615 Kings Road Darkan
Applicant:	Thompson Surveying Consultants on behalf of Nowillilla Trading Pty Ltd
Author:	G. Lush (Planning Consultant)
Authorising Officer	Acting Chief Executive Officer
Date:	13 October 2021
Disclosure of Interest:	Nil
Attachments:	1 Site Plan 2 Site Plan Enlargement 3 Subdivision Plan
Previous Reference:	Nil

Summary:

To consider the referral of subdivision application by the WAPC (Ref No 161321) for the creation of a homestead lot of 19.9 hectares.

Background:

The subject land is Lot 12615 which has an area of 612 hectares and is situated on the corner of Kings and Howie Roads. A plan of the subject land is contained in Attachment 1. An enlargement of the area of the proposed homestead lot is contained in Attachment 2.

The subject land is used for general farming and contains large areas of remnant vegetation which are subject to a conservation covenant. There is an existing dwelling, sheds and improvements in the south western portion. Access to the existing dwelling is from Kings Road.

The current owner lives nearby on another property and runs the agricultural operations across both sites.

This application is to excise a Homestead lot of 19.9ha as shown in Attachment 2. Primary access to the Homestead lot will remain via the existing driveway from Kings Road, which is 10m wide. This will be a battle axe leg that is 595m in length.

The existing dwelling is setback approximately 30m from the new boundary. The setback of the existing shed shown in Attachment 2 is unknown.

A 10m wide easement of carriageway is also proposed along an existing track to Howie Road for secondary and emergency access.

Comment:

The purpose of the subdivision is to allow a new family to purchase a local home. They are currently renting and there are limited homes and property of this nature available locally, and the family would like to remain living here, making their move to Darkan permanent by purchasing this lot.

The proposed lot layout largely follows an existing fencing arrangement which sets a logical boundary, and it enables the existing dam and sheds to be included within the lot. This arrangement creates a lot which will provide some separation to and privacy from surrounding agricultural activities to the existing home, whilst also providing the purchaser with options to carry out some low-key agriculture within their own parcel.

A Bushfire Attack Level (BAL) Assessment has been provided and it is noted that:

- The existing dwelling is not located on bushfire prone land;
- The existing will, if applied, have a BAL-12.5 rating which complies with the Guidelines;

- The proposed access and driveways comply with the Guidelines;
- Within the proposed lots there are multiple tanks that have a combined volume of 60,000 Litres, including a 10,000L tank at the dwelling.
- There are sufficient areas of the balance lot which are not bushfire prone where any future dwelling could easily be located.

Although the lot is larger than preferred by the West Arthur Scheme, giving due regard to the SPP and the logic that has informed the boundary, the arrangement is considered suitable and responsive to the site.

Consultation:

None

Statutory Environment:

Local Planning Scheme No 2

The subject land is zoned Rural Local Planning Scheme No 2. The objectives for the Rural zone include:

- to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities. to provide for diversity of lifestyle choice with a range of dwelling types

Clause 5.18.4 of the Scheme specifically deals with the subdivision for homestead lots and states that:

The local government will support subdivision of land in the Rural Zone to create "homestead lots" as defined and consistent with Commission Policy where the application demonstrates the lots would:

- (i) generally be in the range of 5 to 10 hectares;
- (ii) be connected to electricity and telecommunications;
- (iii) be provided with an adequate water supply for domestic purposes, land management, and fire fighting; and
- (iv) front a constructed public road.

The minimum building setbacks in the Rural zone are:

- Front : 20.0m
- Rear : 20.0m
- Side : 10.0m

State Planning Policy 3.7 Planning in Bushfire Prone Areas

A large portion of the subject land is designated as being bushfire prone on the State Bushfire Prone Maps.

State Planning Policy SPP3.7 Planning in Bushfire Prone Areas requires that any subdivision application must be accompanied by a bushfire assessment which includes:

- a) a Bushfire Attack Level (BAL) Assessment or a BAL Contour Map to show the expected BAL ratings for the developed site;
- b) the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and
- c) an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.

State Planning Policy 2.5 Rural Land

State Planning Policy 2.5 Rural Land has a presumption against the subdivision of rural land except for specific circumstances and one of these is the creation of a homestead lot. Homestead lots may be created subject to a number of conditions including:

- (a) the land is in the DC 3.4 Homestead lot policy area (refer Appendix 2);
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;
- (c) there is an adequate water supply for domestic, land management and fire management purposes;
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;
- (e) the homestead lot has access to a constructed public road;
- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;
- (g) a homestead lot has not been excised from the farm in the past;
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

Policy Implications:

None

Financial Implications:

None

Strategic Implications:

Shire of West Arthur Strategic Community Plan – Strategic Direction - Local Economy - supporting agriculture and local business.

Shire of West Arthur Corporate Plan provides under Community to promote the Shire to people outside the area as a fantastic place to live, work and visit.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Council Decision (Officer Recommendation) 14.1:

That Council advise the Western Australian Planning Commission that it has no objection to the proposed subdivision of Lot 12615 DP147494 Kings Road Darkan (Ref No 161321).

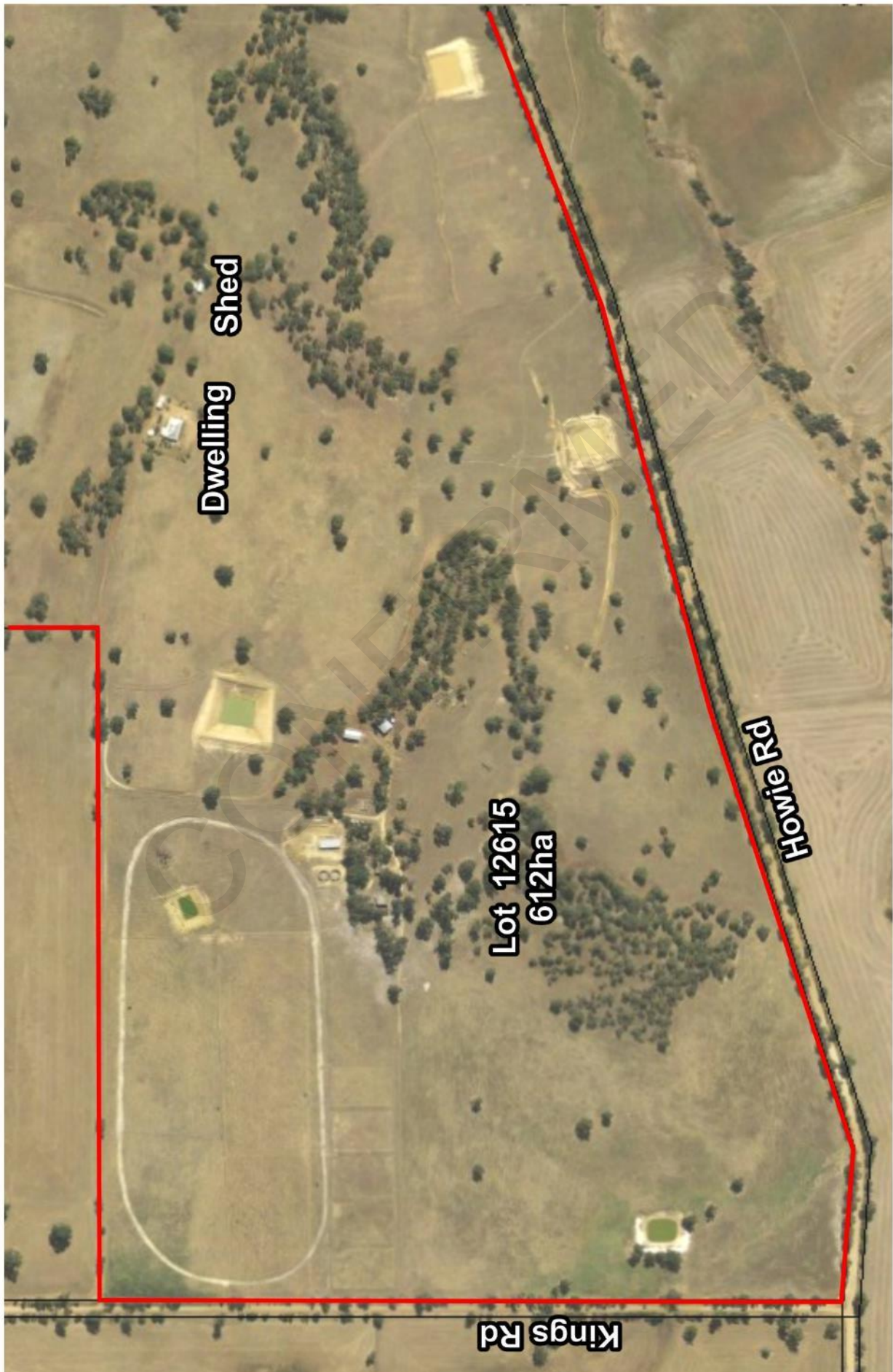
Moved: Cr Neil ManuelSeconded: Cr Adam Squires**CARRIED 7/0****ATTACHMENTS**

- 1 Site Plan
- 2 Site Plan Enlargement
- 3 Subdivision Plan

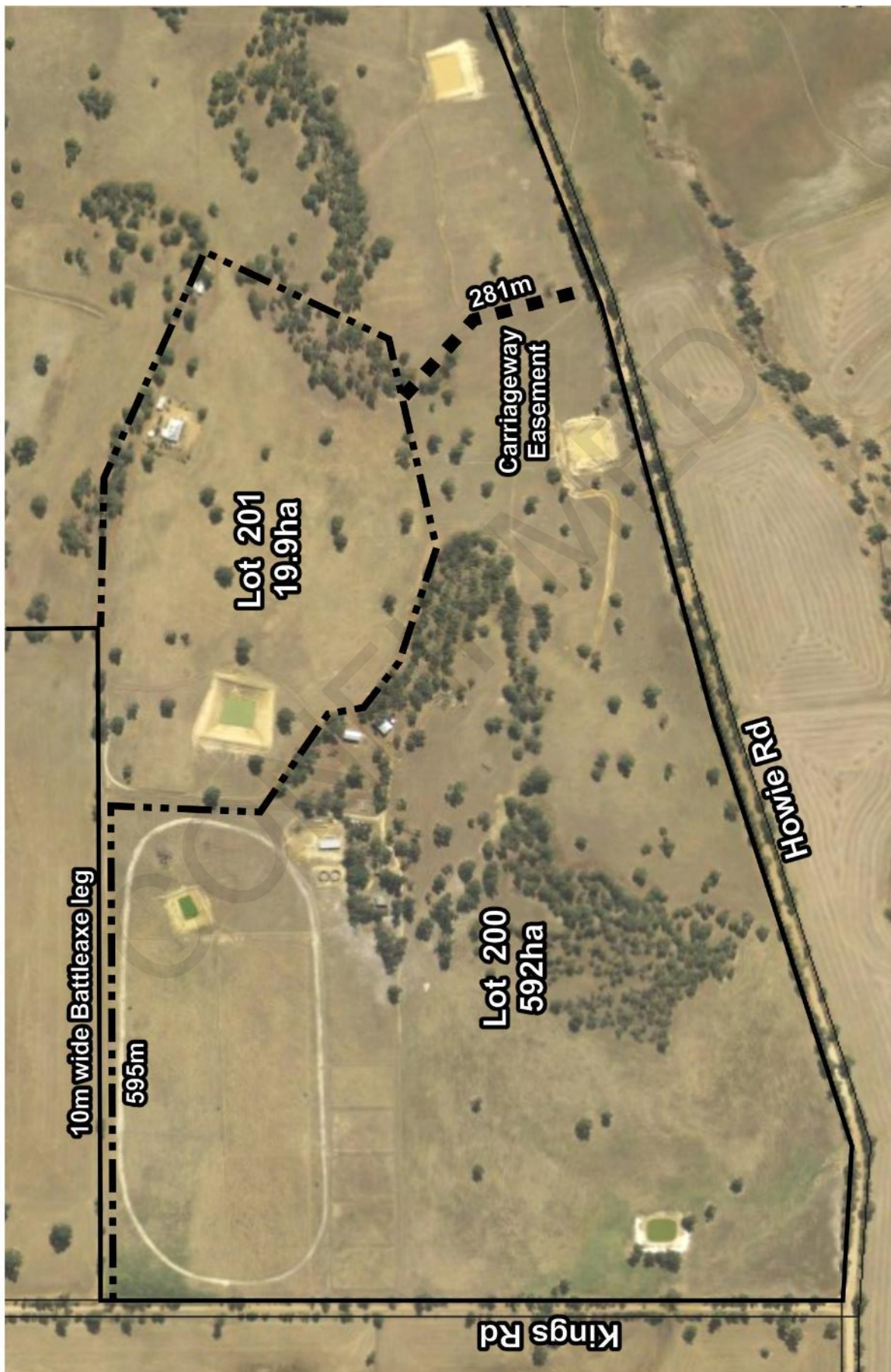
Attachment 1 - Site Plan



Attachment 2 - Site Plan Enlargement



Attachment 3 - Subdivision Plan



ITEM 14.2 – DWELLING – LOT 245 KING STREET

File Reference: 6.8.4
Location: Lot 245 King Street Darkan
Applicant: Selina Degann
Author: G. Lush (Planning Consultant)
Authorising Officer: Acting Chief Executive Officer
Date: 13 October 2021
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary:

To consider an application for a small two bedroom “transportable” dwelling.

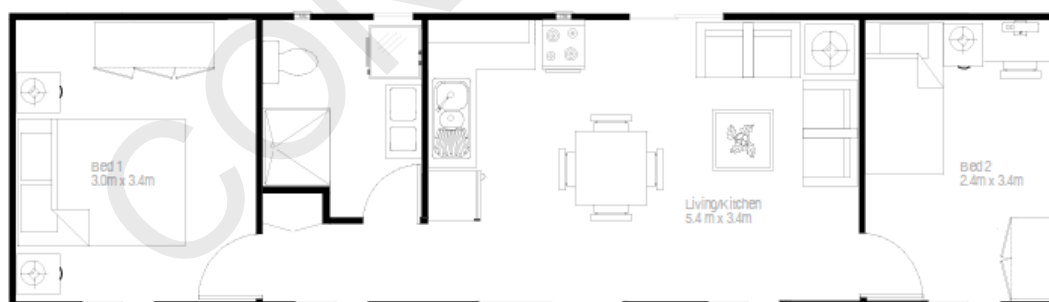
Background:

The subject land is Lot 245 DP210290 King Street which has an area of 1,012sqm being one of the lots recently released by Development WA.

The application is for a Cavalier “Aries” (2 Bedroom) home which will be 13.2m x 3.6m (47.5sqm). It will be a newly-build home with 1 or 2 bedrooms as the applicant’s main residence. It will have a veranda and decking with a domestic garden and a paved sitting area will make it an attractive looking home.

The structure is a new dwelling and not second hand and it will be established on the site with permanent foundations.

The “Aries” (2 Bedroom)
13.2m x 3.6m (47.5m²)

**Comment:**

There are several potential issues with the application being:

- Is this considered to be a “transported building”;
- The size of the dwelling; and
- Provision of housing in the townsite.

The Local Planning Scheme requires Council approval for a “transported building” within the townsite. This provision was intended to address relocated second dwellings which were cut in half and then moved to the site and sometimes creating issues with their appearance or lack of completion. It is not intended to include new modular or kit homes which are permanently established on the site.

Since the introduction of the current Planning Scheme in 2007, the popularity of modular homes has increased. The building is built in the factory and transported to site. On the site it is connected to normal reticulated services.

A modular home is different to a park home which is usually located in a Caravan Park and regulations require it to have wheels and a draw bar so that it can be positioned by a vehicle and easily removed. The definition of a Park Home is a "Caravan that can't be licenced for use on the road".

The R-Codes do not specify any minimum size for a dwelling. It does have provisions for special purpose dwellings which include:

- Ancillary dwelling (granny flat);
- Aged or dependent persons' dwellings; and
- Single bedroom dwellings.

These all have a maximum area of 70sqm.

The objectives for the residential zone include to provide for diversity of lifestyle choice with a range of dwelling types. The size and style of dwellings is also a reflection of:

- Housing affordability; and
- The population structure with an increase in the number of single person households.

There are no controls over the design and appearance of traditional dwellings in the Shire. Consequently, it is difficult to argue how a new dwelling would not meet an acceptable standard as provided for in the National Construction Code and the R-Codes. Nor can it be argued that it will be detrimental to the amenity of the area simply because it is different.

Consultation:

None

Statutory Environment:

Local Planning Scheme No 2

The subject land is included in the Residential zone with an R - 12.5 Coding. A "single house" is a (P) permitted use. The development of dwellings is governed by the Residential Design Codes (R-Codes) 2021.

The objectives of the residential zone are:

- to provide for the predominant form of residential development to be single houses.
- to provide for diversity of lifestyle choice with a range of dwelling types.
- to achieve a high standard of residential development.
- to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Clause 5.10 of the Scheme relates to Transportable Buildings and stipulates that a person is not to transport a building and place it on land in a gazetted townsite in the Scheme Area and use it as a dwelling unless planning approval has been granted by the local government.

Council can only grant planning approval if the transported building:

- (a) complies with the provisions of the Scheme, the Residential Design Codes, and any Local Laws applicable both to the transported building and the land on which it is to be situated; and

- (b) is, in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

State Planning Policy 7.3 Residential Design Codes

A “single house” is defined as:

A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

Clause 61 of the Planning Regulations states that the development of a single house on a lot does not require a development approval where it complies with the R Codes. In summary the principal provisions include:

- The front setback is 7.5m
- The rear setback 6m (not including sheds)
- The side setbacks subject to wall length, height and major opening to habitable rooms.
- The maximum site coverage of 45%
- Setbacks can be reduced by up to 50 per cent provided that the area of any building, including a garage encroaching into the setback area, is compensated for by at least an equal area of open space that is located between the setback line and line drawn parallel to it at twice the setback distance.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject land is not designated as being bushfire prone.

Policy Implications:

There is no Local Planning Policy to provide any guidance in relation to how Clause 5.10 of the Scheme is to be applied.

Financial Implications:

None

Strategic Implications:

Shire of West Arthur Strategic Community Plan – Strategic Direction -

Outcome 2.2 – A growing, diverse business community.

- promote the Shire to people outside the area as a fantastic place to live, work and visit.

Outcome 4.4 – Appropriate planning and development

- Implement the town planning scheme and policies to ensure any planning and development is appropriate through the Shire

Shire of West Arthur Corporate Plan -

Outcome 1.2 – Support available for people of all ages and abilities

- Investigate issues associated with housing and identify opportunities to provide additional housing or upgrade existing housing within the Darkan townsite where financially viable

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Council Decision (Officer Recommendation) 14.2:

That Council resolve that subject to compliance with the R-Codes that no planning approval is required for the dwelling proposed on Lot 245 DP210290 King Street as Clause 5.10 of the Scheme does not apply to new modular homes which is built in the factory and transported to site.

Moved: Cr Duncan SouthSeconded: Cr Robyn Lubcke**CARRIED 7/0**

ITEM 14.3 – PART CLOSURE UNMADE ROAD RESERVE

File Reference:	7.4.3
Location:	Cordering Road South adjacent to locations 188 and 3432
Applicant:	Michael McKenna
Author:	A/Chief Executive Officer
Authorising Officer	A/Chief Executive Officer
Date:	14 October 2021
Disclosure of Interest:	Nil
Attachments:	Map of proposed road closure
Previous Reference:	N/A

Summary:

Council has received a request for closure of part of an unmade road reserve adjoining Lot 188 Cordering Road South Bowelling and for the land to be made available for purchase by one of the adjoining landowners.

Background:

Nil

Comment:

There is a lengthy process that needs to be followed before an item can be put to Council for the formal closure of any made or unmade road.

This item is seeking Councils approval for that process to commence.

The process will involve public advertising seeking comment as well as letters to utility suppliers, Department of Fire and Emergency Services, adjoining landowners and Department of Biodiversity, Conservation and Attractions.

Consultation:

Nil

Statutory Environment:

In accordance with the Land Administration Act, Council is required to resolve to close the road prior to advertising in a newspaper circulating in the district.

Policy Implications:

There are no policy implications.

Financial Implications:

Minor advertising expense and staff time

Strategic Implications:

All locations in the vicinity retain access to either a made road or an unmade road reserve.

Our roads and infrastructure meet the needs and expectations of the local community

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant environmental considerations.
- **Social:** There are no known significant environmental considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Council Decision (Officer Recommendation) 14.3:

That Council authorise the administration to commence the process to close the sections of unmade road reserve near Cordering Road South adjacent to locations 188 and 3432. as shown on the map.

Moved: Cr Robyn Lubcke

Seconded: Cr Graeme Peirce

CARRIED 7/0

ATTACHMENTS

- Maps of area in question



Road Reserve



15. Elected Members Motions of Which Previous Notice Has Been Given**16. New Business or Urgent Business Introduced by Decision of the Meeting**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members**16.2 Officers**

Moved: Cr Robyn Lubcke

Seconded: Cr Karen Harrington

That this meeting consider a late item in relation to a planning application for a sea container on Lot 139 Coalfields Highway, Darkan.

CARRIED 7/0

ITEM 16.2.1 – SEA CONTAINER COALFIELDS HIGHWAY

File Reference:	N/A
Location:	Lot 139 Coalfields Highway, Darkan
Applicant:	Timothy King
Author:	Acting Chief Executive Officer
Authorising Officer	Acting Chief Executive Officer
Date:	19 October 2021
Disclosure of Interest:	Nil
Attachments:	Application for Development Approval
Previous Reference:	N/A

Summary:

The application is to place a 12m sea container on Lot 139 to be used for storage purposes.

The application is supported subject to conditions.

Background:

The subject land is Lot 139 DP222361 Coalfields Highway, Darkan. It has an area of approximately 2.0218 hectares with a frontage of 85m to Coalfields Road and a depth of 224m.

There are no existing structures on the property.

The application is for a 40 foot sea container to be used for storage purposes. It will be setback 12m from the side boundary and 38m from the rear boundary as shown on the attached plan.3.

Comment:

The property has been subject to multiple complaints over a number of years and there is no question that the existing conditions are less than desirable and do not reflect the objectives and provisions of the Scheme relating to high standard of visual amenity.

The issue is how applicable is this to the current application.

Council does not have any specific Local Planning Policy relating to sea containers. Such policies typically have provisions relating to the appearance of the sea container, including its position within the property, screening from view etc.

A number of sea containers have been approved within the Shire including within the townsites residential areas.

The control of properties which are considered to be untidy by virtue of the presence of disused materials including disused motor vehicles and old motor vehicle bodies, tyres, car parts, building material such as posts, corrugated iron sheets, bricks, pavers, scrap metal and rubbish has been an on going issue for many Councils. The principal remedy is provided in the section 3.25 of the Local Government Act 1995 (LGA) requiring the materials to be removed within a specific time. A section 3.25 notice can be given irrespective of whether the disused materials are capable of being seen from outside the property.

In addition, Section 184 of the Health (Miscellaneous Provisions) Act, 1911 relates to dealing with nuisances. Council can require the owner and occupier of the premises, to abate the nuisance in the manner and within the time specified in the requisition. Section 182 defines a "nuisance" and this generally relates to where the material or activity is offensive or injurious or dangerous to health.

Rubbish and littering is also controlled under the Litter Act 1979.

Having regard to the provisions of Clause 67 of the Deemed Provisions and Clause 5.17.4 of the Scheme, it is submitted that:

- (a) the colour and texture of external building materials;
The external building material will be metal but the colour is unknown. A condition of approval can require the container to be painted.
- (b) building size, height, bulk, roof pitch;
The sea container is less than 30sqm in size which is consistent with other outbuildings on rural residential lots.
- (c) setback and location of the building on its lot;
The location of the container complies with the setbacks in the Scheme.
- (d) architectural style and design details of the building;
There are no provisions or policies relating to style or design of a sea container.
- (e) relationship to surrounding development;
The proposed location of the sea container is most likely to have the greatest impact on the adjacent Lot 137. This can be mitigated by various means including a requirement for screen planting to be undertaken along the common boundary. It is noted that there already some screen planting within Lot 137.
- (f) other characteristics considered by the local government to be relevant.

Consultation:

Due to the urgent nature of this application there has been no community consultation.

Statutory Environment:**Local Planning Scheme No 2**

Clause 60 of Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015 sets out the requirement for development approval. It states that a person must not commence or carry out any works on, or use, land in the Scheme area unless:

- the person has obtained the development approval from Council; or
- the development is specifically exempt as referenced in Clause 61. This includes where referenced in a Local Planning Policy.

The subject land is zoned 'Rural Residential Zone No 1.' The objectives for the Rural Residential zone include:

- to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas, achieves a high standard of visual amenity.
- having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from Darkan, the local government will generally favour Rural-Residential zones be located close to the town and then only where the environmental impacts are manageable.

Rural Residential Zone No 3 is also subject to the provisions in Schedule 3 of the Scheme. Of relevance to the application is Special Provision (c) which states that:

Dwellings and all ancillary buildings are to be constructed of non-reflective material (with the exception of glazed areas) and comprise either timber, stone, rammed earth, brick or steel construction and be of colour(s) and textures which are essentially natural and earthy. All such materials are to be to the satisfaction of the local government and compatible with the rural character of the locality.

Development on the rural residential zone is to comply with the provisions of Clause 5.17.3 as follows:

- (a) planning approval is required for all development including a single house and such application is to be made in accordance with the provisions of the Scheme;
- (b) not more than 1 dwelling per lot is to be erected but the local government may, at its discretion, approve ancillary accommodation;
- (c) in order to conserve the rural environment or features of natural beauty all trees are to be retained unless their removal is authorised by the local government;
- (d) in order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the local government.
- (e) a person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals is to be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the local government. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a Rural-Residential Zone, the local government may take any action which in the opinion of the local government is necessary to reduce or eliminate adverse effects on the environment caused wholly or partly by the stocking of animals and any costs incurred by the local government in taking such action are to be recoverable by the local government from the landowner; and
- (f) the local government may require provision to be made for bush fire control in accordance with a Local Planning Policy.

The minimum building setbacks in the Rural Residential zone are:

- Front : 30.0m
- Rear : 10.0m
- Side : 10.0m

The Planning and Development (Local Planning Schemes) Regulations 2015 provide in clause 67 of Schedule 2 a number of provisions which are deemed to be included in the local planning scheme text (Deemed Provisions) and which the local government is to have due regard to when considering an application. The subclauses in clause 67 that are considered relevant to the application are:

- (a) aims and provisions of Local Planning Scheme No2;
- (b) requirements of orderly and proper planning;
- (m) compatibility of the proposal with its setting and locality;
- (n) amenity; and
- (y) any submissions received.

In considering an application for planning approval the local government is also to have due regard to Clause 5.17.4 of the Scheme which states that:

So as to achieve a high standard of development within a Rural-Residential Zone, and to minimise the visual impacts of development the local government will have regard to the following:

- (a) the colour and texture of external building materials;
- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) relationship to surrounding development; and
- (f) other characteristics considered by the local government to be relevant.

SPP 3.7 Planning in Bushfire Prone Areas

The proposed development site is not designated as being bushfire prone.

Policy Implications:

Local Planning Policy No 1 provides that the development on a lot of a single house, including any extension, **ancillary outbuildings** and swimming pools does not require a planning approval provided that:

- It is a (P) use in the relevant zone;
- The minimum boundary setbacks stipulated in the Scheme are complied with;
- The development complies with the deemed-to-comply requirements of the R-Codes where applicable in that zone.

While a dwelling is a (P) use in the Rural Residential zone, the Policy also states that the provisions do not apply to a relocated building in a gazetted townsite. Hence the Policy is not applicable to the application.

Financial Implications:

None

Strategic Implications:

None

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant environmental considerations.
- **Social:** There are no known significant environmental considerations.

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (3)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Council Decision (Officer Recommendation) 16.2.1:

That Council approve the development of Lot 139 DP222361 Coalfields Highway, Darkan for the purpose of a sea container (outbuilding) subject to the following conditions:-

1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
2. The sea container shall be painted in a muted tone to the requirements and satisfaction of Council.
3. A landscaping screen shall be planted along the side boundary adjacent to the sea container for a minimum distance of 20m and this shall comprise of shrubs and bushes to a minimum height of 2m providing a solid visual screen.
4. The sea container shall not be used for any industrial or commercial purposes.
5. The sea container shall not be used for habitation.
6. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
7. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

Moved: Cr Neil ManuelSeconded: Cr Robyn Lubcke**CARRIED 7/0****ATTACHMENTS**

- Application for Development Approval – Timothy King

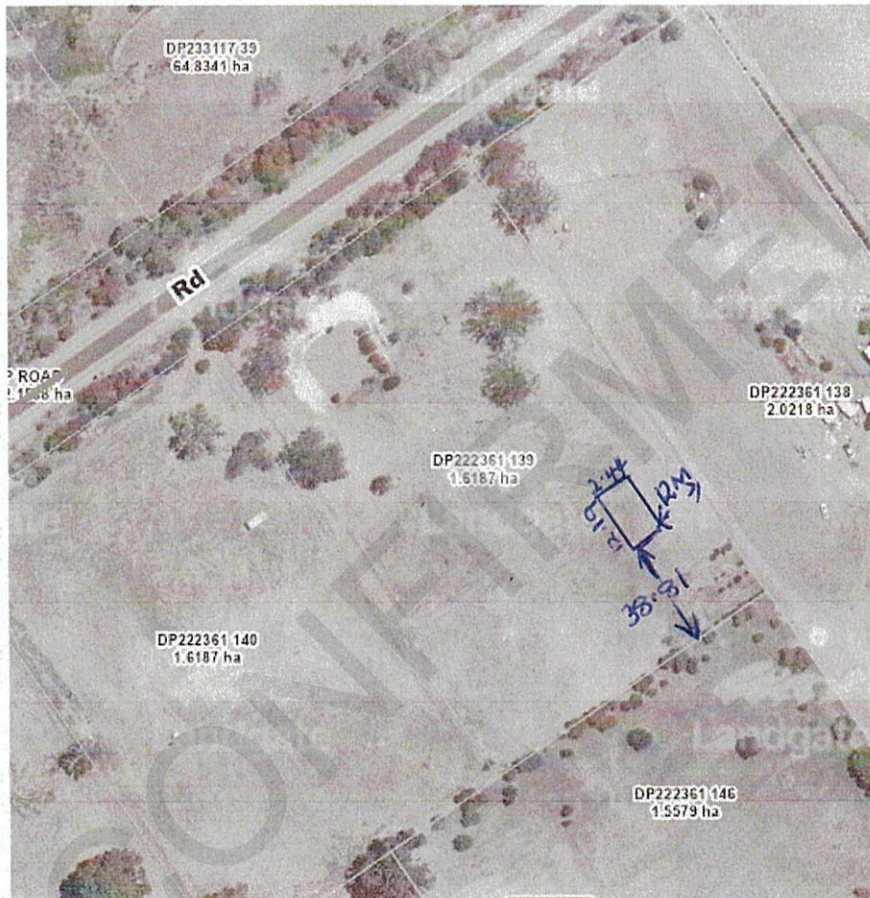
Planning and Development (Local Planning Schemes) Regulations 2015 Application for Development Approval		
Owner Details		
Name: <i>Timothy King</i>		
ABN (if applicable):		
Address: <i>139 Coalfields Road</i> <i>Darkan</i> Postcode: <i>6392</i>		
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
..... <i>0474284881</i>		
Contact person for correspondence:		
Signature: <i>[Signature]</i>	Date: <i>18.10.21</i>	
Signature:	Date:	
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i>		

Applicant Details (if different from owner)		
Name:		
Address:		
..... Postcode:		
Phone:	Fax:	Email:
Work:
Home:		
Mobile:		
.....		
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application.		
Yes <input type="checkbox"/> No <input type="checkbox"/>		
Signature:	Date:	

Property Details		
Lot No: <u>139</u>	House/Street No:	Location No:
Diagram or Plan No: <u>DP 222361</u>	Certificate of Title Vol. No: <u>1960</u>	Folio: <u>514</u>
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: <u>Coalfields Road</u>	Suburb: <u>Darkan</u>	
Nearest street intersection:		

Proposed Development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and Use
Is an exemption from development claimed for part of the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: <u>40ft Sea Container for storage use</u>	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use:	
Approximate cost of proposed development:	
Estimated time of completion: <u>One week</u>	

OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference No:	



40ft 12.19m Sea Container 12.44L x 2.44W x 2.59H.
38.81m from container to back fence
12m from container to side fence

17. Matters Behind Closed Doors

5.23. Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

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

18. Closure of Meeting

The Presiding Member declared the meeting closed at 7.50pm

CONFIRMED