

# Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of West Arthur will be held on Tuesday 26<sup>th</sup> July 2022 in the Council Chambers commencing at 7.00pm.

## Schedule

7.00pm                      Ordinary Council Meeting

Vin Fordham Lamont  
**Chief Executive Officer**

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

## AGENDA

Shire of West Arthur  
Ordinary Council Meeting  
26<sup>th</sup> July 2022

## MISSION STATEMENT

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

## DISCLAIMER

### INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

#### **Please Note:**

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

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

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

#### **Meeting Procedures:**

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of West Arthur.

#### **Council Meeting Information:**

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally, all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.

**Vin Fordham Lamont**  
**Chief Executive Officer**



## SHIRE OF WEST ARTHUR - QUESTIONS FROM THE PUBLIC

Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Council Agenda Item Number: \_\_\_\_\_

*If applicable-see below\**

Name of Organisation Representing: \_\_\_\_\_

*If applicable*

### QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.

**Please Note:** Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

**Please see Notes on Public Question Time on Pages 4 and 5 above**

\* **Council Meetings:** Questions are to relate to a matter affecting the Shire of West Arthur.



## APPLICATION FOR LEAVE OF ABSENCE

**(Pursuant to Section 2.25 of the *Local Government Act 1995* (as amended))**

- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
  - (a) if no meeting of the Council at which a quorum is present is actually held on that day;  
or
  - (b) if the non-attendance occurs while –
    - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending;  
or
    - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

I, \_\_\_\_\_ hereby apply for Leave of Absence from the  
 West Arthur Shire Council from \_\_\_\_\_ to \_\_\_\_\_ for the  
 purpose of \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

**NOTE: USE ONE FORM PER DECLARATION**

(1) I, \_\_\_\_\_ wish to declare an interest in the following item to be considered by council at its meeting to be held on

(2) \_\_\_\_\_

(3) Agenda item \_\_\_\_\_

(4) The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(5) The nature of my interest is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) The extent of my interest is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

RECEIVED BY:

\_\_\_\_\_

Chief Executive Officer

\_\_\_\_\_

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

## DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

### ***Financial pursuant to Sections 5.60A of the Local Government Act 1995***

#### **5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

### ***Proximity pursuant to Section 5.60B of the Local government Act 1995***

#### **5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
  - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b). a proposed change to zoning or use of land that adjoins that person's land; or
  - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
  
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
  - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
  
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s. 30.]*

### ***Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995***

#### **5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

### ***Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007***

#### **11 – Disclosure of interest**

- (1). In this regulation –  
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
  
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –
  - (a). in a written notice given to the CEO before the meeting;
  - or
  - (b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
  - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
  - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)***

**5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.





## Shire of West Arthur

### Notice of Ordinary Council Meetings

In accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* Reg 12 (2) it, is hereby notified that as from January 2022 to December 2022, Ordinary Council meetings of the Shire of West Arthur will be held as follows:

DATE		LOCATION	TIME
January 2022	No meetings Scheduled		
15 February 2022	Council Meeting	Council Chambers	7.00pm
15 March 2022	Council Meeting	Council Chambers	7.00pm
12 April 2022	Council Meeting	Council Chambers	7.00pm
17 May 2022	Council Meeting	Council Chambers	7.00pm
21 June 2022	Council Meeting	Council Chambers	7.00pm
26 July 2022	Council Meeting	Council Chambers	7.00pm
16 August 2022	Council Meeting	Council Chambers	7.00pm
20 September 2022	Council Meeting	Council Chambers	7.00pm
18 October 2022	Council Meeting	Council Chambers	7.00pm
15 November 2022	Council Meeting	Council Chambers	7.00pm
13 December 2022	Council Meeting	Council Chambers	7.00pm

## SHIRE OF WEST ARTHUR

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers on Tuesday 26<sup>th</sup> July 2022 – commencing at 7.00pm.

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**1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS**

The Presiding Member to declare the meeting open.

**2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

COUNCILLORS:      Cr Neil Morrell                      (Shire President)  
                         Cr Graeme Peirce                      (Deputy Shire President)  
                         Cr Neil Manuel  
                         Cr Adam Squires  
                         Cr Robyn Lubcke  
                         Cr Karen Harrington  
                         Cr Duncan South

STAFF:                      Vin Fordham Lamont                      (Chief Executive Officer)  
                         Raj Sunner                                      (Manager Corporate Services)  
                         Kerry Chia                                      (Projects Officer)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBER OF THE PUBLIC:

**3. ANNOUNCEMENTS BY THE PRESIDING MEMBER****4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****5. PUBLIC QUESTION TIME****6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. DISCLOSURES OF INTEREST**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD****9.1 Ordinary Council Meeting Minutes 21 June 2022****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are 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 21 June 2022 be confirmed as true and correct.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**10. REPORTS OF COMMITTEES OF COUNCIL****11. REPORTS FROM COUNCILLORS**

**Cr Neil Morrell (President)**

**Cr Graeme Peirce (Deputy President)**

**Cr Neil Manuel**

**Cr Adam Squires**

**Cr Robyn Lubcke**

**Cr Karen Harrington**

**Cr Duncan South**

**12. CHIEF EXECUTIVE OFFICER****12.1 Statutory Review of the *Biosecurity and Agriculture Management Act 2007***

<b>File Reference:</b>	<b>8.10.12</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>6 July 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>1. WALGA Discussion Paper</b>

**Summary:**

Council is requested to consider the attached information and support the amended WALGA Biosecurity Policy Position as stated in Section 4 of the attached Discussion Paper and advise Department of Primary Industries and Regional Development (and WALGA) accordingly.

**Background:**

Biosecurity is the management of risk from pests and diseases entering, emerging, establishing or spreading in Australia. Local Governments are a key stakeholder under the shared responsibility model between government, industry and community to address biosecurity matters.

In March 2022, the State Government appointed an independent panel to undertake the statutory review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act). The panel has been tasked with assessing the BAM Act's operation and effectiveness. The Panel has designed a three stage engagement process over the course of 2022-23, with Stage 1 of public consultation on the BAM Act Review now open. Stage 1 will identify the major themes and issues for the panel to consider. Feedback received will inform Stage 2, which will be a participatory process for all stakeholders to further explore the themes and issues. Stage 3 will include broader engagement to get feedback on the findings and potential solutions.

WALGA has prepared a Discussion Paper (attachment 1) with 11 key themes and recommendations to provide context on relevant matters for Local Government and assist the sector in providing input to Stage 1 of the BAM Act Review consultation process.

Given the short timeframe of Stage 1, WALGA strongly encourages Local Governments to provide feedback directly to the Review by **Wednesday, 27 July 2022**.

Local Governments are also asked to provide WALGA with a copy of their response/submission to the review and any additional feedback on WALGA's Discussion Paper. Responses can be provided to [environment@walga.asn.au](mailto:environment@walga.asn.au) by **Wednesday, 27 July 2022**. Feedback received from Local Governments will inform WALGA's ongoing biosecurity advocacy on behalf of the sector, the development of a draft submission to the BAM Act Review later in 2022 and an update of WALGA's Biosecurity Management Policy Position if required.

**Comment:**

WALGA's current Biosecurity Policy Position was endorsed in 2017 and replaced the previous position from 2006. It was developed following workshops across the State that engaged a range of stakeholders, including Elected Members, the Biosecurity Council, State Government, Recognised Biosecurity Groups and NGOs.

The WALGA Biosecurity Policy Position states:

1. *Local Government believes that State Government has responsibility for the following parts of a biosecurity system:*

- *pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks*
  - *assistance to the private sector for newly established, industry-specific pests*
  - *assistance to land managers for newly established pests (where the incursion has occurred despite the landowner's best biosecurity management effort)*
  - *establishment of a biosecurity network and regional cooperative arrangements*
  - *enforcement of regulations*
  - *compliance with regulations on State Government managed land*
  - *specific research projects and specialised diagnostic services, and*
  - *enhancement of barrier fences.*
2. *Local Government are not supportive of Recognised Biosecurity Groups (RBGs).*
  3. *Local Government calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act 2013 approach, and in consideration of either model that:*
    - *there are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments*
    - *there is direct contact with Local Governments, State Government agencies and departments, and major industry groups*
    - *that either model is resourced by State Government to undertake the required activities*
    - *that either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act 2007, and*
    - *that it assists in the delivery of national, state and local priority species management.*
  4. *That as matter of priority, the Government undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act 2007 and its regulations.*

At the WALGA Annual General Meeting on 19 August 2019, the following motion was carried:

*WALGA revokes its current policy position of not supporting the establishment and operations of Recognised Biosecurity Groups (RBGs) and that the decision on whether to support RBGs is to rest with individual Local Governments.*

In considering the AGM motion in March 2020, the WALGA Environment Policy Team noted the commitment of the Agriculture Minister to a review of BAM Act in 'this term of government' and agreed that:

*'WALGA retains its current biosecurity policy position of not supporting the establishment and operations of Recognised Biosecurity Groups subject to the outcomes of the review of the Biosecurity and Agriculture management Act 2007'.*

**Consultation:**

Nil

**Statutory Environment:**

*Biosecurity and Agriculture Management Act 2007*

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

West Arthur Towards 2031

Theme: Local Economy – Stable and sustainable agricultural industry and a dynamic and growing business sector.

Outcome: Improved employment through diversification in Agricultural enterprises

Strategy: Liaise with key stakeholders to continue to support agriculture in the Shire

**Risk Implications:**

***Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.*** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	The legislation does not change, and property owners' rights are not protected in regards to continued unwanted biosecurity levies.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(8) Medium
Risk Likelihood (based on history and with existing controls)	(4)
Risk Consequence	(2)
Principal Risk Theme	Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Provide input into the legislative review.

**Voting Requirements:**

Simple majority

**Officer Recommendation:**

That Council support the amended WALGA Biosecurity Policy Position as stated in Section 4 of the attached Discussion Paper and advise Department of Primary Industries and Regional Development (and WALGA) accordingly.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_



**12.2 Draft Child Safe Awareness Policy for Local Government**

<b>File Reference:</b>	<b>4.10.9</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>11 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Consultation Paper</b> <b>2. Child Safe Awareness Policy Template for Local Govt</b>

**Summary:**

Council is requested to consider endorsing the attached Draft Child Safe Awareness Policy (Attachment 2).

**Background:**

The Department of Communities is seeking feedback on a draft Child Safe Awareness Policy for Local Government which aims to reduce the risk of harm and child abuse in local communities.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) recognised local governments' critical role in community development and community safety, particularly roles that impact on child safety, and identified the opportunity to integrate their direct responsibilities to children with their wider role within the community.

The Royal Commission considered the role of local governments in assisting community-based institutions in their local area to become child safe, with support from governments at the national, state and territory levels. The Child Safety Awareness Policy has been drafted in response to Recommendation 6.12 of the Royal Commission, which was accepted in principle by the Western Australian (WA) State Government.

**Comment:**

The Royal Commission identified a range of important functions that Local Governments should fulfil to promote child safety, including:

- developing child safe messages in Local Government venues, grounds and facilities;
- assisting local institutions to access online child safe resources;
- providing child safety information and support to local institutions on a need's basis; and
- supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, Local Governments should designate child safety officer positions from existing staff profiles.

Feedback from consultation about Recommendation 6.12 undertaken by the Department of Local Government, Sport and Cultural Industries (DLGSC) in 2020-21 showed that Local Governments were supportive of creating child safe environments and building the capacity of communities to increase child safety, with a strong preference to embed the recommended functions across all relevant Local Government functions rather than establish a designated Child Safety Officer role.

In June 2022, the Department of Communities (DOC) hosted a co-design process with more than 35 Local Government representatives from across the State to develop a draft policy

template for Local Government regarding their role in fulfilling the functions of Recommendation 6.12.

DOC and DLGSC have now commenced a sector wide consultation process on a Draft Child Safe Awareness Policy for Local Government, which closes on Friday, 12 August 2022.

DOC is the lead agency developing the Child Safe Awareness Policy template which is being developed with the intention of Local Governments adapting it to suit their local circumstances and requirements.

In considering the Draft Policy, Local Governments are encouraged to seek feedback from officers in key roles that are likely to have responsibilities under the Draft Policy.

The Author supports the principle of child safety and adopting an appropriate policy. It is still a concern, however, that Local Government is being forced to undertake functions, albeit of a promotional type, that are the responsibility of other tiers of government.

It is pleasing to note that the draft policy template clearly states that:

- “Local government is not responsible for developing child safe messages but is responsible for sharing them.”
- “Local government does not have oversight, control, responsibility, or accountability for third parties to uphold legal and moral compliance for child safety, or to be a child safe organisation.”

It is recommended, therefore, that Council supports the attached template policy.

**Consultation:**

Nil

**Statutory Environment:**

- The Royal Commission into Institutional Responses to Child Sexual Abuse – Recommendation 6.12.
- Child Care Services Act 2007
- Equal Opportunity Act 1984
- Local Government Act 1995
- National Principles for Child Safety Organisations
- United Nations Convention on the Rights of the Child (CRC)
- Work Health and Safety Act 2020
- Working with Children (Criminal Record Checking) Act 2004

**Policy Implications:**

Nil at this stage. Council will need to consider adopting a policy consistent with this template in the future.

**Financial Implications:**

No direct financial implications but adding responsibilities to existing roles will have an overall effect on the organisation’s ability to carry out its existing functions.

**Strategic Implications:**

West Arthur Towards 2031

Theme: Community – Safe, Friendly and Inclusive

Outcome: A safe place to work, live and visit

Strategy: Prevention of crime

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Reputational risk by not implementing a framework for the safety of children in our community
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(12) High
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(4) Major
Principal Risk Theme	Inadequate engagement practices
Risk Action Plan (Controls or Treatment Proposed)	Endorse a Child Safe Awareness template policy

**Voting Requirements:**  
Simple majority

**Officer Recommendation:**

That Council:

1. Endorse the attached Draft Child Safe Awareness Policy for Local Government; and
2. Advise the Department of Communities and Department of Local Government, Sport and Cultural Industries accordingly.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>12.3 Aboriginal Cultural Heritage Event</b>
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<b>File Reference:</b>	<b>8.1.1</b>
<b>Location:</b>	<b>Nissen Hut, Coalfields Hwy, DARKAN</b>
<b>Applicant:</b>	<b>Aboriginal Elders (representative Michelle Cockie)</b>
<b>Author:</b>	<b>Kerryn Chia – Projects Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>11 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Back to Darkan Event - Application for Grant</b>

**Summary:**

The Aboriginal Elders from Darkan have applied for a grant from Connect Groups – Dream it Forward program to host a cultural day (Back to Darkan) at the Nissen Hut. The grant application was for \$6,978. The group was successful in receiving \$3,500 to run their proposed program. In order to run the event, the Aboriginal Elders will need to modify the program and have requested Shire in-kind support to the value of approximately \$690 to allow the event to go ahead.

**Background:**

The Aboriginal Elders from the Darkan area were keen to host an event to reconnect their families with the area and more specifically with the old Aboriginal Reserve (Nissen Hut and Caravan Park area) where many of these people grew up.

The Elders applied for a grant of \$6,978 through Connect Groups – Dream it Forward Program to run various activities which were designed to reconnect with country and to assist with Aboriginal health and wellbeing (including community artwork, care packages, music and craft works such as weaving and doll creation). The Shire provided a letter of support for this grant application. It is proposed to run the event in September 2022.

The grantees were successful in obtaining a grant of \$3,500 which will not cover the whole program. However, as part of the grant application there were a number of items that were included that could be provided by the Shire as in-kind contributions which would assist the elders to run this event. These expenses as per the grant application are outlined below:

- Hire of kitchen equipment (roasting oven, BBQ and cool room) – \$530
- Chair hire - \$150
- Toilet Hire - \$365
- Hire of Nissen Hut

All of the above are items that could be provided to the group as in-kind contribution to the event. The fees (ex GST) associated with these items as per the Shire fees and charges schedule are outlined below:

- Hire of camp kitchen – no specific hire fee outlined
- Chair hire (\$1.82 ex GST per chair) – in-kind contribution of approx. \$182 (plus a \$200 bond)
- Hire of Nissen Hut – in-kind contribution of \$54.55
- Toilets – use of toilets for 100 people - \$455

The actual cost to the Shire would be for:

- mowing the grass near the Nissen hut and pony club
- toilet paper used at the toilets
- gas for the BBQ at the camp kitchen
- cleaning of toilets, kitchen and Nissen hut after the event.

**Comment:**

Council agreed at the March 2022 council meeting to allow the use of the Nissen Hut by the Aboriginal Elders through a non-exclusive, short-term lease that includes the conditions:

- a per person/per day payment is made for use of showers and toilets at the caravan park;
- booking to use the hut is made via the current caravan park booking system; and
- no permanent changes to the Nissen Hut during the term of the lease.

**Consultation:**

Traditional Owners  
Connect Group – Dream it Forward Program

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

The combined in-kind contribution would be approximately \$690. There would also be in-kind contribution for the hire of the kitchen however there is no set charge for this in the current Fees and Charges schedule.

**Strategic Implications:**

Outcome 1.3 - A unique identity and a strong connection to our past

Strategy: Reconnect with our Aboriginal heritage

Action: Encourage and support the community (School and CRC) to celebrate NAIDOC week

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure

- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Potential for disruption to patrons of the caravan park as a result of event.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Principal Risk Theme	Community disruption
Risk Action Plan (Controls or Treatment Proposed)	Advise patrons when booking a site and upon check in that an event will be occurring on the date advised by the Elders.

**Voting Requirements:**

Simple majority

**Officer Recommendation:**

That the Shire provide in-kind support for the proposed Back to Darkan Event run by the Darkan Aboriginal Elders. The in-kind support will include use of the Nissen Hut, caravan park toilets, camp kitchen, and Shire hall chairs.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>12.4 Purchase of Playground Equipment for Darkan Railway Reserve</b>
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<b>File Reference:</b>	<b>6.18.1</b>
<b>Location:</b>	<b>Darkan Railway Reserve, DARKAN</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Kerryn Chia – Projects Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>11 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. F4.1 Purchasing Policy</b>

**Summary:**

Council is being asked to deviate from the Shire Purchasing policy to purchase playground equipment for the Railway Reserve Playground. The total cost of the equipment is \$54, 159 ex GST. Only one full quote has been obtained, rather than the minimum three written quotations required by the policy.

**Background:**

As part of the Federal Government's Local Roads and Community infrastructure program, the Shire is upgrading the Darkan Railway Reserve Playground equipment. Part 1 of the playground upgrade has been completed however there are a number of additional items that need to be included to complete the playground.

The original intention was to include a number of key items (a vehicle with a slide and a swing set with a disability swing) in the design. Only two companies are able to supply the vehicle that was originally included in the design. Quotes were obtained from these two companies (Vanryt and Kompan) for this item. Full quotes for all equipment needed was not obtained from both companies. The Projects Officer would like to deviate from the purchasing policy and purchase all playground equipment from Vanryt for the following reasons:

1. Vanryt can supply within 5-6 weeks and are WA based. Oxford Landscaping is available to install within the next 8-9 weeks so purchasing from Vanryt will allow installation to continue quickly. Kompan has to order its equipment from overseas and there is an 18 week wait for delivery.
2. Vanryt items blend with what we already have in the Railway Reserve and are in the "nature play" style. The key items from Kompan do not complement the existing items.
3. Vanryt's price for the "key" items (i.e. tractor/ute and swing set) is much cheaper than the quote provided by Kompan for similar style items. An additional quote from Adventure Plus for a swing set was also much more expensive than Vanryt's swing set. Adventure Plus cannot supply the required vehicle for the playground. Based on this, the remainder of the items required are also likely to be cheaper if supplied by Vanryt.

**Comment:**

Local Roads and Community Infrastructure Phase 3 Projects need to be completed by June 2023.

**Consultation:**

Vanryt  
Adventure Plus  
Kompan  
Councillors

**Statutory Environment:**

Local Government Act 1995



**Policy Implications:**

F4.1 Purchasing Policy

**Financial Implications:**

Playground equipment purchase will be \$54,159 which will be funded through the Local Roads and Community Infrastructure Phase 3 program.

**Strategic Implications:**

Nil

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Purchase of overpriced equipment for the playground
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Principal Risk Theme	Inadequate supplier/contract management
Risk Action Plan (Controls or Treatment Proposed)	Additional quotes have been obtained from other playground suppliers for similar (but not the same) products.

**Voting Requirements:**

Absolute majority

**Officer Recommendation:**

Council approves, by absolute majority, the deviation from the purchasing policy by only obtaining one written quote instead of the minimum of three, to purchase specific playground equipment for the Darkan Railway Reserve from Vanryt, including a ute with slide, swing set and additional climbing frames.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>12.5 Supply of Solar Heating for Pool</b>
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<b>File Reference:</b>	<b>6.19.5</b>
<b>Location:</b>	<b>Darkan Swimming Pool, DARKAN</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Kerryn Chia – Projects Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>11 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Quote for the solar heating</b>

**Summary:**

Council is being asked to deviate from the Shire Purchasing policy to upgrade the solar heating and pumps for the Darkan Swimming Pool. The total cost for the upgrade is \$45,477 ex GST. Only one full quote has been obtained, when the policy requires a minimum of three..

**Background:**

As part of the Federal Government's Local Roads and Community infrastructure program, the Shire is upgrading the Darkan Swimming Pool solar heating system and associated pumps.

Bunbury Pool and Spa Mart has undertaken a variety of projects at the Darkan swimming pool including installation of a pool liner (and resolution of issues associated with the liner) and installation of the new pool steps. Shire Parks staff advised that for these projects Bunbury Pool and Spa Mart were the most reasonably priced supplier, with other suppliers from Perth being significantly more expensive.

At the time of installation of the steps, Bunbury Pool and Spa mart suggested upgrading the pump system to mitigate the issue associated with equipotential bonding. It was suggested that the two single phase pumps for the large pool were replaced with one three phase pump and that the pump for the small pool was replaced with a three phase pump and a motorised controller valve for the heating system.

**Comment:**

The Shire is requesting Council consider deviating from the purchasing policy in order to use Bunbury Pool and Spa Mart who designed the replacement system and who has previously been used for projects at the Darkan Swimming Pool and been deemed to be reasonably priced.

Local Roads and Community Infrastructure Phase 3 Projects need to be completed by June 2023.

**Consultation:**

The Shire has consulted with the Department of Education which has approved this supplier and the certifications required on the supplier's pumps.

Shire Parks and Gardens Staff have liaised with Bunbury Pool and Spa Mart regarding the design of the system.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

F4.1 Purchasing Policy

**Financial Implications:**

Solar heating and pump upgrade will cost \$45,477 ex GST which will be funded through the Local Roads and Community Infrastructure Phase 3 program.

**Strategic Implications:**

Nil

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Purchase of overpriced equipment for the swimming pool
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Principal Risk Theme	Inadequate supplier/contract management
Risk Action Plan (Controls or Treatment Proposed)	Price has remained constant for the last 6 months, supplier is familiar with the pool and system and was found to be reasonably priced when installing other components at the pool

**Voting Requirements:**

Absolute majority

**Officer Recommendation:**

Council approves, by absolute majority, the deviation from the purchasing policy by only obtaining one quotation to upgrade the solar heating system and pumps for the Darkan Swimming Pool.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>12.6 Endorsement of Water Strategy Report</b>
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<b>File Reference:</b>	<b>8.10.11</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Kerryn Chia – Projects Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>15 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Water Strategy Report</b>

**Summary:**

After a series of dry summers where farmers were concerned about water supply, the Shire of West Arthur commissioned WaterTech to produce a whole of Shire Water Strategy document in order to determine the most appropriate way in which to ensure water security throughout the Shire. The document is presented for Council's endorsement.

**Background:**

The Shire of West Arthur has been experiencing a downfall in rainfall consistent with predictions of a drying climate. Two years of below average rainfall in 2019 and 2020 resulted in the Shire office receiving many queries regarding water availability.

The Shire has been dealing with a number of issues associated with water such as the Duranillin Water supply, issues with the Darkan Town Dam supply, Kylie Dam Project and the Darkan Paleochannel, without any overarching guidance on the importance of each of these projects.

In March 2020 it was proposed to undertake a whole of Shire Water Strategy Project which aimed to provide:

- an audit of current available water supplies including identification of known ground water supplies and the amount of water that could be sustainably drawn from these supplies, and additional surface water supplies;
- identification of areas where water supplies need to be developed;
- identification of gaps in our knowledge;
- a proposed plan for development of additional water supplies.

In May 2020 WaterTech was commissioned to undertake the preparation of this document. Scott Wills from WaterTech (now with Environnivate) presented the document to Councillors and members of the public on 12 July 2022.

**Comment:**

Importantly, the Water Strategy document includes a recommended action plan which will guide officers moving forward.

**Consultation:**

Tracy Calvert – Department of Water Environment and Regulation  
Pippa Hepburn – Great Southern Development Commission  
Rob Cossart – Wheatbelt Development Commission

**Statutory Environment:**

Water Services Act 2012  
Water Agencies (Power) Act 1984  
Rights in Water and Irrigation Act 1914  
Country Areas Water Supply Act 1947

**Policy Implications:**

The Beaufort Paleochannel

**Financial Implications:**

Currently none of the proposed recommendations in the report have been allocated funding. It is proposed to approach DWER and Southwest Development commissions to determine if funding may be available to implement some or all of the recommendations.

**Strategic Implications:**

West Arthur Towards 2031

Vision - Natural Environment – our natural assets are valued and meet the needs of the community

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

Strategies and plans:

- Develop a whole of Shire Water Strategy to better manage our water resources and target development of supplies
- Invest in water security and manage existing water resources in a sustainable manner
- Encourage development of private water supplies.
- 

Vision - Local Economy – Stable and sustainable agricultural industry and a dynamic and growing business sector

Outcome 2.1 – Improved employment through diversification in Agricultural

Strategies and Plans:

- Investigate opportunities for diversification within the agricultural sector
- Investigate water security and development opportunities associated with water sources
- Liaise with key stakeholders to continue to support agriculture in the Shire.

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure

- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	The District runs out of non-potable water.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(25) Extreme
Risk Likelihood (based on history and with existing controls)	(5) Almost Certain
Risk Consequence	(5) Catastrophic
Principal Risk Theme	Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Implement recommendations in Water Strategy

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

That Council endorse the Shire Water Strategy document as presented.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_



**12.7 Purchase Changeroom Furniture – Lake Towerrinning**

<b>File Reference:</b>	<b>6.16.3</b>
<b>Location:</b>	<b>Lake Towerrinning</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Kerryn Chia – Projects Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>19 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>

**Summary:**

Council is being asked to deviate from the Shire Purchasing policy to purchase furniture for inclusion in the Lake Towerrinning Changeroom upgrade. The total cost of the furniture is \$6,718.67 plus freight of \$1,210.00. A quote was obtained from the same company that supplied furniture for the shade shelters at the lake.

**Background:**

As part of the Federal Government's Local Roads and Community infrastructure program, the Shire is upgrading the change rooms at Lake Towerrinning and converting them into an undercover picnic area.

Furniture was supplied for the new shade shelters installed at the lake by Burdens Australia in 2021. The Shire would like to deviate from the purchasing policy of requesting 2 quotes for items over \$5000 so that the furniture being purchased for the new change room conversion can be matched to the existing furniture at the Lake.

The quote includes the purchase of one picnic setting suitable for wheelchairs (\$3,359) and one coffee table setting (\$3,360), as well as freight (\$1,210).

**Comment:**

Burdens Australia was selected to supply the furniture for stage 1 of the Lake Towerrinning development through a competitive process where three quotes were obtained. Local Roads and Community Infrastructure Phase 3 Projects need to be completed by June 2023.

**Consultation:**

Burdens Australia  
Shire Builder

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

F4.1 Purchasing Policy

**Financial Implications:**

Furniture purchase and freight will be \$7,929 which will be funded through the Local Roads and Community Infrastructure Phase 3 program.

**Strategic Implications:**

Nil

**Risk Implications:**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Purchase of overpriced furniture for Lake Towerrinning.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
Principal Risk Theme	Inadequate supplier/contract management
Risk Action Plan (Controls or Treatment Proposed)	Supplier was selected as part of a competitive process for Phase 1 of Lake upgrades.

**Voting Requirements:**

Absolute Majority

**Officer Recommendation:**

That Council approve, by absolute majority, the deviation from its purchasing policy, by only obtaining one quote instead of two, to purchase the table settings for the Lake Towerrinning changeroom upgrade.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## 13. FINANCE

### 13.1 Financial Reports – June 2022

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>M King – Manager Financial Reporting</b>
<b>Authorising Officer</b>	<b>R Sunner – Manager Corporate Services</b>
<b>Date:</b>	<b>21 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Financial Reports – June 2022</b>

**Summary:**

Consideration of the financial reports for the period ending 30 June 2022.

**Background:**

The financial reports for the period ending 30 June 2022 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.

The June financial reports are draft reports as we are still processing end of financial year transactions. These figures may change.

**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 environmental implications.
- **Economic:** There are no economic implications.
- **Social:** There are no social implications.

**Risk Implications:**

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

**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

**Officer Recommendation:**

That the financial report for the period ending 30 June 2022 as presented be accepted.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**13.2 Accounts for Payment – June 2022**

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>R Schinzig – Administration Officer</b>
<b>Authorising Officer</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>21 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Accounts for Payment Listing – June 2022</b>

**Summary:**

Council to endorse payments of accounts for June 2022 as listed.

**Background:**

The schedule of accounts for payment 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:**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making
  - (1) A payment may only be made from the municipal fund or the trust fund —
    - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
    - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
  - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
  
13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
  - (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
    - (a) the payee's name; and
    - (b) the amount of the payment; and
    - (c) the date of the payment; and
    - (d) sufficient information to identify the transaction.
  - (2) A list of accounts for approval to be paid is to be prepared each month showing —
    - (a) for each account which requires council authorisation in that month —
      - (i) the payee's name; and
      - (ii) the amount of the payment; and
      - (iii) sufficient information to identify the transaction;
 and
    - (b) the date of the meeting of the council to which the list is to be presented.
  - (3) A list prepared under sub regulation (1) or (2) is to be —
    - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

**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 environmental implications.
- **Economic:** There are no economic implications.
- **Social:** There are no social implications.

**Risk Implications:**

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

**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

**Officer Recommendation:**

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 16062022.1-16062022.34, 24062022.1, 30062022.1-30062022.36, Cheques 020069 & 020070, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$659061.45 listed (attached) be noted as approved for payment.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_



**14. PLANNING AND TECHNICAL SERVICES****14.1 Development Application - 14 Jarrah Street Bowelling**

<b>File Reference:</b>	<b>A871</b>
<b>Location:</b>	<b>Lot 11 (#14) Jarrah Street, Bowelling</b>
<b>Applicant:</b>	<b>C Halton</b>
<b>Author:</b>	<b>G Lush – Planning Consultant</b>
<b>Authorising Officer</b>	<b>V Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>19 July 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Site Plan</b> <b>2. Development Plan</b>

**Summary:**

To consider a development application for a single dwelling. The subject land is zoned Residential – R10. A single dwelling is a (P) permitted use in the Residential zone and does not normally require a planning approval provided that it complies with the Residential Design Codes. The R Codes do not prescribe any minimum size for a dwelling.

In this instance a planning approval is required as the site is within the Wellington Reservoir Catchment Special Control Area. However, Department of Water & Environmental Regulation has no objection to the application.

A planning approval is also required for any transportable building within a townsite. However, Council has resolved that this does not apply to new modular homes which are built in the factory and transported to site.

Consequently, there is no objection to the application.

**Background:**

This application was considered by Council at its Meeting of the 21 June at which time it resolved to advertise the application to owners of surrounding private properties.

The subject land is No 14, Lot 11 on DP129064, Jarrah Street, Bowelling. The subject land has an area of 2,021sqm with a frontage of 30m to Jarrah Street. The adjacent Lot 10 is owned by the applicant's daughter, while all the other adjacent land is Unallocated Crown Land.

There is an existing shed, being a sea container, and patio on the site as well as a carport used to store a caravan.

The former Bowelling Station Masters House (Lot 3) is located approximately 90m to the south west of the site and this is a Category 2 Heritage Site.

The application is to develop a single dwelling having an area of 20.12sqm being 8.4m x 2.4m. This will have a 2m wide veranda extending across the front of the building. A site plan is shown in Attachment 1 and the Development Plan in Attachment 2. This will consist of a 6m x 2.4m "office crib room" and an attached 2.4m x 2.4m "ablutions unit." This is a new transportable unit with colourbond 'surfmist' cladding.

The building will be setback 11.8m from the rear boundary, 9m from the side boundary and 52.7m from the front boundary.

Jarrah Street is a narrow unformed gravel access track approximately 3.0m wide.

**Comment:**

In considering an application the local government is to have due regard to the matters contained in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the application. These are referenced in the comments below.

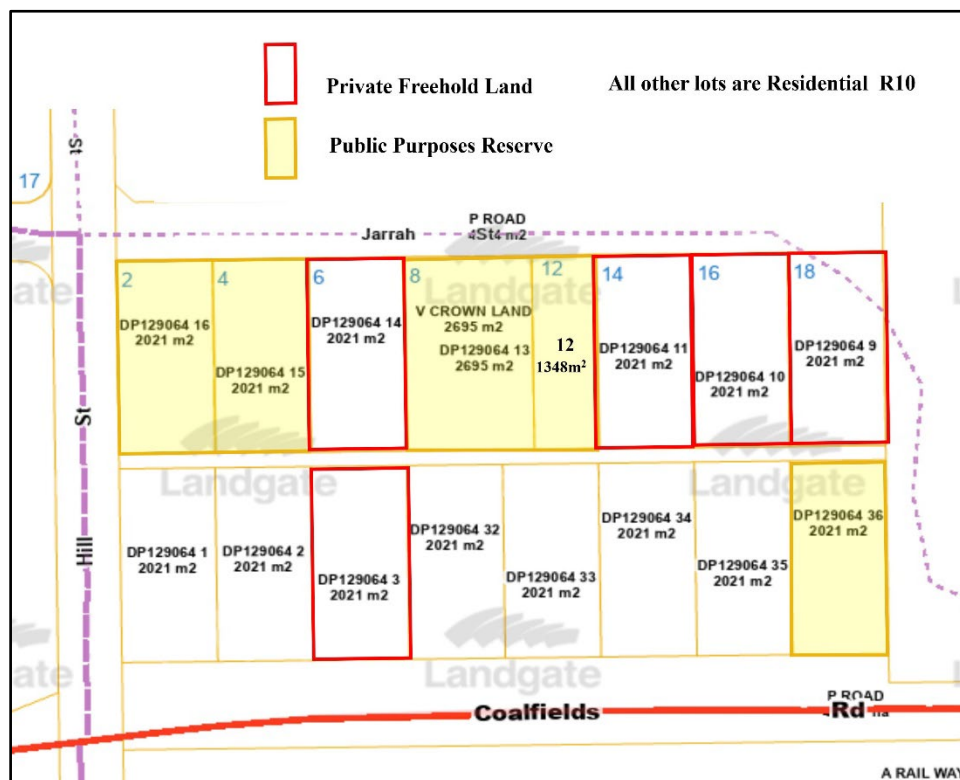
While the subject land is zoned 'Residential' and is located within a gazetted townsite, the potential issues with the application are:

- a) Townsite development;
- b) The proposed size of the dwelling;
- c) The dwelling being a transportable "office crib room";
- d) Existing structures;
- e) Site access;
- f) Visibility;
- g) Unsightly property;
- h) Development within the Wellington Catchment;
- i) Vehicle Use;
- j) Fire safety;
- k) Camping; and
- l) Orderly and proper planning for the locality.

A) Townsite Development – Clause 67(a), (b) & (zb)

The tenure and zoning of the surrounding lots is shown below. There are sixteen (16) lots in total which front both Jarrah Street and Coalfields Highway. There are five (5) freehold lots and these are all zoned 'Residential R10'. Of the eleven (11) crown lots, six are zoned 'Residential R10' and the other five are reserved for Public Purposes.

The Department of Planning Lands and Heritage has confirmed that there are no lots proposed for sale or listed in the Crown land divestment program.



**B) Dwelling Size – Clause 67(a) & (c)**

The Residential Design Codes (R-Codes) contain provisions for Special purpose dwellings including ancillary dwellings; aged or dependent persons' dwellings; and single bedroom dwellings. The R Codes do not prescribe any minimum size for a dwelling. It stipulates that single bedroom dwellings shall have a maximum plot ratio area of 70sqm and comply with the general siting requirements.

The Design Principles (Objectives) promote that they can be an alternative and affordable housing options for singles or couples that reduces car dependence, i.e. is located in close proximity to public transport and convenience shopping. But this is a typical urban/city perspective that is not applicable in a rural area.

It is noted that Council in 2021 approved a 47.5sqm dwelling (13.2m x 3.6m) in the Darkan townsite. At this time, it was noted that 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.

**C) The dwelling being a transportable “office crib room” – Clause 67(a) & (c)**

The classification of the building as a dwelling is strictly a building and health issue relating to the National Construction Code and the Health Act. The Building Surveyor has advised that:

In order to assess it is required that a formal application be provided starting with the BA1 application form supported by the site plan, (in this case a certified application) the CDC supported by the documentation cited by the certifier, and a Septic application for Health Approval.

However, based on the above documentation and assuming that all the documentation cited on page 2 of the CDC is attached to the building application, the documentation, in principle, would conform to the BCA requirements BCA3.8.3.2 as a Class 1 building.

Please note that the Modus endorsement on the office crib document does not match the CDC.

In relation to it being a transportable building, Clause 5.10 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. Council in 2021 accepted that Clause 5.10 of the Scheme does not apply to new modular homes which are built in the factory and transported to site as new dwellings.

**D) Existing Structures**

The property was purchased by the current owner in 2013 and aerial photography taken at that time does not show any development on the site. The existing structures currently on the site include:

- A sea container / patio;
- A carport used for caravan storage; and
- A rainwater tank.

The development of the sea container / patio and carport required both a planning approval and a building licence. The status of these structures is a separate issue to the consideration of the current application.

The complaint regarding development within the adjacent Crown Land has been referred to the Department of Planning Lands and Heritage which is investigating the matter.

**E) Site access – Clause 67(s) & (t)**

Clause 5.7 of the Scheme requires planning approval for development of any lots abutting an unconstructed road reserve. Jarrah Street has minimal construction being more of a local

access track / driveway rather than a public road. It extends from Hill Street to the subject land (150m) and continues to Lot 9.

As there are only four freehold lots in Jarrah Street, it only requires minimal access. In its present condition, it may be difficult for a semi-trailer to access the site. No vegetation can be removed from the road reserve, without the approval of DWER. The Shire has no obligation to construct the road to a higher standard.

F) Visibility – Clause 67(b), (m) & (n)

Given the size of the subject land and its location, consideration should be given to the potential impact of the development's visibility from the surrounding area including from Coalfields Highway. The applicant has submitted that

In regards to your concerns about potential impacts to amenity, I have the following comments to make. The building will not negatively impact on the local amenity as it will be sufficiently screened with thick native vegetation from both Jarrah Road and Coalfields Road. There is also vegetation that will screen the building from the closest property which contains a house (Lot 3 Coalfields Rd). 16 Jarrah St is owned by my daughter and has no objections to the building. She will provide a letter of support if required. The verandah will assist in the appearance of the transportables.

The existing vegetation on the adjacent Lot 34, which separates the subject land from the Highway does provide screening, especially by the scrub vegetation which is generally less than 2m in height.

In the event that the lots along Coalfields Highway which are zoned 'Residential' (as shown below) are developed, then that development would be highly visible from Coalfields Highway.

G) Unightly Property – Clause 67 (m)(n)

This issue has three components being the appearance of the proposed dwelling, the existing structures or the general nature of the property.

Council is required to have due regard to the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. In this context the subject land is a residential lot within a gazetted townsite that is zoned for residential purposes. Applying measures in relation to a proposed dwelling requires a clear justification demonstrating the need to mandate such controls. For example, this would apply in a designated Heritage Precinct.

As the land is zoned Residential, then it is expected to be developed for residential purposes.

The general state or untidy nature of a property is addressed by the Local Government Act which contains provisions relating to unsightly land which does not conform with the general appearance of other land in the locality and this is a separate issue to the current application.

H) Development within the Wellington Catchment – Clause 67(a), (o) & (za)

Given that the Department of Water & Environmental Regulation has advised that it does not object to the application, this is no longer an issue.

I) Vehicle Use

The use of off-road vehicles is not directly related to the consideration of this application. Any vehicle using a gazetted public road must comply with the normal traffic and registrations provisions.

The control of vehicles in off-road areas in Western Australia is regulated under the Control of Vehicles (Off-road Areas) Act 1978 and is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC). The Department of Water and

Environmental Regulation also advises that the ORV Act also applies to any public drinking water source areas such as the Wellington Dam catchment.

J) Fire safety - Clause 67(q) & (r)

The issue of fire safety relates to both fires within the subject land and the general safety of the site in relation to external bushfires. The use of camp fires or open fires is regulated by the Bush Fires Act and the Shire's Firebreak Notice.

The Bowelling townsite is surrounded by extensive areas of bushland with an extreme bushfire hazard level. Further intensification of development (subdivision) would not meet the objectives of State Planning Policy SPP3.7 Planning in Bushfire Prone Areas. However, any proposed limitation or restriction on permitted uses would need strategic justification and would apply to all the lots rather than just the subject land.

As indicated a Bushfire Attack Level (BAL) Assessment has been provided and the development site has a BAL-29 rating which complies with the provisions and objectives of SPP 3.7. This should not be taken as meaning that the site is safe from any possible bushfire as the construction provisions are only one element of appropriate bushfire management.

K) Camping

Non-commercial camping on the site is not a town planning consideration and is controlled under the Caravan Parks and Camping Grounds Act 1995 and associated Regulations. In addition, there may be issues relating to requirements for a potable water supply and approved effluent disposal system under the Health Act.

L) Orderly and proper planning for the locality - Clause 67(b)

The term 'orderly and proper planning' is a common planning term and relates to the planning framework including the applicable State Planning Policies and Scheme Objectives and Provisions.

The residential use of the property is consistent with the Scheme. The application does not conflict with the objectives of the Residential zone.

There are no provisions or policies relating to the size and design of the dwelling. Nor are there any policies or reference in the Local Planning Strategy to the development of Bowelling townsite. Unserviced residential lots in a rural townsite such as these are not normally appropriate. In a new Scheme, they would now be likely to have a specific zoning, objectives and provisions. In other similar locations such areas have been included in the Rural zone which effectively prohibits development because of the boundary setback requirements, even on freehold lots.

This issue will need to be further considered in the review of the Town Planning Scheme and Local Planning Strategy.

**Consultation:**

The application has been advertised and three submissions were received. Two of these object to the application and the third supports new people moving to the area provided that the buildings and development of the area meet all of the appropriate specifications and safety measures.

The objections raise multiple issues including:

- The unsightly nature of the existing development and camp site.
- That the existing buildings are being used for habitation and another detached habitable building is contrary to the Planning Scheme.
- The site is frequently occupied by the owners for more than 3 nights in a 28-day period, contrary to the Caravan Parks and Camping Grounds Act 1995.
- Objection to the possible freeholding of other crown lots which could then be developed.

- Concern with the increased fire risk.
- The use of off-road vehicles (buggies, moto cross, and quad bikes) on the surrounding gazetted roads disrupting the amenity and safety of the area.

The Department of Water & Environmental Regulation has advised that it does not object to the application subject to:

- The development being acceptable under the Shire's Local Planning Scheme,
- Normal development standards being met, including
- The installation of a suitably approved wastewater system.

The Department of Planning Lands and Heritage has been consulted regarding the possible sale of Crown Lots and also the complaint that unauthorised development has occurred on Crown Land.

### **Statutory Environment:**

#### Local Planning Scheme No 2

The subject land is zoned Residential R10 in the Scheme and residential development is subject to the provisions of the Residential Design Codes. A single dwelling is a (P) permitted use in the Residential zone. The boundary setbacks in the R Codes are 7.5m from the front boundary, 6m from the rear and 1m from the side boundary.

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 states 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.
- The local government must only grant planning approval in accordance with clause 5.10.1 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.

The subject land is also located within the Wellington Reservoir Catchment Special Control Area. Clause 6.2. of the Scheme stipulates that:

- Planning approval is required for all development including a single house; and
- All applications are to be referred to the Department of Environment (DWER) and the local government is to have due regard to recommendations/advice received from the Department when determining applications.

#### State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject land is designated as being bushfire prone. The Deemed Provisions stipulate that a Bushfire Attack Level (BAL) Assessment is required for any "habitable building" in a bushfire prone area.

This has been provided and the development site has a BAL-29 rating which complies with the State Planning Policy.

**Policy Implications:**

None

**Financial Implications:**

The prescribed planning application fee is \$147.

**Strategic Implications:**

The Shire's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 under Built Environment 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

**Risk Implications (Policy G1.11 Adopted May 2022)**

**Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it.** The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Non-compliance with the local planning scheme
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Risk Likelihood (based on history and with existing controls)	Major (4) Non-compliance results in termination of services / approval or imposed penalties
Risk Consequence	Rare (1) The event may only occur in exceptional circumstances
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with conditions of approval and other applicable Regulations.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

- A. That Council approve the use and development of Lot 11 on DP129064 Jarrah Street, Bowelling for a single dwelling subject to compliance with the following conditions:
1. The development hereby approved shall occur 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 proposed dwelling is to be a new modular home, as stated in the application, and not relocated from any other development site.
  3. The proposed building shall be modified to the requirements and satisfaction of Council to ensure that it complies with the definition and requirements for a dwelling in both the Building Regulations and Health Act.
  4. This approval is for a new single dwelling and no second-hand materials may be used without the further prior approval of Council.
  5. 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.
  6. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.
  7. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
  8. The site shall be maintained as a low fuel / asset protection zone in accordance with the Bushfire Attack Level (BAL) Assessment report prepared by Bushfire Prone Planning (Ref 200677 Version 1.0 Dated 25 August 2021).
  9. Effluent disposal system(s) being sensitive to the current environmental concerns associated with nutrient leaching and runoff and being to the satisfaction of the Shire's Environmental Health Officer.
- **ADVISORY NOTES**
    - a) That the applicant be advised that there is no proposed upgrading of the access from Jarrah Street and should this be required then it would be at the applicant's expense and consistent with the Shire's prior approval. No trees may be removed without a clearing permit being issued by the Department of Water & Environmental Regulation.
    - b) The applicant be advised that an application for the building permit application is to be made using forms specified BA1 form and that the Certificate of Design Compliance must include all the supporting drawings, specifications and technical documents. The septic tank application is to be lodged with the building permit application for the dwelling.



- c) Approval of this Development Application does not infer that a building permit or septic tank application will be approved.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**Officer Recommendation:**

- B. The owner be requested to provide evidence that the existing sea container / patio and caravan carport have the necessary town planning and building licence approval.
- C. That the CEO investigate and report to Council on:
- Complaints regarding unauthorised development and activities within the Bowelling townsite;
  - Potential future development of the Unallocated Crown Land; and
  - The need to revise the existing town planning provisions and policies for the townsite as part of the formal review of the Local Planning Scheme and Local Planning Strategy.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**14.2 Old Arthur River Post Office – Development Application**

<b>File Reference:</b>	<b>A2679</b>
<b>Location:</b>	<b>Lot 2 Albany Highway Arthur River</b>
<b>Applicant:</b>	<b>Arthur River Development Group</b>
<b>Author:</b>	<b>Geoffrey Lush – Planning Consultant</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>20 June 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>1. Site Plan</b> <b>2. Development Plan</b>

**Summary:**

To consider a development application for a period telephone box at the Arthur River Post Office which is a designated heritage site. The proposal is consistent with the site's heritage objectives however, as the site is zoned 'Rural' Council's approval is required to reduce the minimum 20m front setback.

There is no objection to the application.

**Background:**

The subject land is Lot 2 on DP75533 Albany Highway, Arthur River. The subject land is owned by the Shire of West Arthur and also known as Local Heritage Place No 40c. This is part of the Arthur River heritage precinct which also contains the Mount Pleasant Inn Kitchen, and Arthur River Hall.

The phone box is red in colour and similar to the one shown in attachment 1. The main difference is the height which is why it is proposed to put the phone box next to the post office rather than under the veranda as it was in this photo which was taken in the 1980s.

**Comment:**

Council's approval is required under two separate provisions of the Local Planning Scheme:

1. As a designated heritage site all development requires an approval; and
2. As the subject land is zoned 'Rural' Council's approval is required to reduce the minimum 20m front setback prescribed in the Scheme.

Council has delegated the approval of minor inconsequential development applications on heritage sites to the CEO. There is no delegation to approve a reduction of the prescribed boundary setbacks.

The application is considered to be consistent with the heritage values of the site as referenced in the application:

The phone box is in keeping with the heritage values of the Post office as there was a phone box under the veranda for many years in the 1970s and 1980s. Whilst the phone box wasn't part of the original construction (1880s) it is something that was often seen with operating post offices in years gone by as both the post and the telephone provided a means of early communication. Additionally, many post offices also housed the switch board for telephone services and it is proposed to link the phone box to the post office switch board on days when special events are held in the area to allow people to communicate from the box to the switch board. The installation of the phone box provides a link to means of communication in by gone eras.

The Rural zoning of the lots at Arthur River is an anomaly and the subject land being Council land with heritage values would be more appropriately zoned as public purpose.

The phone box will be located adjacent to the existing Post Office building with a setback of less than 5 metres. This is due to their being a separate lot between Lot 2 and Albany Highway with this lot being for a road widening, which is shown in Attachment 2. The reduced setback is considered appropriate given the existing development on the site and it being part of the townsite.

**Consultation:**

The application has not been advertised as it is considered that it will not have any impact on nearby landowners.

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

The subject land is zoned 'Rural' in Local Planning Scheme No 2. The minimum development setbacks in the Rural zone are:

- Front : 20.0m;
- Rear : 20.0m; and
- Side : 10.0m.

Clause 5.5 of the Scheme allows the development setbacks to be varied. Where, in the opinion of local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site, the application is to be advertised.

The subject land is also listed in Local Planning Policy No 3 Heritage Places as heritage site No 40C.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

The subject land is not designated as being bushfire prone.

**Policy Implications:**

Local Planning Policy No 3 Heritage Places

**Financial Implications:**

The prescribed planning application fee is \$147, which Council can waive.

**Strategic Implications:**

Shire of West Arthur's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025

- Outcome 1.3 - A unique identity and a strong connection to our past
- Outcome 4.3 – Our cultural heritage is preserved and promoted

**Risk Implications (Policy G1.11 Adopted May 2022)**

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other. The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

**Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption

- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

**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)

Description of Key Risk	Development occurs without approval or conditions of approval are not met
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (1)
Risk Likelihood (based on history and with existing controls)	Insignificant (1)
Risk Consequence	Rare (1) The event may only occur in exceptional circumstances
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with conditions of approval and other applicable Regulations.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

- A. That the Council as the land-owner of Lot 2 on DP75533 Albany Highway, Arthur River, give consent to the Arthur River Development Group to install a phone box 'display' at the Post Office building.
- B. That the Council as the responsible planning authority approve the development of a phone box 'display' at Lot 2 on DP75533 Albany Highway, Arthur River subject to compliance with the following conditions:
  - 1. The development hereby approved shall occur 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.
- C. That the planning application fee be waived.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****16. NEW 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****17. MATTERS BEHIND CLOSED DOORS****18. CLOSURE OF MEETING**

The Presiding Member to declare the meeting closed.