

# Notice of Meeting



31 Burrowes Street, Darkan  
Western Australia 6392  
Telephone: (08) 97362222  
Facsimile: (08) 97362212  
[shire@westarthur.wa.gov.au](mailto:shire@westarthur.wa.gov.au)

Dear Elected Member

The next Ordinary meeting of the Shire of West Arthur will be held on Tuesday 18<sup>th</sup> October in the Council Chambers commencing at 7.00pm.

## Schedule

7.00pm                      Ordinary Council Meeting

Vin Fordham Lamont  
**Chief Executive Officer**

A handwritten signature in black ink, appearing to read "Vin Fordham Lamont", is written over a white background.

## **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  
18 October 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 section 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 18<sup>th</sup> October 2022 – commencing at 7.00pm.

### Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS .....	11
2.	ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....	11
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER .....	11
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	11
5.	PUBLIC QUESTION TIME .....	11
6.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....	11
7.	APPLICATIONS FOR LEAVE OF ABSENCE .....	11
8.	DISCLOSURES OF INTEREST .....	11
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD .....	12
9.1	Ordinary Council Meeting Minutes 20 <sup>th</sup> September 2022.....	12
10.	REPORTS OF COMMITTEES OF COUNCIL.....	13
11.	REPORTS FROM COUNCILLORS .....	13
12.	CHIEF EXECUTIVE OFFICER .....	14
13.	FINANCE.....	14
13.1	Financial Reports – September 2022 .....	14
13.2	Accounts For Payment – September 2022 .....	24
14.	PLANNING AND TECHNICAL SERVICES .....	31
14.1	Planning Application - 14 Jarrah Street Bowelling .....	31
14.2	Planning Application - 16 Jarrah Street Bowelling .....	36
14.3	Planning Application – 786 Don Rd Bowelling .....	41
15.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	45
16.	NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING.....	45
16.1	Elected Members .....	45
16.2	Officers .....	45
17.	MATTERS BEHIND CLOSED DOORS .....	45
18.	CLOSURE OF MEETING .....	45

**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)  
                         Gary Rasmussen                      (Manager Works and Services)  
                         Rajinder Sunner                      (Manager Corporate Services)

APOLOGIES:

ON LEAVE OF ABSENCE:  
                         Nil

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 20<sup>th</sup> September 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 20<sup>th</sup> September 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**

Nil

**13. FINANCE****13.1 Financial Reports – September 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>Melinda King – Manager Financial Reporting</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>14 October 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>Financial Reports – September 2022</b>

**Summary:**

Consideration of the financial reports for the period ending 30 September 2022

**Background:**

The financial reports for the periods ending 30 September 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.

**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.

**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 September 2022 as presented be accepted.

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

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

**SHIRE OF WEST ARTHUR**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 30 September 2022**

	Note	Annual Budget 2022/2023 \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
<b>Opening Funding Surplus (Deficit)</b>	2	1,481,341	1,481,341	<b>1,481,231</b>	(110)	(0%)	
<b>Revenue from operating activities</b>							
Rates		1,885,423	1,881,716	<b>1,881,716</b>	0	0%	
Operating Grants, Subsidies and Contributions	6	550,100	190,562	<b>227,939</b>	37,377	20%	▲
Fees and Charges		295,450	110,988	<b>114,477</b>	3,490	3%	
Interest Earnings		118,897	3,500	<b>3,448</b>	(52)	(1%)	
Other Revenue		68,353	6,324	<b>6,435</b>	111	2%	
Profit on Disposal of Assets		20,676	0	<b>0</b>	0		
		<b>2,938,899</b>	<b>2,193,090</b>	<b>2,234,015</b>	40,926		
<b>Expenditure from operating activities</b>							
Employee Costs		(1,996,848)	(583,340)	<b>(546,049)</b>	37,291	6%	
Less overhead and wage allocations			14,500	<b>14,147</b>	(353)		
Materials and Contracts		(1,131,500)	(292,006)	<b>(291,144)</b>	862	0%	
less Pdepn and POC allocations			2,858	<b>2,788</b>	(70)		
Utility Charges		(90,405)	(15,068)	<b>(14,191)</b>	877	6%	
Depreciation on Non-Current Assets		(2,217,441)	(152,589)	<b>(155,809)</b>	(3,220)	(2%)	
Interest Expenses		(25,062)	(5,524)	<b>(5,524)</b>	0	0%	
Insurance Expenses		(117,423)	(58,712)	<b>(58,431)</b>	281	0%	
Other Expenditure		(48,000)	0	<b>0</b>	0		
Loss on Disposal of Assets		(17,355)	0	<b>0</b>	0		
		<b>(5,644,034)</b>	<b>(1,089,881)</b>	<b>(1,054,213)</b>	35,668		
<b>Operating activities excluded from budget</b>							
Add back Depreciation		2,217,441	152,589	<b>155,809</b>	3,220	2%	
Adjust (Profit)/Loss on Asset Disposal		(3,321)	0	<b>0</b>	0		
Adjust Provisions and Accruals		0	(38,807)	<b>(38,807)</b>	0	0%	
<b>Amount attributable to operating activities</b>		<b>(491,015)</b>	<b>1,216,991</b>	<b>1,296,804</b>	79,813		
<b>Investing activities</b>							
Grants, Subsidies and Contributions	6	1,200,962	89,000	<b>88,727</b>	(273)	(0%)	
Proceeds from Disposal of Assets		144,050	0	<b>0</b>	0		
Land and Buildings	7	(734,749)	(3,649)	<b>(3,758)</b>	(109)	(3%)	
Infrastructure Assets - Roads	7	(1,083,221)	(1,500)	<b>(1,294)</b>	206	14%	▲
Infrastructure Assets - Other	7	(627,656)	(115,000)	<b>(110,259)</b>	4,741	4%	
Plant and Equipment	7	(635,696)	(82,000)	<b>(82,791)</b>	(791)	(1%)	
Furniture and Equipment	7	0	0	<b>0</b>	0		
<b>Amount attributable to investing activities</b>		<b>(1,736,310)</b>	<b>(113,149)</b>	<b>(109,375)</b>	3,774		
<b>Financing Activities</b>							
Proceeds from Self Supporting Loan - repayments		29,031	0	<b>0</b>	0		
Transfer from Reserves	5	993,650	0	<b>0</b>	0		
Repayment of Debentures		(101,198)	(22,027)	<b>(22,027)</b>	0	0%	
Proceeds from new borrowings		270,000	0	<b>0</b>			
Transfer to Reserves	5	(445,499)	(1,300)	<b>(1,288)</b>	12	1%	
<b>Amount attributable to financing activities</b>		<b>745,984</b>	<b>(23,327)</b>	<b>(23,315)</b>	12		
					0		
<b>Closing Funding Surplus (Deficit)</b>	2	0	2,561,856	<b>2,645,345</b>	83,490	3%	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.  
Refer to Note 1 for an explanation of the reasons for the variance.

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



**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

**Note 1: Explanation of Material Variances**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.  
The material variance adopted by Council for the 2022/23 year is \$10,000 or 10% whichever is the greater.

**Operating Grants, Subsidies and Contributions**

23271 WALGGC - General Purpose Grant additional received  
11063 WALGGC - Local Roads Grant additional received

**Employee Costs**

37291 Employee costs are below budget.

**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

**Note 2: Net Current Funding Position**

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2022	30 Sep 2022
		\$	\$
<b>Current Assets</b>			
Cash Unrestricted	3	1,331,333	1,804,873
Cash Restricted - reserves	5	2,834,020	2,835,308
Cash Restricted - unspent grants		512,197	574,427
Receivables - Rates	4	131,031	956,251
Receivables - Other	4	174,351	85,998
Inventories		17,256	17,256
		5,000,188	6,274,113
<b>Less: Current Liabilities</b>			
Payables		(172,740)	(219,033)
Unspent grants, contributions and reimbursements 21/22		(512,197)	(424,193)
Unspent grants, contributions and reimbursements current 22/23		0	(150,234)
		(684,937)	(793,460)
Less: Cash Reserves	5	(2,834,020)	(2,835,308)
<b>Net Current Funding Position</b>		<b>1,481,231</b>	<b>2,645,346</b>

**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

**Note 3: Cash and Investments**

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
<b>(a) Cash Deposits</b>							
Municipal Bank Account	814,690			814,690	NAB	0.01%	At Call
Municipal Bank - Bendigo	274,509			274,509	Bendigo	0.01%	At Call
Municipal Cash Maximiser	490,000			490,000	NAB	0.60%	At Call
Trust Bank Account			1,586	1,586	NAB	0.01%	At Call
Trust Cash Maximiser			70,269	70,269	NAB	0.60%	At Call
Reserve Cash Maximiser		180		180	NAB	0.60%	At Call
Bendigo Reserve		537		537	Bendigo	0.80%	At Call
<b>(b) Term Deposits</b>							
Municipal term deposit	800,000			800,000	BOQ	3.45%	13/02/2023
Reserve term deposit		1,214,591		1,214,591	BOQ	3.45%	13/02/2023
Reserve term deposit		1,620,000		1,620,000	Bendigo	3.30%	11/02/2023
<b>Total</b>	<b>2,379,199</b>	<b>2,835,308</b>	<b>71,855</b>	<b>5,286,362</b>			

**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

**Note 4: Receivables**

<b>Receivables - Rates Receivable</b>	<b>30 Sep 2022</b>	<b>30 June 2022</b>	<b>Receivables - General</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Years	200,216	237,534	Receivables - General	7,893	734	836	76,535	85,998
Levied this year (incl rubbish & ESL)	1,989,821	1,876,228						
<u>Less Collections to date</u>	(1,165,052)	(1,919,009)	<b>Balance per Trial Balance</b>					
Equals Current Outstanding	<b>1,024,985</b>	<b>194,753</b>	Sundry Debtors					0
Add paid in advance	451	5,463	Receivables - Other					0
<b>Net Rates Collectable</b>	<b>1,025,436</b>	<b>200,216</b>	<b>Total Receivables General Outstanding</b>					<b>85,998</b>
% Collected	53.20%	90.79%						
Less Recognised as doubtful	(69,185)	(69,185)						

**Amounts shown above include GST (where applicable)**

90+ day amount includes funding including \$63,166 LRCI to be received when annual report/acquittal finalised and accepted.

**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

**Note 5: Cash Backed Reserve**

Name	Opening Balance	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
		Interest Earned	Interest Earned	Transfers In (+)	Transfers In (+)	Transfers Out (-)	Transfers Out (-)	Transfers Out (-)	Transfers Out (-)
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	121,149	3,634	55	0	0	0	0	0	0
Plant Reserve	454,017	13,620	206	290,178	0	(194,650)	0	0	0
Building Reserve	734,309	22,029	334	0	0	(565,000)	0	0	0
Town Development Reserve	1,528	46	1	0	0	0	0	0	0
Recreation Reserve	163,284	4,900	74	0	0	0	0	0	0
Heritage Reserve	6,091	183	3	300	0	0	0	0	0
Community Housing Reserve	169,135	5,074	77	20,000	0	(50,000)	0	0	0
Waste Management Reserve	122,753	3,683	56	0	0	(100,000)	0	0	0
Darkan Swimming Pool Reserve	49,219	1,477	22	5,000	0	0	0	0	0
Information Technology Reserve	66,549	1,996	30	3,000	0	(14,000)	0	0	0
Darkan Sport and Community Centre Reserve	325,422	9,763	148	30,000	0	0	0	0	0
Arthur River Country Club Renewal Reserve	40,150	1,205	18	6,000	0	0	0	0	0
Museum Reserve	128,701	3,861	58	0	0	(5,000)	0	0	0
Moodiarrup Sports Club Reserve	17,581	527	8	5,000	0	0	0	0	0
Landcare Reserve	32,989	990	15	0	0	(5,000)	0	0	0
Corporate Planning and Valuation Reserve	19,945	598	9	0	0	(16,000)	0	0	0
Kids Central Members Reserve	7,156	215	3	0	0	0	0	0	0
The Shed Reserve	12,824	385	6	0	0	0	0	0	0
Recreation Trails Reserve	1,218	36	1	0	0	0	0	0	0
Community Gym Reserve	12,003	360	5	1,000	0	(9,000)	0	0	0
Economic Development Reserve	113,847	3,415	52	0	0	(35,000)	0	0	0
Road Reserve	234,148	7,024	106	0	0	0	0	0	0
	<b>2,834,020</b>	<b>85,021</b>	<b>1,288</b>	<b>360,478</b>	<b>0</b>	<b>(993,650)</b>	<b>0</b>	<b>2,285,869</b>	<b>2,835,308</b>

Note: Reserve transfers are generally completed at year end unless funds are required sooner.

**SHIRE OF WEST ARTHUR**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 30 September 2022**

Note 6: Grants and Contributions	Grant Provider	Type	Opening Balance	Budget Operating	Capital	Revenue Current year	YTD Actual Revenue Carried Forward	(Expended)	Unspent Grant	Comment
			(a)	(b)	(c)	(f)		(g)	(a)+(f)+(g)	
				\$	\$	\$		\$	\$	
<b>General Purpose Funding</b>										
Grants Commission - General	WALGGC - General Purpose Grant	Operating	0	55,000	0	37,021	0	0	0	
Grants Commission - Roads	WALGGC - Local Roads Grant	Operating	0	80,000	0	31,063	0	0	0	
<b>Law, Order and Public Safety</b>										
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Operating - Tied	0	49,844	0	12,461	0	(12,461)	0	
FESA Grant - Arthur River Fire Shed	Dept. of Fire & Emergency Services	Non-operating	0	0	3,649	0	0	0	0	
Purchase of generators		Non-operating	0	0	13,498	0	0	0	0	
<b>Education and Welfare</b>										
Covid-19 Youth Recovery Grants Program	Department of Communities Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	5,000	0	0	0	0	0	0 Youth grant carried forward to 22/23 Received prior year recognised as a liability until spent.
Federal Road & Community Infrastructure - Phase 3	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	476,544	0	88,004	(88,004)	0	
Federal Road & Community Infrastructure - Phase 3	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating	0	214,000	0	0	0	0	0	
Operating grant		Non-operating	0	1,000	0	0	0	0	0	
Other small grants - events										
<b>Transport</b>										
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	329,877	0	0	0	0	
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	377,394	150,957	0	(723)	150,234	
Direct Grant	Main Roads - Direct Grant	Operating	0	144,256	0	147,359	0	0	0	
<b>TOTALS</b>			<b>0</b>	<b>549,100</b>	<b>1,200,962</b>	<b>378,861</b>	<b>88,004</b>	<b>(101,188)</b>	<b>150,234</b>	
<b>SUMMARY</b>										
Operating	Operating Grants, Subsidies and Contributions		0	493,256	0	215,443	0	0	0	
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	54,844	0	12,461	0	(12,461)	0	
Non-operating	Non-operating Grants, Subsidies and Contributions		0	1,000	1,200,962	150,957	88,004	(88,727)	150,234	
<b>TOTALS</b>			<b>0</b>	<b>549,100</b>	<b>1,200,962</b>	<b>378,861</b>	<b>88,004</b>	<b>(101,188)</b>	<b>150,234</b>	

SHIRE OF WEST ARTHUR  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 30 September 2022

## Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
<b>Land and Buildings</b>									
<b>Law, Order and Public Safety</b>									
	Arthur River Fire Shed	0	(3,649)	(3,649)	0	(3,649)	(3,649)	0	Funded by ESL Capital Grant
<b>Housing</b>									
	Renovations to existing joint venture community housing units	0	0	0	(4,640)	(50,000)	(54,640)	54,640	
<b>Recreation And Culture</b>									
	Darkan Sports Precinct - Upgrade power	(109)		(109)		(90,000)	(90,000)	89,891	
<b>Other Property &amp; Services</b>									
	Staff housing improvements/renovations	0	0	0	(3,360)	(25,000)	(28,360)	28,360	
	New staff house	0	0	0	(14,100)	(500,000)	(514,100)	514,100	
	Office - Shire Depot	0	0	0	(4,000)	(40,000)	(44,000)	44,000	
	<b>Buildings Total</b>	<b>(109)</b>	<b>(3,649)</b>	<b>(3,758)</b>	<b>(26,100)</b>	<b>(708,649)</b>	<b>(734,749)</b>	<b>730,991</b>	
<b>Infrastructure</b>									
<b>Community Amenities</b>									
	Darkan Refuse Site	(691)	0	(691)	(20,000)	(100,000)	(120,000)	119,309	
<b>Recreation And Culture</b>									
	Darkan Railway Reserve - redevelopment of play and youth area	(10,196)	(84,581)	(94,777)	(30,000)	(362,369)	(392,369)	297,592	
	Lake Towerrinning - Access improvement	(1,021)	0	(1,021)	(5,000)	(70,000)	(75,000)	73,979	
	Lake Towerrinning - Shade and landscaping	(3,257)	0	(3,257)	(8,000)	(12,287)	(20,287)	17,030	
<b>Economic Development</b>									
	Potable water Infrastructure	0	0	0	0	(20,000)	(20,000)	9,487	
	<b>Infrastructure Total</b>	<b>(15,532)</b>	<b>(94,727)</b>	<b>(110,259)</b>	<b>(63,000)</b>	<b>(564,656)</b>	<b>(627,656)</b>	<b>517,397</b>	
<b>Plant , Equip. &amp; Vehicles</b>									
<b>Transport</b>									
	Loader	0	0	0	0	(320,000)	(320,000)	320,000	
	Water tanker	0	0	0	0	(70,000)	(70,000)	70,000	
	Passenger Vehicles	0	0	0	0	(96,300)	(96,300)	96,300	
	Mower	0	0	0	0	(40,000)	(40,000)	40,000	
	Trailer	0	(82,791)	(82,791)	0	(82,400)	(82,400)	(391)	
	Generators	0	0	0	0	(26,996)	(26,996)	26,996	
	<b>Plant, Equip &amp; Vehicles Total</b>	<b>0</b>	<b>(82,791)</b>	<b>(82,791)</b>	<b>0</b>	<b>(635,696)</b>	<b>(635,696)</b>	<b>552,905</b>	
<b>Roads</b>									
<b>Regional Road Group</b>									
	Boyp Brook Arthur Road	(891)	0	(891)	(109,492)	(202,100)	(311,592)	310,701	
	Darkan Williams Road	(194)	0	(194)	(219,068)	(35,431)	(254,499)	254,305	
	<b>Regional Road Group Total</b>	<b>(1,085)</b>	<b>0</b>	<b>(1,085)</b>	<b>(328,560)</b>	<b>(237,531)</b>	<b>(566,091)</b>	<b>565,006</b>	
<b>Roads to Recovery</b>									
	Trigwell Bridge Road	0	0	0	(154,094)	(62,871)	(216,965)	216,965	
	Howie Road	(209)	0	(209)	(102,141)	(18,424)	(120,565)	120,356	
	<b>Roads to Recovery Total</b>	<b>(209)</b>	<b>0</b>	<b>(209)</b>	<b>(256,235)</b>	<b>(81,295)</b>	<b>(337,530)</b>	<b>337,321</b>	
<b>Shire Funded</b>									
	Dust Suppression	0	0	0	(12,600)	(7,000)	(19,600)	19,600	
	To be determined	0	0	0	(115,000)	(45,000)	(160,000)	160,000	
	<b>Shire Funded Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(127,600)</b>	<b>(52,000)</b>	<b>(179,600)</b>	<b>179,600</b>	
	<b>Roads Total</b>	<b>(1,294)</b>	<b>0</b>	<b>(1,294)</b>	<b>(712,395)</b>	<b>(370,826)</b>	<b>(1,083,221)</b>	<b>1,081,927</b>	
	<b>Capital Expenditure Total</b>	<b>(16,935)</b>	<b>(181,167)</b>	<b>(198,102)</b>	<b>(801,495)</b>	<b>(2,279,827)</b>	<b>(3,081,322)</b>	<b>2,883,220</b>	

**13.2 Accounts For Payment – September 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>Renee Schinzig – Administration Officer</b>
<b>Authorising Officer</b>	<b>Vin Fordham Lamont – Chief Executive Officer</b>
<b>Date:</b>	<b>14 October 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>Accounts for Payment Listing – September 2022</b>

**Summary:**

Council to endorse payments of accounts for September 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.

**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 08092022.1-08092022.28, 09092022.1, 21092022.1-21092022.24, Cheque 020073, Licensing, Salaries and Wages and EFT Transfers, BPAY and Direct Debit totalling \$450,379.32 listed (attached) be noted as approved for payment.

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

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

**ATTACHMENT**

Accounts for Payment Listing – September 2022

**Shire of West Arthur**  
**Accounts for Payment Listing**  
 September 2022

Date	Num	Name	Original Amount
01/09/2022	EFT	<b>SALARIES AND WAGES</b>	64,388.54
		PAYROLL	
01/09/2022	DIRECTDEBIT	<b>NATIONAL AUSTRALIA BANK</b>	146.92
		MERCHANT FEE 009185958	
05/09/2022	DEBIT	<b>WATER CORPORATION</b>	5.72
		WATER USAGE FROM 1SEPT TO 31 OCT 2020 FOR 6 HILLMAN STREET	
06/09/2022	DEBIT	<b>ASGARD SUPER</b>	110.49
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>AUSTRALIAN ETHICAL SUPER FUND</b>	104.76
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>AUSTRALIAN SUPER</b>	1,718.55
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>AWARE SUPER</b>	6,450.84
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>CBUS</b>	278.21
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>COLONIAL FIRST STATE</b>	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>D AND K MELBOURNE SUPERANNUATION FUND</b>	273.37
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>PRIME SUPER</b>	284.99
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	<b>SUNSUPER</b>	28.91
		FORTNIGHTLY SUPERANNUATION PAYMENT	
08/09/2022	08092022.1	<b>AIR LIQUIDE</b>	88.96
		FACILITY FEES ON CYLINDERS	
08/09/2022	08092022.2	<b>BLACKWOOD BASIN GROUP (INC)</b>	1,815.00
		LANDCARE SUPPORT FOR THE PERIOD JULY 2022 (5 X6HR DAYS \$55+GST)	
08/09/2022	08092022.3	<b>DARDANUP BUTCHERING COMPANY</b>	229.89
		SENIOR MEALS - SEPTEMBER WEEK 1 MEALS - APPROX ESTIMATE \$260	
08/09/2022	08092022.4	<b>EASIFLEET MANAGEMENT- MOUNTSVILLE PTY LTD</b>	1,318.99
		SALARY SACRIFICE PAYMENTS BUNCE - MONTH OF SEPTEMBER 2002	
08/09/2022	08092022.5	<b>FLEAYS STORE</b>	77.80
		OFFICE AND COUNCIL MEETING REFRESHMENTS (MILK, COFFEE, SUGAR ETC.) - AUGUST 2022	
08/09/2022	08092022.6	<b>FRONTLINE FIRE &amp; RESCUE EQUIPMENT</b>	2,632.99
		HELMETS AND TORCHES - BUSH FIRE BRIGADE PPE	
08/09/2022	08092022.7	<b>FUEL DISTRIBUTORS OF WA</b>	21,649.21
		11,000.00 LTRS DIESEL	
08/09/2022	08092022.8	<b>G &amp; M DETERGENTS</b>	668.00
		CLEANING SUPPLIES - OFFICE, CARAVAN PARK, PUBLIC TOILETS, LAKE TOWERINNING	
08/09/2022	08092022.9	<b>HERSEY'S SAFETY PTY LTD</b>	950.75
		PPE, ROAD MARKING SPRAY, TAPE MEASURES	
08/09/2022	08092022.10	<b>INTEGRATED ICT</b>	7,389.36
		COMPUTER SCREENS WITH WEBCAM, FREIGHT, SERVICE AND SUBSCRIPTION CHARGES	
08/09/2022	08092022.11	<b>LANDGATE</b>	160.50
		RURAL UV INTERIM VALUATIONS	
08/09/2022	08092022.12	<b>MARKETFORCE</b>	338.28
		ADVERTISEMENT - WEST AUSTRALIAN NEWSPAPER - 3/8 - PROPOSED ROAD CLOSURE NOTICE	
08/09/2022	08092022.13	<b>NARROGIN FREIGHTLINES</b>	21.21
		FRONTLINE FIRE AND RESCUE FREIGHT	
08/09/2022	08092022.14	<b>NARROGIN QUARRY OPERATIONS</b>	7,620.12
		RIP RAP AND ROAD BASE	
08/09/2022	08092022.15	<b>OFFICEWORKS</b>	418.16
		ARCHIVING SUPPLIES	
08/09/2022	08092022.16	<b>RESONLINE PTY LTD</b>	220.00
		ROOM MANAGER SERVICES AUGUST 22	
08/09/2022	08092022.17	<b>SHIRE OF COLLIE</b>	1,661.18
		REIMBURSEMENT OF COMMUNITY EMERGENCY SERVICES OFFICER	
08/09/2022	08092022.18	<b>SOS OFFICE EQUIPMENT</b>	728.30
		PHOTOCOPIER BILLING AUGUST 2022 XEROX APEOSPORT C4570	
08/09/2022	08092022.19	<b>SOUTH REGIONAL TAFE- KATANNING CAMPUS</b>	881.28
		TRAINING AND DEVELOPMENT - SKID STEER COURSE	

**Shire of West Arthur**  
**Accounts for Payment Listing**  
 September 2022

Date	Num	Name	Original Amount
08/09/2022	08092022.20	T-QUIP	66.60
		FILTER ENGINE OIL AND FILTER FUEL ELEMENT - M5 MOWER	
08/09/2022	08092022.21	TOLL TRANSPORT PTY LTD	40.27
		FREIGHT - SOS AND STATE LIBRARY	
08/09/2022	08092022.22	TRADELINK BUNBURY	839.03
		MOODIARRUP HALL - TOILET, BASIN AND TAPS	
08/09/2022	08092022.23	WA CONTRACT RANGER SERVICES PTY LTD	1,075.25
		RANGER SERVICES INC TRAVEL 16/24/29 AUGUST 2022	
08/09/2022	08092022.24	WA TREASURY CORPORATION	27,550.72
		CAPITAL LOAN REPAYMENTS - SEPT 22	
08/09/2022	08092022.25	WAGIN MECHANICAL REPAIRS	1,477.60
		DURANILLIN FIRE TRUCK SERVICE	
08/09/2022	08092022.26	WEST ARTHUR COMMUNITY RESOURCE CENTRE	1,148.85
		DOCTORS HOURS - AUG 22, FOLDING BUSHFIRE NOTICES, LAMINATING FOR SHIRE VEHICLES	
08/09/2022	08092022.27	WESTRAC BUNBURY	239.83
		2 X OUTER AIR FILTERS, 1 X SECONDARY FILTER (R11 ROLLER)	
08/09/2022	08092022.28	WHITE AMY	21.00
		REIMBURSE DISHWASHER TABLETS FOR OFFICE	
08/09/2022	20073	DEPARTMENT OF TRANSPORT 1	164.55
		VEHICLE REGISTRATION RENEWAL - T17	
08/09/2022	BPAY	SYNERGY	6,703.53
		ELECTRICITY USAGE AND SUPPLY CHARGES - VARIOUS	
08/09/2022	BPAY	WATER CORPORATION	10,191.83
		WATER CHARGES - GROWDEN PLACE AND KING STREET	
08/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	70.00
		NAB CONNECT FEES	
09/09/2022	09092022.1	BRUCE ROCK ENGINEERING	91,070.00
		SIDE TIPPING TRAILER RFQ 2105 - AS QUOTED	
15/09/2022	EFT	SALARIES AND WAGES	52,438.93
		PAYROLL	
15/09/2022	DIRECTDEBIT	BENDIGO BANK	30.00
		BANK CONFIRMATION FEE	
20/09/2022	DEBIT	ASGARD SUPER	130.80
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	AUSTRALIAN ETHICAL SUPER FUND	104.76
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	AUSTRALIAN SUPER	1,539.97
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	AWARE SUPER	6,465.61
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	CBUS	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	COLONIAL FIRST STATE	278.98
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	D AND K MELBOURNE SUPERANNUATION FUND	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	PRIME SUPER	298.02
		FORTNIGHTLY SUPERANNUATION PAYMENT	
20/09/2022	DEBIT	SUNSUPER	28.91
		FORTNIGHTLY SUPERANNUATION PAYMENT	
21/09/2022	BPAY	AUSTRALIAN TAXATION OFFICE	10,475.00
		AUGUST 2022 BAS	
21/09/2022	21092022.1	BRUCE ROCK ENGINEERING	45.65
		7 PIN TRAILER PLUG ADAPTOR HD	
21/09/2022	21092022.2	BUNBURY MACHINERY	246.40
		2 X PLASTIC CHUTES AND 1 SET OF BLADES - M7 MOWER	
21/09/2022	21092022.3	BUNCE, GEOFF	130.32
		REIMBURSE PLUMBING SUPPLIES - MOODI HALL TOILETS, HINGE - 2/10 HILLMAN ST	
21/09/2022	21092022.4	COLLIE ELECTRICAL SERVICES	583.00
		CONNECT PUMP - DURA, REPLACE ISOLATOR - MOODI STANDPIPE, 18 GIBBS ST ELECTRICAL REPAIRS	
21/09/2022	21092022.5	CUTTING EDGES	6,605.17
		GRADER BLADES	

**Shire of West Arthur**  
**Accounts for Payment Listing**  
 September 2022

Date	Num	Name	Original Amount
21/09/2022	21092022.6	<b>DARDANUP BUTCHERING COMPANY</b>	157.48
		MEAT ORDER FOR SENIORS MEALS	
21/09/2022	21092022.7	<b>DARKAN AGRI SERVICES</b>	2,393.78
		PARTS & REPAIRS - HOUSING VARIOUS AND FLAG POLE, GAS, PARKS AND GARDENS SUPPLIES, CARAVAN PARK SUPPLIES	
21/09/2022	21092022.8	<b>FLEAY DARREN</b>	207.00
		REIMBURSE WORK BOOTS	
21/09/2022	21092022.9	<b>FLEAYS STORE</b>	681.95
		AUGUST SENIORS MEALS SUPPLIES	
21/09/2022	21092022.10	<b>FORDHAM LAMONT, V</b>	85.00
		REIMBURSE MONTHLY HOME INTERNET CHARGE AS PER CEO CONTRACT	
21/09/2022	21092022.11	<b>FUEL DISTRIBUTORS OF WA</b>	686.44
		FUEL FOR MCS CAR AND WORKS MANAGER CAR	
21/09/2022	21092022.12	<b>GJ &amp; RE ABBOTT</b>	132.00
		60M3 SAND REMOVED FOR PRIVATE WORKS	
21/09/2022	21092022.13	<b>KATHY RASMUSSEN.</b>	179.00
		REIMBURSE WORK BOOTS	
21/09/2022	21092022.14	<b>KIDSAFE WA</b>	440.00
		DARKAN RAILWAY RESERVE - PLAYGROUND ASSESSMENT	
21/09/2022	21092022.15	<b>LGISWA</b>	3,193.17
		MOTOR VEHICLE ADJUSTMENT FOR THE PROTECTION PERIOD 30/6/21-30/6/22	
21/09/2022	21092022.16	<b>PUTLAND MOTORS</b>	7,668.63
		SERVICE - AW0, GREASE AND OILS, WORKSHOP CONSUMABLES, TYRES, BATTERY, PARTS & REPAIRS	
21/09/2022	21092022.17	<b>SHIMMER AND SHINE HOME CLEANING</b>	280.00
		VACATE CLEAN 2/10 HILLMAN STREET	
21/09/2022	21092022.18	<b>SOUTH, REBECCA</b>	68.10
		KNEE PADS FOR WEEDING GARDENS IN COMFORT	
21/09/2022	21092022.19	<b>THINKWATER BUNBURY</b>	346.45
		DAVEY TORRIUM CONTROLLER	
21/09/2022	21092022.20	<b>TOLL TRANSPORT PTY LTD</b>	113.60
		FREIGHT - AUSRECORDS AND BUNBURY MACHINERY	
21/09/2022	21092022.21	<b>WALGA BUSINESS SOLUTIONS</b>	638.00
		PROCUREMENT AND CONTRACT ESSENTIALS	
21/09/2022	21092022.22	<b>WARREN BLACKWOOD WASTE</b>	3,043.01
		WASTE CHARGES - AUGUST 2022	
21/09/2022	21092022.23	<b>WEBB, JANELLE</b>	50.89
		REIMBURSE CLOTHS, MILK AND BIN BAGS - CARAVAN PARK	
21/09/2022	21092022.24	<b>WESTCOAST SEAFOOD</b>	72.00
		ATLANTIC COD FOR SENIORS MEALS	
21/09/2022	BPAY	<b>NAB CREDIT CARD</b>	1,654.55
		NETWORK PORT SWITCH, STORAGE CONTAINER FOR RECORDS, NETWORK EQUIPMENT MCS AND MWS	
		CR SOUTH WALGA CONFERENCE REGISTRATION	
		FUEL FOR CEO VEHICLE	
		COUNCILLORS REFRESHMENTS	
		SHOWER CADDY - 6 HILLMAN STREET	
		INTEREST ON CREDIT CARD	
21/09/2022	BPAY	<b>TELSTRA</b>	1,546.35
		VARIOUS USAGE AND SERVICE CHARGES - SEPT 22	
27/09/2022	DEBIT	<b>BOND ADMINISTRATOR</b>	1,540.00
		BOND ADMINISTRATOR 2/10 HILLMAN STREET, DARKAN	
29/09/2022	EFT	<b>SALARIES AND WAGES</b>	52,144.55
		PAYROLL	
29/09/2022	DEBIT	<b>ASGARD SUPER</b>	99.12
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	<b>AUSTRALIAN ETHICAL SUPER FUND</b>	111.68
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	<b>AUSTRALIAN SUPER</b>	1,603.55
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	<b>AWARE SUPER</b>	6,290.56
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	<b>CBUS</b>	281.49
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	<b>COLONIAL FIRST STATE</b>	273.37
		FORTNIGHTLY SUPERANNUATION PAYMENT	

Shire of West Arthur  
Accounts for Payment Listing  
September 2022

Date	Num	Name	Original Amount
29/09/2022	DEBIT	D AND K MELBOURNE SUPERANNUATION FUND	273.05
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	PRIME SUPER	313.48
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	SUNSUPER	28.91
		FORTNIGHTLY SUPERANNUATION PAYMENT	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	5.04
		FEE ACCOUNT 086724 508314385 FEES	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	10.00
		FEE ACCOUNT 086852 508314406 FEES	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	73.90
		FEE ACCOUNT 086724 508314385 FEES	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	600.00
		FEE ACCOUNT 086724 508314385 FEES	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	41.74
		NAB CONNECT FEES	
30/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	234.56
		MERCHANT FEES 09185958	
		<b>VOUCHERS</b>	<b>AMOUNT</b>
		MUNICIPAL FUND	
		08092022.1 - 08092022.28	81,329.13
		09092022.1	91,070.00
		21092022.1 - 21092022.24	28,047.04
		CHEQUES - 020073	164.55
		EFT/DEBIT/BPAY	61,526.28
		SALARIES & WAGES	168,972.02
		LICENSING SEPTEMBER 2022 TRANSFERS	19,270.30
		TOTAL	<b>450,379.32</b>

**14. PLANNING AND TECHNICAL SERVICES****14.1 Planning 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>Christine Halton</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>10 October 2022</b>
<b>Disclosure of Interest:</b>	<b>None</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 14.1 Council Meeting 26<sup>th</sup> July 2022</b>

**Summary:**

To consider a retrospective development application for a sea container with a patio. The issues are:

- 1) What action if any might Council take in relation to there not being any clear evidence that the structures had the relevant approvals; and
- 2) If this was a new application would Council approve it?

As an approval was issued for a sea container on the adjacent lot the answer to Item (2) is most likely yes.

**Background:**

The subject land is No 14, Lot 11 DP129064 Jarrah Street, Bowelling. The subject land has an area of 2,021sqm with a frontage of 30m to Jarrah Street.

Council at its Meeting of the 26<sup>th</sup> July 2022 considered an application for a single dwelling on this property. At this time Council resolved to:

- A) Approve the application.
- B) Request the owner to provide evidence that the existing sea container / patio and caravan carport have the necessary town planning and building licence approvals.
- C) Have the CEO investigate and report to Council on complaints regarding unauthorised development and activities within the Bowelling townsite.

In response to the above the owner has made an application for the sea container and advised that:

“The Sea container BA2 was submitted to shire 8 years ago by my father the contact Steve Friend no longer works at shire and reception said record keeping wasn't very good that long ago and they can't find the approval and we also can't find. Can we just submit another BA2 for sea container?

Also, the other two requests by shire for planning/building for existing patio attached to sea container and caravan which is moveable and doesn't have a carport, can we submit planning application for those also.”

There does not appear to be any approvals (or applications) in the Council records and the owner has not been able to provide any evidence of these.

It is noted that the adjacent Lot 10, also has a sea container on the site which was approved in March 2017.

The structures are shown below, and it is noted that the “caravan roof” is not a fixed permanent structure.



**Comment:**

Application

The subject land is zoned Residential – R10. The Residential Design Codes prescribe that an outbuilding does not need an approval where:

- (i) individually or collectively does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- (ii) set back in accordance with Table 2a (1m boundary setback);
- (iii) does not exceed a wall height of 2.4m;
- (iv) does not exceed a ridge height of 4.2m;
- (v) not located within the primary or secondary street setback area; and
- (vi) it does not reduce the open space and outdoor living area requirements in Table 1.

The sea container with the attached patio is 21sqm in area (6mLx3.5m). It is setback 6.7m from the side boundary and approximately 12m from the rear boundary.

Planning approval is required as:

- The site is within the Wellington Reservoir Catchment Special Control Area.
- The sea container is considered to be a transportable building located within a townsite.

As an approval was issued for a sea container on the adjacent lot, and given that the structures are not visible from the Coalfields Highway, there is no objection to the proposal provided that the building is not used for habitable purposes.



**Statutory Enforcement**

Pursuant to Section 218 of the Planning and Development Act a person who commences, continues or carries out any development otherwise than in accordance with the provisions of the planning scheme commits an offence.

The Planning and Development Act also provides that a number of options in relation of to address this including:

- 1 The responsible authority may give a written direction to the owner or any other person who undertook the development —
  - (a) to remove, pull down, take up, or alter the development; and
  - (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority; or
- 2 The responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.
  -
- 3 Issuing a retrospective approval under Section 164.

Section 164 of the Planning and Development Act provides that:

- (1) A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out.
- (4) Development which was unlawfully commenced or carried out is not rendered lawful by the occurrence of any subsequent event except the approval by the relevant responsible authority of that development.

A planning approval issued under Section 164 only approves the development from the date of the approval and it does not approve from the date of its establishment. In the period prior to the approval, the development may be considered illegal. Despite being approved, a person can still be prosecuted for commencing the development.

**Consultation:**

The application has been advertised and no submissions were received.

**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. As the container is not for habitation no assessment is required.

#### **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	Undesirable developments occur within the Shire.
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:**

That Council approve the use and development of a Sea Container (outbuilding) at Lot 11 DP129064 Jarrah Street, Bowelling 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. 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.
3. The building hereby permitted shall only be used for purposes incidental to the residential or rural use of the property and shall not be used for habitation.
4. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

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

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

**14.2 Planning Application - 16 Jarrah Street Bowelling**

**File Reference:** A872  
**Location:** Lot 10 (#16) Jarrah Street, Bowelling  
**Applicant:** Carly Halton  
**Author:** Geoffrey Lush – Planning Consultant  
**Authorising Officer:** Vin Fordham Lamont – Chief Executive Officer  
**Date:** 10 October 2022  
**Disclosure of Interest:** None  
**Attachments:** Nil

**Summary:**

To consider a retrospective development application for a carport. The issues are:

- 3) What action if any might Council take in relation to there not being any evidence that the structure had the relevant approvals; and
- 4) If this was a new application would Council approve it?

**Background:**

The subject land is No 10, Lot 16 DP129064 Jarrah Street, Bowelling. The subject land has an area of 2,021sqm with a frontage of 30m to Jarrah Street.

Council at its Meeting of the 26<sup>th</sup> July 2022 resolved to:

- D) Have the CEO investigate and report to Council on complaints regarding unauthorised development and activities within the Bowelling townsite.

Council approved a development application in 2017 for a 20-foot sea container for storage purposes. An inspection of the property identified additional development being a caravan carport, tank and garden shed. These structures are shown below.



**Comment:**Application

While technically any structure placed on a property in the Wellington Special Control Area requires a development application, Council has never required an approval for a water tank as they are normally ancillary to a building. In addition, the water tank and garden shed would not need an approval in a standard Residential zone.

Consequently, the owner was advised that a planning application was only required for the car port.

The subject land is zoned Residential – R10. The Residential Design Codes prescribe that an outbuilding does not need an approval where:

- (i) individually or collectively it does not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- (ii) set back is in accordance with Table 2a (1m boundary setback);
- (iii) it does not exceed a wall height of 2.4m;
- (iv) it does not exceed a ridge height of 4.2m;
- (v) not located within the primary or secondary street setback area; and
- (vi) where it does not reduce the open space and outdoor living area requirements in Table 1.

The car port is less than 60sqm and it is setback more than the minimum distance from the boundaries. However, a site plan showing the dimensions and setbacks of the car port have not been submitted.

Planning approval is required as:

- The site is within the Wellington Reservoir Catchment Special Control Area.
- The sea container is considered to be a transportable building located within a townsite.

As the car port is consistent with the Residential zone and is not visible from the Coalfields Highway, there is no objection to the proposal.

Statutory Enforcement

Pursuant to Section 218 of the Planning and Development Act a person who commences, continues or carries out any development otherwise than in accordance with the provisions of the planning scheme commits an offence.

The Planning and Development Act also provides for a number of options to address this including:

- 4 The responsible authority may give a written direction to the owner or any other person who undertook the development —
  - (a) to remove, pull down, take up, or alter the development; and
  - (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- 5 The responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.
  -
- 6 Issuing a retrospective approval under Section 164.

Section 164 of the Planning and Development Act provides that:

- (1) A responsible authority may grant its approval under a planning scheme or interim development order for development already commenced or carried out.
- (4) Development which was unlawfully commenced or carried out is not rendered lawful by the occurrence of any subsequent event except the approval by the relevant responsible authority of that development.

A planning approval issued under Section 164 only approves the development from the date of the approval and it does not approve from the date of its establishment. In the period prior to the approval, the development may be considered illegal. Despite being approved, a person can still be prosecuted for commencing the development.

### **Consultation:**

The application has been advertised and no submissions were received. The Department of Water and Environmental Regulation has previously advised Council that it has no objection to residential development where there is no vegetation clearing.

### **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. As the car port is not for habitation no assessment is required.

**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 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	Undesirable development occurring within the Shire.
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:**

That Council approve the use and development of a Car Port (outbuilding) at Lot 10 DP129064 Jarrah Street, Bowelling subject to compliance with the following conditions:

5. A site plan drawn to scale, showing the setback of the car port from the boundaries and its dimensions, shall be submitted to and approved by Council.
6. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
7. The building hereby permitted shall only be used for purposes incidental to the residential or rural use of the property and shall not be used for habitation.
8. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.

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

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



### 14.3 Planning Application – 786 Don Rd Bowelling

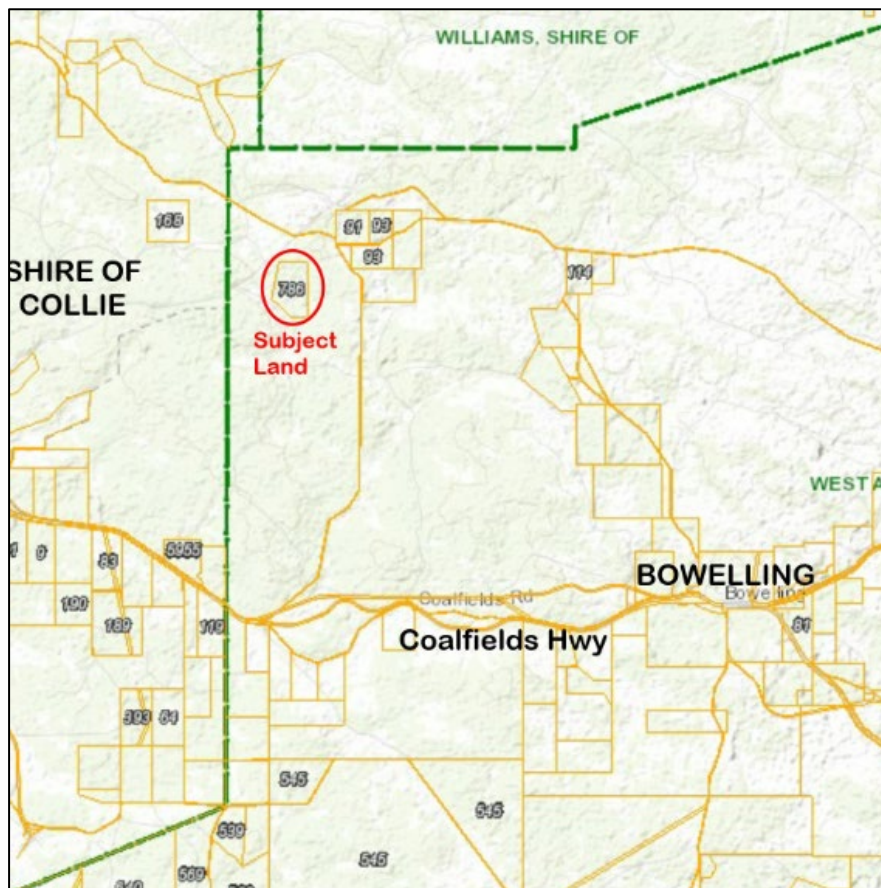
**File Reference:** A226  
**Location:** 786 Don Road, Bowelling  
**Applicant:** B Scanlon  
**Author:** Geoffrey Lush - Town Planning Consultant  
**Authorising Officer:** Vin Fordham Lamont – Chief Executive Officer  
**Date:** 10 October 2022  
**Disclosure of Interest:** Nil  
**Attachments:** Nil

#### Summary:

Council to consider an application for a proposed rural shed for hay and tractor storage. The subject land is located within the Wellington Special Control Area and does not have access to a gazetted road.

#### Background:

The subject land comprises of Lot 4234 DP156321 Don Road Bowelling. The subject land is located approximately 10kms northwest of the Bowelling Townsite as shown below.



The proposed shed will have an area of 337.5sqm (15m by 22.5m) and will be setback 100m from the property boundary.

**Comment:**

The subject land has an area of 58 hectares and is cleared farming land. Lot 4234 is a land-locked site surrounded by the DBCA-managed Muja State Forest. There is an existing dwelling on the property which is accessed through State Forest for approximately 400m from Don Road.

The Shire currently maintains Don Road and grades it as required or once a year. The spur road access to the property is not the Shire's responsibility and is maintained by the landowner as a private driveway.

**Consultation:**

The application was referred to

- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Department of Water and Environmental Regulation (DWER).

DBCA has advised that it has no objections to the proposed development. It has also advised that in 2020 the Department of Planning Lands and Heritage (DPLH) wrote to DBCA regarding a proposal to provide legal access to Lot 4234. DBCA advised DPLH that the Department would support a proposed excision of land from State Forest for the purposes of dedicating a portion of Don Road as a formal road reserve, with a spur road from Don Road to Lot 4234 for access purposes.

DBCA has not yet received any formal request to begin actioning the excision of State Forest land for the purpose of dedicating a portion of Don Road and the spur road to Lot 4234, as a formal road reserve.

DWER has advised that as there is no proposed clearing of native vegetation, the Department has no comments to offer in relation to the Country Areas Water Supply Act 1947 (CAWS Act).

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

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

- to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities.
- to provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability.

As the property does not access to a constructed road it is subject to the provisions of Clause 5.7 which state that despite anything elsewhere in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering such an application the local government is to either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any conditions it thinks fit to impose; or
- (c) require such other arrangements are made for permanent access as are to the satisfaction of the local government.

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.

#### Bushfire Prone Land

A portion of the subject land is designated as being bushfire prone, being the 100m buffer from the surrounding State Forest. The proposed development site is not within the bushfire prone land and in any event the application would not require a Bushfire Attack Level (BAL) Assessment.

#### **Policy Implications:**

Local Planning Policy No 2 Rural Sheds is not applicable as the property is subject to the provisions of Clauses 5.7 and 6.2 above.

#### **Financial Implications:**

None

#### **Strategic Implications:**

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

Outcome 2.1 – Improved employment through diversification in agricultural

- 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	Undesirable developments within the Shire.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Risk Likelihood (based on history and with existing controls)	Minor (2) Non-compliance results in termination of services / approval or imposed penalties
Risk Consequence	Unlikely (2) 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 a Rural Shed at Lot 4234 (#786) DP156321 Don Road, Bowelling subject to the following conditions:
- 1 The development hereby approved shall occur generally in accordance with the proposal submitted with the application and this shall not be altered or modified without the prior written approval of the Shire.

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

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

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**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**

Nil

**18. CLOSURE OF MEETING**

The Presiding Member to declare the meeting closed.