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CONFIRMED MINUTES

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

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.

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of West Arthur expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting

These Minutes were confirmed at the ordinary council meeting on: 15 November 2022

Signed: 

Presiding Member at the meeting at which the Minutes were Confirmed.

SHIRE OF WEST ARTHUR

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers on Tuesday 18th October 2022 – commencing at 7.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7.02pm.

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:
Nil

ON LEAVE OF ABSENCE:
Nil

ABSENT:
Nil

MEMBER OF THE PUBLIC:
Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. DISCLOSURES OF INTEREST

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 Ordinary Council Meeting Minutes 20th 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 20th September 2022 be confirmed as true and correct.

Moved: Cr SouthSeconded: Cr Lubcke**CARRIED 7/0****10. REPORTS OF COMMITTEES OF COUNCIL**

Nil

11. REPORTS FROM COUNCILLORS

Cr Neil Morrell (President)

Attended the Local Government Convention Heads of Agencies Breakfast and WALGA AGM.

Cr Graeme Peirce (Deputy President)

Nil

Cr Neil Manuel

Nil

Cr Adam Squires

Nil

Cr Robyn Lubcke

Was an apology for the CRC Committee meeting.

Cr Karen Harrington

Nil

Cr Duncan South

Attended the Local Government Convention – WALGA AGM.

12. CHIEF EXECUTIVE OFFICER

Nil

13. FINANCE**13.1 Financial Reports – September 2022**

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Melinda King – Manager Financial Reporting
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	14 October 2022
Disclosure of Interest:	N/A
Attachments:	Financial Reports – September 2022

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: Cr Harrington

Seconded: Cr Peirce

CARRIED 7/0

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.
Opening Funding Surplus (Deficit)	2	1,481,341	1,481,341	1,481,231	(110)	(0%)	
Revenue from operating activities							
Rates		1,885,423	1,881,716	1,881,716	0	0%	
Operating Grants, Subsidies and Contributions	6	550,100	190,562	227,939	37,377	20%	▲
Fees and Charges		295,450	110,988	114,477	3,490	3%	
Interest Earnings		118,897	3,500	3,448	(52)	(1%)	
Other Revenue		68,353	6,324	6,435	111	2%	
Profit on Disposal of Assets		20,676	0	0	0		
		2,938,899	2,193,090	2,234,015	40,926		
Expenditure from operating activities							
Employee Costs		(1,996,848)	(583,340)	(546,049)	37,291	6%	
Less overhead and wage allocations			14,500	14,147	(353)		
Materials and Contracts		(1,131,500)	(292,006)	(291,144)	862	0%	
less Pdepn and POC allocations			2,858	2,788	(70)		
Utility Charges		(90,405)	(15,068)	(14,191)	877	6%	
Depreciation on Non-Current Assets		(2,217,441)	(152,589)	(155,809)	(3,220)	(2%)	
Interest Expenses		(25,062)	(5,524)	(5,524)	0	0%	
Insurance Expenses		(117,423)	(58,712)	(58,431)	281	0%	
Other Expenditure		(48,000)	0	0	0		
Loss on Disposal of Assets		(17,355)	0	0	0		
		(5,644,034)	(1,089,881)	(1,054,213)	35,668		
Operating activities excluded from budget							
Add back Depreciation		2,217,441	152,589	155,809	3,220	2%	
Adjust (Profit)/Loss on Asset Disposal		(3,321)	0	0	0		
Adjust Provisions and Accruals		0	(38,807)	(38,807)	0	0%	
Amount attributable to operating activities		(491,015)	1,216,991	1,296,804	79,813		
Investing activities							
Grants, Subsidies and Contributions	6	1,200,962	89,000	88,727	(273)	(0%)	
Proceeds from Disposal of Assets		144,050	0	0	0		
Land and Buildings	7	(734,749)	(3,649)	(3,758)	(109)	(3%)	
Infrastructure Assets - Roads	7	(1,083,221)	(1,500)	(1,294)	206	14%	▲
Infrastructure Assets - Other	7	(627,656)	(115,000)	(110,259)	4,741	4%	
Plant and Equipment	7	(635,696)	(82,000)	(82,791)	(791)	(1%)	
Furniture and Equipment	7	0	0	0	0		
Amount attributable to investing activities		(1,736,310)	(113,149)	(109,375)	3,774		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		29,031	0	0	0		
Transfer from Reserves	5	993,650	0	0	0		
Repayment of Debentures		(101,198)	(22,027)	(22,027)	0	0%	
Proceeds from new borrowings		270,000	0	0			
Transfer to Reserves	5	(445,499)	(1,300)	(1,288)	12	1%	
Amount attributable to financing activities		745,984	(23,327)	(23,315)	12		
					0		
Closing Funding Surplus (Deficit)	2	0	2,561,856	2,645,345	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
		\$	\$
Current Assets			
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
Less: Current Liabilities			
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)
Net Current Funding Position		1,481,231	2,645,346

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
	\$	\$	\$	\$			
(a) Cash Deposits							
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) Term Deposits							
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
Total	2,379,199	2,835,308	71,855	5,286,362			

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

Note 4: Receivables

Receivables - Rates Receivable	30 Sep 2022	30 June 2022	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
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)	Balance per Trial Balance					
Equals Current Outstanding	1,024,985	194,753	Sundry Debtors					0
Add paid in advance	451	5,463	Receivables - Other					0
Net Rates Collectable	1,025,436	200,216	Total Receivables General Outstanding					85,998
% 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
	2,834,020	85,021	1,288	360,478	0	(993,650)	0	2,285,869	2,835,308

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)	
				\$	\$	\$		\$	\$	
General Purpose Funding										
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	
Law, Order and Public Safety										
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	
Education and Welfare										
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										
Transport										
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	
TOTALS			0	549,100	1,200,962	378,861	88,004	(101,188)	150,234	
SUMMARY										
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	
TOTALS			0	549,100	1,200,962	378,861	88,004	(101,188)	150,234	

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		
		\$	\$	\$	\$	\$	\$		
Land and Buildings									
Law, Order and Public Safety									
	Arthur River Fire Shed	0	(3,649)	(3,649)	0	(3,649)	(3,649)	0	Funded by ESL Capital Grant
Housing									
	Renovations to existing joint venture community housing units	0	0	0	(4,640)	(50,000)	(54,640)	54,640	
Recreation And Culture									
	Darkan Sports Precinct - Upgrade power	(109)		(109)		(90,000)	(90,000)	89,891	
Other Property & Services									
	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	
	Buildings Total	(109)	(3,649)	(3,758)	(26,100)	(708,649)	(734,749)	730,991	
Infrastructure									
Community Amenities									
	Darkan Refuse Site	(691)	0	(691)	(20,000)	(100,000)	(120,000)	119,309	
Recreation And Culture									
	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	
Economic Development									
	Potable water Infrastructure	0	0	0	0	(20,000)	(20,000)	9,487	
	Infrastructure Total	(15,532)	(94,727)	(110,259)	(63,000)	(564,656)	(627,656)	517,397	
Plant , Equip. & Vehicles									
Transport									
	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	
	Plant, Equip & Vehicles Total	0	(82,791)	(82,791)	0	(635,696)	(635,696)	552,905	
Roads									
Regional Road Group									
	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	
	Regional Road Group Total	(1,085)	0	(1,085)	(328,560)	(237,531)	(566,091)	565,006	
Roads to Recovery									
	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	
	Roads to Recovery Total	(209)	0	(209)	(256,235)	(81,295)	(337,530)	337,321	
Shire Funded									
	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	
	Shire Funded Total	0	0	0	(127,600)	(52,000)	(179,600)	179,600	
	Roads Total	(1,294)	0	(1,294)	(712,395)	(370,826)	(1,083,221)	1,081,927	
	Capital Expenditure Total	(16,935)	(181,167)	(198,102)	(801,495)	(2,279,827)	(3,081,322)	2,883,220	

13.2 Accounts For Payment – September 2022

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig – Administration Officer
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	14 October 2022
Disclosure of Interest:	N/A
Attachments:	Accounts for Payment Listing – September 2022

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: Cr ManuelSeconded: Cr Squires**CARRIED 7/0****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	SALARIES AND WAGES	64,388.54
		PAYROLL	
01/09/2022	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	146.92
		MERCHANT FEE 009185958	
05/09/2022	DEBIT	WATER CORPORATION	5.72
		WATER USAGE FROM 1SEPT TO 31 OCT 2020 FOR 6 HILLMAN STREET	
06/09/2022	DEBIT	ASGARD SUPER	110.49
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	AUSTRALIAN ETHICAL SUPER FUND	104.76
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	AUSTRALIAN SUPER	1,718.55
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	AWARE SUPER	6,450.84
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	CBUS	278.21
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	COLONIAL FIRST STATE	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	D AND K MELBOURNE SUPERANNUATION FUND	273.37
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	PRIME SUPER	284.99
		FORTNIGHTLY SUPERANNUATION PAYMENT	
06/09/2022	DEBIT	SUNSUPER	28.91
		FORTNIGHTLY SUPERANNUATION PAYMENT	
08/09/2022	08092022.1	AIR LIQUIDE	88.96
		FACILITY FEES ON CYLINDERS	
08/09/2022	08092022.2	BLACKWOOD BASIN GROUP (INC)	1,815.00
		LANDCARE SUPPORT FOR THE PERIOD JULY 2022 (5 X6HR DAYS \$55+GST)	
08/09/2022	08092022.3	DARDANUP BUTCHERING COMPANY	229.89
		SENIOR MEALS - SEPTEMBER WEEK 1 MEALS - APPROX ESTIMATE \$260	
08/09/2022	08092022.4	EASIFLEET MANAGEMENT- MOUNTSVILLE PTY LTD	1,318.99
		SALARY SACRIFICE PAYMENTS BUNCE - MONTH OF SEPTEMBER 2002	
08/09/2022	08092022.5	FLEAYS STORE	77.80
		OFFICE AND COUNCIL MEETING REFRESHMENTS (MILK, COFFEE, SUGAR ETC.) - AUGUST 2022	
08/09/2022	08092022.6	FRONTLINE FIRE & RESCUE EQUIPMENT	2,632.99
		HELMETS AND TORCHES - BUSH FIRE BRIGADE PPE	
08/09/2022	08092022.7	FUEL DISTRIBUTORS OF WA	21,649.21
		11,000.00 LTRS DIESEL	
08/09/2022	08092022.8	G & M DETERGENTS	668.00
		CLEANING SUPPLIES - OFFICE, CARAVAN PARK, PUBLIC TOILETS, LAKE TOWERINNING	
08/09/2022	08092022.9	HERSEY'S SAFETY PTY LTD	950.75
		PPE, ROAD MARKING SPRAY, TAPE MEASURES	
08/09/2022	08092022.10	INTEGRATED ICT	7,389.36
		COMPUTER SCREENS WITH WEBCAM, FREIGHT, SERVICE AND SUBSCRIPTION CHARGES	
08/09/2022	08092022.11	LANDGATE	160.50
		RURAL UV INTERIM VALUATIONS	
08/09/2022	08092022.12	MARKETFORCE	338.28
		ADVERTISEMENT - WEST AUSTRALIAN NEWSPAPER - 3/8 - PROPOSED ROAD CLOSURE NOTICE	
08/09/2022	08092022.13	NARROGIN FREIGHTLINES	21.21
		FRONTLINE FIRE AND RESCUE FREIGHT	
08/09/2022	08092022.14	NARROGIN QUARRY OPERATIONS	7,620.12
		RIP RAP AND ROAD BASE	
08/09/2022	08092022.15	OFFICEWORKS	418.16
		ARCHIVING SUPPLIES	
08/09/2022	08092022.16	RESONLINE PTY LTD	220.00
		ROOM MANAGER SERVICES AUGUST 22	
08/09/2022	08092022.17	SHIRE OF COLLIE	1,661.18
		REIMBURSEMENT OF COMMUNITY EMERGENCY SERVICES OFFICER	
08/09/2022	08092022.18	SOS OFFICE EQUIPMENT	728.30
		PHOTOCOPIER BILLING AUGUST 2022 XEROX APEOSPORT C4570	
08/09/2022	08092022.19	SOUTH REGIONAL TAFE- KATANNING CAMPUS	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
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MINUTES
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Date	Num	Name	Original Amount
21/09/2022	21092022.6	DARDANUP BUTCHERING COMPANY	157.48
		MEAT ORDER FOR SENIORS MEALS	
21/09/2022	21092022.7	DARKAN AGRI SERVICES	2,393.78
		PARTS & REPAIRS - HOUSING VARIOUS AND FLAG POLE, GAS, PARKS AND GARDENS SUPPLIES, CARAVAN PARK SUPPLIES	
21/09/2022	21092022.8	FLEAY DARREN	207.00
		REIMBURSE WORK BOOTS	
21/09/2022	21092022.9	FLEAYS STORE	681.95
		AUGUST SENIORS MEALS SUPPLIES	
21/09/2022	21092022.10	FORDHAM LAMONT, V	85.00
		REIMBURSE MONTHLY HOME INTERNET CHARGE AS PER CEO CONTRACT	
21/09/2022	21092022.11	FUEL DISTRIBUTORS OF WA	686.44
		FUEL FOR MCS CAR AND WORKS MANAGER CAR	
21/09/2022	21092022.12	GJ & RE ABBOTT	132.00
		60M3 SAND REMOVED FOR PRIVATE WORKS	
21/09/2022	21092022.13	KATHY RASMUSSEN.	179.00
		REIMBURSE WORK BOOTS	
21/09/2022	21092022.14	KIDSAFE WA	440.00
		DARKAN RAILWAY RESERVE - PLAYGROUND ASSESSMENT	
21/09/2022	21092022.15	LGISWA	3,193.17
		MOTOR VEHICLE ADJUSTMENT FOR THE PROTECTION PERIOD 30/6/21-30/6/22	
21/09/2022	21092022.16	PUTLAND MOTORS	7,668.63
		SERVICE - AW0, GREASE AND OILS, WORKSHOP CONSUMABLES, TYRES, BATTERY, PARTS & REPAIRS	
21/09/2022	21092022.17	SHIMMER AND SHINE HOME CLEANING	280.00
		VACATE CLEAN 2/10 HILLMAN STREET	
21/09/2022	21092022.18	SOUTH, REBECCA	68.10
		KNEE PADS FOR WEEDING GARDENS IN COMFORT	
21/09/2022	21092022.19	THINKWATER BUNBURY	346.45
		DAVEY TORRIUM CONTROLLER	
21/09/2022	21092022.20	TOLL TRANSPORT PTY LTD	113.60
		FREIGHT - AUSRECORDS AND BUNBURY MACHINERY	
21/09/2022	21092022.21	WALGA BUSINESS SOLUTIONS	638.00
		PROCUREMENT AND CONTRACT ESSENTIALS	
21/09/2022	21092022.22	WARREN BLACKWOOD WASTE	3,043.01
		WASTE CHARGES - AUGUST 2022	
21/09/2022	21092022.23	WEBB, JANELLE	50.89
		REIMBURSE CLOTHS, MILK AND BIN BAGS - CARAVAN PARK	
21/09/2022	21092022.24	WESTCOAST SEAFOOD	72.00
		ATLANTIC COD FOR SENIORS MEALS	
21/09/2022	BPAY	NAB CREDIT CARD	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	TELSTRA	1,546.35
		VARIOUS USAGE AND SERVICE CHARGES - SEPT 22	
27/09/2022	DEBIT	BOND ADMINISTRATOR	1,540.00
		BOND ADMINISTRATOR 2/10 HILLMAN STREET, DARKAN	
29/09/2022	EFT	SALARIES AND WAGES	52,144.55
		PAYROLL	
29/09/2022	DEBIT	ASGARD SUPER	99.12
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	AUSTRALIAN ETHICAL SUPER FUND	111.68
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	AUSTRALIAN SUPER	1,603.55
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	AWARE SUPER	6,290.56
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	CBUS	281.49
		FORTNIGHTLY SUPERANNUATION PAYMENT	
29/09/2022	DEBIT	COLONIAL FIRST STATE	273.37
		FORTNIGHTLY SUPERANNUATION PAYMENT	

Shire of West Arthur
Accounts for Payment Listing
 September 2022

MINUTES
 18 OCTOBER 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	
		VOUCHERS	AMOUNT
		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	450,379.32

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

File Reference:	A871
Location:	Lot 11 (#14) Jarrah Street, Bowelling
Applicant:	Christine Halton
Author:	Geoffrey Lush – Planning Consultant
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	10 October 2022
Disclosure of Interest:	None
Attachments:	Nil
Previous Reference:	Item 14.1 Council Meeting 26th July 2022

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 26th 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 60m² 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: Cr South

Seconded: Cr Lubcke

CARRIED 7/0

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 26th 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 60m² 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: Cr PeirceSeconded: Cr Harrington**CARRIED 7/0**

14.3 Planning Application – 786 Don Rd Bowelling

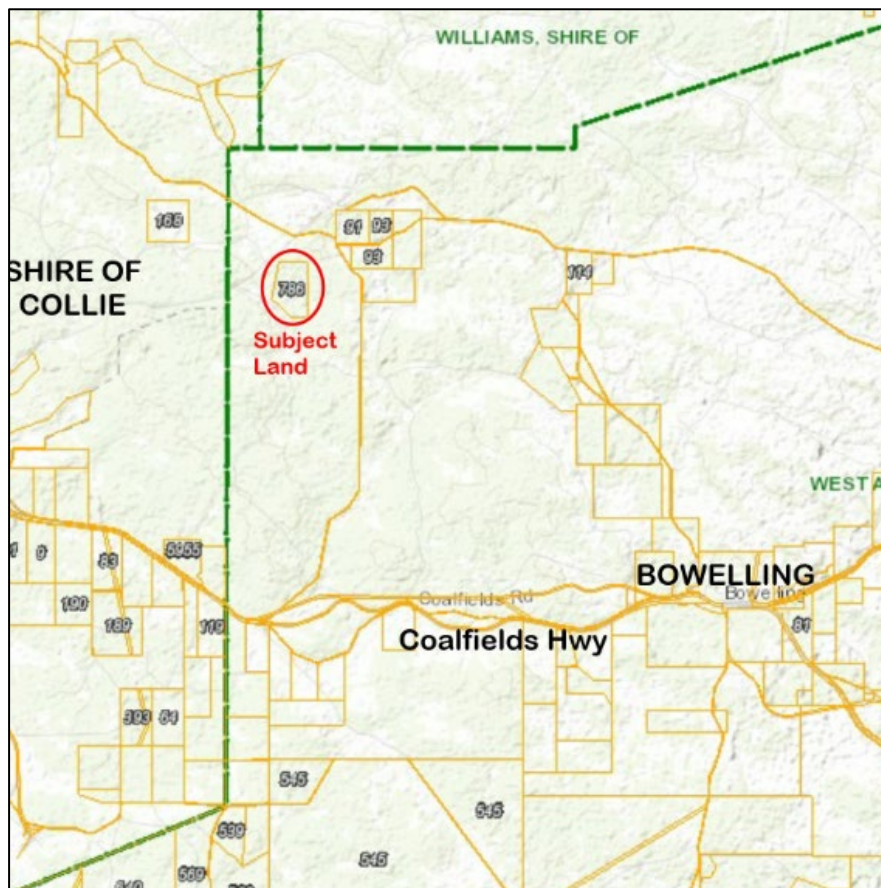
File Reference: A226
Location: 786 Don Road, Bowelling
Applicant: B Scanlon
Author: Geoffrey Lush - Town Planning Consultant
Authorising Officer: Vin Fordham Lamont – Chief Executive Officer
Date: 10 October 2022
Disclosure of Interest: Nil
Attachments: Nil

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
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- Inadequate project or change management
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- 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: Cr SquiresSeconded: Cr Lubcke**CARRIED 7/0**

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

Nil

16.2 Officers

Nil

17. MATTERS BEHIND CLOSED DOORS

Nil

18. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 7.22pm.