

Notice of Meeting

INCLUDES FULL CONFIDENTIAL ITEMS



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Dear Elected Member

The next Ordinary meeting of the Shire of West Arthur will be held on Thursday 26 October 2023 in the Hawthorne Room at the West Arthur Community Resource Centre commencing at 7.00pm.

Schedule

7.00pm Ordinary Council Meeting

Vin Fordham Lamont

Chief Executive Officer

DISCLAIMER

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

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

AGENDA

Shire of West Arthur
Ordinary Council Meeting
Thursday 26 October 2023

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 Council's 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 you name.
- (2) Insert the date of the Council Meeting at which the item it 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
23 February 2023	Council Chambers	7.00pm
23 March 2023	Council Chambers	7.00pm
27 April 2023	Council Chambers	7.00pm
25 May 2023	Council Chambers	7.00pm
22 June 2023	Council Chambers	7.00pm
27 July 2023	Council Chambers	7.00pm
24 August 2023	Council Chambers	7.00pm
28 September 2023	Council Chambers	7.00pm
26 October 2023	Hawthorne Room	7.00pm
23 November 2023	Council Chambers	7.00pm
21 December 2023	Council Chambers	7.00pm

SHIRE OF WEST ARTHUR

Agenda for the Ordinary Meeting of Council to be held in the Hawthorne Room on Thursday 26 October 2023 – commencing at 7.00pm.

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer to declare the meeting open and welcome members of the public, including family and friends of the Elected Members.

Swearing in of the Elected Members.

Nominations and election of Deputy President and President.

Chief Executive Officer to relinquish Chair and hand the balance of the meeting proceedings over to the newly elected President.

President to allocate seating arrangements for Council Members.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

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

STAFF: Vin Fordham Lamont (Chief Executive Officer)
 Rajinder Sunner (Manager Corporate Services)
 Gary Rasmussen (Manager Works and Services)
 Renee Schinzig (Administration Officer)
 Kerryn Chia (Projects Officer)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBERS OF THE PUBLIC:

3 ANNOUNCEMENTS OF THE PRESIDING MEMBER

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME**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 MEETING OF COUNCIL 28 SEPTEMBER 2023****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 Council Chambers on 28 September 2023 be confirmed as true and correct.

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

11 OFFICE OF THE CHIEF EXECUTIVE OFFICER**11.1 2024 COUNCIL MEETING DATES**

File Reference:	ADM048
Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	4/10/2023
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to consider the proposed dates and time for its 2024 Ordinary Meetings.

BACKGROUND:

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, Council needs to set dates for Ordinary Meetings of Council for 2024.

Council Meetings are currently held on the fourth Thursday of every month with adjustments made around public holidays.

Meetings commence at 7pm and, unless otherwise advised, are held in the Council Chambers at the Shire Admin Office in Darkan.

COMMENT:

It is proposed that, moving forward, Ordinary Meetings of Council are continued to be held on the fourth Thursday of the month to enable officers the time to finalise agenda items and provide councillors with additional time to read the agendas.

Proposed meeting dates for 2024 are:

January (No Meeting)

22 February

21 March (Third Thursday to avoid Easter)

18 April (Third Thursday to avoid Anzac Day)

23 May

27 June

25 July

22 August

26 September

24 October

28 November

19 December (Third Thursday to avoid Christmas)

Note that Special Meetings of Council can be called as required to address urgent matters.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

s5.3 Ordinary and special council meetings

s5.25(1)(g) Regulations about council and committee meetings and committees

Local Government (Administration) Regulations 1996

Reg. 12 Publication of meeting details

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The annual budget provides for the expense associated with preparation of meeting agendas and for meeting fee expenses associated with Councillors' attendance.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Councillors represent the community and are well trained

Strategy: Council process is open and transparent to the general community

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	Significant	Severe
		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	Failure to correctly advertise Ordinary Meeting of Council dates
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Advertise Council Meeting dates as per legislative requirements

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council set the following Ordinary Meeting of Council dates for 2024:

- Thursday 22 February
- Thursday 21 March
- Thursday 18 April
- Thursday 23 May
- Thursday 27 June
- Thursday 25 July
- Thursday 22 August
- Thursday 26 September
- Thursday 24 October
- Thursday 28 November
- Thursday 19 December

11.2 COUNCILLOR APPOINTMENTS TO COMMITTEES AND REFERENCE GROUPS

File Reference:	ADM421, ADM422, ADM111
Location:	N/A
Applicant:	N/A
Author:	Renee Schinzig, Administration Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	29/09/2023
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Letter from DPLH re Local Government DAPs Representatives ↓2. DAPs Nomination Form ↓3. Terms of Reference Audit and Risk Committee ↓4. Terms of Reference Bush Fire Advisory Committee ↓5. Terms of Reference Museum Reference Group ↓6. Terms of Reference Local Emergency Management Committee ↓

SUMMARY:

Council is requested to appoint delegates/representative to various committees of Council and other reference groups.

BACKGROUND:

The *Local Government Act 1995* and *Emergency Management Act 2005* require the establishment of the following committees and specify some membership requirements:

- Audit Committee – must have a minimum of three council members, and the majority of the committee must be council members
- Local Emergency Management Committee – must include the local emergency management coordinator.

While other legislation does not specify a maximum tenure, the *Local Government Act 1995* Section 5.11 stipulates that tenure of committee membership is only to the next local government ordinary elections (i.e. a maximum of 2 years). For consistency, it is suggested that all memberships be reviewed.

The Local Government Act allows for committees to comprise a mix of:

- Elected members
- Employees
- Other persons.

Depending on the intended purpose of the committee, its composition may be restricted or have other rights, impacts and obligations.

The corresponding Terms of Reference provide for participation in several committees and reference groups – by a representative of a specified organisation, and by members of the community at large, upon their application, and appointed by name by Council. It is not uncommon to have members of the public with relevant experience as a member of the Audit Committee, but it is not required.

COMMENT:

The most recent appointment of elected members and staff included the following:

Committees of Council

Audit and Risk Committee

- Crs Morrell, Manuel and Harrington

Bush Fire Advisory Committee (BFAC)

- Cr South
- Cr Morrell (Proxy)

Local Emergency Management Committee (LEMC)

- Crs Morrell and Harrington

Museum Reference Group

- Cr Lubcke

Behaviour Complaints Committee (has been disbanded)

- Whole of Council

Other Reference Groups

CEO Recruitment and Selection Panel

- Whole of Council

Development Assessment Panel (DAP)

- Crs Manuel and Lubcke
- Crs Morrell and Peirce (Proxies)

Darkan Swimming Pool Committee

- Cr Squires

Central Country Zone of WALGA

- Crs Morrell and Harrington

4WDL VROC

- Crs Morrell, Peirce and Lubcke

West Arthur Community Resource Centre Committee

- Cr Lubcke

West Arthur Cottage Homes Committee

- Cr Squires

Narrogin Subgroup of the Regional Road Group

- Cr Morrell
- Cr Manuel (Proxy)

Lake Towerrinning Strategic Plan Reference Group

- Cr Morrell

Tidy Towns Committee

- Crs Manuel and Lubcke

Westcare Committee

- Community Group (No Council Representation)

West Arthur - Collie Senior High School Bus Working Group

- Cr Peirce

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Sections 5.8 to 5.18 –committees and their meetings
- Section 7.1A – audit committee

Emergency Management Act 2005

- Section 38 local emergency management committees

Bush Fires Act 1954

- Section 67 advisory committees

Planning and Development (Development Assessment Panels) Regulations 2011

Regulation 24 local government members of LDAP

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no relevant financial implications other than administrative. This Council, in its Annual Budget, has elected to pay Elected Members an allowance annuity (paid quarterly in arrears) for attending Council and Committee Meetings (regardless of how many). It should be noted however, that community members are not entitled to a meeting fee under the Local Government Act 1995 or Local Government Chief Executive Officers and Elected Members Determination No 1 of 2021.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan

Theme: Leadership and Management

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

Strategy: Continued improvement in communication with the community through various platforms that ensure all members of the community have access to information

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	Significant	Severe
		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	Audit picking up that the Shire does not have an approved Audit Committee
Risk Likelihood (based on history and with existing controls)	(5) Almost Certain
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(15) High
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Appoint Audit Committee members as required

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

1. Make the following appointments of elected members to committees and reference groups until the next election in 2025, or earlier if required:

Audit and Risk Committee – 3 Council Members

Bush Fire Advisory Committee (BFAC) – 1 Council Member and 1 Proxy

_____ (Proxy)

Local Emergency Management Committee – 2 Council Members

_____ (Chairperson)

Museum Reference Group – 1 Council Member

Development Assessment Panel (DAP) – 2 Council Members and 2 Proxy

_____ (Proxy)

_____ (Proxy)

Darkan Swimming Pool Committee – 1 Council Member

Central Country Zone of WALGA – 2 Council Members

4WDL VROC – 3 Council Members

West Arthur Community Resource Centre Committee – 1 Council Member

West Arthur Cottage Homes Committee – 1 Council Member

Narrogin Subgroup of the Regional Road Group – 1 Council Member and 1 Proxy

_____ (Proxy)

Lake Towerrinning Strategic Plan Reference Group – 1 Council Member

Tidy Towns Committee – 2 Council Members

West Arthur-Collie Senior High School Bus Working Group

2. Authorise the CEO to complete the attached nomination form and advise the Department of Planning, Lands and Heritage of Council’s Development Application Panels representatives.



Department of Planning,
Lands and Heritage

Our ref: PLH2023P1487 DG-2023-2773
Enquiries: DAP Secretariat 6551 9919

Mr Vin Fordham Lamont
Chief Executive Officer
Shire of West Arthur
Via email to: ceo@westarthur.wa.gov.au

Dear Mr Fordham Lamont

DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

As you are aware, representation of local interests is a key part of the Development Assessment Panel (DAP) system. In accordance with this premise, under Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Councils are required to nominate, as soon as possible following elections, four elected members to sit as DAP members.

In addition to the above, all existing local government DAP members are currently appointed for a term ending 26 January 2024. Prior to this expiry date, your local government is required to nominate four (4) DAP members for appointment by the Minister for Planning.

Given the upcoming local government elections on 21 October 2023, both requirements can be met by using the attached form and submitting it and a copy of the Council resolution, via email to the DAP Secretariat at daps@dplh.wa.gov.au, no later than Friday 24 November 2023.

If you are unable to provide nominations by the above date, please contact the DAP Secretariat to discuss alternative arrangements and implications.

The WA Government has launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government Boards and Committees along with the total number of women appointed.

I encourage you to consider diversity of representation when putting forward your nominations in supporting this important commitment. Further Information about OnBoardWA can be found at [OnBoardWA | Welcome to OnBoardWA \(jobs.wa.gov.au\)](https://www.onboard.wa.gov.au).

The WA Government is committed to continue implementing the Action Plan for Planning reform to ensure the planning system continues to deliver great outcomes and great places for Western Australians. Changes to the DAP system, identified as part of the reform initiatives, aim to provide a more robust DAP process that promotes consistency and transparency in decision-making.

Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000
Tel: (08) 6551 8002 info@dplh.wa.gov.au www.dplh.wa.gov.au
ABN 68 565 723 484
wa.gov.au

Please note that the local government membership configuration on DAPs will not be affected by the reform initiatives.

If you have any queries regarding this request for nominations, please contact Ashlee Kelly at the DAP Secretariat on (08) 6551 9919 or email daps@dplh.wa.gov.au. Further information is available online at [Development Assessment Panels \(www.wa.gov.au\)](http://www.wa.gov.au).

Yours sincerely



Anthony Kannis PSM
Director General
28 September 2023

Att. Local Government Development Assessment Panel Member Nomination Form



Government of **Western Australia**
Development Assessment Panels

DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION

Please complete the form and submit to daps@dph.wa.gov.au. Please include a copy of the Council Resolution.

Local Government	
DAP Name	

	Member 1	Member 2
Name		
Address		
Phone		
Email		
Date of Birth		
Sex		
*Employer Name/s		
*Position/s		
*Employment Status	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual - Specify hours per week	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual - Specify hours per week
*Eligibility for Payment	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

	Alternate Member 1	Alternate Member 2
Name		
Address		
Phone		
Email		
Date of Birth		
Sex		
*Employer Name/s		
*Position/s		
*Employment Status	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual - Specify hours per week	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time/Casual - Specify hours per week
*Eligibility for Payment	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

** The employment details refer only to external employment and does not include your role as a Local Government member. Eligibility for DAP sitting fees is determined in accordance with the [Premier's Circular 2022/02](#).*

LOCAL GOVERNMENT CONTACT DETAILS – MINUTE TAKER			
Name			
Phone		Email	



Shire of West Arthur Council Policy – Audit & Risk Committee Terms of Reference

Policy Number	G1.9 Governance
Policy Title	Audit & Risk Committee Terms of Reference
Related Legislation	Section 7.12A of the Local Government Act
Strategic Outcome Supported	Outcome 5.2: Accountable service delivery by Council and well trained, motivated, customer focused staff.
Adopted by Council	
Review	OCM - 12 April 2022

Purpose

Section 7.1A of the *Local Government Act 1995* (the Act) requires that all local governments establish an Audit & Risk Committee (“the Committee”). The Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

This Terms of Reference (“TOR”) sets out the objectives, authority, membership, role, responsibilities and operation of the Committee.

Objectives

The objectives of the Committee are to oversee:

1. the credibility and objectivity of financial reporting;
2. the effective management of financial and other risks and the protection of Council assets;
3. compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
4. the scope of work, objectivity, performance and independence of the external and internal auditors;
5. the process and systems which protect against fraud and improper activities; and
6. the provision of an effective means of communication between the external auditor, internal auditor, the CEO and Council.

Roles and Responsibilities

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee has the responsibility to:

1. Review the internal (where applicable) and external auditor’s annual audit plans and the outcomes/results of all audits undertaken;
2. Request the CEO to seek information or advice in relation to matters considered by the Committee;
3. Formally meet with internal and external auditors as necessary;
4. Seek resolution on any disagreements between management and the external auditors on financial reporting; and
5. Make recommendations to Council with regards to matters within its scope of responsibility.

Delegated Authority

The Committee has delegated authority in accordance with Delegation Register Item 1.1.1 – Audit and Risk Committee (as amended from time to time).

Membership

Section 7.1A of the *Local Government Act 1995* states the members of the Committee are to be appointed* by the local government and at least 3 of the members, and where the Committee consists of more than 3 members then the majority of those members, are to be Councillors.

**Absolute Majority required*

The CEO is not to be a member of the Committee and may not nominate a person to be a member of the Committee, or have a person represent the CEO as a member of the Committee. Similarly, an employee is not to be a member of the Committee.

As a minimum, the Shire's Committee will consist of 3 members, being 3 Councillors including the Shire President. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected members.

All members will have full voting rights. In the event of a tie the Chairperson will have the casting vote.

The appointment of external members (if applicable) shall be based on the following criteria:

1. A suitably experienced professional who can demonstrate a high level of expertise and knowledge in financial management, risk management, governance and audit (internal and external);
2. Have an understanding of the duties and responsibilities of the position, ideally with respect to local government financial reporting and auditing requirements;
3. Have strong communication skills;
4. Have relevant skills and experience in providing independent audit advice; and
5. Be a person with no operating responsibilities with the Shire nor provide paid services to the Shire either directly or indirectly.

The appointment and re-appointment of external members shall be made by Council by way of invitation and be for a period of up to 4 years. External members will not be appointed for more than three consecutive terms.

External members will be required to confirm they will operate in accordance with the Shire's Code of Conduct and will be required to follow Council's policies pertaining to the Committee operations.

Council may, by resolution, terminate the appointment of any external member prior to the expiry of their term if:

1. The Committee, by majority decision, determines the member is not making a positive contribution to the Committee; or
2. The member is found to be in breach of the Shire's Code of Conduct or a serious contravention of the *Local Government Act 1995*; or
3. A member's conduct, action or comments brings the Shire into disrepute.

The Chairperson of the Committee is to be appointed by majority vote of the Committee. The Chairperson can be a Councillor or an external member.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Shire. Ideally, at least 1 member of the Committee will have accounting or related financial and/or risk management experience.

Reimbursement of approved expenses may be paid to an external member in accordance with Section 5.100 of the *Local Government Act 1995*.

The CEO, Manager Corporate Services and/or Manager Financial Reporting are to attend meetings to provide advice and guidance to the Committee.

The Shire shall provide secretarial and administrative support to the Committee.

A quorum will be a majority of members.

New members will receive relevant information and briefings on their appointment to assist them meet their Committee responsibilities.

Meetings

The Committee will meet at least twice per annum, with additional meetings convened as required at the discretion of the Chairperson or at the request of the CEO.

The Committee meetings shall be "Closed" and therefore not open to the public.

Elected members of the Shire may attend each Committee meeting.

Committee members are expected, where possible, to attend each meeting in person. Where attendance in person is not possible, in accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996*, the Committee may, by resolution*, allow a member to attend the meeting via telephone or other means of instantaneous communication.

**Absolute Majority required*

Notice of Meeting and Agenda

The CEO or their delegate will administratively coordinate the convening of meetings of the Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide relevant information as necessary.

Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed shall be provided to each member of the Committee no later than 72 hours prior to the meeting. Associated meeting papers are to be provided at the same time.

Minutes of Meetings

The CEO will facilitate the administrative support for the meeting, including arranging a minute taker for the meeting.

Minutes will be taken at each meeting and be presented to the subsequent meeting for confirmation. Minutes will include the proceedings and resolutions of the meeting including the names of those in attendance.

The Chairperson shall ascertain, at the beginning of each meeting, the existence of any conflicts of interest and minute them accordingly. Conflicts of Interest will be managed in accordance with the Shire's policies and the *Local Government Act 1995*.

Minutes of Committee meetings shall be circulated promptly to all members of the Committee.

Minutes of Committee meetings shall be presented to the next Ordinary Council Meeting, with any recommendations from the Committee to be considered by Council by way of a separate agenda item.

Other than confidential papers and attachments, agendas and minutes of the Committee will be made publicly available on the Shire's website in accordance with Section 5.96A of the *Local Government Act 1995*.

Functions

Regulation 16 of the *Local Government (Audit) Regulations 1996* defines the functions of an Audit Committee as:

- a) to guide and assist the local government in carrying out—
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to—
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under—
 - (i) regulation 17(1); and
 - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- f) to oversee the implementation of any action that the local government—
 - (iii) is required to take by section 7.12A(3); and
 - (iv) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (v) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (vi) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- g) to perform any other function conferred on the audit committee by these regulations or another written law.

In addition to the above the Committee's other functions include:

External Audits

1. Provide guidance and assistance to Council as to the carrying out of the functions of the Shire in relation to external audits.
2. Provide an opportunity for the Committee to meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed.
3. Meet with the auditor annually to receive the audit report and make a recommendation to Council with respect to that report.
4. Examine the reports of the auditor after receiving a report from the CEO on the matters to:
 - a. Determine if any matters raised require action to be taken by the Shire; and
 - b. Ensure that appropriate action is taken in respect of those matters.
5. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that is within the parameters of the Committee's TOR.

Note: The Office of the Auditor General will be responsible for conducting external audits.

Internal Audits

1. Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to internal audits.
2. Review all internal audit reports and provide advice to Council on significant issues (i.e. high and extreme) identified in audit reports and the action to be taken on issues raised, including identification and dissemination of good practice.
3. Monitor management's implementation of internal audit recommendations.
4. Receive the findings of special internal audit assignments undertaken at the request of Council or CEO.
5. Review the annual Compliance Audit Return and report to Council the results of that review in accordance with Section 7.13(1)(i) of the *Local Government Act 1995*.
6. Consider the CEO's 3-yearly reviews of the appropriateness and effectiveness of the Shire's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to Council the results of those reviews in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*.
7. Consider the financial management systems and procedures in accordance with Regulation 5(2) of the *Local Government (Financial Management) Regulations 1996* within the statutory timeframes.

Risk Management

1. Ensure that management has in place a current and comprehensive enterprise Risk Management Framework and associated procedures for effective identification and management of Shire's business and financial risks.
2. Determine whether a sound and effective approach has been followed in managing the Shire's major risks including those associated with individual projects, program implementation, and activities.
3. Ensure the Shire identifies, reviews and regularly updates the strategic and operational risk profiles.
4. Understand and endorse the Shire's risk appetite.
5. Oversee the periodic review of the Risk Management Framework.

Business Continuity

1. Ensure a sound and effective approach has been followed in establishing the Shire's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.
2. Oversee the periodic review of the Business Continuity Framework.

Financial Reporting

1. Review significant accounting and reporting issues, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
2. Review with management and the external auditors the results of the audit, including any difficulties encountered.
3. Review the Annual Financial Statements forming part of the Shire's Annual Report and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles.
4. Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards.
5. Recommend the adoption of the Annual Financial Statements forming part of the Annual Report to Council.

Legislative Compliance

1. Oversee the effectiveness of the systems for monitoring compliance with relevant laws, regulations and associated government policies.

Other Responsibilities

1. Monitor the progress of the implementation of external audit recommendations made by the auditor, which have been accepted by the Shire.
2. Receive recommendations arising from reviews of local government systems and procedures.
3. At least once every two years review and assess the adequacy of the Committee's TOR, request Council approval for proposed changes, and ensure appropriate disclosure as required by legislation or regulation.



Shire of West Arthur Council Policy – Bushfire Advisory Committee Terms of Reference

Policy Number	
Policy Title	Bush Fire Advisory Committee Terms of Reference
Related Legislation	Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954
Strategic Outcome Supported	Outcome 5.3: Establish and maintain sound business and governance structures.
Adopted by Council	
Review	

Name

The name of the Committee shall be the “Bush Fire Advisory Committee”, appointed as a formal Committee to Council in accordance with provisions of Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954.

Aims and Objectives

1. To advise the local government on all matters relating to:
 - (i) the preventing, controlling and extinguishing of bush fires;
 - (ii) the planning of the layout of fire-breaks in the district;
 - (iii) policy regarding prosecutions for breaches of the Bush Fires Act 1954;
 - (iv) the formation of bush fire brigades and the grouping thereof under group brigade officers;
 - (v) the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities; and
 - (vi) any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified above.
2. To recommend a person or persons for the position(s) of Bush Fire Control Officer for each bush fire brigade in the Shire of West Arthur as required.
3. To make recommendations to Council on motions received by the Bush Fires Advisory Committee from bush fire brigades.

Membership

1. Council, by Absolute Majority, shall appoint a committee for a two year term, such committee to be appointed at the first full council meeting following biennial council elections.
2. In accordance with provisions of Section 5.9 of the Local Government Act 1995, Council resolves that the Committee is to comprise of council members, employees and other persons.
3. In accordance with provisions of Section 5.10(1)(a) of the Local Government Act 1995, Council resolves that the Committee shall have as its Members;
 - a) At least one appointed Council member (Section 67(2) of the Bush Fires Act 1954);
 - b) The Chief Bush Fire Control Officer appointed under Section 38A of the Bush Fires Act 1954;
 - c) The Fire Control Officer of each volunteer bush fire brigade (Section 3.7 of the BushFire Brigades Local Law 2017);
 - d) The Shire of West Arthur CEO and Community Emergency Services Manager and;
4. Other representatives from state government agencies whose responsibility include bushfire and emergency management and should include as a minimum a representative of the Department of Fire and Emergency Services and the Parks and Wildlife Service.

Management

1. The formation and conduct of the Committee shall be in accordance with the requirements of the *Local Government Act 1995* and any other statutory requirements.
2. The Chief Bush Fire Control Officer shall perform the role of Chairman. In the absence of the Chairman, a member shall be elected to preside.
3. A Shire of West Arthur employee, not necessarily a committee member, may be appointed by the Council CEO to provide administrative support to the Committee. Unconfirmed Minutes will be available for inspection within five (5) working days. The Agenda and the Minutes of the previous meeting shall be circulated to all Committee members not later than seven (7) days before each meeting.
4. The Committee shall meet as often as required to achieve the aims and objectives of the Committee, but shall meet at least annually.
5. The quorum for a meeting of the Committee shall be at least 50% of the brigade members of the Committee.
6. The Committee is an Advisory Committee and as such, all advice and actions that require significant commitment of Shire of West Arthur employee resources shall be presented as recommendations to Council for consideration.
7. The Council may adopt, amend, reject or refer back to the Committee any recommendations arising from the Committee's deliberations.
8. The Committee shall not direct Shire of West Arthur employees.
9. The Committee will not have the authority or power to commit the Shire of West Arthur or any association, organisation, group or individual to expenditure without Council endorsement.
10. Committee members may provide written information and proposals for consideration.
11. The Committee may call upon guests with specific expertise or as the need arises and invite them to attend meetings. Such persons shall not be entitled to vote on any decision arising from such meetings.
12. Members shall act in accordance with Council's Code of Conduct.



Shire of West Arthur Council Policy – Betty Brown Historical Centre Management and Collection

Policy Number	C3.4 Community
Policy Title	Betty Brown Historical Centre Management and Collection Policy
Related Legislation	Local Government Act 1995 (WA) Aboriginal Heritage Act 1972. Weapons Act 1999 and the Weapons Regulations 1999. National Standards for Australian Museums and Galleries 1.5 First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries Guidelines of Ethical Practice of the Oral History Association of Australia
Strategic Outcome Supported	Outcome 1.4 - pride in our community and a strong sense of identity is forged from our cultural heritage and past and present achievements.
Adopted by Council	20 May 2020
Review	12 April 2022

1. Objective

This Management and Collection Policy will be used to guide the funding, establishment and management structure of the Betty Brown Historical Centre. In addition, it will assist with the collection and inclusion of items into the Betty Brown Historical Centre, in accordance with the key theme and sub-themes of the Centre. The procedures developed to implement these policies will be outlined in a separate document, the Collection Procedures Manual.

2. Scope

This Policy will apply to the Betty Brown Historical Centre and those involved in the management and operations thereof.

3. Definitions

Deaccessioning: the administrative process of removing an item from the collection.

4. Policy Statement

The Betty Brown Historical Centre and its collection are owned by the Shire of West Arthur. The Centre is housed in the old Road Board building within the West Arthur Health and Resource Centre. Normal access to the Centre will be during the CRC opening hours of 8.30am to 4.30pm with after hours by prior arrangement.

4.1 Centre Management

4.1.1 Museum Reference Group

The Centre will be managed by a Museum Reference Group (MRG) which will consist of a maximum of six members of which, up to three will be Shire of West Arthur Representatives (either staff or elected members) and up to three West Arthur Community Resource Centre (CRC) representatives (staff or nominated representatives). The MRG will be responsible for the operation of the Centre, the collection and cataloguing of items for inclusion in the Centre, and updating of policies and procedures associated with the Centre. The MRG will meet on an “as required” basis.

Specifically the MRG will be responsible for the following:

- recommending to Council procedures and guidelines associated with the management of the Centre;
- adopting and supporting the Collection Procedures Manual for the Centre;
- approving the Centre content (e.g. information for inclusion on panels, items to be included in the Centre);
- considering the annual budget needs and presenting to the Shire for budget consideration through the annual report;
- developing the long term vision for the Centre both financially and strategically through the Centre’s Forward Plan;
- overseeing short term planning and determining how new exhibits or programmes will be funded;
- approving significant changes to displays;
- recommending use of reserve/renewal funds to the Shire;
- approving who can open the Centre after hours/when it can be opened
- maintaining contact with relevant peak bodies and networks, in particular Museums Australia (WA); and
- identifying risks associated with the Centre and implementing strategies to manage these risks.

4.1.2 Role of Organisations in MRG

Each organisation within the MRG will have specifically allocated roles in the management of the Centre. The roles of each organisation are outlined below.

The Shire of West Arthur will be responsible for:

- managing Centre funds;
- meeting day to day operational and maintenance costs (power, cleaning materials, and consumables) excluding wages. All expenses are to be approved in advance by a Shire authorised officer;
- insuring the items contained within the collection and the display cases and panels in the Centre;
- cleaning the Centre a minimum of twice per week;
- payment of remuneration to the CRC for operating the Centre as part of the Memorandum of Understanding between the Shire and the CRC; and
- provision of staff to manage the Centre.

The CRC will be responsible for:

- ensuring the Centre is accessible to the public during opening hours;
- assisting visitors with enquiries;
- having a good understanding of the Centre and assisting patrons with electronic devices associated with the Centre (e.g. iPad and headphones) and managing the upkeep of the software on these devices; and
- ensuring the Centre is kept clean and tidy outside of normal Shire cleaning.

4.1.3 Centre Funding

The ongoing management of the Centre will be funded by the Shire of West Arthur. A portion of the money bequeathed to the Shire by Ms Betty Brown (\$50,000) plus funds remaining from the bequest following establishment has been annexed for future management. In addition to the bequeathed funds, the Shire will endeavour to allocate \$5,000 per annum, where possible, for the future upkeep and development of the Centre.

A donations box will be provided in the Centre and visitors will be encouraged to contribute to the donations box to assist with the Centre upkeep. Money from the donations tin will be managed by the Shire.

4.2 Collection Policy

The key theme for the Centre is to communicate the “Changing Role of Women in Agricultural Communities” with specific reference to the Shire of West Arthur. Subthemes of “Providing, Working, and Belonging” have been identified to assist with collection of items.

4.2.1 Method of Acquisition

The Centre will acquire objects for the permanent collection by donation, bequest, purchase or transfer. The Centre will consider conditional donations on a case by case basis. Loans will also be considered on a case by case basis. Decisions on items to acquire or loan will be made by the Museum Reference Group (MRG).

4.2.2 Acquisition Criteria

The MRG will consider the following criteria before approving acquisition of an object:

- **Relevance** - The Centre only collects objects that relate to the Centre’s purpose and key collecting areas and will not indiscriminately acquire objects that are not related to the themes described here.
- **Significance** - Priority is given to objects which are significant for their historic, aesthetic, scientific/research or social/spiritual value.
- **Provenance and Documentation** - Priority will be given to objects from the Shire of West Arthur and surrounding areas where the history of the object is known and associated documentation and support material can be provided. However, material may be obtained from other areas for comparative purposes where this enhances understanding of the key themes within the collections.
- **Condition, intactness, integrity** - The condition of the object must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the collection.
- **Interpretive Potential** - Objects that tell a story that adds to the interpretation of Centre themes will be prioritised.
- **Rarity** - Objects may be prioritised if they are rare examples of a particular kind of object.
- **Representativeness** - Objects may be prioritised if they are an excellent representative example of a particular kind of object
- **Duplications** - Objects that duplicate items already in the collection will not be accepted unless they are of superior condition and/or historic value. In such a case the duplicate may be considered for deaccessioning.
- **Legal Requirements** - The Centre only accept objects where the donor/vendor has legal title to the object.
- **Resource implications** - The Centre will consider its responsibility in relation to items that have highly specialised conservation, storage and display needs and the ability of the personnel to care for these items and the financial resources that maybe required to house such items.

4.3 Deaccessioning and Disposal

An object can be deaccessioned from the Centre's collection if:

- it does not comply with the current collection policy of the Centre;
- it is damaged beyond repair;
- the conservation and storage costs for it are beyond the means of the Centre;
- it is a lesser quality duplicate of an object the Centre already owns;
- it lacks any supporting information to enable proper identification or to establish its relevance to the collection; and
- a substantiated request for the return of the object to its original owner/donor is received. This could be the return of sacred material to Indigenous peoples.

Deaccessioning will be undertaken in accordance with Deaccession Procedures outlined in the Collection Procedures Manual.

In the event that the Centre needs to be closed, a resolution of council will be required.

5. Associated Documents

- Betty Brown Historical Centre Procedures Manual Rev 2 (draft)
- Betty Brown Historical Centre Annual Report (draft)
- Betty Brown Historical Centre Forward Plan (draft)



Terms of Reference

Local Emergency Management Committee

1. NAME

The name of the Committee shall be the "Local Emergency Management Committee", appointed in accordance with provisions of the *Emergency Management Act 2005* and Section 5.8 of the *Local Government Act 1995*.

2. FUNCTIONS

The functions of the Local Emergency Management Committee are taken from Sections 36 and 39 of the Emergency Management Act 2005.

The functions of the Local Emergency Management Committee are:

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district (including recovery planning);
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements.
- (c) to carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations¹.
- (d) to advise and assist the local government on how to manage recovery following an emergency affecting the community in the district; and
- (e) to advise and assist the local government on other functions relevant to Emergency Management, including but not limited to the following:
 - (i) Preparation of annual reports as recommended by State Emergency Management Policy 2.6;
 - (ii) Providing comment on State Emergency Management Policies;
 - (iii) the adequacy of State government support to achieve efficient, effective and consistent emergency management responses at the local level.

3. MEMBERSHIP

If the State Emergency Management Committee chooses it may determine the terms and conditions of appointment of members². In the event of any inconsistency between terms of condition of appointment of members determined by the State Emergency Management Committee and these terms and conditions, the terms and conditions set by the State Emergency Management Committee prevail.

- 3.1 Council, by Absolute Majority, shall appoint a committee³ for a two-year term, such committee to be appointed at the first full council meeting following biennial council elections.
- 3.2 In accordance with provisions of Section 5.9 of the Local Government Act 1995, Council resolves that the Committee is to comprise of council members, employees and other persons.
- 3.3 Membership of the Local Emergency Management Committee comprises⁴:
 - at least one council member
 - the Community Emergency Services Manager
 - the Chief Bush Fire Control Officer for the Shire of West Arhtur
 - The Chief Executive Office of the Shire of West Arthur (or nominee)
 - The Recovery Co-ordinator for the Shire if West Arthur
 - Representatives from state government agencies whose responsibility include bushfire and emergency management and should include as minimum a representative of the Department of Fire and Emergency Services, the Officer in Charge of the Williams Police, the Department of Biodiversity, Conservation and Attractions.
 - Representatives from local industry, lifeline organisations and health services.
- 3.4 The Council of the Shire of West Arthur appoints the chairman from the membership. If the Shire does not appoint a chairman, the Local Emergency Coordinator shall be the chairman.
- 3.5 The Chief Executive Officer may remove a person or organisation from the list of members appointed by Council where that person or organisation is absent without tendering an apology throughout three consecutive meetings of the Local Emergency Management Committee, or if that organisation's attendance is considered essential, the CEO should liaise with a senior representative of that organisation to seek appropriate representation.

4. MANAGEMENT/ PROCEDURES

If the State Emergency Management Committee chooses, it may determine the constitution and procedures of a Local Emergency Management Committee. In the event of any inconsistency between the constitution and procedures determined by the State Emergency Management Committee and these management/procedures, the constitution and procedures set by the State Emergency Management Committee prevail.

- 4.1 The formation and conduct of the Committee shall be in accordance with the requirements of the *Local Government Act 1995*, the *Emergency Management Act 2005* any other statutory requirements.
- 4.2 The State Emergency Management Committee Policy 2.5 identifies that secretariat and administrative support to the Local Emergency Management Committee “*is to be provided by the local government*”.

Therefore, a Shire of West Arthur employee, not necessarily a committee member, shall be appointed by the Shire of West Arthur Chief Executive Officer to prepare agendas and minutes on behalf of the Committee. Unconfirmed Minutes will be available for inspection within five (5) working days. The Agenda and the Minutes of the previous meeting shall be circulated to all Committee members not later than seven (7) days before each meeting.

- 4.3 The Committee shall meet twice each year as a minimum or as required.
- 4.4 The quorum for a meeting of the Committee shall be at least four members of the Committee.
- 4.5 Every attending member shall have one vote.
- 4.6 The Council may adopt, amend, reject or refer back to the Committee any recommendations arising from the Committee’s deliberations.
- 4.7 The Committee shall not direct Shire of West Arthur employees.
- 4.8 The Committee will not have the authority or power to commit the Shire of West Arthur or any association, organisation, group or individual to expenditure without Council endorsement or, in accordance with section 6.8(1)(c) of the *Local Government Act 1995*, the Shire President’s approval.
- 4.9 Members wishing to address the Committee may do so in writing, providing information and proposals for consideration.

- 4.9 The Committee may call upon consultants or guests with specific expertise or as the need arises and invite them to attend meetings. Such persons shall not be entitled to vote on any decision arising from such meetings.
- 4.10 Members shall act in accordance with Council's Code of Conduct.
- 4.11 As specified by State Emergency Management Committee Policy 2.5 each meeting of the Local Emergency Management Committee should consider, but not be restricted to, the following matters, as appropriate:
- a. Every meeting:
 - i. Confirmation of the Local Emergency Management Arrangements contact list currency;
 - ii. Review any of post-incident reports and post exercise reports generated since last meeting;
 - iii. Progress of emergency risk management process;
 - iv. Progress of treatment strategies arising from emergency risk management process;
 - v. Progress of development or review of local emergency management arrangements; and
 - vi. Other matters determined by the local government.

5. Delegation

- 5.1 The Committee shall be free to plan to achieve the aforementioned functions' aims as best as it sees fit in the context of the terms of reference.
- 5.2 The Council, in accordance with the Local Government Act, delegates the powers and privileges outlined within these Terms of Reference to the Advisory Committee.

Last Updated: October 2022

11.3 ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW

File Reference:	ADM212
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	6/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Draft Animals, Environment and Nuisance Local Law ↓

SUMMARY:

Council is requested to consider approval of the attached draft Animals, Environment and Nuisance Local Law for advertising for public comment.

BACKGROUND:

The Local Government Act requires the following statements be made in the agenda and minutes of the meeting:

Purpose of this local law – to provide for the regulation, control and management of animals and birds, the prevention of environmental damage and nuisances within the District.

Effect – to establish the minimum requirements for keeping animals and birds, or undertaking activities that have the potential to impact the environment or create nuisance for compliance and create offences for non-compliance.

The proposed local law covers a number of matters either not covered by legislation or having inadequate provisions.

The proposed local law uses the WA Local Government Model as a starting point, but utilises similar local laws already published in the Government Gazette by other local governments.

The Local Government Act 1995 prescribes –

- Council to resolve to commence the local law giving notice of purpose and effect in the agenda
- minimum of 6 weeks local public notice
- Council to consider any submissions before final adoption
- any significant changes to the draft advertised, necessitates readvertising
- once final adoption is resolved, publication in the Government Gazette, advice to relevant Ministers, local public notice of Gazettal,
- submission of all relevant documents to the Parliamentary Joint Standing Committee on Delegated Legislation

The committee (JSCDL) reviews the local law and its effects, and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted and all other processes completed.

COMMENT:

There are a number of matters that Council should be aware of –

- (1) the local law applies to the whole of the district, however, certain provisions are restricted to particular land uses, either
 - (a) by zoning as defined by the Local Planning Scheme;
 - (b) within a townsite or not; or
 - (c) specific statement within the local law as to application

(2) Terms used –

- (a) By resolution – in effect, this term means the Council at a meeting, and the decision cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean the organisation.
- (b) Council, CEO, EHO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
- (c) Authorised person – an authorised person’s function and actions are defined by the local law and is not to be confused with a delegation. A delegation relates to decision, whereas an authorisation relates to an action. The CEO may delegate power to a senior staff member to make decisions, but this does not include acting as an authorised person to issue infringements (as an example).

Note: under the Local Government Act, delegations may only be made by Council to a Council established committee or the CEO

- (d) local government – depending on the matter being addressed –
 - may mean a decision – in which case, DLGSC considers it should be made by the highest decision making authority within the organisation, which is the Council, unless specified “by resolution” or “Council” the decision may be delegated;
 - may be an administrative matter – an organisational function such as submission of a form, a task to be undertaken, installation of a sign etc.
- (3) Use of policy to specify standards and activities. In accordance with the Local Government Act s.2.7, policies are to be set by Council. Care needs to be exercised since policy should be seen as instructions to employees on what they may approve, or when to act. They should not be seen as a direct control of the public unless the necessary processes are undertaken.
- (4) Liability for damage, notice to correct and undertaking remedial works – clauses 9.4 and 9.5 are the real power of the Council where non-compliance has occurred. Similar to an infringement notice or a prosecution, these also rely on knowing the identity of the offender. These clauses allow Council, where the offender is known to –
 - (a) Issue a notice to repair, pay for repairs or carry out works needed for compliance with the local law. Generally, if there is damage, it is suggested that paying for reinstatement or repairs is most appropriate as Council would then control the standard of works.
 - (b) If the recipient of the notice does not comply with the notice, they can be infringed or prosecuted.
 - (c) Council may carry out the works and recover the cost as a debt, applying interest to the outstanding amount if necessary, or taking legal action. This is consistent with the provisions of the Local Government Act s.3.25 and 3.26 in relation to notices issued concerning Schedule 3.1 matters.
 - (d) Penalties – the Local Government Act permits a penalty on prosecution/conviction of a maximum \$5,000, and specifies that modified penalties may only be a maximum of 10% of the general penalty within the local law. Penalties are suggested depending on the likely offender (individual or enterprise) and the severity or impact of any non-compliance on the community.

CONSULTATION:

Niel Mitchell - Consultant

STATUTORY ENVIRONMENT:

Local Government Act 1995

s 3.12 – Procedure for making local laws

s.3.13 – Significant changes require recommencement of proposal

s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal

s.3.15 – local public notice of the final adoption/making of a local law to be given

Cat Act 2011

s.79 – matters for which a local law may be made

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Cost of development, advertising and publication in the Government Gazette have been allowed for in the 2023/2024 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and staff.

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	Significant	Severe
		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	Negative impacts on community where matters do not have appropriate controls
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Community disruption Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Adoption of proposed local law following public consultation

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That –

- in accordance with the Local Government Act 1995 s.3.12(2) and (3), the Cat Act 2011 and all other legislation enabling it, local public notice be given that Council intends to make an Animals, Environment and Nuisance Local Law, and inviting submissions for a minimum 6 week period –
 - Purpose – to provide for the regulation, control and management of animals and birds, the prevention of environmental damage and nuisances within the District.
 - Effect – to establish the minimum requirements for keeping animals and birds, or undertaking activities that have the potential to impact the environment or create nuisance must comply and create offences for non-compliance.
- in accordance with the Local Government Act 1995 s.3.12(3), a copy of the proposed local law be –
 - sent to the Minister for Local Government; and
 - made available to any other person requesting a copy.

Table of Contents inserted for administrative ease of use and will not be published as part of the
Gazetted local law

LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

SHIRE OF WEST ARTHUR

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2024

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LOCAL GOVERNMENT ACT 1995
CAT ACT 2011

SHIRE OF WEST ARTHUR

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of West Arthur resolved on _____ 2024 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of West Arthur Animals, Environment and Nuisance Local Law 2024*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Terms Used

(1) In this local law, unless the context specifies otherwise –

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 2015*;

amusement means anything usually conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

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

aviary bird means any bird, other than poultry or pigeons, kept, or usually kept in an aviary or cage;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

building permit has the meaning given to it by the *Building Act 2011*;

building site means any lot for which a building permit is current;

cat has the meaning given to it in the *Cat Act 2011*;

CEO means the Chief Executive Officer of the local government;

Code of Practice—Pigeon Keeping means the document entitled A Code of Practice – May 1994 – Pigeon Keeping and Pigeon Racing published in May 1994 by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

commercial zone means any area zoned “Commercial” under a local planning scheme

cow includes an ox, calf or bull;

development has the meaning given to it in the *Planning and Development Act 2005*;

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval, and any lot or lots upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place;

district means the district of the local government;

disused means, in relation to any thing whatsoever, that the thing –

(a) is not in use for the purpose for which it was designed or appears to have been designed or

intended; or

(b) has been stored or left stationary on land in the district for more than 1 month;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

EHO means an Environmental Health Officer appointed by the local government;

equipment means equipment, machinery or vehicles used for, or in connection with, the development of land;

food premises includes the meaning of “food” as given under section 9 of the *Food Act 2008* and the meaning of “food business”, as given under section 10 of the *Food Act 2008*;

horse means a stallion, mare, gelding, shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

industrial zone means any area zoned “Industrial” under a local planning scheme;

land includes any building or structure on the land;

licence means a licence, permit or approval issued under this local law;

licence holder means a person who holds a valid licence;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock means any horse, cow, sheep, goat, swine, buffalo, deer, camel, llama or alpaca;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the Shire of West Arthur;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs less than 55 kilograms;

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

owner has the meaning given in section 1.4 of the Act;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Biodiversity, Conservation and Attractions;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

public notice means such notice as the local government considers necessary –

- (a) stipulating duration and placement of notices as is considered relevant to inform the community,
- (b) not requiring compliance with local public notice under section 1.7 of the Local Government Act; and
- (c) the local government may place the notice given as a public notice on the local government’s website or other means of informing the public;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

- Regulations** means the *Local Government (Functions and General) Regulations 1996*;
- residential building** has the meaning given to it in the Residential Design Codes of Western Australia as amended;
- residential zone** includes any area zoned "Residential" under a local planning scheme;
- rural zone** means any area zoned "Rural" under a local planning scheme as –
- rural residential zone** means any area zoned "Rural Residential" under a local planning scheme;
- sand** means granules or particles of rock, earth, clay, loam, silt and any other granular, particulate or like material including dust and gravel;
- Schedule** means a schedule to this local law;
- set fee** means a fee or charge made by the local government under sections 6.16 to 6.19 of the Act;
- stormwater** means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;
- subdivision approval** means a subdivision approval under the *Planning and Development Act 2005*;
- thoroughfare** has the meaning given to it in section 1.4 of the Act;
- townsite** means the following townsites constituted under section 26(2) of the *Land Administration Act 1997* –
- (a) Darkan;
 - (b) Duranillin;
 - (c) Bowelling; and
 - (d) Moodiarup;
- truck** means a motor vehicle having a tare weight in excess of 3,000 kilograms;
- unreasonable noise** has the meaning given to it by the *Environmental Protection Act 1986*;
- vectors of disease** means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice;
- vermin** includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions; and
- written notice** means a written notice issued in accordance with Part 9.
- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.
 - (3) Where, in this local law, a duty, obligation or liability is imposed on an "owner or occupier" the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

PART 2 - KEEPING OF ANIMALS

2.1 Interpretation

In this Part, unless the context otherwise requires –

- animal** includes cats, dogs, rabbits and ferrets or the like;
- cattery** means premise registered for the breeding or caring of cats; and
- member of a cat organisation** means a person referred to in the *Cat Regulations 2012* regulation 23(c).

2.2 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal is kept shall –

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health, or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means.

2.3 Animal enclosures

- (1) A person shall not keep or cause, or permit to be kept, any animals on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals are kept shall, when given written notice, pave,

grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

2.4 Cats

- (1) Subject to clause 2.5, a person shall not keep more than 3 cats over the age of 6 months on premises on any land within the district, without a licence from the local government.
- (2) A licence under subclause (1) is not required if the premises concerned are –
 - (a) a cat management facility which has been approved by the local government;
 - (b) used for veterinary purposes;
 - (c) a pet shop;
 - (d) premises with 3 or less cats;
 - (e) granted an exemption under regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013*;
 - (f) is a member of a cat organisation; or
 - (g) the subject of an exemption granted by the local government.
- (3) An owner or occupier of premises may apply to the local government for exemption from the requirements of subclause (1).
- (4) The local government shall not grant a licence under subclause (3) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (5) An exemption granted under this clause shall specify –
 - (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises; and
 - (d) A person who is granted an exemption under subclause (3) may be subject to conditions, including but not limited to –
 - (i) replacement of a cat not permitted if it dies or is permanently removed from the premises not being permitted;
 - (ii) the licence holder will provide adequate space for the exercise of the cats;
 - (iii) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (iv) such other conditions, as the local government considers appropriate.

2.5 Conditions for keeping cats

- (1) The occupier of any premises shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following conditions –
 - (a) the occupier shall obtain a licence from the local government to establish a cattery;
 - (b) upon receiving a licence to establish a cattery, the occupier shall apply for registration of the cattery in the form determined by the local government;
 - (c) the occupier shall have paid, to the local government, the set fee;
 - (d) the occupier shall provide, for every cat, a properly constructed shelter with an enclosure, which shall comply with the following conditions –
 - (i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and
 - (ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;
 - (e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises wherein food is manufactured, packed or prepared for human consumption; and
 - (f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an EHO may direct.
- (2) A certificate of registration of a cattery issued by the local government shall –
 - (a) be in the form approved by local government; and
 - (b) expire on 30 June next after the date of its issue.

PART 3 - KEEPING OF BIRDS**3.1 Keeping of poultry and pigeons in a residential, commercial and industrial zones**

- (1) An owner or occupier of premises in a residential zone, commercial zone or industrial zone shall not keep or permit to be kept on the premises –
 - (a) more than 12 poultry, or with a licence from the local government, not more than 20 poultry; and
 - (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.
- (2) An owner or occupier of premises in a residential zone, commercial zone or industrial zone may apply to the local government to vary the requirements of subclause (1).

3.2 Conditions for keeping of poultry

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that –
 - (a) no poultry shall be kept less than 9 metres from any residential building on the land;
 - (b) no poultry is able to approach within –
 - (i) 15 metres of the property's primary public thoroughfare;
 - (ii) 9 metres of any other public thoroughfare; or
 - (iii) 15 metres of a neighbouring residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.
 - (c) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition;
 - (d) poultry are confined to the premises at all times; and
 - (e) where the structure has an impervious floor, it is laid with a fall to the front of at least 1 in 50.
- (2) An owner or occupier of a premises who keeps poultry or permits poultry to be kept may apply to the local government to vary the requirements of subclause (1)(b) or (e).

3.3 Roosters, geese, turkeys and peafowl

- (1) An owner or occupier of premises in a residential zone, commercial zone or industrial zone shall not keep or permit to be kept on the premises –
 - (a) roosters;
 - (b) geese;
 - (c) turkeys;
 - (d) peafowls; or
 - (e) guinea fowl.
- (2) An owner or occupier of premises in a residential zone, commercial zone or industrial zone may apply to the local government to vary the requirements of subclause (1).

3.4 Conditions for keeping of pigeons

- (1) A person who keeps pigeons, or permits pigeons to be kept, shall ensure that –
 - (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
 - (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
 - (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
 - (d) no opening to a pigeon loft, including openings for ventilation, is within –
 - (i) 9 metres of a public thoroughfare; or
 - (ii) 15 metres of a neighbouring residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.
- (2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.

3.5 Restrictions on pigeon nesting and perching

The local government may order an owner or occupier of premises on or in which pigeons are, or are in the habit of nesting or perching, to take adequate steps to prevent them from continuing to do so.

3.6 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that –

- (a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building on any other lot;
- (b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;
- (c) the aviary or cage is kept in clean condition and good repair at all times;
- (d) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and
- (e) effective measures are taken to prevent the attraction or harbourage of vermin.

3.7 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which –

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

PART 4 - KEEPING OF FARM ANIMALS

Division 1 – Farm animals

4.1 Application of this Division

This Division applies only within the townsites.

4.2 Interpretation

In this Part, unless the context otherwise requires –

approved animal means any farm animal which is the subject of a licence;

farm animal includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government; and

manure receptacle means a receptacle constructed of smooth, impervious material and in such a manner as to be easily cleaned, which has a tight fitting lid or cover to prevent the release of odours and prevent the entry of vectors of disease or vermin;

4.3 Licence required to keep farm animals

Subject to clause 4.5, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless in accordance with a valid licence authorising the keeping of such a farm animal issued in relation to the land pursuant to clause 4.4; or

4.4 Application for a licence to keep farm animals

In addition to the requirements of clause 8.1, an application for a licence required by clause 4.3 shall include the following information –

- (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.;
- (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal;
- (c) a detailed written plan for the management of manure which addresses—
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours; and
- (d) the appropriate set fees.

4.5 Determination of application to keep farm animals

(1) Subject to clauses 4.6 and 8.2(1)(a), the local government may –

- (a) refuse to determine an application for a licence which does not comply with clause 4.4;
 - (b) approve an application for a licence subject to such conditions as it considers appropriate; or
 - (c) refuse to approve an application for a licence.
- (2) Where an application for a licence is approved subject to conditions, the licence holder shall comply with those conditions or cause compliance with those conditions.
- (3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a licence in the form determined by the local government.
- (4) A licence is valid from the date of issue until 30 June the following year, unless it is cancelled prior to that date under this local law.

4.6 Conditions of licence to keep farm animals

- (1) A licence shall not be granted pursuant to clause 4.5 –
- (a) unless the land for which the licence is sought is of such dimensions and configuration as will permit the subject animal to be confined in a minimum cleared area of 150 square metres and prevented from approaching within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.;
 - (b) in the case of a horse (other than a miniature horse) or cow, unless the land for which the licence is sought has a minimum area of 1 hectare;
 - (c) for the keeping of any pig (other than a miniature pig).
- (2) The local government shall take into account the opinions of occupiers of adjoining properties in determining whether to grant a licence for the keeping of a farm animal.
- (3) A licence to keep a farm animal may be issued subject to conditions, including –
- (a) that a stable or shelter is provided for housing the approved animal;
 - (b) that a manure receptacle is provided in a position convenient to the shelter or place where the approved animal is kept, and that the receptacle is used for the receipt of all manure produced on the premises; and
 - (c) any other conditions that the local government considers necessary for the protection of the health and amenity of the neighbourhood.

4.7 Requirements for keeping farm animals

- (1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall –
- (a) maintain the place or places where the animals are kept in clean condition;
 - (b) ensure that any farm animal or farm animals kept on the premises does not cause or constitute a nuisance;
 - (c) maintain the premises free from flies or other vermin by spraying with residual insecticide or other effective means;
 - (d) if a manure receptacle is required to be used –
 - (i) cause all manure produced on the premises to be collected daily and placed in the receptacle;
 - (ii) cause the receptacle to be emptied as often as is necessary to prevent it becoming offensive or a breeding place for flies or other vermin, but in any case at least once a week; and
 - (iii) keep the lid of the receptacle closed except when manure is being deposited or removed; and
 - (e) not permit any farm animal to approach within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold..
- (2) An owner or occupier of premises in a rural residential zone shall not keep more than 6 pigs other than on premises registered as a piggery pursuant to the provisions of the *Health (Miscellaneous Provisions) Act 2011*, except with a licence from the local government.

4.8 Keeping a miniature horse

- (1) An owner or occupier of a premises may keep only a sterilised miniature horse on land of not less than 1,000 square metres in area provided it is registered with the local government and the set fee is paid.

- (2) An owner or occupier of premises shall –
 - (a) not keep more than one miniature horse on land without a licence from the local government or an authorised person; and
 - (b) not permit a miniature horse to come within 9 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.
- (3) The local government or an authorised person may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

4.9 Keeping a miniature pig

- (1) Except for a miniature pig, and subject to subclause (2) no person shall keep a pig or pig.
- (2) A person shall not keep a miniature pig without a licence from the local government or an authorised person.
- (3) An owner or occupier of premises where a miniature pig is kept shall –
 - (a) only keep a sterilised animal and retain written proof of its sterilisation;
 - (b) confine the animal on the property at all times;
 - (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust, or odour;
 - (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current; and
 - (e) not permit the animal to come within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.
- (4) The local government or an authorised person may prohibit the keeping of a miniature pig on any land, or state the conditions under which the miniature pig may be kept.

4.10 Requirements for farm animal shelters

- (1) Any stable, enclosure or shelter provided for the keeping of farm animals, whether or not a licence is required for the keeping of such farm animals pursuant to clause 4.5, shall –
 - (a) not be situated within 15 metres of any residential building, public building or premises where people are employed or premises where food is stored, prepared, manufactured or sold.;
 - (b) not be situated within 1 metre of any lot boundary;
 - (c) be constructed of materials approved by an authorised person;
 - (d) have on each side of the building between the wall and roof a clear opening of at least
 - (e) 150 millimetres in height, and of sufficient length, to provide adequate ventilation to the
 - (f) stable, enclosure or shelter;
 - (g) when required by the local government have a separate stall for each horse, cow or other approved animal, the shortest dimension of which shall be at least twice the length of the animal housed therein; and
 - (h) subject to subclause (2), have a floor, the upper surface of which shall –
 - (i) be raised at least 75 millimetres above the surface of the surrounding ground;
 - (ii) be constructed of cement, concrete or other similar impervious material; and
 - (iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable or shelter.
- (2) A stable or shelter constructed with a sand floor may be approved by an authorised person subject to –
 - (a) the site being well drained, with the sand floor being at least 1.5 metres above the highest known ground water level;
 - (b) a 300 millimetre thick bed of crushed limestone being laid under the sand of the stable;
 - (c) the sand, whether natural or imported, being clean, coarse and free from dust;
 - (d) footings to the stable or shelter being a minimum of 450 millimetres below ground level; and
 - (e) the design of the stable allowing for the access of small earthmoving machinery, such as a skid steer loader, into each stall to maintain the correct floor height.
- (3) An owner or occupier of any land upon which a stable or shelter is located must ensure that the stable or shelter complies in all respects with the requirements of subclause (1), and, where the licence referred to in subclause (2) has been granted, with the requirements of subclause (2).

*Division 2 – Livestock***4.11 Livestock not to stray**

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a thoroughfare, public place or upon private property without the consent of the property owner.

4.12 Property to be fenced

The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

PART 5 - BUILDING, DEVELOPMENT AND LAND CARE**5.1 Application of this Part**

This Part applies only within the townsites.

5.2 Provision of refuse receptacles

The owner or occupier of a building site or development site shall at all times provide and maintain a refuse receptacle, available for use on the site, which includes a suitable cover, to the satisfaction of an authorised person, of such design as will –

- (a) contain any refuse likely to be produced on the site; and
- (b) prevent refuse being blown from the receptacle by wind.

5.3 Control of refuse

- (1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall –
 - (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
 - (b) keep the site free from any refuse;
 - (c) maintain the verge, footpath and any other reserve, immediately adjacent to the site, free of refuse from the site; and
 - (d) ensure the refuse receptacle is emptied when full.
- (2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site –
 - (a) ensure the site and the verge and footpath immediately adjacent to it, is cleared of all refuse; and
 - (b) all refuse receptacles are removed from the site.

5.4 Prohibited activities for prevention of dust and liquid waste

- (1) An owner and or occupier of land must take reasonable steps or measures to –
 - (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land; and
 - (c) ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.
- (2) Where the local government forms the opinion that an owner or occupier has not complied with subclause (1) the local government may give written notice requiring the owner and or occupier to do one or more of the following –
 - (a) comply with subclause (1)(a) or (1)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (3) Where written notice is issued under subclause (2), the requirements of the notice must be complied with in the period as is specified in the notice.
- (4) Where the local government forms the opinion that dust or liquid waste has escaped or has been

released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may give written notice requiring that the activity or use of equipment on the land be ceased immediately, for such period as is specified in the notice on –

- (a) any owner or occupier of the land; or
 - (b) any operator of equipment on the land.
- (5) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried out from any land, the local government may give to the owner and or occupier written notice providing that the activity may only be carried on subject to conditions specified in the notice.

5.5 Dust management

If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, the local government may require the owner, occupier or builder to –

- (a) submit a Dust Management Plan in accordance with the Department of Water and Environmental Management document “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities” (March 2011), or any updated version of this document; and
- (b) obtain written approval of the Dust Management Plan from an authorised person before commencement of any work.

5.6 Removal of refuse and disused materials

- (1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind which in the opinion of the local government or an authorised person is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.
- (2) The local government or an authorised person may give written notice to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

5.7 Removal of unsightly overgrowth of vegetation

- (1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.
- (2) The local government or an authorised person may give written notice to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

5.8 Storage of vehicles, vessels and machinery

- (1) The owner or occupier of a lot shall not –
 - (a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
 - (b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;
 - (c) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery parts (including tyres);
 - (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed –
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the thoroughfare and from adjoining properties; or
 - (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.
- (2) Subclause (1) does not apply to land zoned industrial under a local planning scheme.

5.9 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first –

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or
- (b) rendering every door and lid incapable of being fastened.

PART 6 - NUISANCES AND DANGEROUS THINGS

6.1 Application of this Part

This Part applies only within the townsites.

6.2 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used, shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

6.3 Emission or reflection of light

An owner or occupier of land shall ensure that –

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

6.4 Notice may require specified action to prevent emission or reflection of light

- (1) The local government may by written notice direct the owner or occupier to take such actions as an authorised person considers necessary within the time specified in the notice where –
 - (a) floodlights or other exterior lights shine directly onto any other premises;
 - (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or
 - (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare,
- (2) The notice referred to in subclause (1) may direct that –
 - (a) floodlights or other exterior lights are used only during the hours specified in the notice;
 - (b) the direction in which the lights shine be altered as specified in the notice;
 - (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance; or
 - (d) any combination of these measures that the local government believes to be appropriate to the circumstances.

6.5 Burning rubbish, refuse or other material

- (1) A person shall not set fire to rubbish, refuse or other materials unless –
 - (a) a licence has first been obtained from the local government;
 - (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;'
 - (c) the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
 - (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
 - (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of a licence as determined by the local government.
- (2) Subclause (1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (3) Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

6.6 Burning of cleared vegetation prohibited

An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site.

6.7 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

6.8 Disposal of swimming pool backwash

- (1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (2) Subclause (1) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

6.9 Containment of stormwater

- (1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road.

6.10 Amusements nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

6.11 Restrictions on feeding of birds

- (1) A person shall not feed a bird –
 - (a) so as to cause a nuisance, or
 - (b) with a food or substance that is not a natural food of a bird.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may give the person written notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

6.12 Hazardous trees

- (1) Where a tree on a lot endangers any person or thing on adjoining land, the local government may give written notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that tree so as to make the tree safe.
- (2) Where a tree on a lot presents a serious and immediate danger to any person or thing, the local government may take any remedial action it considers appropriate in order to make the tree safe without having given the owner or occupier written notice pursuant to subclause (1).
- (3) The local government reserves its right to recover any costs incurred by the local government for remedial action taken in terms of subclause (2).

PART 7 - VEHICLE NUISANCE

7.1 Livestock vehicles

- (1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.
- (2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.
- (3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

7.2 Truck noise from residential land

A person shall not start or drive a truck on land zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of the local government.

PART 8 - LICENCES**8.1 Application for licence**

- (1) Where a person is required to obtain a licence under this local law, that person shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required; and
 - (d) be forwarded to the local government together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.
- (4) An authorised person may require an applicant to give public notice of the application for a licence.
- (5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

8.2 Decision on application for licence

- (1) An authorised person may –
 - (a) approve an application for a licence unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a licence.
- (2) If an authorised person approves an application for a licence, written notice of approval is to be issued to the applicant.
- (3) If an authorised person refuses to approve an application for a licence, written notice of that refusal is to be given to the applicant.
- (4) An authorised person may, at any time, amend a condition of a licence and the amended condition takes effect when written notice of it is given to the licence holder.

8.3 General restrictions on grant of licence

- (1) An authorised person shall not grant a licence if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) An authorised person shall not grant a licence unless satisfied that –
 - (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) the public place at which the activity is to be provided is suitable for that purpose;
 - (c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is considered to be a fit and proper person to carry on the activity.

8.4 Amendment of licence

- (1) An authorised person may, by written notice given to the licence holder, amend a licence –
 - (a) imposing any new condition; or
 - (b) change or remove any existing condition.
- (2) An amendment may be made on application made by the licence holder or on the initiative of an authorised person.
- (3) An amendment will come into effect on the day that written notice is given to the licence holder, or some other date as specified in the notice.

8.5 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

8.6 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licence holder shall comply with each of those conditions, as amended.

8.7 Duration of licence

A licence is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the licence; or
- (b) cancelled under this Division.

8.8 Renewal of licence

- (1) A licence holder may apply to the local government for the renewal of a licence.
- (2) An application for renewal shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the licence holder;
 - (c) provide the information required by the form;
 - (d) be forwarded to the local government no later than 28 days before the expiry of the licence, or within a shorter period that the local government in a particular case permits; and
 - (e) be accompanied by any set fee.
- (3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

8.9 Transfer of licence

- (1) An application for the transfer of a valid licence is –
 - (a) to be made in writing;
 - (b) to be signed by the licence holder and the proposed transferee of the licence;
 - (c) to include such information as an authorised person may require to enable the application to be determined; and
 - (d) to be forwarded to the local government together with any set fee.
- (2) An authorised person may –
 - (a) approve an application for the transfer of a licence;
 - (b) approve the application subject to any conditions; or
 - (c) refuse to approve the application.
- (3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the authorised person.
- (4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licence holder.

8.10 Cancellation of licence

A licence may be cancelled by an authorised person if –

- (a) the licence was obtained improperly;
- (b) the licence holder has persistently or frequently contravened a term or condition of the licence, or a provision of this local law; or
- (c) there are reasonable grounds for believing that the continued provision of the activity constitutes or would constitute an unacceptable risk to the safety of the public.

8.11 Surrender of licence

A licence holder may, at any time by notice in writing to the local government, surrender the licence.

8.12 Production of licence

A licence holder shall produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

8.13 Production of licence document for amendment

If an authorised person amends or renews a licence, the licence holder shall, if required by an authorised person, produce the licence document to the authorised person for amendment within the period specified by the authorised person.

8.14 Return of licence document if licence no longer in effect

- (1) The person who was the licence holder shall as soon as practicable return the licence document to the local government if a licence –
 - (a) has expired or has not been renewed;
 - (b) has been cancelled; or
 - (c) has been surrendered.
- (2) On the cancellation of a licence under clause 8.10 the licence holder is to be taken to have forfeited any fees paid in respect of the licence.

PART 9 - NOTICES**9.1 Notice to remedy non-compliance**

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give written notice –

- (a) to the owner or the occupier of the property or property which abuts that portion of the thoroughfare where the thing has been done or not done; or
- (b) to any other person who may be responsible for the thing done or not done, requiring the person to comply with the requirements of this local law.

9.2 Notice requirements

- (1) Written notice given under this Part shall –
 - (a) be in writing;
 - (b) given to the person referred to in clause 9.1;
 - (c) specify the reason for giving the notice;
 - (d) the action that is required to be undertaken; and
 - (e) the time within which the work or action is to be undertaken.
- (2) At the discretion of the local government, the action that may be required to be undertaken is –
 - (a) to take or cease such action as may be required for compliance with this local law;
 - (b) reinstate the property or thing to the state it was in before the removal, damage or interference;
 - (c) replace that property or thing; or
 - (d) pay for the costs of reinstatement or replacement.

9.3 Offence to fail to comply with notice

A person who fails to comply with written notice given to him or her under this local law commits an offence.

9.4 Local government may undertake requirements of notice

If a person fails to comply with written notice referred to in clause 9.1, the local government may –

- (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
- (b) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
- (c) recover all costs from the person, as a debt.

9.5 Entry into private land

This local law is subject to sections 3.25, 3.27 and schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 10 - OBJECTIONS AND APPEALS

10.1 Objections and appeals

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment or cancellation of a licence or consent.

PART 11 - ENFORCEMENT

11.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

11.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

11.3 Prescribed offences

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

11.4 Form of infringement notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Schedule 1 – Prescribed offences

[clause 11.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.2(a)	Failure to keep premise free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attracts, vermin or insects	250
2	2.2(b)	Failure to keep premises clean and disinfected when given written notice	250
3	2.2(c)	Failure to keep premises free of flies, or when given written notice, spray premises with residual insecticide or use other means to kill or repel flies	250
4	2.3	Failure to maintain adequate enclosures	250
5	2.4(1)	Keeping more than 3 cats without a licence	250
6	2.5(1)	Failure to keep cats in accordance with conditions of this local law	250

Item	Clause	Nature of offence	Modified penalty \$
7	3.1(1)	Keeping more than the permitted number of poultry	250
8	3.2(1)	Keep, or permit to be kept, any poultry, not in accordance with conditions of this local law	250
9	3.3(1)	Keep, or suffer to remain in a residential zone, a rooster, turkey, goose or geese, peafowl or guinea fowl	250
10	3.4(1)	Failure to keep pigeons in accordance with conditions of this local law	250
11	3.4(2)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in the Code of Practice	250
12	3.5	Failing to prevent pigeons nesting or perching	250
13	3.6	Failing to keep aviary birds in accordance with conditions of this local law	250
14	3.7	Keeping birds so as to create a nuisance	250
15	4.3	Keeping a farm animal without a valid licence	250
16	4.6	Failure to comply with the conditions for keeping farm animals	250
17	4.7	Failure to keep farm animals in accordance with requirements of this local law	250
18	4.8	Keeping a miniature horse on land without a licence	250
19	4.9	Keeping a miniature pig on land without a licence	250
20	4.10	Failure to provide or keep a shelter for farm animals in accordance with this local law	250
21	4.11	Permitting livestock to stray, or be at large in a thoroughfare, public place or private property without consent	250
22	4.12	Failing to keep property fenced in a manner capable of confining livestock	250
23	5.2	Failure to provide or maintain a refuse receptacle on a building or development site	500
24	5.3	Failure to control refuse on a building or development site	500
25	5.4	Release or escape of dust or liquid waste from land	500
26	5.5	Commencing works involving clearing of land without an approved Dust Management Plan	500
27	5.8(1)(a)	Storing, or allow to remain on land, more than one vehicle, vessel or machinery in a state of disrepair	500
28	5.8(1)(b)	Storing, or allow to remain on land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	500
29	5.8(1)(c)	Storing, or allow to remain on land, any vehicle, vessel or machinery parts (including tyres)	500
30	5.8(1)(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	500
31	5.8(1)(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	500

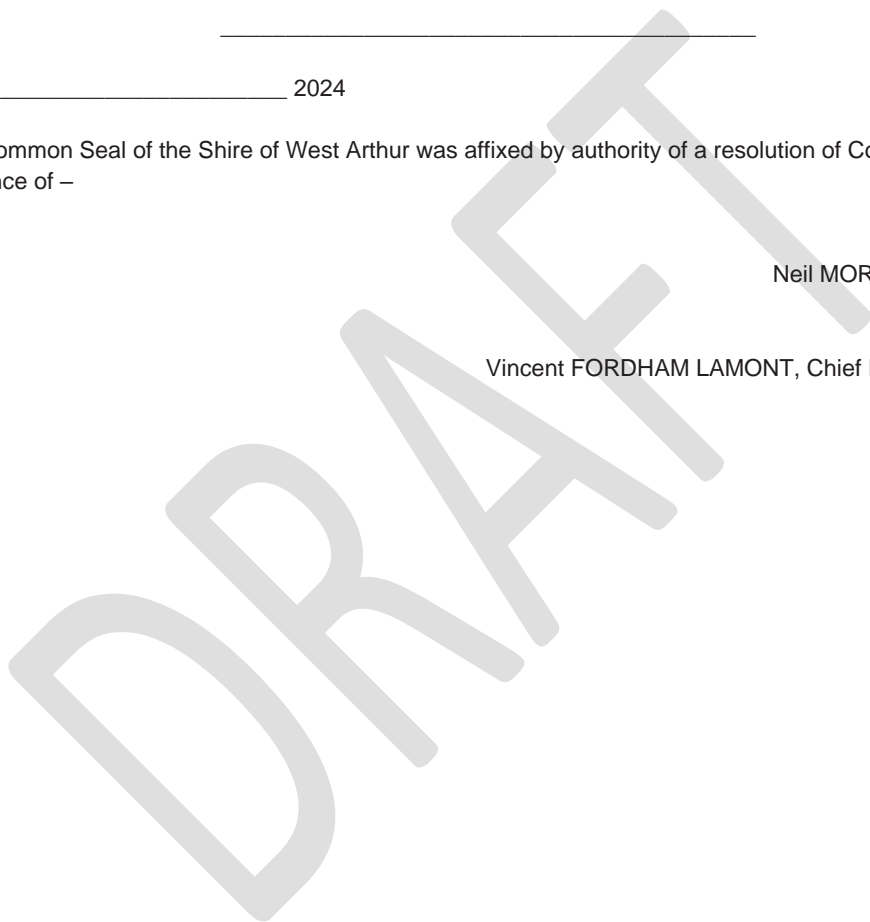
Item	Clause	Nature of offence	Modified penalty \$
32	5.8(1)(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	500
33	6.5	Burning of cleared vegetation or other material from a building or development site	500
34	8.5	Making a false or misleading statement	500
35	9.3	Failure to comply with written notice	250
36	11.1	Offence not elsewhere specified	250

Dated _____ 2024

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

Neil MORRELL, President

Vincent FORDHAM LAMONT, Chief Executive Officer



11.4 APPOINTMENT OF DUAL FIRE CONTROL OFFICERS FOR SHIRES OF WEST ARTHUR AND WILLIAMS

File Reference:	ADM118
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	10/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Request from Shire of Williams ↓ 2. Endorsement by Chief Bush Fire Control Officer ↓

SUMMARY:

Council is requested to consider approving the appointment of Justin Duff and Wayne Duffield as dual Fire Control Officers (FCOs) for the Shires of West Arthur and Williams.

BACKGROUND:

Section 40 of the *Bush Fires Act 1954* allows for two or more local governments, by agreement, to join in appointing, employing and remunerating FCOs (known as dual FCOs) for the purposes of that Act. Dual FCOs are given the authority to perform their duties in all of the local governments that are party to the agreement.

Section 38 of the *Bush Fires Act 1954* states that all FCO appointments, dual or otherwise, are required to be approved by the local government(s), advertised locally, and the FCO provided with appropriate written authorisation.

COMMENT:

The attached letter was received from the Shire of Williams advising that it wishes to nominate Justin Duff and Wayne Duffield to our Shire for consideration for appointment as Dual FCOs for the 2023/2024 fire season.

The CEO of the Shire of Williams was subsequently contacted and he confirmed that the nominated persons are suitably trained and experienced to hold these positions. The Shire of West Arthur Chief Bush Fire Control Officer also endorsed these nominations (see attachment 2).

CONSULTATION:

Ben Robinson – Chief Bush Fire Control Officer
Geoff McKeown – Shire of Williams CEO

STATUTORY ENVIRONMENT:

Bush Fires Act 1954

s38 Local government may appoint bush fire control officer

s40 Local governments may join in appointing and employing bush fire control officers

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Community

Outcome: A safe place to work, live and visit

Strategy: Support for the provision of emergency services and volunteers

RISK IMPLICATIONS:

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

Risk Themes:

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

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

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Significant	Severe
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	If Fire Control Officers are not trained and authorised as required, there is a risk of loss of property and/or life and a risk of litigation against the Shire.
Risk Likelihood (based on history and with existing controls)	(3) Possible
Risk Consequence	(5) Severe
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(15) High
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Approve FCO appointments.

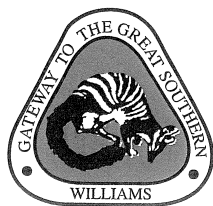
VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Approve the appointments of Justin Duff and Wayne Duffield as dual Fire Control Officers for the Shires of West Arthur and Williams for the 2023/2024 bush fire season; and
2. Cause Notice of the above appointments to be published in “The Bleat” newsletter, on the Shire’s website / Facebook page and on public noticeboards.



SHIRE OF WILLIAMS

BROOKING STREET, WILLIAMS, WESTERN AUSTRALIA.

OFFICE HOURS: MONDAY TO FRIDAY: 8.30 a.m. to 5.00 p.m.

TELEPHONE (08) 9885 1005 FACSIMILE (08) 9885 1020 EMAIL shire@williams.wa.gov.au

All communications to be addressed to the Chief Executive Officer, P.O. Box 96, Williams, W.A. 6391.

Your Ref:

Our Ref:

5.10.1

Mr Vin Fordham Lamont
Chief Executive Officer
Shire of West Arthur
Burrows Street
DARKAN WA 6392

5 October 2023

Dear Vin,

RE: Dual Registered Fire Control Officer

The Shire of Williams would like to nominate Justin Duff and Wayne Duffield as Dual registered Fire Control Officers for your Shire for the 2023/24 fire season.

I would also like to confirm that Duncan South has been accepted as a dual registered Fire Control Officer for this Shire.

I trust that you will agree to this request.

Yours faithfully,

Geoff McKeown
Chief Executive Officer

-----Original Message-----

From: Vin Fordham Lamont <ceo@westarthur.wa.gov.au>

Sent: Tuesday, October 10, 2023 9:08 AM

To: Vin Fordham Lamont <ceo@westarthur.wa.gov.au>

Subject: Shire of Williams Dual FCOs

Text to Ben Robinson and Graeme Peirce:

Good morning Ben and Graeme. I have received a request from the Shire of Williams to nominate Justin duff and Wayne Duffield as dual registered FCOs for the Shire of West Arthur. Can you please confirm ASAP that you have no objections.

Vin

Response from Ben Robinson (CBFCO):

All good

Thanks

Ben

Sent from my iPhone

11.5 EH1 - HEALTHY EATING POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Sharon Bell, Community Development Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	9/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Healthy Eating Policy

SUMMARY:

Council is requested to consider the adoption of EH1 – Healthy Eating Policy.

BACKGROUND:

As part of the Local Health Plan 2023-2028, it was stated that Council will provide leadership to improve public health outcomes by developing appropriate policies, including:

- Healthy Eating Policy
- Active West Arthur Policy
- Alcohol and Drug Policy
- Environmental Health Policy
- Health and Wellbeing Policy
- Mental Health Policy

COMMENT:

While public health is the responsibility of everyone within the community, the Local Health Plan 2023-2028 is focused on addressing the present shortcomings to improve the health of the community.

The Policy will guide the Shire of West Arthur in advocating and/or providing opportunities for the local community to access healthy and fresh foods, for the community to embrace healthy eating and nutritious food and to support local produce and businesses.

CONSULTATION:

Local Health Plan 2023-2028
Community engagement
Stakeholder engagement
Staff

STATUTORY ENVIRONMENT:

Local Government Act 1995

2.7. Role of Council

1. The council –
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the council is to –
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies

Public Health Act 2016

Division 2 — Functions of local governments

16. Functions of local governments

A local government has the following functions in relation to the administration of this Act —

- a. to initiate, support and manage public health planning for its local government district;
- b. to develop and implement policies and programmes to achieve the objects of this Act within its local government district;
- c. to perform the functions that are conferred on local governments by or under this Act

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Community

Outcome: A safe place to work, live and visit

Strategy: Communication of risks and hazards to the community and assistance with management of these.

Outcome: Support available for people of all ages and abilities

Strategy: Maintain and support the growth of medical facilities, childcare and aged services in the district.

Strategy: Provide services and infrastructure to meet the needs of the community.

Theme: Leadership and Management – inspirational, dynamic, transparent

Outcome: Actively engage with community, business and other stakeholders to grow and develop the community.

Strategy: Council will advocate on behalf of the community on issues that the community identifies as important.

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	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Non-compliance with Local Health Plan
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Adopt EH1 – Healthy Eating Policy

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt EH1 – Healthy Eating Policy, as presented.

Policy Title	EH1 – Healthy Eating Policy
Policy Type	Environmental Health
Responsible Officer	Environmental Health Officer



Purpose

The Shire of West Arthur will encourage and promote healthy eating through:

- Supporting community garden programs, utilising a range of management models.
- Developing community partnerships to provide low-cost or no-cost cooking supplies, cooking classes and nutrition education and information.
- Developing healthy catering options for the Shire which applies to all Shire managed facilities and meetings.
- Encouraging sporting and community organisations to provide healthy options at canteens through the use of social marketing and local recognition strategies.
- Encouraging community events and festivals to have healthy food options available.
- Continuing to ensure the provision of safe food by regulation.
- Increasing the opportunities for residents, visitors and tourists to purchase local and regionally-produced food.
- Investigating the need to transport vulnerable groups to shops to enable them to purchase weekly groceries.
- Developing and maintaining annual and ongoing calendars to residents indicating key activities, services and information to support health and wellbeing initiatives

Scope

The Healthy Eating Policy will guide the Shire in advocating and or providing opportunities for the local community to access healthy and fresh foods, for the community to embrace healthy eating and nutritious food and to support local produce and businesses.

Definitions

Nil

Policy Statement

The Shire of West Arthur recognises the impact healthy fresh food and good nutrition can have on residents' lives and the community in that it contributes positively to physical and mental health. In addition, a focus on food in a wider context such as food security, food systems and an awareness of the culinary aspects of food can strengthen the local economy and foster cultural and social connection.

The Shire of West Arthur is committed to improving the health and wellbeing of its community through promoting a food system that is secure, healthy, sustainable, thriving and socially inclusive.

This Policy provides a vision and framework to guide coordinated action and decision making to ensure sufficient access to good food, now and into the future which meets the identified needs of the community.

A whole of Council collaborative approach will be applied to all aspects of delivering the Healthy Eating Policy - in researching, planning, designing, establishing, maintaining, operating and promoting opportunities for healthy eating, food security and support for local businesses. This Policy should be read in partnership with the Active West Arthur Policy.

The Healthy Eating Policy will drive the development of strong partnerships with various levels of government, external agencies and the private sector, so that the Shire's investment in the food sector and healthy eating can be leveraged and maximised by the community.

Principles

The following guiding principles underpin this Policy. They are statements that articulate Council's shared values and serve as a basis for integrated decision making. The areas covered in the Policy are local food production and promotion and the need to create a demand for healthy food through awareness and education. The Policy also aims to ensure opportunities are available for all residents to access affordable healthy food options in order to achieve and sustain better health outcomes and a higher quality of life.

Advocacy

Council and the Shire continues to lead by example through the food that it purchases and makes available at functions and community events and by advocating for healthy food to be integrated in policies at all levels of government.

Health and Wellbeing for All

Opportunities will be explored to be engaged in the promotion of local food production and learning new skills to prepare healthy foods in the Shire are available to all people, regardless of age, cultural background, socio economic status or ability. In some instances, this may result in programs and initiatives which target specific population groups, to support all members of the community increasing their potential for good health and wellbeing.

Working with Partners

Council and the Shire forges workable and negotiable partnerships with other levels of government, agencies and local community groups to ensure a range of opportunities are available for people to increase their awareness and levels of healthy eating and to support local produce.

An Informed and Educated Community

Council and the Shire communicates via a range of mediums to reach a broad cross section of the community and to ensure that people are fully aware of what options are available to choose, grow, prepare and serve nutritious and healthy food. The Shire acknowledges that pursuing a healthy lifestyle starts with having an understanding of the short- and long-term health and wellbeing benefits of healthy eating.

History	26/10/2023
Delegation	Nil
Relevant Legislation	<i>Public Health Act 2016, Section 16</i>
Related Documentation	Shire of West Arthur Local Health Plan 2023-2028

11.6 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND - PHASE 4

File Reference:	ADM 168
Location:	Shire of West Arthur
Applicant:	Shire of West Arthur
Author:	Kerryn Chia, Projects Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	10/10/2023
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to consider projects to be nominated for Local Roads and Community Infrastructure Funding Phase 4 work schedule. All projects have been included in the 2023/24 budget however there was an unallocated amount of \$48,077. It is requested that these funds be allocated to the Glenorchy Bridge Project.

BACKGROUND:

The Shire of West Arthur has been allocated funding of \$578,211 in Phase 4 of the Federal Local Roads and Community Infrastructure (LRCI) program. Unlike other phases of this program, Phase 4 is allocated into two different components comprising:

- Part A - \$366,694 – for approved local roads and community infrastructure projects
- Part B - \$211,517 – for approved road projects only.

The objective of the program is to support additional infrastructure construction in local communities across Australia. The intended outcome is to deliver benefits to communities such as improved road safety, accessibility and visual amenity.

Eligible local roads projects are projects that involve the construction and maintenance of roads managed by local governments with a focus on how works can support road safety outcomes. This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic calming/control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and footpath maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects are projects that involve construction, maintenance or improvements to Shire owned assets (including natural assets) that are generally accessible to the public. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas; • landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project;

- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures;
- off-road car parks (such as those at sporting grounds or parks); and
- projects that support the transition to Net Zero for council owned assets.

Construction activity on Eligible Projects must be undertaken between 1 July 2023 and 30 June 2025, other costs associated with Eligible Projects may continue to 31 December 2025. The works schedule is required to be submitted by 31 December 2024 in order for funding to be provided to the Local Government.

The proposed works schedule is outlined below. Glenorchy Bridge (highlighted below) was not previously included in the 2023/24 budget and Council is asked to approve the use of the unallocated \$48,077 for the Glenorchy Bridge repair project.

Part A - \$366,694

Darkan Railway Reserve (under 6 years playground, fence and footpaths) - \$140,000

CCTV (Darkan Railway Reserve, Shire tip, Caravan Park) - \$10,000

RV Site - \$13,305

Hillman Access Road \$170,000

Glenorchy Bridge (split between Part A and B) - \$33,389

Part B - \$211,517

Clarke Road (sheeting/resheeting and drainage work, 3km) - \$153,329

Darkan South Road (new white line, 20km) - \$43,500

Glenorchy Bridge (repairs, split between Part A and B) - \$14,688

COMMENT:

Main roads has identified addition structural work that is required on the Glenorchy Bridge which was not anticipated in the budget. It is therefore proposed to allocate the remaining LRCI Phase 4 funding to the Glenorchy Bridge Project.

CONSULTATION:

Ongoing liaison with Main Roads and the Shire's Manager Works and Services has been undertaken.

STATUTORY ENVIRONMENT:

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

A total of \$48,077 remains unallocated from the LRCI Phase 4 funding. The funding for the other projects is not available until a Works Schedule is submitted to the funding body.

STRATEGIC IMPLICATIONS:

Shire of West Arthur Strategic Community Plan 2021-2031

Theme: Built environment – well maintained roads, and infrastructure which reflects our identity

Outcome 4.1: Our road network is well maintained

Strategy: Enhance road safety strategies for users

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	Significant	Severe
		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	Bridge not repaired sufficiently to allow vehicles to travel over it.
Risk Likelihood (based on history and with existing controls)	(4) Likely
Risk Consequence	(4) Significant
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(16) High
Principal Risk Theme	Inadequate asset management
Risk Action Plan (Controls or Treatment Proposed)	Bridge currently closed to all traffic except small vehicles. It is proposed to repair the bridge to allow full access.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council allocate the remaining unallocated \$48,077 of LRCI Phase 4 program funds to the repair of Glenorchy Bridge.

12 CORPORATE SERVICES

12.1 FINANCIAL REPORTS - SEPTEMBER 2023

File Reference:	ADM339
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Monthly Financial Report September 2023 ↓

SUMMARY:1

Council is requested to consider the financial reports for the period ending 30 September 2023.

BACKGROUND:

The financial reports for the period ending 30 September 2023 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 required.

STATUTORY ENVIRONMENT:

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for the previous month (the relevant month) in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported income and expenditure will be assessed by management as being consistent with the 2023/24 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Ensure that the local community is provided with value for money through the prudent expenditure of rates

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 1	Minor 2	Moderate 3	Major 4	Catastrophic 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 (25)
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				Not preparing monthly financial statement which affects Council's ability to oversee the Shire's financial management.		
Risk Likelihood (based on history and with existing controls)				Rare (1)		

Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Prepare monthly financial statement for Council

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the financial reports for the period ending 30 September 2023 as presented.

**SHIRE OF WEST ARTHUR
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 September 2023**

	Note	Annual Budget 2023/2024 \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Opening Funding Surplus (Deficit)	2	1,688,686	1,688,686	1,688,833	147	0%	
Revenue from operating activities							
Rates		1,998,156	1,998,156	1,998,496	340	0%	
Operating Grants, Subsidies and Contributions	6	417,215	187,617	185,383	(2,234)	(1%)	
Fees and Charges		336,840	129,728	124,467	(5,261)	(4%)	
Interest Earnings		201,900	6,533	6,825	292	4%	
Other Revenue		109,470	27,368	25,956	(1,412)	(5%)	
Profit on Disposal of Assets		11,124	0	0	0		
		3,074,705	2,349,401	2,341,127	(8,274)		
Expenditure from operating activities							
Employee Costs		(2,169,272)	(653,935)	(641,508)	12,427	2%	
Less overhead and wage allocations			50,455	46,567	(3,888)		
Materials and Contracts		(1,416,780)	(326,999)	(323,995)	3,004	1%	
less Pdepn and POC allocations			27,333	25,227	(2,106)		
Utility Charges		(118,152)	(29,538)	(25,006)	4,532	15%	
Depreciation on Non-Current Assets		(2,269,487)	(157,136)	(168,914)	(11,779)	(7%)	
Interest Expenses		(27,016)	(6,901)	(6,901)	0	0%	
Insurance Expenses		(130,039)	(65,020)	(61,019)	4,001	6%	
Other Expenditure		(65,800)	0	0	0		
Loss on Disposal of Assets		(5,034)	0	0	0		
		(6,201,580)	(1,161,740)	(1,155,549)	6,191	(83179300%)	
Operating activities excluded from budget							
Add back Depreciation		2,269,487	157,136	168,914	11,779	7%	
Adjust (Profit)/Loss on Asset Disposal		(6,090)	0	0	0		
Adjust Provisions and Accruals		0	(55,414)	(55,414)	0	0%	
Amount attributable to operating activities		(863,478)	1,289,382	1,299,078	9,696		
Investing activities							
Grants, Subsidies and Contributions	6	1,310,628	100,282	102,516	2,234	2%	
Proceeds from Disposal of Assets		125,000	0	0	0		
Land and Buildings	7	(751,620)	(35,000)	(33,591)	1,409	4%	
Infrastructure Assets - Roads	7	(1,153,551)	(104,868)	(111,127)	(6,259)	(6%)	
Infrastructure Assets - Other	7	(410,694)	(8,000)	(7,624)	376	5%	
Plant and Equipment	7	(479,751)	0	0	0		
Furniture and Equipment	7	(188,000)	0	0	0		
Amount attributable to investing activities		(1,547,988)	(47,586)	(49,826)	(2,240)		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		30,007	7,409	7,409	0	0%	
Transfer from Reserves	5	1,146,546	0	0	0		
Repayment of Debentures		(125,119)	(29,045)	(29,045)	0	0%	
Proceeds from new borrowings		150,000	0	0	0		
Transfer to Reserves	5	(478,654)	(1,000)	(1,084)	(84)	(8%)	
Amount attributable to financing activities		722,780	(22,636)	(22,720)	(84)		
Closing Funding Surplus (Deficit)	2	0	2,907,846	2,915,365	7,519	0%	

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 2023

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 2023/24 year is \$10,000 or 10% whichever is the greater.

Employee Costs 12,427	Employee costs are below budget.	Timing variance
Depreciation on Non-Current Assets (11,779)	Depreciation on plant is greater than budget.	Permanent variance

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2023	Current 30 Sep 2023
		\$	\$
Current Assets			
Cash Unrestricted	3	1,495,055	906,425
Cash Restricted - reserves	5	2,754,878	2,755,962
Cash Restricted - unspent grants		7,336	171,076
Receivables - Rates	4	171,493	2,063,430
Receivables - Other	4	154,310	47,330
Inventories		14,985	14,986
		4,598,057	5,959,209
Less: Current Liabilities			
Payables		(147,157)	(116,806)
Unspent grants, contributions and reimbursements		(7,336)	(171,076)
		(154,493)	(287,882)
Less: Cash Reserves	5	(2,754,878)	(2,755,962)
Net Current Funding Position		1,688,686	2,915,365

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023**

Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	527,401			527,401	NAB	0.01%	At Call
Municipal Cash Maximiser	50,000			50,000	NAB	1.35%	At Call
Trust Bank Account			68,960	68,960	NAB	0.01%	At Call
Trust Cash Maximiser			5,269	5,269	NAB	1.35%	At Call
Reserve Cash Maximiser		155,962		155,962	NAB	1.35%	At Call
(b) Term Deposits							
Municipal term deposit	500,000			500,000	NAB	5.00%	4/10/2023
Reserve term deposit		600,000		600,000	NAB	5.38%	2/02/2024
Reserve term deposit		2,000,000		2,000,000	BOQ	5.55%	10/02/2024
Total	1,077,401	2,755,962	74,229	3,907,592			

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 4: Receivables

Receivables - Rates Receivable	30 Sep 2023	30 June 2023	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Years	244,351	200,216	Receivables - General	3,855	0	38,148	5,327	47,330
Levied this year (incl rubbish, interest & ESL)	2,131,917	2,014,840						
Less Collections to date	(230,420)	(1,970,705)	Balance per Trial Balance					
Equals Current Outstanding	2,145,848	244,351	Sundry Debtors					0
Add paid in advance	923	10,483	Receivables - Other					0
Net Rates Collectable	2,146,771	254,834	Total Receivables General Outstanding					47,330
% Collected	9.70%	90.79%						
Less Recognised as doubtful	(83,341)	(83,341)	Amounts shown above include GST (where applicable)					

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023**

Note 5: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	125,105	5,972	49	0	0	0	0	131,077	125,154
Plant Reserve	556,751	26,576	219	300,000	0	(376,926)	0	506,401	556,970
Building Reserve	691,759	33,021	272	0	0	(694,620)	0	30,160	692,031
Town Development Reserve	1,578	75	1	0	0	0	0	1,653	1,579
Recreation Reserve	168,617	8,049	66	0	0	0	0	176,666	168,683
Heritage Reserve	6,563	313	3	150	0	0	0	7,026	6,566
Community Housing Reserve	191,208	9,127	75	1,000	0	(1,000)	0	200,335	191,283
Waste Management Reserve	117,002	5,585	46	0	0	(35,000)	0	87,587	117,048
Darkan Swimming Pool Reserve	55,826	2,665	22	5,000	0	0	0	63,491	55,848
Information Technology Reserve	57,723	2,755	23	0	0	(25,000)	0	35,478	57,746
Darkan Sport and Community Centre Reserve	184,875	8,825	73	30,000	0	0	0	223,700	184,948
Arthur River Country Club Renewal Reserve	47,461	2,266	19	6,000	0	0	0	55,727	47,480
Museum Reserve	132,904	6,344	52	0	0	(5,000)	0	134,248	132,956
Moodiarrup Sports Club Reserve	22,156	1,058	9	5,000	0	0	0	28,214	22,165
Landcare Reserve	29,067	1,388	11	0	0	(5,000)	0	25,455	29,078
Corporate Planning and Valuation Reserve	4,596	219	2	0	0	0	0	4,815	4,598
Kids Central Members Reserve	7,088	338	3	0	0	(2,000)	0	5,426	7,091
The Shed Reserve	13,103	625	5	0	0	0	0	13,728	13,108
Recreation Trails Reserve	1,258	60	0	0	0	0	0	1,318	1,258
Community Gym Reserve	8,558	409	3	0	0	(2,000)	0	6,967	8,561
Economic Development Reserve	89,885	4,291	35	0	0	0	0	94,176	89,920
Road Reserve	241,795	11,542	95	0	0	0	0	253,337	241,890
	2,754,878	131,504	1,084	347,150	0	(1,146,546)	0	2,086,986	2,755,962

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 2023**

Note 6: Grants and Contributions	Grant Provider	Type	Opening Balance (a)	Budget Operating (b)	Capital (c)	YTD Actual Revenue (f)	(Expended) (g)	Unspent Grant (a)+(f)-(g)	Comment
General Purpose Funding									
	WALGGC - General Purpose Grant	Operating	0	\$ 30,911	\$ 0	\$ 7,728	\$ 0	\$ 0	
	WALGGC - Local Roads Grant	Operating	0	32,595	0	8,149	0	0	
Law, Order and Public Safety									
	FESA Grant - Operating Bush Fire Brigade	Operating - Tied	0	51,112	0	12,778	(12,778)	0	
	FESA Grant - Trailers	Non-operating	0	0	27,825	0	0	0	
	Federal Road & Community Infrastructure - Phase 4	Development and Communications	0	0	10,000	0	0	0	
Recreation and Culture									
	Hillman Reserve Walk Trail	Non-operating	0	0	6,750	6,750	(4,516)	2,234	
	Federal Road & Community Infrastructure - Phase 4	Development and Communications	0	0	371,382	0	0	0	
	Federal Road & Community Infrastructure - Phase 3	Development and Communications	0	0	0	0	0	0	
	Operating grant	Operating	0	34,644	0	0	0	0	
	Dump point grant	Non-operating	0	0	1,695	0	0	0	
	Other small grants - events	Operating	0	2,600	0	586	(586)	0	
Transport									
	Roads To Recovery Grant - Cap	Non-operating	0	0	320,264	0	0	0	
	RRG Grants - Capital Projects	Non-operating	0	0	368,788	176,266	(95,766)	80,500	
	Direct Grant	Operating	0	158,376	0	158,376	0	0	
	Federal Road & Community Infrastructure - Phase 4	Development and Communications	0	0	196,829	0	0	0	
Economic Development									
	EV Charging	Non-operating	0	0	7,095	0	0	0	
	Economic/Business Diversification	Operating - Tied	0	106,437	0	88,342	0	88,342	
TOTALS			0	416,675	1,310,628	458,975	(113,646)	171,076	
SUMMARY									
	Operating Grants, Subsidies and Contributions		0	259,126	0	174,839	(586)	0	
	Operating - Tied	Tied - Operating Grants, Subsidies and Contributions	0	51,112	0	101,120	(12,778)	88,342	
	Non-operating	Non-operating Grants, Subsidies and Contributions	0	0	1,310,628	183,016	(100,282)	82,734	
TOTALS			0	310,238	1,310,628	458,975	(113,646)	171,076	

SHIRE OF WEST ARTHUR
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 September 2023

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget	Total YTD to Budget	
		\$	\$	\$	\$	\$	\$		
Furniture									
Other Property & Services									
	New ERP and EDRMS	0	0	0	0	(175,000)	(175,000)	175,000	
	CCTV System - Railway Reserve	0	0	0	0	(13,000)	(13,000)	13,000	
	Furniture Total	0	0	0	0	(188,000)	(188,000)	188,000	
Land and Buildings									
Law, Order and Public Safety									
Housing									
	Burrowes Street West - subdivision	0	0	0	0	(43,500)	(43,500)	43,500	
	Land Acquisition and Development	0	0	0	0	(41,120)	(41,120)	41,120	
	4WDL Key worker housing	0	0	0	0	(6,500)	(6,500)	6,500	
	Industrial Land Growden Place headworks, elec, survey	0	(7,083)	(7,083)	0	(36,000)	(36,000)	28,917	
Other Property & Services									
	Staff housing improvements/renovations	0	0	0	0	(90,000)	(90,000)	90,000	
	New staff house	(28)	(26,481)	(26,509)	(9,500)	(500,000)	(509,500)	482,991	
	Record Storage - Shire Depot	0	0	0	0	(25,000)	(25,000)	25,000	
	Buildings Total	(28)	(33,564)	(33,592)	(9,500)	(742,120)	(751,620)	718,028	
Infrastructure									
Recreation And Culture									
	Hillman Reserve Walk trail	0	(4,516)	(4,516)	(4,220)	(9,297)	(13,517)	9,001	
	New playground equipment	0	0	0	(15,700)	(124,300)	(140,000)	140,000	
	Lake Towerrinning easement	0	0	0	0	(22,800)	(22,800)	22,800	
	Access track - Hillman Reserve	0	0	0	(70,655)	(99,345)	(170,000)	170,000	
Economic Development									
	EV charging station	0	(3,108)	(3,108)	(3,300)	(13,000)	(16,300)	13,192	
	Unallocated LRCI project	0	0	0	0	(48,077)	(48,077)	48,077	
	Infrastructure Total	0	(7,624)	(7,624)	(93,875)	(316,819)	(410,694)	403,070	
Plant , Equip. & Vehicles									
Transport									
	Kubota Skid Steer	0	0	0	0	(160,000)	(160,000)	160,000	
	Gardener's Truck	0	0	0	0	(70,000)	(70,000)	70,000	
	Rotary Axe Slasher	0	0	0	0	(28,000)	(28,000)	28,000	
	2016 Holden Rodeo Grader Ute	0	0	0	0	(35,000)	(35,000)	35,000	
	Works Manager Ute	0	0	0	0	(53,000)	(53,000)	53,000	
	New compressor for workshop	0	0	0	0	(11,379)	(11,379)	11,379	
	Workshop Mobile Column Hoist	0	0	0	0	(43,900)	(43,900)	43,900	
	Workshop Scan Tools	0	0	0	0	(14,541)	(14,541)	14,541	
	Oil Reels, Pumps and Bulk Waist Oil	0	0	0	0	(23,106)	(23,106)	23,106	
	Depot Oil Storage	0	0	0	0	(13,000)	(13,000)	13,000	
	3 x Fast Fill Trailer for Bush Fire Brigades	0	0	0	0	(27,825)	(27,825)	27,825	
	Plant, Equip & Vehicles Total	0	0	0	0	(479,751)	(479,751)	479,751	

SHIRE OF WEST ARTHUR
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 September 2023

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget	Total YTD to Budget	
		\$	\$	\$	\$	\$	\$		
Roads									
Regional Road Group									
Boyup Brook Arthur Road		(70,731)	(15,485)	(86,216)	(271,818)	(134,244)	(406,062)	319,846	
Darkan Williams Road		0	(9,550)	(9,550)	(105,524)	(42,406)	(147,930)	138,380	
Regional Road Group Total		(70,731)	(25,035)	(95,766)	(377,342)	(176,650)	(553,992)	458,226	
Roads to Recovery									
Cordering North Road		(891)	(14,040)	(14,931)	(164,573)	(81,424)	(245,997)	231,066	
Beaufort road		0	0	0	(68,586)	(6,317)	(74,903)	74,903	
Roads to Recovery Total		(891)	(14,040)	(14,931)	(233,159)	(87,741)	(320,900)	305,969	
LRCI									
Clarke Road		(144)	0	(144)	(121,986)	(31,343)	(153,329)	153,185	
Darkan South		0	0	0	0	(43,500)	(43,500)	43,500	
Roads to Recovery Total		(144)	0	(144)	(121,986)	(74,843)	(196,829)	196,685	
Shire Funded									
Old tennis court - removal		0	0	0	(18,839)	(2,000)	(20,839)	20,839 Classify as infrastructure - Other	
Caravan park intersection		0	0	0	(991)	(10,000)	(10,991)	10,991 Classify as infrastructure - Other	
Landfill management		0	0	0	0	(35,000)	(35,000)	35,000 Classify as infrastructure - Other	
Grant Funded projects									
Dump point - information bay		0	(285)	(285)	(7,050)	(7,950)	(15,000)	14,715 Classify as infrastructure - Other	
Shire Funded Total		0	(285)	(285)	(26,880)	(54,950)	(81,830)	81,545	
Roads Total		(71,766)	(39,360)	(111,126)	(759,367)	(394,184)	(1,153,551)	1,042,425	
Capital Expenditure Total		(71,794)	(80,548)	(152,342)	(862,742)	(2,120,874)	(2,983,616)	2,831,274	

12.2 ACCOUNTS FOR PAYMENT LISTING - SEPTEMBER 2023

File Reference:	ADM338
Location:	N/A
Applicant:	N/A
Author:	Kylie Whitaker, Finance Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Accounts for Payment Listing - September 2023 ↓ 2. Corporate Card Summary - 29 July to 29 August 2023 ↓

SUMMARY:

Council is requested to endorse payments of accounts for September 2023 as listed and note the attached credit card transactions.

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:

No consultation required.

STATUTORY ENVIRONMENT:

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:

Policy F20 – Purchasing and Tenders Policy
Policy F2 – Corporate Transaction Cards Policy

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported expenditure is assessed by management as being consistent with the adopted Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

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

Risk Themes:

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

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

- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
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	Unauthorised (or incorrectly authorised) payments being made
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	Payments listing provided to Council each month

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council;

1. in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, note Municipal Fund vouchers 07092023.1-07092023.40, 21092023.1-21092023.30, Licensing, Salaries and Wages, EFT Transfers and Direct Debits totalling \$429,303.02 listed (attached) as approved for payment; and
2. note the attached transaction summary of the Corporate Credit Card facility from 29 July 2023 to 29 August 2023.

SHIRE OF WEST AUSTRALIA
Cheque Detail
September 2023

Date	Num	Name	Original Amount
06/09/2023	DIRECTDEBIT	ASGARD SUPER	350.00
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND	125.85
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST	284.32
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	AUSTRALIAN SUPER	1,736.82
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	AWARE SUPER	7,325.56
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	COLONIAL FIRST STATE	865.97
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND	221.46
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
06/09/2023	DIRECTDEBIT	HESTA SUPER FUND	343.18
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
07/09/2023	DIRECTDEBIT	SYNERGY	8,565.24
		ELECTRICITY USAGE AND SUPPLY TO VARIOUS SHIRE PROPERTIES	
07/09/2023	07092023.1	AIR LIQUIDE	49.28
		FACILITY FEE ON G AND D SIZE CYLINDERS	
07/09/2023	07092023.2	ARCHAE-AUS PTY LTD	2,250.05
		PROJECT MANAGEMENT - HILLMAN NATURE RESERVE WALK TRAIL	
07/09/2023	07092023.3	AUSTRALIA POST	222.46
		BOX OF STAMPS, HOUSEHOLD FLYERS AND 26 SMALL LETTERS	
07/09/2023	07092023.4	BLACKWOOD BASIN GROUP (INC)	726.00
		LANDCARE OFFICER SUPPORT - AUGUST 2023 (1ST AND 29TH AUGUST - 6HRS PER DAY)	
07/09/2023	07092023.5	BUNBURY MACHINERY	510.01
		WINDSCREEN GLASS BOBCAT V0621-99860	
07/09/2023	07092023.6	BUNBURY TRUCKS	198.00
		T21 AW3701 HINO CREW CAB INSPECT ENGINE TO CONFIRM IF SEIZED AFTER OPERATING WITH NO ENGINE OIL.	
07/09/2023	07092023.7	COATES HIRE OPERATIONS PTY LTD	229.68
		DARKAN SWIMMING POOL GYROCK SHEET LIFTER ESTIMATED PRICE	
07/09/2023	07092023.8	COLLIE RIVER VALLEY BULLETIN	224.40
		T41 ADVERT 186X63	
07/09/2023	07092023.9	COUNTRY ROAD CONTRACTING PTY LTD	23,287.00
		BOYUP BROOK ARTHUR RD, CORDERING NORTH RD AND DARKAN WILLIAMS RD GRAVEL PUSH	
07/09/2023	07092023.10	CR KAREN HARRINGTON	613.64
		ACCOMMODATION AND TRAVEL FOR POLICY DEVELOPMENT TRAINING	
07/09/2023	07092023.11	DAWSON'S DIESELS	561.00
		G12 AND T21 PARTS AND REPAIRS	
07/09/2023	07092023.12	DUFF ELECTRICAL CONTRACTING	758.00
		MODIFY GENERATOR SO IT CAN PLUG INTO CRC CHANGEOVER SWITCH	
07/09/2023	07092023.13	E W & R J PUGH	1,211.00
		PUMP SEWERAGE TANK AT PUBLIC TOILETS AT RAILWAY RESERVE	
07/09/2023	07092023.14	EASIFLEET MANAGEMENT- MOUNTSVILLE PTY LTD	1,318.99
		SALARY SACRIFICE PAYMENTS BUNCE - MONTH TO 1/9/2023	
07/09/2023	07092023.15	FLEAYS STORE	558.75
		SENIORS MEALS AND OFFICE TEA AND COFFEE SUPPLIES	
07/09/2023	07092023.16	FUEL DISTRIBUTORS OF WA	18,270.09
		FUEL & OILS - 9000 LTRS DIESEL	
07/09/2023	07092023.17	INFINITUM TECHNOLOGIES PTY LTD	3,538.48
		MANAGED SERVICE AGREEMENT GOLD - 1/9/23-30/9/23	
07/09/2023	07092023.18	LANDGATE	74.15
		MINIMUM CHARGE DATED 15/10/22-4/8/2023	
07/09/2023	07092023.19	LGISWA	275.00
		LGIS CEO BREAKFAST AND WORKCARE FORUM- KOOMBANA 30/8	
07/09/2023	07092023.20	LUSH FIRE & PLANNING	1,716.00
		GENERAL MATTERS	
07/09/2023	07092023.21	MCLEODS BARRISTERS AND SOLICITORS	708.62
		INDUSTRIAL LAND GROWDEN PLACE ADVICE	
07/09/2023	07092023.22	MR WETWALL HOMEBASE PTY LTD	2,294.26
		LRCI DARKAN SWIMMING POOL WALL PANELS, INTERNAL TRIMMING, END CAPS	
07/09/2023	07092023.23	NARROGIN FREIGHTLINES	255.59
		SIGMA AND AQUALOO FREIGHT	
07/09/2023	07092023.24	NARROGIN MITSUBISHI	667.77
		C2 PARTS AND REPAIRS	
07/09/2023	07092023.25	PEDERICK ENGINEERING	842.05
		REPAIRS	
07/09/2023	07092023.26	PUTLAND MOTORS	8,431.35
		PARTS AND REPAIRS L15, T2, L1, M7	
07/09/2023	07092023.27	QHSE INTEGRATED SOLUTIONS PTY LTD T/AS SK	218.90
		SKYTRUST MONTHLY SUBSCRIPTION SEPTEMBER 2023	

CITY OF WEST AUSTRALIA
Cheque Detail
September 2023

Date	Num	Name	Original Amount
07/09/2023	07092023.28	SCHINZIG, RENEE. COUNCIL DINNER SUPPLIES	104.10
07/09/2023	07092023.29	SILVESTER, MARGARET CARAVAN PARK REFUND (ENTERED CHALET WHEN IT HADN'T BEEN CLEANED)	170.00
07/09/2023	07092023.30	SOS OFFICE EQUIPMENT PHOTOCOPIER BILLING AUGUST 2023 XEROX APEOSPORT C4570	252.50
07/09/2023	07092023.31	SOUTH WEST SHARPENING SERVICE SAW BLADES - RIPPING TREE SAW	880.00
07/09/2023	07092023.32	SPRYS MEAT MARKET SENIORS MEALS MEAT SUPPLIES	91.53
07/09/2023	07092023.33	TEAM GLOBAL EXPRESS ABCO, AQUA LOO, SW ISUZU, STATE LIBRARY AND SOS FREIGHT	689.67
07/09/2023	07092023.34	THINK PROJECT TRAINING & DEVELOPMENT RAMM ACADEMY E-LEARNING 01/7/23 - 30/06/24	1,295.16
07/09/2023	07092023.35	WA CONTRACT RANGER SERVICES PTY LTD RANGER SERVICES 16/8 AND 24/8/23	561.00
07/09/2023	07092023.36	WA TREASURY CORPORATION SHIRE LOANS AND INTEREST PAYMENTS	35,945.92
07/09/2023	07092023.37	WARREN BLACKWOOD WASTE DOMESTIC, COMMERCIAL AND RECYCLING WASTE AUGUST 2023	3,277.89
07/09/2023	07092023.38	WESTCOAST SEAFOOD SENIORS MEALS SEAFOOD SUPPLIES	69.00
07/09/2023	07092023.39	WESTRAC BUNBURY PARTS AND REPAIRS R11	21,865.76
07/09/2023	07092023.40	WURTH AUSTRALIA PTY LTD VARIOUS PARTS AND REPAIRS	863.11
14/09/2023	EFT	SALARIES AND WAGES PAYROLL	60,697.16
14/09/2023	DIRECTDEBIT	ASGARD SUPER FORTNIGHTLY SUPERANNUATION CONTRIBUTION	462.62
14/09/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND FORTNIGHTLY SUPERANNUATION CONTRIBUTION	127.44
14/09/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST FORTNIGHTLY SUPERANNUATION CONTRIBUTION	284.32
14/09/2023	DIRECTDEBIT	AUSTRALIAN SUPER FORTNIGHTLY SUPERANNUATION CONTRIBUTION	1,785.23
14/09/2023	DIRECTDEBIT	AWARE SUPER FORTNIGHTLY SUPERANNUATION CONTRIBUTION	7,321.63
14/09/2023	DIRECTDEBIT	COLONIAL FIRST STATE FORTNIGHTLY SUPERANNUATION CONTRIBUTION	864.25
14/09/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND FORTNIGHTLY SUPERANNUATION CONTRIBUTION	193.48
14/09/2023	DIRECTDEBIT	HESTA SUPER FUND FORTNIGHTLY SUPERANNUATION CONTRIBUTION	331.60
14/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK NAB CONNECT FEES JUNE 2023	45.24
21/09/2023	DIRECTDEBIT	RENTFIND TECHNOLOGIES PTY LTD 2023/2024 SEPTEMBER - STAFF HOUSING AND JOINT VENTURE HOUSING UNITS SOFTWARE	22.00
21/09/2023	DIRECTDEBIT	SYNERGY ELECTRICITY USAGE AND SUPPLY CHARGE FROM 18/7-14/8/23 FOR THE CRC	1,043.65
21/09/2023	DIRECTDEBIT	TELSTRA USAGE AND SUPPLY FOR VARIOUS SHIRE PROPERTIES	2,728.92
21/09/2023	21092023.1	AUSTRALIA POST POSTAGE OF RATES NOTICES	1,220.54
21/09/2023	21092023.2	BELL, SHARON LEIGH REIMBURSE DISHWASHER TABS, BREAD ROLLS FOR SENIOR MEALS AND COFFEE AND MILK FOR LAKE EVENT	83.40
21/09/2023	21092023.3	CAMPERVAN AND MOTORHOME CLUB OF AUSTRALIA DUMP POINT SIGNAGE	313.00
21/09/2023	21092023.4	CORUM HEALTH SERVICES LOTS DISPENSE SOFTWARE MAINTENANCE AND PBS ONLINE FEE FOR PERIOD: 1/7/23-30/9/23	700.59
21/09/2023	21092023.5	DARKAN AGRI SERVICES TWO WAY RADIO, GAS BOTTLES, DOORS FOR POOL ABLUTIONS, G10, G11 AND G12 PADLOCKS, PUBLIC CONVENIENCES SUPPLIES, UNIFORM ITEMS, WEED SPRAY ITEMS, FLOURO TUBES, CAT BAIT	4,421.59
21/09/2023	21092023.6	DUFF ELECTRICAL CONTRACTING LRCI DARKAN SWIMMING POOL - INSTALL LIGHTS AND POWER IN NEW ABLUTION BLOCK	2,710.55
21/09/2023	21092023.7	FUEL DISTRIBUTORS OF WA FUEL FOR RAJ AND VIN'S CARS	417.71
21/09/2023	21092023.8	INSTANT RACKING AND STEEL SHELVING STEEL MINE SITE BOX, FULL DOOR WITHOUT DRAWERS AND STEEL TOOL BOX	3,258.00
21/09/2023	21092023.9	IRIS CONSULTING DIGITISING RECORDS COURSE 15 SEPT 2023	638.00
21/09/2023	21092023.10	JET CHARGE PTY LTD	3,418.80

CHEQUE DETAIL
Cheque Detail
September 2023

Date	Num	Name	Original Amount
		EV CHARGING STATION	
21/09/2023	21092023.11	KOTZUR PTY LTD	170.00
		REFUND OF CHALET BOOKING 6/9/23-7/9/23	
21/09/2023	21092023.12	MOORE AUSTRALIA (WA) PTY LTD	979.00
		FINANCIAL REPORTING - MONTHLY REPORTING TEMPLATE	
21/09/2023	21092023.13	MOTORPASS	5.50
		MANAGEMENT FEE FOR FUEL CARD FOR FIRE TRUCK IECET47 P/E 15/9/23	
21/09/2023	21092023.14	OFFICEWORKS	1,263.21
		A4 PAPER, WHITE STORAGE BOX, LEVER ARCH FILES, DISPLAY FILE, STICKY TAPE, CUPS, STICKY NOTES, FOAM UNDERLAY DESK MATS, MONITOR, OFFICE PADS AND BLACK PENS	
21/09/2023	21092023.15	P & S GRIGGS PLUMBING	10,894.05
		FIXTURES, TAPWARE AND DISABLED RAILS FOR POOL ABLUTION BLOCK	
21/09/2023	21092023.16	PETE'S	114.90
		HI VIS LONG SLEEVE SHIRTS MA803 YELLOW/NAVY 9XL	
21/09/2023	21092023.17	REMPPLAN COMPELLNG ECONOMICS PTY LTD T/AS	5,500.00
		REMPPLAN LICENCE	
21/09/2023	21092023.18	RESONLINE PTY LTD	220.00
		CARAVAN PARK ROOM MANAGER SUPPORT SERVICES 23/24	
21/09/2023	21092023.19	RJ SMITH ENGINEERING	6,864.00
		EMERGENCY WORKS FOR BRIDGE NUMBER 4020 GLENORCHY BRIDGE PILE CLAMPS	
21/09/2023	21092023.20	ROSLYN KING (CLEANING CONTRACTOR)	415.00
		52 HILLMAN ST FULL CLEAN	
21/09/2023	21092023.21	SOS OFFICE EQUIPMENT	217.64
		YELLOW TONER AND STAPLE CART	
21/09/2023	21092023.22	SOUTH WEST ISUZU	364.91
		T2 OIL AND FUEL FILTER	
21/09/2023	21092023.23	SPRYS MEAT MARKET	158.58
		SENIORS MEALS MEAT SUPPLIES	
21/09/2023	21092023.24	TEAM GLOBAL EXPRESS	44.56
		2 X TONER FOR OFFICE PHOTOCOPIER	
21/09/2023	21092023.25	WA CONTRACT RANGER SERVICES PTY LTD	561.00
		RANGER SERVICES 30/8 AND 6/9/2023	
21/09/2023	21092023.26	WALGA BUSINESS SOLUTIONS	3,878.60
		WALGA CONVENTION REG. - CR MORRELL AND CR HARRINGTON & CENTRAL CTRY ZONE ANNUAL SUBSCRIPTION	
21/09/2023	21092023.27	WEST ARTHUR COMMUNITY RESOURCE CENTRE	755.73
		DOCTORS HOURS FOR AUGUST 2023	
21/09/2023	21092023.28	WESTRAC BUNBURY	748.79
		PULLEY 267-7509	
21/09/2023	21092023.29	WHITE, AMY	442.47
		REIMBURSE FOR TRAVEL AND MEALS FOR RECORDS WORKSHOP	
21/09/2023	21092023.30	WISNIEWSKI JAMES	214.80
		REIMBURSEMENT FOR WORK CLOTHES	
21/09/2023	BPAY	NAB CREDIT CARD	571.90
		STARLINK MONTHLY SUBSCRIPTION - AUGUST 2023, GLASS COASTERS, MONITOR, CLOCK, SP110 PLANT LICENSING, PAPER FROM OFFICEWORKS, PARKING FOR WALGA WORKSHOP.	
22/09/2023	BPAY	ATO	67,240.00
		AUGUST BAS	
29/09/2023	EFT	SALARIES AND WAGES	61,627.02
		PAYROLL	
28/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	46.24
		NAB CONNECT FEE JULY 2023	
29/09/2023	DIRECTDEBIT	ASGARD SUPER	237.40
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND	124.99
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST	321.97
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	AUSTRALIAN SUPER	1,837.04
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	AWARE SUPER	7,466.44
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	COLONIAL FIRST STATE	873.83
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND	168.76
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	HESTA SUPER FUND	171.97
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	PRIME SUPER	147.79
		FORTNIGHTLY SUPERANNUATION CONTRIBUTION	
29/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	10.00
		FEE ACCOUNT 086852 508314406 FEES	
29/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	54.90

CITY OF WEST AUSTRALIA
Cheque Detail
 September 2023

Date	Num	Name	Original Amount
		FEE ACCOUNT 086724 508314385 FEES	
29/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	600.00
		FEE ACCOUNT 086724 508314385 FEES	
29/09/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	99.10
		MERCHANT FEE 009186958	
		VOUCHERS	AMOUNT
MUNICIPAL FUND			
		07092023.1-07092023.40	136,076.16
		21092023.1-21092023.30	50,994.92
		EFT/DEBIT/BPAY	115,001.11
		SALARIES & WAGES	122,324.18
		LICENSING SEPTEMBER 2023 TRANSFERS	4906.65
		TOTAL	429,303.02

SHIRE OF WEST ARTHUR PAYMENTS OF ACCOUNTS BY NAB VISA CARD FOR THE STATEMENT PERIOD: 29 July -29 August 2023				
DATE	PAYEE	DESCRIPTION	EXPENSE DESCRIPTION	AMOUNT
1. CARD NUMBER 4336-XXXX-XXXX-8951				
31-Jul-23	Officeworks Joondalup	Reim. A4 80gsm paper	OTHER PROPERTY & SERVICES:Administration Overheads:Other Adm	\$7.50
31-Jul-23	CPP Convention Centre	Parking for WALGA Workshop	OTHER PROPERTY & SERVICES:Works Overheads:Training & Develop	\$24.23
14-Aug-23	Starlink Australia	Shire Depot Internet	Land and Buildings:At Cost: I. & B Expenditure 2022-23:Office-Shire de	\$139.00
18-Aug-23	Personalised Favours	Glass Coasters - New Logo	OTHER PROPERTY & SERVICES:Administration Overheads:Other Adm	\$139.50
21-Aug-23	Officeworks Joondalup	Lenovo 22inch monitor and	OTHER PROPERTY & SERVICES:Administration Overheads:Computer f	\$169.00
22-Aug-23	Officeworks Joondalup	Digital clock	OTHER PROPERTY & SERVICES:Administration Overheads:Other Adm	\$65.32
CARD 1 PAYMENTS				
RAINDER SUNNER Cardholder Name		<i>R. Sunner</i> Cardholder Signed	VINCENT FORDHAM LAMONT Authorised By Name	Authorised By
3. CARD NUMBER 4336-XXXX-XXXX-2128				
25-Aug-23	Shire of West Arthur	Plant Licensing 1TX1596	OTHER PROPERTY & SERVICES:Plant Cost Overheads:Plant Licensing	\$27.35
CARD 3 PAYMENTS				
VINCENT FORDHAM LAMONT Cardholder Name		<i>V. Fordham Lamont</i> Cardholder Signed	NEIL MORRELL, SHIRE PRESIDENT Authorised By Name	Authorised By
TOTAL NAB VISA CARD PAYMENTS 4336-XXXX-XXXX-7507				
				\$571.90
Date Due for Payment				25-Sep-23

I, Kylie Whitaker, Finance Officer have reviewed the NAB visa card payments and confirm that from the descriptions on the documentation provided that:

- all transactions are expenses incurred by the Shire of West Arthur;
- all purchases have been made in accordance with the Shire of West Arthur policies and procedures;
- all purchases are in accordance with the Local Government Act 1995 and associated regulations;
- no misuse of the corporate card is evident.

Kylie Whitaker: *Kylie Whitaker* DATE: 21, 9, 23



12.3 TRANSFER OF LAND - LOT 288 (NO. 17) NANGIP CRESCENT, DARKAN

File Reference:	A782
Location:	17 Nangip Cres
Applicant:	Shire of West Arthur
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/10/2023
Disclosure of Interest:	Nil
Attachments:	1. Transfer of Land - Lot 288 (No. 17) Nangip Crescent, Darkan: Hunt to Shire of West Arthur ↓

PURPOSE

The following documents have been prepared in accordance with previous resolutions of the Council and/or the provisions of the Local Government Act, 1995 and other relevant statutes.

It is now proposed that the Council authorise the signing and sealing of the attached Transfer of land relating to Lot 288 (No. 17) Nangip Crescent, Darkan.

OFFICER RECOMMENDATION

That the following documents be executed under the Common Seal of the Council:

1. Transfer of Land re Lot 288 (No. 17) Nangip Crescent, Darkan from LM Hunt to the Shire of West Arthur as previously resolved by Council to initiate the purchase of the land (Resolution no CO-2023-081 on 27 July 2023).



Our Ref ACB:WEST:50126
Your Ref

5 October 2023

Mr Rajinder Sunner
Manager Corporate Services
Shire of West Arthur
PO Box 112
DARKAN WA 6392



Stirling Law Chambers
220 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

By Express Post

Dear Mr Sunner

Transfer of Land: Lot 288 (No. 17) Nangip Crescent, Darkan: Hunt

We refer to previous correspondence in connection with the above.

Please find **enclosed** the Transfer of Land, which has been executed by Larissa Hunt, for urgent execution by the Shire of West Arthur.

Once executed, please email a scanned copy to abrocklehurst@mcleods.com.au prior to posting the original Transfer of Land to McLeods Lawyers at PO Box 45 GUILDFORD WA 6935.

Should you wish to discuss any of the above, please contact Anita Brocklehurst or Fiona Grgich of this firm.

Yours sincerely

Contact: Anita Brocklehurst
Email: abrocklehurst@mcleods.com.au
Partner responsible: Fiona Grgich

Enc. Transfer of Land (original)



Transfer

Approved form 2022-39035 Reg 3 of the Transfer of Land Regulations 2004

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.



Jurisdiction

State of Western Australia

Legislation

Transfer of Land Act 1893

Lodging party details

Name McLeods Lawyers
Address 220 Stirling Highway
CLAREMONT WA 6010
Issuing box 346K
Phone 9383 3133
Fax
Email abrocklehurst@mcleods.com.au
Reference ACB:WEST:50126

Preparer details

Name Anita Brocklehurst
Phone +61 8 9383 3133
Reference ACB:WEST:50126

Subject land

Title(volume-folio)	Extent	Land description	Interest
2220-242	Whole	LOT 288 ON DEPOSITED PLAN 182313	FEE SIMPLE

Estate and / or Interest

FEE SIMPLE

Transferor(s)

LARISSA MARIE HUNT OF 38 THOMAS STREET BUSSELTON WA 6280

Transferee(s)

SHIRE OF WEST ARTHUR (GPR L316) OF 31 BURROWES STREET DARKAN WA 6392

Terms and conditions

Consideration AS DESCRIBED
Description Pursuant to order of the Magistrates Court of Western Australia reference COL/GCLM/8/2023 dated 2 March 2023


Operative words

The transferor for the consideration herein expressed transfers to the transferee the estate and interest herein specified in the land herein described, subject to the Limitations, Interests, Encumbrances and Notifications as shown on the Certificate of Title and/or otherwise affect the land under the Transfer of Land Act 1893.

Execution date

Transferor(s) execution

Witness must be an adult person. The witness must state their full name, address and occupation.

Witness signature 
 Witness full name TIMOTHY JOEL FIDOCK
 Witness address 2 MOUNT STREET
KELNSCOTT
 Witness occupation REAL ESTATE AGENT
 Witness phone 0422 325 358

Signature 
 Signer name LARISSA MARIE HUNT

Transferee(s) execution

THE COMMON SEAL of the SHIRE OF WEST ARTHUR was hereunto affixed in the presence of:

SHIRE PRESIDENT

(Print Full Name)

CHIEF EXECUTIVE OFFICER

(Print Full Name)

13 WORKS AND SERVICES

Nil

14 REGULATORY SERVICES**14.1 DRAFT WIND FARMS LOCAL PLANNING POLICY NO. 5**

File Reference:	ADM206
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	17/10/2023
Disclosure of Interest:	Nil
Location:	Whole of District
Applicant:	N/A
Owner:	N/A
Proposal:	Draft Wind Farms Local Planning Policy
Attachments:	1. Draft Wind Farms Local Planning Policy ↓

SUMMARY:

Council is requested to consider the adoption and advertising of Draft Local Planning Policy No 5 Wind Farms.

BACKGROUND:

Council, at its Meeting of 27 July 2023, considered a Discussion Paper on Wind Farms as part of the impending review of Local Planning Scheme No 2 and preparation of a new Local Planning Strategy. It resolved that:

- A) the issues and principles identified for wind farms be considered in the preparation of the Local Planning Strategy and the review of the Local Planning Scheme.
- B) a draft Local Planning Policy for wind farms be prepared for Council's consideration.

The draft local planning policy is contained as Attachment 1.

COMMENT:

The draft policy focuses upon the requirements for a development application and is consistent with the Planning Commission's Position Statement. It highlights the important landscape features within the Shire, and includes a location map.

It sets out the information to be provided with an application which can be made available to potential applicants.

Clause 64(3) of the Deemed Provisions requires that a complex development application shall be advertised by all of the following —

- a) publishing a notice in the newspaper;
- b) giving notice to the owners and occupiers of every property that is within 200m of the proposed development, and to any other owners and occupiers of properties in the vicinity of the site, and
- c) erecting a sign on the subject land.

These require applications to be advertised for a minimum period of 28 days but where an application is referred to a Government Agency the minimum period is 42 days.

In August 2002 the Commission issued an exemption to the above items pursuant to Clause 88 of the Deemed Provisions. This is based on considering the site's remoteness, accessibility, effectiveness, ability to contact affected parties effectively and efficiently, etc. The provision of a sign on site in a rural location is unlikely to provide any tangible benefit.

CONSULTATION:

A draft Local Planning Policy is required to be advertised for a minimum period of 21 days by:

- A notice in the local community newspaper;
- Notification to all the affected landowners; and
- Publication on the Shire web site.

STATUTORY ENVIRONMENT:

Planning and Development (Local Planning Schemes) Regulations 2015

The provisions for the preparation and adoption of a Local Planning Policy are contained in Clauses 3 – 6 of Division 2, Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Local Planning Scheme No 2

Any proposed wind farms will most likely be located within the 'Rural' zone under Local Planning Scheme No 2. Wind farms are not a defined land use within the Planning Scheme.

A development application for a land use which is not specifically referred to in the zoning table is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* as a "complex application." All complex applications must be advertised.

Prior to the introduction of the Regulations, in considering an unspecified land use Council would have to consider if:

- the proposed use is or may be consistent with the objectives of the relevant zone; or
- is not consistent with the objectives of the relevant zone and is therefore not permitted.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Large areas of the Rural zone are 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, while the Guidelines recommend that a Bushfire Management Plan be prepared for any proposed development application.

POLICY IMPLICATIONS:

The development of Local Planning Policies is a recognised planning tool to assist in the administration of the Local Planning Scheme.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

The Shire's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 do not contain any reference to wind farms. More general outcomes that could be relevant are:

Outcome 2.1 – Improved employment through diversification in agricultural

- Support agricultural diversification opportunities which have the potential to provide economic benefits and employment growth and promote funding opportunities on social and traditional media when they arise.

Outcome 2.2 – A growing, diverse business community

- Promote and consider opportunities to develop industrial sites to attract new businesses to the Shire.
- Monitor land sales and development opportunities and investigate further land release (including larger lot sizes) as needed.
- Prepare and implement an economic plan and for the Shire which identifies opportunities in key sectors including health and medical, manufacturing and downstream processing to attract investment and create employment.

Outcome 3.1 – Maintain and improve our key natural assets

- Consider environmental impacts and biodiversity when assessing land use applications through council.

Outcome 4.4 – Appropriate planning and development

- Review and update the Shire Policy Register to reflect current policies and develop new policies relevant to recent regulatory changes.

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	Significant	Severe
		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	Loss of reputation, hindering development
Risk Likelihood (based on history and with existing controls)	(2) Unlikely
Risk Consequence	(3) Moderate
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(6) Medium
Principal Risk Theme	Compliance Failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with directions given by the Planning Commission.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

- 1 That, pursuant to Schedule 2 Clause 4(3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Council adopt for advertising Local Planning Policy No 5 Wind Farms (as contained in Attachment 1).
- 2 That the draft Local Planning Policy be advertised for a minimum period of 21 days in the Community Newspaper and on the Shire website.
- 3 That following advertising of the Draft LPP, a report be prepared to Council to:
 - Consider any submissions which might have been received; and
 - Modify and / adopt the LPP for final approval.

LOCAL PLANNING POLICY NO 4 WIND FARMS

1.0 Introduction

In 2019, the State Government launched Western Australia's Energy Transformation Strategy. This sets out the proposed transition from coal-fired power generation to cleaner, cheaper electricity produced by both large-scale wind and solar farms and rooftop solar photovoltaic (PV) systems.

The Western Australian Planning Commission's State Planning Strategy 2050 promotes renewable energy initiatives.

Wind energy facilities (wind farms) are typically located on sites with steady winds throughout the year, with good road access, and proximity to major electricity infrastructure. A diagram of the South West Interconnected System (SWIS) within the Shire is provided in Appendix 1.

Wind farms usually consist of multiple large, rotating, three-bladed turbines that produce more than 4.0 MW of electrical output. These turbines consist of a generator and rotor blades mounted on top of a steel tower and the turbine's total height can be as high as 220 to 250 metres.

2.0 Objectives

1. To provide guidance on the appropriate location, scale, design, and development of wind farms.
2. To provide guidance for consideration of development applications for wind farms under Local Planning Scheme No. 2.
3. To ensure that wind farms do not lead to unacceptable impacts on important environmental, cultural or landscape values.
4. To ensure that the consideration of development applications for wind farms includes the potential impact on the amenity of surrounding properties.

3.0 Application

The policy applies to all zones and reserves in the Shire as provided for in Local Planning Scheme No 2. Any development of land within the Shire requires a development approval unless it is specifically exempted under the Deemed Provisions and/or relevant Local Planning Policy.

This Local Planning Policy does not apply to single turbine use for domestic purposes including on a rural lot but noting that this may still need a development approval under the Scheme.

Where a turbine(s) is used primarily to supply electricity for a rural use, rural industry etc (not being a domestic dwelling) it will require a development application. The provisions and requirements of this Policy may be reduced depending upon the scale, location of the proposal and whether it is considered to be ancillary to the existing development.

4.0 Definitions and Terms

Deemed Provisions are the provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Wind Farms are not defined within Local Planning Scheme. No 2.

Wind farms are defined in the Model Scheme Text (Town Planning Regulations) as:

A premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

The Department of Planning Lands and Heritage 2020 Position Statement on Renewable Energy Facilities has the following definition:

Renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

Sensitive Land Use (SPP 4.1) means land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include, but are not limited to, dwellings, short stay accommodation, hospitals, educational establishments, childcare centres, corrective institutions and places of worship.

Buffer Setback means the "separation distance" (SPP 4.1) as defined in Government environmental policy, being the recommended distance necessary to separate a source of emissions (gaseous and particulate emissions, dust, odour and noise) from sensitive land uses in order to avoid impacts to health and amenity.

Shadow Flicker results from the sun's position in relation to the wind turbine blades as they rotate. This occurs under certain combinations of geographical position and time of day. The seasonal duration of this effect can be calculated from the machine's geometry and the site's latitude. Shadow flicker can be modelled in advance, and siting and design can mitigate the problem. This is more likely to be an issue for turbines located to the east or west of a dwelling.

5.0 Policy Measures

- 1 Wind farms will be considered as defined in accordance with the Model Scheme Text (Clause 38 Part 6 Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*).
- 2 Pending the revision of Local Planning Scheme No 2, a wind farm is an unspecified land use being a 'complex application' pursuant to Clause 1 Part 1 Schedule 2 of the Deemed Provisions.
- 3 That as an unspecified land use a wind farm will be consistent with the objectives of the Rural zone where they:
 - Do not prevent the continuation of broad-hectare agriculture;
 - Are being provided for intensive uses such as intensive agricultural uses, rural industries, intensive animal husbandry etc;
 - Retain the rural character and amenity of the locality;
 - Do not involve substantial clearing of remnant vegetation; or
 - They can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- 4 That development applications for wind farms are required to contain sufficient information to allow proper consideration of the application in accordance with the Scheme, Deemed Provisions and objectives of this Policy. In addition to the requirements of Clause 63 of the Deemed Provisions (see Appendix 2) applications should include:

- a) Documentation of the proposed buffer setbacks to existing sensitive land uses. Consideration of the suitability of the proposed buffer setback will also have regard to the likelihood of future sensitive land uses on vacant properties.
 - b) An acoustic noise study to confirm the potential noise emissions and mitigation measures.
 - c) A visual and landscape impact assessment to determine the potential impact of a wind farm on the landscape character of the area. Specific landscape features which should be considered in any assessment include the following as shown on Appendix 3:
 - Conservation reserves;
 - Category 1 and 2 places identified on the Council’s Heritage List and referenced in Local Planning Policy No 3;
 - Arthur River Shearing Shed (on State Heritage Register);
 - Arthur River Historical Buildings;
 - Hillman Rock/Reserve;
 - Lake Towerrinning;
 - The Arthur River – areas with permanent water; and
 - Darkan townsite.
 - d) Information on the transportation of the structures to the development site including:
 - The access road classification and its suitability to accommodate oversized vehicles and construction worker traffic; and
 - The identification and need to remove any roadside vegetation which may require specific approval, especially within the Wellington Catchment Special Control Area.
- 5 Wind Farms must not be located within the vicinity of Hillman Airfield.
 - 6 Development applications for wind farms will be referred to the Department of Water and Environmental Regulation for assessment.
 - 7 Where a wind farm is proposed to be located on a development site which is bushfire prone, a Bushfire Management Plan will be required to demonstrate the suitability of the land for the development. This includes the need to provide a Broader Landscape Assessment to document its contextual setting of the development site and a possible risk assessment. The development site should not be an “island” of cleared land surrounded by areas with an extreme bushfire hazard level.
 - 8 Applicants are encouraged to hold preliminary discussions with the Shire or lodge a scoping report to identify relevant issues.

6.0 Advertising

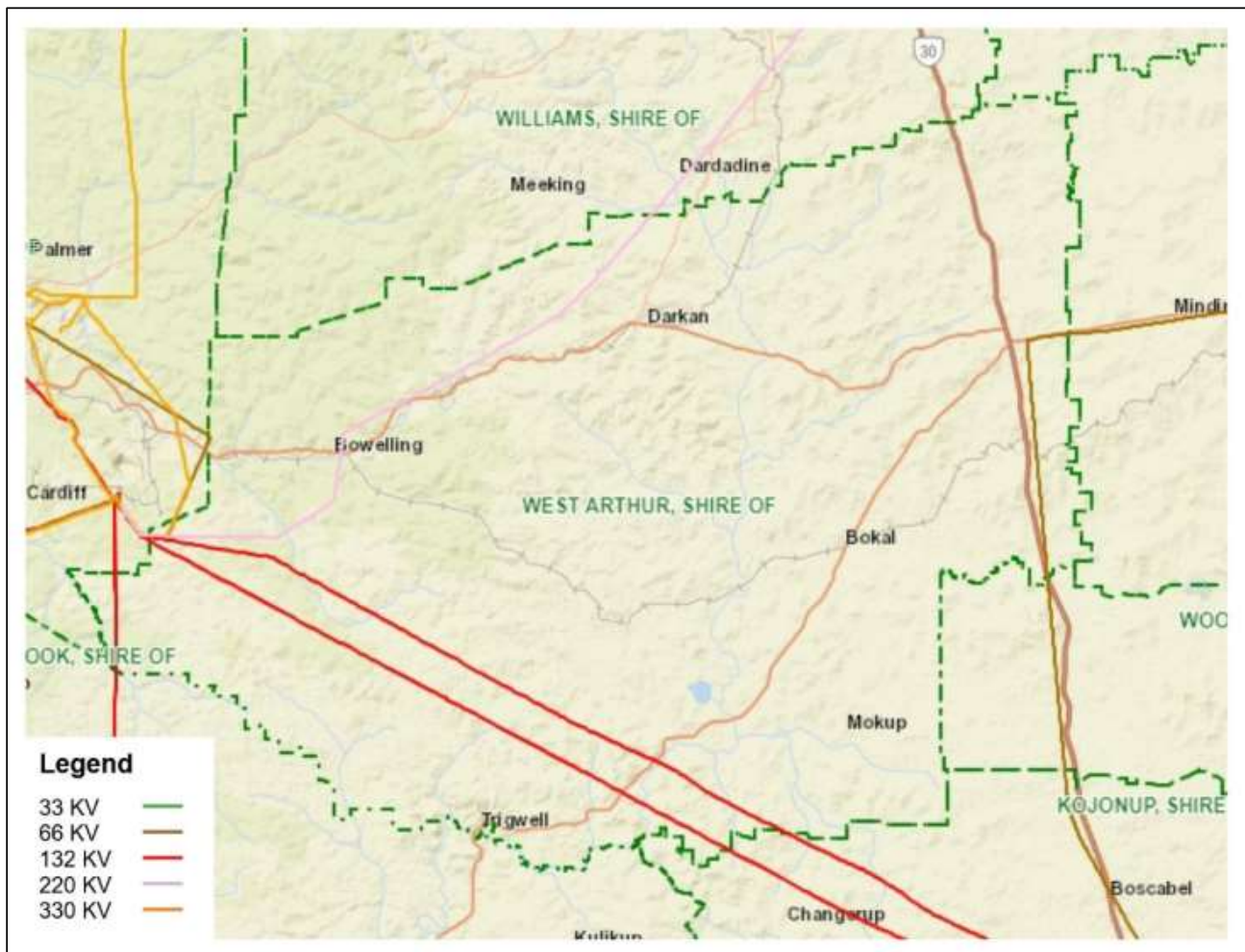
Having regard to the Commission’s notice of exemption for the advertising of complex applications, any development application for a wind farm shall be advertised for a minimum period of 28 days or 42 days when referred to a Government Agency. The advertising shall consist of:

- Notification to adjoining and nearby land owners;
- Publication of a notice of the application and supporting information on the Council web page; and
- Publication of a notice in the local newspaper.

Adoption

Adopted by Council at its meeting of the _____

Appendix 1 - South West Interconnected System (SWIS)

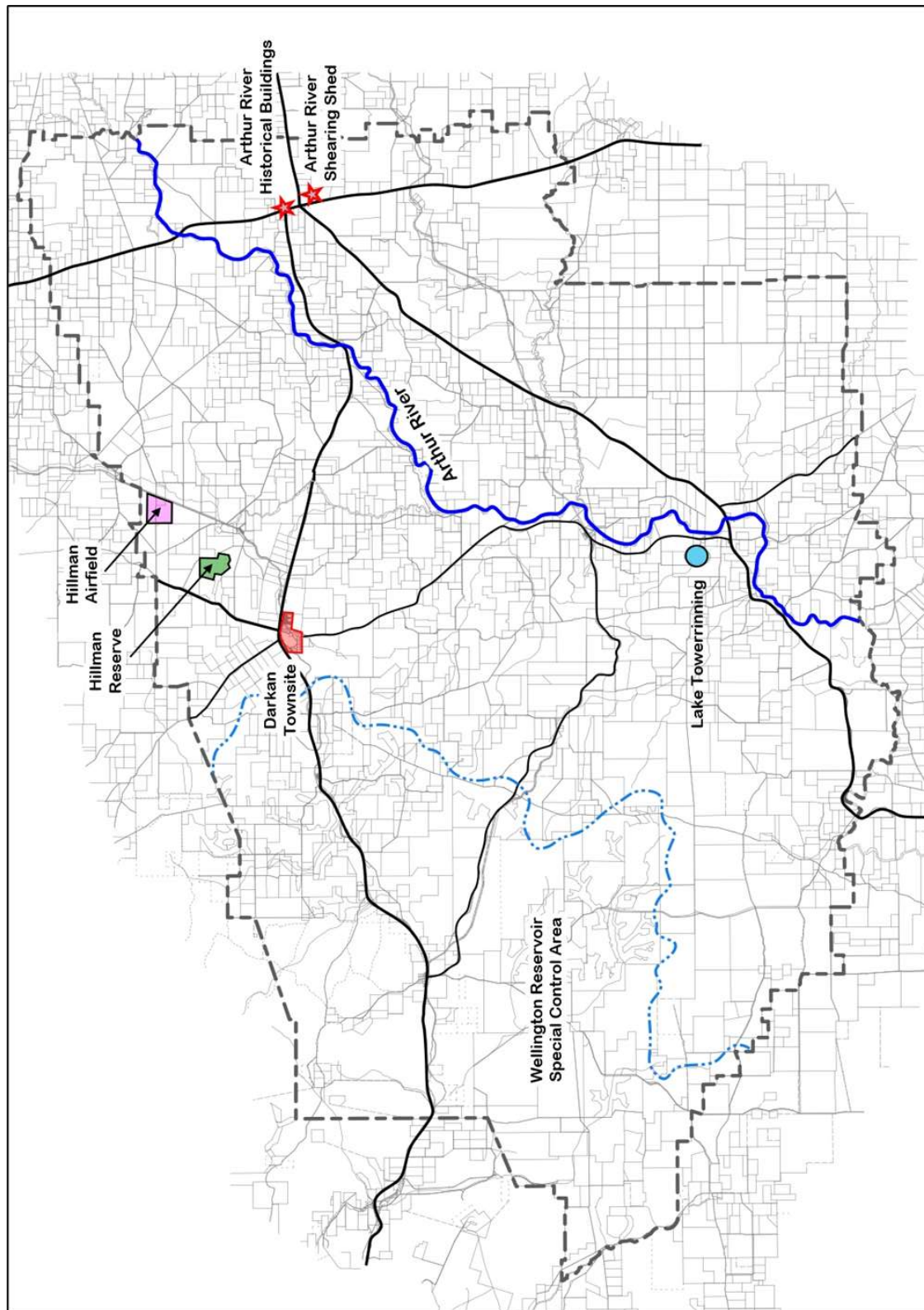


Appendix 2 – Information to Accompany a Development Application

An application for development approval is to be accompanied by —

- (a) a plan or plans in a form approved by the local government showing the following —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the application;
 - (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
 - (iv) the structures and environmental features that are proposed to be removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area;
 - (x) the nature and extent of any open space and landscaping proposed for the site; and
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and
- (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the local government reasonably requires.

Appendix 3 – Shire Features



15 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).

17 MATTERS BEHIND CLOSED DOORS

PROCEDURAL MOTION

That Council considers the confidential reports(s) listed below in a meeting closed to the public in accordance with Section 5.32(2) of the Local Government Act 1995.

17.1 Offer to Purchase Lot 6392 Coalfields Road Darkan
 17.2 Transfer of Land (Sale to Recover Outstanding Rates) 19 Farrell Street Duranillin

17.1 OFFER TO PURCHASE LOT 6392 COALFIELDS ROAD DARKAN

File Reference: A921
Location: Lot 6392 Coalfields Road, Darkan
Applicant: N/A
Author: Rajinder Sunner, Manager Corporate Services
Authorising Officer: Vin Fordham Lamont, Chief Executive Officer
Date: 13/10/2023
Disclosure of Interest: Nil
Attachments: 1. Offer to purchase Lot 6392 Coalfields Road, Darkan - CONFIDENTIAL

The Council is satisfied that, pursuant to Section 5.23(2) of the *Local Government Act 1995*, the information to be received, discussed or considered in relation to this agenda item is:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council accept the offer of \$1,000 for Assessment 921, also known as Lot 6392 Coalfield Highway, Darkan as presented.

17.2 TRANSFER OF LAND (SALE TO RECOVER OUTSTANDING RATES) 19 FARRELL STREET DURANILLIN

File Reference: A950
Location: Nil
Applicant: SLF Lawyers
Author: Rajinder Sunner, Manager Corporate Services
Authorising Officer: Vin Fordham Lamont, Chief Executive Officer
Date: 19/10/2023
Disclosure of Interest: Nil
Attachments: 1. Transfer of Land - CONFIDENTIAL

The Council is satisfied that, pursuant to Section 5.23(2) of the *Local Government Act 1995*, the information to be received, discussed or considered in relation to this agenda item is:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council authorise the signing and sealing of the attached Transfer of land relating to Lot 19 on Deposited plan 141056, being 19 Farrell Street, Duranillin WA 6393.

PROCEDURAL MOTION

THAT COUNCIL MOVES OUT OF CLOSED COUNCIL INTO OPEN COUNCIL.

18 CLOSURE OF MEETING

The Presiding Member to declare the meeting closed.