

*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

MINUTES

of the
Ordinary Meeting of Council
held

2PM, THURSDAY 20th JULY 2017

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

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1. DECLARATION OF OPENING:

The Shire President, Cr Conley, declared the meeting open at 2:01pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Mark Conley	President
Cr Eliza Dowling	Deputy President
Cr Scott Ballantyne	
Cr Tim Haslam	
Cr Roger Newman	
Cr Dawson Bradford	
Mr Gary Sherry	Chief Executive Officer
Ms Tonya Williams	Deputy Chief Executive Officer
Mr Bruce Brennan	Manager of Works & Services
Senior Sergeant John Bouwman	Officer in Charge Narrogin Police Station
Ms D Hopper-Wood	

2.1.2 Apologies

Nil at this time.

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

COUNCIL DECISION – 2017- 56:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Newman

Seconded: Cr Dowling

Carried 6/0

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

- | | |
|-------|--|
| 4.3.1 | Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning |
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After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

The minutes for the meeting of 15th June records that the 'decision of Council is significantly different from the Officer's Recommendation because Council was of the opinion that:

the application is consistent with other planning decisions of Council that have taken a proactive approach to the development of local business within the Shire of Cuballing; and the proposed activity is consistent with similar activities within a rural setting.'

Which other planning decisions of Council are consistent with the application made by the owners of Ducks Nuts Motorcycle Park?

In what ways has the business conducted at the Ducks Nuts Motorcycle Park contributed to the local economy and to the benefit of residents of the Shire of Cuballing?

Given that the normal operations of agricultural vehicles are except from the noise regulations because they are intermittent and seasonal, what other activities in a rural setting does Council consider are consistent with the proposed activity?

The decision of Council is in keeping with Council's consistent support for local business. In the past 3 years Council has:

- granted development approval for a building workshop and office in Cuballing;
- provided approval for home business's inside townsites including a sports massage business and a stock feed business;
- increased financial support to local tourism through the Dryandra Country Visitors Centre;
- granted development approval for a number of intensive piggeries in rural areas;
- provided urgent planning approval for a 50 metre high mobile telephone tower in Popanyinning;
- supported a local business to close a road with in Popanyinning Townsite and purchase crown land; and
- considered an application for a Regional Waste Disposal Site in the Shire of Cuballing.

The Ducks Nuts Motorbike Park supports the local economy by provided an economic return to the operators and to the local businesses that complement the operation. One local business chose to provide formal support for the Motorbike Park as part of the public comment process. Another local business acknowledged anecdotally to Shire staff that the Motorbike Park operation supported his business economically.

Motorcycles are regularly used in farming activities and in rural lifestyle pursuits in the Shire of Cuballing.

4.3.2 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

It is acknowledged that the time frame of the Mediation Process created challenges for the Shire but it must be considered reasonable for the Shire to ask the Department of Environment Regulation to respond to the criticism of its report by Herring Storer, if only for future reference and guidance.

Will the Shire request the DER to respond to the criticism made by Herring Storer of its report? If not, why not?

Because the Shire staff are untrained and inexperienced in conducting noise monitoring, it was anticipated that Shire staff may initially make errors such as in the setting up of noise monitoring equipment identified by Herring Storer Acoustics.

In reviewing the apparently conflicting scientific data, Shire staff were concerned that a continuing argument over the detail of conflicting noise analysis's was not improving the information available to make a decision on the application. Because of the tight time frames imposed by the State Administrative Tribunal, Shire staff decided that the best course of action was for Shire staff to present the information obtained to Council rather than continue to seek additional scientific data that may or may not have been conclusive evidence.

While the Shire did not seek to have the Department Environment Regulation (DER) formally respond to the comments of Herring Storer Acoustics, the Shire did eventually, informally discuss the matter with DER staff. The DER staff have provided advice and direction to Shire staff to ensure that future noise monitoring will comply with the requirements required to complete any future prosecutions of infringements of the Environmental Protection (Noise) Regulations 1997.

4.3.3 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

In its report, Herring Storer repeatedly describes the operation of twenty bikes within the park, across all tracks as a 'worst case scenario', a scenario which, on the day, failed to comply with the noise regulations.

Can therefore, the Council please explain how its decision to allow up to fifty bikes to operate within the park at any one time with a maximum of twenty bikes at any one time on the senior track is consistent with the findings and recommendations of the Herring Storer Report and will not be to the disadvantage of neighbouring properties?

The Herring Storer Acoustics report advised that the operations of the Motorbike Park complied with the requirements of the Environmental Protection (Noise) Regulations 1997 (Noise

Regulations) at the closest residence, but not at the immediate property boundary adjacent to the Senior Track.

The Herring Storer Acoustics report recommended that the Senior Track, if moved 40 metres away from the immediate property boundary and if curves and turns were added, would comply with the requirements of the Noise Regulations. Herring Storer Acoustics expected that, while difficult to exactly quantify, such changes would equate to a noise level difference of between 12 to 15 dB(A) at the source. These recommendations were considered at condition 3 and condition 4 in the Council approval.

With regard to the number of bikes permitted Herring Storer Acoustics advised that:

In theoretical terms, if the amount of bikes measured on the day (20 bikes) were doubled in number to 40 bikes, the potential increase in noise levels at the receiver would be 3 dB(A). However, based on experience and measurement of this facility and other similar activities, generally noise levels are impacted by an individual bike, rather than the overall number of bikes.

The Herring Storer Acoustics report also identifies that motorbikes operating on tracks other than the senior track are well within the required levels of the Noise Regulations .

Therefore in the Council approval:

- the maximum number of bikes on the Senior Track is limited to 20 at condition 2. This condition limits the number of bikes on the Senior track to the activity levels assessed by Herring Storer Acoustics; and
- the total number of bikes is limited to 50 at condition 1. This condition allows the number of bikes on the Junior, Intermediate and Advanced tracks to be increased because the Herring Storer Acoustics noise assessments completed adjacent to those tracks indicate that an increase in activity on those tracks would still meet compliance with Noise Regulations.

4.3.4 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

In recommending that, in an attempt to meet the noise regulations, the senior track be relocated 40 metres further from the eastern boundary and that the straight be modified by the introduction of curves and bends, Herring Storer (attachment 9.2.4B p.31) acknowledges that' It is difficult to quantify this noise level reduction...' and offers in justification, the noise difference between a 'maximum revving bike' and the same bike at around 3/4 revving capacity'. The capacity of the bike tested is not given and no attempt is made to recommend the number of curves or bends that should be installed to ensure that noise regulations are met.

What measures will Council take to ensure that the modifications are in fact undertaken and do indeed result in the necessary reduction in noise levels?

The Council approval requires, at condition 5, to submit a plan of the constructed track and at condition 4 to include curves and turns. Shire staff will inspect any newly constructed track to ensure compliance with that condition.

The Herring Storer Acoustics report does acknowledge that noise level reductions arising from track design changes are difficult to quantify, but that such design changes would be a reduction of noise at the source and this would directly equate to a noise level reduction of the same amount at the receiver of the noise.

Council has completed 1 noise assessment on this site and anticipates that future assessments will also be conducted to monitor compliance with the Environmental Protection (Noise) Regulations 1997.

4.3.5 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

The approval provides for a maximum of fifty bikes permitted to be operating at any one time.

Are the numbers of bikes permitted to operate, consistent with the business plan lodged by the operators of the park?

The original application submitted in July 2016 was for sixty motorbikes. The business plan submitted by the applicant was not specifically requested by Council and includes considerable extraneous information.

The maximum number of bikes permitted to operate is consistent with the:

- Fire and Emergency Management Plan;
- Dust Suppression Plan; and
- Management Plan; required by Council.

4.3.6 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

It is acknowledged that the issues discussed at mediation are without prejudice but in the interests of open government can Council advise residents which legislative or regulatory provisions prevent them from being provided at least a summary of the proceedings at mediation?

The Shire was advised by the State Administrative Tribunal (SAT) staff at the mediation convened by the SAT that the mediation was without prejudice and therefore not admissible in any future legal matters. The Shire is not aware of the exact legislative or regulatory provisions of the SAT and took the SAT staff's advice at face value.

The mediation only allowed discussion between the parties and no decisions were made in this mediation.

Following the Mediation Sessions on Monday 15th May and Wednesday 31st May 2017, Council reconsidered the matter at their June Ordinary Council Meeting.

The most significant matter in this reconsideration was that the applicant had provided a noise assessment by a suitably qualified acoustic consultant. The lack of such an assessment was a pivotal reason in Council's decision in March 2017 to refuse the application.

Council has continually sought to keep all interested parties informed of the progress of the application. As had occurred at every consideration of this matter since receipt of the Planning Application in July 2016, advice of Council reconsidering this matter at their June Ordinary Council Meeting was communicated by email on Friday 9th June to 13 interested parties with notice of the matter coming to Council at their Meeting on Thursday 15th June. This email included the full content of the Officer's report to Council and a link to the entire Meeting agenda.

4.3.7 Development Application for an expanded Motorbike Park - Lot 101 Reeds Road, East Popanyinning

After the publication of the Agenda, Ms Deborah Hopper-Wood has submitted the following question:

Certainly the quality of reports and agendas has improved under Mr Sherry's leadership reflecting his professionalism, but the issues associated with the motorcycle park and the proceedings of SAT are complex.

Given the importance of these matters, why is Council not engaging specialist assistance, especially in relation to appearances before SAT?

Council has retained specialist advice on this matter throughout the process as appropriate. Such specialist advice has included:

- a qualified town planner has provided advice on a number of occasions since the application was received in July 2016;
- preliminary planning advice specific to a State Administrative Tribunal (SAT) hearing regarding this application was sought in March 2017;
- discussions with the Department of Local Government and Communities in June 2016;
- discussions with the Department Environment Regulation noise regulation staff; and
- discussions with qualified environmental health officer's regarding enforcement of noise regulations.

In obtaining professional advice on complex matters, Shire staff are cognisant of the cost of such advice and seek to ensure that advice. To date the Shire has attended three Directions Hearings and two Mediation Sessions of the SAT. Because In these hearings and sessions no decisions were being made or finalised, specialist, professional representation was not believed necessary.

It should be noted that this matter remains unresolved and a Final Hearing at the SAT is scheduled for 11th September 2017. Shire staff anticipate engaging representation for this hearing, although the actual representation has not yet been engaged.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

6.1.1 Ordinary Meeting of Council held on Thursday 15th June 2017

COUNCIL DECISION – 2017- 57:

That the minutes of the Ordinary Meeting of Council held on Thursday 15th June 2017 be confirmed as a true record of proceedings.

Moved: Cr Haslam

Seconded: Cr Newman

Carried 6/0

6.1.2 Special Meeting of Council held on Wednesday 28th June 2017

COUNCIL DECISION – 2017- 58:

That the minutes of the Special Meeting of Council held on Wednesday 28th June 2017 be confirmed as a true record of proceedings.

Moved: Cr Ballantyne

Seconded: Cr Bradford

Carried 6/0

7. PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS:

7.1.1 Senior Sergeant John Bouwman, Officer in Charge Narrogin Police Station

Senior Sergeant John Bouwman, Officer in Charge Narrogin Police Station, thanked Council for the opportunity make a presentation regarding local policing issues.

SSGT Bouwman thanked the Shire of Cuballing for the recent assistance with conducting a very successful Blue Light Disco in Cuballing. Narrogin police will also a “Coffee with Cop” in Cuballing on Thursday 27th July 2017. This event follows on from similar events in Popanyinning and Highbury.

There was general discussion on the prevalence and impacts of drugs, particularly Methamphetamine, on our communities including:

- there is significant Methamphetamine use in our region community;
- police are acutely aware of the impacts of Methamphetamine in the community including increased levels of violence;
- substance abuse by adult members of a family has a wider impact on children in those families that often result in the children coming to the attention of police;
- local police are actively following up drug related activities including searches of property and vehicles;
- operations on highway
- there appears to little local manufacture of Methamphetamine, rather drugs are trafficked into the region from elsewhere;

The Shire of Cuballing can support Police through:

- providing road traffic data to increase the effectiveness of road traffic patrols.
- encourage the community to report suspicious information to Crimestoppers. While single pieces of information about suspicious activities may appear insignificant to the community, Police use such reports to identify sites for further investigation;
- participate in programs such as Eyes on the Street where Shire staff, who are actively travelling around the Shire, take a proactive approach to monitoring the community and report suspicious activities;
- hold events where Police can engage positively with the younger generations. The recent Blue Light Disco is such an example. These activities are investment in future policing.

Cr Haslam thanked SSGT Bouwman for visiting Council and recognised that this was the first time such a visit and occurred in his terms as a Councillor.

Senior Sergeant John Bouwman and Ms D Hopper-Wood left the meeting at 2:24pm

8. DISCLOSURE OF FINANCIAL INTEREST:

Mr Sherry declared an Impartiality Interest in 9.2.3 in that he is a long time friend of the applicant.

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

9.1.1 List of Accounts Submitted for Council Approval and Payment – June 2017

File Ref. No:	NA
Disclosure of Interest:	Nil
Date:	14 th July 2017
Author:	Nichole Gould
Attachments:	9.1.1A List of June 2017 Trust Accounts 9.1.1B List of June 2017 Municipal Accounts

Summary

Council is to consider the May 2017 List of Accounts.

Background - Nil

Comment

Council is provided at Attachments 9.1.1A and 9.1.1B with a list of payments made from each of Council's bank accounts during the month of June 2017.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications - Nil

Financial Implications - Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. to not note the list of accounts.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017- 59:

That Council receives the List of Accounts for May 2017 paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 payments including payments from Council's:

1. **Trust Fund in June 2017 totalling \$68,370.35 included at Attachment 9.1.1A; and**
2. **Municipal Fund in June 2017 totalling \$385,732.10 included at Attachment 9.1.1B.**

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0

**LIST OF TRUST FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
JUNE 2017**

Chq/EFT	Name	Description	Amount
1062017	Police Licensing	Licensing Payments	3,735.10
14062017	Police Licensing	Licensing Payments	7,333.25
15062017	Police Licensing	Licensing Payments	14,057.50
16062017	Police Licensing	Licensing Payments	25.30
19062017	Police Licensing	Licensing Payments	831.40
20062017	Police Licensing	Licensing Payments	364.50
21062017	Police Licensing	Licensing Payments	699.90
22062017	Police Licensing	Licensing Payments	8,119.25
23062017	Police Licensing	Licensing Payments	1,043.20
26062017	Police Licensing	Licensing Payments	601.20
27062017	Police Licensing	Licensing Payments	1,091.40
2062017	Police Licensing	Licensing Payments	802.65
28062017	Police Licensing	Licensing Payments	2,414.75
29062017	Police Licensing	Licensing Payments	1,067.90
30062017	Police Licensing	Licensing Payments	2,140.25
6062017	Police Licensing	Licensing Payments	343.75
2062017	Police Licensing	Licensing Payments	0.60
6062017	Police Licensing	Licensing Payments	343.75
6062017	Police Licensing	Licensing Payments	260.60
7062017	Police Licensing	Licensing Payments	2,358.65
8062017	Police Licensing	Licensing Payments	1,705.65
9062017	Police Licensing	Licensing Payments	797.65
12062017	Police Licensing	Licensing Payments	535.80
13062017	Police Licensing	Licensing Payments	18,385.05
			68,370.35

LIST OF MUNICIPAL FUND ACCOUNTS DUE AND SUBMITTED TO COUNCIL
JUNE 2017

Chq/EFT	Name	Description	Amount
14062017	15 - Rent For Grader Driver House	Rent For Grader Driver House	360.00
21062017	13 - ATO Clearing Account Bas	ATO Clearing Account Bas	22,995.00
26062017	14 - Rent On Forrest Street	Rent On Forrest Street	600.00
28062017	15 - Rent For Grader Driver House	Rent For Grader Driver House	360.00
7062017	11 - Interest On Graders	Interest On Graders	700.80
7062017	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders	3,013.48
14062017	14 - Rent On Forrest Street	Rent On Forrest Street	600.00
EFT2911	Narrogin Toyota & Mazda	New Toyota Corolla Sedan CVT SX 04/2017 Including Mudguards Front & Back, Floor Mats, Tow Bar & Window Tint	13,789.84
EFT2912	Brett Rowe Mobile HD Mechanical Services	Repairs To Cat Loader - Install New Sump Gasket & Fix Oil & Water Leaks, Labour & Materials	5,195.78
EFT2913	Local Government Professionals Australia, NSW	LG Performance Excellence Program 3yrs Subscription	2,475.00
EFT2914	Air Liquide Pty Ltd	Cylinder Fee Size G & E	142.24
EFT2915	Ampac Debt Recovery	Legal Fees - Judgement Fees & Land PSSO Fees	2,140.56
EFT2916	Argus Pest Control	3172 Stratherne Rd - Termite Inspect Bridge & Treat Active Termites N/E Buttment	6,955.00
EFT2917	Beaurepaire	Repair Truck Tyre Puncture	39.82
EFT2918	Builders Registration Board Building Commission	May 2017 Building Forms	339.90
EFT2919	Burgess Rawson (WA) Pty Ltd	Water Usage - 19/04/2017 To 09/06/2017	24.82
EFT2920	Best Office Systems	Laser Printer Cartridge Ricoh4210N	279.00
EFT2921	Boral Construction Materials Group	400L Emulsion	847.00
EFT2922	C&D Cutri	027 Wandering-Narrogin Rd - Repairs To L.H.S. Spoon Drains, Backfill With Gravel & Extend R.H.S Spoon Drain As Per Quote	4,785.00
EFT2923	Corsign (WA) Pty Ltd	Signs - Curved Rd Left, Curved Rd Right, 75km Tag & 70km Tag	2,241.25
EFT2924	Cuby Roadhouse	Postage & Freight	692.39
EFT2925	Chedoona Gallery & Nursery	740 X Mixed Trees / Shrubs (Tubes/Celltrays)	518.00

Chq/EFT	Name	Description	Amount
EFT2926	Dews Mini Excavations	Hire Of Excavator For Drainage On Wandering-Narrogin Rd 9hrs @ \$110	4,477.00
EFT2927	DX Print Group Pty Ltd	200 X Tip Passes A5 X 4 Per Page Expiry Date 30/06/18 As Per Quote	458.00
EFT2928	Dawson Robert Bradford	Dawson Bradford Councillor Sitting Fee January To June 17	900.00
EFT2929	Derbahl	Pump Out & Service Portable Toilet Mens Shed	120.00
EFT2930	Edwards Motors Pty Ltd	Purchase Of New Holden Colorado LTZ 4x4 Crew Cab Turbo Diesel Utility With Tow Bar, Tinted Windows, Front Park Assist, LED Tail Lights, Seat Covers, Floor Mats, Delux Bullbar, Steel Tray/Drop Sides, Electric Brakes	46,356.05
EFT2931	Eliza Alice Dowling	Eliza Dowling Councillor Sitting Fee January To June 17	750.00
EFT2932	Earl Street Surgery	Vaccinations Hep A & Hep B - Daniel Christensen	76.00
EFT2933	Edge Planning & Property	Balance Invoice Local Planning Strategy Review	6,233.97
EFT2934	Fuel Distributors Of Wa	June Account - Bulk Diesel	6,475.31
EFT2935	Filters Plus	Air Filter & Radial Seal Inner Air Filter	90.64
EFT2936	General Steel Products	Progress Payment For The Supply Of & Construction Of Steel Shade Shelter As Per Quote - Q17-05A-1	57,452.56
EFT2937	Great Southern Fuel Supplies	May Account - Bulk Diesel Supply 8 X 6 Cubic Metre	7,802.32
EFT2938	Great Southern Waste Disposal	Transfer Station Bins @ \$1,622.50 Each	19,393.55
EFT2939	JR & A Hersey P/L	R Clip Kit, Rigger Gloves, Slings & Bushman Spray	1,437.67
EFT2940	Kelyn Training Services	Work Safely & Follow WHS Policy & Procedures - Terry Clark & Basic Worksite Traffic, Traffic Control & Practical Assessments - Tim Bradford & Terry Clark	1,213.00
EFT2941	Landgate	Land Enquiry - R Bondarenko	24.85
EFT2942	Lazeaway Caravan Park	Push Up Popanyinning Rubbish Tip 1/5/17, 8/05/17, 16/05/2017, 23/05/17 & 29/05/17	2,233.00
EFT2943	Maggie Signs And Decals	Planning Application Decals	54.00

Chq/EFT	Name	Description	Amount
EFT2944	Makit Narrogin Hardware	Cutting Disks, Shackles & Rake	271.90
EFT2945	Mark Conley	Mark Conley Presidential Allowance January To June 17	4,950.00
EFT2946	Mechanical And Diesel Services	143,503kms Service - Filters, Oil, Coils, Wiper Blades, Labour & Materials	3,001.90
EFT2947	Market Creations	Synergy Backup In The Cloud May 2017	655.39
EFT2948	Mcdougall Weldments	Gal Mesh & Tube & Trimdeck	2,959.22
EFT2949	Moore Stephens (WA) Pty Ltd	Strategic Resource Planning Services Progressive Account 31 May 2017	12,462.71
EFT2950	Narrogin Auto Electrics	Remove & Install Light Bar, 2-Way & Antennas, Work Lights & Becons, Install Phone Cradle	1,020.18
EFT2951	Narrogin Bearing Services	Trade Master Floor Drill Press	1,825.49
EFT2952	Narrogin Earthmoving And Concrete	Supply & Lay Popo Transfer Station Wall As Per Quote	50,315.10
EFT2953	NS Advisory Pty Ltd	Insurance & Financial Reporting Valuation Of Land Buildings & Infrastructure	10,780.00
EFT2954	Narrogin Country Fresh Meats	Council Meeting - 12 X Honey Soy Kebabs & 12 X Scotch Fillet Steaks	105.79
EFT2955	Narrogin Guardian Pharmacy	Vaccination Hep A & B	260.40
EFT2956	Narrogin Hire Service And Reticulation	TMP Honda Power Cement Mixer	1,839.00
EFT2957	Narrogin Packaging	3 X Liquid Soap Dispenser, Nourish Hand & Body Wash 5lt & Nourish Body Wash 20lt	312.35
EFT2958	Narrogin Petals & Bloom Florist	2 X Large ANZAC Day Wreaths - Native	230.00
EFT2959	Narrogin Pumps Solar And Spraying	Diesel Hand Gun/Piece, Hose Tail & Clamp	159.28
EFT2960	Niks Electrical & Gas	Remove & Service Burners & Ignition Probes On BBQ, Check Full Operational Function Of System	192.50
EFT2961	Olympics Netball Club Inc	2017 Olympics Netball Club Inc Fees - Liberty Tullett	125.00
EFT2962	Peter Scott Ballantyne	Scott Ballantyne Councillor Sitting Fee January To June 17	900.00
EFT2963	Phill Watts Bulldozing	Hire Of Bulldozer Popanyinng Transfer Station 28.5hrs @ \$250 Per Hour	7,837.50
EFT2964	Primaries - Narrogin	12 X Bags Rapid Set	92.40

Chq/EFT	Name	Description	Amount
EFT2965	Perfect Computer Solutions	Perform Universal Upgrade, Upgrade Synergysoft, Account Refresh	297.50
EFT2966	Roger David John Newman	Roger Newman Councillor Sitting Fee January To June 17	900.00
EFT2967	Shire Of Narrogin	Ranger Services - 30/05/17 1hr @ \$80 & Travel 46kms @ \$0.97	243.42
EFT2968	SOS Office Equipment	Photocopier Meter Reading DCVC4475 24/04/17 To 24/05/17	824.35
EFT2969	Staples Australia Pty Ltd	9 X Boxes A4 White Paper	242.32
EFT2970	Steelo's Guns And Outdoors	3 Set X 2 Keys - Cutting	42.00
EFT2971	Timothy Phillip Haslam	Timothy Haslam Councillor Sitting Fee January To June 17	900.00
EFT2972	Toll Ipec (Courier Australia)	Freight Charges - Corsign Pty Ltd	229.42
EFT2973	The Rigging Shed	Test & Tag Lifting Chains	1,149.94
EFT2974	Tonya Williams	50% Reimbursement Synergy - T Williams	54.08
EFT2975	WA Local Government Association	Council Connect - Development Refresh & Modules	4,332.00
EFT2976	Westrac	Sump Gasket, Radiator Hose, Oil & Water Cooler Hose & Temperature Sensor Unit	472.40
EFT2977	Jason James Sampson	Return Of Bond - Cuballing Ag Hall 5/11/2016	200.00
DD1316.1	Hostplus Super	Superannuation Contributions	209.84
DD1316.2	WA Local Government Super Plan	Payroll Deductions	5,539.02
DD1316.3	Westscheme Superannuation	Superannuation Contributions	593.69
DD1316.4	Australian Super	Superannuation Contributions	408.90
DD1316.5	Matrix Superannuation	Superannuation Contributions	65.41
DD1316.6	DJ Superannuation	Superannuation Contributions	180.68
DD1325.1	linet Limited	NBN Wireless Limitless Boost Internet Inc LNM Calls	91.54
DD1325.2	Bigair Cloud Managed Services Pty Ltd	Internet Service June 2017	136.09
DD1328.1	Hostplus Super	Superannuation Contributions	209.84
DD1328.2	WA Local Government Super Plan	Payroll Deductions	5,471.43
DD1328.3	Westscheme Superannuation	Superannuation Contributions	593.69

Chq/EFT	Name	Description	Amount
DD1328.4	Australian Super	Superannuation Contributions	408.90
DD1328.5	Matrix Superannuation	Superannuation Contributions	67.59
DD1328.6	DJ Superannuation	Superannuation Contributions	180.68
14554	Arthur Lewis Johnson	Rates Refund For Assessment A110 64 Cuballing Street Cuballing Wa 6311	327.29
14555	A&A Corasaniti	Supply & Install Fencing Popo Transfer Station As Per Quote	30,035.50
14556	Australian Institute Of Building Surveyors	Training - External Wall Systems In Focus - Dampness, Weather, Fire & Compliance - Darryle Baxter	300.00
14557	Building & Construction Industry Training	BCITF Forms May 2017	71.75
14558	Cuby Tavern	1 X Carlton Cold Dry 28/04/17, Salads Council Meeting 20/04/17 & 1 X Carlton Cold Dry, Salads Council Meeting 18/05/17	572.00
14559	Mcleods Barristers & Solicitors	Legal Advise For Building License For House - Constructed On Wrong Lot Williams Location 4424 & 4425	876.38
14560	Synergy	Electricity Charges - Street Lighting 25/04/17 To 24/05/17	556.55
14561	Shire Of Cuballing	Groceries - Cool Drink, BBQ Trays, Tea Bags, Coffee, Lollies, Serviettes, Tissues, Milk, Cling Wrap, Biscuits, Chocolates, Bin Bags	990.27
14562	Telstra	Service Charges - Shire Office	964.66
14563	Water Corporation	Water Charges - Standpipe Francis St	1,063.37
20170628	Commonwealth Bank	Credit Card June 2017 - Bank Fees	9.99
20170628	Commonwealth Bank	Credit Card June 2017 - CEO - Refreshments SAT Hearing	6.91
20170628	Commonwealth Bank	Credit Card June 2017 - CEO - Parking SAT Hearing	6.79
20170628	Commonwealth Bank	Credit Card June 2017 - CEO - Refreshments SAT Hearing	21.73
20170628	Commonwealth Bank	Credit Card June 2017 - DCEO - Survey Monkey Strategic Community Plan	30.00

Chq/EFT	Name	Description	Amount
20170628	Commonwealth Bank	Credit Card June 2017 - DCEO - Fuel	24.06
20170628	Commonwealth Bank	Credit Card June 2017 - DCEO - New car licence 12 months and plate change	377.64
20170628	Commonwealth Bank	Credit Card June 2017 - DCEO - Fuel	51.60
20170628	Commonwealth Bank	Credit Card June 2017 - CEO - New car licence 12 months	375.55
20170628	Commonwealth Bank	GST on purchases	86.42
			385,732.10

9.1.2 Statement of Financial Activity

Applicant:	N/A
File Ref. No:	ADM214
Disclosure of Interest:	Nil
Date:	4 th July 2017
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	9.1.2A Statement of Financial Activity 9.1.2A

Summary

Council is to consider the Statement of Financial Activity for June 2017.

Background

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment

General Purpose Funding

Discount amount was higher than budgeted, this will result in a permanent difference to the amount of Rates available for funding projects in the year. An advance was paid in June for 50% of the 2017/18 Financial Assistance Grant (\$292,191).

Administration allocation is slightly below budget (\$544) and an allocation of legal fees for Rates recovery needs to be run (\$3,441).

Governance

LSL reimbursements from other Shire's was not budgeted but has been recouped. Unbudgeted vehicle transfers on the CEO and DCEO cars has resulted in a loss on asset disposal figure (\$11,193). Administration vehicle costs were not allocated out (\$10,153).

Law, Order & Public Safety

An advance was paid in June for the Quarter 1 payment of the Emergency Services Levy Grant (\$6,875).

Expenditure is lower than budgeted as the contract Ranger was not appointed until November resulting in a permanent difference of \$7,920. Fire vehicle maintenance and wages for firefighting are higher than budgeted.

Education & Welfare

Expected to have spent funds on Aged Housing (\$40,000), this has not occurred due to project delays. The corresponding Reserve transfer has not been made on this project. A contribution for Community Vehicles of \$2,000 was budgeted and has not yet been received.

Housing

Salary Sacrifice for Grader Driver House not commenced until September, this has created a permanent difference.

Community Amenities

Additional Planning Fees have been received. Rubbish collection services income is above budget as additional services have been created since budget.

Tip maintenance costs are lower than expected (\$38,551). Manning of tip stations has occurred slightly later than expected, resulting in a permanent difference for wages. Contractor cost of rubbish collection lower than budgeted. Kerbside collection and dumping fees are lower than expected (\$15,998).

Contribution to the Great Southern Waste Group not paid (\$5,000), amount has been transferred to the Refuse Reserve.

Recreation and Culture

An unbudgeted donation for Yornaning Dam was made by a member of the public (\$500). Maintenance costs of Recreation are higher than budgeted. Unbudgeted work was completed on the CWA Hall for a new air conditioner and additional power points to accommodate different community groups now using the facility.

Transport

An advance was paid in June for 50% of the 2017/18 Financial Assistance Grant (\$174,657). Final Storm Damage claim works expenditure delayed (\$40,409), no further income has been claimed as a result.

Road and bridge maintenance costs are lower than budgeted, particularly for wages and contracts.

Economic Services

Building certificate fees are higher than budgeted (\$38,590).

Central Country Zone Golf Day income and expenditure was not budgeted for, this has no overall impact as all funds were paid out to the Cuballing Golf Club for running the day.

Feral Cat management expenses were not budgeted for (\$2,000). Yornaning Dam funds (\$5,000) were allocated to be spent but have not yet been allocated. The Cuballing Entry Statement was not finalised.

Other Property and Services

Private Works income is over budget by (\$10,488), Building Surveyor services are up by (\$3,394) and the Diesel Fuel Rebate is increased by \$3,417. Payments made by Council's insurance company for Workers Compensation claims are also higher than budgeted (\$10,376).

Loss on disposal is higher than budgeted due to Fair Value revaluations made for 30 June 2016 (\$7,743) and additional vehicle trade in (\$10,896).

Capital Expenditure

Regional Road Group project will not be completed this financial year due to the February flooding impact on the culvert installation. The final 20% of funding will not be claimed in this financial year.

Roads to Recovery spending was underbudget by \$32,021 with no further works or claims to be made in 2016/17. Grain Freight works on the Cuballing East Road were also under budget by \$7,584.

Dryandra Regional Equestrian Shelter project will run over into the new financial year for both construction completion (\$21,182 remaining) and Lotterywest and club contributions.

Revaluation of Plant & Equipment at the end of 2015/16 increased the value of the previous Building vehicle. This created a higher than budgeted loss on the trade in of the asset. Additional asset purchases of 3 vehicle transfers was approved by Council and made in June.

Detailed breakdown of all variances provided in Note 2 of the Statement of Financial Activity.

Administration Allocations done to June 2017.

Depreciation expenses calculated to June 2017.

Strategic Implications - Nil

Statutory Environment – Nil

Policy Implications – Nil

Financial Implications – Nil

Economic Implication - Nil

Environmental Considerations - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation; or
2. not to receive the Statement of Financial Activity

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017- 60:

That the Statement of Financial Activity, as included at Attachment 9.1.2A for the Shire of Cuballing for period ending 30th June 2017 be received.

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0

SHIRE OF CUBALLING

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 June 2017

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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**Shire of Cuballing
Information Summary
For the Period Ended 30 June 2017**

Key Information

Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 June 2017 of \$949,462.

Items of Significance

The material variance adopted by the Shire of Cuballing for the 2016/17 year is \$5,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Capital Expenditure

Land and Buildings	\$ 14,222	The Popanyinning Transfer
Infrastructure - Roads	▲ \$ 174,330	Regional road group
Plant and Equipment	▼ -\$ 103,182	3 unbudgeted vehicle trade in
Capital Revenue		
Grants, Subsidies and Contributions	▼ (\$139,271)	All Roads to Recovery and
Proceeds from Disposal of Assets	▲ \$48,057	3 unbudgeted vehicle trade in occurred in June for CEO,

	Collected / Complete	Annual Budget	YTD Budget	YTD Actual
Significant Projects				
DREC Weather Shelter	78%	\$ 96,869	\$ 96,869	\$ 75,687
Popanyinning Transfer Station	104%	\$ 148,451	\$ 148,451	\$ 153,720
RRG - Wandering Narrogin Road	72%	\$ 496,800	\$ 496,800	\$ 357,959
Grants, Subsidies and Contributions				
Operating Grants, Subsidies and Contributions	142%	\$ 1,052,784	\$ 727,702	\$ 1,500,022
Non-operating Grants, Subsidies and Contributions	84%	\$ 1,017,793	\$ 914,799	\$ 850,984
	114%	\$ 2,070,577	\$ 1,642,501	\$ 2,351,006
Rates Levied	99%	\$ 1,039,987	\$ 1,039,986	\$ 1,031,426

% Compares current ytd actuals to annual budget

	Prior Year	Current Year
Adjusted Net Current Assets	523% \$ 181,435	\$ 949,463
Cash and Equivalent - Unrestricted	652% \$ 129,820	\$ 845,986
Cash and Equivalent - Restricted	99% \$ 1,303,641	\$ 1,292,509
Receivables - Rates	▼ #DIV/0! \$ -	\$ 67,807
Receivables - Other	43% \$ 134,874	\$ 57,918
Payables	19% \$ 104,083	\$ 19,327

% Compares current ytd actuals to prior year actuals at the same time

Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of

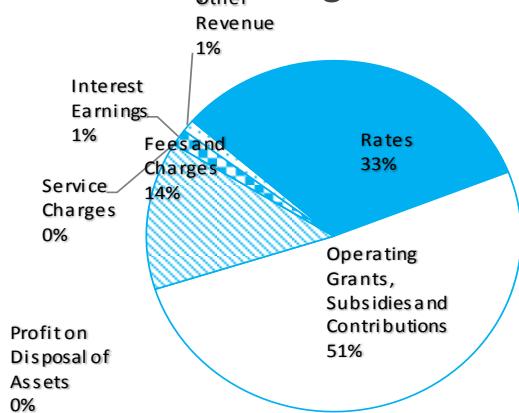
Preparation

Prepared by: Tonya Williams, DCEO

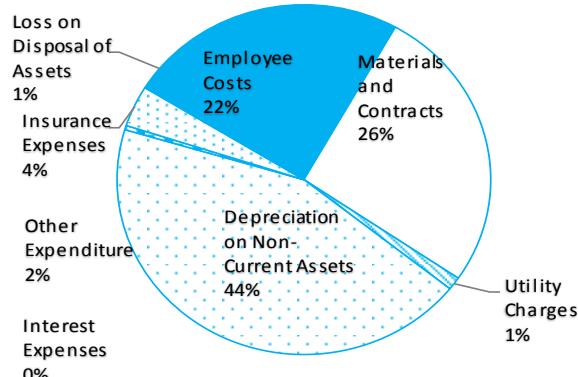
Reviewed by: Gary Sherry, CEO

**Shire of Cuballing
Information Summary
For the Period Ended 30 June 2017**

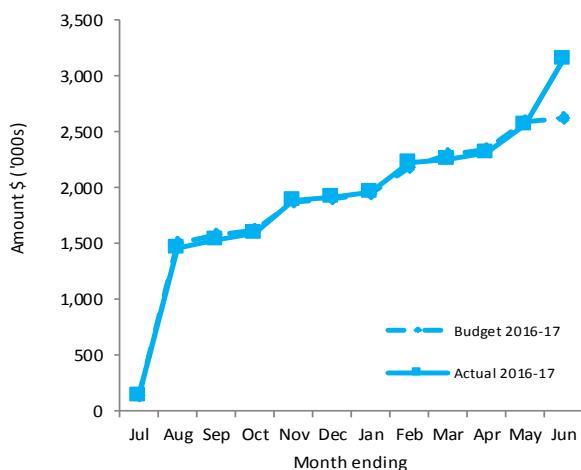
Operating Revenue



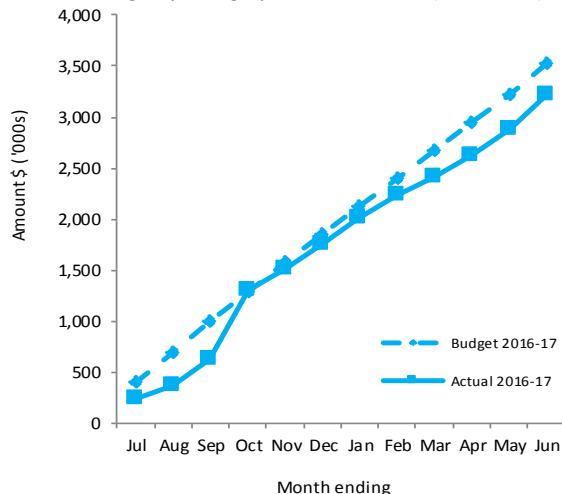
Operating Expenditure



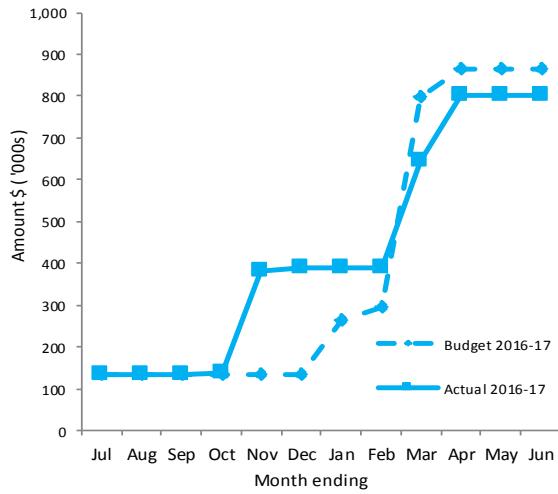
Budget Operating Revenues -v- Actual (Refer Note 2)



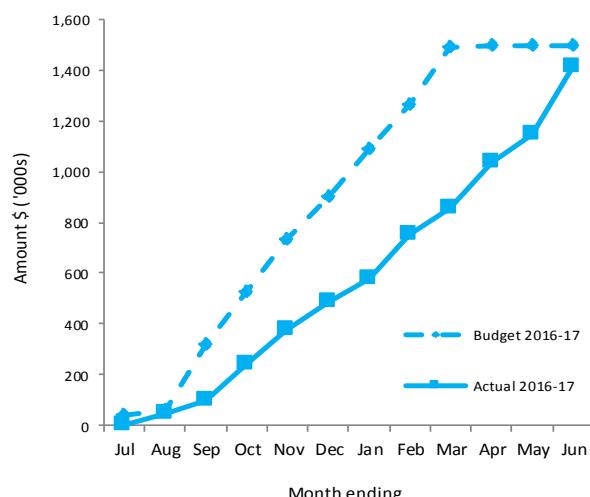
Budget Operating Expenses -v- YTD Actual (Refer Note 2)



Budget Capital Revenue -v- Actual (Refer Note 2)



Budget Capital Expenses -v- Actual (Refer Note 2)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 June 2017

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Opening Funding Surplus(Deficit)	3	\$ 169,358	\$ 169,029	\$ 169,029	\$ 0	% 0%	
Revenue from operating activities							
Governance		3,150	3,150	38,016	34,866	1107%	▲
General Purpose Funding	9	1,639,907	1,639,906	1,936,708	296,802	18%	
Law, Order and Public Safety		26,400	26,400	35,830	9,430	36%	▲
Health		1,500	1,500	2,344	844	56%	
Education and Welfare		0	0	0	0		
Housing		4,680	4,680	4,140	(540)	(12%)	
Community Amenities		58,350	58,350	63,314	4,964	9%	
Recreation and Culture		9,795	9,795	10,759	964	10%	
Transport		477,157	477,157	675,023	197,866	41%	▲
Economic Services		65,000	65,000	103,038	38,038	59%	▲
Other Property and Services		258,000	258,000	289,308	31,308	12%	▲
		2,543,939	2,543,938	3,158,480			
Expenditure from operating activities							
Governance		(126,635)	(126,635)	(144,309)	(17,675)	(14%)	▼
General Purpose Funding		(59,356)	(59,356)	(54,714)	4,642	8%	
Law, Order and Public Safety		(131,070)	(131,070)	(127,188)	3,882	3%	
Health		(40,339)	(40,339)	(37,458)	2,881	7%	
Education and Welfare		(54,439)	(54,439)	(11,642)	42,797	79%	▲
Housing		(51,022)	(51,022)	(50,045)	977	2%	
Community Amenities		(369,431)	(369,431)	(308,919)	60,512	16%	▲
Recreation and Culture		(283,284)	(283,284)	(310,149)	(26,865)	(9%)	
Transport		(2,043,332)	(2,043,333)	(1,819,060)	224,272	11%	▲
Economic Services		(145,495)	(145,495)	(143,927)	1,568	1%	
Other Property and Services		(224,687)	(224,687)	(214,285)	10,402	5%	
		(3,529,090)	(3,529,091)	(3,221,697)			
Operating activities excluded from budget							
Add back Depreciation		1,274,700	1,274,700	1,413,941	139,241	11%	▲
Adjust (Profit)/Loss on Asset Disposal	8	1,541	1,541	29,832	28,291	1836%	▲
Adjust Provisions and Accruals		0	0	0	0		
	Amount attributable to operating activities	291,090	291,088	1,380,557			
Investing Activities							
Non-operating Grants, Subsidies and Contributions	11	940,255	940,255	800,984	(139,271)	(15%)	▼
Proceeds from Disposal of Assets	8	18,597	18,597	66,654	48,057	258%	▲
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(291,390)	(291,390)	(277,168)	14,222	5%	
Infrastructure Assets	13	(1,092,512)	(1,092,515)	(918,185)	174,330	16%	▲
Plant and Equipment	13	(113,000)	(113,000)	(216,182)	(103,182)	(91%)	▼
Furniture and Equipment	13	0	0	0	0		
	Amount attributable to investing activities	(538,050)	(538,053)	(543,897)			
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	250,470	250,470	200,386	(50,084)	(20%)	▼
Advances to Community Groups		0	0	0	0		
Repayment of Debentures	10	(67,368)	(67,368)	(67,368)	0	0%	
Transfer to Reserves	7	(105,500)	(105,500)	(189,245)	(83,745)	(79%)	▼
	Amount attributable to financing activities	77,602	77,602	(56,227)			
Closing Funding Surplus(Deficit)	3	0	(334)	949,462			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 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 CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 June 2017

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Opening Funding Surplus (Deficit)	3	\$ 169,358	\$ 169,029	\$ 169,029	\$ 0	0%	
Revenue from operating activities							
Rates	9	1,039,987	1,039,986	1,031,426	(8,560)	(1%)	
Operating Grants, Subsidies and Contributions	11	1,066,508	1,066,507	1,612,798	546,291	51%	▲
Fees and Charges		383,945	383,945	431,567	47,622	12%	▲
Service Charges		0	0	0	0	0%	
Interest Earnings		34,500	34,500	47,750	13,250	38%	▲
Other Revenue		19,000	19,000	34,940	15,940	84%	▲
Profit on Disposal of Assets	8	0	0	0			
		2,543,940	2,543,938	3,158,480			
Expenditure from operating activities							
Employee Costs		(823,752)	(823,752)	(700,735)	123,016	15%	▲
Materials and Contracts		(1,183,409)	(1,183,409)	(850,310)	333,099	28%	▲
Utility Charges		(44,470)	(44,470)	(38,488)	5,982	13%	▲
Depreciation on Non-Current Assets		(1,274,700)	(1,274,700)	(1,413,941)	(139,241)	(11%)	▼
Interest Expenses		(12,746)	(12,746)	(12,757)	(11)	(0%)	
Insurance Expenses		(125,274)	(125,274)	(122,389)	2,885	2%	
Other Expenditure		(63,200)	(63,200)	(53,244)	9,956	16%	▲
Loss on Disposal of Assets	8	(1,541)	(1,541)	(29,832)			
		(3,529,091)	(3,529,091)	(3,221,697)			
Operating activities excluded from budget							
Add back Depreciation		1,274,700	1,274,700	1,413,941	139,241	11%	▲
Adjust (Profit)/Loss on Asset Disposal	8	1,541	1,541	29,832	28,291	1836%	▲
Amount attributable to operating activities		291,090	291,088	1,380,557			
Investing activities							
Grants, Subsidies and Contributions	11	940,255	940,255	800,984	(139,271)	(15%)	▼
Proceeds from Disposal of Assets	8	18,597	18,597	66,654	48,057	258%	▲
Land Held for Resale		0	0	0	0	0%	
Land and Buildings	13	(291,390)	(291,390)	(277,168)	14,222	5%	
Infrastructure Assets	13	(1,092,512)	(1,092,515)	(918,185)	174,330	16%	▲
Plant and Equipment	13	(113,000)	(113,000)	(216,182)	(103,182)	(91%)	▼
Furniture and Equipment	13	0	0	0	0	0%	
Amount attributable to investing activities		(538,050)	(538,053)	(543,897)			
Financing Activities							
Proceeds from New Debentures		0	0	0	0	0%	
Proceeds from Advances		0	0	0	0	0%	
Self-Supporting Loan Principal		0	0	0	0	0%	
Transfer from Reserves	7	250,470	250,470	200,386	(50,084)	(20%)	▼
Advances to Community Groups		0	0	0	0	0%	
Repayment of Debentures	10	(67,368)	(67,368)	(67,368)	0	0%	
Transfer to Reserves	7	(105,500)	(105,500)	(189,245)	(83,745)	(79%)	▼
Amount attributable to financing activities		77,602	77,602	(56,227)			
Closing Funding Surplus (Deficit)	3	0	(334)	949,462	949,796	(284,294%)	

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

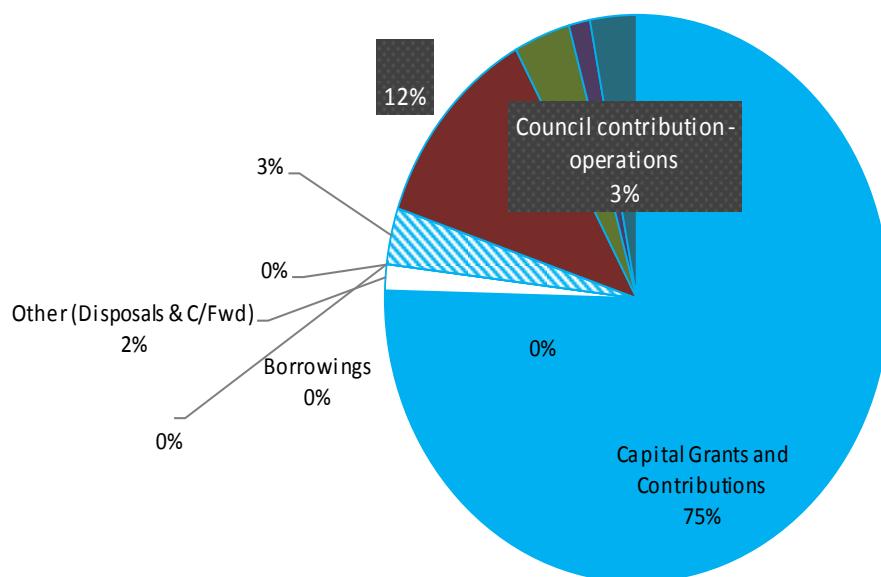
Refer to Note 2 for an explanation of the reasons for the variance.

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

SHIRE OF CUBALLING
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 30 June 2017

Capital Acquisitions

	Note	YTD Actual	YTD Actual	Annual Budget	YTD Actual	Variance (d) - (c)
		New /Upgrade (a)	(Renewal Expenditure) (b)		Total (c) = (a)+(b)	
Land and Buildings	13	\$ 0	\$ 0	\$ 291,390	\$ 277,168	\$ (14,222)
Infrastructure Assets	13	0	0	1,092,515	918,185	(174,330)
Plant and Equipment	13	0	0	113,000	216,182	103,182
Capital Expenditure Totals		0	0	1,496,905	1,411,535	(85,370)
Capital acquisitions funded by:						
Capital Grants and Contributions			914,799	940,255	850,984	
Borrowings			0	0	0	
Other (Disposals & C/Fwd)			18,597	18,597	66,654	
Council contribution - Cash Backed Reserves			0	250,470	0	
Plant and Equipment Reserve			0	0	0	
Administration Building and Office Equipment Reserve			0	0	0	
Housing Reserve			0	40,000	0	
Recreation and Community Facility Reserve			0	0	0	
Refuse Site Reserve			0	148,451	0	
Grain Freight Reserve			0	45,019	0	
Equestrian Reserve			0	17,000	0	
Council contribution - operations			563,510	37,110	493,897	
Capital Funding Total			1,496,905	1,246,432	1,411,535	

Budgeted Capital Acquisitions Funding

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 1: Significant Accounting Policies

(a) Basis of Accounting

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories***General***

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined by the original cost.

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Asset	Years
Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
bituminous seals	20 years
asphalt surfaces	25 years
Gravel Roads	
formation	not depreciated
pavement	50 years
gravel sheet	12 years
Formed roads	
formation	not depreciated
pavement	50 years
Footpaths - slab	20 years

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(o) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for

(p) Nature or Type Classifications**Rates**

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on

Operating Grants, Subsidies and Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies and Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies,

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under

Fees and Charges

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Other Revenue / Income

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

Employee Costs

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax,

Materials and Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information

Utilities (Gas, Electricity, Water, etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

(r) Program Classifications (Function/Activity)

City/Town/Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE

Objective:

To provide a decision making process for the efficient allocation of scarce resources.

Activities:

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

GENERAL PURPOSE FUNDING

Objective:

To collect revenue to allow for the provision of services.

Activities:

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

Objective:

To provide services to help ensure a safer and environmentally conscious community.

Activities:

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

HEALTH

Objective:

To provide an operational framework for environmental and community health.

Activities:

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal

EDUCATION AND WELFARE

Objective:

To provide services to disadvantaged persons, the elderly, children and youth.

Activities:

Maintenance of child minding centre, playgroup centre, senior citizen centre and aged care centre. Provision and maintenance of home and community care programs and youth services.

HOUSING

Objective:

To provide and maintain elderly residents housing.

Activities:

Provision and maintenance of elderly residents housing.

COMMUNITY AMENITIES

Objective:

To provide services required by the community.

Activities:

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery

RECREATION AND CULTURE

Objective:

To establish and effectively manage infrastructure and resource which will help the social well being of the

Activities:

Maintenance of public halls, civic centres, aquatic centre, beaches, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library, museum and other

TRANSPORT

Objective:

To provide safe, effective and efficient transport services to the community.

Activities:

Construction and maintenance of roads, streets, footpaths, depots, cycle ways, parking facilities and traffic control.

Cleaning of streets and maintenance of street trees, street lighting etc.

ECONOMIC SERVICES

Objective:

To help promote the shire and its economic wellbeing.

Activities:

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building Control.

OTHER PROPERTY AND SERVICES

Objective:

To monitor and control City/Town/Shire overheads operating accounts.

Activities:

Private works operation, plant repair and operation costs and engineering operation costs.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 2: 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 2016/17 year is \$5,000 or 10% whichever is the greater.

Reporting Program	Var. \$	Var. %	Variance	Timing/ Permanent	Explanation of Variance
Operating Revenues					
General Purpose Funding	296,802	18%		Permanent	An advance was paid in June for 50% of the 2017/18 Financial Assistance Grant (\$292,191). Creditor payment correction (double receipted) was made from 2015/16 in 2016/17 for \$1,058.26.
Governance	34,866	1107%	▲	Permanent	Reimbursements from LSL paid (not budgeted). DFES Administration Fee of \$4,000 was not budgeted. Advance on ESL Grant for Quarter 1 was paid in June (\$6,875). No Infringements received.
Law, Order and Public Safety	9,430	36%		Timing	Additional Septic Approvals.
Health	844	56%	▲	Timing	Salary sacrifice for Grader Driver House under Budgeted, as no employee payroll till Sept.
Housing	(540)	(12%)		Permanent	Additional Planning Application fees received.
Community Amenities	4,964	9%		Timing	Additional Rubbish Collection fees collected.
Recreation and Culture	964	10%		Timing	Donation for Yornaning Dam made by a member of the public (\$500)
Transport	197,866	41%	▲	Timing	Budgeted to have completed Storm Damage Works in Q1, has not occurred (\$30,307). Licensing commission slightly lower than budgeted. An advance was paid in June for 50% of the 2017/18 Financial Assistance Grant (\$174,657).
Economic Services	38,038	59%	▲	Timing	Additional Building Licence fees received. Central Country Zone Gold Day fees, unbudgeted expense (paid to Cuballing Golf Club).
Other Property and Services	31,308	12%	▲	Timing	Diesel Fuel Rebate and workers compensation claims more than budgeted. Private Works and Building Surveyor services are also more than budgeted.
Operating Expense					
General Purpose Funding	4,642	8%		Timing	Administration expenses lower than budgeted. Legal Fees to be allocated out to Rates Assessments.
Governance	(17,675)	(14%)		Timing	Loss on trade in on new CEO and DCEO vehicles. Ranger costs lower than expected (contract Ranger not engaged until November). Community Safety wages lower than budgeted. Fire vehicle maintenance and fire fighting wages more than budgeted.
Law, Order and Public Safety	3,882	3%		Timing	EHO Salary lower than budgeted.
Health	2,881	7%		Timing	Expected to have spent funds on Aged Housing (\$40,000), this has not occurred due project delays. Community Vehicle contribution expected and has not been paid (\$2,000).
Education & Welfare	42,797	79%	▲	Timing	

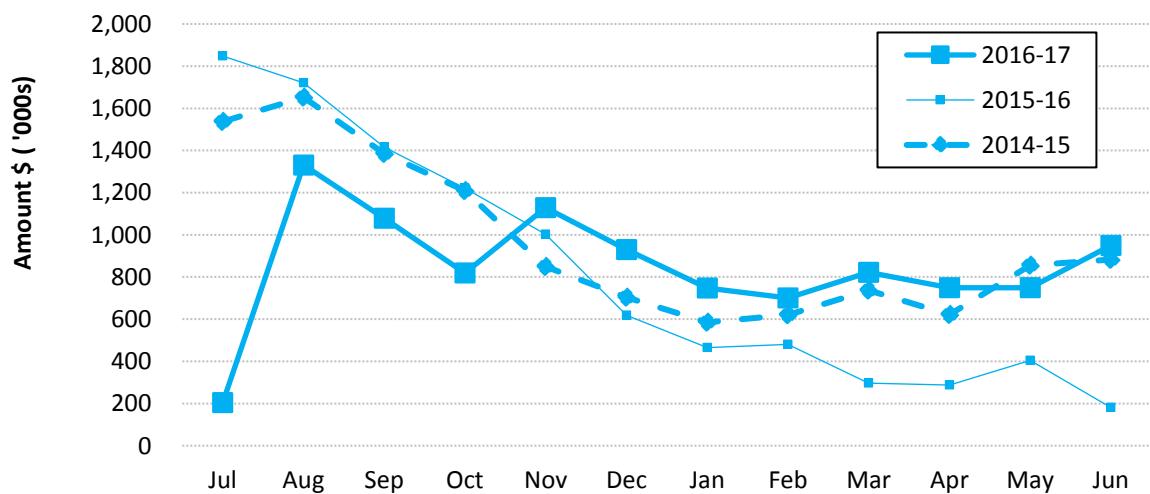
Housing	977	2%	Timing	No material variance. Tip maintenance costs lower than expected as manning of tip stations started later than budgeted. Rubbish Collection Fees currently less than budgeted. Town Planning consultant fees lower than budgeted. Expected to pay contribution to GSWG, transferred to Refuse Reserve (\$5,000).
Community Amenities	60,512	16% ▲	Timing	Maintenance costs on Halls (replaced air con and installed new powerpoints at CWA Hall not budgeted),
Recreation and Culture	(26,865)	(9%)	Timing	Recreation (additional wages) more than budgeted. Expenditure on final storm damage works delayed (\$40,409). Road and bridge maintenance costs lower than budgeted (\$166,957) in wages and contracts.
Transport	224,272	11% ▲	Timing	Bridge maintenance is down by \$8,842. Central Country Zone Golf Day payments to Cuballing Golf Club, unbudgeted expense (\$4,865). Feral Cat Management expenditure not budgeted (\$2,000). Yornaning Dam expenditure (\$5,000) budgeted but not spent.
Economic Services	1,568	1%	Permanent	Workers compensation claims are higher than budgeted. Loss on disposal is higher than budgeted due to Fair Value revaluations made for 30 June 2016
Other Property and Services	10,402	5%	Permanent	(\$7,743). Additional loss on asset disposal (\$10,896).
Capital Revenues				
Grants, Subsidies and Contributions	(139,271)	(15%) ▼		All Roads to Recovery and Blackspot payments received. Final 20% of Regional Road Group payments will not be claimed this financial year due to delays in project completion (\$66,240). Final contributions to Dryandra Equestrian Centre Weather Shelter to occur in new financial year.
Proceeds from Disposal of Assets	48,057	258% ▲	Permanent	3 unbudgeted vehicle trade in occurred in June for CEO, DCEO and MWS vehicles.
Capital Expenses				
Land and Buildings	14,222	5%	Timing	The Popanyinning Transfer Station ran slightly over budget. Dryandra Regional Equestrian Shelter project will run over into the new financial year for construction completion (\$21,182 remaining).
Infrastructure - Roads	174,330	16% ▲	Timing	Regional road group expenditure delayed until next financial year. Overall underspend on Roads to Recovery.
Plant and Equipment	(103,182)	(91%) ▼	Timing	3 unbudgeted vehicle trade in occurred in June for CEO, DCEO and MWS vehicles.
Furniture and Equipment	0			No material variance
Financing				
Loan Principal	0	0%		No material variance

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2017	This Time Last Year	Current
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	129,820	129,820	808,634
Cash Restricted	11	0	0	0
Cash Reserves	4	1,303,650	1,303,641	1,292,509
Receivables - Rates	6	41,871	0	67,807
Receivables - Other	6	97,802	134,874	57,918
Interest / ATO Receivable/Trust		0	0	30,812
Inventories		3,619	7,197	3,619
		1,576,762	1,575,532	2,261,299
Less: Current Liabilities				
Payables and Provisions		(104,083)	(90,456)	(19,327)
		(104,083)	(90,456)	(19,327)
Less: Cash Reserves	7	(1,303,650)	(1,303,641)	(1,292,509)
Net Current Funding Position		169,029	181,435	949,463

Note 3 - Liquidity Over the Year**Comments - Net Current Funding Position**

FAGS Allocation in 16/17 is paid in quarterly installments, in 15/16 there was an advance.

FAGS Allocation in 16/17 there was a 50% Advance of 17/18 payments in June 2017

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 4: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
(a) Cash Deposits	\$	\$	\$	\$			
Municipal Bank Account	212,951			212,951	CBA	0.00%	At Call
Investment Account	632,335			632,335	CBA	1.75%	At Call
Trust Bank Account			20,518	20,518	CBA	0.00%	At Call
Cash On Hand	700			700	N/A	Nil	On Hand
Reserves Account		2,904		2,904	CBA	0.00%	At Call
(b) Term Deposits							
Reserves Term Deposit 1		1,289,605		1,289,605	CBA	1.25%	At Call
Total	845,986	1,292,509	20,518	2,159,014			

Comments/Notes - Investments

Reserve Funds are on a rolling maturity schedule to maximise interest, linked to a Reserve transaction account.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 5: Budget Amendments

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Budget Running Balance
					\$	\$	
	Budget Adoption						0
	Permanent Changes						0
							0
							0
	Changes Due to Timing						0
							0

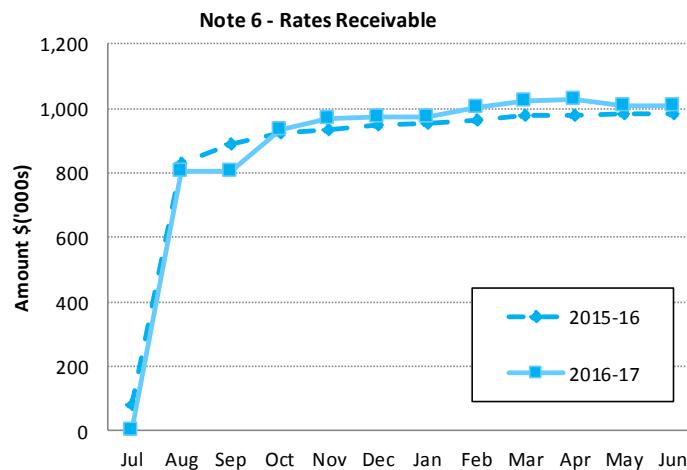
SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 6: Receivables

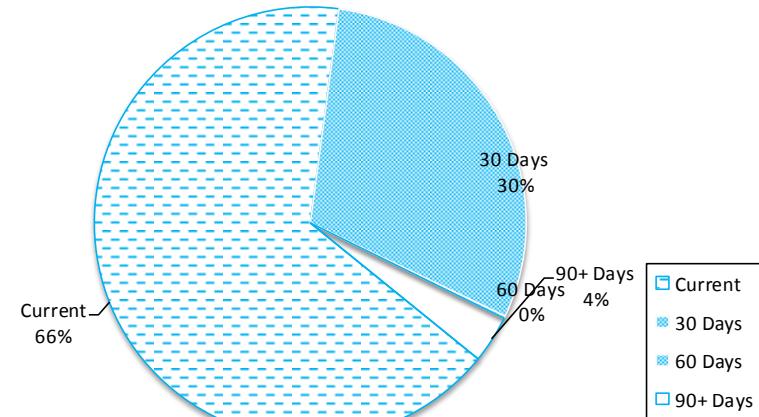
Receivables - Rates Receivable	30 Jun 2017	30 June 2016
Opening Arrears Previous Years	\$ 47,139	\$ 39,377
Levied this year	1,031,115	996,640
<u>Less</u> Collections to date	(1,007,664)	(988,878)
Equals Current Outstanding	70,590	47,139
Net Rates Collectable	70,590	47,139
% Collected	93.45%	95.45%

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
Receivables - General	\$ 38,392	\$ 17,360	\$ 100	\$ 2,065	\$ 57,918
Balance per Trial Balance					
Sundry Debtors					57,918
Receivables - Other					30,812
Total Receivables General Outstanding					88,730

Amounts shown above include GST (where applicable)



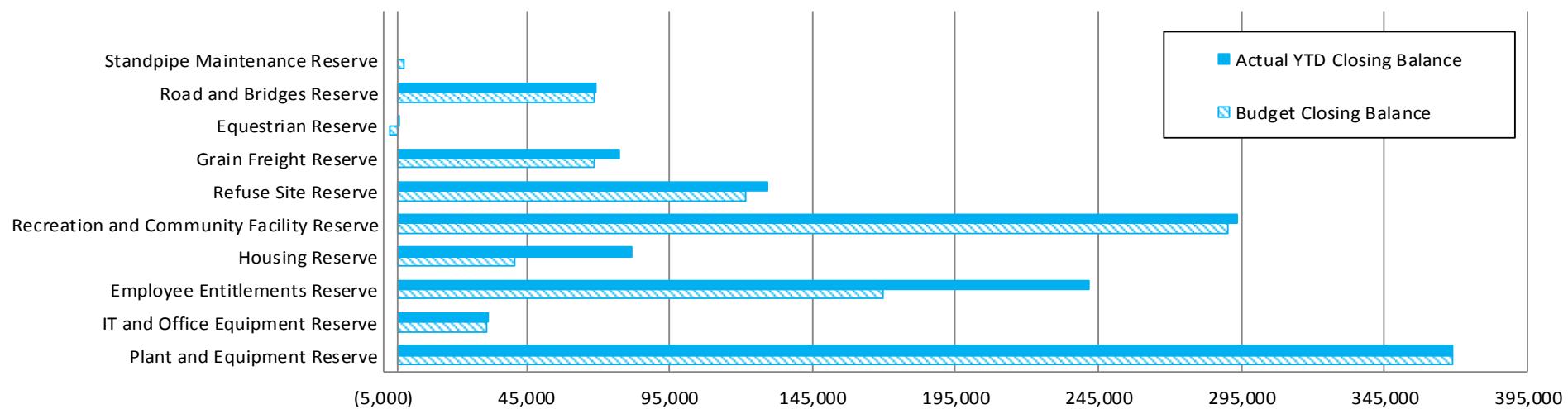
Comments/Notes - Receivables Rates
Rates Issue Date - 5th August 2016
Discount Period Ends - 26 August 2016
Rates Due - 9 September 2016
81 on Instalment Option

Note 6 - Accounts Receivable (non-rates)

Note 7: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
Plant and Equipment Reserve	\$ 295,806	\$ 4,538	\$ 7,597	\$ 68,500	\$ 65,315	\$ 0	\$ 0	\$ 368,844	\$ 368,717
IT and Office Equipment Reserve	30,555	469	785	0	0	0	0	31,024	31,339
Employee Entitlements Reserve	166,928	2,561	4,287	0	70,450	0	0	169,489	241,665
Housing Reserve	74,799	1,148	1,921	5,000	5,000	(40,000)	0	40,947	81,720
Recreation and Community Facility Reserve	281,087	4,312	7,219	5,000	5,000	0	0	290,399	293,306
Refuse Site Reserve	265,878	4,079	6,828	0	5,000	(148,451)	(148,451)	121,506	129,255
Grain Freight Reserve	111,783	1,715	2,871	0	0	(45,019)	(37,435)	68,479	77,219
Equestrian Reserve	9,288	142	239	5,000	5,000	(17,000)	(14,500)	(2,570)	26
Road and Bridges Reserve	67,527	1,036	1,734	0	0	0	0	68,563	69,261
Standpipe Maintenance Reserve	0	0	0	2,000	0	0	0	2,000	0
	1,303,650	20,000	33,480	85,500	155,765	(250,470)	(200,386)	1,158,680	1,292,509

Note 7 - Year To Date Reserve Balance to End of Year Estimate



SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 8: Disposal of Assets

Asset Number	Asset Description	YTD Actual				Amended Budget			
		Net Book		Profit	(Loss)	Net Book		Profit	(Loss)
		Value	Proceeds			Value	Proceeds		
Plant and Equipment									
3 CN027 Mitsubishi Triton (Building)		25,558	17,815		(7,743)	20,137	18,597	0	(1,541)
10086 OCN Holden Calias		24,800	15,773		(9,027)	0	0	0	0
10090 CN039 Holden Cruze		13,984	11,818		(2,166)	0	0	0	0
10093 CN0 Holden Colorado		32,144	21,248		(10,896)	0	0	0	0
		96,487	66,654	0	(29,832)	20,137	18,597	0	(1,541)

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 9: Rating Information

			YTD Actual					Amended Budget			
	Rate in	Number of Properties	Rateable Value	Rate Revenue	Interim Rates	Back Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
RATE TYPE	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
GRV	6.9560	166	2,122,347	147,630	208	0	147,839	147,630	0	0	147,630
UV	0.7078	216	103,735,000	734,236	(1,397)	0	732,839	734,236	0	0	734,236
Sub-Totals		382	105,857,347	881,867	(1,189)	0	880,679	881,866	0	0	881,867
Minimum Payment	\$										
GRV	660.00	162	768,488	106,920	0	0	106,920	106,920	0	0	106,920
UV	840.00	130	11,239,152	109,200	0	0	109,200	109,200	0	0	109,200
Sub-Totals		292	12,007,640	216,120	0	0	216,120	216,120	0	0	216,120
		674	117,864,987	1,097,987	(1,189)	0	1,096,799	1,097,986	0	0	1,097,987
Discount							(65,545)				(58,000)
Write Off							(138)				
Amount from General Rates							1,031,115				1,039,987
Ex-Gratia Rates							0				0
Specified Area Rates							0				0
Totals							1,031,115				1,039,987

Comments - Rating Information

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2016/17 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 10: Information on Borrowings

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal at 1/07/2016	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget
Transport										
Loan 62 - Loader	11/08/2008	10	66,034		31,925	31,925	34,109	34,109	3,617	3,617
Loan 63 - Graders	7/02/2014	8	223,124		35,442	35,442	187,682	187,682	9,129	9,129
			289,158	0	67,368	67,368	221,790	221,790	12,746	12,746

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 11: Grants and Contributions

	Grant Provider	Type	Opening Balance (a)	Budget Operating	Budget Capital	YTD Budget	Annual Budget (d)	Post Variations (e)	Expected (d)+(e)	YTD Actual Revenue	
General Purpose Funding				\$	\$	\$				\$	
Grants Commission - General	WALGGC	Operating	0	562,527	0	375,018	562,527		562,527	853,194	
Grants Commission - Roads	WALGGC	Operating	0	313,774	0	209,183	313,774		313,774	488,777	
Law, Order and Public Safety											
DFES Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Serv.	Operating	0	21,900	0	14,600	21,900		21,900	32,775	
Recreation and Culture											
Grants - Kidsport	Dept. of Communities	Operating	0	1,000	0	667	1,000		1,000	1,000	
DREC Weather Shelter	R4R, Lotterywest, Contributions	Non-operating	0	0	76,369	50,913	76,369		76,369	50,000	
Transport											
Direct Grant - Main Roads	Main Roads WA	Operating	0	75,045	0	50,030	75,045		75,045	75,045	
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	500,820	500,820	500,820		500,820	504,158	
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	331,200	331,200	331,200		331,200	264,960	
Blackspot Grant Funding	Main Roads WA	Non-operating	0	0	31,866	31,866	31,866		31,866	31,866	
WANDRRA Storm Damage Funding	Main Roads WA	Operating	0	77,538	77,538	77,538	77,538		77,538	47,231	
Economic Services											
Youth Day Grant	Dept. of Communities	Operating	0	1,000	0	667	1,000		1,000	1,000	
Volunteer Day Grant	Dept. of Communities	Operating	0	1,000	0	667	1,000		1,000	1,000	
TOTALS			0	1,053,784	1,017,793	1,643,167	1,994,039		0	1,994,039	2,351,006
SUMMARY											
Operating	Operating Grants, Subsidies and Contributions		0	1,052,784	77,538	727,702	1,052,784		0	1,052,784	1,500,022
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	0	0	0	0		0	0	0
Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	940,255	914,799	940,255		0	940,255	850,984
TOTALS			0	1,052,784	1,017,793	1,642,501	1,993,039		0	1,993,039	2,351,006

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 12: Trust Fund

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance	Amount Received	Amount Paid	Closing Balance
	01 Jul 2016			30 Jun 2017
Bonds - Building	\$ 14,389	0	\$ 0	\$ 14,389
Bonds - Hall Hire	1,050	900	(1,100)	850
Commodine Tennis Club	3,090	0	0	3,090
Cuballing Country Festival	1,099	0	0	1,099
Cuballing Cricket Club	200	0	0	200
Yornaning Dam	0	500	(500)	0
Cuballing Football Association	566	0	0	566
Environment and Townscape Trust Fund	5,713	0	0	5,713
Police Licensing	5,148	353,525	(355,082)	3,591
Swipe Cards	1,545	0	0	1,545
Reimbursements	0	27	(27)	0
	32,800	354,952	(356,709)	31,043

SHIRE OF CUBALLING
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Strategic Reference / Comment
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance	
		\$	\$	\$	\$	\$	\$	
Level of completion indicator, please see table at the end of this note for further detail.								
Land & Buildings								
Governance								
Shire Office Upgrade	04261	0	0	(22,987)	(21,250)	(21,250)	(1,737)	
	Governance Total			(22,987)	(21,250)	(21,250)	(1,737)	
Recreation And Culture								
Skate Park Toilet Upgrade	11315	0	0	(24,774)	(24,820)	(24,820)	46	
DREC Weather Shelter	11310	0	0	(75,687)	(96,869)	(96,869)	21,182	
	Recreation And Culture Total			(100,461)	(121,689)	(121,689)	21,228	
Community Amenities								
Popanyinning Transfer Station	10742	0	0	(153,720)	(148,451)	(148,451)	(5,269)	
	Community Amenities Total			(153,720)	(148,451)	(148,451)	(5,269)	
	Land & Buildings Total			(277,168)	(291,390)	(291,390)	14,175	
Plant , Equip. & Vehicles								
Governance								
CEO Vehicle	04266	0	0	(35,028)	0	0	(35,028)	Council Resolution May 17
DCEO Vehicle	04267	0	0	(24,354)	0	0	(24,354)	Council Resolution May 17
	Governance Total			(59,382)	0	0	(59,382)	
Economic Services								
Building Vehicle	13600	0	0	(38,270)	(43,000)	(43,000)	4,730	Budget - trade July
	Economic Services Total			(38,270)	(43,000)	(43,000)	4,730	
Transport								
MWS Vehicle	12147	0	0	(42,630)	0	0	(42,630)	Council Resolution May 17
Mower	12420	0	0	(19,900)	(20,000)	(20,000)	100	Budget - purchase Sept
Machinery Float	12422	0	0	(56,000)	(50,000)	(50,000)	(6,000)	Budget - purchase Sept, additional equipment \$6,000
	Transport Total			(118,530)	(70,000)	(70,000)	(48,530)	
	Plant , Equip. & Vehicles Total			(216,182)	(113,000)	(113,000)	(103,182)	

Roads							
Transport							
 RRG - Wandering Narrogin Road	12115	0	0	(357,959)	(496,800)	(496,800)	138,841 J600
 R2R - Yornaning West Cement Stabilisation	12120	0	0	(52,953)	(71,895)	(71,896)	18,943 R005
 R2R - Victoria Road Sealing	12120	0	0	(78,366)	(68,720)	(68,721)	(9,645) R122
 R2R - Popanyinning West Cement Stabilisation	12120	0	0	(36,057)	(68,021)	(68,021)	31,964 R002A
 R2R - Popanyinning West Road Realignment	12120	0	0	(265,926)	(244,096)	(244,096)	(21,830) R002B
 R2R - Popanyinning West Reseals	12120	0	0	(43,032)	(54,013)	(54,014)	10,982 R002C
 R2R - Yornaning West Reseal	12120	0	0	(5,757)	(7,366)	(7,366)	1,609 R005A
 GFR - Cuballing East Cement Stabilisation	12115	0	0	(37,435)	(45,019)	(45,019)	7,584 J149 - Grain Freight Reserve
 BS - Stratherence Road/ Kerruish Road	12125	0	0	(17,663)	(14,149)	(14,149)	(3,514) B064
 BS - Yornaning West Road	12125	0	0	(23,035)	(22,433)	(22,433)	(602) B005
Transport Total		0	0	(918,185)	(1,092,512)	(1,092,515)	174,330
 Roads Total		0	0	(918,185)	(1,092,512)	(1,092,515)	174,330
 Capital Expenditure Total		0	0	(1,411,535)	(1,496,902)	(1,496,905)	85,324
Level of Completion Indicators							
 0%							
 20%							
 40%							
 60%							
 80%							
 100%							
 Over 100%							

Percentage YTD Actual to Annual Budget
Expenditure over budget highlighted in red.

9.1.3 Sale of Property – Outstanding Rates A506, 104 Alexandra Street, Popanyinning

Applicant: N/A
File Ref. No: ADM132
Disclosure of Interest: Nil
Date: 23rd June 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments:

Summary

Council is to consider the sale of property to recover the costs for unpaid Rates and recovery fees.

Background

Since the 2014/15 Rates the property owner of 104 Alexandra Street Popanyinning WA 6309 has received a Rates Notice, a Final Notice, a Final Demand and been sent to Council's Debt Recovery in compliance with Council Policy.

In 2016/17 the property owner was successfully served a General Procedure Claim (GPC) and this has progressed to a Property Sale and Seizure Order (PSSO). The Bailiff was unable to seize enough property to recover the outstanding debt.

The next option available to the Shire for recovery is to place a PSSO against the land and to sell it to recover the outstanding debt.

The Shire has received no communication from the property owner and the 2015/16 & 2016/17 Rates remain outstanding. The total debt could be recovered through a PSSO.

The Rates have not been paid in full on this Vacant Land since July 2015. The Total amount outstanding at 30 June 2017 is \$3,959.15. This amount is made up of:

- Rates 2016/17 \$ 660.00
- Bin Service 2016/17 \$ 250.00
- Rates Previous Years \$ 620.00
- ESL 2016/17 \$ 71.00
- ESL Penalty Current \$ 13.38
- ESL Arrears \$ 63.84
- ESL Penalty Arrears \$ 8.38
- Penalty Interest \$ 267.01
- Legal Charges \$ 2,005.54

Comment

The sale of any property to recover unpaid rates and service charges is a course of action that Council uses as a last resort. In this instance other legal proceedings haven't been successful.

Under the PSSO, ample opportunity will exist for the ratepayer to pay the rates debt in full and stop the sale of land.

The Shire's Rates Department will be handling all matters in relation to the sale of the property in conjunction with the CEO. Costs to sell the property will be incurred and these costs are recoverable under section 6.56 of LGA. These funds will be received when the sale of the property has occurred, but is expected to be an additional \$3,000.

Shire staff believe that the sale of this property will recover the outstanding debt on the property.

Strategic Implications - Nil

Statutory Environment

Local Government Act 1995

Section 6.55 - Recovery of rates and service charges

Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.
- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

* Absolute majority required.

Section 6.56 – Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

Section 6.64 – Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

* Absolute majority required.

Section 6.68 – Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.

- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
 - (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

Section 6.69 – Right to pay rates, service charges and costs, and stay proceedings

- (1) Up to 7 days prior to the time of the actual sale of any land for non payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.
- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.
- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

Policy Implications – Nil

Financial Implications

The successful sale of this property would recover all outstanding debts owed to the Shire for this property. Any costs incurred as a result of this process can be claimed back through the land sale, if applicable.

Economic Implication – Nil

Environmental Considerations - Nil

Consultation

AMPAC Debt Recovery

Options

Council may resolve:

1. the Officer's Recommendation;
2. to seize the land and lease it to recover outstanding Rates; or
3. not to resolve Officer's Recommendation and seek further information.

Voting Requirements – Absolute Majority

COUNCIL DECISION – 2017- 61:

That Council:

1. proceed to apply a Land Property Sale and Seizure Order against the property at 104 Alexandra Street Popanyinning WA 6309; and
2. authorise the Chief Executive Officer to finalise this transaction.

Moved: Cr Haslam

Seconded: Cr Bradford

Carried 6/0

**9.1.4 Sale of Property – Outstanding Rates A197 Williams Location 2269
Daylesford Road, Popanyinning**

Applicant: N/A
File Ref. No: ADM132
Disclosure of Interest: Nil
Date: 30th June 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments:

Summary

Council is to consider the sale of property to recover the costs for unpaid Rates and recovery fees.

Background

Since the 2016/17 the property owner has received a Rates Notice, a Final Notice, a Final Demand and has been sent to Council's Debt Recovery in compliance with Council Policy.

In 2016/17 the property owner was successfully served a General Procedure Claim (GPC) and this has progressed to a Property Sale and Seizure Order (PSSO). The Bailiff was unable to seize enough property to recover the outstanding debt.

The next option available to the Shire for recovery is to place a PSSO against the land and to sell it to recover the outstanding debt.

The Shire has received no communication from the property owner and the 2016/17 Rates remain outstanding. The total debt could be recovered through a Land PSSO.

The Rates have not been paid in full on this Vacant Land since July 2016. The total outstanding as at 30 June 2017 is \$2,376.28. This amount is made up of:

- Rates 2016/17 \$ 840.00
- ESL 2016/17 \$ 62.35
- ESL Penalty Current \$ 5.50
- Penalty Interest \$ 74.17
- Legal Charges \$ 1,394.26

Comment

The sale of any property to recover unpaid rates and service charges is a course of action that the Council uses as a last resort. In this instance other legal proceedings haven't been successful.

Under a PSSO ample opportunity will exist for the ratepayer to pay the Rates debt in full or accept a suitable payment plan to stop the sale of land.

The Shire's Rates Department will be handling all matters in relation to the sale of the property in conjunction with the CEO. Costs to sell the properties will be incurred and these costs are recoverable under section 6.56 of LGA. These funds will be received when the sale of the property has occurred, but is expected to be an additional \$3,000.

Shire staff believes that the sale of this property will recover the outstanding debt on the property.

Strategic Implications - Nil

Statutory Environment

Local Government Act 1995

Section 6.55 - Recovery of rates and service charges

Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.
- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

* Absolute majority required.

Section 6.56 – Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

Section 6.64 – Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land; or
 - (b) sell the land; or
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

* Absolute majority required.

Section 6.68 – Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —

- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

Section 6.69 – Right to pay rates, service charges and costs, and stay proceedings

- (1) Up to 7 days prior to the time of the actual sale of any land for non payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.
- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.
- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

Policy Implications – Nil

Financial Implications

The successful sale of this property would settle bad debts for money owed to the Shire for outstanding Rates and recovery processes. Any costs incurred as a result of this process can be claimed back through the land sale, if applicable.

Economic Implication – Nil

Environmental Considerations - Nil

Consultation

AMPAC Debt Recovery

Options

Council may resolve:

1. the Officer's Recommendation;
2. to seize the land and lease it to recover outstanding Rates; or
3. not to resolve Officer's Recommendation and seek further information.

Voting Requirements – Absolute Majority

COUNCIL DECISION – 2017- 62:

That Council:

1. proceed to apply a Land Property Sale and Seizure Order against the property at 2269 Daylesford Road Popanyinning WA 6309; and
2. authorise the Chief Executive Officer to finalise this transaction.

Moved: Cr Dowling

Seconded: Cr Haslam

Carried 6/0

9.1.5 Sundry Debtor Write Off

Applicant: Nil
File Ref. No: ADM19
Disclosure of Interest: Nil
Date: 23rd June 2017
Author: Tonya Williams, Deputy Chief Executive Officer
Attachments: Nil

Summary

Council is to consider writing off a sundry debtor for Private Works conducted on a local property.

Background

There are a number of outstanding accounts in the Debtors system that Council has spent resources trying to recover for more than 300 days. It is recommended that these amounts be removed from the system as the funds are unlikely to ever be received.

Comment

Shire staff have sent invoices, statement reminders and a demand letter to recover the debt. The debtor has since left the Shire. These debts were sent to AMPAC for recovery action in April, they are uneconomical to pursue further. There is no cost to Council for this as there was no successful recovery of funds.

The outstanding invoice is for a total of \$330 for private works consisting of slashing and mowing of yard. This was incorrectly charged to the tenant and not the landowner of 113 Clifford Street in Cuballing WA 6311. The land has since changed ownership.

The debt has now been outstanding for 503 days.

Strategic Implications - Nil

Statutory Environment

Council's Delegation Register provides limited delegated authority for the Chief Executive Officer

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable, economically uncollectable or erroneously created debts, in the following manner:

1. Where a Sundry Debtor invoice has:
 - a. a value of less than two hundred and fifty dollars;
 - b. has been outstanding for at least 90 days; and
 - c. in the Chief Executive Officer's opinion, will not be economically practical to pursue payment of the account through the court system;
the Chief Executive Officer may approve that the invoice be written off.
2. Where a Sundry Debtor invoice, less than two hundred and fifty dollars in value, has been raised in error, the Chief Executive Officer may approve that the invoice be written off.

3. Where Rates Debtor accounts have a balance less than ten dollars and, in the Chief Executive Officer's opinion, it will not be economically practical to pursue payment of the account through the court system, the Chief Executive Officer may approve that the amount be written off.
4. Where a Rates debtor amount, less than ten dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Policy Implications – Nil

Financial Implications

The Officer's Recommendation suggests writing off income of \$330.00.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation - Nil

Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation; or
3. to not write off any income.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017- 63:

That Council write off Invoice 3256 for Debtor 425 being an amount of \$330 for Private Works.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 6/0

9.1.6 Sundry Debtor Write Off

Applicant:	Nil
File Ref. No:	ADM19
Disclosure of Interest:	Nil
Date:	23 rd June 2017
Author:	Tonya Williams, Deputy Chief Executive Officer
Attachments:	Nil

Summary

Council is to consider writing off a sundry debtor for Private Works conducted to install firebreaks on a local property.

Background

There are a number of outstanding debtors accounts that Council has spent resources trying to recover for more than 300 days.

In 2016 Council resolved to not write off debts for continuing residents of the Shire of Cuballing. On this occasion, Council acknowledged that whilst Shire staff would not be actively seeking to recover the debt it would not be written off and no further services would be provided whilst the debt remained outstanding.

Comment

Two outstanding invoices for amounts of \$82.50 and \$247.50 were incurred by Debtor 194 in February 2013 and February 2016.

Shire staff have sent invoices, statement reminders and a demand letter to recover these debts. Staff have tried to contact the Debtor with no result. These debts were sent to AMPAC for unsuccessful recovery action in April 2017. There was no cost to Council for this as there was no successful recovery of funds. Staff believe that further active recovery efforts are an uneconomical option for Council.

Both invoices relate to Private Works conducted by Shire staff to install firebreaks after an infringement was issued to the property at Lot 353 Russell Street Cuballing WA 6311. Separately Staff are preparing to register the Shire of Cuballing with the State Government's Fines Enforcement Agency and outstanding Bush Fire Infringements will be collected through this process.

Strategic Implications - Nil

Statutory Environment

Council's Delegation Register provides limited delegated authority for the Chief Executive Officer

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable, economically uncollectable or erroneously created debts, in the following manner:

1. Where a Sundry Debtor invoice has:
 - a. a value of less than two hundred and fifty dollars;

- b. has been outstanding for at least 90 days; and
 - c. in the Chief Executive Officer's opinion, will not be economically practical to pursue payment of the account through the court system;
the Chief Executive Officer may approve that the invoice be written off.
2. Where a Sundry Debtor invoice, less than two hundred and fifty dollars in value, has been raised in error, the Chief Executive Officer may approve that the invoice be written off.
 3. Where Rates Debtor accounts have a balance less than ten dollars and, in the Chief Executive Officer's opinion, it will not be economically practical to pursue payment of the account through the court system, the Chief Executive Officer may approve that the amount be written off.
 4. Where a Rates debtor amount, less than ten dollars, was raised in error, the Chief Executive Officer may approve that the amount be written off.

Policy Implications – Nil

Financial Implications

The Officer's Recommendation suggests not actively seeking to recover the outstanding Invoices 2401 & 3277 for Debtor 194 for a total amount of \$330.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations – Nil

Consultation - Nil

Options

The Council can resolve:

1. the Officer's Recommendation;
2. an amended Officer's Recommendation; or
3. not write off Invoices 2401 & 3277 for Debtor 194 for a total amount of \$330.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017- 64:

That:

1. **Council not write off Invoices 2401 & 3277 for Debtor 194 for a total amount of \$330 for Private Works;**
2. **Council acknowledge that Staff will not be actively seeking to recover payment for Invoice 2401 & 3277 for Debtor 194; and**
3. **these debtor accounts will be paid prior to any future service provision by Council to these individuals.**

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 6/0

9.1.7 Adoption of the 2017/2018 Budget

Applicant: N/A
File Ref. No: ADM214
Disclosure of Interest: Nil
Date: 7th July 2017
Author: Tonya Williams, Deputy CEO
Attachments: 9.1.7A Draft 2017/2018 Budget – Included separately

Summary

The Draft 2017/2018 Budget for the financial year ending 30th June 2018 is presented for Council consideration.

Background

Each year local governments are required to adopt a budget and set a rate in the dollar for rates that allow the Council to operate financially and once adopted, it is then presented to the Department of Local Government.

Council resolved at the Special Meeting of Council on 28th June 2017 to:

COUNCIL DECISION – 2017–57:

That Council adopt a priority ranking from lowest to highest priority of discretionary activities for possible inclusion of these discretionary activities in Council's 2017/18 Budget as follows:

Details	Cost
Trainee	
Cuballing Transfer Station – bitumen	\$ 1,200
Street Signs – heritage style	\$ 11,425
DCEO House (Build)	\$ 22,490
Street Art Trail	\$ 2,480
Street Lighting – LED	\$ 7,866
Offsite Archive/ Records Management	\$ 6,090
Waste Oil Facility – New Tank	\$ 5,000
CAPITAL: Sign trailer and message board	\$ 4,650
Banner Poles (main street)	\$ 7,356
History Book reprint (inc scan in)	\$ 2,000
Bld Renewal – Cuby CWA Hall	\$ 10,971
Consultant for CEO Performance Review	\$ 3,540
Bld Renewal – Paint outside of CEO House	\$ 1,500
Upgrade Standpipe facilities	\$ 2,441
Reduce Plant Reserve Transfer	\$ 2,000
Increase Dryandra Country Visitors Centre Contribution	\$ 2,000
Rate Increase of 4%	\$ 4,428
Minor P&E – Pressure Cleaner	\$ 52,927
Build Renewal – Cuballing Rec Centre – Replace outside lights	\$ 2,000
Information Board (Community Events, 2 double sided boards)	\$ 10,190
Popo Heritage Trail	\$ 8,485
Lion's Park Cuby – Table & Chairs	\$ 7,500
Cuby Memorial Park upgrades	
Bld Renewal – Cuby Town Hall	
Bld Renewal – Cuby Rec Centre	
Local Laws – Fencing, property	

PLANT: Dashcam for Shire Vehicles (x12)	\$ 1,608
Minor P&E – Multitool	\$ 1,782
Councillor Ipads (\$550x3)/Councillor Document Portal	
Cuballing Transfer Station – fence	Reserve Transfer
2 Bushfire Radios (can't be claimed by ESL Grant)	\$ 3,185
Purchase Order Module (Synergy)	Reserve Transfer
Lemon Scented Gum – sign/ plaque	\$ 1,500
Fix Air Con	\$ 3,000
Citizen of the Year Honour Board	\$ 1,100
Trestle Tables (new) for Halls (\$75ea)	\$ 221
Music Festival	\$ 4,750
Yornaning Dam Upgrades	
Cuballing Entry Statement	\$ 5,000
New Server	Reserve Transfer
Deputy Allowance (25% of Presidents Allowance)	\$ 1,875
Gravel Pit purchase	\$ 30,000
Moved: Cr Dowling	Seconded: Cr Bradford
	Carried 6/0

Comment

This Draft 2017/2018 Budget incorporates a total operating expenditure of \$3,687,111, an increase from 2016/2017's budgeted expenditure of \$3,404,549.

1. Major Capital Expenditure

The following Capital Items, including some projects commenced in 2016/2017, are included in the Draft 2017/2018 Budget:

Standpipe Upgrades	\$ 7,356
Cuballing Transfer Station Fence and Waste Oil Facility	\$ 59,778
Cuballing Town Hall	\$ 10,190
Cuballing CWA Hall	\$ 6,090
Cuballing Memorial Park Upgrade	\$ 52,927
Cuballing Recreation Centre	\$ 9,985
Equestrian Centre Weather Shelter (Grant)	\$ 21,182
Purchase Multi Tyre Roller	\$ 170,000
Purchase Variable Message Board	\$ 22,490

The Shire of Cuballing has budgeted to receive \$686,271 in grants towards capital projects within the Shire.

2. Road Construction

Council has allocated a large portion of the budget funding for both Rural and Urban Road Maintenance and Capital improvement. The Shire of Cuballing has also committed to the following major road projects:

Road	Expenditure	Associated Grant Income
Wandering Narrogin Road (final 20% from 2016/17)	\$140,028	
Wandering Narrogin Road 2017/18	\$324,628	\$381,926
Stratherne Road	\$150,360	
Popanyinning West Road Resealing	\$40,418	
Popanyinning West Road Widening	\$169,616	
Yornaning West Road Resealing	\$15,239	\$243,253
Victoria Road Resealing	\$12,796	
Cuballing East Resealing	\$4,533	
Total	\$857,617	\$625,179

3. Rates

The Draft 2017/2018 Budget has been able to contain the rate increase to an average of 4%. With the increasing cost of materials, utilities, contractors and staff wages, this increase was unavoidable.

There was an overall decrease of 1.84% in the annual revaluation of unimproved values.

An 8% Early Payment Discount is offered to ratepayers who choose to pay their rates in full by Friday 25th August 2017, being within 21 days of the date of issue of Council's rate notice.

Minimum rates for GRV valued properties have increased by \$30 to \$690 and UV valued properties have increased from \$840 to \$900.

Fees and Charges have been reviewed and increased where appropriate to recover increased costs.

4. Exclusions from the Draft 2017/2018 Budget

The following items were considered for the Draft 2017/2018 Budget as per Councils priority listing, however have not been included in the final Budget:

TRAINEE

Cuballing Transfer Station - bitumen	\$ 1,200
Street Signs - heritage style	\$ 11,425
DCEO House (Build)	\$ 22,490
Street Art Trail	\$ 21,433
Street Lighting - LED	\$ 7,866
Offsite Archive/ Records Management	
Waste Oil Facility - New Tank	
CAPITAL: Sign trailer and message board	
Banner Poles (main street, 4 poles)	
History Book reprint (inc scan in)	

4. Conclusion

It anticipated that through this budget, Council will be able to further progress and increase facilities provided to the community and improve Council owned assets. The demand for

improved infrastructure is very important to ensure that the Shire of Cuballing continues to prosper and develop.

Strategic Implications - Nil

Statutory Environment

The Draft 2017/2018 Budget document contains a number of items that require adoption by Council under the Local Government Act. They are that in accordance with:

1. As per Section 6.32 (1) of the Local Government Act 1995, Rates and Minimum Rates to be levied on all rateable property be as follows:

Valuation	Rate cents/dollar	Minimum Rate \$
Gross Rental Value	7.0866	690
Unimproved Value	0.7142	900

2. Section 6.35 (5) of the Local Government Act 1995 requires that the Minister for Local Government's approval be sought for the imposing of a minimum payment where the number of separately rated properties in the district on which a minimum payment is imposed is greater than 50%. This is not applicable to the Shire of Cuballing in 2016/17;
3. Section 6.46 of the Local Government Act allows a discount of 5% be allowed for payment of rates in full within 35 days of the date of issue of the rate notice;
4. Section 6.45 of the Local Government Act a 5.5% interest charge be levied on rates installments, Deferred Pensioners Rates' excluded;
5. Section 6.45 of the Local Government Act an administration charge of \$10 be levied for the second and each of the subsequent rates installments;
6. Section 6.51 of the Local Government Act an 11% interest charge be levied on all overdue rates outstanding, Deferred Pensioners' Rates excluded;
7. Section 6.32 (1) of the Local Government Act 1995 the Schedule of Rents, Leases and Charges as detailed in the budget document;
8. Section 64 (2) of the Local Government (Financial Management) Regulations 1996 that the due date for installments be set as follows:
 - 1st Instalment due not before 8th September 2017; and
 - 2nd Instalment due not before 8th November 2017; and
 - 3rd Instalment due not before 8th January 2018; and
 - 4th Instalment due not before 8th March 2018.
9. Section 6.19 of the Local Government Act 1995 requires a local government to give local public notice of any fees or charges it wishes to impose after adoption of the annual budget; and
10. Section 6.1 of the Local Government (Financial Management) Regulations 1996 requires that Council is required to adopt a percentage or value, to be used in statements of financial activity for reporting material variances against the adopted Budget

Policy Implications – Nil

Financial Implications

The Draft 2017/2018 Budget sets the Council approved revenue and expenditure for the 2017/2018 financial year.

Economic Implication - Nil

Environmental Considerations - Nil

Social Implications

Many projects contained within the 2017/2018 Budget are focused on improving facilities within the general community.

Consultation

The draft budget has been developed with consultation between senior staff and Councillors. The budget is also driven by the Shire's Strategic Community Plan and contains a number of projects towards achieving these outcomes.

Options

Council may resolve:

1. the Officer's Recommendation;
2. that the Draft 2017/2018 Budget be adopted with minor amendments;
3. that the Draft 2017/2018 Budget be deferred for further deliberations.

Voting Requirements – Absolute Majority

COUNCIL DECISION – 2017- 65:

That Council, as detailed in the Draft 2017/2018 Budget included at Attachment 9.1.7A, adopt:

1. **the Rates and Minimum Rates to be levied in 2017/2018 on all rateable property be as follows:**

	Valuation cents/dollar	Rate Minimum Rate
		\$
Gross Rental Value	7.0866	690
Unimproved Value	0.7142	900

2. **a due date for the payment of rates being Friday 8 September 2017, being within 35 days from the date of issue of Council's rate notice;**
3. **an Early Payment Rates Discount of 8% for payment of annual rates paid in full, including all arrears, by Friday 25 August 2017, being within 21 days of the date of issue of Council's rate notice;**
4. **a 5.5% interest charge be levied on rates instalments, eligible and deferred pensioners rates excluded;**

5. an 11% interest charge be levied on all overdue rates, deferred pensioners rates excluded;
6. an administration charge of \$10 be levied for the second and each of any subsequent rates instalments;
7. due dates for instalments of rates payments as follows:
 - a. 1st Instalment due on 8 September 2017; and
 - b. 2nd Instalment due on 8 November 2017; and
 - c. 3rd Instalment due on 8 January 2018; and
 - d. 4th Instalment due on 8 March 2018;
8. the Schedule of Fees and Charges as detailed in the Draft 2017/2018 Budget;
9. the Revenue and Expenditure as detailed in the Draft 2017/2018 Budget; and
10. the Significant Accounting Policies, as detailed in the Draft 2017/2018 Budget, including a materiality threshold of +/- 10% of the budget allocation unless the dollar value of any variance is less than \$5,000 in the Statement of Financial Activity for 2017/2018.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 6/0

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Freedom of Information (FOI) Statement

Applicant:	N/A
File Ref. No:	ADM
Disclosure of Interest:	Nil
Date:	30 th January 2017
Author:	Gary Sherry
Attachments:	9.2.1A Draft Freedom of Information Statement

Summary

Council is to consider a revised Freedom of Information Statement.

Background

Under the requirements of the Freedom of Information Act 1992 the Shire of Cuballing adopted a Freedom of Information (FOI) Information Statement prior to 2007. The Shire of Cuballing currently uses an FOI Information Statement prepared in November 2007 to satisfy the FOI Act.

Local Governments are required to have an information statement made available for inspection or purchase by members of the public. Some agencies have elected to publish their information statement electronically on their website. Others have elected to have both a hard copy and a copy available on their website. Another option is to have hard copy version incorporated in the agency's annual report.

Whichever manner the agency chooses to publish its information statement in, it is required to provide a copy to the Information Commissioner. Given the extended period from its last revision this document is now significantly out of date.

Information statements are an important part of FOI legislation. They assist members of the public to exercise their rights under the FOI Act, by describing the information and records available, together with a summary of the responsibilities and functions carried out by each agency.

The provisions in the FOI Act concerning information statements require that subsequent republishing of the information statement occurs at intervals of not more than 12 months.

Comment

An updated draft Information Statement has been prepared and is included at Attachment 9.2.5A. The preparation of the draft Information Statement has been completed with the assistance of the Office of the Information Commissioner.

It is a requirement of the Freedom of Information Act 1992 that an up-to-date Information Statement be published at least every 12 months.

A final, adopted Information Statement will be available on the Council website and from the Shire Administration Office

Strategic Implications - Nil

Statutory Environment

Freedom of Information Act 1992

Part 5 — Publication of information about agencies

94. Term used: information statement

A reference in this Act to an information statement, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

96. Information statement, each agency to publish annually

- (1) An agency (other than a Minister or an exempt agency) has to cause an up to date information statement about the agency to be published in a manner approved by the Minister administering this Act —
 - (a) within 12 months after the commencement of this Act; and
 - (b) at subsequent intervals of not more than 12 months.
- (2) In giving approval under subsection (1) the Minister has to have regard, amongst other things, to the need to assist members of the public to exercise their rights under this Act effectively.
- (3) In the case of an agency that comes into existence after the commencement of this Act the reference in subsection (1)(a) to the commencement of this Act is to be read as a reference to the time when the agency commences its operations.
- (4) A subcontractor does not have to comply with subsection (1) if the relevant contractor has complied with that subsection on behalf of the subcontractor.

97. Information statement and internal manual, each agency to make available etc.

- (1) An agency (other than a Minister or an exempt agency) has to cause copies of —
 - (a) its most up to date information statement; and
 - (b) each of its internal manuals,to be made available for inspection and purchase by members of the public but may delete any exempt matter from those copies.

- (2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.
- (3) A subcontractor does not have to comply with subsections (1) and (2) if the relevant contractor has complied with those subsections on behalf of the subcontractor.

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation

Office of the Information Commissioner.

Options

Council can resolve:

1. the Officer's Recommendation; or
2. to adopt an amended draft Information Statement; or
3. to complete a substantially different Information Statement for review by Council at a later time.

Voting Requirements – Simple Majority

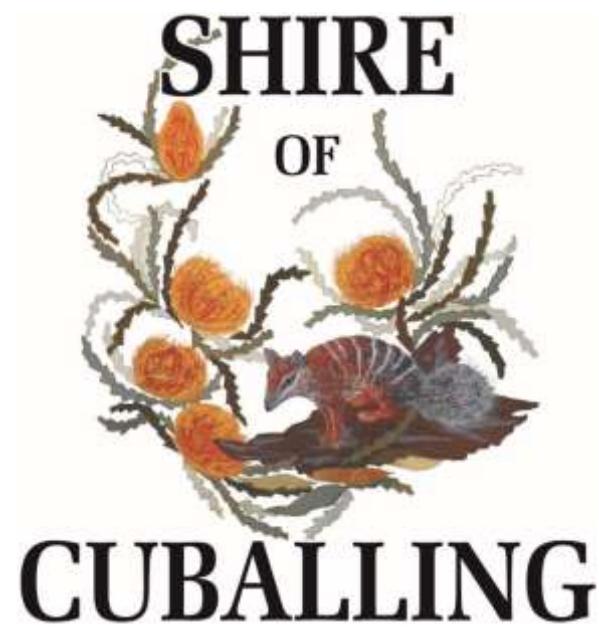
COUNCIL DECISION – 2017- 67:

That Council adopt the Draft Information Statement included at Attachment 9.2.1A.

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 6/0



FREEDOM OF INFORMATION STATEMENT 2017

This Information Statement is published by the Council in accordance with the requirements of Section 96 of the Freedom of Information Act 1992 (Western Australia).

The Council is pleased to comply with the legislation and welcomes enquiries.

An updated Information Statement will be published at least every 12 months.

Date of Adoption:

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1. MISSION STATEMENT

The Shire of Cuballing operates in a relatively stable environment in which the expectations and requirements of the community and government, as well as environmental and economic factors impact on its activities and overall performance.

Council is committed to improve the quality of life of the residents of the Shire of Cuballing through services based on the principles of quality, equity, value and responsiveness and to ensure operations of the Shire are conducted in a cost efficient and effective manner as not to unfairly impose upon its ratepayers and residents.

The objectives of Council is to ensure that the Shire of Cuballing is a progressive, diverse and caring community, with access to modern services and infrastructure, in a unique part of the world.

By these means, the community confidence in the Shire as an efficient provider of services and an effective manager of its resources will be gained.

2. DETAILS OF LEGISLATION ADMINISTERED

Including, yet not limited to:

- Local Government Act 1995;
- Freedom of Information Act 1992;
- Dog Act 1976;
- Planning and Development Act 2005; and
- all other legislation relevant to Local Government functions

3. COUNCIL STRUCTURE

The Shire of Cuballing consists of seven (6) Councillors including the Shire President.

Local Government Elections are held in October of every second year. Councillors are elected for a four year term with three members retiring at each election. Extraordinary elections are held to fill any vacancies which may have occurred during the year.

The President of the Council is elected by the Councillors at the first meeting following each ordinary election.

Council is the decision making body of all policy matters. The Chief Executive Officer reports to Council and the present Shire organisational structure is shown in Figure 1 (attached).

4. DETAIL OF DECISION MAKING PROCESS

Ordinary meetings of full Council are generally held on the third Thursday of each month with exception that no meeting is held in January.

Council Meetings normally commence 3:00pm and the date and time of the meeting are advertised locally. Members of the public are welcome to attend and Public Question Time is an early item of business.

The main business of the meeting is to consider and make resolutions.

Correspondence and applications on any matters to be considered by Council must be received at the Council office at least two week prior to the week of the Council meeting if they

are to be guaranteed of being dealt with at this meeting.

4.1 Minutes

Minutes of Full Council are placed on display in Council's Library and on the Shire of Cuballing website within 10 days after Ordinary Council Meeting.

5 SHIRE OF CUBALLING SHIRE COUNCILORS

Councillor M (Mark) Conley	President	Term expires October 2017
Councillor E (Eliza) Dowling	Deputy President	Term expires October 2017
Councillor S (Scott) Ballantyne		Term expires October 2017
Councillor D (Dawson) Bradford		Term expires October 2019
Councillor TP (Tim) Haslam		Term expires October 2019
Councillor RDJ (Roger) Newman		Term expires October 2019

Council has appointed the following as members of Committees of Council and as delegates of Council to the respective committee or organisation as included in the following table:

No	Committee/Service	Delegate	Proxy
1	Audit Committee	All Councillors	N/A
2	Bush Fire Advisory Committee	Cr Haslam	Cr Newman
3	Dryandra Regional Equestrian Park Management Committee	Cr Haslam	Cr Newman
4	Dryandra Voluntary Regional Organisation of Councils (DVROC)	Cr Conley	Cr Dowling
5	Education (School Awards, etc)	Cr Bradford	Cr Dowling
6	Cuballing Wickepin Local Emergency Management Committee	Cr Haslam	Cr Ballantyne CEO
7	Popanyinning Progress Association	Cr Haslam	Cr Dowling
8	Wheatbelt South Regional Road Group	Cr Conley	Cr Newman
9	Great Southern Regional Waste Alliance	Cr Conley	Cr Dowling
10	Dryandra Country Visitors Centre	Cr Dowling	Deputy CEO
11	Central Country Zone of WALGA	Cr Conley Cr Dowling	CEO
12	Development Assessment Panel	Cr Conley Cr Bradford	Cr Ballantyne Cr Newman
13	Plant Management Review Group	Cr Bradford Cr Newman	Cr Haslam
14	Cuballing Progress Association	Cr Newman	Cr Bradford
15	Wheatbelt South Aged Housing Alliance	Cr Dowling	Cr Conley

6 DELEGATIONS

The Chief Executive Officer has the delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in Council's Delegation Register and are reviewed by Council annually. The Chief Executive Officer has the power under the Local Government Act 1995 to sub-delegate these Authorities.

In keeping with the legislative requirements:

- to determine policies to be applied by the Council in exercising its discretionary powers;
- to determine the type, range and scope of projects to be undertaken by the Council; and

- to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

7 SERVICES FOR THE COMMUNITY

Full Council makes decisions on policy issues relating to services that are provided for members of the public.

These services currently include, but are not limited to:

Roads/Footpaths/Kerbing	Stormwater Drainage
Traffic Control Devices	Street Lighting
Street Tree Planting	Waste Disposal
Public Toilets	Refuse Collection Control
Aged Persons Accommodation	Public Library
Dog /Cat Control	Parks and Reserves
Environmental Health Matters	Planning Controls
Town Planning	Pest Controls
Community Information	Occupational Health and Safety
Building Control	Noxious Weed Controls
	Citizenship Ceremonies

8 PUBLIC PARTICIPATION

8.1 Council Meetings

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

1. Deputations - With the permission of the Presiding Officer or President, a member of the public can address a Committee or Council personally or on behalf of a group of residents for a period of time determined by the Committee and/or Council on any issue relevant to Council;
2. Presentation to Council with prior notification, approval and arrangement with Council, a member of the public can address Council on any issue relevant to Council;
3. Petitions - Written petitions can be addressed to the Council on any issue within the Council's jurisdiction;
4. Written Requests - A member of the public can write to the Council on any Council policy, activity or service; and
5. Elected Members - Member of the Public can contact their Elected Members of Council, to discuss any issue relevant to Council

8.2 Community Consultation

The Council consults with local residents on particular issues that affect their neighbourhood as per the following examples:

1. Electors are invited to attend the annual general meeting of electors to discuss any

- specific issues over a large range of topics. All residents may attend, but only electors on the Council Electoral roll, are eligible to vote
2. Working Party/Sub-Committee - Local residents are invited to work with Members of Council and staff, to develop strategies to address various matters as they may arise.

9 ACCESS TO DOCUMENTS

9.1 Documents Available for Inspection

The following documents are available for public inspection at the Council Office free of charge.

Members of the public may purchase printed copies of these documents and the charges are shown below:

Document	Fee
Council Agenda	at the set photocopying rate
Council Minutes	at the set photocopying rate
Policy Manual	at the set photocopying rate
Council Budget	at the set photocopying rate
Council Annual Financial Statements	at the set photocopying rate
Council Local Laws	at the set photocopying rate
Community Strategic Plan	at the set photocopying rate
Corporate Business Plan	at the set photocopying rate
Long Term Financial Plan	at the set photocopying rate
Workforce Plan	at the set photocopying rate
Asset Management Plans	at the set photocopying rate
Rates Assessment Book	\$50
Delegation Register	at the set photocopying rate
Building Plans	at the set photocopying rate
Council Town Planning Scheme No. 2	\$33
Consolidated Roll	\$10
Owner & Occupier Roll	\$10

10 OTHER INFORMATION REQUESTS

10.1 FOI Operations:

It is the aim of the agency to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, *the Freedom of Information Act 1992* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in the document is accurate, complete, up to date and not misleading.

10.2 Freedom of Information Applications:

Access applications have to:

- be in writing,
- give enough information so that the documentation requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator:-

Postal Address:

Shire of Shire of Cuballing
PO Box 13
CUBALLING WA 6311

In Person:

Shire of Cuballing Administration Building
22 Campbell Street
CUBALLING WA 6311

An application will be acknowledged in writing and the applicant will be notified of the decision within 45 (calendar) days.

10.3 Freedom of Information Charges

A scale of fees and charges are set under the Freedom of Information Regulations 1993. Apart from the application fee for non – personal information all charges are discretionary. The charges are as follows:-

1.	<u>Type of Fee</u>		
	Personal information about the applicant	No Fee	
	Application fee (for non-personal information)	\$30	
2.	<u>Type of Charge</u>		
	Charge for time dealing with application (per hour, or pro rata)time supervised by staff (per hour, or pro rata)	\$30	
	Photocopying staff time (per hour, or pro rata)	\$30	
	Per photocopy (Black & White)	0.33	
	Transcribing from tape, film or computer (per hour, or pro rata)	\$30	
	Duplicating a tape, film or computer information	Actual Cost	
	Delivery, packaging and postage	Actual Cost	
3.	<u>Deposits</u>		
	Advance deposit may be required of the estimated charges	25%	
	Further advance deposit may be required to meet the charges for dealing with the application.	75%	

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the Charge is reduced by 25%.

11 ACCESS ARRANGEMENTS

Access to documents can be granted by way of inspection of a document, a copy of a computer disk or USB drive.

12 NOTICE OF DECISION

As soon as possible, but in any case within 45 days, the applicant will be provided with a notice of decision which will include details such as –

- the date the decision was made;
- the name and designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt or

- the fact that access is given to an edited document;
- information on the right to review and the procedures to be followed to exercise those rights.

13 REFUSAL OF ACCESS

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by the agency. Applications should be made in writing within 30 days of receiving the notice of decision.

Applicants will be notified of the outcome of the review within 15 days.

If the applicant disagrees with the result the applicant can apply to the Information Commissioner for an external review, and details would be advised to applicants when the internal review is issued.

14 ATTACHMENTS

Attachment 1 - Application for Access to Documents

Figure 1 – Shire of Cuballing Organisational Structure at 31st December 2016

Attachment 1 - Application for Access to Documents

SHIRE OF CUBALLING

PO Box 13 Cuballing WA 6311

Phone: 08 9883 6031

Email: enquiries@cuballing.wa.gov.au

APPLICATION FOR ACCESS TO DOCUMENTS (Under Freedom of Information Act 1992, S.12)

Details of Applicant:

Given Names:

Australian Postal Address:

Postcode:

Phone:

Mobile:

If application is on behalf of an organisation:

Name of Organisation/Business:

Details of Request: (please tick) Personal documents Non-personal documents

I am applying for access to document(s) concerning:

Form of Access (please tick appropriate box)

I wish to inspect the document(s)

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

I require a copy of the document(s)

I require access to another form

(Specify)

Fees and Charges:

Attached is a cheque/cash to the amount of \$_____ to cover the application fee.

I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

Applicants Signature:

Date

NOTES

Freedom of Information Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- The Shire of Cuballing may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, the agency will require authorisation, usually in writing.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- Further information can be obtained from the Office of the Information Commissioner. The Freedom of Information Act is available for purchase from the State Government Bookshop, 815 Hay Street, Perth (Telephone: 9222 8216)

Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded document or of works recorded in shorthand or encoded form, or a written document in the cost of a document from which words can be reproduced in written form.

Where the agency is unable to grant access in the form requested, access may be given in a different form.

Lodgement of Applications

Applications may be lodged by post or in person at:-

Shire of Cuballing
PO Box 13
CUBALLING WA 6390

(Office Use Only)

FOI Reference Number:

Received on: _____ Deadline for response _____

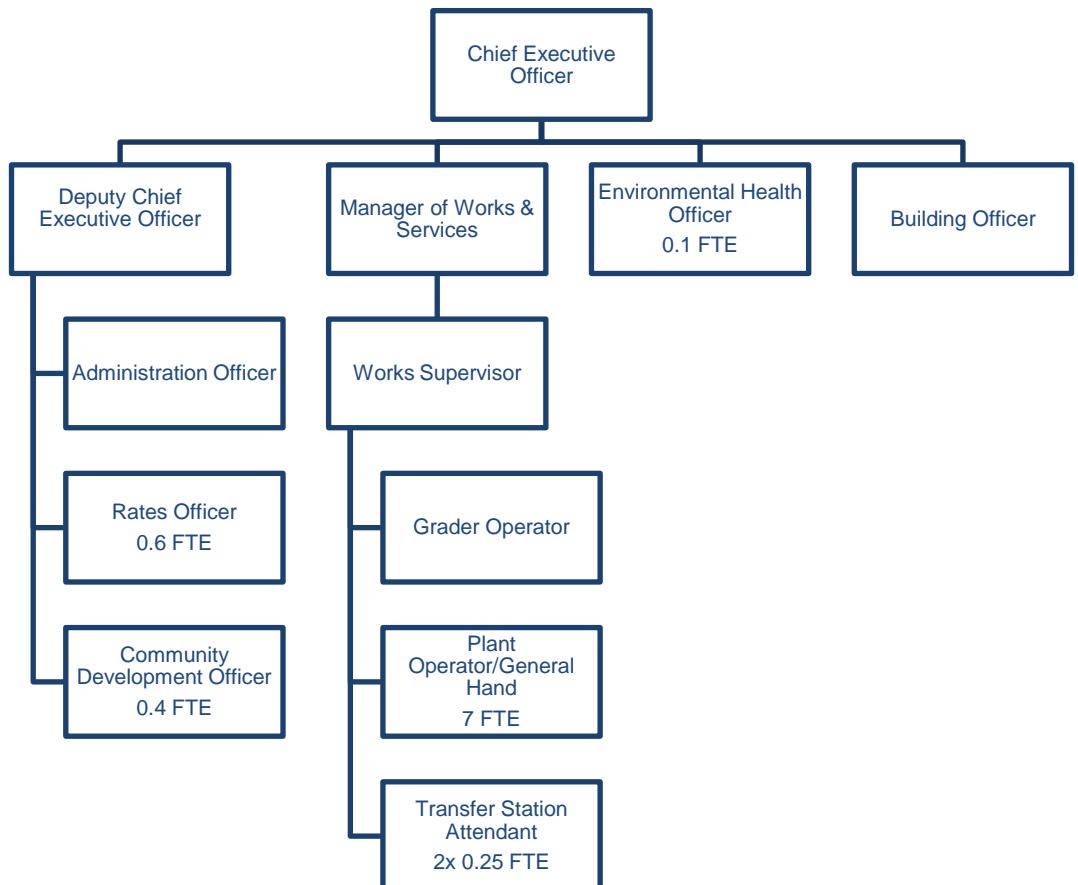
Acknowledgement sent on: _____

Proof of Identity (if applicable)

Type _____ Sighted _____

Figure 1 – Shire of Cuballing Organisational Structure at 31st December 2016**Organisation Structure**

The Shire manages its responsibilities and services through the organisational structure illustrated below:



9.2.2 Work Place Smoking Policy

Applicant: N/A
File Ref. No: ADM118
Disclosure of Interest: Nil
Date: 11th July 2017
Author: Gary Sherry
Attachments: 9.2.2A Draft Smoke Free Workplace Policy

Summary

Council is to consider adopting a Smoke Free Workplace Policy.

Background

Policies set guiding direction for Council staff to managed the operations of the Shire on a daily basis without the need to present matters to Council for consideration.

In the past the Shire Administration appears to have adopted procedures to control smoking in the workplace.

Comment

Council's Occupational Health and Safety Committee has recommended a Smoke Free Workplace policy to operate in workplaces in the Shire of Cuballing.

The draft Smoke Free Workplace policy is included at Attachment

This policy applies to all workplaces of Shire staff. The policy generally prohibits Smoking within the following designated workplace areas:

- Enclosed workplaces and public places including buildings and workplaces;
- Within five metres of any air intake, window or entrance to Shire of Cuballing buildings, owned, rented or otherwise controlled by the Shire;
- Shire vehicles or mobile plant, including when there is a sole occupant;
- In the presence of non-consenting persons at the workplace; and
- Areas identified through the display of "No Smoking" signage.

The use of electronic cigarettes or other vaporising devices intended for the delivery of nicotine or other substances is considered as smoking and also subject to prohibition requirements in areas so designated.

Strategic Implications - Nil

Statutory Environment

The:

- Occupational Safety and Health Act 1984 (WA),
 - Occupational Safety and Health Regulations 1996 (WA),
 - Tobacco Products Control Act 2006 (WA); and T
 - Tobacco Products Control Regulations 2006 (WA);
- have application to this policy.

Policy Implications

The draft policy will give clear direction for smoking in workplaces of the Shire of Cuballing.

Financial Implications – Nil

Economic Implication – Nil

Environmental Considerations – Nil

Consultation

The draft Smoke Free Workplace policy was adapted from a draft provided by the LGIS Peel Central Wheatbelt Region Regional Risk Coordinator Mr Mark Southgate.

The draft Smoke Free Workplace policy has been discussed at

- the Works Safety Meeting,
- the Administration Safety Meeting

and recommended for adoption by the Shire of Cuballing Occupation Health and Safety Committee.

Options

Council may resolve:

1. the Officer's Recommendation;
2. to adopt an amended Policy and/or delegation; or
3. defer and seek additional information.

Voting Requirements – Simple Majority

COUNCIL DECISION – 2017- 68 :

That Council adopt the draft Smoke Free Workplace policy included at Attachment 9.2.2A.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

5.15 SMOKE FREE WORKPLACE

Purpose

The Shire of Cuballing promotes good health and healthy lifestyle choices for all employees and also has an obligation to ensure compliance with legislatively imposed requirements associated with smoking restrictions.

The Shire recognises that individuals have the right to make a personal choice to smoke, however, is committed to ensuring that persons within the workplace are not exposed to the hazards of tobacco smoke.

Scope

This Policy applies to all Shire staff, volunteers, work experience students, labour hire workers and contracted services providers and extends to all enclosed workplaces, including plant and vehicles, as well as enclosed public places that are owned, rented or leased by the Shire.

Definitions

Tobacco smoke includes that generated by cigarettes, cigars, pipes or “E-cigarettes”

An *enclosed workplace* means that as defined in the Occupational Safety and Health Regulations 1996 (WA), Regulation 3.44AA.

An *enclosed public place* means that as defined in the Tobacco Products Control Regulations 2006 (WA), Regulation 8.

Policy

Smoking is prohibited within the following designated areas:

- Enclosed workplaces
- Enclosed public places
- Within five metres of any air intake, window or entrance to Shire of Cuballing buildings, owned, rented or otherwise controlled by the Shire
- Shire vehicles or mobile plant, including when there is a sole occupant
- In the presence of non-consenting persons at the workplace
- Areas identified through the display of “No Smoking” signage

The use of electronic cigarettes or other vaporising devices intended for the delivery of nicotine or other substances is considered as smoking and also subject to prohibition requirements in areas so designated.

All waste products from smoking shall be disposed in a safe manner and shall be ensured to be fully extinguished prior to disposal.

All forms of tobacco advertising, promotion, sponsorship and sale of tobacco products are prohibited at Shire workplaces.

Products that are prepared and labelled for human therapeutic use, such as nicotine replacement gum, lozenges, patches and inhalers are exempt from these guidelines.

The Shire encourages employees who are considering quitting smoking to utilise available support services including:

- Make Smoking History website
- Quitline – 13 78 48
- The Shire Employee Assistance Program
- LGIS Health and Wellness Services – (08) 9483 8826

References:

Occupational Safety and Health Act 1984 (WA)
Occupational Safety and Health Regulations 1996 (WA)
Tobacco Products Control Act 2006 (WA)
Tobacco Products Control Regulations 2006 (WA)

Mr Sherry declared an Impartiality Interest in 9.2.3 in that he is a long time friend of the applicant and left the Council Chamber at 3.20pm.

9.2.3 Proposed Subdivision – Lot 12344 Shaddicks Road, East Popanyinning

Location:	Lot 12344 Shaddicks Road, East Popanyinning
Applicant:	AJ Marsh for D&L Patten
File Ref. No:	ADM265
Disclosure of Interest:	Impartiality Interest – Mr Patten is a long-time friend of the Author
Date:	12 th July 2017
Author:	Gary Sherry
Attachments	9.2.3A Location plan 9.2.3B Subdivision application – details from WAPC 9.2.3C Bushfire Prone Map of Location

Summary

A subdivision application to create two lots of 19.5ha and 47.6551ha is conditionally supported.

Background

The Western Australian Planning Commission (WAPC) has referred subdivision application 155405 to the Shire for comment.

By way of background, the Council granted conditional development approval to a gravel pit (industry-extractive use) in the southern portion of the site at its meeting on 18th May 2017. Development conditions included the requirement to prepare and implement a Bushfire Management Plan.

The site's location is outlined in Attachment 9.2.3A which is approximately 12km east of the Popanyinning townsite. Lot 12344 is 67.1551 hectares in area.

Information provided by the applicant is outlined in Attachment 9.2.3B. The application is to subdivide the property to create two lots of 19.5ha and 47.6551ha.

Proposed Lot 31 (47.6551 hectares) will continue to be used as part of Mr Patten's farming property, while proposed Lot 32 is intended to come into Shire ownership and be used as a gravel pit. Lot 32 contains native vegetation.

The property is zoned 'Rural' in the *Shire of Cuballing Town Planning Scheme No. 2 (TPS2)*.

The site is classified as a Bushfire Prone Area as set out at Attachment 9.2.XC.

Comment

It is highlighted that the WAPC makes the decision on subdivision applications with the Shire providing advice to the WAPC.

While highlighting that the creation of additional rural lots is not generally supported, this subdivision application is conditionally supported for reasons including:

- it facilitates the Shire securing gravel in the north eastern section of the Shire of Cuballing. Accessing suitable gravel is a strategic requirement for efficient future road construction and maintenance in the north east portion of the Shire of Cuballing;
- proposed Lot 32, while 19.5 hectares in area, will be created for a public benefit;

- it is consistent with previous Council resolutions including Council granting conditional development approval to the gravel pit (industry-extractive use) on 18th May 2017;
- *WAPC DC Policy 3.4 Subdivision of Rural Land* outlines circumstances in which rural subdivision may be considered including ‘to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources’ and subdivision for other purposes including extractive industries – if a development approval has been granted;
- there is a clear distinction between the farming operation and the gravel pit; and
- it conserves good agricultural land.

The suggested conditions, based on the WAPC *Model Subdivision Conditions Schedule* (May 2016), are considered appropriate to the proposed subdivision and intended uses.

Assuming the WAPC grants conditional subdivision approval, it is expected the applicant or the Shire will seek a clearing permit from the Department of Water and Environmental Regulation.

Strategic Implications

Council has a shortage of established gravel pits in the north eastern section of the Shire of Cuballing. Access to this site is a strategic requirement for efficient future road construction and maintenance in the north east portion of the Shire of Cuballing.

Statutory Environment

Planning and Development Act and TPS2.

Policy Implications - Nil

Financial Implications

These were separately considered in the item to Council on 16th February 2017.

Economic Implications

Well maintained local roads provide a key service to local farming operations. Gravel is a key component of road maintenance.

Social Implications

No objections were received from adjoining/nearby landowners as part of the Shire previously consulting on the Development Application for the gravel pit. Provided the gravel pit is effectively managed, the gravel pit should have manageable off-site impacts.

Environmental Considerations

The southern portion of the application site contains native vegetation and a clearing permit is required. There is a requirement to manage the retained native vegetation and reinstate the land after the gravel is extracted. There appears to be limited risks to the environment if the gravel pit complies on an on-going basis with the development conditions and other legislation/regulations.

Consultation

The WAPC has invited comments from the Shire and other government/servicing agencies on this subdivision application. There is no statutory requirement for the Shire to seek comments on subdivision applications.

Options

The Council can resolve to:

1. support the officer recommendation;
2. support the application with no conditions; or
3. not support the application (giving reasons).

Voting Requirements - Simple Majority

COUNCIL DECISION – 2017- 69:

That Council advise the Western Australian Planning Commission that it supports Subdivision Application 155405 for Lot 12344 Shaddicks Road, East Popanyinning subject to the following conditions:

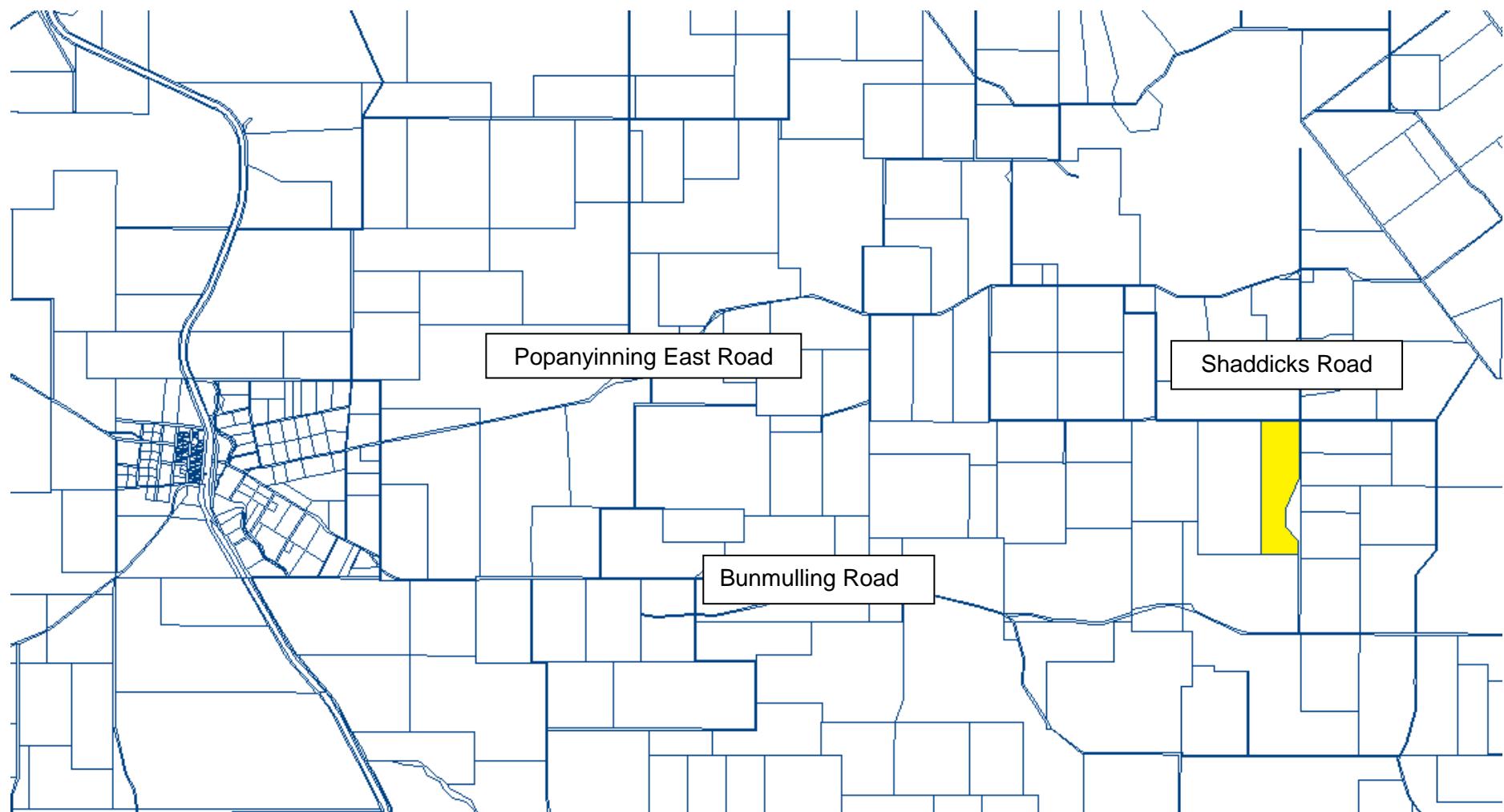
No	Code	Condition
1	E4	A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'A network electricity supply is not available to the lot/s.' (Local Government)
2	F8	A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: 'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land' (Western Australian Planning Commission)

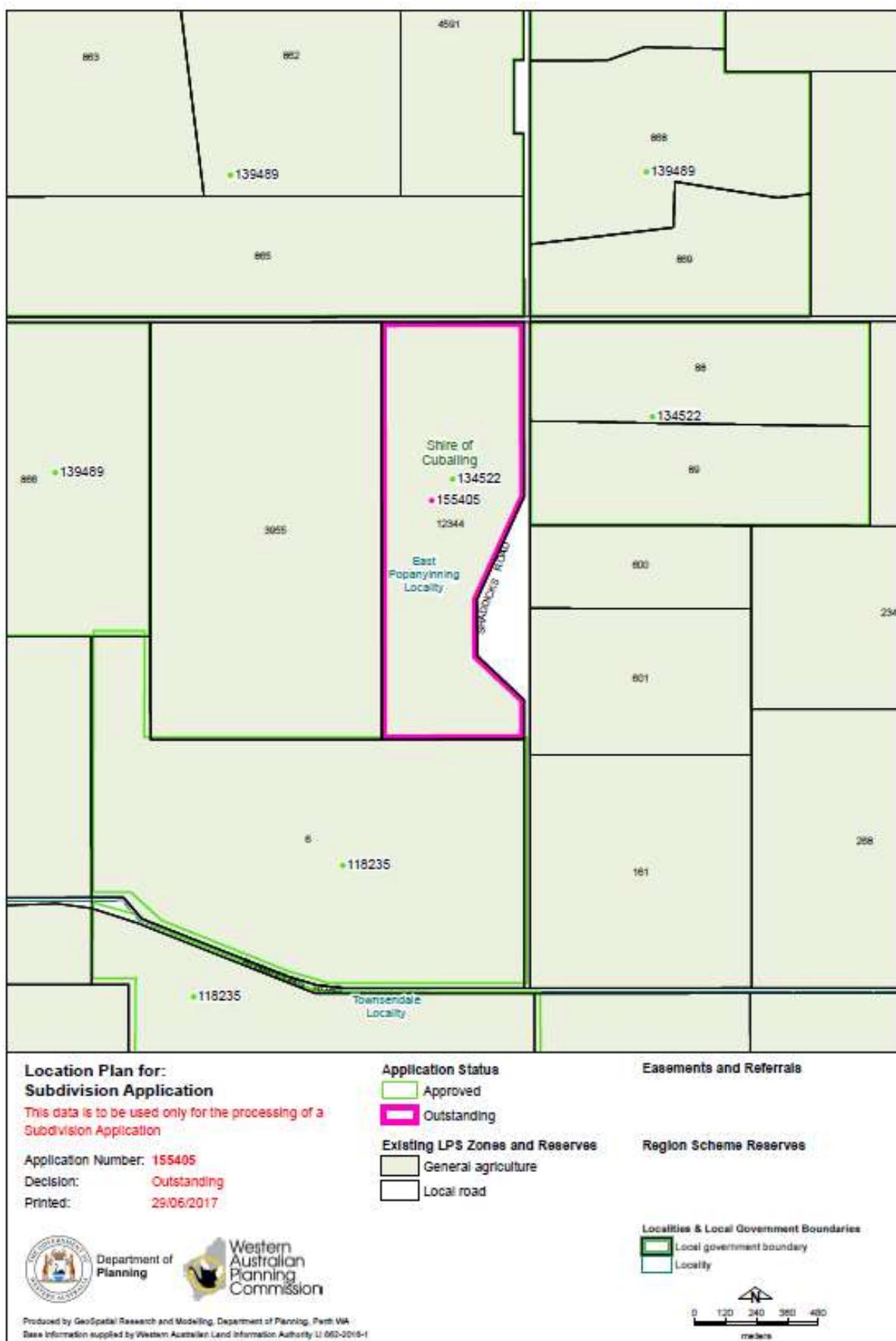
Moved: Cr Haslam

Seconded: Cr Bradford

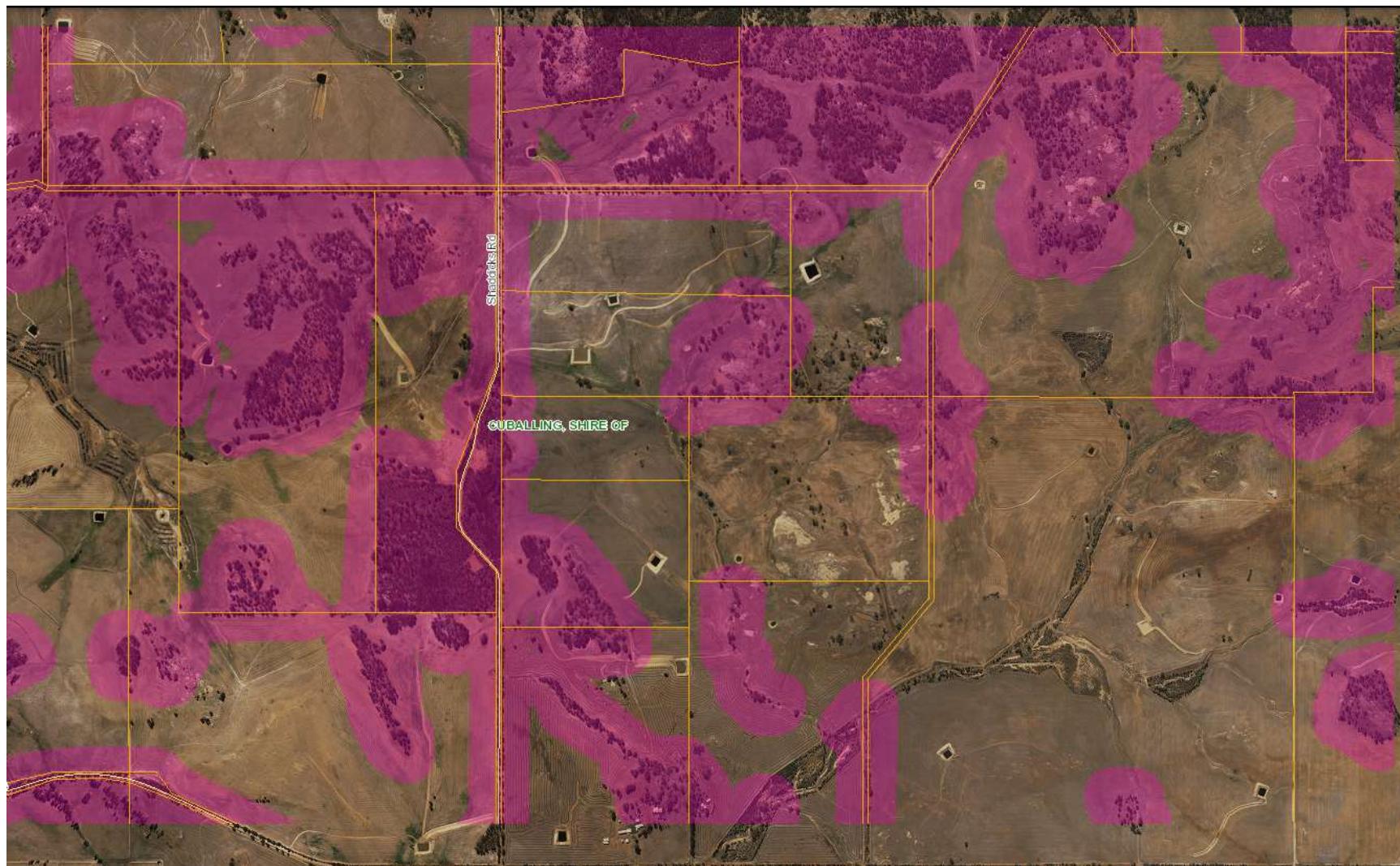
Carried 6/0

Mr Sherry entered the Council Chamber at 3.37pm.









9.2.4 2017 WAEC Election Postal Voting

Applicant:	N/A
File Ref. No:	ADM27
Disclosure of Interest:	Nil
Date:	12 th July 2017
Author:	Gary Sherry
Attachments:	Nil

Summary

Council is to formally consider using the WA Electoral Commission (WAEC) to conduct the October 2017 Council election.

Background

In the past Council has conducted mostly Voting in Person elections, using Shire staff.

The WAEC is the only body that can hold a Postal Voting election. Electors can register to go on Council's postal register and receive a postal vote; however Council must hold a Voting in Person election.

Comment

The WAEC has provided a cost estimate of \$11,364 (GST Exclusive) to conduct the October 2017 Local Government Elections on behalf of Council. The quote is based on

- 650 electors;
- a response rate of approximately 50%;
- 3 vacancies and the count to be conducted at the premises of the Shire of Cuballing;
- the appointment of a local returning officer;
- regular Australia Post delivery to apply. Council can pay an additional \$165 for the Australia Post Priority Service.

The cost estimate may change, either decrease or increase, if the parameters on which the cost is calculated change as the WAEC operate on a cost recovery basis.

The WAEC would conduct the Council election as a postal election although Council would still be required to open at least one polling booth on the day of the election.

Should Council choose not to conduct a Postal Voting Election, Council can complete a Voting in Person Election utilising Shire staff. The anticipated cost for Shire staff to conduct a Voting in Person Election is \$3,210.

Strategic Implications - Nil

Statutory Environment

Local Government Act 1995

4.20. CEO to be returning officer unless other arrangements made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
 - (a) an election; or
 - (b) all elections held while the appointment of the person subsists.

* Absolute majority required.

- (3) An appointment under subsection (2) —
 - (a) is to specify the term of the person's appointment; and
 - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* Absolute majority required.

- (5) A declaration under subsection (4) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (6) A declaration made under subsection (4) on or before the 80th day before election day cannot be rescinded after that 80th day.

Policy Implications – Nil

Financial Implications

The WAEC, quoted \$11,364 (GST Exclusive) to conduct the Local Government Ordinary Election 2017 on behalf of the Shire of Cuballing. Council will still be required to have one polling booth open on Election Day and this would be an expense Council will have to bear.

Should Council elect to hold a voting in person election conducted by Council staff the following expenses can be expected:

Statutory Advertising (GST Exclusive)	\$ 1,810
Staff Election Day costs	\$ 1,400
	\$ 3,210

Economic Implication - Nil

Environmental Considerations - Nil

Social Implication - Nil

Consultation - Nil

Options

Council may resolve:

1. the Officer's Recommendation;
2. to have the WAEC conduct a Postal Voting Election

Voting Requirements

Absolute Majority is required if Council appoints the WAEC to hold Council's 2017 Local Government Election.

COUNCIL DECISION – 2017- 70:

That Council:

1. conducts a Voting in Person election in 2017;
2. does not appoint the Western Australian Electoral Commission to conduct the October 2017 election on behalf of the Shire of Cuballing; and
3. appoints the Chief Executive Officer, Mr Gary Sherry, as Returning Officer for the October 2017 election.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/0

9.2.5 Scheme Amendment No. 1 to the Shire of Cuballing Town Planning Scheme No. 2

Location:	Applies throughout the Shire
Applicant:	Edge Planning & Property for the Shire of Cuballing
File Ref. No:	ADM269
Disclosure of Interest:	Nil
Date:	12 th July 2017
Author:	Gary Sherry
Attachments	9.2.5A Scheme Amendment No. 1 documentation 9.2.5B Attachment 1 of Scheme Amendment No. 1: <i>Shire of Cuballing Town Planning Scheme No. 2</i> text showing proposed amendments in highlight and strikeout

Summary

It is recommended that Council adopt Scheme Amendment No. 1 to formally commence the process of amending the *Shire of Cuballing Town Planning Scheme No. 2* text as set out in Attachment 9.2.6A.

Background

As Councillors are aware, the *Shire of Cuballing Town Planning Scheme No. 2* (TPS2) provides the statutory basis for Council regulating development and land use proposals.

The purpose of Amendment No. 1 is to modify the TPS2 text to:

- ensure consistency with the ‘deemed provisions’ in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the ‘Regulations’);
- delete superfluous definitions and land uses;
- introduce new definitions and land uses to reflect realistic types of development anticipated in the district including repurposed dwelling and second-hand dwelling. Where new definitions are introduced, they are based on the Model provisions for local planning schemes from Schedule 1 of the Regulations or refer to the *Residential Design Codes*;
- introduce Schedule A – Supplemental Provisions - to extensively reduce the requirement for a development application for a range of low-key and low-risk development/uses;
- update the Zoning Table to reflect expected permissibility for development in small country towns and in a rural district;
- modify Development Table – General to address standards appropriate for a rural district; and
- undertake minor administrative changes.

Attachment 9.2.6B outlines proposed modifications to the TPS2 text with new sections highlighted and deleted sections in strikeout.

The Regulations were gazetted on 25 August 2015. The Regulations, made under the *Planning and Development Act 2005* (the ‘Act’), govern the way in which local planning strategies, local planning schemes and structure plans are prepared and amended.

Schedule 2 of the Regulations titled ‘Deemed provisions for local planning schemes’ apply to all planning schemes and prevail over schemes including TPS2. The deemed provisions are ‘read into’ schemes automatically under Section 257B of the Act. Provisions in TPS2, which are inconsistent with the deemed provisions, ceased to apply as of gazettal of the Regulations.

The deemed provisions address a range of matters including uniform processes and procedures to schemes, such as structure plan preparation and the development assessment.

The deemed provisions apply automatically to all schemes when the Regulations come into operation and cannot be altered, varied or excluded.

Section 73(2A) of the Act allows for a scheme to include supplemental provisions, provided those supplemental provisions are consistent with or not already covered by the Regulations.

The Shire administration has audited TPS2 to determine which provisions are now superseded by the deemed provisions.

The draft scheme amendment documentation was provided to the Shire administration and Councillors in late 2016 and has been subject to briefings and the opportunity to provide preliminary input. This standard amendment is now pursued to remove provisions which have been replaced by the deemed provisions.

Comment

It is recommended that Council resolves to adopt Scheme Amendment No. 1 as outlined in Attachment 9.2.6A to formally commence the process of amending the TPS2 text.

Based on the Regulations, the scheme amendment is considered to be a 'standard' amendment. The process of undertaking the amendment requires:

- the amendment to be referred to the Environmental Protection Authority (EPA) for assessment and upon approval to proceed when their advice is received;
- public consultation to be undertaken for at least 42 days;
- reporting to Council following the close of the consultation period. The Council will then determine whether or not to support final adoption of the scheme amendment (with or without modifications); and
- the Western Australian Planning Commission to assess the scheme amendment request with the final decision made by the Minister for Planning.

Strategic Implications

Approval of Scheme Amendment No. 1 will assist in improving the efficiency and effectiveness of the planning system.

Statutory Environment

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and TPS2.

Policy Implications - Nil

Financial Implications

Council has made provision for the cost of this – This has already been budgeted for.

Economic Implications - Nil

Social Implications - Nil

Environmental Considerations - Nil

Consultation

No public consultation has yet occurred at this early stage of the planning process. Should Council adopt the scheme amendment and environmental clearance is provided by the EPA, the scheme amendment will be publicly advertised in accordance with the Regulations.

Options

The Council has a number of options available to it which are summarised below:

- resolve the Officer's Recommendation; or
- adopt the scheme amendment with modifications to Attachment 9.2.5A; or
- not support the scheme amendment - this would mean the scheme amendment could not proceed. This is however considered to be contrary to the Regulations;
- defer for a period of time and seek additional information before proceeding to make a decision.

Voting Requirements - Simple Majority

COUNCIL DECISION – 2017- 71:

That Council:

1. **agrees to adopt an amendment to the Shire of Cuballing Town Planning Scheme No. 2, pursuant to Section 75 of the Planning and Development Act 2005, through modifying the Scheme text as outlined in Attachment 9.2.5A;**
2. **determines that Amendment No. 1 is standard under part (f) and (g) of the standard amendment definition contained in Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
3. **authorises the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 1 documents as outlined in Attachment 9.2.5A; and**
4. **notes the Shire will refer Scheme Amendment No. 1 to the Environmental Protection Authority for assessment pursuant to section 81 of the Planning and Development Act 2005. Should the Environmental Protection Authority advise that the amendment does not require assessment, the Shire will advertise the amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.**

Moved: Cr Haslam

Seconded: Cr Newman

Carried 6/0



**Shire of Cuballing
Town Planning Scheme No. 2
Scheme Amendment No. 1**

Omnibus amendment to the Scheme Text

Prepared by Edge Planning & Property for the Shire of Cuballing

www.edgeplanning.com.au

July 2017

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO TOWN PLANNING SCHEME

**SHIRE OF CUBALLING TOWN PLANNING SCHEME No. 2
AMENDMENT No. 1**

RESOLVED that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amends the above Town Planning Scheme by:

1. Deleting the following Parts and Schedules from the Scheme Text, as they have been superseded by the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:
 - Part 2 in its entirety;
 - Part 7 in its entirety;
 - Part 8 in its entirety;
 - Part 9 in its entirety;
 - Part 10 in its entirety;
 - Part 11 in its entirety; and
 - Schedules 5, 6, 7, 8 and 9 in their entirety.
2. Deleting the following definitions from Schedule 1, Dictionary of Defined Words and Expressions, as they have been superseded by the definitions in the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:
 - advertisement;
 - amenity;
 - cultural heritage significance;
 - local government;
 - Local Planning Strategy;
 - owner;
 - premises;
 - region scheme;
 - Residential Design Codes;
 - substantially commenced; and
 - zone.
3. Deleting the current definitions of 'plot ratio' and 'Town Planning Act' from Schedule 1 Dictionary of Defined Words and Expressions and replacing with the following definitions:
 - "**plot ratio**" means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
 - "**Planning Act**" means the *Planning and Development Act 2005*;
4. Deleting the following definitions from Schedule 1 Land Use Definitions:
 - abattoir;
 - agroforestry;
 - amusement parlour;

- animal husbandry-intensive;
- aquaculture;
- bed and breakfast;
- betting agency;
- child care premises;
- cinema/theatre;
- consulting rooms;
- corrective institution;
- family day centre;
- funeral parlour;
- home business;
- home occupation;
- home office;
- hospital;
- hotel;
- industry;
- marine filling station;
- motor vehicle wash;
- night club;
- plantation;
- rural home business;
- shop; and
- telecommunications infrastructure.

5. Adding the following definitions to Schedule 1 Land Use Definitions:

- "**abattoir**" means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
- "**ancillary dwelling**" has the same meaning as in the Residential Design Codes;
- "**animal husbandry — intensive**" means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
- "**bed and breakfast**" means a dwelling —
 - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
 - (b) containing not more than 2 guest bedrooms;
- "**child care premises**" means premises where —
 - (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
 - (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;
- "**consulting rooms**" means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
- "**family day care**" means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;
- "**grouped dwelling**" has the same meaning as in the Residential Design Codes;
- "**holiday accommodation**" means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

- “**holiday house**” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
- “**home business**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- “**home occupation**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —
 - (a) does not involve employing a person who is not a member of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
 - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- “**home office**” means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
- “**hotel**” means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

- “*industry*” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
 - (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail;
 - (d) the provision of amenities for employees;
 - (e) incidental purposes;
- “**repurposed dwelling**” – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
- “**road house**” means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —
 - (a) a full range of automotive repair services;
 - (b) wrecking, panel beating and spray painting services;
 - (c) transport depot facilities;
 - (d) short-term accommodation for guests;
 - (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- “**rural home business**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 200 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
- “**second-hand dwelling**” a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling;
- “**shop**” means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- “**single house**” has the same meaning as in the Residential Design Codes;
- “**telecommunications infrastructure**” means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
- “**transport depot**” means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
 - (a) any ancillary maintenance or refuelling of those vehicles; and
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another;

- “**tree farm**” means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;
 - “**workforce accommodation**” means premises, which may include modular or relocatable buildings, used —
 - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
 - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.
6. Deleting reference to the terms ‘planning approval’ and ‘single dwelling’ throughout the Scheme and replacing them with the corresponding terms ‘development approval’ and ‘single house’ throughout the Scheme.
7. Deleting the preamble.
8. Inserting the following provisions into Schedule A – Supplemental Provisions:

‘These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61 (1) (k) - the erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone where the R-Codes do not apply except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (ii) is outside an approved building envelope or within a building exclusion area;
- (iii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (iv) is located in a local policy area declared by Council; or
- (v) is on a lot or location which does not have access to a dedicated and/or constructed road.

Clause 61 (1) (l) - the erection or extension of an outbuilding, in a zone where the R-Codes do not apply except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (ii) is outside an approved building envelope or within a building exclusion area;
- (iii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (iv) is located in a local policy area declared by Council;
- (v) is on a lot or location which does not have a single house;
- (vi) is on a lot or location which does not have access to a dedicated and/or constructed road; or
- (vii) is inconsistent with an adopted Outbuildings Local Planning Policy.

Clause 61 (1) (m) - the construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service.

Clause 61 (1) (n) - the development on land within any zone by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building, river bank stabilisation or beach rehabilitation. This includes the carrying out of development for the purpose of roads includes a reference to the winning of extractive material by the local government for the purpose of public road construction.

Clause 61 (1) (o) - the carrying out of any development by the local government in connection with the construction, reconstruction, improvement, maintenance, repair or widening (where the local government has acquired the land) of any road except the realignment or relocation of the road.

Clause 61 (1) (p) - incidental structures which include:

- (i) a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
- (ii) a tree house which as a structure that does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m² and is constructed in a tree on a lot used for residential purposes;
- (iii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
- (iv) any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used for residential purposes and no more than 6.0 metres in height above natural ground level;
- (v) swimming pools;
- (vi) landscaping;
- (viii) letter boxes;
- (ix) clothes lines;
- (x) unless the building is within a Heritage Area or included within the Heritage List of the Scheme, the installation of solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building.

Clause 61 (1) (q) - the erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.

Clause 61 (1) (r) - the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.

Clause 61 (1) (s) - the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority:

- (i) for the purpose for which the land is reserved under the Scheme; or
- (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.

Clause 61 (1) (t) - except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided

there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.

Clause 61 (1) (u) - except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.

Clause 61 (1) (v) - rainwater tanks.

Clause 61 (1) (w) - aquaculture proposals involving the use of existing dams where no structural works are proposed.

Clause 61 (1) (x) - effluent disposal systems where they comply with Scheme requirements and relevant legislation, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation.

Clause 61 (1) (y) - satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area.

Clause 61 (1) (z) - telecommunication infrastructure which is listed as low impact in the *Telecommunications Low Impact Facilities Determination 1997* and subsequent amendments to that Determination.

Clause 61 (1) (za) - "agriculture – extensive" and "agriculture – intensive" in the General Agriculture zone.

Clause 61 (1) (zb) - "rural pursuit" in the Rural Residential and General Agriculture zones.

Clause 61 (1) (zc) - the construction of a dam.

Clause 61 (1) (zd) - the erection of placement of a temporary sea container where the structure is consistent with the provisions of a Local Planning Policy.'

9. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* in Clauses 3.4.1(b), 3.4.2(a), 4.3.2, 4.3.3(d) Note 3, 4.4.2(b), 4.8(c), 4.9.2, 5.4.2, 5.6.2, 5.6.3 and 5.12.7 of the Scheme text.
10. Replacing 'planning application' with 'development application' in Clause 1.5(e).
11. Deleting 'First Schedule to the Town' in Clause 1.5(g).
12. Deleting the 'Note' in Clauses 4.8 and 4.11.
13. Changing references of 'Town' Planning Scheme to 'Local' Planning Scheme throughout the Scheme Text.

14. Removing the following Use Classes and associated permissibility levels from the Zoning Table in Clause 4.3:

- Agroforestry;
- Amusement parlour;
- Aquaculture;
- Betting agency;
- Cinema/theatre;
- Corrective institution;
- Dwelling;
- Funeral parlour;
- Hospital;
- Marine filling station;
- Motor vehicle wash;
- Nightclub; and
- Plantation.

15. Adding the following uses to the Zoning Table:

- Ancillary dwelling;
- Grouped dwelling;
- Holiday accommodation;
- Holiday house;
- Motor vehicle repair;
- Repurposed dwelling;
- Roadhouse;
- Second-hand dwelling;
- Single house;
- Transport depot;
- Tree farm; and
- Workforce accommodation.

16. Deleting the Zoning Table and replacing it with the Zoning Table as set out below including modified permissibility levels and adding permissibility levels to new uses:

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Abattoir	X	X	A
Agriculture – extensive	X	X	P
Agriculture – intensive	X	A	P
Ancillary dwelling	D	D	D
Animal establishment	X	A	D
Animal husbandry – intensive	X	X	A
Bed and breakfast	P	P	P
Caravan park	A	A	A
Caretaker's dwelling	D	X	D
Carpark	A	A	X
Childcare premises	D	A	X
Civic use	P	P	P
Club premises	D	D	D
Community purpose	D	D	D
Consulting rooms	D	A	A
Convenience store	D	X	X
Educational establishment	A	A	A

Exhibition centre	D	D	D
Family day care	D	D	A
Fast food outlet	A	X	X
Fuel depot	D	X	D
Grouped dwelling	D	D	X
Holiday accommodation	A	A	A
Holiday house	A	A	A
Home business	D	D	P
Home occupation	P	P	P
Home office	P	P	P
Home store	D	X	X
Hotel	A	X	X
Industry - cottage	D	D	D
Industry - extractive	X	X	A
Industry - general	A	X	A
Industry - light	D	X	A
Industry - mining	X	X	A
Industry - rural	X	X	D
Industry - service	D	X	A
Lunch bar	D	X	X
Market	A	X	A
Medical centre	D	X	X
Motel	D	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle repair	A	A	D
Office	D	X	X
Park home park	A	X	A
Place of worship	D	A	A
Public Utility	A	A	A
Reception centre	D	A	A
Recreation - private	D	D	D
Repurposed dwelling	D	D	D
Residential building	P	P	P
Restaurant	D	A	A
Restricted premises	A	X	X
Roadhouse	D	A	A
Rural Home Business	X	D	D
Rural pursuit	D	P	P
Second-hand dwelling	D	D	D
Service station	D	A	X
Shop	P	X	X
Showroom	D	X	A
Single house	P	P	P
Storage	D	X	D
Tavern	D	X	X
Telecommunications infrastructure	D	D	D
Trade display	D	X	X
Transport depot	X	A	A
Tree farm	X	X	A
Veterinary centre	D	A	A
Warehouse	D	X	A
Winery	A	A	A
Workforce accommodation	A	X	A

17. Modifying Development Table - General as follows:

- in the Rural Townsite zone, for the commercial, shop, office and place of public worship uses, change the side setback from '2m' to '3m';
- in the Rural Townsite zone, for the commercial and office uses, change the minimum car parking spaces from '20' to '30'm² of gross leasable floor area;
- in the Rural Townsite zone, for the shop use, change the minimum car parking spaces from '10' to '20'm² of gross leasable floor area;
- in the Rural Townsite zone, delete the 'Eating House' row;
- in the Rural Townsite zone, for the service station use, delete '1500 (Roadhouse 2000' and replace '25' with '40' for the minimum effective frontage;
- in the Rural Townsite zone, add the following row:

Roadhouse	4000	75	20	7.5	5	30	As determined by Council	Boundary setbacks apply to Pumps, Canopy, Buildings
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- in the Rural Townsite zone, for the light/service industry use, change the minimum front setback from '11' metres to '10' metres;
- delete the 'Rural Residential' row and replace with the following:

All other Permitted Uses	1ha	50	15	10	10	As determined by Council	As determined by Council	As determined by Council
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18. Modifying the heading in sub-clause 5.10.1 through deleting 'Relocated Second hand buildings' and replacing with 'Repurposed dwelling and second-hand dwelling'.
19. Deleting 'transported' in sub-clause 5.10.1 and replacing with 'repurposed dwelling or second-hand'.
20. Replacing 'an Outline Development' to 'a Structure' in sub-clause 5.12.3, replacing 'An Outline Development' to 'A Structure' in sub-clause 5.12.4 and replacing 'Outline Development' to 'Structure' in sub-clause 5.12.5.
21. Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
22. Updating the Table of Contents and the List of Schedules.

The amendment is a standard amendment in accordance with part (f) and (g) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Dated this day of 20.....

.....
CHIEF EXECUTIVE OFFICER

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1	Shire of Cuballing Town Planning Scheme No. 2 text showing proposed amendments in highlight and strikeout	

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

LOCAL GOVERNMENT	Shire of Cuballing
DESCRIPTION OF TOWN PLANNING SCHEME	Shire of Cuballing Town Planning Scheme No. 2
TYPE OF SCHEME	District Scheme
SERIAL NO. OF AMENDMENT	1
PROPOSAL	Undertake various amendments to the Scheme Text as set out in this report.

REPORT BY THE SHIRE OF CUBALLING**1. INTRODUCTION**

The purpose of this Amendment is to modify the *Shire of Cuballing Town Planning Scheme No. 2 (TPS2)* text to:

- ensure consistency with the 'deemed provisions' in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations');
- delete superfluous definitions and land uses;
- introduce new definitions and land uses;
- introduce Schedule A – Supplemental Provisions;
- update the Zoning Table;
- modify Development Table – General; and
- undertake minor administrative changes.

The amendment is a standard amendment in accordance with part (f) and (g) of the standard amendment definition contained in Regulation 34 of the Regulations.

2. BACKGROUND

TPS2 was gazetted on 20 May 2005. Since then, there have been no amendments to the scheme text or maps.

The Regulations were gazetted on 25 August 2015. The Regulations, made under the *Planning and Development Act 2005* (the 'Act'), govern the way in which local planning strategies, local planning schemes (previously called 'town planning schemes') and structure plans are prepared and amended.

Schedule 2 of the Regulations titled 'Deemed provisions for local planning schemes' apply to all planning schemes and prevail over schemes including TPS2. The deemed provisions are 'read into' schemes automatically under Section 257B of the Act. Provisions in TPS2, which are inconsistent with the deemed provisions, ceased to apply as of gazettal of the Regulations.

The deemed provisions address a range of matters including uniform processes and procedures to schemes, such as structure plan preparation and the development

assessment. The deemed provisions apply automatically to all schemes when the Regulations come into operation and cannot be altered, varied or excluded.

Section 73(2A) of the Act allows for a scheme to include supplemental provisions, provided those supplemental provisions are consistent with or not already covered by the Regulations.

The local government has audited TPS2 to determine which provisions are now superseded by the deemed provisions. This amendment is now pursued to remove provisions which have been replaced by the deemed provisions.

The Amendment also updates other sections of the TPS2 text to reflect realistic types of development anticipated in the district.

3. PURPOSE OF AMENDMENT

The proposed Amendment seeks to address various matters in the TPS2 text including to:

- ensure consistency with the deemed provisions in the Regulations;
- delete superfluous definitions from the interpretations and land uses from the Zoning Table;
- introduce new definitions and land uses to reflect realistic types of development anticipated in the district including repurposed dwelling and second-hand dwelling. Where new definitions are introduced, they are based on the Model provisions for local planning schemes from Schedule 1 of the Regulations or refer to the Residential Design Codes of Western Australia;
- introduce Schedule A – Supplemental Provisions - to extensively reduce the requirement for a development application for a range of low-key and low-risk development/uses;
- update the Zoning Table to reflect expected permissibility for development in small country towns and in a rural district;
- modify Development Table – General to address standards appropriate for a rural district; and
- undertake minor administrative changes.

Attachment 1 outlines proposed modifications to the TPS2 text with new sections highlighted and deleted sections in strikeout.

4. CONCLUSION

The proposed amendments to the TPS2 text are considered appropriate and once gazetted, will assist in making TPS2 more effective and overall more efficient to administer. The proposed amendments to the TPS2 text also address Schedule 2 of the Regulations.

The support of the Western Australian Planning Commission and the approval of the Minister for Planning are respectfully requested.

Planning and Development Act 2005

SHIRE OF CUBALLING

TOWN PLANNING SCHEME No. 2

AMENDMENT No. 1

That the Shire of Cuballing, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Deleting the following Parts and Schedules from the Scheme Text, as they have been superseded by the deemed provisions set out in Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015:
 - Part 2 in its entirety;
 - Part 7 in its entirety;
 - Part 8 in its entirety;
 - Part 9 in its entirety;
 - Part 10 in its entirety;
 - Part 11 in its entirety; and
 - Schedules 5, 6, 7, 8 and 9 in their entirety.
2. Deleting the following definitions from Schedule 1, Dictionary of Defined Words and Expressions, as they have been superseded by the definitions in the deemed provisions set out in Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015:
 - advertisement;
 - amenity;
 - cultural heritage significance;
 - local government;
 - Local Planning Strategy;
 - owner;
 - premises;
 - region scheme;
 - Residential Design Codes;
 - substantially commenced; and
 - zone.
3. Deleting the current definitions of 'plot ratio' and 'Town Planning Act' from Schedule 1 Dictionary of Defined Words and Expressions and replacing with the following definitions:
 - "plot ratio" means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
 - "Planning Act" means the Planning and Development Act 2005;
4. Deleting the following definitions from Schedule 1 Land Use Definitions:
 - abattoir;
 - agroforestry;

- amusement parlour;
- animal husbandry-intensive;
- aquaculture;
- bed and breakfast;
- betting agency;
- child care premises;
- cinema/theatre;
- consulting rooms;
- corrective institution;
- family day centre;
- funeral parlour;
- home business;
- home occupation;
- home office;
- hospital;
- hotel;
- industry;
- marine filling station;
- motor vehicle wash;
- night club;
- plantation;
- rural home business;
- shop; and
- telecommunications infrastructure.

5. Adding the following definitions to Schedule 1 Land Use Definitions:

- "*abattoir*" means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;
- "*ancillary dwelling*" has the same meaning as in the Residential Design Codes;
- "*animal husbandry — intensive*" means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
- "*bed and breakfast*" means a dwelling -
 - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
 - (b) containing not more than 2 guest bedrooms;
- "*child care premises*" means premises where —
 - (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
 - (b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided;
- "*consulting rooms*" means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
- "*family day care*" means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;
- "*grouped dwelling*" has the same meaning as in the Residential Design Codes;
- "*holiday accommodation*" means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

- “**holiday house**” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
- “**home business**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 50 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- “**home occupation**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —
 - (a) does not involve employing a person who is not a member of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 20 m²; and
 - (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
 - (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
 - (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
 - (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
 - (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
- “**home office**” means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;
- “**hotel**” means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

- “*industry*” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —
 - (a) the storage of goods;
 - (b) the work of administration or accounting;
 - (c) the selling of goods by wholesale or retail;
 - (d) the provision of amenities for employees;
 - (e) incidental purposes;
- “**repurposed dwelling**” – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
- “**road house**” means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —
 - (a) a full range of automotive repair services;
 - (b) wrecking, panel beating and spray painting services;
 - (c) transport depot facilities;
 - (d) short-term accommodation for guests;
 - (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;
- “**rural home business**” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —
 - (a) does not involve employing more than 2 people who are not members of the occupier’s household; and
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (c) does not occupy an area greater than 200 m²; and
 - (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
 - (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;
- “**second-hand dwelling**” a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling;
- “**shop**” means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
- “**single house**” has the same meaning as in the Residential Design Codes;
- “**telecommunications infrastructure**” means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
- “**transport depot**” means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —
 - (a) any ancillary maintenance or refuelling of those vehicles; and
 - (b) any ancillary storage of goods brought to the premises by those vehicles; and
 - (c) the transfer of goods or persons from one vehicle to another;

- “**tree farm**” means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;
 - “**workforce accommodation**” means premises, which may include modular or relocatable buildings, used —
 - (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
 - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.
6. Deleting reference to the terms ‘planning approval’ and ‘single dwelling’ throughout the Scheme and replacing them with the corresponding terms ‘development approval’ and ‘single house’ throughout the Scheme.
7. Deleting the preamble.
8. Inserting the following provisions into Schedule A – Supplemental Provisions:

‘These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61 (1) (k) - the erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone where the R-Codes do not apply except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (ii) is outside an approved building envelope or within a building exclusion area;
- (iii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (iv) is located in a local policy area declared by Council; or
- (v) is on a lot or location which does not have access to a dedicated and/or constructed road.

Clause 61 (1) (l) - the erection or extension of an outbuilding, in a zone where the R-Codes do not apply except where the proposal:

- (x) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (xi) is outside an approved building envelope or within a building exclusion area;
- (xii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (xiii) is located in a local policy area declared by Council;
- (xiv) is on a lot or location which does not have a single house;
- (xv) is on a lot or location which does not have access to a dedicated and/or constructed road; or
- (xvi) is inconsistent with an adopted Outbuildings Local Planning Policy.

Clause 61 (1) (m) - the construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service.

Clause 61 (1) (n) - the development on land within any zone by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building, river bank stabilisation or beach rehabilitation. This includes the carrying out of development for the purpose of roads includes a reference to the winning of extractive material by the local government for the purpose of public road construction.

Clause 61 (1) (o) - the carrying out of any development by the local government in connection with the construction, reconstruction, improvement, maintenance, repair or widening (where the local government has acquired the land) of any road except the realignment or relocation of the road.

Clause 61 (1) (p) - incidental structures which include:

- (i) a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
- (ii) a tree house which as a structure that does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m² and is constructed in a tree on a lot used for residential purposes;
- (iii) a flag pole which does not exceed 6.0 metres in height above natural ground level;
- (iv) any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used for residential purposes and no more than 6.0 metres in height above natural ground level;
- (v) swimming pools;
- (vi) landscaping;
- (xvii) letter boxes;
- (xviii) clothes lines;
- (ix) unless the building is within a Heritage Area or included within the Heritage List of the Scheme, the installation of solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building.

Clause 61 (1) (q) - the erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.

Clause 61 (1) (r) - the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.

Clause 61 (1) (s) - the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority:

- (i) for the purpose for which the land is reserved under the Scheme; or
- (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.

Clause 61 (1) (t) - except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided

there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.

Clause 61 (1) (u) - except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.

Clause 61 (1) (v) - rainwater tanks.

Clause 61 (1) (w) - aquaculture proposals involving the use of existing dams where no structural works are proposed.

Clause 61 (1) (x) - effluent disposal systems where they comply with Scheme requirements and relevant legislation, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation.

Clause 61 (1) (y) - satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area.

Clause 61 (1) (z) - telecommunication infrastructure which is listed as low impact in the *Telecommunications Low Impact Facilities Determination 1997* and subsequent amendments to that Determination.

Clause 61 (1) (za) - "agriculture – extensive" and "agriculture – intensive" in the General Agriculture zone.

Clause 61 (1) (zb) - "rural pursuit" in the Rural Residential and General Agriculture zones.

Clause 61 (1) (zc) - the construction of a dam.

Clause 61 (1) (zd) - the erection of placement of a temporary sea container where the structure is consistent with the provisions of a Local Planning Policy.'

9. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* in Clauses 3.4.1(b), 3.4.2(a), 4.3.2, 4.3.3(d) Note 3, 4.4.2(b), 4.8(c), 4.9.2, 5.4.2, 5.6.2, 5.6.3 and 5.12.7 of the Scheme text.
10. Replacing 'planning application' with 'development application' in Clause 1.5(e).
11. Deleting 'First Schedule to the Town' in Clause 1.5(g).
12. Deleting the 'Note' in Clauses 4.8 and 4.11.
13. Changing references of 'Town' Planning Scheme to 'Local' Planning Scheme throughout the Scheme Text.

14. Removing the following Use Classes and associated permissibility levels from the Zoning Table in Clause 4.3:

- Agroforestry;
- Amusement parlour;
- Aquaculture;
- Betting agency;
- Cinema/theatre;
- Corrective institution;
- Dwelling;
- Funeral parlour;
- Hospital;
- Marine filling station;
- Motor vehicle wash;
- Nightclub; and
- Plantation.

15. Adding the following uses to the Zoning Table:

- Ancillary dwelling;
- Grouped dwelling;
- Holiday accommodation;
- Holiday house;
- Motor vehicle repair;
- Repurposed dwelling;
- Roadhouse;
- Second-hand dwelling;
- Single house;
- Transport depot;
- Tree farm; and
- Workforce accommodation.

16. Deleting the Zoning Table and replacing it with the Zoning Table as set out below including modified permissibility levels and adding permissibility levels to new uses:

LAND USE	Rural Townsite	Rural Residential	General Agriculture
Abattoir	X	X	A
Agriculture – extensive	X	X	P
Agriculture – intensive	X	A	P
Ancillary dwelling	D	D	D
Animal establishment	X	A	D
Animal husbandry – intensive	X	X	A
Bed and breakfast	P	P	P
Caravan park	A	A	A
Caretaker's dwelling	D	X	D
Carpark	A	A	X
Childcare premises	D	A	X
Civic use	P	P	P
Club premises	D	D	D
Community purpose	D	D	D
Consulting rooms	D	A	A
Convenience store	D	X	X

Educational establishment	A	A	A
Exhibition centre	D	D	D
Family day care	D	D	A
Fast food outlet	A	X	X
Fuel depot	D	X	D
Grouped dwelling	D	D	X
Holiday accommodation	A	A	A
Holiday house	A	A	A
Home business	D	D	P
Home occupation	P	P	P
Home office	P	P	P
Home store	D	X	X
Hotel	A	X	X
Industry - cottage	D	D	D
Industry - extractive	X	X	A
Industry - general	A	X	A
Industry - light	D	X	A
Industry - mining	X	X	A
Industry - rural	X	X	D
Industry - service	D	X	A
Lunch bar	D	X	X
Market	A	X	A
Medical centre	D	X	X
Motel	D	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle repair	A	A	D
Office	D	X	X
Park home park	A	X	A
Place of worship	D	A	A
Public Utility	A	A	A
Reception centre	D	A	A
Recreation - private	D	D	D
Repurposed dwelling	D	D	D
Residential building	P	P	P
Restaurant	D	A	A
Restricted premises	A	X	X
Roadhouse	D	A	A
Rural Home Business	X	D	D
Rural pursuit	D	P	P
Second-hand dwelling	D	D	D
Service station	D	A	X
Shop	P	X	X
Showroom	D	X	A
Single house	P	P	P
Storage	D	X	D
Tavern	D	X	X
Telecommunications infrastructure	D	D	D
Trade display	D	X	X
Transport depot	X	A	A
Tree farm	X	X	A
Veterinary centre	D	A	A
Warehouse	D	X	A
Winery	A	A	A
Workforce accommodation	A	X	A

17. Modifying Development Table - General as follows:

- in the Rural Townsite zone, for the commercial, shop, office and place of public worship uses, change the side setback from '2m' to '3m';
- in the Rural Townsite zone, for the commercial and office uses, change the minimum car parking spaces from '20' to '30'm² of gross leasable floor area;
- in the Rural Townsite zone, for the shop use, change the minimum car parking spaces from '10' to '20'm² of gross leasable floor area;
- in the Rural Townsite zone, delete the 'Eating House' row;
- in the Rural Townsite zone, for the service station use, delete '1500 (Roadhouse 2000' and replace '25' with '40' for the minimum effective frontage;
- in the Rural Townsite zone, add the following row:

Roadhouse	4000	75	20	7.5	5	30	As determined by Council	Boundary setbacks apply to Pumps, Canopy, Buildings
-----------	------	----	----	-----	---	----	--------------------------	---

- in the Rural Townsite zone, for the light/service industry use, change the minimum front setback from '11' metres to '10' metres;
- delete the 'Rural Residential' row and replace with the following:

All other Permitted Uses	1ha	50	15	10	10	As determined by Council	As determined by Council	As determined by Council
--------------------------	-----	----	----	----	----	--------------------------	--------------------------	--------------------------

18. Modifying the heading in sub-clause 5.10.1 through deleting 'Relocated Second hand buildings' and replacing with 'Repurposed dwelling and second-hand dwelling'.
19. Deleting 'transported' in sub-clause 5.10.1 and replacing with 'repurposed dwelling or second-hand'.
20. Replacing 'an Outline Development' to 'a Structure' in sub-clause 5.12.3, replacing 'An Outline Development' to 'A Structure' in sub-clause 5.12.4 and replacing 'Outline Development' to 'Structure' in sub-clause 5.12.5.
21. Renumbering the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
22. Updating the Table of Contents and the List of Schedules.

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Cuballing at the Ordinary Meeting of the Council held on the

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the Shire of Cuballing at the Ordinary Meeting of the Council held on the and the Common Seal of the Shire of Cuballing was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005

DATE.....



~~TOWN~~ LOCAL PLANNING
SCHEME NO. 2

SHIRE OF CUBALLING
TOWN PLANNING SCHEME NO. 2

Preamble

~~This Town Planning Scheme of the Shire of Cuballing consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire.~~

~~Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies, which set out the general policies of the local government on matters within the Scheme.~~

~~The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non conforming uses.~~

Scheme Details

The Shire of Cuballing

~~Town~~ Local Planning Scheme No. 2.

The Shire of Cuballing under the powers conferred by the *Planning and Development Act 2005*
~~Town Planning and Development Act 1928~~ makes the following ~~Town~~ Local Planning Scheme.

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Part 1 - Preliminary

1.1 Citation

1.1.1 The Shire of Cuballing Scheme No. 2 (“**the Scheme**”) comes into operation on its Gazettal date

1.1.2 The following Scheme is revoked –

	Gazettal Date
Shire of Cuballing Town Planning Scheme No. 1	1994

1.2 Responsible authority

The Shire of Cuballing is the responsible authority for implementing the Scheme.

1.3 Scheme area

The Scheme applies to the Scheme area, which covers all of the local government district of the Shire as shown on the Scheme Map.

1.4 Contents of Scheme

The Scheme comprises –

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1 - 3)

The Scheme is to be read in conjunction with the Local Planning Strategy.

Note: The Scheme Maps comprise sheets 1 to 3 depicting the reservation of land for public purposes and the zoning and density coding of remaining land within the Scheme Area.

1.5 Purposes of Scheme

The purposes of the Scheme are to –

- (a) set out the local government’s planning aims and intentions for the Scheme area;
- (b) set aside land reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;

- (e) set out procedures for the assessment and determination of planning development application;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the ~~First Schedule to the Town~~ Planning Act.

1.6 The aims of the Scheme

The aims of the Scheme are –

- To protect good quality agricultural soils suitable for sustainable production from inappropriate subdivision and development for non-agricultural purposes;
- To promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating land and catchment management with land use planning;
- To encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices and encouraging processing and value adding industries to be located within the Shire;
- To provide opportunities for planned, contained and sustainable rural residential development with access to services and infrastructure within and abutting the existing town sites;
- To protect the natural environment and biodiversity whilst ensuring appropriate development opportunities within the Shire are realised;
- To protect the existing local heritage by encouraging compatible development which will aid the restoration and retention of the property.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have –

- (a) in the ~~Town~~ Planning Act; or
- (b) if they are not defined in that Act –

- (i) in the Dictionary of defined words and expressions in Schedule 1; or
- (ii) in the Residential Design Codes.

1.7.2 If there is a conflict between the meaning of a word or expressions in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes –

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics, are not part of the Scheme.

1.8 Relationship with local laws

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 Relationship with other Schemes

There are no other Schemes of the Shire of Cuballing, which apply to the Scheme area.

Part 2 Local Planning Policy Framework

2.1 Scheme determinations to conform with Local Planning Strategy

~~Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.~~

~~(A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.)~~

2.2 Local Planning Policies

~~The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—~~

- ~~(a) generally or for a particular class or classes of matters; and~~
 - ~~(b) throughout the Scheme area or in one or more parts of the Scheme area;~~
- ~~and may amend or add to or rescind the Policy.~~

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 ~~If the provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.~~

2.3.2 ~~A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the policy is designed to achieve before making its determination.~~

Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for making or amending a Local Planning Policy

2.4.1 ~~If a local government resolves to prepare a Local Planning Policy, the local government—~~

- ~~(a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—~~

- (i) where the draft Policy may be inspected;
- (ii) the subject and nature of the draft Policy; and
- (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;

- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the local government resolves to adopt the policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.4.4 A policy has effect on publication of a notice under clause 2.4.3 (a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

Part 3 – Reserves

3.1 Reserves

Certain lands within the Scheme area are classified as Local Reserves.

3.2 Regional Reserves

There are no regional reserves in the Scheme area.

3.3 Local Reserves

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 Use and development of Local Reserves.

3.4.1 A person must not –

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local reserve,

without first having obtained planning development approval under Part 9 of the Scheme deemed provisions.

3.4.2 In determining an application for planning development approval the local government is to have due regard to –

- (a) the matters set out in clause 10.2 of the deemed provisions; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning development approval.

Part 4 – Zones and the Use of Land

4.1 Zones

4.1.1 The Scheme area is classified into zones shown on the Scheme Map.

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

4.2 Objectives of the zones

The objectives of the zones are –

(a) Rural Townsite Zone

- To provide for a range of compatible uses within the town sites for a range of services, residential types, community and recreational facilities that may be found in a small country town;
- To encourage land uses which may positively affect the living and visual amenity on local amenities;
- To provide for the protection of the natural environment;
- To protect or enhance any local reserves;
- To encourage the modification/restoration of existing buildings in a manner which is compatible with the existing streetscape;
- To support commercial and industrial use in areas where the predominant established use is for residential purposes provided residential areas can be adequately buffered from any impacts.

(b) General Agriculture Zone

- To preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- To allow for the extraction of basic raw materials where it is environmentally and socially acceptable;
- To ensure the preservation of the rural character and rural appearance of land within the zone;
- To encourage intensive agriculture where soil conditions and location are appropriate and it can be demonstrated that off-site impacts (if any) will not adversely affect existing agricultural activities;
- To protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity;

- To preserve and protect the natural undeveloped land areas throughout the zone; and
- To ensure that natural drainage patterns/catchments throughout the Shire are recognised in land management practices.

(c) **Rural-Residential Zone**

- To provide for rural smallholdings and a low density residential living environment in close proximity to the Rural Townsite zones;
- To ensure that all lots are adequately serviced with the necessary infrastructure;
- To ensure that no development is undertaken, specifically outbuildings, unless a single dwelling house is existing on the property or is to be constructed at the same time.

4.3 Zoning Table

- 4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 4.3.2 The symbols used in the cross reference in the zoning Table have the following meanings –
- 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
 - 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning development approval;
 - 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning development approval after giving special notice in accordance with clause 9.4 of the deemed provisions;
 - 'X' means a use that is not permitted by the Scheme.

ZONING TABLE

LAND USE	Rural Townsite	I Residential	General Agriculture
Abattoir	X	X	A
Agriculture – extensive	X	X	P
Agriculture – intensive	X	A	P
Agroforestry	X	X	A

Amusement parlour	A	X	X
Ancillary dwelling	D	D	D
Animal establishment	X	A	D
Animal husbandry – intensive	X	X	A
Aquaculture	X	A	D
Bed & and breakfast	P	P	P
Betting agency	A	X	X
Caravan park	A	A	A
Caretaker's dwelling	D	X	X D
Carpark	A	A	X
Childcare premises	D	D A	X
Cinema/theatre	A	X	X
Civic use	P	P	P
Club premises	D	D	D
Community purpose	D	D	D
Consulting rooms	D	X A	X A
Convenience store	P D	X	X
Corrective institution	X	X	A
Dwelling	P	P	P
Educational establishment	A	X A	A
Exhibition centre	D	D	D
Family day care	D	D	X A
Fast food outlet	A	X	X
Fuel depot	D	X	D
Funeral parlour	A	X	X
Grouped dwelling	D	D	X
Holiday accommodation	A A	A A	A A
Holiday house	A	A	A
Home business	D	D	P
Home occupation	P	P	P
Home office	P	D P	P
Home store	D	X	X
Hospital	A	X	X
Hotel	A	X	X
Industry – cottage	D	D	D
Industry – extractive	X	X	A
Industry – general	A	X	X A
Industry – light	D	X	X A
Industry – mining	X	X	X A
Industry – rural	X	X	D
Industry – service	D	X	X A
Lunch bar	D	X	X
Marine filling station	D	X	X
Market	D A	X	D A
Medical centre	D	X	X
Motel	D	X	X
Motor vehicle, boat or caravan sales	D	X	X
Motor vehicle wash	D	X	X
Motor vehicle repair	A	A	D
Nightclub	A	X	X
Office	D	X	X
Park home park	A	X	A
Place of worship	D	A	X A

Plantation	*	*	A
Public Utility	A	A	A
Reception centre	D	A	A
Recreation – private	D	D	D
Repurposed dwelling	D	D	D
Residential building	P	P	P
Restaurant	D	A	A
Restricted premises	A	X	X
Roadhouse	D	A	A
Rural Home Business	X	D	D
Rural pursuit	*D	D P	P
Second-hand dwelling	D	D	D
Service station	D	A	X
Shop	P	X	X
Showroom	D	X	*A
Single house	P	P	P
Storage	D	X	D
Tavern	D	X	X
Telecommunications infrastructure	D	D	P D
Trade display	D	X	X
Transport depot	X	A	A
Tree farm	X	X	A
Veterinary centre	D	A	*A
Warehouse	D	X	*A
Winery	D A	*A	A
Workforce accommodation	A	X	A

4.3.3 A change in the use of land from one use to another is permitted if–

- (a) the local government has exercised its discretion by granting planning development approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
1. *The planning development approval of the local government is required for the development of land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the use and development of land.*
 2. *The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the*

Scheme, and may refuse or impose conditions on any development of the land.

3. *In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 40.2 [67] of the deemed provisions.*
4. *The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

4.4 Interpretation of the Zoning Table

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 [64] of the deemed provisions in considering an application for planning development approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4.5 Additional uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 Restricted uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

4.7 Special use zones

4.7.1 Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably fit within any other zone in the Scheme.

4.8 Non-conforming uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent –

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 41.2.1 80 of the deemed provisions, the continued display of advertisements, which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: “Land” has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.

4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not –

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning development approval under the Scheme.

4.9.2 An application for planning development approval under this clause is to be advertised in accordance with clause 9.4 64 of the deemed provisions.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is

not to grant it planning development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

4.10 Discontinuance of non-conforming use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 Termination of a non-conforming use

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

~~Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.~~

4.12 Destruction of non-conforming use buildings

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning development approval of the local government.

Part 5 – General development requirements

5.1 Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme.

5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme map or where such an area abuts another areas having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

5.3 Special application of Residential Design Codes

There are no exclusions or variations to the Residential Design Codes, which apply to the Scheme.

5.4 Restrictive covenants

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning development approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4 ~~64 of the deemed provisions~~.

5.5 Development Standards and Requirements

Except where otherwise provided in the Scheme, development standards and requirements shall be in accordance with the Development Table - General.

5.6 Variations to site and development standards and requirements

5.6.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for

~~planning development~~ approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

- 5.6.2 In considering an application for ~~planning development~~ approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to –
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause ~~9.4~~ 64 of the ~~deemed provisions~~; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that –
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause ~~10.2~~ 67 of the ~~deemed provisions~~; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

DEVELOPMENT TABLE - GENERAL

Zone	Use	Min Lot Area (m ²)	Min Effect Frontage (m)	Min Boundary Setbacks (m)			Min Car Parking Spaces	Min Landscaping % of Site	Other Requirements
				Front	Rear	Side			
1. Rural Townsite	Residential	See Residential Design Codes as listed in this Schedule or as Determined by Council							
	Commercial	-	-	15	7.5	Nil or 2.3m if abutting a Residential property	1 per 20.30m ² of gross leasable floor area		
	Shop	-	-	15	7.5	Nil or 2.3m if abutting a Residential property	1 per 40.20m ² of gross leaseable floor area		
	Office	-	-	15	7.5	Nil or 2.3m if abutting a residential property	1 per 20.30m ² of gross leasable floor area		
	Eating House			45	7.5	2m	1 per 5m² of Public area		
	Hotel	1 ha	80	20	15	10	1 per bedroom and 1 per 5m ² of public area	25	
	Tavern	4000	40	20	15	10	1 per 5m ² of Public area	25	
	Motel	4000	80	20	15	10	1.5 per accommodation Unit	20	
	Educational Establishment	To be determined by Council	30m	20	10	5m	As determined by Council	As determined by Council	As determined by Council

	Service Station	1500 <ins>3000</ins> (Roadhouse 2000)	25 <ins>40</ins>	20	7.5	5	20	As determined by Council	Boundary setbacks apply Pumps, Canopy, Buildings to
	Roadhouse	4000	75	20	7.5	5	30	As determined by Council	Boundary setbacks apply Pumps, Canopy, Buildings to
	Place of Public Worship	2000	20	15	7.5	2 <ins>3</ins>	1 per 5 seats	50	
	General Industry	2000	25	20	7.5	5m on one side	As determined by Council	As determined by Council	
	Light/Service Industry	1000	25	44 <ins>10</ins>	7.5	5m on one side	As determined by Council	As determined by Council	
	All other Permitted Uses	As listed in this Schedule or as determined by Council							
<u>2. Rural Residential</u>	All other Permitted Uses	As listed in this Schedule or as determined by Council							
<u>2. Rural Residential</u>	All other Permitted Uses	1ha	50	15	10	10	As determined by Council	As determined by Council	As determined by Council
3. General Agricultural	Abattoir		As determined by Council	50	20	20	As determined by Council	As determined by Council	As determined by Council
	Rural Pursuit	1 ha	50m	15	15	5	As determined by Council	As determined by Council	As determined by Council
	All other Permitted Uses	As listed in this Schedule or as determined by Council							

5.7

Environmental conditions

5.7.1

Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.7.2

Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.7.3

The local government is to –

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make statements available for public inspection at the offices of the local government.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the *Environmental Protection Act 1986*.

There are no environmental conditions imposed by the Minister for Environment which apply to the Scheme.

5.8

Development of Land without Constructed/Dedicated Road Frontage or Access

Notwithstanding any other provision of the Scheme, the Councils ~~planning development~~ approval is required for any development on land abutting an un-constructed road or a lot or location which does not have frontage to a constructed road/dedicated road. In considering such an application, the Council may: -

- (a) refuse the application until the road has been constructed or access by means of a constructed/dedicated road is provided; or
- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or
- (c) require other legal arrangements are made for permanent legal access, to the satisfaction of the Council.

5.9

Categories of Development or Development in areas affected by Local Planning Policies

Where Council adopts a Local Planning Policy under the provisions of Part 2 of the Scheme, the provisions of such a policy affecting a specific area or development type will be taken into account by Council in determining applications for ~~planning development~~ approval in addition to the relevant provisions of the Scheme.

5.10

Amenity Provisions

5.10.1 Repurposed dwelling and second-hand dwelling ~~Relocated Second hand buildings~~

The Local Government may permit the erection of a **repurposed dwelling or second-hand transported** dwelling on a lot where the design and location of the building is to the satisfaction of the Local Government, and in its opinion, does not adversely affect the amenity of the locality.

5.10.2

Outbuildings

- (a) The setback from boundaries for outbuildings will be in accordance with those applicable to dwellings under the Residential Design Codes in a Residential Zone or as indicated in the Development Table - General for non-residential zones except as provided for in Council's Local Planning Policy - Outbuildings.
- (b) **Planning Development** approval will not be granted for any outbuildings on any Rural Townsite or Rural Residential zoned lot which does not contain a residence.
- (c) The design and construction of outbuildings will be in accordance with the provisions of Council's Local Planning Policy - Outbuildings.

5.11

Development in the General Agriculture Zone

5.11.1

Council may grant approval of up to two dwellings on any lot, where the land is managed for agricultural production, tourism, or education purposes and where the occupants are engaged in those specified predominant land uses or activities.

5.11.2

Council will support more intensive forms of agricultural production in the General Agriculture zone subject to:

- (a) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land and/or land degradation;
- (b) evidence from suitably qualified consultants and/or the Department of Agriculture on the suitability of the proposed lots and lot size for the intended land use;
- (c) evidence of suitable land care management issues addressing retention of remnant vegetation, revegetation areas, land degradation and salinity management;
- (d) evidence that the proposed activity is compatible with broadacre agriculture or that adverse impacts can be contained within the site; and
- (e) such other matters as may be determined by Council.

5.11.3 Notwithstanding the specific provisions of the Scheme or any Local Planning Policies detailed within the Scheme, Council shall in considering any development proposal have regard to any systems areas designated by the Environmental Protection Authority and/or any Drainage Plan and/or Soil Conservation Plan which relates to land within the Scheme area.

5.11.4 **Tree Planting/Vegetation Corridors/Greenbelt**

In order to improve the environmental amenity of areas that Council considers deficient in tree cover, Council may require as a condition of any ~~planning development~~ approval, the planting of such trees and/or groups of trees and species as specified by the Council.

5.11.5 Council may also require tree planting and/or drainage measures in designated areas through its Local Planning Policy - Natural Resource Management.

5.11.6 Areas designated under the provisions of Sub-Clause 5.11.5 shall be identified on the Policy Map and/or marked on an overlay to the Scheme Maps.

5.12 Development in the Rural Residential Zone

5.12.1 Only one dwelling will be permitted on any lot used only for rural living purposes.

5.12.2 Council may permit ancillary accommodation providing it is located within the same building envelope or building clearance area as the first or primary dwelling.

5.12.3 Council may require ~~An Outline Development~~ **A Structure** Plan to be prepared by the proponent and endorsed by Council in the Rural Residential Zone prior to any development or subdivision being approved or recommended for approval.

5.12.4 ~~An Outline Development~~ **A Structure** Plan will be required when the proposed development proposes to create more than five (5) lots or an area greater than 10 ha is to be subdivided.

5.12.5 The ~~Outline Development~~ **Structure** Plan will need to contain the information listed in Council's Local Planning Policy - Rural Residential Development.

5.12.6 All subdivision shall have a minimum lot size of 4 ha unless the lots can be connected to a reticulated water supply.

5.12.7 All development, including a single house will require an application for ~~planning development~~ approval to be made to Council unless it is within a defined building envelope accepted by Council and be subject to the provisions of Clause 8.~~4~~ 60 of the ~~Scheme~~ **deemed provisions**.

5.12.8 In order to conserve the rural environment of features of natural beauty all trees shall be retained unless their removal is authorized by Council, and all building confined to the specific building envelope.

- 5.12.9 Development proposals will need to have due regard to the EPA Position Statement No. 2 - Environmental Protection of Native Vegetation in Western Australia.
- 5.12.10 Development proposals will need to have due regard to the protection of wetlands and watercourses as required by the EPA through the setting aside of dryland buffers.

Part 6 – Special control areas

6.1 Operation of special control area

6.1.1 There are no Special Control Areas which apply to the Scheme.

Part 7 – Heritage protection

7.1 Heritage List

7.1.1 The local government is to establish and maintain a Heritage list to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage list the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such entries on the municipal inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List the local government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submission on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultation as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

Note: 1. The purpose and intent of the heritage provision are—

- (a) to facilitate the conservation of places of heritage value; and
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

2. A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2 Designation of a heritage area

~~7.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.~~

~~7.2.2 The local government is to~~

- ~~(a) adopt for each heritage area a Local Planning Policy which is to comprise~~
 - ~~(i) a map showing the boundaries of the heritage area;~~
 - ~~(ii) a record of places of heritage significance; and~~
 - ~~(iii) objectives and guidelines of the heritage area;~~

~~and~~

- ~~(b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.~~

~~7.2.3 If a local government proposes to designate an area as a heritage area, the local government is to~~

- ~~(a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;~~

~~(b) advertise the proposal by~~

- ~~(i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;~~

- ~~(ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and~~

- ~~(iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;~~

~~and~~

- ~~(c) carry out such other consultation as the local government considers appropriate.~~

~~7.2.4 Notice of the proposal under clause 7.2.3(b) is to specify~~

- ~~(a) the area subject of the proposed designation;~~
- ~~(b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and~~

(c) in what form and what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which the submissions may be made, the local government is to

(a) review the proposed designation in the light of any submissions made; and

(b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

7.2.7 The local government may modify or revoke a designation of a heritage area.

7.2.8 Clause 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

7.3 Heritage agreements

The local government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note: 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4 Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5 Variations to Scheme provisions for a heritage place or heritage area

Where desirable to

(a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage list under clause 7.2.1; or

(b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1;

~~the local government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.6.2.~~

Part 8 Development of land**8.1 Requirement for approval to commence development**

~~Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the local government. A person must not commence development without first having applied for and obtained a planning approval of the local government under Part 9.~~

- ~~Note:~~
- ~~1. The planning approval of the local government is required for both the development of land (subject of this Part) and the use of the land (subject of Part 4).~~
 - ~~2. Development includes erection, placement and display of any advertisements.~~

8.2 Permitted development

~~Except as otherwise provided for in the Scheme, for the purposes of the Scheme, the following development does not require the planning approval of local government~~

- ~~(a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is~~
 - ~~-~~
 - ~~(i) located in a place that has been entered in the register of Heritage Places under the *Heritage of Western Australia Act 1990*;~~
 - ~~(ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;~~
 - ~~(iii) included on the Heritage List under clause 7.1 of the Scheme;~~
- ~~(b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where~~
 - ~~(i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes or the Development Table - General;~~
 - ~~(ii) the development will be located in a heritage area designated under the Scheme;~~
 - ~~(iii) the proposed dwelling is a transportable house;~~
 - ~~(iv) the proposed dwelling is a relocated second hand dwelling or part thereof;~~

- (v) ~~outbuildings associated with a dwelling are proposed on a lot of 2 hectares or less and which is outside a defined building envelope accepted by Council;~~
- (vi) ~~the proposed dwelling is on land which is zoned Rural Residential and a building envelope has not been formally identified for the lot;~~
- (vii) ~~the proposed dwelling is to be located in a local policy area declared by Council under the provisions of Part 2 of the Scheme.~~
- (c) ~~the demolition of any building or structure except where the building or structure is:~~
 - (i) ~~located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;~~
 - (ii) ~~the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;~~
 - (iii) ~~included on the Heritage List under clause 7.1 of the Scheme; or~~
 - (iv) ~~located within a heritage area designated under the Scheme;~~
- (d) ~~a home office;~~
- (e) ~~any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;~~
- (f) ~~any exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the heritage list or in a heritage area.~~
- (g) ~~agriculture extensive, home business, home occupation, home office and rural pursuit in the General Agriculture Zone;~~
- (h) ~~the erection of a boundary fence except where otherwise required by the Scheme;~~
- (i) ~~the carrying out of any works on, in, over or under a street or road by a public authority acting in pursuant of its statutory obligations;~~
- (j) ~~the carrying out of works urgently required for public safety or for the safety or security of plant or equipment or for the maintenance of essential services~~
- (k) ~~the use of land in a reserve, where such land is vested in Council or vested in a Public Authority;~~
- (l) ~~for the purpose for which the land is reserved under the Scheme; or~~

(ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;

~~provided the development complies with the provisions of the Development Table General for the surrounding or relevant land use zone as determined by Council.~~

~~Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 20D of the Town Planning Act.~~

8.3 Amending or revoking a planning approval

~~The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.~~

8.4 Unauthorized existing developments

~~8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.~~

~~8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.~~

~~Note: 1. Applications for approval to an existing development are made under Part 9.~~

~~2. The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.~~

Part 9 Applications for planning approval

9.1 Form of application

9.1.1 An application for approval of one or more of the following

- (a) a use or commencement of development on a Local reserve under clause 3.4;
- (b) commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non conforming use under clause 4.9;
- (f) a change of a non conforming use under clause 4.9;
- (g) continuation of a non conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1; and
- (l) the erection, placement or display of an advertisement,

~~is, subject to clause 9.1.2 to be made in the form prescribed in Schedule 5 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.~~

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2 Accompanying material

~~Unless the local government waives any particular requirement every application for planning approval is to be accompanied by~~

- (a) a plan or plans to scale of not less than 1:500 showing:
 - (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 and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (vi) 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;
 - (vii) 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 same; and
 - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevation and section of any building proposed to be erected or altered and of any building it is intended to be retained;
 - (c) any specialist studies that local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government may require to enable the application to be determined.

9.3 Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application

- (a) street elevations drawn to scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any

~~part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.~~

9.4 Advertising of applications

- 9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—
(a) an 'A' use as referred to in clause 4.3.2; or
(b) a use not listed in the Zoning Table,
~~the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.~~
- 9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice be given in accordance with clause 9.4.3.
- 9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—
(a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
(b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
(c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.
- 9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.
- 9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.
- 9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

Part 10 Procedure for dealing with applications

10.1 Consultation with other authorities

- 10.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.
- 10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

10.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme and any other relevant town planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Commission;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage list under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;

- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1;

(za) any other planning consideration the local government considers relevant.

10.3 Determination of applications

In determining an application for planning approval the local government may

-

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

10.4 Form and date of determination

10.4.1 As soon as practicable after making the determination in relation to the application, the local government is to convey its determination to the applicant in the form of prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the local government's determination.

10.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

10.5 Term of planning approval

10.5.1 Where the local government grants planning approval for the development of land

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of planning approval which is the period within which the development must commence.

10.7 Scope of planning approval

Planning approval may be granted

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

10.8 Approval subject to later approval of details

- 10.8.1 Where an application is for development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
- 10.8.2 In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.
- 10.8.3 Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters may be made no later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed refusal

- 10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- 10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- 10.9.3 Despite an application for planning approval being deemed to have been refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Appeals

~~An applicant aggrieved by the determination of the local government in respect of the exercise of a discretionary power under the Scheme may appeal under Part V of the Town Planning Act.~~

Part 11 Enforcement and administration

11.1 Powers of the local government

11.1.1 The local government in implementing the Scheme has the power to—

- (a) enter into an agreement with an owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Town Planning Act; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Town Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the local government authorized by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Removal and repair of existing advertisements

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality, the local government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the local government.

11.3 Delegation of functions

- 11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
- 11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the clause 11.3.1.
- 11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.
- 11.3.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 Person must comply with provisions of Scheme

A person must not

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area
 - (i) otherwise than in accordance with the Scheme;
 - (ii) unless all approvals required by the Scheme have been granted and issued;
 - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

Note: Section 10(4) of the Town Planning Act provides that a person who

- (a) contravenes or fails to comply with the provisions of a town planning scheme; or
- (b) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,

is guilty of an offence.

~~Penalty: \$50,000, and a daily penalty of \$5,000~~

11.5 Compensation

~~11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 11(1) of the Town Planning Act~~

- ~~(a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the Town Planning Regulations 1967; or~~
- ~~(b) where the land has been reserved for a public purpose and~~
 - ~~(i) an application made under the Scheme for the approval to carry out development on the land is refused; or~~
 - ~~(ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose;~~

~~no later than 6 months after the application is refused or the permission granted.~~

~~11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under Clause 11.5.1.~~

11.6 Purchase or taking of land

~~11.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.~~

~~11.6.2 The local government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserve, for a use compatible with the purpose for which it is reserved.~~

~~Note: Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a scheme.~~

11.7 Notice for removal of certain buildings

~~11.7.1 Under section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.~~

~~11.7.2 The local government may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.~~

Schedules

Schedule A	Supplemental Provisions
Schedule 1	Dictionary of defined word and expressions General definitions Land use definitions
Schedule 2	Additional Uses
Schedule 3	Restricted Uses
Schedule 4	Special Use Zones
Schedule 5	Exempted Advertisements
Schedule 6	Form of application for planning approval
Schedule 7	Additional information for advertisements
Schedule 8	Notice of public advertisement of planning proposal
Schedule 9	Notice of determination on application for planning approval
Schedule 10	Environmental Conditions (Does not apply to this Scheme)

SCHEDULE A – SUPPLEMENTAL PROVISIONS

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61 (1) (k) - the erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone where the R-Codes do not apply except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (ii) is outside an approved building envelope or within a building exclusion area;
- (iii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (iv) is located in a local policy area declared by Council; or
- (v) is on a lot or location which does not have access to a dedicated and/or constructed road.

Clause 61 (1) (l) - the erection or extension of an outbuilding, in a zone where the R-Codes do not apply except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the setback provisions of a specific zone;
- (ii) is outside an approved building envelope or within a building exclusion area;
- (iii) is located on land which is zoned Rural Residential and where a building envelope has not been formally identified for the lot;
- (iv) is located in a local policy area declared by Council;
- (v) is on a lot or location which does not have a single house;
- (vi) is on a lot or location which does not have access to a dedicated and/or constructed road; or
- (vii) is inconsistent with an adopted Outbuildings Local Planning Policy.

Clause 61 (1) (m) - the construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service.

Clause 61 (1) (n) - the development on land within any zone by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building, river bank stabilisation or beach rehabilitation. This includes the carrying out of development for the purpose of roads includes a reference to the winning of extractive material by the local government for the purpose of public road construction.

Clause 61 (1) (o) - the carrying out of any development by the local government in connection with the construction, reconstruction, improvement, maintenance, repair or widening (where the local government has acquired the land) of any road except the realignment or relocation of the road.

Clause 61 (1) (p) - incidental structures which include:

- (i) a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
- (ii) a tree house which as a structure that does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m² and is constructed in a tree on a lot used for residential purposes;
- (iii) a flag pole which does not exceed 6.0 metres in height above natural ground level;

- (iv) any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used for residential purposes and no more than 6.0 metres in height above natural ground level;
- (v) swimming pools;
- (vi) landscaping;
- (viii) letter boxes;
- (ix) clothes lines;
- (ix) unless the building is within a Heritage Area or included within the Heritage List of the Scheme, the installation of solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building.

Clause 61 (1) (q) - the erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.

Clause 61 (1) (r) - the carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.

Clause 61 (1) (s) - the use of land in a reserve, where such land is vested in the local government or vested in a Public Authority:

- (i) for the purpose for which the land is reserved under the Scheme; or
- (ii) in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.

Clause 61 (1) (t) - except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.

Clause 61 (1) (u) - except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.

Clause 61 (1) (v) - rainwater tanks.

Clause 61 (1) (w) - aquaculture proposals involving the use of existing dams where no structural works are proposed.

Clause 61 (1) (x) - effluent disposal systems where they comply with Scheme requirements and relevant legislation, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation.

Clause 61 (1) (y) - satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area.

Clause 61 (1) (z) - telecommunication infrastructure which is listed as low impact in the *Telecommunications Low Impact Facilities Determination 1997* and subsequent amendments to that Determination.

Clause 61 (1) (za) - "agriculture – extensive" and " agriculture – intensive" in the General Agriculture zone.

Clause 61 (1) (zb) - "rural pursuit" in the Rural Residential and General Agriculture zones.

Clause 61 (1) (zc) - the construction of a dam.

Clause 61 (1) (zd) - the erection or placement of a temporary sea container where the structure is consistent with the provisions of a Local Planning Policy.

SCHEDULE ONE

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General definitions

In the Scheme –

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“amenity” means all those factors which combine to form the character of an area and include the present and likely future amenity;

“building envelope” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“conservation” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“cultural heritage significance” has the same meaning as the *Heritage of Western Australia Act 1990*;

“floor area” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“frontage” when used in relation to a building that is used for –

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lots and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“Gazettal date” in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under section 7(3) of the Town Planning Act;

"height" when used in relation to a building that is used for –
(a) residential purposes, has the same meaning as in the Residential Design Codes; or
(b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

"incidental use" means a use of premises which is ancillary and subordinate to the predominant use;

"local government" means the Shire of Cuballing;

"Local Planning Strategy" means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the Town Planning Regulations 1967 and amended from time to time;

"lot" has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;

"minerals" has the same meaning as in the Mining Act 1978;

"net lettable area (nla)" means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas –

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

"non-conforming use" has the same meaning as it has in section 12(2)(a) of the Town Planning Act;

"owner" in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity –
(a) is entitled to the land for an estate in fee simple in possession;
(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
(c) is a lessor or licensee from the Crown; or
(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"place" in Part 7 (Heritage Protection) has the same meaning as it has in the Heritage of Western Australia Act 1990;

"plot ratio" in the case of residential dwellings has the same meaning as in the Residential Design Codes;

“plot ratio” means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

“predominant use” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“premises” means land or buildings;

“region scheme” means a regional planning scheme made under the *Western Australian Planning Commission Act 1985*, as amended from time to time;

“Residential Design Codes” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1, as amended from time to time;

“retail” means the sale or hire of goods or services to the public;

“substantially commenced” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“Town Planning Act” means the *Town Planning and Development Act 2005*;

“wholesale” means the sale of good or materials to be sold by others;

“zone” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land use definitions

In the Scheme –

“abattoir” means land and buildings for the slaughter of animals for human consumption and the treatment of carcasses, offal and by products;

“abattoir” means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

“agriculture – extensive” means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

“agriculture intensive” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following –

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

“agroforestry” means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare;

“amusement parlour” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“ancillary dwelling” has the same meaning as in the Residential Design Codes;

“animal establishment” means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;

“animal husbandry — intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots;

“animal husbandry — intensive” means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;

“aquaculture” means any fish farming operation for which a Fish Farm license issued pursuant to the provisions of Part V of the Fisheries Act, 1905 (as amended), and the Fisheries Regulations, 1938 (as amended), is required

“bed and breakfast” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short term commercial basis and includes the provision of breakfast;

“bed and breakfast” means a dwelling –

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

~~"betting agency"~~ means an office or totalisator agency established under the ~~Totalisator Agency Board Betting Act 1960~~;

"caravan park" has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

"caretaker's dwelling" means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

"carpark" means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

~~"child care premises"~~ has the same meaning as in the ~~Community Services (Child Care) Regulations 1988~~;

"child care premises" means premises where —

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided;

~~"cinema/theatre"~~ means premises where the public may view a motion picture or theatrical production;

"civic use" means premises used by the government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;

"club premises" means premises used by a legally constituted club or association or other body of persons united by a common interest;

"community purpose" means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;

~~"consulting rooms"~~ means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;

"consulting rooms" means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

"convenience store" means premises —

- i. used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;

- ii. operated during hours which include, but may extend beyond, normal trading hours;
- iii. which provide associated parking;
- iv. the floor area of which does not exceed 300 square metres net lettable area;

~~“corrective institution” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;~~

“educational establishment” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

“exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

~~“family day care” means premises used to provide family day care within the meaning of the Community Services (Child Care) Regulation 1988;~~

“family day care” means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

“fast food outlet” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily of the premises, but does not include a lunch bar;

“fuel depot” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

~~“funeral parlour” means premises used to prepare and store bodies for burial or cremation;~~

“grouped dwelling” has the same meaning as in the Residential Design Codes;

“holiday accommodation” means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

“holiday house” means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

~~“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which~~

- (a) does not employ more than 2 people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 square metres;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

"home business" means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

"home occupation" means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of good of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight,

- ~~and does not include provision for the fuelling, repair or maintenance of motor vehicles; and~~
- ~~(g) does not involve the use of an essential service of greater capacity than normally required in the zone;~~

“home occupation” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;
 and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

~~— “home office” means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not —~~

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

“home office” means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and

(d) does not require any change to the external appearance of the dwelling;

“home store” means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

~~“hospital” means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;~~

~~“hotel” means premises providing accommodation the subject of a hotel licence under the *Liquor Licensing Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;~~

“hotel” means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

~~“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for~~

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees;

~~incidental to any of these industrial operations;~~

“industry” means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

“industry – cottage” means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone in which it is located may be put;

- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

“industry – extractive” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining;

“industry – general” means an industry other than a cottage, extractive, light, mining, rural or service industry;

“industry – light” means an industry –

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

“industry – mining” means land used commercially to extract minerals from the land;

“industry – rural” means –

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes;

“industry – service” means –

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

“lunch bar” – means premises or part or premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within an industrial or commercial area;

“marine filling station” – means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

“market” – means premises used for the display and sale of goods from stalls by independent vendors;

“medical centre” – means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment

of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);

“motel” – means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Licensing Act 1988*;

“motor vehicle, boat or caravan sales” – means premises used to sell or hire motor vehicles, boats or caravans;

“motor vehicle repair” – means premises used for or in connection with –

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

“motor vehicle wash” – means premises where the primary use is the washing of motor vehicles;

“night club” – means premises –

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Licensing Act 1988*;

“office” – means premises used for administration, clerical, technical, professional or other like business activities;

“park home park” – has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

“place of worship” – means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

“plantation” – has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia (1997)* published by the Department of Conservation and Land Management and the Australian Forest Growers;

“reception centre” – means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;

“recreation – private” – means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

“repurposed dwelling” – a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;

“residential building” – has the same meaning as in the Residential Design Codes;

“restaurant” - means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*;

“restricted premises” – means premises used for the sale by retail or wholesale, or the offer by hire, loan or exchange, or the exhibition, display or delivery of –

- (a) publications that are classified as restricted under the *Censorship Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

“road house” means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

“rural home business” – means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which

- a) does not employ more than 5 people not members of the occupier's household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 200 square metres;
- d) in relation to vehicles and parking does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of more than 3 vehicles or more than 3.5 tonnes tare weight; and
- e) does not involve the use of an essential service of greater capacity than normally required in the zone.

“rural home business” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

“rural pursuit” – means any premises used for –

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot;

but does not include agriculture – extensive or agriculture – intensive;

“second-hand dwelling” a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling;

“service station” – means premises used for –

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

“shop” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

“shop” means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

“showroom” – means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor

coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

“single house” has the same meaning as in the Residential Design Codes;

“storage” – means premises used for the storage of goods, equipment, plant or materials;

“tavern” – means premises licensed as a tavern under the *Liquor Licensing Act 1988* and used to sell liquor for consumption on the premises;

“telecommunications infrastructure” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;

“telecommunications infrastructure” means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

“trade display” – means premises used for the display of trade goods and equipment for the purpose of advertisement;

“transport depot” means premises used primarily for the parking or garaging of 3 or more commercial vehicles including –

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

“tree farm” means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;

“veterinary centre” – means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

“warehouse” – means premises used to store or display goods and may include sale by wholesale;

“winery” – means premises used for the production of viticulture produce and may include sale of the produce.

“workforce accommodation” means premises, which may include modular or relocatable buildings, used –

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

SCHEDULE TWO

ADDITIONAL USES

No.	Description of land	Additional use	Conditions

SCHEDULE THREE

RESTRICTED USES

No.	Description of land	Restricted use	Conditions

SCHEDULE FOUR

SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
1.	Pt Lot 244 Ridley Street, Cuballing	Dwelling Home Business Home Occupation Home Office Home Store	<ul style="list-style-type: none">i) All use and development shall be in accordance plans, and conditions approved by the local government;ii) No alterations or extensions to the land use shall be undertaken without the approval of the local government.

SCHEDULE FIVE**EXEMPTED ADVERTISEMENTS**

Land Use and/or Development	Exempted Sign	Maximum Size
Dwellings	One Professional Name Plate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worships, meeting halls and places of public assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Shops, Showrooms and other uses appropriate to the Town site area	All advertisements affixed to the building below the top of the awning, or in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.	N/A
Industrial	A maximum of 4 advertisements applied to or affixed to the wall of the building.	

SCHEDULE SIX**FORM OF APPLICATION FOR PLANNING APPROVAL**

Shire of Cuballing
Town Planning Scheme No. 2

Application for Planning Approval

Owner details:			
Name:			
Address:			
			Postcode:
Phone:		FAX:	
Home:	Work:	Email:	
Mobile:			
Contact Person:			
Signature:		Date:	
Signature:		Date:	
<p>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</p>			

Applicant details:			
Name:			
Address:			
			Postcode:
Phone:		FAX:	
Home:	Work:	Email:	
Mobile:			
Contact Person for Correspondence:			
Signature:		Date:	

Part 2

Property details:			
Lot No:	House/Street No:	Location No:	
Diagram or Plan No:	Certificate of Title Vol No:	Folio:	

Diagram or Plan No.:	Certificate of Title Vol. No.:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		
Street name:	Suburb:	
Nearest Street Intersection:		

Existing building/land use:
Description of proposed development and/or use:
Nature of any existing buildings and/or use:
Approximate cost of proposed development:
Estimated time of completion:

8.3 <u>Office Use Only</u>
Acceptance Officer's initials: _____ Date Received: _____
Local Government Reference No.:

SCHEDULE SEVEN**ADDITIONAL INFORMATION FOR SIGNS (ADVERTISEMENTS)**

Note: To be completed in addition to the Application for Planning Approval form

1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....
.....
.....
.....

2. Details of proposed sign:

(a) Type of structure on which advertisement is to be erected
(i.e. free standing, wall mounted, other):

.....

(b) Height: Width:
Depth:

(c) Colours to be used:

(d) Height above ground level
• (to top of advertisement):
• (to underside):

(e) Materials to be used:

.....

Illuminated: Yes / No

If yes, state whether steady, moving flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....

3. Period of time for which advertisement is required:

.....

4. Details of signs (if any) to be removed if this application is approved:

.....

.....

.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed

position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s):

(if different from landowners)

Date:

SCHEDULE EIGHT

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

(cl. 9.4.4)

Town Planning and Development Act 1928 (As Amended) 1928

Shire of Cuballing

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

~~The local government has received an application to use and/or develop land for the following purpose and public comments are invited.~~

~~Lot No:~~ _____ Street: _____

~~Locality:~~ _____

~~Proposal:~~ _____

~~Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of~~

~~Signed:~~ _____ Dated: _____

~~for and on behalf of the Shire of Cuballing.~~

SCHEDULE NINE

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

Town Planning and Development Act 1928 (As Amended) 1928

Shire of Cuballing

Determination on Application for Planning Approval

Location:

Lot:

Plan/Diagram:

Vol. No.:

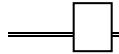
Folio No.:

Application Date:

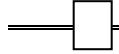
Received on:

Description of proposed development:

The application for planning approval is:



Granted subject to the following conditions:



Refused for the following reason(s)

Conditions/reasons for refusal:

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning and Development Act 1928 (As Amended) 1928. An appeal must be lodged within 60 days of the determination.

Signed: _____ Date: _____

for and on behalf of the Shire of Cuballing

SCHEDULE TEN

ENVIRONMENTAL CONDITIONS

Scheme or Amendment No.	Gazettal Date	Environmental Conditions

ADOPTION

Adopted by resolution of the Council of the SHIRE OF CUBALLING at the meeting of the Council held on the 21st day of December 2001 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT – I WATTS _____

CHIEF EXECUTIVE OFFICER – P NAYLOR _____

FINAL APPROVAL

Adopted by resolution of the Council of the SHIRE OF CUBALLING at the meeting of the Council held on the day of 20.... and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

PRESIDENT – I WATTS _____

DATE:_____

CHIEF EXECUTIVE OFFICER – P NAYLOR _____

DATE:_____

Recommended for Approval

DELEGATED UNDER S20 OF WAPC ACT 1985

SIGNED:_____

DATE:_____

Final Approval

_____ A MACTIERNAN, Minister for Planning and Infrastructure

DATE:_____

9.3 MANAGER OF WORKS & SERVICES:

Nil

9.4 ENVIRONMENTAL HEALTH OFFICER:

Nil

9.5 BUILDING OFFICER:

Nil

10. CONFIDENTIAL MATTERS:

Nil

11. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

12. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil at this time

13. NEXT MEETING

Ordinary Council Meeting, 2.00pm, Thursday 17th August 2017 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING:

There being no further business, the Shire President, Cr Conley, closed the meeting at 4:10pm.